

GENERAL ORDER 44.2.1

Juvenile Operations

GENERAL ORDER CROSS-REFERENCE: None.

SUMMARY

Establishes a policy to deal with juvenile offenders.

DISCUSSION

In general, juvenile offenders, persons less than 18 years of age, in the State of Oregon are handled in a manner similar to the handling of adult offenders. Specific requirements are covered in ORS Chapter 419. A copy of all reports made on juvenile offenders is forwarded to the juvenile authorities.

POLICY

I

JUVENILE OFFENDER CONTACT

It is the policy of the Springfield Police Department to handle juvenile offenders in a manner consistent with the Juvenile Procedures Section of the Oregon Revised Statutes, Chapter 419. This section details the policy and procedures of the Oregon Circuit Courts and the Lane County Department of Youth Services in the disposition of juvenile offenders.

In the event that the investigating officer determines that a juvenile offender might be a candidate for diversionary treatment, he may contact the Lane County Department of Youth Services counselor assigned the case and recommend that a diversion agreement be considered. In making such a recommendation, the investigating officer shall take into consideration the nature of the alleged offense, the age and circumstances of the offender, the family support available, and any past record of the juvenile. The officer may also consider the availability of any community-based rehabilitation program. These recommendations are non-binding on the juvenile court and may be rejected or modified by the juvenile authority who has responsibility for the case disposition.

II

ALTERNATIVE RELEASE

The Springfield Police Department, in accordance with the procedures and policy of the Circuit Court, may utilize dispositions other than temporary custody and petition. These dispositions range from the issuance of a verbal warning to informal resolution. Considerations used for this determination are the same as those listed in Section I above.

An officer who investigates a criminal case and establishes sufficiency for filing a petition may elect not to take the juvenile into custody. In these cases, the officer's supervisor must approve the disposition and a report must be filed and sent to the Lane County Department of Youth Services for their information. Case dispositions shall reflect an exceptional clearance and an explanation of the disposition. In any event, referral of juvenile cases shall comply with Chapter 419 of the Oregon Revised Statutes.

III

CITATIONS IN LIEU OF CUSTODY

In lieu of taking a juvenile into custody for a crime, an officer may issue a citation to a juvenile for a criminal offense if, under the same circumstances, a citation may be issued to an adult for the same crime. The Court copy and the City/District Attorney copy of the citation shall be routed to the Lane County Department of Youth Services along with an appropriate report. The juvenile authority schedules juvenile offenders for appearances with the assigned counselor or the attending Lane County Circuit Court Judge. The officer must write on the citation the address of the juvenile court and the statement that the juvenile will be notified of the appearance date, if any.

IV

CUSTODIAL SITUATIONS

Officers of the Springfield Police Department may take into custody any juvenile under the following circumstances.

1. Any conduct where if the juvenile were an adult, the juvenile could be arrested without a warrant.
2. Where the juvenile's condition or surroundings reasonably appear to jeopardize the juvenile's welfare.
3. Where the investigating officer determines that reasonable cause exists to believe that some form of child abuse has occurred and the juvenile appears to be at continued risk. The custody and temporary placement in protective shelter shall be made pursuant to the Oregon Revised Statutes, Chapter 419.
4. Where the Juvenile Court, by order endorsed on the summons, has ordered that the juvenile be taken into custody.
5. Where a private person has taken a juvenile into temporary custody in circumstances where, if the juvenile were an adult, the private person could arrest the juvenile.
6. Where the juvenile is found to be in violation of City or State curfew.

The procedure for temporary custody or release of the juvenile to a parent or guardian shall be followed according to the procedures set out in the ORS 419.573:

"(1) As soon as practicable after the child is taken into custody, the person taking the child into custody shall notify the child's parent, guardian or other person responsible for the child. (2) The person taking the child into custody shall release the child to the custody of the child's parent or other responsible person in this state, except in the following cases: (a) Where the court has issued a warrant of arrest against the child. (b) Where the person taking the child into custody has probable cause to believe that the welfare of the child or others may be immediately endangered by the release of the child. (3) If a child taken into temporary custody is not released as provided in subsection (2) of this section and the juvenile court for the county has not established the alternative procedure authorized in subsection (4) of this section, the person taking the child into custody shall, without unnecessary delay, do one of the following: ... (b) Take the child to a place of detention or shelter care or a public or private agency designated by the court and shall as soon as possible thereafter notify the court that the child has been taken into custody."

V

If the juvenile is a danger to himself or others due to his mental state or illness, the investigating officer may take the juvenile into temporary custody and transport him to the emergency room of Sacred Heart Hospital for evaluation and possible commitment.

VI

CUSTODIAL PROCEDURES

The following procedures shall be adhered to when taking juveniles into custody.

1. The arresting officer shall advise the juvenile of the reason for the custody as soon as possible.
2. If the juvenile has been taken into custody, before any questioning is conducted, the officer shall administer the Miranda warning.
3. ORS 419A.250 enables law enforcement to photograph and fingerprint youths who have been taken into custody and requires law enforcement to photograph and fingerprint juveniles when they are taken into custody for the commission of an act that would constitute a crime if committed by an adult. Youth, for purposes of this section, means a person under 18 years of age.
4. The fingerprint card shall be submitted to the Oregon State Police Identification Bureau.

5. Upon completion of any interviews, the juvenile shall be transported to the Lane County Juvenile Detention Center (Serbu), if applicable.
6. As soon as practical after taking the juvenile into custody, the arresting officer shall notify the parents or guardian and inform them as to the arrest and the disposition of the juvenile.
7. Transport procedures to be used for juveniles are the same as for adults.

VII

JUVENILE INTERROGATIONS

When a juvenile has been taken into custody for a criminal offense:

1. The juvenile may confer with parents or guardian at the juvenile's request or if the officer believes that it would be in the best interest of the investigation.
2. No more than 2 officers shall be directly involved in the interrogation at any one time. The mere presence of 3 or more officers in a field situation is not prohibited, but when practical, the number of officers shall not exceed the number necessary to control the situation at hand.
3. Interrogations should not last longer than is necessary to gain adequate information on the matter being investigated and to identify the juvenile. In no case shall an interrogation last longer than 4 hours without supervisory approval. In such cases, the supervisor shall assess the situation with the following factors considered before permitting continuance.
 - A. Age of the juvenile
 - B. Maturity of the juvenile
 - C. Location of the interview
 - D. Gravity of the offense
4. Juveniles shall be allowed breaks for personal necessities such as access to the toilet.
5. At the conclusion of the interview, the investigator shall advise the juvenile of Department and juvenile justice system procedures.

VIII

FINGERPRINTING AND PHOTOGRAPHING JUVENILES

Law enforcement may photograph or fingerprint a juvenile:

1. Pursuant to a search warrant;

2. Transferred (remanded) to criminal court for prosecution;
3. Consent from the child and the child's parents after advised that they are not required to consent. Consent from parents only if the child is less than 10 years of age;
4. Order of the Juvenile Court;

Officers shall photograph and fingerprint a youth:

1. In compliance with ORS 419A.250 when the youth has been taken into custody where if the child were an adult, the child could be arrested without a warrant and may be lodged in the Lane County Juvenile Detention Center.
2. Officers may exercise discretion in obtaining fingerprints and photographs of juveniles taken into custody for criminal acts and released on a citation to appear or to a responsible adult.

Other, non testimonial evidence (i.e.: hair, blood, urine, nails, breath, stomach contents, handwriting exemplars) may be taken as necessary to the investigation:

1. At the consent of the juvenile; or
2. By court order; or
3. When exigent circumstances exist to obtain evidence prior to its destruction.

IX

RUNAWAYS

In - State Runaways:

In compliance with ORS 419B.150, a child may be taken into protective custody by a peace officer, counselor, employee of the State Office for Services to Children and Families or any other person authorized by the juvenile court of the county in which the child is found where it reasonably appears that the child has run away from home.

When a child is taken into protective custody as a runaway, the peace officer shall release the child without unnecessary delay to the custody of the child's parent or guardian or to a shelter facility that has agreed to provide care and services to children who have run away from home and that has been designated by the juvenile court to provide such care and services.

The officer should if possible, determine the preferences of the child and the child's parent or guardian as to whether the best interests of the child are better served by placement in a shelter facility that has agreed to provide care and services to children who have run away from

home and that has been designated by the juvenile court to provide such care and services or by release to the child's parent or guardian.

The officer shall release the child to a shelter facility that has agreed to provide care and services to children who have run away from home and that has been designated by the juvenile court to provide such care and services if it reasonably appears that the child would not willingly remain at home if released to the child's parent or guardian.

Out of State Runaways:

When a runaway from another state is contacted the officer shall take the juvenile into custody and transport the juvenile to the Lane County Juvenile Detention Center (Serbu.) The juvenile authority shall be provided with a report detailing all of the information that the officer has concerning the juvenile's identity and parental information.

It is the responsibility of the juvenile authority to make arrangements to return the juvenile to parents or legal guardian.

The agency entering the runaway report shall be notified by teletype of the child's status.

Richard L. Lewis
Chief of Police