



POLICY & PROCEDURES

HOLMEN POLICE DEPARTMENT

SUBJECT: **JUVENILE IN CUSTODY**

NUMBER: 2.4

SCOPE: ALL DEPARTMENT PERSONEL

ISSUED: 03/01/2012

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PURPOSE

This order gives procedures for taking juveniles into custody.

POLICY

It is Department policy to protect citizens from juvenile crime; hold each juvenile offender directly accountable; provide due process to juveniles to assure that their rights are upheld; and to ensure that victims/witnesses are afforded rights, and are treated with dignity, respect, courtesy and sensitivity.

PROCEDURES

- A. Juveniles Engaged in Non-Criminal Misbehavior/Status Offense
Taking a Juvenile into Custody for a status offense; officer believes on reasonable grounds that any of the following exists:
 1. Runaway from parents/guardian/custodian.
 - a. When taking a runaway report, complete a Missing Persons Report, route a copy to dispatch (LEDC) for (TIME/CIB/NCIC) data entry
 - b. Runaways may be taken into custody.
 - c. Unless additional charges/extenuating circumstances exist, the officer will return him/her to parent or guardian.
 - d. If circumstances prevent the juvenile from going home; the officer will contact Intake.
 - e. Apprehending officers will route a report to (LEDC) dispatch for (TIME/CIB/NCIC) data clearance.
 2. Absent from school without an excuse.
 3. Other status offenses such as curfew and underage drinking shall be addressed with an ordinance citation when appropriate or as directed by the on-duty shift commander.
- B. Juvenile Alleging to Have Been Harmed or In Danger of Harm.
 1. Taking a Juvenile into Custody; officer believes on reasonable grounds that the juvenile is suffering from illness/injury or is in immediate danger from his/her surroundings and removal is necessary.
 2. Any incident of alleged abuse or neglect will be brought to the immediate attention of juvenile protective services if it is valid or the juvenile has been harmed or is in danger of being harmed. The on-duty shift supervisor shall be notified of the need for protective services and will assist in assessing the situation.
 3. Reports regarding abuse/neglect of children must be stamped confidential.
- C. Protecting Juvenile Constitutional Rights.
 1. Juveniles are afforded all rights guaranteed to them by the Constitution of the United States. Search of apprehended juveniles will be as with adults. Juveniles will be handcuffed when appropriate.
- D. Referral to Juvenile Intake Workers and the Juvenile Detention Center (JDC) *without delay.*
Intake Workers:

1. Provide services 24 hrs/day, 7 days/week, for screening juveniles taken into custody and not released. NOTE: Intake is to be notified when the arresting officer is REQUESTING detention.
 2. Referrals to Juvenile Intake. When juvenile release isn't appropriate, the officer will notify Intake and complete/provide required forms. Parent/guardian/custodian notifications will be in reports. Referral for formal proceedings is restricted to serious criminal conduct/repeated violations. Juveniles may be referred to Intake in the county where the juvenile resides through our Intake.
 - a. In-custody referrals must be done by end of duty.
 - b. Restitution requests should be noted in the report.
 3. Intake determines where the juvenile is to be held.
 4. Intake must authorize the secure holding of juveniles; **NO** juvenile may be placed in secure detention unless:
 - a. Interviewed in person by an intake worker; or,
 - b. Intake consults with the apprehending officer.
 5. Reports used: Juvenile Report (1701), Continuation Report for narrative, and required Intake reports.
- E. Parent/Guardian Notification of Custody.
- The apprehending officer will attempt to notify the parent/guardian/custodian immediately. The attempt will continue until notified or the juvenile is delivered to Intake.
- F. Release from Custody.
- a. Efforts are made to release the juvenile to his/her parent/guardian/custodian, except if the juvenile:
 1. Has a parent/guardian/custodian who is unwilling/unable to provide supervision; s/he may be released to a responsible adult.
 2. Is 15 or older, s/he may be released without immediate adult supervision.
 3. Violated terms of aftercare supervision, s/he may be released to whomever had aftercare supervision.
 4. Runaways may be released to an authorized home.
 5. Is absent from school, s/he may be released to the school administrator.
 6. Notification procedures above apply for juvenile release
 7. Is not released, the officer will notify Intake.
 8. WI ss. 51/55 govern release relating to physical/mental condition or drug/alcohol impairment.
 9. Juveniles not held in physical custody will be released. If s/he does not present a danger to him/herself/others, they are 15 or older, and it is a minor act, the officer may release them without immediate adult supervision. In incidents where the violation was significant or the juvenile is under 15, they will be released to a parent/guardian/responsible adult. When an officer cannot find a parent, etc, the officer will contact Intake. On taking a juvenile into custody, officer will without undue delay, deliver the juvenile to the individual/agency having authority for child custody under the circumstances, eg. intake, parent, etc.
- G. Courts of Criminal Jurisdiction.
- Criminal courts have EXCLUSIVE jurisdiction over ALL of the following:
- a. 940.20(1) Battery by Prisoners.
 - b. 946.43 Assaults by Prisoners, in a secured facility,
 - c. 940.20(2m) Battery to Probation/Parole Agents.
 - d. 940.01 First Degree Intentional Homicide.
 - e. 940.02 First Degree Reckless Homicide.
 - f. 940.05 Second Degree Intentional Homicide.
 - g. A juvenile charged with violating criminal law if s/he was convicted of a previous violation following waiver into adult court or if the charge is still pending.
 - h. A juvenile charged with violating criminal law if s/he was convicted of a previous violation in adult court or if such previous violation is pending in adult court.
- H. In addition to previously noted incidents, taking a Juvenile into Custody; officer believes on reasonable grounds that any of the following exists:

- a. Capias/warrant issued in this state; s/he is a fugitive.
- b. Capias/warrant has been issued by another state.
- c. Committing/committed a state/federal crime.
- d. Violated terms of court ordered/aftercare supervision.
- e. Violated an Intake order for temporary physical custody.
- f. Violated a civil law/local ordinance punishable by forfeiture, EXCEPT that s/he will be released as soon as reasonably possible.

Chief of Police
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