|  |  |
| --- | --- |
| Policy #**Juvenile Operations** | Related Policies: |
| *This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can only form the basis for internal discipline and/or criminal charges.* |
| Applicable State Statutes: KRS 600.020, 610.010, 610.200, 610.220, 635, 640,  |
| KACP Accreditation Standard: 18.1, 18.2, 18.3, 18.4, 18.5, 18.6, 18.7, 18.8, 18.9, 18.10 |
| Date Implemented: | Revision Date: May 1, 2025 |

1. **POLICY**

The police department's interest concerning juveniles is to promote self-responsibility, establish methods of interacting with juveniles for prevention, and control of juvenile delinquency. This includes the identification, apprehension, and conviction of juveniles charged with crimes as provided for in the Kentucky Revised Statutes Chapters 600 to 645.

1. **DEFINITIONS**
	1. Child: Any person who has not reached his/her eighteenth birthday unless otherwise provided.
	2. CHFS: Cabinet for Health and Family Services
	3. Complaint: A verified statement setting forth allegations regarding the child that contains sufficient facts for the formulation of a subsequent petition.
	4. Court Designated Worker (CDW): That organization or individual delegated by the Administrative Office of the Courts for the purposes of placing children in alternative placements prior to arraignment, conducting preliminary investigations, formulating, entering into and supervising diversion agreements, and performing such other functions as authorized by law or court order.
	5. Detention: The safe and temporary custody of a juvenile who is accused of conduct subject to the jurisdiction of the court who requires a restricted or closely supervised environment for his or her own or the community’s protection.
	6. Petition: A verified statement, setting forth allegations in regard to the child, which initiates formal court involvement in the child's case.
	7. Public Offense Action: An action, excluding contempt, brought in the interest of a child who is accused of committing an offense under KRS Chapter 527 or a public offense which, if committed by an adult, would be a crime, whether the same is a felony, misdemeanor, or violations, other than an action alleging that a child sixteen (16) years of age or older has committed a motor vehicle offense.
	8. Status Offense Action: Any action brought in the interest of a child who is accused of committing acts, which if committed by an adult, would not be a crime. Such behavior shall not be considered criminal or delinquent and such children shall be termed status offenders. Status offenses shall include: Beyond control of parent or beyond the control of school, habitual runaway, habitual truant, tobacco offenses as provided in KRS 438.305 to KRS 438.340 and alcohol offenses as provided in KRS 244.085. Status offenses shall not include violations of state or local ordinances that may apply to children such as a violation of curfew or possession of alcoholic beverages. Take into Custody: The procedure by which a peace officer or other authorized person initially assumes custody of a child. A child may be taken into custody for a period of time not to exceed two (2) hours.
2. **PROCEDURE**
	1. Responsibility for maintaining a positive relationship with juveniles and supporting the department's juvenile operations function will be shared by every officer and supervisor of the department. All supervisors will address that Department personnel carry out the juvenile operations functions. The following activities will be included among these functions:

Designing and implementing activities intended to prevent and control delinquent and criminal behavior by juveniles;

* + 1. Follow-up processing of juvenile detentions;
		2. Coordinating or preparing court cases in which a juvenile offender is involved; and
		3. If possible, assisting in diverting youthful offenders out of the juvenile justice system and adjusting cases.
	1. In compliance with KRS Chapters 600 to 645 and in the interest of best protecting juveniles (persons under 18 years of age) taken into custody by the police department, unless the juvenile is in need of medical attention, the officer should consider:
		1. Staying with the juvenile on scene until a parent or guardian can respond for release of juvenile. Transporting to parent or guardian or a convenient location is acceptable if parent or guardian has no means to respond and if logistically possible. Juveniles may be transported to the police department in exigent circumstances, while at the police department the juvenile shall remain in constant sight of an officer.
		2. In cases where the juvenile is in need of medical attention the officer shall immediately call for a squad to respond to the scene.
		3. A juvenile taken into custody shall be released to his parents, relative, guardian or other person **exercising custodial control or supervision of the child**, or if committed to custody, to the appropriate agency, unless good cause can be show as to why the juvenile should be retained in custody.
		4. Contact the District Court Designated Worker (CDW) if for any reason the juvenile must remain in the custody of the Department for more than two hours. In order to hold a juvenile longer than two (2) hours, an extension of time must be granted. Permission for an extension of time may be granted by the court, trial commissioner, or court-designated worker pursuant to KRS 610.200(5)(d) and the child may be retained in custody for up to an additional ten (10) hours at a facility of the type listed in subsection (1) of KRS 610.220, except for an intermittent holding facility for the period of retention.
		5. When a juvenile is taken into custody for a delinquency, status offense, or protective custody, is not being charged and can be released to a parent, guardian or responsible adult:
			1. Contact a parent, guardian or responsible adult.
			2. The officer needs only to contact the CDW if assistance is needed. The CDW must be notified if it is not possible to release the juvenile within two hours.
			3. Complete the department juvenile release form. The person receiving custody of the juvenile must sign the form, whether it is the parent, guardian, CDW, etc.
		6. If the juvenile has been taken or received into custody on a charge of committing a public offense, the officer shall:
			1. Immediately inform the child of his/her constitutional rights and afford him/her the protection required there under (KRS 610.200).
			2. Notify a parent, guardian or other person exercising custodial control or supervision of the child that the child is in custody and of the charge(s), the KRS pertaining to the charge(s) and the reasons for taking the child into custody. (KRS 610.200)
			3. Contact the CDW who may respond to the police department and assist with the processing of the juvenile.
			4. If the juvenile is to be lodged pursuant to court order, they should be transported to the secure juvenile detention facility without delay, unless an emergency medical treatment is required.
			5. Prepare a Kentucky Uniform Citation in the following manner:
				1. In the body of complaint section, put disposition of juvenile, i.e., released to parent, lodged in detention, etc.
				2. The officer shall have the person who is receiving custody of the juvenile sign the departmental release form, and make a copy of photo identification from that person.
				3. Either; release the juvenile to a responsible adult or to the CDW within two hours. Before the juvenile is released to a parent, relative, guardian, or person exercising custodial control or supervision of the child, the officer should consult with the CDW and consider the criteria used by the CDW's to determine if a juvenile is eligible for detention.
				4. The child may be detained if:

The child is a fugitive from another jurisdiction for a public offense with a formal request from the home jurisdiction that the child be detained.

The child has requested protection in writing.

The child is charged with one of the following:

Capital offense;

Class A or Class B felony;

Manslaughter, first or second degree;

Escape, first or second degree;

Reckless Homicide;

Assault, first or second degree;

Class C or Class D felony and:

Is already detained or has another public offense charge pending,

Has been adjudicated delinquent within the last twelve (12) months of conduct resulting in physical injury to others, or

Has been adjudicated delinquent within the last twelve (12) months for a felony property offense.

The child is AWOL from a secure or non-secure facility.

The Cabinet of Human Resources (CHR) has or will initiate an interstate action under KRS Chapter 615.

The child has willfully failed to appear at a court hearing within the last twelve (12) months.

The child is dangerous to himself/herself or others, or child has been determined to be harmed or in danger of being harmed. Child shall be taken into protective custody and the proper authorities notified.

The child does not meet the criteria for detention but the judge or trial commissioner has ordered the child detained for a specific reason.

The option of releasing the child to parents, other responsible persons, relatives, emergency shelter, CHR or other placement alternatives has been exhausted.

Consideration should also be given to the age and circumstances of the child.

The final decision as to whether the child will be detained shall be made by the CDW.

* + - * 1. KRS 610.220 states that a child may be detained, for up to two hours at a police station or other location designated by statute, for the following purposes:

Identification and booking;

Attempting to notify the parents or person exercising custodial control of the child;

Photographing;

Fingerprinting;

Physical examination, including examinations for evidence;

Evidence collection, including scientific tests;

Record checks; and

Other inquiries of a preliminary nature.

* + 1. The following guidelines shall be followed when issuing traffic citations to juveniles:
			1. A child 16 years of age or older taken into custody upon the allegation that the child has committed a motor vehicle offense shall be treated as an adult and shall have the same conditions of release applied to him or her as an adult. The term “motor vehicle offense” shall not be deemed to include the offense of stealing or converting a motor vehicle nor operating the same without the owner’s consent nor any offense which constitutes a felony. Juveniles shall be given a court date and cannot pre-pay tickets.
			2. **NOTE:** ***Any child in custody shall be sight and sound separated from any adult prisoners held in secure custody at the same location*** and shall not be handcuffed to or otherwise securely attached to any stationary object.
		2. The following guidelines shall be followed when interviewing juveniles:
			1. Parent or legal guardian may be present for the interview depending upon the facts and circumstances involved in the investigation and the ability of the child to understand their Miranda Rights. The interview can proceed using the same standards as used for an adult. Officers are encouraged to consult with their local prosecutor in regard to including a parent or legal guardian in the interview process. For interrogations that occur on school property, a school administrator does not stand in the place of a parent or legal guardian.
			2. Juveniles under the age of 12 years old or those that lack the mental maturity or capacity to understand their constitutional rights concerning a criminal investigation must have a parent or guardian present before an interview begins.
			3. The juvenile shall be advised of his constitutional rights and also of the procedures of the juvenile justice system.
			4. The interview shall not exceed two (2) hours, unless an extension of time is granted by the CDW due to extenuating circumstances. No more than two (2) officers shall be involved in the interview.
			5. If the situation does not require immediate action, complaints received regarding juvenile abuse, neglect, abandonment or dependency shall be referred to the appropriate county or district Cabinet for Human Resources.
		3. Social Service Agencies
			1. A listing of social service agencies available in the area providing youth services shall be maintained in the police department.
		4. Maintenance of Juvenile Records
			1. The chief of police or his designee will be accountable for the collection, dissemination, and retention of all juvenile records. The administration division will be accountable for ensuring the entry of juvenile records into the computer.
			2. Access to any juvenile records will be on a need-to-know basis only, as governed by KRS 610.320.
			3. Juvenile records are stored in a separate file cabinet marked “Juvenile Records.”
			4. Juvenile records will only be expunged by court order.
			5. Juvenile records will be review on a quarterly basis; any inactive juvenile records found to have reached the date of emancipation shall be removed from the active juvenile files. All citations and reports will be removed from the active juvenile file and placed in a sealed envelope to be destroyed in five years from the date of emancipation. Sealed envelopes are kept in the locked juvenile file drawer with the destruction date and the sealed date on the outside of the envelope.
			6. Juvenile and adult arrest and identification information will be maintained in separate files.
				1. The separation of juvenile and adult arrest records will be accomplished by having separate file cabinets for filing juvenile and adult records.
				2. Juvenile fingerprints and photographs will be maintained in separate files from adult fingerprints and photographs. Those records obtained for the purpose of identifying a child’s participation in a crime, e.g., fingerprints and photographs, shall be surrendered to the court once the child is eliminated as a suspect in that matter.