

# GREELEY POLICE DEPARTMENT

General Order 514.00

Reviewed: 03/19

## 514.00 JUVENILE OFFENDERS

- Release/Detention of Juvenile Offenders:
  - Official actions involving juvenile offenders include but are not limited to:
    - A verbal warning and release for misconduct;
    - A formal or informal meeting with the juvenile's parents or with the juvenile and his parents;
    - A referral to the Investigations Section for additional follow-up and the Youth and Family Connection. The preceding applies to both custody and non-custody situations;
    - Temporary custody with release to a parent or guardian;
    - Temporary custody with release to Social Services for placement in a shelter home, released to the Youth and Family Connection; and
    - Detention and referral for screening, based on a court order, a probation hold, or a felony hold.
    - Juveniles 10-17 years of age issued citations for alcohol possession or possession of less than 1 oz of marijuana and/or possession of drug paraphernalia must be taken into custody and either released to parent, legal guarding, **responsible adult sibling** or appropriate agency. No juvenile screened for placement at the Platte Valley Detention Center shall be released.
  - When a juvenile is taken into temporary custody it will be based upon court order, warrant, a request for a "hold" from a juvenile probation officer, or in the following situations per C.R.S. 19-2-102, 19-2-201, 19-2-202, 19-3-304.5 and 19-3-401.
    - When there are reasonable grounds to believe that the juvenile has committed an act which would be a violation of federal or state law, or statute (felony or misdemeanor); except for non-felony state traffic, game and fish and parks and recreation laws or regulations and offenses specified in 18-13-121 C.R.S. concerning tobacco products or consumption of ethyl alcohol by minors specified in C.R.S. 18-13-122; or any county or municipal ordinance except traffic ordinances; or truancy.

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- When the juvenile is abandoned, lost or seriously endangered in their surroundings or seriously endangers others and immediate removal appears to be necessary for their protection or the protection of others;
  - When there are reasonable grounds to believe the juvenile has run away or escaped from their parents, guardian or legal custodian; or
  - When an arrest warrant has been issued for the juvenile's parent or guardian on the basis of an alleged violation of section 18-3-304 C.R.S., Violation of Custody.
  - No child taken into temporary custody pursuant to C.R.S. 19-3-401 will be placed into detention or jail.
- Depending on the circumstances, juveniles taken into police custody and not released to a parent or guardian on-scene may be transported to the Youth and Family Connection or to the Greeley Police Department and screened into juvenile detention per the Juvenile Screening/Booking Protocol of the 19<sup>th</sup> Judicial District. Juveniles in need of medical attention will first be transported to the appropriate medical facility. In all cases, a parent or guardian will be notified, without unnecessary delay that their child has been taken into police custody.
  - When transported to the Greeley Police Department, juveniles in custody will be routinely detained in the unlocked juvenile lounge, or other non-secure environment, and kept under constant observation and supervision. In cases where there are officer safety concerns, multiple juvenile suspects or other circumstances which require a higher level of security, Delinquent Juvenile Offenders may be temporarily secured in the holding cells of the department, if the following conditions are met:
    - The Juvenile suspect must be a Delinquent Offender, and in custody for an act which would be considered a crime if committed by an adult. Under no circumstances will a Status Offender be confined in a secure holding cell. Status Offenders are juvenile offenders who have been charged with or adjudicated for conduct that would not be considered a crime if committed by an adult. Status offenders include Juvenile offenders arrested for warrants and contempt of court charges where the originating charges are a status offense.
    - There must be no adult prisoners or suspects present in the entire secure perimeter area of the booking, processing and holding area. This includes all holding cells, the processing, interviewing, and release areas. The absence of adult prisoners will be specifically noted on the Juvenile Holding Cell log.

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- No more than one juvenile will be detained in any secure cell at one time.
- Juveniles will be detained in secure holding cells only as a means of securing and expediting their processing. While a juvenile or juveniles are detained in secure holding cells, an arresting officer will remain in the processing room immediately outside the holding cell to ensure that the juvenile remains under observation, and there is no inadvertent contact with adult prisoners entering the area.
- Juvenile suspects will be detained in secure holding cells for only the amount of time required for their processing and release to proper parents, guardians or authorities, and under no circumstances will this time exceed six hours.
- All instances of Juvenile suspects detained in secure holding cells will be recorded in the Secure Juvenile Holding Log provided in the processing room of the holding area.
- Juvenile offenders will not be handcuffed to any cuffing rails, benches, or other stationary object(s) while the juvenile offender is in the custody of this agency and the juvenile is located at the Greeley Police Department.
- A juvenile taken into custody can legally be fingerprinted and photographed. All juveniles placed into detention will be photographed and fingerprinted. Juvenile suspects may be fingerprinted, photographed and processed for DUI arrests in the secure holding area of the booking area of the Greeley Police Department if there are no adult prisoners present. When juvenile suspects are escorted to the processing room of the holding area, the incident must be logged in the Secure Juvenile Holding Log provided in the processing room, and the Juvenile suspect can remain in the processing area for a maximum of 20 minutes. While being processed, the Juvenile will be under constant observation and supervision. Juveniles taken into custody and then released to their parents or guardians will be fingerprinted and photographed if it is appropriate considering the nature of the incident which led to their custody. A burglary, robbery, auto theft, auto prowl, serious assault or sexual assault suspect will be fingerprinted and photographed. The juvenile offender will be screened per the Juvenile Screening/Booking Protocol of the 19<sup>th</sup> Judicial District. Under the following circumstances, pre-release photographing and fingerprinting will be required when juveniles are detained, but are being released in lieu of juvenile detention:
  - All delinquent acts that if committed by an adult would be a felony;
  - All delinquent acts involving the use of a weapon;

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- All gang-related juvenile acts;
  - All delinquent acts involving sex offenses or aggravated assault;
  - All delinquent acts committed by juveniles under probation or parole, and
  - All repeated delinquent acts by the same offender within a twelve-month period.
- With concurrence of the screening entity, per the Juvenile Screening/Booking Protocol of the 19<sup>th</sup> Judicial District, an officer may place a felony hold on a juvenile and place him into custody when the juvenile has committed a felony offense.
    - These procedures will be followed only when it is reasonably believed that the continued detention of the juvenile is necessary for the safety of the juvenile and/or the safety of the community at large.
    - If a felony hold is placed and the juvenile is on probation, the detaining officer will ensure that Juvenile Probation is notified without delay.
    - It is the responsibility of the primary officer, for developing the information implicating the detained juvenile, to complete the required affidavit **and police reports**.
    - If a felony hold is placed on a juvenile, younger than 14 years of age, he/she must be transported to the Platte Valley Youth Center. Detention hearings will be held at the designated facility.
- Juvenile Prosecution Referrals:
    - **A Juvenile Promise to Appear (PTA)** may be directed to the District Attorney's Office, Juvenile Section, in lieu of physical custody. The District Attorney's Office will then evaluate such factors as the seriousness of the offense and the offender's past record, and can request the juvenile and his parents to "intake" into the juvenile justice system or can request the court summons them to court.
    - The decision for diversion or prosecution will be made by the District Attorney's Office. If the decision is diversion, then the District Attorney's Office will arrange the appropriate diversion resource in each case.
    - **If a juvenile is not determined to be placed into custody of youth detention, the offenses for which an officer should issue a Juvenile Promise to Appear include but are not limited to:**

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- All delinquent acts that if committed by an adult would be a felony;
  - All delinquent acts involving a weapon;
  - All serious gang-related delinquent acts;
  - All delinquent acts involving aggravated assault;
  - All delinquent acts committed by juveniles under probation or parole or those with a case pending;
  - All repeated delinquent acts within the preceding 12 months;
  - Juveniles who have been selected for a diversion program but have refused to participate; and
  - Cases in which it has been determined that parental supervision is not effective.
- Juvenile Interview and Interrogations:
    - Juveniles in custody for an alleged crime shall not be questioned about that crime without the presence and permission of their parent or legal guardian. A juvenile may be questioned without a parent present in non-custodial settings.
    - The juvenile and the parent or guardian must be advised of their constitutional rights prior to any questioning.
    - Juveniles who are housed at the Platte Valley Youth Correctional Facility shall be deemed "in custody" and, without exception, shall not be interrogated without the presence and consent of their parent or legal guardian.
  - Procedures for Protective Custody:
    - A juvenile is taken into protective custody when:
      - A child is abandoned, lost, or seriously endangered in their surroundings or seriously endangers others, and immediate removal appears to be necessary for their protection, or the protection of others;
      - There are reasonable grounds to believe that the juvenile has run away or escaped from their parents, guardian, or legal custodian; or

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- An arrest warrant has been issued for their parent or guardian on the basis of an alleged violation of section 18-3-304 C.R.S.
- No child taken into temporary custody solely for protective purposes will be placed into a holding cell or jail.
  
- Officers shall notify their supervisor of the action and the reason for the protective custody. The officer shall then notify Social Services of the protective custody and release to their custody as soon as practicable for placement.
  
- A complete report will be submitted by the primary officer to include all actions and responsible persons contacted relevant to the report. If criminal action is appropriate, the report will reflect enforcement action taken.

<b>General Order 514.00</b>	<b><u>JUVENILE OFFENDERS</u></b>	<b>Reviewed: 03/19</b>
<b>Authorized by Mark Jones, Police Chief</b>		
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<u>Mark Jones</u>	<b>Date:</b>	<u>March 25, 2019</u>
<b>Signature</b>		