

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE**

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JUVENILE OFFENSES

444.00 PURPOSE

The purpose of this General Order is to establish procedures specific to the arrest and detention of juveniles under the authority of Missouri State Statutes and directives from the Family Court of St Louis County.

444.01 POLICY

The Ferguson Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. The responsibility for participating in and supporting the Department's juvenile operations function is shared by all Agency components and personnel.

The Department is committed to working closely with other elements of the juvenile justice system in the development of the agency's policies and procedures relating to juveniles.

444.02 DEFINITIONS

- A. **"DJO"** Deputy Juvenile Officer, An officer commissioned by the Family Court and the State of Missouri to perform duties specific to juveniles for the court.
- B. **"Juvenile"** Persons having not reached their seventeenth birthday.
- C. **"S.R.O"** School Resource Officer, A Ferguson Police Officer assigned duties in the schools. ***School Resource Officer (SRO)*** - Full time police officer(s) are assigned as a liaison between the School District and the Police Department. The duties of the School Resource Officer(s) will include teaching safety and drug awareness classes, monitoring student activities, counseling, and assisting school staff with law enforcement related problems. The SRO(s) will investigate any reported crime or incident involving a student occurring on campus and request any additional services needed during the investigation. See Section 444.04

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- D. **Juvenile Detective**, an officer assigned to the detective bureau who is responsible for coordinating the juvenile operations functions.

444.03 POLICY AND PROCEDURE

While investigating an alleged offense, an officer determines a juvenile has been involved in a crime or violation of the Juvenile Code, officers will follow procedure outlined in this General Order. For questions relating to juvenile matters not covered in this General Order, refer to the **Family Court of St. Louis County Police Procedures Manual** or call the **St. Louis County Family Court Legal Department at 615-2952**. The Juvenile Detective is available off duty through Communications. The Detention Supervisor can be reached at 615-4400 (after hours 615-2996).

444.04 CUSTODY OF JUVENILES

- A. When a juvenile is taken into custody they will be conveyed to the station, except in cases of serious felony offenses, or at the discretion of the supervisor, or on school related cases at the discretion of the S.R.O., the juvenile may be conveyed directly to the detention facility. If the juvenile is not to be directly released to a parent or legal guardian, the juvenile must be taken to St. Louis County Juvenile Detention Center without delay, unless emergency medical treatment is required. All juveniles in custody for criminal charges and brought to the station will be placed in the secure juvenile holding area until the booking area is cleared of all adult prisoners. Adult prisoners must be separated from sight and sound of juvenile offenders. The St. Louis County Family Court has said that for the purposes of fingerprinting and photographing juveniles, adult prisoners may be in the same area as long as they are in closed cells (not bars or cages.) Ferguson Police Department cells are considered to be in compliance with the ruling.
- B. The parent(s) or guardian(s) are to be notified as soon as possible regarding the child's detention. They will be advised if the child will be transported to the detention center or that the parents are requested to respond to the station wherein the child will be released to them. The time of notification and release will be noted in the report. A new requirement of the 1995 Juvenile Crime Bill requires documentation of the amount of time a juvenile spends in police custody. Therefore it is required that time of custody and time of release is included in the narrative section of the police report.
- C. When a juvenile is released to the Detention Center, a (incident) report must be approved and submitted to the Family Court no later than 9:00 A.M. the day following admission. A Juvenile Affidavit, which will be provided to the officer by detention personnel and an Initial Detention Admission form, will be completed upon admission. The reports may be personally delivered to the Detention Center; 501 South Brentwood Blvd., Clayton, Missouri, or directed to the Detention Supervisor via the fax machine at, 615-4469 or 615-4477. Supplemental reports will be sent to the Family Court as soon as possible. The initial incident report should note that

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supplemental information is to follow if a complete report could not be submitted by 9:00 A.M. the day following custody.

NOTE: IF ADEQUATE INFORMATION IS NOT PRESENTED TO THE COURT IN THE FORM OF INITIAL DETENTION ADMISSION (IDA) DOCUMENTS, POLICE REPORTS AND/OR AFFIDAVITS, THE JUVENILE WILL NOT BE ADMITTED TO SECURE DETENTION AND THE POLICE OFFICER WILL BE INSTRUCTED TO RELEASE THE JUVENILE TO A PARENT OR GUARDIAN. DETENTION PERSONNEL ARE RESPONSIBLE FOR ASSISTING THE OFFICER IN FINDING SUITABLE PLACEMENT IF A PARENT OR GUARDIAN IS NOT AVAILABLE.

- D. If the juvenile is accepted for placement in the detention facility, Missouri Supreme Court Rule 111.07 provides that extending detention beyond twenty-four (24) hours can only occur when:
 - 1. A petition has been filed; and
 - 2. A judicial officer, after reviewing the available materials, is able to make a probable cause finding that the juvenile committed the offense.
- E. In cases where the juvenile is apprehended at his residence for a minor offense, the officer may release the juvenile to the parent, legal guardian or responsible person who is also at the residence and then complete the incident report
- F. If the juvenile is taken into custody for another jurisdiction, he will be conveyed to the Detention Center after the (juvenile) report and Initial Detention Forms are completed. The Detention Center may also require that the originating agency submit certain documents prior to them accepting the juvenile into detention.
- G. If the juvenile is involved in a serious offense:
 - 1. Felonies - murder, manslaughter, felonious assault, kidnapping, armed criminal action, etc.
 - 2. Or at the Supervisors' discretion, the juvenile will be conveyed to Juvenile Detention. (Above forms are to be completed).
- H. If the parents, legal guardian or responsible adult cannot be located, the juvenile will be conveyed to Juvenile Detention after appropriate forms are completed.

444.05 HANDLING OF JUVENILES

A. USE OF FORCE - When dealing with a juvenile offender, officers should use the **least coercive of all reasonable alternatives consistent with preserving public safety, order and individual liberty**. Officers should consider the following: nature

of offense, age of juvenile, attitude (or mental position) of the juvenile with regard to the fact of situation and officer's access to the parent or guardian.

B. RELEASE OF JUVENILES – All juveniles taken into custody will be properly documented along with their form of release: warning, consultation with parents or guardian, referral or placement.

C. CITATIONS OR SUMMONS – When juveniles are taken into custody for violations of Municipal Traffic Ordinances or Misdemeanor State Statute violations it is the policy of this department that the least coercive of reasonable alternatives be used consistent with preserving public safety, order and individual liberty. The arresting Officer shall consider the seriousness of the offense, the possibility of the involvement of drugs or weapons, past delinquent behavior, existence of violence in the act when determining releasing a juvenile on a summons or taken them into custody for placement. If the arresting Officer feels that the incident does not warrant Family Court intervention, then the Juvenile report shall be completed and the appropriate entry made reflecting the circumstances and what action was taken.

444.06 INTERVIEWING JUVENILES

- A. The juvenile must be taken to Family Court of St. Louis County Juvenile Detention Center without delay, unless emergency medical treatment is required. A juvenile must be immediately advised of his/her constitutional rights. The juvenile must have the police department and juvenile justice system procedures explained prior to any interview or interrogation. Questioning of a juvenile will be done only after a Deputy Juvenile Officer (DJO) of the Court has advised the juvenile of his rights, per Miranda, in the presence of the juvenile's parents, legal guardian, or adult friend. The parent, guardian, or friend must not be the victim of the juvenile's charged crime.
- B. The request of a DJO to respond to the station, for the purpose of an interview, may be made. If no DJO is available, the juvenile will be conveyed to detention for the interview. The North County Branch of the Family Court also has DJO's on premise from time to time and may be utilized if necessary.

444.07 FINGERPRINTS, PHOTOGRAPHS AND LINEUPS

- A. Fingerprinting: A request to fingerprint, photograph, or place any juvenile in a lineup, provided said juvenile has been taken into custody for a misdemeanor or status offense must be made to the Detention Supervisor, Family Court, 501 S. Brentwood, Clayton, Missouri 63105, telephone 615-4400 or after hours 615-2996. In non-emergency situations, the request for authorization can be mailed to the above address. In emergency situations, the request can be made by phone to the on-call legal department representative of the Family Court or the Detention Supervisor. This information is to be included in the report. In cases where the request was mailed, the Family Court Clerk's Office can be called at 615-2972, to discover if the requested order has been approved.

Juveniles taken into custody for felony offenses will be fingerprinted using the Livescan machine. Livescan will print three separate cards for juvenile offenders. One card contains the juvenile's ten print fingerprints and the OCN number. The other two cards contain the juvenile's pedigree information and the OCN number. These cards must be stapled together and sent to the Evidence Manager for forwarding to the St. Louis County AFIS Unit. For further information on fingerprinting, refer to GO 416.00 - *Booking Process, Fingerprints, Mugshots*.

- B. Photographing: The Family Court has ruled that notification will be made in regards to the photographing the victim of child abuse. To make notification, a phone call to the Detention Supervisor is acceptable. The name of the Supervisor, date and time should be noted. When processing a juvenile that has been taken into custody for a felony offense, it will be required to photograph the juvenile. The photographs of these juveniles are taken using the same procedure that is used for adults, which is detailed in GO 416.00 - *Booking Process, Fingerprints, Mugshots*. (These photographs may be used in some cases for line-ups and identification; refer to General Orders on Line-ups for further information.) Photographs of juveniles taken into custody for misdemeanor or status offenses may be taken only with permission of the Family Court (an exception to this rule is described in 444.07).
- C. Lineups: When an officer feels a lineup is necessary in the investigation of an offense involving juveniles, it is necessary to receive authorization for the lineup from the Family Court. The arresting officer should arrange for the necessary victims and witnesses to be present. Photo line-ups are addressed in General Orders.

444.08 DRIVING WHILE INTOXICATED AND TRAFFIC OFFENSES

A fifteen and one half (15 ½) year old juvenile taken into custody for misdemeanor DWI will be treated the same as an adult taken into custody for misdemeanor DWI. The Family Court will be contacted for a record check to make sure that it isn't a third (felony) DWI offense. The court must also authorize the use of the Breathalyzer when the juvenile is under fifteen and one half (15 ½) years of age. Felony DWI's will be sent to Family Court.

- A. DWI and other traffic offenses for juveniles under fifteen and one half (15 ½) years of age: Juveniles under fifteen and one half (15 ½) years of age will be referred to the Family Court regardless of the seriousness of the traffic offense. In cases where a ticket would be written, issue a MUCS and write "To be notified" in the space designated for the court date. All copies of the MUCS should be attached to a copy of juvenile report and forwarded to Family Court. The juvenile may be released to their parent or guardian.
- B. Non-Felony Traffic Offenses for fifteen and one half (15 ½) to seventeen years of age: The Family Court does not have jurisdiction over a fifteen and one half (15 ½) year old charged with non-felony traffic violations. Consequently, a 15 ½ year old charged with a non-felony traffic violation may be fingerprinted and photographed

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pursuant to usual adult booking procedures without securing prior consent of the Family Court. These cases will be referred to adult, or Municipal Court. It is the policy of the Ferguson Municipal Court that a parent must accompany any traffic violator under the age of seventeen. Therefore, officers shall write on the margin of the summons "Must appear in court with a parent."

- C. Felony Traffic Offenses: Traffic violations that constitute felonies involving everyone under the age of seventeen will be referred in the usual way to the Family Court. (This includes 3rd offense DWI and LSA - Leaving the Scene of an Accident with personal injury or damage over \$1000).

444.09 INCORRIGIBLE

- A. Parent or guardians of juveniles, complaining of incorrigibility, are to be advised to call the Family Court during business hours for assistance. The Family Court will not accept into Detention, juveniles who are incorrigible without a law violation to accompany the complaint, unless the juvenile is deemed to be a threat to themselves or others*. If custody is necessary, parents or guardians are to be advised that they will have to accompany the juvenile to Juvenile Detention. Upon arrival, they will have to fill out a detailed statement listing home rules and the means by which the juvenile has violated those rules, and documentation of their belief the juvenile is a threat to themselves or others. The Family Court will retain the statement. If the behavior listed includes law violations, the officer should consider charging the juvenile with the violation.

*Juveniles should be brought to detention only when the officer determines detention to be necessary for the child's welfare or the welfare of others. The officer will call the Family Court Detention Center for instructions. The Detention Supervisor will advise to: (a) call a Youth Crisis Center or, (b) take the juvenile to an alternate placement facility, or (c) bring the juvenile to the Detention Center.

- B. If the parents refuse custody and wish to refer the juvenile as incorrigible, they should be advised to respond to the Family Court to file an affidavit as to the incorrigibility.
- C. If the officer determines that detention of an incorrigible child is not necessary for either the child's welfare or the welfare of others, he can advise the parents of alternatives.
1. The child remains in the parent's custody.
 2. Arrangements can be made for the child to be temporarily housed by a Youth Emergency Service.
 3. Arrangements can be made for the child to stay with a relative or neighbor. The officer should document the placement in the report and in a memo to the Juvenile Detective.

- D. In all incorrigible cases a DJO from Intake will meet with the family the next work day (Monday - Friday) between 9:00 A.M. - 5:00 P.M. upon parental request.

444.10 CURFEW

If a juvenile is found to be in violation of curfew, (11:00 P.M. - 6:00 A.M. Sunday through Thursday, 12:00 A.M. - 6:00 A.M. Friday and Saturday) the officer may take the juvenile into custody, complete the (juvenile) report and release them to parent, guardian, or responsible adult. The officer will issue the parent, guardian, or responsible adult a warning notice for the "failure to supervise" violation. Then advise the parent, guardian, or responsible adult that they will be summoned to municipal court for failure to supervise if their juvenile is in violation of curfew again.

Juveniles alleged to have been involved in non-criminal behavior (a status offense) will be released to a parent, guardian, or responsible adult.

444.11 TRUANCY

Truancy cases will not be accepted by the Family Court from Police Departments. All truancy cases must come from the school district. An officer locating a truant juvenile should convey the juvenile to the appropriate school and release him to the school authorities if possible.

444.12 JUVENILES UNDER TEN YEARS OF AGE

The Family Court has not established a specific age in which a child can or cannot be held responsible for a crime. In general, for children under the age of ten, the determination is based upon the nature and severity of the offense, the age and maturity of the child, etc. Missouri law does mandate that a certification hearing be held when a juvenile of any age is charged with one of the following serious felony offenses:

- Murder 1st Degree
- Murder 2nd Degree
- Assault 1st Degree
- Forcible Rape
- Forcible Sodomy
- Robbery 1st Degree
- Sale of Drugs

In most cases when an officer takes a juvenile under ten years of age into custody, the (juvenile) report will be completed and the referral section may be checked, or "other" reflecting the child was counseled and released to parents or guardian after the juvenile was taken into custody. If the violation is a serious felony, the juvenile will be taken to detention.

The Court will then determine the proper course of action, based on the Juvenile Crime Bill enacted August 28, 1995.

444.13 CERTIFICATION OF JUVENILES

The Family Court Judge can certify any juvenile twelve (12) years of age or older to be tried as an adult, or a juvenile of any age if charged with one of serious felony offenses listed in 444.11. Certification may be considered if the act committed had been considered a felony if committed by an adult, or a violation of State or Municipal Traffic Law or Ordinance.

444.14 FORMS

- A. Initial Detention Admission Form (IDA): The IDA must contain information such as the identity, address and statement of each victim (with the exception of offenses such as those involving drugs or some weapon violations, identify an individual person as the victim and not the State of Missouri) and witness; indication of the victim's willingness to assist in the prosecution of the matter; description of physical injuries or property damage sustained; description of weapons or instruments used in the commission of the alleged offense; etc. The information must be set out in sufficient detail to permit the filing of a petition by the Juvenile Officer and a finding of probable cause by the Court. The IDA must be supplemented with copies of all appropriate documents; e.g., evidence receipts, lab reports, etc.

Refer to The Family Court (Juvenile Court) of St. Louis County Police Procedures Manual for examples of what the court requires. These examples are located and designated as Appendix #3 and #3a and the continuation form as Appendix #4.

- B. All Reports (General Considerations): Reports will be written on all juvenile offenses and the arresting officer will complete the (juvenile) reports.
1. Juveniles are to be named fully in all reports, thus eliminating the previous use of "Juvenile 1", etc.
 2. Use the victim's name on the incident report if applicable. In cases where the State is the victim (such as runaway, minor in possession of liquor, curfew, etc.) continue to use the State of Missouri.
 3. As stated previously, all reports are to be submitted to Family Court prior to 9:00 A.M. of the day following the day the juvenile was taken to the detention facility. The report originally submitted may be in synopsis form with the notation that a supplemental report will follow. The supplement should be submitted as soon as possible.

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4. All possible attempts should be made to interview the juvenile in custody, following protocol. A non-law enforcement person may interview a juvenile and that interview may suffice for the investigation (i.e.: school officials, childcare workers). It is important to note that these interviews must be initiated by the non-law enforcement person and not at the direction of the investigating officer.


444.15 CONFIDENTIALITY OF JUVENILE RECORDS

- A. The separation of adult and juvenile arrest and identification records is accomplished by adult records being secured in the holding facility area and the juvenile records being secured in the I.T.I. reporting system.
- B. The Department (Records Division) will follow the provisions relating to court ordered expunging of (juvenile) records.
- C. The Department (Records Division) will follow all provisions governing the disposition of records when juveniles reach adult age.
- D. The Department (Records Division) will follow established provisions for access to juvenile records on a need-to-know basis only.
- E. The Records Clerk is accountable for the collection and dissemination of the juvenile arrest and identification records.
- F. Detectives have access to juvenile files and are responsible for the retention of the juvenile records.

444.16 SOCIAL SERVICE AGENCIES

The juvenile detective will annually review and update as necessary the list of social service agencies necessary to assist in the juvenile justice system and disperse any updates through the chain of command to all divisions.

By order of:

A handwritten signature in cursive script, reading "Colonel Thomas Jackson".

COLONEL THOMAS JACKSON
Chief of Police

Distribution

All Department Personnel

GENERAL ORDER 444.00
April 12, 2011