

	<b>MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES</b>	
	<b>Subject</b>  <b>JUVENILE OPERATIONS</b>	<b>Policy Number</b> <b>EA-19</b>
		<b>Effective Date</b> <b>10-10-13</b>
<b>Related Information</b>	<b>Supersedes</b> EA-19 (02-23-08)	

## PURPOSE

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

## POLICY

It is the policy of the Office that deputies, 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

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

**Delinquent 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 guardian, or one who has no parent or 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 police department, court, a district 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.

**Home School:** A school conducted primarily by the parent, 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, guardian or custodian and who is beyond the control of that person; is habitually truant from school as defined in Arizona Revised Statutes (ARS) §15-803(C); is a runaway from the child's home or parent, guardian, or custodian; habitually behaves in such a manner as to injure or endanger the morals or health of himself 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 him in juvenile court.

**Status Offenses:** Offenses that only apply to children, such as skipping school, running away, breaking curfew, and possession or use of alcohol.

**Truant Child:** A child who is not in attendance at a public or private school during the hours that school is in session, unless lawfully excused.

## **PROCEDURES**

1. **Protocol for Investigation of Child Abuse:** Pursuant to ARS §8-817(B), to ensure thorough investigations of those accused of crimes against children, in each county, the county attorney, in cooperation with the sheriff, the chief law enforcement officer for each municipality in the county, and the Child Protective Services (CPS) department, shall develop, adopt, and implement protocols to guide the conduct of investigations of allegations involving criminal conduct. The Maricopa County Multidisciplinary Protocol for the Investigation of Child Abuse (Protocol) addresses initial contacts with children, as well as subsequent interviews, and medical examinations. The investigative procedures addressed in the Protocol will avoid concerns with the initial contact with children, any subsequent interview and medical examination, if they are followed.
  - A. A responding deputy can conduct a basic investigation in order to obtain parental consent, obtain a warrant or court order, or determine if exigent circumstances exist. He cannot walk into a call for service such as this and immediately apply for or seek a warrant or court order.
  - B. In cases where the alleged suspect is a parent, obtaining parental consent is sometimes difficult. One parent's consent is sufficient to proceed with the investigation.
  - C. Exigent circumstances are cause for immediate action based upon a real or present threat to life, physical harm, or the destruction of evidence of a crime. If there are exigent circumstances, they should be well documented.
  - D. Absent parental consent or exigent circumstances, a deputy must establish probable cause that a crime has been committed in order to obtain a warrant or court order.
  - E. In cases where the deputy is responding to a school, the deputy needs to establish basic factual information and keep the interview of the potential child victim or witness brief. Having a teacher, school nurse, or other familiar school authority present is desirable. Conversations must be focused on the initial who, what, when, where, why, and how questions along with making basic visual observations of any injuries.
2. **Incident Resolution:** Deputies should use the least forceful method of incident resolution consistent with officer safety. Every attempt shall be made to release the juvenile offender to the custody of a parent or 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.
3. **Arrest 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 liberty 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 himself 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.
  - I. The availability of community-based diversion programs.
4. **Release to Parent or Guardian:** When a deputy believes that the most appropriate disposition is the release of a juvenile to the parent or guardian, without any court action, the deputy shall notify the parent or guardian of the contact and the circumstances surrounding it. When appropriate, an *Incident Report* (IR) shall be completed. Use of the Juvenile Referral form is recommended every time an offense is committed even though prosecution is not pursued. Failure to record multiple “first offenses” may result in inappropriate handling when the first referral is filed.
- A. If an IR has been written, a copy shall be forwarded to the County Attorney’s Juvenile Division for documentation purposes.
  - B. The IR may be exceptionally cleared. However, if the victim is not the State of Arizona, the deputy must receive the consent of the complainant prior to issuing a warning to the juvenile offender and taking no further action.
5. **Citation in Lieu of Detention:** A juvenile may be issued a citation in lieu of detention. Statutory violations for which a citation may be issued include, but are not limited to, curfew, alcohol, boating, game and fish, and traffic violations. The juvenile shall be advised of the court date and time and the location of the recognized juvenile referee (judge) as they appear on the citation. Notice must also be given and added to the citation that the juvenile is required to bring a parent or guardian to the court appearance.
- A. A criminal history check shall be completed before releasing the juvenile.
  - B. The juvenile will be advised of the requirement to sign the citation. If he refuses to sign a criminal citation, “refused” will be entered on the signature line, the citation will be voided, and the juvenile will be released. Every effort should be made to contact a parent or guardian and advise them of the situation.
    - 1. The juvenile’s refusal to sign the citation shall be documented in an IR.
    - 2. The Juvenile Referral form shall be completed and a copy of the IR shall be attached.
    - 3. The juvenile will be advised of the Juvenile Justice System’s process.
6. **Detention Procedures:** The detention of juveniles is dependent on the nature of the offenses.

- A. Compliance with Federal Regulations: Detention of all juveniles must be in compliance with Federal regulations and adhere to the provisions of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974. Any deputy who detains a juvenile shall ensure the Governor’s Division for Children Adult Jail/Lock-Up Reporting Form is completed.
  
- B. Status Offenders, Non-Offenders, and Delinquent Offenders:
  - 1. A juvenile who commits status offenses or non-offenders may not be detained in secure detention or correctional institutions, adult jails, or holding areas. These juveniles may be detained in a non-secure area of an adult jail or holding area for processing while awaiting transportation to a non-secure shelter, care facility, or a juvenile detention center or while waiting release to a parent or guardian. This provision seeks to ensure that status offenders who have not committed criminal offense are not held in secure juvenile facilities for extended periods of time or in secure adult facilities for any length of time.
  
  - 2. A juvenile who commits delinquent offenses may not be detained in adult jails and holding areas except for limited times for the purposes of identification, processing, release to parent or guardian, awaiting transfer to juvenile facility, and before or after a court hearing. The time shall be for no more than six hours. This provision does not apply to children who are tried or convicted in adult criminal court of a felony level offense.
  
- C. Felony Offenders: Offenses include major felonies, such as homicide, aggravated assault, serious gang related offenses, any dangerous crimes against children, arson, armed robbery, burglary, sexual assault, and kidnapping.
  - 1. When a juvenile is to be detained at the Juvenile Court Center (JCC), the deputy shall transport the juvenile, as soon as possible. A copy of the IR shall be attached to the Juvenile Referral form.
    - a. Generally, juveniles whose parent or guardian lives west of Central Avenue in Phoenix go to the JCC at Durango, and those who live east of Central go to the center in Mesa.
  
    - b. Juveniles to be detained will go to the JCC, even when they are on parole or probation from a correctional facility, such as Adobe Mountain School.
  
  - 2. When immediate detention is necessary, arrangements will be made with the JCC Intake Supervisor prior to the completion of the IR. 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.
    - a. Any IR referred for prosecution or detention will have attached to it a notarized affidavit attesting to the report’s truthfulness. The affidavit will be signed by the deputy who wrote the report and has personal knowledge of the investigation. A liaison deputy cannot be used.
  
    - b. A juvenile offender who is obviously incapacitated or in need of medical assistance shall be transported to the nearest authorized hospital.
  
  - 3. Detained juveniles will be photographed and fingerprinted, and a criminal history check will be completed through the Juvenile Probation Department.

- a. Fingerprint cards will be forwarded to the Records & AFIS Division for classification, observing the appropriate chain of custody.
  - b. Other information and the juvenile's fingerprint classification shall be maintained in the Juvenile Offender/Contact File.
- D. **Sight and Sound Separation:** Detained juveniles shall be segregated by sight and sound from incarcerated adults. A juvenile shall not be detained in an institution in which they have contact with incarcerated adults; incidental contact is permissible, as long as it is not a practice. Juveniles cannot 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.
- E. **Parental Notification:** A parent or guardian shall be notified, as soon as possible, when a juvenile has been taken into custody. The parent or guardian will be advised of the nature of the offense and where the juvenile is being housed. The notification shall be appropriately documented on the Juvenile Referral form.
7. **Acceptance of Incurable Juvenile:** Detention facilities normally will not accept an incurable juvenile for detention. If the deputy desires detention, he must contact the JCC for a determination of detention in an exceptional case. In most instances, the juvenile will be released to a parent or guardian.
- A. The JCC has incurable juvenile packets which may be completed by the deputy, a parent, or guardian. The packet is returned to the JCC and forwarded to the County Attorney's Juvenile Division for review.
  - B. The County Attorney's Office may initiate court proceedings when they believe all other resources and alternatives have been exhausted.
8. **Child Welfare and Runaway Removal:** A deputy may take a juvenile, who is believed to be in danger or who has run away, into custody. CPS will coordinate the emergency placement of abused, neglected, and dependent children.
- A. Prior to determining if a runaway is to be returned to the custody of a parent or guardian, the deputy shall interview the juvenile. If, after interviewing the juvenile, no danger to the juvenile is apparent, he may be returned to a parent or guardian.
  - B. If the deputy determines a threat to the juvenile exists he should make every attempt to find an alternative temporary placement with other family members. This placement may only be accomplished with the approval of the juvenile, the parent or guardian, and the proposed temporary caretaker. If such placement is refused by the parent or guardian, the deputy shall document any identified relatives for later CPS use.
  - C. If no other options are available, CPS will determine, based on the information provided by the deputy, if the juvenile requires placement in a shelter. If the juvenile is dependent, CPS will assist in placement and they will advise where the child is to be housed. Transportation to the shelter will be provided by the deputy if CPS is unable to transport.
  - D. Upon placement, the deputy will complete the *Temporary Custody Notice Form* and deliver the appropriate copy to the parent or guardian. The additional copy will be attached to the IR.
  - E. Every attempt will be made to notify the parent or guardian. If unable to make personal contact and the correct address has been determined, a copy of the notice may be left at the residence.

- F. The parent or guardian will be advised to contact CPS for information regarding the temporary sheltering of the child. Immediate notification of a detective is at the deputy's discretion.
  - G. Upon the request of properly identified CPS caseworkers, deputies will assist in the removal of a child from a home.
9. **Juvenile Miranda Warnings:** When contacted as a suspect, a juvenile must be advised of his rights using the *Office Juvenile Miranda Warnings Form*. The form should be signed by the suspect and placed in evidence with a copy attached to the IR. The deputy should ensure that the juvenile understands each portion of the admonishment.
10. **Custodial Interviews:** Before conducting custodial interviews, the deputy shall advise the juvenile of his Miranda Warnings, and of his right to confer with his parent or guardian at any time before or during the interview. The interview shall be conducted with no more than two deputies present and be limited to a reasonable length of time.
11. **School Interviews:** When conducting school interviews of juveniles, the deputy shall identify himself to a school official and advise him of the purpose of the interview. When contacting the juvenile, the deputy shall conduct the interview, as specified in Section 1 of this Policy.
12. **School Enrollment Responsibilities:** The parent or guardian of a child who fails to enroll his child in, or fails to ensure that his child attends a public or private school, may be charged with a violation of ARS §15-802, a class three misdemeanor. A parent, who fails to comply with the duty to file an affidavit of intent to provide instruction in a home school, or secure testing or evaluation of the child, may be charged with a petty offense.
- A. A person is excused from complying with this statute if it is shown to the satisfaction of the County School Superintendent that:
    - 1. The child is in such physical or mental condition that instruction is inexpedient or impracticable.
    - 2. The child has completed the high school courses necessary for completion of grade ten, as prescribed by the Arizona State Board of Education.
    - 3. The child has presented reasons for nonattendance at a public school, which is satisfactory to a board consisting of the president of the school district governing board, the teacher of the child, and the probation deputy of the superior court in the county.
    - 4. The child is over 14 years of age and is, with the consent of the person who has custody of him, employed at some lawful, wage-earning occupation.
    - 5. The child is enrolled in work training, career education, or a vocational or manual training program which meets the educational standards established and approved by the Department of Education.
    - 6. The child was suspended or expelled from a public school.
    - 7. The child is enrolled in an education program provided by a state educational or other institution.

8. The child has not reached eight years of age by September 1 of the school year, and the County School Superintendent is notified in writing by the person who has custody of the child that that person does not desire to have the child attend school.
- B. Reports of a truant child shall be investigated. The truant child may be referred, and the parents cited, as dictated by the circumstances.