

DIRECTIVE 44.2 JUVENILE OPERATIONS

Issue Date: 05/12/2020	By Order of Chief of Police
Rescinds: (Issue 06/13/2012)	CALEA Standards
Pages: 5	Referenced: 44.2.1; 44.2.2; 44.2.3; 44.2.4 & 44.2.5

This directive consists of the following sections:

- 44.2.1 Handling Offenders**
- 44.2.2 Procedures for Custody**
- 44.2.3 Custodial Interrogation and Interviews**
- 44.2.4 School Services Program**
- 44.2.5 Community Youth Programs**

POLICY AND PROCEDURE:

It is the policy of the Miami Township Police Department to utilize a variety of available tools, techniques, practices and procedures to address juvenile delinquency and other juvenile related problems within the community. Such tools, techniques, practices and procedures include, but are not limited to, using alternatives to the Juvenile Justice System, support of school liaison programs and community recreational programs and enforcement of juvenile related laws.

It is further the policy of the Miami Township Police Department to utilize established procedures that govern handling of juvenile offenders, taking juveniles into custody, interrogating juveniles, and otherwise handling juvenile complaints and activity.

44.2.1 Handling Juvenile Offenders

When dealing with a juvenile offender, all members of the department shall use the least coercive among reasonable alternatives, consistent with serving the public safety and obtaining compliance by the juvenile offender.

Outright Release with no Further Action

Juvenile offenders may be dealt with in the following ways:

- Release with an admonishment, warning or advice, with no further action.
- Outright release or release to a parent/guardian, informing such parental figure of the problem and solicitation of the parent/guardian in correcting the juveniles conduct.

- Referral to a social service agency or private practitioner for corrective treatment.

A decision to divert a juvenile from the juvenile justice system for whom legal proceedings would be inappropriate or the use of other resources more effective should include:

- The nature of the alleged offense.
- The age and circumstances of the alleged offender.
- The offender's record, if applicable.
- The availability of community based rehabilitation or treatment programs and the willingness of the parent/guardian to cooperate in directing the juvenile in such programs.

Criteria and Procedures for Issuing Referrals, Citation or Summonses to Juvenile Offenders

The criteria and procedures for issuing referrals, citations or summonses to juvenile offenders are:

- Referral to juvenile court for mediation or diversionary program.
- Summons and/or citation to juvenile court for official action by the court.

All alleged criminal and traffic misdemeanor juvenile offenders shall be summonsed based upon the following criteria:

- Age and circumstances of the alleged juvenile offender.
- The availability of the parent or legal guardian to take custody of the alleged juvenile offender.
- The nature of the alleged offense. Crimes against property versus crimes against persons.
- Alleged juvenile offenders' records, if applicable.
- Availability of detention space at the Juvenile Detention Center.

Referral to Juvenile Court

Referral of alleged juvenile offender to formal legal proceeding should be restricted to those cases involving serious criminal conduct or repeated criminal violations. In general, delinquent acts requiring referral to the juvenile justice system should include:

- Delinquent acts that, if committed by an adult, would be felonies.
- Delinquent acts involving weapons.
- Serious gang related acts.
- Delinquent acts involving ethnic intimidation.
- Delinquent acts committed by juveniles under probation or parole or by those with a pending case.

- Delinquent acts involving aggravated assaults.
- A repeat of a delinquent act or similar act, when the previous act occurred within the preceding twelve month period.
- When it has been determined that parental supervision is not effective, or the parent or guardian refused to voluntarily participate in acceptable measures.
- All alleged criminal and traffic felony offenders shall be taken into custody and transported to the Juvenile Detention Center for official custodial disposition.

44.2.2 Procedures for Custody

Juvenile Status Offense

An alleged juvenile offender who is to be charged only with a status offense shall be released to their parent or guardian unless a court order exists detailing some other action, or such other circumstances exist which would preclude their release to such person. An officer choosing not to release a juvenile under this section to a parent or guardian, shall do so only after consulting with their shift supervisor and a representative of Clermont County Children's Services and/or Juvenile Court.

Juvenile Allegations of Harm or in Harm's Way

At the time that a juvenile is taken into custody, the officer doing so shall make a determination as to whether or not the juvenile has been harmed or is in danger of harm.

Constitutional Rights

The officer who has taken a juvenile into custody shall be responsible to ensure that the juvenile offender is notified of their rights and that their constitutional rights are protected.

- ORC 2151.022 Unruly Child Defined
- ORC 2151.31 Juvenile Apprehension, Custody and Detention
- ORC 2151.311 Juvenile Procedure Upon Apprehension
- ORC 2151.312 Juvenile Place of Detention
- ORC 2151.352 Juvenile Right to Counsel

Juvenile Intake Procedures

Juveniles taken into custody will be detained only until they can be released to their parents or guardians or until they can be transported to the Clermont County Juvenile Center or other court ordered location. They will be held separate from and outside the sight, touch and normal conversation range of non-law enforcement personnel or duly authorized officers of the court and shall be supervised at all times.

An alleged juvenile offender will be placed in detention only pursuant to ORC 2151.31C and 2151.312. The alleged juvenile offender will be taken to the detention facility without delay unless the juvenile is in need of medical treatment.

Parental/Guardian Notification

The officer who has taken a juvenile into custody shall be responsible to ensure that the juvenile's parent or guardian has been contacted.

44.2.3 Custodial Interrogation and Interviews

Conferring with Parents & Juveniles, Explaining Agency & Juvenile Justice Procedures

Prior to conducting a custodial interview/interrogation, members of the Miami Township Police Department will make reasonable efforts to inform the juvenile's parent or guardian that the juvenile has been arrested. The officer who has taken a juvenile into custody shall explain to the juvenile and/or parents the department's and juvenile justice system procedures.

Interrogation Limitations

A juvenile offender shall be interviewed/interrogated no longer than the time actually required for necessary questioning in regard to the case under investigation.

At no time shall more than two officers be present during the interview/interrogation of a juvenile.

Officers will take into consideration the voluntariness of the juveniles' confession by being aware of the following factors related to the juvenile. The juveniles' age, intelligence, educational background, mental capacity, prior experience in the juvenile criminal system, whether the defendant is suffering from any injury or pain at the time the statement was obtained, the time of day, whether the juvenile is tired, length of interview, and familiarity with English and if not arrangements are made to address the language barrier.

Whenever a juvenile is interviewed/interrogated, the juveniles' parent or guardian shall be notified prior to the juveniles release or transfer from police custody.

Officers may conduct interviews/interrogations during school hours but must advise school administrators before doing so. When possible, officers should conduct interviews/interrogations at school during a time that does not interfere with the subjects academic class work.

Officers may conduct interviews/interrogations at the Clermont County Juvenile Detention Center. Prior to responding, the officer will telephone the on-duty supervisor at the center. The officer will inform the supervisor of the juvenile's name and the need

to interrogate the juvenile. The officer and detention center supervisor will then make reasonable arrangements for the officer to conduct the interrogation.

44.2.4 School Liaison Program

The School Resource Officers (SRO) and DARE Officer shall be responsible to act as liaisons between the department and the schools. The SRO/DARE officers shall within that capacity:

- Act as a resource with respect to delinquency prevention.
- Provide guidance on ethical issues in a classroom setting.
- Provide individual counseling and or mentoring to students.
- As part of the curriculum taught and as requested, provide instruction in the role of law enforcement in society.

All members of the department will make themselves available to the local schools as resources with respect to education and delinquency prevention.

44.2.5 Recreational Youth Programs

The Miami Township Parks and Recreation Department is responsible for organizing recreation programs in the community including programs specifically for youth in the community.

The Milford Exempted Village Schools District, the Loveland Schools District, the Goshen Local Schools District, the Clermont Northeastern Local Schools District and the Live Oaks Career Center may from time to time organize recreational activities for youth in the community.

The Miami Township Police Department will support and participate in the delivery of those programs as requested or suggested by the Recreation Department or the school districts.

The Miami Township Police Department will seek out opportunities to provide recreation to the youth in the community as situations may warrant.