



JUVENILE PROCEDURES

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<i>C.A.L.E.A.</i> 1.2.5; Chapter 44; 82.1.2	<i>Reference</i> (see "INDEX AS:")

INDEX AS:

Arrest
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Searches

I. PURPOSE

The purpose of this policy is to provide guidelines for members of the Iowa City Police Department when dealing with juveniles in enforcement, custody, and child welfare situations.

II. POLICY

The Iowa City Police Department is committed to the reduction of juvenile delinquency and committed to the development and continuation of programs designed to prevent and control juvenile delinquency. The Department's juvenile function is the equal responsibility of all members, units and functions within the department. It is the responsibility of all members of the Iowa City Police Department to familiarize themselves with juvenile problems and established procedures for handling both criminal and non-criminal juvenile incidents as defined in this policy. Officers should bear in mind that only a small percentage of juveniles commit the majority of juvenile crimes. While this small percentage may require secure custody, the vast majority of juvenile offenders are likely candidates for non-secure custody and positive diversion and intervention strategies. With this in mind, officers should, when reasonable and justified under this policy, take those measures necessary to effect positive changes in juvenile offenders that are consistent with state law and the safety and security interests of the community.

III. DEFINITIONS

Status Offender: A juvenile who is charged with an offense that would not be a crime if committed by an adult.

Responsible Adult: In the absence of a juvenile's parents or legal guardian, a responsible adult is one who is responsible for the physical custody of a juvenile or who is another adult acquaintance of the juvenile's parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, guardians or next of kin can assume responsibility.

Non-Secure Custody: A condition under which a juvenile's freedom of movement is controlled by members of this agency and, during such time, the juvenile

- A. is held in an unlocked, multi-purpose area that is in no way designed for residential use, such as a report writing room or an office and;
- B. is at no time handcuffed to any stationary object or;
- C. is held only long enough to complete identification, investigation and processing and then released to a parent, guardian or responsible adult or transferred to a juvenile facility or court; or
- D. is under continuous visual supervision until released.

Secure Custody: A condition in which a juvenile is physically detained or confined in a locked room, set of rooms or a cell that is designated, set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody or when the juvenile is physically secured to a stationary object.

IV. PROCEDURES

A. Enforcement Alternatives

Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion as outlined in this policy in deciding on appropriate actions. Alternatives that may be considered include, but are not limited to;

- 1. release without further action;
- 2. informal counseling to inform the youth of the consequences of his/her actions;
- 3. informal referrals to community services;
- 4. referral to parents or responsible adult;
- 5. informal counseling of parents or responsible adult;
- 6. limited non-secure custody and warning at the PD;
- 7. issuance of summons or complaint;
- 8. arrest under non-secure custody; and
- 9. arrest under secure custody.

Upon deciding on an appropriate course of action, officers should abide by any notification requirements, consistent with state law and other departmental directives.

B. Enforcement Criteria

The following general guidelines may be used in determining appropriate enforcement and related actions that may be taken when dealing with juvenile incidents:

1. Release without further action following informal counseling may be appropriate in certain minor incidents.
2. When in the officer's opinion, more than informal counseling needs to occur, the officer may elect to do one or more of the following: Make contact with the juvenile's parent(s), guardian or other responsible adult; make a delinquency referral to an appropriate community service agency with or without follow-up; detain the juvenile at the PD until he/she can be released to a parent or guardian. These actions may be appropriate when:
 - a. the incident is of a more serious nature; or
 - b. the juvenile has received prior warning, referrals, or has engaged in previous delinquent acts; or
 - c. the juvenile's parent, guardian or responsible adult fails to provide appropriate control or supervision.
3. Officers may make a delinquency referral when the circumstances surrounding the incident meet or exceed the seriousness mentioned above. Officers should make a criminal referral against juveniles when they commit:
 - a. acts that if committed by an adult would be serious misdemeanor or higher level charge.
 - b. acts involving weapons;
 - c. gang related offenses;
 - d. acts which are assaultive in nature;
 - e. acts committed while on probation or when they have charges pending against them;
 - f. acts as repeat offenders or when they have refused to participate in diversion or intervention programs; or
 - g. when it has been determined that parental or other adult supervision is ineffective.

When a juvenile is taken into custody and when circumstances warrant, he/she should be transported to the police department or the detention facility as soon as reasonably practical, after being taken in to custody.

4. An officer may also take a juvenile into custody if the juvenile is in imminent danger to life or health, seriously endangered, in need of immediate healthcare, or is a runaway, or in violation of an order of disposition. In all such cases these juveniles shall be held in non-secure custody and officers should contact the juvenile's parent(s) or guardian as soon as reasonably possible. When the parent(s) or guardian cannot be contacted or refuse to accept custody, the officer should contact the Youth Shelter for placement.
5. In cases of alleged child abuse or endangerment, first insure the safety of the child(ren) / juvenile involved. The watch supervisor should be contacted and a determination made as to if an investigator should be called or whether the responding officer should make telephonic contact with the Department of Human Services and finish the initial report and forward the report before the end of his/her watch to the investigations section. Copies of all reports shall also be forwarded to the Department of Human Services. Where probable cause exists to support a criminal charge of child abuse, an arrest is justified and the suspect should be taken into custody. If there is insufficient

information available at the time to make a determination as to the existence of child abuse, the officer shall, in consultation with the Department of Human Services, take steps to ensure the safety of the child(ren)/juvenile.

C. Status Offenses

1. Based on the seriousness of and circumstances surrounding the offense, the background of the juvenile and other relevant factors, an officer may release a juvenile to the parents, guardian or other responsible adult. Prior to releasing a juvenile to someone other than the parent, the officer shall make reasonable steps to contact the parents for approval of the release. When the juvenile is released to someone other than a parent, the officer shall identify and document the person taking custody prior to the release of the juvenile.
2. Juveniles taken into custody for status offenses may be frisked for weapons prior to being transported.
3. Handcuffs or other restraints will only be used when: the juvenile being taken into custody physically resists; threatens physical violence when being taken into custody; is being taken into custody for an alleged delinquent act of violence against a person; or when in the judgment of the officer, the juvenile presents a risk of injury to themselves or others.
4. Officers shall pay particular attention to juveniles under the influence of alcohol or drugs to determine whether emergency medical services are warranted.
5. Juveniles taken into custody for status offenses shall be held in non-secure custody, for the purposes of identification, investigation, and related processing requirements to facilitate their release to a parent or responsible adult or transport to a juvenile shelter facility.
6. Transportation of a juvenile in a "caged" vehicle is not considered secure custody.
7. Status offenders and other juveniles taken into custody should not be placed in an area with adult suspects and shall also be:
 - a. under constant observation;
 - b. afforded reasonable access to toilets and washing facilities;
 - c. provided with access to water or other nourishment as needed; and
 - d. allowed reasonable access to a telephone.

D. Criminal Offenses

1. Juveniles taken into custody for criminal type offenses may be placed in restraints if the juvenile physically resists; threatens physical violence when being taken into custody; is being taken into custody for an alleged delinquent act of violence against a person; or when, in the reasonable judgment of the officer, the juvenile presents a risk of injury to themselves or others. The parent, guardian, or custodian shall be notified as soon as reasonably possible once a juvenile is taken into custody.
2. Unless the juvenile is placed in shelter care or detention, the juvenile shall be released to their parent, guardian, custodian, responsible adult relative, or other adult approved by the court.
3. Fingerprints and photographs of juveniles shall be taken and used in conformance with the Code of Iowa chapter 232.148. Fingerprints will only be

taken from compliant juveniles who allow the officer to print them. Fingerprinting should not be attempted on non-compliant juveniles or those that pose a safety risk. In these instances, the officer should email the juvenile's name and associated incident number to the Juvenile Detective. The Juvenile Detective will attempt to obtain fingerprints from the juvenile at a later time.

4. Juveniles in custody should be questioned in conformance with the Departmental Juvenile Waiver form. Juveniles should be allowed to consult with their parent(s). To the extent practical, parents should be allowed to be present during the interrogation of juveniles. Questioning of juveniles should be limited in duration, preferably one hour or less, and questioning limited to two officers.
5. Prior to terminating an interrogation, the questioning officer shall advise the juvenile and/or his/her parent and/or his/her legal guardian or responsible adult of the procedures to be used in making contact with the juvenile court office, in addition to information relating to applicable court appearances or other means of dealing with criminal charges.
6. Prior to requesting consent to search from a juvenile, officers should attempt to contact the person in actual control of the property to be searched. When requesting consent to search from a juvenile, officers shall consider the age of the juvenile. Officers should not request consent to search from juveniles appearing to be under the age of fourteen. When requesting consent to search from a juvenile, the requesting officer shall clearly explain the voluntary nature of the request and the right of the juvenile to refuse the request.
 - a. When officers are unable to contact the person in actual control of the property to be searched, and the search is based on the consent of a juvenile fourteen years of age or older, the officer shall request a supervisor respond to the scene to determine how to proceed.

This section does not apply when the property to be searched is a motor vehicle and under the control of a juvenile. Refer to General Ordre 00-01 titled Search and Seizure.

E. Direct Filing To Adult Court

Chapter 232.8(1)(c) of the Iowa Code allows for the Direct Filing of juveniles to Adult Court under the following situations:

1. Violation of 124.401 Possession of controlled substance with the Intent to Manufacture or Deliver **and** has a gun or offensive weapon.
2. Violation of 723A.2 Criminal Gang Participation **and** a weapons violation under Chapter 724.
3. Felony violations of Chapter 724 Weapons.
4. Some Forcible Felonies.
5. Other offenses as identified by law.

Prior to filing directly to Adult Court the investigating officer should consult with the on-call County Attorney.

F. Reporting

1. The departmental Juvenile Contact form shall only be used to document diversion referrals, and when a charge is filed, other than the exceptions contained in chapter 232.8 of the Code of Iowa (cite and release exceptions). The Juvenile Contact form shall be filled out as completely as possible.
2. Officers shall document all other contacts with juveniles via Tac10. Other juvenile contacts include but are not limited to:
 - a. Transport of juveniles. Transport requires an ICR# with a disposition of "Incident Report Taken." The narrative should describe the reason for contact and circumstances of the juvenile's release, including name of the parent/guardian/responsible party to whom the juvenile was turned over. Juvenile transport circumstances should be included in narratives of existing reports and do not require a separate entry. Should a transport be the only reason for documentation, a complete Tac10 report must be done, filling in all applicable fields.
 - b. Field Interview (FI) contacts with juveniles (for juveniles this will be used in lieu of FI cards), in these type situations officers should note in the Tac10 narrative that it was a FI contact.
 - c. Juveniles in the company of others at the proximate time an offense was committed;
 - d. Other circumstances as determined by watch supervisors or the Report Review Officer.
3. Officers shall do a Tac10 entry incident report consistent with those categories in which one is required for adult suspects.

G. Juvenile Diversion/Referral

Any juvenile 12 or under shall not be charged or given a diversion referral for theft 5th degree. Instead the juvenile's name, DOB, address, and parent contact information should be sent to the juvenile detective. The officer dealing with the juvenile will need to speak with juvenile's parent and let them know the child was caught for theft and UAY will be following up. The juvenile detective will provide that contact information to UAY. UAY will follow-up with the juvenile and keep documentation of each juvenile they follow-up with.

Officers responding to disorderly conduct incidents involving juveniles shall advise parents or guardians that involved juveniles will be referred for diversion and record such on the juvenile form.

The Juvenile Court Office will assess each diversion referral to determine if the juvenile qualifies for the diversion program. To qualify for the diversion program the juvenile must not have had any prior adjudication and not currently be on probation. Previous referrals on other criminal offenses including disorderly conduct will be taken into consideration to determine if the juvenile meets the criteria for diversion. If the juvenile does not meet the criteria for diversion or does not successfully complete the diversion program, the Juvenile Court Office will follow through with a court referral.

All disorderly conduct and theft 5th degree shall have the "Diversion Referral" box checked on the Juvenile Contact form.

Denise Brotherton, Interim Chief of Police

WARNING

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.