

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject JUVENILE OPERATIONS	Policy Number EA-19
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PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures for dealing with juveniles in enforcement and custody situations by employees. Further, it seeks to ensure that status offenders, who have not committed criminal offenses, are not held in secure juvenile, or adult detention facilities for any length of time.

POLICY

It is the policy of the Office that employees, who are required to deal with juveniles, familiarize themselves with established procedures for handling an incident, or the detention of a juvenile, as defined in this Policy.

DEFINITIONS

Arrest: The actual custodial restraint or temporary custody of a person based on probable cause.

Child/Juvenile: An individual who is under the age of 18 years.

Delinquent Juvenile Offender: A juvenile who commits an act, which if committed by an adult, would be a criminal offense.

Dependent Child: A child who is adjudicated to be in need of proper and effective parental care and control and who has no parent or legal guardian, or one who has no parent or legal guardian willing to exercise or capable of exercising such care and control.

Diversion Program: A program that serves as a form of sentencing in the criminal justice system. The programs are often run by a law enforcement agency, court, the Maricopa County Attorney's Office, or an outside agency. The programs are designed to enable offenders of criminal law to avoid criminal charges and a criminal record.

Exigent Circumstances: The sum of the conditions and information available in any event which, taken in totality, dictates a need for immediate action.

Home School: A school conducted primarily by the parent, legal guardian, or other person who has custody of a child, or instruction provided in a child's home.

Incorrigible Juvenile: A child who refuses to obey the reasonable and proper orders or directions of a parent, legal guardian, or custodian and who is beyond the control of that person; is habitually truant from school as defined in

Arizona Revised Statutes (ARS) 8-201; is a runaway from the child's home or parent, legal guardian, or custodian; habitually behaves in such a manner as to injure or endanger the morals or health of themselves or others; commits any act constituting an offense that can only be committed by a minor and that is not designated as a delinquent act; or fails to obey any lawful order of a court of competent jurisdiction given in a non-criminal action.

Non-Offender: A juvenile subject to the jurisdiction of the juvenile court; usually under abuse, dependency, or neglect status.

Private School: A non-public institution, other than a child's home, where academic instruction is provided for at least the same number of days and hours each year as a public school.

Status Offender: A child who engages in conduct that, though not criminal by adult standards, is considered inappropriate enough to bring a charge against them in juvenile court.

Status Offense: Behavior that is unlawful only because it is committed by a juvenile, such as truancy, curfew violation, possession of tobacco, or possession of or consumption of alcohol.

Truant Child: A child who is between six and 16 years of age and who is not in attendance at a public or private school during the hours that school is in session, unless lawfully excused.

PROCEDURES

1. **Incident Resolution:** Deputies should use the least forceful method of incident resolution consistent with officer safety. Every attempt shall be made to release juvenile offenders to the custody of a parent or legal guardian, unless the offense is of a violent or serious nature, the release is impractical, the juvenile is a serious habitual offender, or detention has been ordered by the court.
2. **Interviews:** Juvenile interviews primarily consist of non-custodial interviews and custodial interviews. When conducting interviews with juveniles, deputies and detectives shall identify themselves and state the purpose of the interview. Juveniles shall be informed of their right to confer with their parent and/or legal guardian at any time before or during the interview.
 - A. There is no legal requirement for deputies to notify the parent and/or legal guardian prior to conducting a non-custodial interview of a juvenile. However, deputies should notify the parent and/or legal guardian that the juvenile is being questioned and/or interviewed in relation to an incident in which the juvenile **is not** suspected of committing a criminal offense or delinquent act.
 - B. When a juvenile suspect is taken into custody, or is deprived of their freedom of movement in any significant way and is being questioned in any manner likely to elicit an incriminating response, deputies shall immediately notify the charging authority, and make a good faith effort to notify the juvenile's parent and/or legal guardian that the juvenile is in-custody, unless doing so would pose a risk to the juvenile. If the juvenile is a ward of the state, the deputy shall notify the Department of Child Safety, which shall notify the applicable public defender, any guardian ad litem, or a court appointed special advocate of the juvenile's custody, as specified in Arizona Revised Statutes (ARS) 8-303. Furthermore, deputies shall advise the parent and/or legal guardian of the juvenile's rights and the nature of the offense.
 - C. Suspect interviews shall be completed, as specified in Office Policy GJ-7, *Criminal Investigations Operations*. Any juvenile suspect taken into custody, or deprived of their freedom of movement in any significant way, and is being questioned in any manner likely to elicit an incriminating response, shall be advised of their Miranda Rights, prior to being asked about the suspected criminal offense or delinquent act.

1. A *Juvenile Miranda Warnings* form shall be used for custodial interviews of a juvenile suspect. The Miranda Warnings should be read to the juvenile suspect from a standardized *Juvenile Miranda Warnings* form located in the Traffic and Criminal Software System (TraCS).
 - a. Before questioning, the detective should advise the juvenile suspect of their Miranda Rights in a language which is comprehensible to the juvenile.
 - b. The detective interviewing the juvenile suspect shall read each warning and ask the juvenile to initial yes or no to each one.
 - c. After the warnings are read, the detective will ask the juvenile to initial yes or no if they understand their rights.
 - d. After all the warnings are read, the detective shall then ask the juvenile to sign the bottom of the form.
 - e. A copy of the form shall be attached to the IR. The completed form shall be impounded as evidence into the Property Management Division, as specified in Office Policy GE-3, *Property Management and Evidence Control*.
2. An in-custody juvenile suspect who has been formally charged with an offense and has asserted their constitutional right to counsel, shall not be questioned regarding their current charges unless the juvenile suspect initiates the contact, or legal counsel is present. Further information regarding the juvenile suspect's assertion of their right to counsel is specified in Office Policy GJ-7, *Criminal Investigations Operations*.
 - D. Deputies conducting interviews at the juvenile's school shall identify themselves to a school official and advise them of the purpose of the interview.
 - E. Interviews regarding cases of suspected child abuse shall be completed as specified in this Policy.
3. **Release to Parent or Legal Guardian:** When a deputy believes the most appropriate disposition is the release of a juvenile to their parent and/or legal guardian, without any court action, the deputy shall notify the parent and/or legal guardian of the contact and the circumstances surrounding it.
 - A. When appropriate, and if prosecution is desired, an IR and the Superior Court Juvenile Referral form located in TraCS shall be completed.
 1. If an IR has been written, a copy shall be forwarded with the Juvenile Referral form to the Maricopa County Attorney's Office (MCAO), Juvenile Division for prosecution consideration.
 2. The IR may be exceptionally cleared if the victim is not the State of Arizona. The deputy shall receive the consent of the complainant prior to issuing a warning to the juvenile offender with no further action.
 - B. When prosecution is not desired by the victim, an IR shall be completed noting that no prosecution is desired by the victim. A Juvenile Referral form is not required in this circumstance.
 - C. When a juvenile has committed a status offense, the juvenile may be cited or returned to the custody of a parent and/or legal guardian, as specified in this Policy.

4. **School Enrollment Responsibilities:** The parent and/or legal guardian of a juvenile, between the age of six and 16, who does not provide instruction in a home school and who fails to enroll, or ensure the juvenile attends a public, private, or charter school, or fails to sign a contract to participate in an Arizona empowerment scholarship account, may be charged with a class three misdemeanor, as specified in ARS 15-802. A parent who fails to file an affidavit of intent to provide instruction in a home school, or secure testing or evaluation of the juvenile, may be charged with a petty offense.
 - A. A parent and/or legal guardian is excused from complying with this statute if any of the circumstances specified in ARS 15-802 and ARS 15-803 are shown to the satisfaction of the school principal or school principal's designee.
 - B. Reports of a truant juvenile shall be investigated. The truant juvenile may be referred, and the parent and/or legal guardian cited, as dictated by the circumstances.

5. **Citation in Lieu of Detention:** A juvenile may be issued a citation and released to their parent and/or legal guardian in lieu of detention, as specified in ARS 13-3903. Statutory violations for which a citation may be issued include, but are not limited to, curfew, alcohol, marijuana, tobacco, boating, game and fish, misdemeanor traffic violations, and violations of certain town and county ordinances.
 - A. The deputy shall inform the juvenile of the court date, time, and location as they appear on the citation, and court appearance must be made with a parent and/or legal guardian in attendance with the juvenile. Notice shall be added to the citation, advising the juvenile is required to bring a parent and/or legal guardian to the court appearance.
 - B. A warrant check shall be completed prior to releasing the juvenile to a parent and/or legal guardian. Deputies may also contact the Maricopa County Juvenile Detention Assessment Center (JDAC) to inquire if any additional action may be required.
 - C. The juvenile shall be informed of the requirement to sign the citation. If the juvenile refuses to sign the criminal citation, deputies shall:
 1. Mark the Signature Not Obtained box in TraCS and void the citation. The juvenile will be released, and an effort should be made to contact a parent and/or legal guardian to inform them of the situation;
 2. Complete an IR, and record the juvenile's refusal to sign the citation; and
 3. Complete the Juvenile Referral form, attach a copy of the IR and forward a copy to the MCAO Juvenile Division for prosecution consideration.

6. **Parole and Probation Considerations:** Parole or probation violators are not always placed in detention. The parole or probation officer may be contacted to see whether additional restrictions on the juvenile's liberties are an appropriate alternative to detention. The following factors should be considered when choosing the course of action to be taken:
 - A. The nature of the offense and the circumstances of the case;
 - B. The age of the offender;
 - C. The offender's criminal history, if any, with special attention given to serious or violent offenses;
 - D. The offender's availability for all court required appearances;

- E. Whether the public's interest is better served through release, diversion, or detention of the offender or if the offender is likely to commit another offense which may cause injury to themselves or others;
 - F. The offender's attitude toward the offense, the juvenile justice system, the victim, and society;
 - G. The offender's or the victim's request for the offender's participation in a diversion program;
 - H. Whether the offender has been involved in a diversion program and has completed it; and
 - I. The availability of community-based diversion programs.
7. **Arrest Procedures:** In addition to the procedures listed under adult arrests, as specified in Office Policy EA-11, *Arrest Procedures*, deputies shall be aware that the arrest of juveniles is subject to special legal requirements. A responding deputy may conduct a basic investigation to obtain parental consent, obtain a warrant or court order, or determine if exigent circumstances exist. Deputies shall be familiar with and observe these special requirements at all times when arresting juveniles.
- A. **Arrests on New Charges:** If a juvenile is arrested on new charges, the deputy shall submit a Juvenile Referral form to the MCAO, Juvenile Division; or the juvenile shall be taken to the Juvenile Detention Assessment Center (JDAC) for booking, unless a remand order for sentencing has been issued. The MCAO, Juvenile Division has 24 hours to determine whether a juvenile will be charged as a juvenile or an adult.
 - 1. Deputies shall complete an IR when an arrest is made, as specified in Office Policy GF-5, *Incident Report Guidelines*. Any IR referred for prosecution or detention shall have attached to it a notarized *Juvenile Affidavit*, available in TraCS, attesting to the report's truthfulness. The *Juvenile Affidavit* shall be signed by the deputy who completed the report and has personal knowledge of the investigation. A liaison deputy shall not be used. The IR and the notarized *Juvenile Affidavit* shall be submitted with the referral.
 - 2. If it is determined, by the deputy, that the crime does not warrant detention of the juvenile, the deputy shall complete an IR and a Juvenile Referral form and submit it to the MCAO, Juvenile Division for prosecution consideration. This process shall be followed in the absence of an order of remand for the juvenile.
 - 3. If JDAC does not accept the arrestee for whatever reason, an IR shall be completed along with a Juvenile Referral form. Both documents shall be forwarded to the MCAO Juvenile Division for prosecution consideration.
 - 4. If a determination is made to charge the juvenile as an adult, the appropriate paperwork shall be completed by the MCAO Juvenile Charging Attorney, and the juvenile shall be transferred to the Intake, Transfer and Release (ITR) facility from JDAC, by juvenile detention personnel. The arrest paperwork shall be completed by JDAC personnel prior to booking.
 - 5. If a remand order for sentencing has been issued by the court, the juvenile shall be taken to the ITR facility for booking.
 - B. **Juvenile Warrants:** A juvenile who has not reached the age of 18 and has an outstanding warrant shall be handled in the following manner:
 - 1. Prior to arresting a juvenile suspect on a warrant, the arresting deputy shall contact the Operations Information Center (OIC), through the Communications Division, to verify the

active status of the outstanding arrest warrant and confirm the identity of the juvenile suspect to be arrested.

2. In the absence of a remand order, the JDAC Intake Officer shall be contacted to ascertain if JDAC will accept the juvenile. If the JDAC Intake Officer refuses to accept the juvenile, they shall be released. At the discretion of the deputy, the juvenile may be released to the following:
 - a. A parent;
 - b. A legal guardian;
 - c. A family member; or
 - d. Department of Child Safety (DCS).
 3. The refusal of the JDAC Intake Officer to accept the juvenile shall be documented in the IR explaining the circumstances.
- C. **Quashed Warrant Determination:** Juvenile warrants issued through juvenile court may be automatically quashed on the date the juvenile reaches 18 years of age, as the jurisdiction of the Juvenile Justice Court ceases under ARS.
1. In the event the warrant has not been quashed, the juvenile shall not be arrested solely on the basis of the juvenile warrant.
 2. An IR shall be written and forwarded to the Criminal Records Section, within the Records and AFIS Division, documenting the fact that the warrant has not been quashed and the juvenile has reached the age of 18.
- D. **Juveniles Remanded on Adult Arrest Warrants:** Juveniles who are arrested on an adult arrest warrant from Superior Court shall be taken directly to the ITR facility and booked. The adult arrest warrant signifies the juvenile has been previously remanded by a judge for that warrant.
- E. **Justice of the Peace (JOP) Misdemeanor Warrants:** Misdemeanor warrants for juveniles issued by a JOP court shall not be served as JOP courts do not have the legal authority to issue warrants for the arrest of juveniles.
1. When a JOP misdemeanor warrant for a juvenile is discovered, an IR and a memorandum shall be written documenting the fact that the warrant could not be served.
 2. The IR and a memorandum shall be forwarded to the Criminal Process Section Commander. Criminal Process shall notify the appropriate JOP Court of the improper issuance of the warrant.
8. **Detention Procedures:** All juveniles requiring detention, including juveniles on parole under the supervision of the Arizona Department of Corrections Rehabilitation and Reentry (ADCRR), shall be transported to the JDAC as soon as possible.
- A. When immediate detention is necessary, arrangements shall be made with the JDAC Intake Officer prior to the completion of the IR.

1. Detention before the completion of the IR may be necessary because of an extremely complicated and detailed case report or a safety risk to the offender or others.
 2. A juvenile offender who is determined to be incapacitated or in need of medical assistance shall be transported to the nearest hospital.
- B. Any deputy who detains a juvenile at a district substation shall enter the juvenile's information on the Juvenile Log form. Each district commander, or designee shall ensure the Adult Jail/Lock-Up Reporting Form is completed and submitted to the Governor's Office each month.
- C. A parent and/or legal guardian shall be notified, as soon as possible, when a juvenile has been taken into custody. The parent and/or legal guardian shall be informed of the nature of the offense and where the juvenile is being housed. The notification shall be appropriately documented on the Juvenile Referral form.
- D. In addition to the procedures above, the Juvenile Justice Reform Act of 2018, as amended, has additional requirements for detained juveniles.
1. **Sight and Sound Separation:** All detained juveniles placed in secure holding areas shall be segregated by sight and sound from adult detainees, including inmate workers.
 - a. A juvenile shall not be detained in an institution in which they have contact with incarcerated adults. Incidental contact is permissible if it is not common practice.
 - b. Juveniles shall not be housed next to adult cells, share dining halls, recreation areas, or any other common spaces with adults or be placed in any circumstances that could expose them to threats or abuse from adult offenders.
 2. **Delinquent Offenders:** A juvenile who commits delinquent offenses shall not be detained for more than six hours in adult jail facilities or holding areas except for limited times for the purposes of identification, processing, release to parent or legal guardian, awaiting transfer to a juvenile facility, and before or after a court hearing. This provision does not apply to juveniles who are tried or convicted in adult criminal court of a felony level offense. Felony level offenses include, but are not limited to, homicide, dangerous crimes against children, and arson.
 3. **Status Offenders and Non-Offenders:** A juvenile who commits status offenses or non-offenders shall not be detained in secure detention or correctional institutions, adult jail facilities, or holding areas. These juveniles may be detained in a non-secure area of an adult jail facility or holding area such as an unlocked interview room, administrative office, or other common area for processing while awaiting transportation to a non-secure shelter, care facility, a juvenile detention center, or while waiting release to a parent or legal guardian. This ensures status offenders who have not committed a criminal offense are not held in secure juvenile or adult detention facilities for any length of time.
- E. Detention facilities normally will not accept an incorrigible juvenile for detention. If deputies desire detention, they shall contact the JDAC Intake Officer for a determination of detention in an exceptional case. In most instances, the juvenile will be released to a parent or legal guardian. The MCAO may initiate court proceedings when they believe all other resources and alternatives have been exhausted.
9. **Investigation of Child Abuse:** The MCAO, Maricopa County Sheriff's Office, and the Department of Child Safety, shall develop, adopt, and implement protocols to guide the conduct of investigations of allegations

involving criminal conduct, as specified in ARS 8-817. The Maricopa County Multidisciplinary Protocol for the Investigation of Child Abuse addresses initial contacts with children, as well as subsequent interviews and medical examinations.

- A. The Maricopa County Multidisciplinary Protocol directs law enforcement to gather specific information when investigating a report of child sexual abuse, physical abuse, and neglect.
 1. Deputies may interview the reporting source, away from the victim, witnesses, or other reporting sources, to obtain facts and determine if the child is in imminent danger, may require medical attention, and determine departmental jurisdiction.
 2. If within departmental jurisdiction, continue with the investigation. If not within departmental jurisdiction, deputies shall coordinate with the appropriate jurisdiction.
 - B. Deputies may conduct limited interviews of child witnesses. All interviews should include full name, date-of-birth, social security number, and other biographical information including where the child witness attends school.
 - C. Deputies should only interview the suspect if the suspect is present and aware of the investigation. If the suspect is not aware of the investigation, the suspect should not be contacted without prior consultation with detectives.
 1. If the suspect is at the scene and the child victim is admitted to the hospital, a decision as to whether the deputy may interview the suspect and/or caretaker should be made in consultation with their supervisor. The deputy should not disclose any medical information to the caretaker(s) regarding the condition of the child victim, or possible mechanisms of injury. The deputy should also encourage medical personnel not to disclose this information until they consult with their supervisor.
 2. Once it is determined that a child sexual, physical abuse, or neglect crime has been committed, deputies should request a supervisor contact the on-call Special Victim's Unit Supervisor through the Communications Division.
 - D. When conducting an initial investigation of child abuse, neglect, or sex crime incidents, deputies shall only ask the child victim who, what, where, and when questions. The following criteria shall be followed for the listed circumstances:
 1. If the reporting party or complainant is unable to answer each of the who, what, where, and when questions, and the deputy **cannot** determine if a crime has occurred, the deputy may contact the child victim to ask the remaining questions of who, what, where, or when;
 2. If, after speaking to the complainant, the deputy establishes a crime of child abuse, neglect, or a sex crime has occurred involving a child victim, the deputy shall not contact the child victim to verify the information; and
 3. Once the deputy has the who, what, where, and when questions answered, **STOP** asking questions. Additionally, do not allow any other personnel involved in the incident to continue asking questions. Personnel include, but are not limited to, school personnel or family.
10. **Reporting of Child Abuse:** All established crimes involving juvenile victims during the initial contact shall be reported to the DCS by the deputy while on scene when the deputy reasonably believes that a child under 18 years of age has been abused, neglected, exploited, or abandoned.

- A. The DCS may be contacted through the DCS Arizona Child Abuse Law Enforcement Hotline at 1-877-238-4501 or the general DCS Arizona Child Abuse Hotline at 1-888-767-2445. Examples of scenarios in which DCS shall be contacted by deputies include, but are not limited to:
 - 1. When a parent, legal guardian, or custodian inflicts or allows the infliction of physical, sexual or emotional abuse, neglect, exploitation, or abandonment;
 - 2. Physical abuse of a child which includes non-accidental physical injuries such as bruises, broken bones, burns, cuts, or other injuries;
 - 3. Sexual abuse of a child or when sex acts are performed with children. Using children in pornography, prostitution, or other types of sexual activity is also sexual abuse;
 - 4. Neglect of a child or when children are not given necessary care for illness or injury. Neglect also includes leaving young children unsupervised or alone, locked in or out of the house, or without adequate clothing, food, or shelter. Allowing children to live in a very dirty house which could be a health hazard may also be considered neglect;
 - 5. Emotional abuse of a child which is evidenced by severe anxiety, depression, withdrawal, or improper aggressive behavior as diagnosed by a medical doctor or psychologist, and caused by the acts or omissions of the parent or caretaker;
 - 6. Exploitation of a child or when the use of a child by a parent, legal guardian, or custodian is for material gain; and/or
 - 7. Abandonment of a child or failure of the parent to provide reasonable support, and to maintain regular contact with the child, including providing normal supervision, when such failure is intentional and continues for an indefinite period.
 - B. Deputies are responsible for issuing the “Victim Request Form, or Waiver of Pre-Conviction and/or Pre-Adjudication Rights” form to the victim(s) or their legal guardian(s) during the initial contact.
11. **Temporary Custody and Court Ordered Removal of a Child:** As specified in ARS 8-821, a child may be taken into temporary custody to protect the child from suffering abuse or neglect, and it is contrary to the child’s welfare to remain in the home.
- A. A child may be taken into temporary custody only pursuant to one of the following:
 - 1. An order of the superior court;
 - 2. Without a court order by a peace officer, a child welfare investigator, or a child safety worker if temporary custody is clearly necessary to protect the child because exigent circumstances exist; or
 - 3. The consent of the child’s parent or legal guardian.
 - B. Once it is determined that a child may need to be taken into temporary custody, deputies shall contact the Special Victim’s Unit of the Investigations Bureau to discuss the incident and determine if removal of the child is appropriate. The deputy may request Communications Division to contact the on-call Special Victim’s Unit Supervisor for an SVU call-out determination.

- C. Absent parental consent or exigent circumstances, a deputy shall establish probable cause that a crime has been committed in order to obtain a warrant or court order. The responding deputy shall make every attempt to have DCS initiate a Court Ordered Juvenile Removal Request.
 - D. At the request of a properly identified DCS child safety worker, deputies shall assist with the removal of a child from a home, as specified in ARS 8-821. Deputies shall not remove a child, unless a DCS child safety worker is present at the scene, except in exigent circumstances.
 - 1. The deputy shall meet the DCS child safety worker prior to arrival at the scene to review the court order, and any other information provided. Deputies shall obtain supervisor approval before a child is forcibly removed.
 - 2. To execute an order authorizing temporary custody, a deputy may use reasonable force to enter any location in which the child named in the removal authorization is or is reasonably believed to be, as specified in ARS 8-821.
 - 3. An IR shall be completed when a deputy assists with the removal of a child and coded with the proper call type and disposition code as required by the call, such as an initial call for service, follow-up, or an agency assist.
12. **Located Runaways:** When a runaway juvenile is located by another agency, within Maricopa County and reported by MCSO, deputies shall be responsible for taking custody of the juvenile from the locating agency.
- A. OIC shall be contacted through the Communications Division, and asked to verify the information. Once verified, OIC shall then remove the runaway juvenile's name from NCIC, as specified in Office Policy EA-20, *Missing Persons*.
 - B. Prior to determining if a runaway is to be returned to the custody of their parent or legal guardian, the deputy shall interview the juvenile. If, after interviewing the juvenile, no danger to the juvenile is apparent, the juvenile may be returned to their parent or legal guardian, or to the custody of DCS if the juvenile is a dependent child.
 - 1. If the juvenile is a dependent child, the DCS hotline shall be utilized for assistance with placement. Deputies shall provide all relevant facts of the child's recovery and any statements made by the child.
 - 2. DCS will determine if a field response is necessary.
 - C. When the deputy determines a threat to the juvenile exists, the deputy shall follow procedures, as specified in this Policy, to include contact with SVU and reporting to DCS.