

## JUVENILE PROCEDURES

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### JUVENILE ARREST AND PROTECTIVE CUSTODY

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**Purpose:** This directive aims to establish the procedures by which members of the North Little Rock Police Department process arrests involving youthful offenders and for the taking of juveniles into protective custody.

**Policy Statement:** This department is committed to developing and implementing programs concerned with controlling and preventing juvenile delinquency. An effective plan to address juvenile delinquency enhances the department and its public image. The department is committed to ensuring the fair and equitable treatment of youthful offenders. [CALEA 44.1.1]

#### Summary of Changes:

#### 1. General

- 1.1 Juveniles may be taken into custody for the following reasons:
  - 1.1.1 Court orders or warrants;
  - 1.1.2 Delinquent acts or violations of law;
  - 1.1.3 Reasonable grounds to believe the youth is a runaway; [CALEA 44.2.2.a]
  - 1.1.4 Reasonable ground to believe the youth has been abandoned, abused or neglected; [CALEA 44.2.2b]
  - 1.1.5 The juvenile is in immediate danger from his/her surroundings. [CALEA 44.2.2b]
- 1.2 When a juvenile is taken into custody, the rules of arrest that apply to adults are applicable.
- 1.3 Members shall protect the Constitutional rights of all juveniles taken into custody. [CALEA 44.2.2.c]
- 1.4 The juvenile shall be transported to the appropriate facility immediately (unless the juvenile requires emergency medical treatment) and processed promptly. [CALEA 44.2.2.d]
- 1.5 A member of the department shall notify parents or guardians of juveniles as soon as practical. [CALEA 44.2.2.e]
- 1.6 Non-custodial interviews of juveniles conducted by officers should always consider the age, mental state, or influences expressed by the juvenile. [CALEA 44.2.3b]
  - 1.6.1 Non-custodial interviews of juveniles should be limited to gathering information by officers from a juvenile that is not yet officially considered a suspect for the offense being investigated.

#### 2. Juveniles Charged as Juveniles

- 2.1 When a juvenile is arrested for any offense and charged through the Pulaski County Juvenile Court, the arresting officer shall notify the Pulaski County Juvenile Intake Officer about the arrest. The arresting officer shall provide such information as may be requested regarding the arrest. [CALEA 44.2.2]
  - 2.1.1 Pulaski County Juvenile Intake officers may be reached 24-hours a day, seven days a week at 501-940-9701.
- 2.2 Should the juvenile intake officer determine that detention is inappropriate, the juvenile shall be released to a parent or guardian, as prescribed by law. [CALEA 44.2.2e]
  - 2.2.1 A juvenile citation must be completed and signed by the juvenile and parent or guardian. [CALEA 44.2.1b]
    - 2.2.1.1 The juvenile intake officer shall provide the date and time the juvenile is to appear before the court.
    - 2.2.2 Upon completion of the juvenile citation, the juvenile shall be released to a parent or guardian.
- 2.3 If the juvenile intake officer determines that detention is appropriate, the arresting officer will, without delay, transport the juvenile to the juvenile detention facility. [CALEA 44.2.1d]
  - 2.3.1 Officers will complete a Juvenile Affidavit of Arrest, and a department notary will notarize the form.
  - 2.3.2 The arresting officer will provide a copy of the incident report and the original notarized Juvenile Affidavit of Arrest form to the juvenile intake officer.
- 2.4 Officers may use alternatives to juvenile arrest, including diversion programs, or outright release with no further action provided the offense does not involve any of the following: [CALEA 44.2.1a,c]
  - 2.4.1 Felonious acts,
  - 2.4.2 Acts of violence,
  - 2.4.3 Drug-related offenses, or
  - 2.4.4 Use of a weapon.

### **3. Juveniles Charged as Adults**

- 3.1 When a juvenile is arrested for the commission of any offense for which they are to be charged as an adult, the investigation will be conducted and the prisoner will be processed just as if the offender were an adult.
- 3.2 The authority to charge as an adult rests with the Pulaski County Prosecuting Attorney's Office.
- 3.2.1 The arresting officer shall note in the incident report and arrest disposition report (ADR) the prosecutor's name determining to charge as an adult.

### **4. Custodial Interviews of Juveniles [CALEA 44.2.3a]**

- 4.1 When a juvenile is to be charged for any offense as a juvenile, the juvenile's parent or guardian must be notified and be present before the juvenile is interviewed.
- 4.1.1 If a juvenile requests to have a parent present, the parent must be present during the interview.
- 4.1.2 The interviewing officer will attempt to explain the workings of the juvenile justice system to the juvenile and the parents or guardians.
- 4.1.3 The interviewing officer will use the juvenile Miranda Rights form.
- 4.1.4 The interview should be of the shortest duration possible that still allows for the gathering of all needed information.
- 4.1.5 No more than two (2) officers should be present for the interview.
- 4.2 Refer to Policy Directive 30-9, *Compliance with Constitutional Requirements and Ark. Code Annotated § 9-27-317* for additional information concerning custodial interrogation and when the right to counsel cannot be waived.

### **5. Emergency Custody of Juveniles [CALEA 44.2.2b]**

- 5.1 A law enforcement officer may take a juvenile into protective custody, without the consent of the parent or guardian whether or not medical treatment is required if the circumstances or conditions of the juvenile are such that continuing in his/her place of residence or the care and custody of the parent/guardian, custodian or another person, responsible for the juvenile's care, presents an imminent and severe danger to the juvenile's life, health or welfare. (A.C.A. § 12-12-516)
- 5.2 A juvenile may be taken into custody without a warrant by a law enforcement officer before service upon him/her of a petition, notice of hearing, or order to appear is set if the following apply: (A.C.A. § 9-27-313)
  - 5.2.1 Clear and reasonable grounds to conclude the juvenile is in immediate danger and removal is necessary to prevent harm from his/her surroundings or illness or injury; and
  - 5.2.2 If the parents/guardians or others with authority to act are unavailable or have not taken action necessary to protect the juvenile from the dangers; and
  - 5.2.3 There is no time to petition or obtain from the court before taking the juvenile into custody.
- 5.3 When an officer encounters a juvenile who appears to meet the criteria for emergency protective custody, and no other means exist for the protection of the juvenile, he/she shall:
  - 5.3.1 Contact a patrol supervisor for authorization to place the juvenile into emergency protective custody.
  - 5.3.2 Immediately notify the Arkansas Department of Children and Family Services (DCFS) of said custody and the circumstances and conditions which required it.
    - 5.3.2.1 The 24-hour emergency contact number is 501-803-5333.
  - 5.3.3 Provide the DCFS investigator with any information required.
  - 5.3.4 Transport the juvenile to the facility or location designated by the DCFS;
  - 5.3.5 Make every effort to notify the custodial parent/guardian or custodian of the juvenile's location;
  - 5.3.6 Generate a detailed incident report containing all facts and circumstances surrounding the emergency custody of the juvenile.
- 5.4 An officer taking a juvenile into protective custody may give effective consent for medical, dental, health, and hospital services during protective custody. (A.C.A. § 12-12-516 c)
- 5.5 Emergency custody shall only be invoked as a method of last resort; however, officers should not hesitate to use such custody if necessary for the protection of the juvenile.