



PORTAGE DEPARTMENT OF PUBLIC SAFETY POLICY AND PROCEDURE		ORDER NO. 200-23
SUBJECT: Juvenile Operations		
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ISSUED BY:  <i>Nicholas J. Arnold</i>  Nicholas J. Arnold, Public Safety Director		MICHIGAN STANDARDS: 4.4.1  CALEA STANDARDS: 1.2.5, 1.2.6, 44.1.1, 44.2.1, 44.2.2, 44.2.3, 44.2.4, 82.2.4

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## I. PURPOSE

The purpose of this directive is to define the Portage Department of Public Safety policy and procedure relating to juvenile operations. The department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency.

## II. POLICY

Contacts with juveniles, in both criminal and non-criminal situations, make up a significant portion of the contacts between the department and public. Because of this, responsibility for juvenile operations cannot be relegated to a single unit or small group of persons within the department. All agency components and personnel share the responsibility for participating in or supporting the department's juvenile operations function. Juveniles have the same constitutional rights as an adult. Officers of the Portage Department of Public Safety will ensure that these rights are honored.

### III. DEFINITIONS

- A. Juvenile - A person under the age of 18. The word juvenile will be used in the context of this order when reference is made to arrest, detention and diversion.
- B. Child - A person under the age of 18. The word child will be used in the context of the child protection law. That law pertains to abuse and neglect of a child.
- C. Juvenile Status Offenders - Juveniles who have committed offenses that are a violation of a local or state law that would not be a crime if committed by an adult and which is applicable to the youth because of their age. Examples are runaway and curfew violations.
- D. Delinquent and Criminal Offender - Any juvenile who commits an offense which would be a criminal act if committed by an adult. Technically, a juvenile is not considered a delinquent until adjudicated as such by the court.
- E. Abuse - Harm or threatened harm to a child's health or welfare by a person responsible for the child's health or welfare, which occurs through non-accidental physical or mental injury, sexual abuse or maltreatment.
- F. Neglect - Harm to a child's health or welfare by a person responsible for the child's health or welfare, which occurs through negligent treatment, including the failure to provide adequate food, clothing, shelter, medical care, or reasonable supervision.
- G. Diversion - Court-monitored intervention program for first time juvenile offenders, or children with other needs or concerns, that parents, school officials, or police believe would be better served in a counseling setting. The purpose of the diversion program is to offer rehabilitative and delinquency programs to juveniles. Upon successful completion of the program, the juvenile would not have a juvenile record, even if they were diverted from an incident involving a criminal offense.

### IV. ALTERNATIVES TO ARREST OF JUVENILES

Any juvenile taken into custody may be released to a parent, guardian or custodian. The determining factor is to be the nature of the offense, the conditions the juvenile is being released into, and the juvenile's likelihood to comply with parental control. Civil traffic infractions will be handled in the same manner as adult civil infractions, and misdemeanor traffic violations require juvenile referral and petition. When referring a juvenile to Juvenile Court, a juvenile petition must be completed, even though the juvenile was not taken into custody.

## V. TAKING JUVENILES INTO CUSTODY

- A. Police may take juveniles into custody without a court order in the following situations:
1. The juvenile is found violating any law or ordinance.
  2. Conditions exist which would make the arrest lawful if the juvenile was an adult.
  3. The officer reasonably believes the juvenile is evading the person or proper authority having legal custody.
  4. Conditions or surroundings in which the juvenile is found are such as to endanger their health, morals, or welfare.
  5. The officer continues a lawful arrest made by a private citizen.
- B. Once a juvenile has been taken into custody, they should be transported to a parent or to the appropriate intake facility without delay (unless the juvenile is in need of medical treatment). Juveniles will not be held in secure detention and will be held for no more than two hours.
1. The law requires that officers attempt to immediately notify the parent, guardian or custodian of the arrest.
  2. Officers will document the notification or attempt of notification in the police report.
  3. Juveniles transported to the juvenile detention facility will be photographed and fingerprinted.
- C. Sight and Sound Separation
1. Juveniles must be separated from adult detainees by sight and sound at all times.
  2. The sight and sound rule will be in force from the time the juvenile is taken into custody, except transportation to the police department where the adult and juvenile were part of the same crime.
  3. Prior to arrival at the station, officers must ensure there will be an area where the juvenile can enter and be placed with sight and sound separation considerations.
- D. A juvenile may be detained if one of the following situations exist:
1. Where home conditions make immediate removal necessary. Contact Protective Services.

2. Juveniles who have run away from home or the proper person or authority having legal custody.
3. When offenses committed are so serious that the release would endanger public safety.
4. Juveniles detained for observation, study, and treatment by qualified experts. (The word detainment used here means the juvenile is not released to the parent, guardian, or custodian. The juvenile may be placed in the Juvenile Home, with Child Protective Services, or some other social agency)

E. Locked Facility Placement

1. Public Act 72 of 1987 and the Federal Juvenile and Delinquency Prevention Act Initiative mandates that status offenders, when in police custody, shall not be detained or held in a locked room, cell, or handcuffed to a fixed object.
2. The juvenile will never be left unsupervised while in a locked facility, and, if the officer uses the booking room, the officer must ensure proper procedures are followed.
3. Violent/aggressive juveniles or juveniles charged with a crime may be held in police security for only that period of time required for booking or processing prior to removal to the Juvenile Home or other facility, as directed by Family Division of the Circuit Court.
4. The department will comply with all reporting requirements and standards of the federal Juvenile Justice and Delinquency Prevention Act (JJDP) and the Michigan Committee on Juvenile Justice (MCJJ) for juveniles held in secure detention and/or confinement.
5. Nonviolent offenders will be processed and held outside any locked facility of the department. The officer must maintain constant control and observation over the juvenile.

**VI. STATEMENTS**

A. Non-custodial Statements

1. When the juvenile IS NOT a suspect in a crime.
  - a. There is no requirement for a parent to be present during a non-custodial investigatory contact with a juvenile.
  - b. An example of this type of contact would occur when an officer

stops a juvenile on the street to ask them questions pertaining to such information as where they are going, where they are coming from, their age, etc.

2. When the juvenile IS a suspect in a crime.
  - a. When possible, the officer will inform the parent/guardian about the crime they are investigating and that their child is a suspect.
  - b. The officer will inform the juvenile and the parent/guardian that the juvenile is not in custody and is free to leave at any time.

**B. Custodial Statements**

The law does not require that a parent, guardian or custodian be present for the advice of rights or the taking of a statement from a juvenile. However, the following department procedures will apply:

1. The waiver must be given by the juvenile and the parent/guardian/custodian.
  2. If there is a conflict between the juvenile and the parent/custodian regarding the presence of an attorney or a waiver, this should be interpreted as a request for an attorney, or a non-waiver, and all questioning will be ceased until an attorney can be retained by the family or appointed by the court.
- C. No more than two people at one time should be involved in the interrogation of a juvenile. No specified time limit is placed on the length of an interrogation, but personnel must be able to demonstrate that the time involved was reasonable.
- D. Personnel will answer procedural questions concerning the incident that a juvenile or his/her parents, guardian or custodian may have that pertain to the department or the Juvenile Justice System.

**VII. STATEWIDE SCHOOL SAFETY ACT**

Public Act 102 of 1999 requires that law enforcement agencies promptly notify appropriate school officials when a reportable offense is either committed on school property or under circumstances that give law enforcement reason to believe the crime or student/perpetrator may pose a significant threat or imminent danger to students, staff or school property. The following procedure is placed into effect to comply with the requirements.

A. The incident must be reported to school officials within 24 hours or the next business day. Notification is required regardless of case disposition.

1. A reportable offense will be dictated as a priority report.

Reportable offenses include:

- Armed student or hostage
- Robbery or extortion
- Suspected armed student
- Unauthorized removal of student
- Weapon offenses
- Threat of suicide
- Death or homicide
- Suicide attempt
- Stalking\*
- Larceny\*
- Physical assault (fight)\*
- Intruder
- Bomb threat
- Illegal drug use or overdose
- Explosion
- Drug possession or sale
- Bus incident or accident\*
- Vandalism or destruction of property\*
- Arson
- Minor in possession (alcohol and/or tobacco)
- Sexual assault (CSC)
- Cyber crimes

\*These offenses will be considered PA 102 reports only if committed on school property.

Note: A law enforcement agency may delay the reporting of crimes to school officials if such a report might compromise an on-going investigation.

2. At status line of report, officer will state, "this is a PA 102 report."

3. A copy of the report will be forwarded to the Detective Bureau.

4. After review, the Detective Bureau supervisor will forward the report to the School Resource Officer.

B. Requesting Charges: Under Section (5) of PA 102, the Prosecuting Attorney is also required to report to appropriate school officials. In order to fulfill its reporting obligation, the Office of the Prosecuting Attorney must first know (1) which defendants are public school students and (2) what public school does a defendant/student attend

To aid the Prosecutor's Office in fulfilling their statutory requirements, officers will complete the appropriate form listed below as described when the incident is a reportable offense and charges are being requested and/or a citation is issued.

1. Adult: The police officer completing the adult "charging request" form will complete the public school student yes or no check box and identify the school district name section to inform the Prosecuting Attorney (1) the suspect is a public school student and (2) the public school attended by the suspect.
2. Juvenile Court Petition: The police officer completing the juvenile petition request form will use the school section to inform the Prosecuting Attorney (1) the suspect is a public school student and (2) the public school attended by the suspect.
3. Issuing a Michigan Uniform Law Citation: The police officer issuing a Uniform Law Citation will use the "Occupation/Employer" block to inform the Prosecuting Attorney and Court (1) the defendant is a student and (2) the public school attended by the defendant.

#### **VIII. SCHOOL RESOURCE OFFICER**

The department has school resource officers whose responsibilities include the following, but not limited to, functions:

- A. Acting as a resource for officers, students and school staff.
- B. Provide law enforcement and police services to the school and school grounds.
- C. Investigate allegations of criminal incidents per police department policies and procedures.
- D. Enforce state and local laws and ordinances.
- E. Make appropriate referrals to juvenile authorities or other governmental agencies.
- F. Be visible within the school community.
- G. Attend and participate in school functions and during after-school events.
- H. Build working relationships with the school's staff, as well as with student and parent groups.
- I. Develop and implement lessons in law-related education to support the educational efforts of the faculty.

- J. Work closely with teachers in designing and presenting law-related topics and the role of police in our society.
- K. Work with guidance counselors and other student support staff to assist students and to provide services to students involved in situations where referrals to service agencies are necessary.
- L. Addressing ethical issues as they arise in the classroom.
- M. Providing individual counseling, if requested by students. (The school resource officer is not a certified counselor; thus, counseling is limited to matters concerning the student's interaction with law enforcement.)
- N. Providing security at school events.