

	<b>SECTION:</b>	<b>OPERATIONS</b>	<b>OPR-225</b>
	<b>CHAPTER:</b>	<b>FIELD PROCEDURES</b>	
	<b>DIRECTIVE:</b>	<b>JUVENILE OPERATIONS</b>	

**225.01 SUMMARY**

This directive establishes the procedures for handling contacts with juveniles. Department employees must comply with all changes (to and through the date hereof) to Colorado law regarding the custody, diversion and intake of juveniles in the criminal justice system.

**225.02 DEFINITIONS**

**CUSTODY** – Transportation or custodial detention of a juvenile for purposes of processing a criminal charge or a runaway. Custody includes but is not limited to taking the juvenile from any location to the Police Department.

**JUVENILE** – A person under the age of 18 years also referred to in the Children’s Code as a Child.

**SECURE CUSTODY** - When a juvenile is physically detained or confined in the Prisoner Processing Area or a locked room. The juvenile is not free to leave the building. Document the holding in the Prisoner Processing Area log.

**NONSECURE CUSTODY** - When a juvenile is placed in an unlocked area such as a lobby, office, or interview room without a lock on the door which is not designed, set aside for or used as a secure area; and they are not physically secured to a stationary object (they may be handcuffed to themselves); and the use of the area is limited to providing non-secure custody only long enough and for the purpose of identification, processing, release and transfer of the juvenile; and the area is not designed or intended to be used for residential purposes. A Department employee or representative of a social service or juvenile justice agency shall be present with the juvenile while the juvenile is in the building. When a juvenile is in non-secure custody, state laws and federal regulations specific to juvenile detention do not apply; therefore, no log needs to be prepared related to their custody.

**STATUS OFFENDER** - The juvenile has committed an offense that would not be criminal if committed by an adult: e.g., running away, underage possession of tobacco, curfew violation, truancy. Warrants, FTA, or FTC where the original offense was a status offense remain status offenses. These warrants will have a “JV” docket number.

**DEFINITIONS (cont'd)**

**DELINQUENT OFFENDER** - The juvenile has committed an offense that would be criminal if committed by an adult. Warrants, FTA, or FTC where the original offense was a delinquent offense remain delinquent offenses. These warrants will have a "JD" docket number.

**NONOFFENDER** – A juvenile who has not committed any offense, e.g. a dependent/neglected child or a juvenile picked up on a mental health hold with no delinquent charges.

**ACCUSED** - The juvenile is "accused" of committing an offense (either status or delinquent).

**ADJUDICATED** - The juvenile is found by the court to have committed the offense (either status or delinquent).

**TEMPORARY CUSTODY** – Taking a Child into temporary custody pursuant to **C.R.S. 19-3-401** if the Child is abandoned, lost, seriously endangered, is a runaway or if there is no other way to protect the Child.

**225.03 APPLICABLE LAW**

The State Children's Code (**C.R.S. 19-1-101, et seq.**) has specific requirements involving contacts between law enforcement agencies and a juvenile offender or an abused or neglected child.

**AGENCIES** – The Children's Code sets forth responsibilities and relationships between agencies dealing with these juveniles. To meet its responsibilities, the Department maintains a continuing program of coordination and cooperation with:

- District (Juvenile) Court.
- District Attorney's Office.
- Mesa County Probation Department.
- Mesa County Sheriff's Department.
- State Division of Youth Services.
- Mesa County Department of Human Services.
- Mesa County Child Protection Team.
- Mesa County Screening Team (Screeners).

**APPLICABLE LAW (cont'd)**

**ANNUAL REVIEW/UPDATE** – To make Officers aware of the alternatives and resources available to them in dealing with juveniles, the Department maintains a list of local social service agencies that provide juvenile services. Each Officer should have a copy of the list.

- The Operations Deputy Chief or designee is responsible for reviewing the status of agency relationships, the adequacy of Department programs and ensuring that the agency list is updated and made available to each Officer.

**STATUTORY REQUIREMENTS** – The Children’s Code sets out the statutory requirements for when an Officer can take a juvenile into Custody, who and when the Officer must notify when a juvenile is taken into Custody or Temporary Custody, evidentiary rules that apply to statements obtained from juveniles, when a summons can be used, diversion programs and the use of detention and shelter facilities.

- It is essential for each Officer to refer to the Code when dealing with juveniles.

**DETENTION OF STATUS OFFENDERS AND**

**NONOFFENDERS** – Status offenders and non-offenders may not be placed into secure custody for any period of time. They may only be placed in non-secure custody until they are removed from the facility.

**225.04 OFFICER RESPONSIBILITY**

Because each Officer may make a significant number of juvenile contacts, both criminal and non-criminal, it is imperative that each Officer, including Detectives, know the Department’s procedures. Each Officer must be familiar with this Directive, be able to quickly find the applicable sections of the Children’s Code, and be familiar with the local juvenile programs and requirements, such as the centralized Diversion Program and the requirement that the Screener(s) must be contacted when a juvenile is taken into custody or based on the law and this directive detention may be required.

**225.05 JUVENILE OFFENDERS**

When dealing with a juvenile, an Officer shall use the least coercive means among reasonable alternatives, consistent with preserving order, public safety and individual liberty.

**ALTERNATIVES:**

1. Release on summons for violations of:
  - Non-felony state or municipal traffic laws.
  - Division of Wildlife (DOW), City or State parks and recreation laws or regulations.

**JUVENILE OFFENDERS  
(cont'd)**

- Offenses specified in **C.R.S. 18-13-121** concerning tobacco products.
  - Possession or consumption of ethyl alcohol by an underage person. (**C.R.S. 18-13-122**)
  - Municipal ordinances (if the possible penalties do not include a jail sentence – including tobacco offenses.)
  - Offenses relating to marijuana and drug paraphernalia. **C.R.S. 18-18-406 (1) and (3); 18-18-428 and 18-18-429.**
2. Release without a summons. Normally an Officer should include a verbal warning. The Officer should consider meeting with at least one parent or a guardian.
  3. Temporary custody pursuant to **C.R.S. 19-2-502**, with release to the care of parent or other responsible adult, in accordance with **C.R.S. 19-2-507**, unless the juvenile's immediate welfare or community safety dictates otherwise.
  4. Temporary custody pursuant to C.R.S. 19-2-502 if detention in accordance with C.R.S. 19-2-507 is expected. The local detention facility is the Grand Mesa Youth Services Center (also termed DYC). As of October 1, 2003 the Officer shall contact DYC via the Screener(s) to determine if there are any juvenile beds available (C.R.S. 19-2-507 and C.R.S. 19-2-212).
  5. An accused or adjudicated delinquent offender may be brought to the GJPD Prisoner Processing Area for processing (i.e. fingerprinting and photographing) prior to a detention placement or release. Temporary detention in the Prisoner Processing area is subject to the requirements of the Prisoner Processing Area directive (SER 305) and must meet the following criteria:
    - Accused or adjudicated delinquents may be temporarily detained provided they are sight and sound separated from any detained adults.
    - They shall be place in Cell #3. If Cell #3 is not available, officers should consider using another room outside the Processing Area. If necessary, they may be placed in one of the other cells with Supervisor approval.

**JUVENILE OFFENDERS  
(cont'd)**

- A delinquent can only be placed here for processing purposes, and not for punishment or the purpose of shaping behavior.
  - The delinquent may be held securely for up to 2 hours per GJPD Directives (may be held for up to 6 hours per State statute with Supervisor approval) but only for processing, investigation, or arranging transportation or release. The 2 hour clock starts when the juvenile is placed in secure custody and cannot be stopped until the juvenile is permanently moved from the Processing Area.
6. **Required Information on Log:** Information on a delinquent taken to the Prisoner Processing Area must be entered into the Prisoner Processing Area log. This log entry must include:
- The juvenile’s age, race, sex, and ethnicity.
  - List the most serious charge the juvenile is being held on. For warrant arrests, the officer must record the most serious charge from the original offense, and/or the court docket number (these warrants should have a “JD” docket number.)
  - The time the subject is placed into the Processing Area.
  - The time the subject is removed from the Processing Area.
  - The well- being of the subject must be constantly monitored. There shall be a direct visual observation, without the aid of surveillance camera, conducted by the arresting or processing officer at least every 15 minutes. The times of these checks shall be entered onto the log.
  - Information describing the circumstance on their release from our custody, including who they were released to.

**FACTORS TO CONSIDER WHEN SELECTING AN ALTERNATIVE** – In determining which alternative to use, consider:

- Nature of the offense.

JUVENILE OFFENDERS  
(cont'd)

- Age and circumstances of offender.
- Offender's record.
- Recommendation of complainant or victim.
- Whether there is a detention bed available, as determined by the Screener(s).

225.06 TAKING A  
JUVENILE INTO  
CUSTODY

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**DOCUMENTATION** – Unless a juvenile is issued a summons or arrested on a warrant, An Officer must complete the “Arrest” tab in the offense report whenever a juvenile is taken into custody. Additionally, information on the juvenile’s parents/guardian must be entered in the “Subjects” tab to associate them with the juvenile.

**SCREENER NOTIFIED** - If a juvenile has been taken into custody and there is probable cause to believe the juvenile has committed one of the following crimes, the Screener(s) shall be notified:

- A felony enumerated as a crime of violence in **C.R.S. 18-1.3-406(2)**.
- Any felony offense against a person, as described in **C.R.S. Title 18, Article 3**, with the use of, or possession and threatened use of, a firearm.
- A crime (or delinquent act) the underlying factual basis of which includes an act of domestic violence as defined in **C.R.S. 18-6-800.3(1)**.
- Possession of a dangerous or illegal **weapon (C.R.S. 18-12-102)**, possession of a defaced **firearm (C.R.S. 18-12-103)**; unlawfully carrying a concealed weapon (**C.R.S. 18-12-105**), unlawfully carrying a concealed weapon on school, college, or university grounds (**C.R.S. 18-12-105.5**), prohibited use of weapons (**C.R.S. 18-12-106**), illegal discharge of a firearm (**C.R.S. 18-12-107.5**) or illegal possession of a handgun (**C.R.S. 18-12-108.5**)
- Escape from custody or confinement in a secure Division of Youth Corrections facility or contracted staff-secure facility (**C.R.S. 18-8-208(10) and 18-8-210.1**)

**TAKING A JUVENILE INTO CUSTODY (cont'd)**

- If the Officer or a court determines that a juvenile taken into custody for a delinquent offense other than those listed above is an immediate danger to himself or herself or the community, a detention screening must be administered to determine the most appropriate level of placement. **C.R.S. 19-2-507(2) and 19-1-103(94.5)** (Also see Rule 3.7 of the Colorado Rules of Juvenile Procedure)
- The Screener shall also be contacted if a juvenile is taken into custody based on a court delinquency warrant (the case number will include the JD case number.)

**IF NONE OF THE ABOVE APPLY –** The juvenile shall be released to the custody of at least one parent or guardian. If a responsible parent or guardian is not available or cannot be contacted, the officer must contact the Screener to determine what, if any, placement will be made.

**ARRESTS BASED UPON LOCAL WARRANTS OTHER THAN JD WARRANTS:**

- If the Officer takes the juvenile into custody based on a warrant issued by a Mesa County court or a local municipal court then the Officer must prepare a “Promise to Appear” forms.
- The juvenile may be released to a responsible parent or guardian upon completion of these forms and any other Department required paperwork. A “Promise to Appear” form must be signed by the Officer, the juvenile and at least one parent or guardian.
- The Officer must immediately forward the “Promise to Appear” form to the appropriate court clerk to notify the court that the juvenile has been taken into custody per the procedures/directions on the form.
- The Telecommunicator who cancels the warrant shall forward the warrant cancellation to the GJPD Records Section for inclusion into the case file if applicable.

**OUT OF AREA ARREST WARRANTS**

- If a juvenile is arrested on an arrest warrant issued by a court other than those addressed above then the Screener(s) shall be contacted.

**TAKING A JUVENILE INTO CUSTODY (cont'd)**

- The Screener(s) is/are formally termed “the Department of Human Services/Department of Youth Corrections Western Region Alternative to Placement (“WRAP”) Screening Team.

**IN CUSTODY PROCEDURES FOR JUVENILES:**

**NOTIFICATION** – An Officer must notify a parent, guardian, or legal custodian without unnecessary delay. **(C.R.S. 19-3-402 (1))**

**IMMEDIATE TRANSPORTATION** – If the juvenile is not released to the care of a parent or other responsible adult then the Officer shall take the juvenile directly to court, the GJPD Prisoner Processing Area, or to the place of detention or shelter without unnecessary delay. **(C.R.S. 19-3-402 (3))**

**CUSTODIAL INTERROGATION** – An Officer must be familiar with **C.R.S. 19-2-511** before interrogating a juvenile. A juvenile interrogation shall be no longer than reasonably necessary and may not involve more than two Officers at any one time. At the beginning of the interrogation, the Officer must also explain to the juvenile the relevant Department and juvenile justice system procedures, including an advisement of rights.

**FINGERPRINTS AND PHOTOGRAPHS** – An Officer shall obtain three (3) sets of fingerprints and one set of palm-prints and photographs of the juvenile of sufficient quality to be able to readily identify the juvenile. The Officer must see that the print cards are attached to the case report for later distribution by the Records Section.

**PROCESSING OF DELINQUENTS** - Juveniles who are delinquent offenders may be processed in the Prisoner Processing area.

**PROCESSING OF STATUS OFFENDERS** - Juveniles who are status offenders should not be processed in the Prisoner Processing Area, but should be fingerprinted and photographed in the Registered Sex Offender Processing Area. If the RSO Processing Area is not available, the status offender may be brought to the Prisoner Processing Area. Regardless of which processing area is used, the officer shall ensure that:

- There is an officer present with the juvenile at all times during processing.
- There are no adult detainees/RSO's in the Processing Area.



**TAKING A JUVENILE INTO CUSTODY (cont'd)**

- Once the processing is completed, the juvenile is immediately removed and does not languish in the Processing Area for any period of time.
- If the status offender juvenile is brought in to the Prisoner Processing Area, the appropriate information must be recorded on the Prisoner Processing Area log.

**RUNAWAYS/SHELTER** – Even if taken into temporary custody, runaways or juveniles that are in custody for safety or shelter purposes **MUST NOT BE CHARGED, FINGERPRINTED OR PHOTOGRAPHED**. Only a Supervisor may authorize deviation from these rules. An Officer may obtain prints and photographs at the Police Department or any other appropriate location.

**NO OTHER IDENTIFICATION TECHNIQUES** – Custody alone does not justify taking other physical forms of identification, such as hair and/or blood samples.

**RUNAWAYS AND JUVENILES WHO NEED PROTECTION**  
**C.R.S. 19-3-401** allows an Officer to take a juvenile into temporary custody if the juvenile is a runaway or needs immediate protection. In such a case, the Officer shall immediately contact the Mesa County Department of Human Services (DHS) to transfer the temporary custody to DHS.

**225.07 REPORTING CHILD ABUSE OR NEGLECT**

**C.R.S. 19-3-304** requires certain persons, including Police Officers, to report child abuse, neglect or circumstances or conditions that would lead to child abuse or neglect.

Evidence of abuse neglect or similar circumstances may require an Officer to take all affected juveniles into temporary custody.

**225.08 RECORDS MANAGEMENT**

The Records Section shall maintain juvenile records in accordance with **C.R.S. 19-2-901 et seq.** which requires, among other things:

- Separation of juvenile records from adult records.
- Deletion of records when ordered by a court.
- Limited access to juvenile records.

