
	SPRINGFIELD POLICE DEPARTMENT POLICY MANUAL	POLICY # 44.2.1
EFFECTIVE DATE 2-15-23	 Andrew Shearer, Chief of Police	ACCREDITATION REFERENCE 1.2.4

Juvenile Operations

44.2.1.1 PURPOSE AND SCOPE

Establishes a policy to deal with juvenile offenders. 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.

44.2.1.2 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.

44.2.1.3 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.

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44.2.1.4 CITATIONS IN LIEU OF CUSTODY

Per Oregon Revised Statute (ORS) 419C.085, 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.

44.2.1.5 CUSTODIAL SITUATIONS

- a) 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.
- b) 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

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agency designated by the court and shall as soon as possible thereafter notify the court that the child has been taken into custody."

- c) If the juvenile is a danger to him/herself 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.

44.2.1.6 CUSTODIAL PROCEDURES

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

- a) The arresting officer shall advise the juvenile of the reason for the custody as soon as possible.
- b) If the juvenile has been taken into custody, before any questioning is conducted, the officer shall administer the Miranda warning.
- c) 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.
- d) The fingerprint card shall be submitted to the Oregon State Police Identification Bureau.
- e) Upon completion of any interviews, the juvenile shall be transported to the Lane County Juvenile Detention Center (Serbu), if applicable.
- f) 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.
- g) Transport procedures to be used for juveniles are the same as for adults.

44.2.1.7 CUSTODIAL INTERVIEWS OF JUVENILE SUSPECTS OR OFFENDERS

- a) Pursuant to ORS 133.402(8)(a) a "custodial interview means an interview in which the person questioned is in custody and is required to be advised of the person's constitutional rights." However, any time a juvenile is in custody, or may otherwise feel he or she is not free to leave the interview or is compelled to speak, the officer will advise the juvenile of his or her constitutional rights.
 1. The officer should take steps to make sure the information provided by the juvenile is voluntary considering the "totality of the circumstances."
 2. The officer should take into consideration the juvenile's age, intelligence, experience, education, background, any recent drug and alcohol use, sleep deprivation, and whether the juvenile has the competency to understand the Miranda warnings and/or the consequences of waiving these constitutional rights.
 3. The officer should not make any promises or threats to the juvenile during the interview.

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4. During custodial interviews at a police facility, the officer should consider, if feasible, concealing their duty weapon and wearing plain clothes.
 5. The interaction between the officer and juvenile should not be antagonistic or oppressive.
 6. The officer should see that the juvenile is allowed to discuss the matter with a reasonable degree of comfort. Reasonable requests for food, drink and use of a restroom should be honored.
 7. Juvenile interviews should be reasonable in duration with appropriate breaks.
 8. The officer should not intentionally use information known by the officer to be false to elicit a statement from the juvenile. Pursuant to SB418 (2021), a statement made by a juvenile in connection with a misdemeanor or felony will be “presumed to be involuntary ... if the court determines that the peace officer intentionally used information known by the officer to be false to elicit the statement.”
- b) If at any time during an interview the juvenile asks to speak with his/her parent or guardian before answering questions, the officer should discontinue questioning until the juvenile has been given this opportunity. Unless the juvenile specifically invokes the right to remain silent, the officer may continue questioning after a parental consultation, but should give advice of rights again before resuming the questioning. The officer should take care that the parent is not asked to be an agent of the police during the parental consultation.
 - c) If at any time a juvenile is in police custody or is being interviewed by police, and the juvenile’s parent or guardian contacts the police to invoke the juvenile’s right to remain silent; the youth shall be informed of his/her/their parent’s request that he/she/they remain silent, then re-read his/her/their Miranda rights and asked if he/she/they wish to continue with the interview, without first making contact and seeking advice from the District Attorney’s Office.
 - d) Pursuant to ORS 133.402, custodial interviews conducted “in a law enforcement facility” of persons “under 18 years of age in connection with an investigation into a misdemeanor or a felony” or into “an act that, if committed by an adult, would be a misdemeanor or a felony” shall be recorded. If the interview is conducted anywhere else, the officer shall utilize a Body Worn Camera.
 - e) In order to minimize disruption at school and cooperate with school officials, officers who interview or arrest a student at school should comply with procedures established by the school district involved, so long as those procedures do not conflict with law enforcement’s statutory authority. Officers shall ensure parental notification is made within a reasonable amount of time when a child is interviewed as a suspect in a criminal investigation. This notification can be made before or after the interview depending on the circumstances surrounding the investigation.
 - f) Pursuant to SB386 (2021), unless the child’s safety *would be compromised*, officers who interview a child as a witness (not a victim or suspect) to a child welfare, criminal, or delinquency investigation are required to notify the child’s parents of the interview. “Child witness’ means an unmarried person who is under 18 years of age and who is not the victim of, the suspect in, or related to the suspect in a child welfare, criminal, or delinquency investigation.”

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44.2.1.8 FINGERPRINTING AND PHOTOGRAPHING JUVENILES

- a) 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;
- b) 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.
- c) 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.

44.2.1.9 RUNAWAYS

- a) In-State Runaways:
 - 1. 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.
 - 2. 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.

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3. 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.
4. 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.

b) Out of State Runaways:

1. 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.
2. It is the responsibility of the juvenile authority to make arrangements to return the juvenile to parents or legal guardian.
3. The agency entering the runaway report shall be notified by teletype of the child's status.