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<b>Effective Date: April 1997</b>	<b>Revision Date: August 2014</b>
<b>Amends/Supersedes: 900.80/900.210</b>	<b>Approved by: Chief Kevin Higdon</b>
<b>Meets Accreditation Standard:</b>	<b>18.1 – 18.10</b>

## **Section 1000.80 Juvenile Offenders**

### **Policy**

It is the policy of the Shively Police Department that juveniles will be taken into custody and handled in accordance with the laws of arrest for juvenile offenders in the Commonwealth of Kentucky, as set forth by statute, particularly KRS 600 through 645.

Records will be maintained of all juveniles taken into custody by members of the Shively Police Department. All records will be maintained in conformity with laws on the treatment of juveniles and with consideration of the juvenile's welfare.

### **Custody and Control of Juveniles**

Juveniles share the same constitutional protection as do adults. The restrictions and obligations upon police action of stops, frisks, searches and seizures, questioning and identification must be followed in the case of juveniles.

- If being questioned in a criminal offense, juveniles shall be advised of their constitutional rights.
- Juveniles should be explained the agency and juvenile justice system procedures prior to an interview session.
- Unless otherwise released, juveniles shall be taken to an intake or juvenile detention center without delay unless emergency medical treatment is required.
- When a juvenile is taken into custody, the officer has the responsibility of immediately notifying the parent or relative, guardian, or custodian if the parents are not available.
- The officer must state to that person the charges against the juvenile, the specific statute alleged to have been violated, and the time and place of the juvenile hearing, if known.
  - Unless the nature of the offense or other circumstances are such as to indicate the necessity of keeping the juvenile in custody, the officer should release the juvenile to a parent or other responsible adult upon written promise, signed by such person on citation. This promise is to bring the juvenile to court at a stated time or at such time as the court may direct.

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### **Juveniles placed in the holding cell**

- Juveniles will only be placed in the department's holding cell when they have been charged with a criminal offense.
- A juvenile may be placed in the holding cell during an investigation where there is probable cause to believe that the juvenile has committed a criminal offense, or in an effort to separate suspects. This will only be done for very brief time periods.
- Juveniles are never to be placed in the holding cell with any adult. On the occasion where the need to detain both juveniles and adults simultaneously occur, the holding cell should be used for the adult, while the juvenile remains elsewhere under officer supervision.
- When a juvenile is placed into the holding cell, a separate juvenile detention/observation log will be filled out completely, including time and date in and time and date out with periodic observations. This sheet is to remain separate from adult observation logs and in a manner that the juvenile information is not visible to the general public.
- When a log sheet has been filled up by offenders, it is to be turned in to the Chief of Police or his designee.

### **Protective Custody Non-criminal behavior**

If a juvenile has engaged in non-criminal misbehavior (a status offense) the juvenile should be remanded to the custody of a parent or an adult having a responsibility to care for the offender. However, the child shall be in the protective custody of the Shively Police Department until the proper change in custody has occurred. Juveniles that are temporarily in the custody of the Shively Police Department for non-criminal behavior or status offenses; shall only be held in a non-secure capacity. Juveniles being held in this manner are not to be handcuffed, placed in the holding cell, or otherwise physically detained.

### **Protective Custody Juvenile endangered or harmed**

If a juvenile has been harmed, allegedly harmed or is danger of being harmed, the Shively Police Department shall take immediate protective custody of juvenile. After secured, support services of the courts and Child Protective Services should be notified and confided, to seek short and long-term resolution.

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### **Handling Juveniles in School Settings**

When it is necessary to take a child into custody at school, the officer shall first notify the principal or other school authority and shall have the child brought or sent to the officer out of sight of the rest of the student body.

- No juvenile will be removed from school property unless said juvenile has committed an offense in the presence of an officer or there is probable cause to believe a felony has been committed. Misdemeanors involving juveniles must be handled in accordance with the Laws of arrest (SOP Section 1000.40).

### **Handling Juveniles on School Buses**

No passengers will be removed under any circumstances, unless an offense has been committed in the presence of the officer(s) or there is probable cause to believe a felony has been committed.

- Officers will respond to calls for assistance involving school buses and attempt to resolve dispute.
- Officers will obtain information from the bus driver as to the facts of the dispute or incident and determine the parties involved.
- Officers may use verbal commands to restore reasonable order on the bus.
- Officers, if requested, will stand by with the bus and driver, only until a representative of the school system arrives.

### **Photographs and Fingerprints of Juveniles**

Juveniles will only be photographed and fingerprinted under rule of law. The following circumstances are guidelines:

- Under an order of the court for the purposes of comparison or elimination in a particular case.
- After a juvenile court has certified a juvenile offender to the circuit court and the individual has been tried and convicted in the circuit court as an adult.

### **Records Accountability**

The Chief of Police or his designee shall be accountable for the collection, dissemination and retention of juvenile records.

- The department shall keep separate adult and juvenile arrest and identification records. Juvenile records will be kept in a secure location.
- The department shall comply fully with court ordered expungement of records.
- The department shall comply with proper dispositions of records when juveniles reach adult age and upon reaching age 23. The Terminal Access Coordinator (TAC) shall be responsible for the expungement of the records on a quarterly basis or as needed.
- Records of juveniles will be accessed **ONLY** on a “NEED TO KNOW” basis.