



# ERIE POLICE DEPARTMENT



## Written Directives

Number: **130.000**

<b>Title: <u>Response to Juvenile Situations</u></b>		<b>Pages: 10</b>
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### **POLICY:**

#### **CACP STANDARD 130.1**

The Erie Police Department is committed to dealing with juvenile offenders in the least coercive method(s) available. The department works closely with other stakeholders of the juvenile justice system to ensure reasonable alternatives for dealing with juvenile offenders which is consistent with preserving public safety.

The Children’s Code of the State of Colorado (Section 19-1-103 et seq., C.R.S.) has specific requirements for most situations involving contacts between law enforcement and juvenile offenders or abused or neglected children.

In addition, the Erie Police Department staffs School Resource Officers (SROs) to work with youth in our school environments.

### **DEFINITIONS:**

**JUVENILE:** A person under 18 years of age.

**NON-SECURE SETTING:** Refers to a setting in which a juvenile may be in custody but is “free” to leave the building. The juvenile may be handcuffed to him/herself but not to a stationary object and may be placed in a room with no lock on the door. The Erie Police Department “Status” room meets this definition.

**SAFE2TELL PROGRAM:** An anonymous reporting database for reporting concerns related to students. Officers receiving reports from this program follow specific guidelines for investigation and documentation.

**SCHOOL RESOURCE OFFICER:** A Patrol Officer assigned to school(s) within the Town of Erie and whose primary responsibility is responding to calls and investigating reports related to students attending school within the Town of Erie.

**SECURE SETTING:** Refers to holding cells, a booking room or any room which contains features designed to physically restrict the movement and activities of a person in custody such as a lock on the door, a cuffing ring or rail, steel bars, etc.

**STATUS OFFENSE:** Refers to an offense based on the age of the person committing the offense. An example of a status offense is Illegal Possession or Consumption of Ethyl Alcohol by an Underage Person, a juvenile runaway, or any offense which would not be an offense if it were not for the age of the person.

**PROCEDURES:**

**I. CURRENT LIST OF RESOURCES AVAILABLE IN OUR AREA**

- A. Erie Municipal Court – For charging of offenders under the Municipal Code of Ordinances and Municipal traffic violations;
- B. Erie Restorative Justice – For juveniles who could otherwise be charged and sentenced through Municipal Court;
- C. County Court in Boulder and Weld County – For State traffic violations;
- D. Juvenile District Court in Boulder and Weld County – For State Misdemeanor or Felony charging.
- E. District Attorney in Boulder and Weld County – Adjudicating County, District Court Traffic and Criminal Filings;
- F. County Attorney in Boulder and Weld County– Works on Civil Custody (D&N) and placement orders;
- G. Boulder County Housing and Human Services (HHS) – Juvenile and Family Counseling, Child Abuse Investigation and Juvenile Placement (Foster Homes or Group Homes);
- H. Weld County Department of Social Services (DSS) – Juvenile and Family Counseling, Child Abuse Investigation and Juvenile Placement (Foster Homes or Group Homes);
- I. Boulder County Juvenile Detention Facility – For lodging of juveniles on state charges or protective custody ordered by a judge;
- J. Weld County Platte Valley Youth Services – For lodging of juveniles on state charges or protective custody ordered by a judge;
- K. County Mental Health in Boulder and Weld County – Counseling and Emergency Mental Evaluations;
- L. Boulder County Addiction Recovery Center (ARC) – Juvenile Counseling and Protective Custody Detainers;
- M. North Range Behavioral Health (Weld County) – Juvenile Counseling and Protective Custody Detainers; and
- N. Boulder County Health Department – Health and pregnancy counseling at the Tri-city office.

**II. JUVENILE OFFENDERS**

**CACP STANDARD 130.1**

- A. Juvenile offenders will be handled with the least invasive alternative which ensures public safety, order and individual liberty.
- B. Juvenile offenders may be dealt with in one of the following ways:

1. Release to parent or guardian with no further action. Typically, if the juvenile is school-aged, a SRO will be involved.
2. Referral to the Erie Police Department Restorative Justice Program.
  - a. Restorative Justice is primarily voluntary,
  - b. Requires admission of guilt, and
  - c. Is agreed to by the parents, offenders and any involved victims.
3. The issuance of a summons into Municipal or County Court where the charges are appropriate prior to the juvenile's release to parents.
4. Referral to District Court through the District Attorney's Office following the juvenile's release to parents.

### **III. CUSTODIAL INTERROGATION OF JUVENILES**

- A. Anytime a juvenile is charged or arrested for any offense other than a traffic infraction, the officer will ensure the parent or legal guardian is notified as soon as possible after the charge or arrest.
- B. A juvenile shall not be allowed to waive his/her constitutional rights unless a parent, legal guardian, or legal custodian is present and agrees to the waiver. This waiver should be in writing by the juvenile and parent of legal guardian.
- C. The "Advisement of Miranda Rights" form shall be used to obtain an appropriate waiver.
- D. If a juvenile is to be questioned without the parent present, the officer must first obtain a waiver, signed by the parent and the juvenile, agreeing to the questioning without the presence of the parent or guardian.
- E. The duration of an interrogation of a juvenile shall not be any longer than is reasonably necessary.

### **IV. JUVENILE PROSECUTION REFERRALS**

- A. Any officer or SRO may refer a juvenile offender to the Restorative Justice Program.
  1. The decision to recommend Restorative Justice will be made after consideration of the following factors:
    - a. The nature of the offense; and
    - b. The juvenile's past record, i.e. is it the juvenile's first offense?

2. Juveniles recommended for the Restorative Justice Program shall be referred to the Restorative Justice Coordinator.
3. The Restorative Justice Coordinator will oversee the Program and confirm the successful completion of the program.
4. Second time offenders may be recommended for the Restorative Justice Program if the nature or circumstances of the incident are warranted.

B. Referrals to the criminal justice system include:

1. Under the following circumstances, a juvenile offender may be summonsed into Municipal Court for:
  - a. Traffic violations and all municipal ordinance violations.
  - b. Note: Chronic repeat offenders of municipal ordinances may be referred to the appropriate District Attorney for prosecution.
2. Under the following circumstances, a juvenile offender may be summonsed into County Court:
  - a. Traffic offenses;
  - b. Illegal Possession/Consumption of Ethyl Alcohol cases; and
  - c. Possession of less than one (1) ounce of marijuana.
3. Juvenile offenders should be referred to the District Attorney for prosecution of all other offenses.

## V. JUVENILE CHARGING AND/OR CUSTODY

- A. **Status Offenses:** While defined in the definitions section, a status offense is conduct which would not be a crime if it was committed by an adult, aged 18 or older.

Examples may include:

- Underage Consumption of Alcohol
- Curfew
- Possession of Tobacco
- Runaway
- Marijuana Possession/Consumption Two (2) Ounces or Less

1. Juveniles taken into custody for a Status Offense only will never be placed into a holding cell.

2. Juveniles taken into custody for a Status Offense only shall not be fingerprinted or photographed.
3. Juveniles taken into custody for a Status Offense only may be placed in the Status Offender Room but must never be placed into a room with a locked door or handcuffed to a stationary object.
4. Juveniles taken into custody on a Status Offense shall be released to a parent/guardian as soon as practical. If a parent cannot be contacted, contact Child Services.
5. All juveniles in custody and brought to the Police Department shall be monitored at all times until released to a parent or guardian.
6. Juveniles must be sight and sound separated from adult arrestees.
7. All summonses should be reviewed and submitted to records before end of watch (EOW). If a supervisor is not immediately available, summonses should be forwarded to the next available supervisor.

**B. Municipal Criminal Charges:** Municipal offenses where a juvenile can be arrested.

Examples may include:

- Assault
- Disorderly Conduct
- Menacing

1. Under most circumstances, officers should attempt to cite the juvenile on site and release the juvenile to a parent or guardian for minor offenses. Juveniles arrested for more serious offenses should be booked and released from the police department.
2. The Status Offender room should be utilized to hold a juvenile charged with municipal criminal charges if it is available and the juvenile is cooperative.
3. Juveniles charged into Municipal Court should be booked and released on a summons to a parent or guardian.
4. Juveniles charged with Municipal Court charges are not screened.
5. Juveniles taken into custody on a municipal criminal charge may be placed in the juvenile holding cell for no more than 6 hours if the Status Offender room is not appropriate for this purpose.
6. Juveniles in custody and brought to the Police Department shall be monitored at all times until released to a parent or guardian.
7. Juveniles must be sight and sound separated from adult arrestees.

**C. C.R.S. Misdemeanor Traffic Charges:** Traffic offenses where a juvenile could be arrested.

Examples may include:

- Driving Under Revocation
- DUI/DWAI/UDD

1. Under most circumstances, juveniles who have committed a misdemeanor traffic offense should be cited on site and released to a parent.
2. The Status Offender room should be utilized to hold juveniles arrested for misdemeanor traffic charges if it is available and the juvenile is cooperative.
3. Juveniles taken into custody on a C.R.S. traffic offense may be placed in the juvenile holding cell for no more than 6 hours if the Status Offender room is not appropriate for this purpose.
4. All juveniles in custody and brought to the Police Department shall be monitored at all times until released to a parent or guardian.
5. Juveniles must be sight and sound separated from adult arrestees.
6. Under most circumstances, juveniles should be booked and released on a summons to a parent.
7. Juveniles should be screened through the appropriate county for misdemeanor traffic offenses when there is a requirement for mandatory jail (DUI – Second Offense).
8. Boulder and Weld County Juvenile Detention may refuse to accept juveniles even when the traffic offense requires mandatory jail.
9. Officers should photograph and fingerprint all juvenile arrestees when booked at the Erie Police Department regardless of whether or not they will be jailed.
10. Since there is no Traffic component to Juvenile Court, officers cannot issue a Promise to Appear for traffic offenses.

**D. Boulder County Juvenile Arrests:** Offenses when a juvenile is arrested for a violation of C.R.S., where charging into Municipal Court or citing and releasing is not an option or prudent.

Examples may include:

- Felony offenses
- Domestic Violence-related offenses
- Serious misdemeanor offenses
- Repeat offenders (Municipal Court has requested a state charge)

1. For felony or serious crimes committed by juveniles in Boulder County, call Boulder Juvenile Detention (303-441-3978, ext 0) before taking juveniles to their facility.
2. The choice to book or write a referral is at the officer's discretion. Boulder County uses the word "referral" rather than PTA (Promise to Appear).

Juvenile Detention will need:

- i. Signed PC Form – Warrantless Arrest Affidavit;
  - ii. Arrest Report – Warrantless Arrest Affidavit;
  - iii. Victim Info; and
  - iv. Medical Clearance (if needed – there is no medical staff).
  - v. Submit copies of ALL paperwork to Records prior to End of Watch.
  - vi. Officers will receive the court date/time from the screener.
3. Boulder Juvenile Detention can refuse to accept a juvenile arrestee if the crime is not of a serious nature.
  4. Juveniles taken into custody may be placed in the juvenile holding cell for no more than 6 hours.
  5. All juveniles in custody and brought to the Police Department shall be monitored at all times until released to a parent or guardian.
  6. Juveniles must be sight and sound separated from adult arrestees.
  7. Officers should photograph and fingerprint all juvenile arrestees when booked at the Erie Police Department regardless of whether or not they will be jailed.

#### **House Bill 17-1207**

- Juveniles ages 10 - 12 may no longer be placed in juvenile detention, unless they are charged or adjudicated with a Felony or a Misdemeanor weapons charge.
- Juveniles ages 10 – 12 may not be sentenced to detention unless the youth has been adjudicated delinquent for a Felony or a Misdemeanor weapons charge.
- Juveniles ages 10 – 12 may no longer be placed in juvenile detention for violating FTC and FTA warrants, unless they have been charged or adjudicated with a Felony or a Misdemeanor weapons charge.
- For those juvenile unable to be screened home, officers shall contact DHS and arrange for DHS to take custody of these juveniles. This may result in an officer being required to wait with the juvenile, if a timely transfer to DHS cannot be arranged.

**Note: Boulder Juvenile Detention will complete all other paperwork (prints, referral, booking photo) at the jail and then release the juvenile. Even with a "referral/PTA" – the juvenile must be transported to juvenile detention and processed.**

- E. **Weld County Juvenile Arrests:** Offenses when a juvenile is arrested for a violation of C.R.S., where charging into Municipal Court or citing and releasing is not an option or prudent.

Examples may include:

- Felony offenses
  - Domestic Violence-related Offenses
  - Serious misdemeanor offenses
  - Repeat offenders (Municipal Court has requested a state charge)
1. For felony or serious crimes committed by juveniles in Weld County, officers call Weld County Platte Valley Juvenile Detention (Screener 970-397-0161) before taking juveniles to this facility.
  2. For juveniles who need to be screened through Platte Valley and are accepted, officers must complete the warrantless arrest affidavit and submit the original to Weld County Jail; provide a copy to Platte Valley and a copy to EPD Records before going EOW.
  3. For juveniles who are screened and not accepted to Platte Valley, officers must complete the warrantless arrest affidavit and submit the original to EPD Records before going EOW. Platte Valley will provide the officer with a court date/time during the screening process which the officer will provide to the juvenile and their parent. The date is usually within 24 hours. The Weld County Jail must have a copy of the officer's PC affidavit to provide to the court prior to the juvenile's first appearance.
  4. A Promise To Appear, also known as a PTA form, is used when a juvenile commits a crime in Weld County which is not going to be charged into Municipal Court and is not screened by Platte Valley. Officers will complete a Spillman report and submit the PTA to EPD Records before going EOW. \*The court date will be the 3<sup>rd</sup> Wednesday from the date of contact, unless court is not in session. If it is not in session, issue for the following Wednesday (4<sup>th</sup> Wednesday after the contact).
  5. Platte Valley Detention can refuse to accept a juvenile arrestee if the crime is not of a serious nature.
  6. Juveniles taken into custody may be placed in the juvenile holding cell for no more than 6 hours.
  7. All juveniles in custody and brought to the Police Department shall be monitored at all times until released to a parent or guardian.
  8. Juveniles must be sight and sound separated from adult arrestees.
  9. Officers should photograph and fingerprint all juvenile arrestees when booked at the Erie Police Department regardless of whether or not they will be jailed.



**VI. RUNAWAY JUVENILES**

- A. Whenever possible, runaway reports should be taken in person and it is the reporting officer's responsibility to ensure the runaway information is entered into NCIC/CCIC as soon as possible after taking the report.
- B. When a runaway is located or is reported returned, it will be the responsibility of the officer receiving the information to ensure the runaway is removed from NCIC/CCIC as soon as possible.
- C. Runaways taken into custody who have not been charged with other criminal offenses and cannot be immediately released to a parent or guardian, shall be brought to the police department and:
  - 1. Shall not be incarcerated at any time;
  - 2. Shall be monitored at all times;
  - 3. Shall be released to a parent or guardian; or
  - 4. Shall be released to the Department of Human Services.
- D. Runaways taken into custody and charged with criminal offenses shall be brought to the police department and:
  - 1. Monitored at all times;
  - 2. Incarcerated in an appropriate juvenile facility upon authorization of the Juvenile Screening or Intake Officer; or
  - 3. Released to a parent or guardian; or
  - 4. Released to the Department of Human Services.

**VI. SAFE2TELL NOTIFICATION/REPORTS**

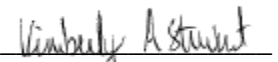
Officers will follow the reporting guidelines contained in Appendix A regarding the investigation and entry of dispositions of Safe2Tell reports.

**RULES:**

- A. Juvenile offenders charged only with a Status Offense will not be held in a secure setting.
- B. Juveniles taken into custody shall be monitored at all times.

**REFERENCES:**

Erie Police Department Policy Chapter 12  
Lamar police Department Policy section 1800

  
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Chief of Police