

NEW CANAAN POLICE DEPARTMENT

SUBJECT: JUVENILE OPERATIONS

GENERAL ORDER NUMBER: 88-6-50

FILE: OPS 11

LAW ENFORCEMENT

I PURPOSE/POLICY

The New Canaan Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency.

As such, the purpose of this general order is to establish procedures for juvenile operations that preserve public safety, and to resolve delinquency matters by employing the least coercive enforcement option available.

It is the policy of the New Canaan Police Department to provide an effective means by which to control and/or prevent the problem of juvenile delinquency within the community. This is best accomplished through a coordinated and consistent enforcement process and the establishment and continuation of effective delinquency prevention programs.

II RESPONSIBILITY

The responsibility for participating in or supporting the department's juvenile operations function shall be shared by all components and personnel. It shall also be the responsibility of all department personnel to adhere to this general order. It is the additional responsibility of the Commander of Operations, Commander of the Investigative Section, Youth Services and School Resource Officer(s) to insure compliance.

III PROCEDURES (ORGANIZATION & ADMINISTRATION)

A. The following terms, for purposes of this general order, will be defined as follows;

1. **Child** – Any person under 18 years of age or who, if under 17 years of age has not been legally emancipated.
2. **Juvenile** – Any Person under 18 years of age.
3. **Delinquent Act** – The violation of any federal or state law including infractions or any municipal or local ordinance, other than an ordinance regulating the behavior of a child in a family with service needs, or any order of the Superior Court, by a person prior to his/her 16th birthday.

B. The Youth Services Office, a component of the Investigative Section, shall be functionally responsible for the administration and coordination of the Department's juvenile operations efforts. The officer assigned to this office shall be under the direct supervision of the Commander of the Investigative Section.

- C. In addition, the Chief of Police may select one or more officers to be assigned as a School Resource Officer (SRO) for the High School and/or other school(s) within the public school system. That position shall be under the direct supervision of the Youth Services Office.
- D. The Youth Officer shall be delegated with the following responsibilities:
 - 1. Designing, implementing and overseeing programs intended to prevent and control delinquent and criminal behavior by youth.
 - 2. Directing and/or assisting the School Resource Officer in the investigation of complaints regarding the delinquent and/or criminal behavior of students within the school system.
 - 3. Conducting both preliminary and follow-up investigations regarding juvenile offenders. The youth officer shall also have the primary responsibility for the processing of juvenile diversions and referrals, to include the coordination and preparation of juvenile court cases.
 - 4. Adjusting and diverting less serious juvenile offenses out of the juvenile justice system.
 - 5. Being responsible, on a case by case basis, for follow-up investigations of complaints in which a juvenile is a victim of a criminal offense.
 - 6. Assisting patrol officers when they are investigating juvenile offenses.
 - 7. Acting as primary liaison with court personnel, both at the Superior Court and Juvenile Matters level.
 - 8. Acting in conjunction with the school resource officer, as liaison between the school system, youth agencies, youth organizations, town departments and juvenile justice agencies.
- E. The SRO, working in concert with and under the direction of the Youth Officer shall act as the primary liaison officer between the police department, High School administration (and other schools with an SRO), faculty and the student body. Responsibilities associated with this position will include;
 - 1. Working diligently to foster a spirit of cooperation and trust between these parties.
 - 2. Providing instruction, assistance and law enforcement services to the school community.
 - 3. Interacting with the students and faculty and acting as an informational resource.
 - 4. Developing youth related programs and initiatives for the school system that would aid in the prevention of crime, violence and drug abuse.
 - 5. Instructing students in such areas as;
 - a. Legal issues
 - b. Police youth relationships

- c. Community responsibility issues
 - d. Conflict mediation
 - e. Mentoring activities
 - f. Investigating criminal issues in and around the schools and respond to requests for police and medical services.
 - g. Disseminating intelligence information to the appropriate personnel.
- F.** All Department components and personnel have a vested interest in supporting, and when appropriate, participating in juvenile operations functions. To that end, the Youth Officer shall work closely with the training officer to insure that all department personnel are familiar with all aspects of the Youth Services Office including:
- 1. The handling of criminal investigations involving a juvenile or child.
 - 2. Ensuring officers have a familiarity with on-going juvenile delinquency prevention programs.
 - 3. Ensuring that officers are aware of available resources that deal with juvenile related problems within the community.
- G.** In order to insure a proper and coordinated departmental response to juvenile justice matters, the police department encourages and periodically provides an opportunity for outside agencies with which it has interaction to review, critique and/or comment on the delivery of its services. Those agencies would normally include components of the juvenile justice system, school administrations and other social/human service agencies.
- 1. This process allows for those agencies to provide input and/or comment on existing policies and procedures, as well as provide an opportunity to make recommendations should such policies and procedures require amending.
- H.** In addition to the review and appraisal outlined in section III, G, an annual review and written evaluation of current department delinquency prevention and enforcement programs shall be performed.

IV PROCEDURES (CUSTODIAL AND INTERROGATION)

- A.** All patrol officers assigned to investigate an incident involving a juvenile shall:
- 1. Investigate all complaints completely and in accordance with statutory mandates, established policies and procedures. As part of their investigation, officers are required to:
 - a. Determine whether the juvenile or child has engaged in criminal and/or non-criminal misbehavior.
 - b. Determine whether the juvenile/child is alleged to have been harmed or is in danger of being harmed.
 - c. Ensure that the constitutional rights of the juvenile/child are protected.

- d. When appropriate, transporting the juvenile/child to the police department (i.e. juvenile office, interview room or other appropriate location) or intake facility without delay, unless a juvenile/child is in need of emergency medical treatment, and
 - e. Notifying the parent(s) or guardian(s) of the juvenile/child suspect that their son or daughter has been taken into custody.
2. Promptly release the juvenile/child offender to their parent or legal guardian once proper identification is established, excluding circumstances which dictate that the juvenile/child suspect be taken into or remain in police custody.
 3. Prior to release, advise the suspect's parent or guardian, and the complainant(s) or victim(s), of what to expect regarding a follow investigation, if any.
 4. Document their investigation clearly and concisely and provide the Youth Officer with a report as complete possible.
- B An officer will normally take custody of a juvenile/child if one or more of the following conditions are present:
1. An officer has, during the course of his/her investigation, located a juvenile/child and the appropriate course of action would be to return the juvenile to the custody of a parent or guardian. Circumstances which would dictate this type of action include:
 - a. When a juvenile/child has committed a criminal offense that is not classified as a Serious Juvenile Offense (SJO).
 - b. When a juvenile/child has been reported as missing/runaway.
 2. The officer has located a juvenile who falls under the definition of Family With Service Needs (FWSN) (re: C.G.S. 46b-120). As a non-status offender, the officer may hold such child in protective custody up to a period of 12 hours for the purpose of reuniting the child with his parent or legal guardian, or locating temporary alternative shelter for the child. Only a person under 16 may be referred as a Family with Service Needs.
 3. The juvenile/child exhibits symptoms that demonstrate a need for the officer to request an emergency psychiatric examination. If this is the case, the officer shall make every effort to notify the parents of this finding, complete the emergency psychiatric examination form and ensure that the juvenile/child is transported to the hospital for an evaluation.
 4. The juvenile/child has been abused, or is at risk of being harmed or neglected. When such a condition exists, the investigating officer will immediately place the child under protective custody and contact the Department of Children and Families (D.C.F.) via their 24hr hotline. In addition to an Incident/Arrest Report, officers are required to complete D.C.F.'s Report of Suspected Child Abuse/Neglect form.
 - a. In cases were it is not possible to return the juvenile/child into the custody of the parent or guardian, officers shall work with D.C.F. in finding temporary living arrangements.
 5. The criminal offense committed by the juvenile/child warrants an in-custody referral and the subsequent transport to the juvenile detention facility.

- C. Once an officer takes custody of a juvenile/child, the officer shall:
1. Provide emergency medical attention as necessary.
 2. Conduct a pat down and/or search for weapons and contraband prior to transport in any police vehicle. When the juvenile/child involved is female, an on-duty female officer should, when practicable, conduct the search.
 3. Only utilize handcuffs and/or other restraining devices for good reason (i.e. when the officer can document his/her belief that juvenile is a danger to himself or others, or the juvenile/child is an escape risk.
 4. Barring a medical emergency, promptly transport the juvenile/child to the police department and:
 5. Whenever a juvenile is taken into custody, the juvenile's parent or legal guardian must be notified of their child's whereabouts as soon as possible. If there is a need for further detention, the juvenile shall be transported to the juvenile detention facility without delay.
- D. The custodial interrogation of a juvenile/child is governed by the following requirements:
1. When the suspect is under the age of 16, officers will not interrogate the juvenile unless a parent or legal guardian is present and has authorized the questioning. Said parent or guardian must be present at the time that an admission, confession or statement is made.
 - a. However, when the "child" is 16 or 17 years of age, they may be questioned when and if they are willing to be questioned and all reasonable attempts to contact a parent or responsible adult have been exhausted.
 - b. In each of these cases, the appropriate Parental Consent, Juvenile Waiver or 16/17 year old waiver must be completed prior to any questioning.
 2. The interview should be conducted either in a private area of the department (i.e. Youth Services Office, interview room, training classroom etc.) or at the child's home. No more than two officers should be present during the interview. Short breaks should be permitted as appropriate during the interview session. If during the interview, either the juvenile/child or the parent or guardian refuses to answer any more questions, the interview must be terminated.
 3. While conducting an interview, the officer shall confer with the juvenile's or child's parents or guardians and advise them of the following:
 - a. The reason for the questioning.
 - b. An explanation of what possible enforcement actions that may be taken both by the agency and juvenile justice system to the extent known, and
 - c. If a referral is appropriate, an explanation of the referral process, court proceedings and there responsibilities associated with said referral.

- E.** A range of specific options are available to officers who are investigating a complaint involving a delinquent act by either a juvenile or child. The same criminal statutes that apply to adults, also apply to both a juvenile and child. Officers shall use the least coercive alternative available, while giving due regard for the safety of the public and individual liberty.
- 1.** Factors to be considered in diversion decisions shall include:
 - a. The nature of the alleged offense.
 - b. The age and circumstance of the alleged offender.
 - c. The alleged offender's record, if any.
 - d. The availability of community based rehabilitation programs.
 - 2.** The officer has a wide range of alternatives available when considering what, if any, enforcement action would be appropriate. The remedies do not necessarily require that the juvenile/child offender be diverted to social service agencies or juvenile court. Other alternatives may include, verbal warnings, informal referrals, referrals to other diversion programs or the consultations with parents/guardians and arranging for them to take corrective/disciplinary action. However, when considering these alternatives, officers are to refer to the following guidelines when determining what type of enforcement action is appropriate:
 - a. A **Verbal Warning** is generally issued to a juvenile/child suspect when:
 - 1) The alleged offense is minor in nature.
 - 2) The department has not had any dealings with the juvenile/child previously as an offender or any previous dealings were minor in nature.
 - 3) The juvenile/child understands and expresses regret for his/her actions.
 - 4) The officer consults with the parents and/or guardian and believes that they will take the appropriate measures to prevent a reoccurrence.
 - 5) The victim, if any, does not wish to press charges.
 - b. A referral to an outside community resource or diversionary program (i.e. Peer Jury etc.) would be appropriate when:
 - 1) The alleged offense is minor in nature.
 - 2) The department has had no previous dealings with the juvenile/child as a suspect.
 - 3) The age of the juvenile/child or other characteristics present make it inappropriate to take any departmental action.
 - 4) The officer feels that an outside resource may be beneficial to the juvenile/child and/or the family.

- c. A juvenile may become involved with intake (arrest). This may be accomplished in one of two ways:
- 1) **A referral** may be made to the Superior Court, Juvenile Matters Juvenile Court without custody. This is the equivalent to the issuance of a summons for infractions or misdemeanor charges to a juvenile/child. Such action is generally appropriate when:
 - a) All serious motor vehicle violations or repeated motor vehicle infractions.
 - b) The alleged offense committed by the juvenile suspect is a C.G.S. 53a felony.
 - c) The alleged offense involves the use of a weapon.
 - d) The alleged offense is an assault.
 - e) The alleged offense was committed by a juvenile who is either on probation or has a pending court case.
 - f) The alleged offense was committed by a repeat offender. (I.e. More than one delinquent act in a twelve month period).
 - g) The juvenile falls within the scope of C.G.S. 46b-120, a Family With Service Needs.
 - h) Any other circumstance that would be in the best interest of the police department and community as a whole.
 - 2) **A custodial arrest** and referral to the Superior Court, Juvenile Matters, with subsequent transport to the Bridgeport Juvenile Detention Facility may take place. Such action is warranted when:
 - a) There is an existing court order to place a juvenile/child into detention (i.e. arrest warrant or Take into Custody Order).
 - b) The alleged offense committed is considered to be a "Serious Juvenile Offense (SJO)" (reference C.G.S. 46b-120).
 - c) An emergency situation exists, whereby a juvenile/child is charged with a criminal offense and the officer has determined that the detention of the juvenile is necessary and appropriate and that efforts to make other arrangements have not succeeded. In these cases, an Application for Order to detain must be presented to any Superior Court Judge. Only with the Judge's approval, may the juvenile/child be admitted to the detention facility.
 - d) Prior to transporting a juvenile/child to the detention facility, the officer shall notify, or make a reasonable attempt to notify the parents of the alleged delinquent. In addition, the Bridgeport Juvenile Detention Facility should be notified of their pending arrival. The officer's arrest report documenting the probable cause for the charge, a Juvenile Summons, and a signed affidavit attesting to the information contained in the report must be

completed. Copies of the report are to be hand delivered to the intake officer at the Detention Facility with the juvenile/child. The original are to be submitted to the records unit.

- 3) A Juvenile Summons shall be completed for all juveniles involved in the intake process and the designated copies submitted to the Superior Court, Juvenile Matters or detention facility as appropriate.
3. A child, under the age of 16 who may be a member of a Family With Service Needs (FWSN) when; the child has run away, is beyond control, is truant or has engaged in indecent, immoral or prohibited sexual behavior. When this occurs officers shall:
- a. Promptly attempt to locate the child;
 - b. If located, the location of the child shall be reported to his/her parent or guardian;
 - c. The officer may then do one of the following;
 - 1) Transport the child to the home of their parent, guardian or other person;
 - 2) Refer the child to the Superior Court Juvenile Matters
 - 3) Hold the child in protective custody for a maximum of 12 hours until the officer can determine a more suitable disposition of the matter or can release the child at any time without taking further vaction. The "hold" can be done with or without the consent of the child.
 - 4) Transport or refer the child to any public or private agency serving children with or without agreement by the child. Such an agency may provide services until such child, their parent or guardian refuses to agree to receive the services (i.e. the child may be forced to go, but cannot be forced to stay).
 - d. An FWSN child cannot be brought to a juvenile detention center without a court order. Nor can a nondelinquent juvenile runaway from another state be held in a state-operated detention home (Ref. C.G.S. 46b-149(f)).
4. When a "child" who is 16 or 17 years old has committed an offense, he/she may be charged as a juvenile, adult or both.
- a. The child will be charged and held as an adult when the offense committed is;
 - 1) an infraction.
 - 2) a violation.
 - 3) a motor vehicle offense or violation
 - 4) a violation of a municipal ordinance.
 - b. The child will be charged and detained under the same requirements as a juvenile when;
 - 1) sections 1) – 4) above do not apply.

- 2) The child willfully failed to appear to a C.G.S. 46b-133 summons or at any court hearing of which the child had notice.
 - 3) the child violated any superior court order, other than a FWSN order, or
 - 4) The child violated conditions of probation as ordered by the court.
 - 5) The child is charged with C.G.S. 21a-279(c), possession of less than ½ ounce of marijuana.
 - 6) The child is charged with C.G.S. 21a-279(c) above, and is in possession of paraphernalia related to said marijuana.
- c. A child who is 16 or 17 years old shall also be considered a “Youthful Offender” when charged with an offense which does not include;
- 1) A Class A Felony
 - 2) Violation of Sections 53-21(a)(2), 53-70, 53a-70a, 53a-70b, 53a-71, 53a-72a and 53a-72b
 - 3) Other noted exceptions.
- d. A child who is 16 or 17 years old may be considered a “Youth in Crisis” when; the youth has run away, is beyond control or a truant. When this occurs, officers shall;
- 1) Attempt to locate the youth;
 - 2) If located, return the youth to his/her parent or guardian after it has been determined that it will not place the youth in physical or emotional harm;
 - 3) Additionally, officers **must do one** of the following;
 - a) Transport the youth to the home of the child’s parent or guardian or a suitable worthy adult;
 - b) Refer the youth to the probate court where the youth in crisis is located, **provided the probate judge is willing to accept the referral;**
 - c) Hold the youth in protective custody for a maximum of 12 hours until the officer can determine a more suitable disposition. The youth may not be held in a cell and may be released to the youths parent or guardian if it does not place the youth in physical or emotional harm;
 - d) Transport or refer the youth to any public or private agency servicing children, with or without the agreement of the youth;

- e) Refer the youth to a youth service bureau, if any;
 - f) If unable to transport, refer or hold the youth in crisis as outlined above, the officer will refer the youth to the juvenile court where the youth in crisis is located.
- 4) A youth in crisis **cannot** be brought to a juvenile detention center or placed in a community correctional center
5. The apprehension of a juvenile/child is the same as that of an adult. Officers are justified in using a reasonable amount of force in order to effectuate an arrest, prevent an escape and protect themselves or any other person (re: General Order 89-17-70, Use Of Force).
6. The same warrant requirements that apply for an adult shall also apply to warrants involving a juvenile and/or child.
7. Seizures of evidence in juvenile and 16 year old offender cases shall be in accordance with the policies prescribed in General Order 88-1-44, Property Management.

V PROCEDURES (DETENTION & PROCESSING)

- A. When a juvenile or child offender being charged as a juvenile is taken into custody and transported to the police department, the offender will be;
- 1. Immediately removed from contact with any adult offenders.
 - 2. Continually monitored in a holding area such as the Youth Services Office, until they are released or are transported to the juvenile detention facility. A Status offender or non-offender shall be held in a non-secure area such as the training classroom, interview room, etc. for a maximum of **six** hours.
- B. If a juvenile in custody is from another state and custody is for reasons other than a criminal offense (i.e. a runaway from New York State), the juvenile may be held for a maximum of twelve hours. If the officer believes that the juvenile cannot be released prior to the twelve hour hold, arrangements must be made to transport the juvenile to the juvenile detention facility.
- 1. Connecticut will hold someone age 16 or 17 as a juvenile if their home state recognizes those under age 18 as a juvenile.
- C. Whenever a juvenile/child is held in the department's custody, for any reason, the investigating officer shall ensure that the Juvenile Custody Log located within the Communications Center is completed.
- D. When processing a juvenile/child, the preferred method of release will be to complete a Juvenile Summons and Complaint/Promise to Appear form and release the juvenile/child on a promise to appear. In such cases, the parent or legal guardian shall take custody of the juvenile/child only after signing the summons.
- E. Once arrested however, a juvenile/child may be required to submit to the taking of fingerprints, photograph and physical description. This expanded level of processing should be utilized when a juvenile/child is charged with a Serious Juvenile Offense (SJO) or when there is a need for the additional information. Juvenile/child processing will not be performed

in the holding facility. This processing shall be completed in the Juvenile Processing Room or the Property Management Office.

- F. When fingerprinting a juvenile/child, only one card, a State of Connecticut Criminal Card, will be used. The card shall be labeled/stamped Juvenile in the space designated for Contributor.
- G. Any other forms of identification (i.e. physical samples, handwriting samples, etc.) shall not be obtained without a valid search warrant from the court that specifies what evidence shall be seized.
- H. If the officer apprehends a juvenile/child suspect in connection with the arrest of an adult, no information which would identify the juvenile shall be included in the officer's adult arrest report.

VI PROCEDURES (RECORDS MANAGEMENT)

- A. In order to insure the confidentiality and proper management of juvenile/child incident/arrest records, the following procedures shall be followed:
 - 1. Completed records pertaining to a juvenile/child shall be under the control of the records unit and kept separate from adult records. The records unit personnel shall be responsible for the collection, dissemination and retention of agency records pertaining to a juvenile/child (re: General Order 88-4-48, Records).
 - 2. When a notice of erasure concerning a juvenile/child is received from the Court, all of the appropriate records of that juvenile/child shall be expunged from the files.
 - 3. There will be no release of departmental juvenile/child records or dispositions to a third party. Requests for such information should be forwarded to the juvenile court (re: C.G.S. 46b-124). This policy shall remain constant regardless of the current age of the offender.

VII PROCEDURES (COMMUNITY RELATIONS)

- A. Social service agencies can be an invaluable aid to the department's response to juvenile matters. Officers should familiarize themselves with the various agencies and organizations that are available and the services that they provide.
- B. Recognizing the importance of the New Canaan PBA's role in establishing and funding the New Canaan baseball and lacrosse programs, the police department encourages all personnel to voluntarily participate in these programs as well as other recreational youth programs that may exist.

VIII DISTRIBUTION

This general order will be reproduced in electronic and traditional media. All sworn personnel shall have access to Department general orders through a read-only file on their individual domain of the Department's computer network. Printed copies will also be placed in locations throughout headquarters so that they are easily accessible to all personnel.

IX EFFECTIVE DATE

This general order approved by the Police Commission on October 19, 1988, and is effective January 30, 1989.

Revised May 2000
Revised July 2011
Revised October 2013

Per Order,

Leon Krolikowski
Chief of Police