

GENERAL ORDER 44
JUVENILE OPERATIONS
EFFECTIVE DATE: May 1, 2019
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PURPOSE: The purpose of this chapter is to identify the organizational and operational aspects of juvenile operations for the division.

44.1 ORGANIZATION AND ADMINISTRATION

44.1.1 JUVENILE OPERATIONS FUNCTION (LE1)

The agency will demonstrate its **commitment to the development and perpetuation** of programs designed to prevent and control juvenile delinquency by providing the following services/programs:

- Programs intended to **prevent and control delinquent and criminal behavior** by youths including D.A.R.E., the School Resource Officer program, Police Explorer Program, Police Athletic League

Programs, and youth diversion programs with Juvenile Court.

- Follow-up of **youth arrests**
- **Investigation** of crimes involving juvenile offenders and/or victims
- Coordination and **preparation of court cases** involving juvenile offenders
- **Diverting juvenile offenders** out of the juvenile justice system and resolving cases on an informal basis
- **Designing and implementing or participating in** other educational programs designed to offer education and alternatives to criminal activity, including: A Community Effort (A.C.E.), Safety Town, etc.

While primary responsibility for the coordination of youth oriented activities in the division will be coordinated by the Neighborhood Impact Section, all agency **functions and personnel share the responsibility** for participating in and supporting the agency's juvenile operations function.

44.1.2 JUVENILE JUSTICE SYSTEM

The Juvenile Unit is responsible for the juvenile function and shall maintain **liaison** with other elements of the juvenile justice system so that the other elements (courts, probation, etc.) can review, comment, or contribute to the development of agency policies relating to juveniles.

44.1.3 ANNUAL EVALUATION OF JUVENILE OPERATIONS

The Neighborhood Impact Section Supervisor or his/her designee shall prepare an annual review and written evaluation of all enforcement and prevention **programs** designed to comply with General Order 44.1.1.

This annual review and evaluation should consider both the **quantitative and qualitative** elements of each program and provide conclusions and recommendations as to whether a particular program should be continued, modified, or eliminated. The review and evaluation of the programs will be forwarded to the Chief of Police for review and approval.

44.2 OPERATIONS

44.2.1 USING LEAST COERCIVE ALTERNATIVES (LE1)

Officers dealing with juvenile offenders shall **use the least coercive reasonable alternative**, consistent with preserving public safety, order, and individual liberty. The least coercive reasonable legal alternative is the preferred course of action with **notification** being made to parent or guardian unless the offense involves a minor traffic violation.

Reasonable alternatives include:

- A.** Officers may **release a juvenile offender with no further action** based on all of the following criteria:
 - Officer discretion

- Circumstances of the case (i.e. minor or non-serious offense, victim’s request, etc.)
- Only if this action will not conflict with other directives or orders
- The Juvenile Unit Detectives may recommend no further action on assigned cases so long as the parent/guardian voluntarily agrees to increased supervision of the juvenile. Such action is normally taken after consultation with a supervisor and/or a Prosecutor.

B. Officers shall **issue written citations or summons** if at all possible rather than taking juveniles into custody.

- The citing/arresting officer is required to notify the parent/guardian of any juvenile cited or arrested for any **criminal misdemeanor or felony**.

The parent/guardian of the juvenile shall be advised of the **possible outcomes of action** against the juvenile (no further action, diversion, court). When a juvenile is cited for curfew violation, the parent/guardian will also be cited unless approved by a section supervisor or higher.

- The citing/arresting officer does not have to notify the parent/guardian of any juvenile cited for any **traffic offense**.

- If the citing/arresting officer is **unable to contact a parent/guardian** at the time of arrest or citation, the officer will note this fact on the offense report.

- The citing/arresting officer should attempt **follow-up contact** with the juvenile’s parent/guardian.

- If the citing/arresting officer is unable to make contact, the on-duty **supervisor may authorize** that the juvenile be released to another responsible adult who agrees to take custody of the juvenile and who the juvenile is comfortable being released to. The responsible adult and their contact information should be listed on the offense report.

C. Recommendations for diversion will normally be reviewed and/or approved by the Richland County Juvenile Prosecutor in conjunction with the juvenile probation officer with Richland County Juvenile Court, who may also recommend a more prolonged program of appointments, probation, treatment, rehabilitation, or community service on a voluntary basis.

- Diversion is essentially defined as keeping the juvenile removed from the formal criminal justice process by using alternatives, such as when legal proceedings against the juvenile would be inappropriate or when the use of other resources would be more effective.

- **Diversion decisions** relating to juvenile offenders should include considering the nature of the offense; the age and circumstances of the alleged offender; the alleged offender's record; and the availability of rehabilitation/treatment programs.

- The Juvenile Unit supervisor will make a recommendation of: **no further action, diversion, referral to another agency, or filing charges**.

- The juvenile unit will handle all **paperwork** associated with a diversion recommendation if required.

- Any diversion alternative should be **agreed upon voluntarily** by the juvenile, the parent/guardian, and the juvenile unit detective assigned to the referral/case.

– Any diversion alternative should also take into consideration the **recommendation of the complainant/victim and the officer** making the original contact.

D. Referral to Juvenile Court or to the formal juvenile judicial process should be restricted to those cases involving serious criminal conduct or repeated violations, (unless otherwise directed by a supervisor), including:

- Delinquent acts which if committed by an adult would constitute a felony
- Any offense involving a weapon
- All serious gang-related delinquent acts
- All acts involving aggravated assault
- All delinquent acts committed by juveniles on probation, parole, or with a case pending
- All repeated delinquent acts within twelve months
- Cases in which parental supervision is not adequate or effective to produce the desired outcome
- Cases in which the juvenile has committed a delinquent act which would constitute a crime if committed by an adult *and* the juvenile poses a risk to the safety and/or security of the general public.
- In most cases, the juvenile officer will be responsible for the filing of criminal charges with the juvenile court of jurisdiction.
- In cases where a juvenile is to be booked into a juvenile detention facility, the arresting officer will be responsible for filing the criminal charges with the juvenile court.
- In lieu of court referral, some juvenile cases may be handled in a **diversion setting with prosecutor approval**.

44.2.2 PROVISIONS FOR JUVENILE CUSTODY (LE1)

A. Juveniles alleged to have engaged in non-criminal misbehavior (**unruly offenses**) shall be released to a parent, guardian, or other responsible adult unless otherwise directed by a supervisor.

B. Ohio Revised Code 2151.31 and Juvenile Rule 6 set forth the conditions under which a child (juvenile) may be taken into **custody** by a law enforcement officer; these include:

- Pursuant to a **court order**
- Pursuant to a **law of arrest**
- By a **law enforcement officer** or duly authorized officer of the court under specified conditions:

- When there are reasonable grounds to believe that the child is **suffering from some illness or injury and is not receiving proper care**, and the child's removal is necessary to prevent immediate or threatened physical or emotional harm.
- When there are reasonable grounds to believe that the child is in **immediate danger from the child's surroundings** and the child's removal is necessary to prevent immediate or threatened physical or emotional harm.
- When there are reasonable grounds to believe that a parent, guardian, custodian, or other household member has **abused or neglected** another child in the same household, and the child is in danger of immediate or threatened physical or emotional harm.
- When there are reasonable grounds to believe that the child has **run away** from the child's parents, guardian, or other custodian.
- When there are reasonable grounds to believe that the conduct, conditions, or surroundings of the child are endangering the **health, welfare, and safety** of the child.
- When, during the pendency of court proceedings, there are reasonable grounds to believe that the child may **abscond or be removed** from the jurisdiction of the court or will not be brought to court.
- When there are reasonable grounds to believe the child committed a **delinquent act** and taking the child into custody is necessary to protect the public interest and safety.
- When a **complaint has been filed** or the child has been **indicted or charged by information** as a serious youthful offender.

C. The rights of juveniles shall be protected.

- Officers shall advise juvenile offenders of their constitutional rights and shall provide the Miranda warning prior to custodial interrogation.
- Officers will contact the parent or guardian of the juvenile prior to questioning when the juvenile in custody is under the age of 14.

D. Juveniles who have been taken into custody shall be processed and released to a parent, guardian, or other responsible person at the scene or shall be taken to the Mansfield Division of Police without delay, with the exception of a juvenile who requires emergency medical treatment.

- If a juvenile is transported to and released to the care of a juvenile detention facility this transport will occur without delay.

E. When taken into custody, the juvenile's parent(s) or guardian(s) shall be notified as soon as practical by the arresting officer.

- If the citing/arresting officer is **unable to contact a parent/guardian** at the time of arrest or citation, the officer will note this fact on the offense report
- The citing/arresting officer should attempt **follow-up contact** with the juvenile's parent/guardian

in an effort to advise them of the situation.

- If the citing/arresting officer is unable to make contact, the **on-duty supervisor may authorize** that the juvenile be released to another responsible adult who agrees to take custody of the juvenile and who the juvenile is comfortable being released to.
- If the parent or guardian is not notified of the custody and the offense and **circumstances warrant further detention**, the applicable facility shall be advised.

44.2.3 CUSTODIAL INTERROGATION AND NON-CUSTODIAL INTERVIEWS (LE1)

Definitions:

Interrogation: An interrogation is an **in-custody questioning** about matters closely related to a crime. When sworn members of this division conduct an interrogation, the suspect will be afforded every right under the U.S. Constitution, State of Ohio Constitution and the Ohio Revised Code.

Miranda warning: Persons who are interrogated while in custody shall be informed of their Miranda rights prior to questioning which include:

- The right to remain silent
- Anything said may be used in court
- The right to an attorney
- If unable to afford an attorney one will be provided

Interview: An interview is a **non-custody questioning** in an effort to gather information about a crime and/or case. It does **not** require Miranda warnings and is an effort to fact find in a non-adversarial way.

A. An **officer shall attempt to contact a parent(s) or guardian(s)** prior to interrogation of a juvenile suspect under the age of 14.

- Juveniles who are subject to custodial interrogation shall be given their **Miranda warning** prior to questioning and shall be afforded the opportunity to counsel. There shall be **documentation** that the defendant(s) has been read and informed of his/her rights. The acknowledgement and waiver of their rights shall be documented, by the interviewing officer.

- If the suspect wishes to make a statement, but **refuses to sign a waiver**, the suspect's oral waiver must be witnessed by a second person.

- A child, his parents, custodian, or other person in loco parentis of such child is entitled to **representation by legal counsel** upon request, and if they are unable to employ counsel, to have counsel provided for them. The Division of Police is not responsible for providing counsel.

- Generally, the **duration of continuous custodial** interrogation for a juvenile will not exceed three hours. If the custodial interrogation needs to continue beyond three hours, sufficient breaks will be given. In addition, no more than two officers shall conduct a juvenile interrogation.

– The question of coercion or the involuntary nature of confessions and admissions will be addressed by requiring a suspect to **acknowledge their rights** before making a statement, indicating that the confession is completely voluntary.

– **Access to counsel: Juvenile** defendants shall not be deprived of counsel. It is incumbent upon the defendant after being advised of his/her rights to affirmatively request the right to counsel if he/she desires to invoke such right. In the case of a juvenile, a parent, guardian, or custodian may invoke that right on behalf of the juvenile.

– After the arrest, detention, or any other taking into custody of a person, with or without a warrant, such person shall be permitted facilities to **communicate as soon as practical with an attorney** of his/her choice or to communicate with any other person of his/her choice for the purpose of obtaining counsel.

– Such communication may be made by a reasonable number of **telephone calls** or in any other reasonable manner. Such person shall have a right to be visited when practical by any attorney and to consult with him/her privately.

– **No officer shall prevent**, attempt to prevent, or advise such person against the communication, visit, or consultation provided for by this section.

B. An officer shall attempt to contact a parent(s) or guardian(s) prior to an interview of a juvenile suspect under the age of 14. The interview should be limited in time and reasonable breaks provided before subsequent questioning.

- Be on the juvenile’s level; sit with the juvenile rather than across a table or standing over them.
- Do not make promises or other coercive statements, whether direct or implied.
- Speak in non-threatening tones and attempt to create a sense of honesty and openness.
- Emphasize the importance of telling the truth and reinforce the idea of honesty
- Remain neutral to the juvenile’s responses.
- Close the interview by asking the juvenile if he or she has any questions.

44.2.4 SCHOOL SERVICE PROGRAM

The Division of Police has members assigned to schools within the City of Mansfield School District as a School Resource Officer and DARE Officer. In addition, uniform officers routinely liaison with schools within their zone/sector.

– The division’s Juvenile Unit Detectives working with the School Resource and DARE Officer shall be responsible for maintaining **liaison with the schools** and will act as a resource with respect to delinquency prevention.

– Liaison Officers are encouraged to provide **counseling and mentoring** for students through the school’s disciplinary process as well as through informal settings such as extracurricular events.

– As part of the school resource officer’s role, he/she will provide education on the **role of law enforcement** in society when given the opportunity.

44.2.5 COMMUNITY YOUTH PROGRAMS (LE1)

The Division of Police assists in the development and growth of various recreational youth programs.

– On going recreational programs include the Mansfield Police Athletic League Programs such as PAL Baseball, PAL Boxing, PAL Mentoring Program, PAL/Friendly House Basketball and leadership programs that include field trips.

CROSS REFERENCE TO STANDARDS AND POLICIES: General Order 1.2.6, 11.1.1.

CROSS REFERENCE TO FORMS: