	ANDOVER POLICE DEPARTMENT GENERAL ORDER	Number: O2502
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		Distribution: All
Title: JUVENILE OPERATIONS		Section: Investigations
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CALEA References: CHAPTER 44		
Review: Annual	Authority: Chief Michael A. Keller	

I. Purpose

It is the purpose of this General Order to provide guidelines for officers when dealing with juveniles.

II. Policy

It is the responsibility of all members of this department to familiarize themselves with juvenile problems and established procedures for handling both criminal and noncriminal juvenile incidents as defined in this General Order. Officers should bear in mind that only a small percentage of juveniles commit the majority of juvenile crimes. While this small percentage may require secure custody, the vast majority of juvenile offenders are likely candidates for non-secure custody and positive intervention strategies. With this in mind, officers shall, whenever reasonable and justified under this General Order, take those measures necessary to effect positive changes in juvenile offenders that are consistent with state law and the safety and security interests of the community (44.1.1).

III. Definitions

A. Child in Need of Care (CINC): A person less than 18 years of age who:

1. Is without adequate parental care, control or subsistence and the condition is not due to the lack of financial means of the child's parents or other custodian;
2. Is without the care or control necessary for the child's physical, mental or emotional health;
3. Has been physically, mentally or emotionally abused or neglected or sexually abused;
4. Has been placed for care or adoption in violation of law;
5. Has been abandoned or does not have a known living parent;
6. Is not attending school as required by K.S.A. 72-977 or 72-1111, and amendments thereto;
7. Commits a status offense with the exception of possessing a firearm with a barrel less than 12 inches, possessing or consuming alcoholic liquor or cereal malt beverage, purchasing a pari-mutuel ticket, or purchasing or possessing tobacco products;
8. While less than 10 years of age, commits any act which if done by an adult would constitute the commission of a felony or misdemeanor;

9. Is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian;
10. Is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without consent of the person with whom the child is placed, or if the child is placed in a facility, without consent of the person in charge of such facility or such person's designee;
11. Has been residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected, or sexually abused;
12. While less than 10 years of age is in possession of a firearm with a barrel of less than 12 inches; or
13. Has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve.

B. Interested Party: The grandparent of a child or a person with whom the child has been living for a significant period of time when the child is alleged to be a CINC.

C. Juvenile: A person ten years or more of age, but less than 18 years of age.

D. Juvenile Offender: A juvenile who commits an act that would constitute a felony or misdemeanor if committed by an adult, but does not include the following:

1. A person 14 years of age or older who commits a traffic offense in violation of state law, city ordinances, or county resolutions regulating traffic on the roads and the operation of vehicles (DUI and vehicular homicide are not traffic violations for the purpose of this definition).
2. A person 16 years of age or over who commits an offense defined in fish and game laws.
3. A person who has been prosecuted as an adult and whose prosecution results in conviction of a crime.

E. Non-secure Custody: A condition under which a juvenile's freedom of movement is controlled by members of this agency and, during such time, the juvenile:

1. Is held in an unlocked, multi-purpose area that is in no way designed for secure custody, such as a report-writing room or office;
2. Is at no time handcuffed to any stationary object;
3. Is held long enough to complete identification, investigation and processing and then released to a responsible adult or transferred to a juvenile facility or court; and
4. Is under continuous visual supervision until released.

F. Parent: When used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for or support the child.

G. Secure Custody: A condition in which a juvenile is physically detained or confined in a locked room, set of rooms or a cell that is designated, set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody or when the juvenile is physically secured to a stationary object.

H. **Status Offender:** A juvenile who is charged with an offense that would not be a crime if committed by an adult.

I. **Status Offense:** An act that would not be a crime if committed by an adult, but is a crime if committed by a juvenile.

IV. Regulations

A. Juvenile offenders, meeting the requirements herein, held in secure custody will have complete separation of sight and sound from adult offenders [A].

B. Status offenders and Children in Need of Care shall not be held in secure custody for any length of time [B].

C. Juvenile offenders held in secure custody will only be held long enough to complete processing and no more than four hours before being transferred to a juvenile detention facility [B].

D. A juvenile less than 14 years of age will not be interrogated while in custody unless the officer has consulted the juvenile's parent or attorney as to whether the juvenile will waive the right to an attorney and the right against self-incrimination [A] (44.2.3).

E. All interrogations of juveniles will be conducted by no more than two officers, after the juvenile was advised of his or her Constitutional rights, and in a manner that ensures the voluntariness of the interrogation [A] (44.2.3).

F. A juvenile's fingerprints shall be taken immediately upon being taken into custody for an offense which, if committed by an adult, would constitute the commission of a felony, a class A or B misdemeanor or assault, as defined by KSA 21-5412 [B].

Rev. 09232014

G. Officers holding a juvenile in secure custody will document the secure custody in accordance with General Order O2304 Processing and Temporary Detention Rooms [A].

H. Officer's having contact with children enrolled in Andover schools will forward details of the contact to the appropriate SRO [A].

I. School Resource Officers will keep patrol officers notified of contacts with children within the school that may require patrol officers attention after school hours [A].

V. Procedures

A. Criminal Offenders

1. An officer may take a juvenile into custody for a non-status offense when:
   a. An offense has been or is being committed in the officer's view;
   b. The officer has a warrant commanding that the juvenile be taken into custody;

c. The officer has probable cause to believe that a warrant or order commanding that the juvenile be taken into custody has been issued in this state or in another jurisdiction for an act committed therein;
d. The officer has probable cause to believe that the juvenile is committing or has committed an act which, if committed by an adult, would constitute:
   i. A felony; or
   ii. Misdemeanor and the juvenile will not be apprehended or evidence of the offense will be irretrievably lost unless the juvenile is immediately taken into custody; or the juvenile may cause injury to self or others or damage to property unless immediately taken into custody;
e. The officer has probable cause to believe that the juvenile has violated an order for electronic monitoring as a term of probation; or
f. A court services officer, a juvenile community corrections officer or other person authorized to supervise juveniles gives the officer a written statement setting forth that the juvenile has violated the conditions of the juvenile's release.

Rev. 01082013

2. Juveniles taken into custody shall be brought before a juvenile intake and assessment worker without delay, unless the juvenile is in need of emergency medical treatment (44.2.2d).

Rev. 09112015

   a. Medical attention will be provided if necessary by summoning EMS or transporting the juvenile to the nearest medical facility.
   b. Officers will contact a juvenile intake and assessment worker either directly or through Communications to determine the location of the assessment.
   c. Officer will transport the juvenile to the predetermined location of the assessment.
3. Juveniles taken into custody will be afforded the same Constitutional rights afforded every citizen of the United States and follow procedures outlined in General Orders O2507 and O2515 (44.2.2c).

Rev. 09112015

4. The officer taking the juvenile into custody will furnish the county attorney's office and the juvenile intake and assessment worker with all the information in the officer's possession pertaining to the juvenile, including information on the identity and location of the juvenile's parents and other interested parties, and all other facts and circumstances which caused the juvenile to be arrested or taken into custody (44.2.1c).
5. A juvenile's fingerprints shall be taken, and photographs of a juvenile may be taken, immediately upon being taken into custody for an offense which, if committed by an adult, would constitute the commission of a felony, a class A or B misdemeanor or assault, as defined by KSA 38-2313.

Rev. 12142015

Rev. 09112015

6. Officers will notify a parent or guardian anytime a juvenile is taken into custody as soon as possible by contacting the juveniles' parent or guardian directly by telephone, through Communications Officer or in person (44.2.2e).

7. Officers may hold a juvenile in secure custody, and place the child in a juvenile detention center if one or more of the following conditions are met:
   a. There is oral or written verification that the juvenile is a fugitive sought for an offense in another jurisdiction, that the juvenile is currently an escapee from a juvenile detention facility or that the juvenile has absconded from a placement that is court ordered or designated by the juvenile justice authority.
   b. The juvenile is alleged to have committed an offense which if committed by an adult would constitute a felony or any crime described in article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.
   c. The juvenile has a record of failure to appear in court or there is probable cause to believe that the juvenile will flee the jurisdiction of the court.
   d. The juvenile has a history of violent behavior toward others.
   e. The juvenile exhibited seriously assaultive or destructive behavior or self-destructive behavior at the time of being taken into custody.
8. Officers holding a juvenile in secure custody will document the secure custody in accordance with General Order O2304 Processing and Temporary Detention Rooms.
9. In order to maintain complete sight and sound from adult offenders, juveniles will not be taken into the holding area when an adult offender is present.

B. Status Offenders

1. Officers dealing with status offenders will use the least coercive among reasonable alternatives consistent with preserving public safety, order and individual liberty.
2. Officers are afforded a certain amount of discretion in dealing with juveniles concerning minor violations of city ordinances and state statutes that may be effectively and efficiently handled by the officer at the time of initial contact without implementation of formal legal proceedings (44.2.1a).
3. Parental contact may be utilized at the officer's discretion when dealing with some of the most minor violations in lieu of referring the juvenile to formal legal proceedings (44.2.1a).
4. If the officer concludes that formal legal proceedings are appropriate for status offenses, the officer should release the juvenile to a parent after processing, if appropriate, and provide the juvenile and parent with a notice to appear at the Juvenile Intake and Assessment Office (44.2.1b, 44.2.2a).

C. Traffic and Tobacco Infractions

1. When an officer stops a vehicle subsequent to an observed traffic violation and discovers the driver to be a juvenile 14 years of age or older, the officer may

issue the juvenile a citation for the traffic violation. The driver's status as a juvenile does not necessitate a change to traffic enforcement procedures (44.2.1b).

2. Juveniles 14 years of age or older, but under the age of 18, are subject to arrest for DUI and vehicular homicide.
3. Juvenile drivers under the age of 14 will be taken into custody as Children in Need of Care. A CINC report will then be filed and forwarded to the County Attorney.
4. Juveniles charged with the possession of tobacco products may be issued notices to appear in municipal court, but shall not be taken into custody solely based on that charge (44.2.1b).

D. CINC

1. An officer shall take a child in need of care into custody when:
   a. The officer has a court order commanding the child be taken into custody as a child in need of care, or probable cause to believe that a court order has been issued in this state or another jurisdiction.
   b. The officer reasonably believes the child will be harmed if not immediately removed from the place or residence where the child has been found, and will follow the below procedures 2-10 as appropriate (44.2.2b).
   c. The officer has probable cause to believe that the child is a missing person and a verified missing person entry for the child can be found in the national crime information center missing person system.
2. An officer may temporarily detain and assume temporary custody of any child subject to compulsory school attendance, pursuant to KSA 72-1111, during the hours school is actually in session and shall deliver the child to the school in which the child is enrolled, any location designated by the school in which the child is enrolled or the child's parent or other custodian.
3. To the extent possible, when an officer takes a child into custody without a court order, the child shall be delivered to the custody of the child's parent or other custodian unless there are reasonable grounds to believe that such action would not be in the best interest of the child.
4. If a child that has been taken into custody is not delivered to the child's parent(s) or other custodian, the child will be brought before a juvenile intake and assessment worker without unnecessary delay.
5. If, after consultation with the juvenile intake and assessment worker, the child is to remain out of the home, the officer will deliver the child to an approved shelter facility or person.
6. The officer taking the child into custody will furnish the county attorney's office and the juvenile intake and assessment worker with all the information in the officer's possession pertaining to the child, including information on the identity

and location of the child's parents and other interested parties, and all other facts and circumstances which caused the child to be taken into custody.

7. The officer placing a child with a shelter facility or with a person will provide them with an application containing the following information:
   a. The name and address of the child, if known;
   b. The names and addresses of the child's parents or nearest relatives and person with whom the child has been residing, if known; and
   c. The officer's belief that the child is a child in need of care and that there are reasonable grounds to believe that the circumstances or condition of the child is such that the child would be harmed unless placed in the immediate custody of the shelter facility or person.
8. In absence of a court order to the contrary, the department shall have the authority to direct the release of a child placed with a shelter facility or person by the department at any time.
9. Officers who take children into custody are responsible to determine if the child is in immediate need of any sort of medical or psychological services. If so, the officer is responsible to take the steps necessary to ensure proper treatment of the child. Children in need of emergency medical treatment will be transported directly to the local medical facility for treatment prior to transport to any other location.
10. Fingerprints or photographs of a child alleged to be a child in need of care may be taken:
    a. By an officer investigating an allegation or suspicion of child abuse or neglect in order to obtain and preserve evidence or to determine the identity of a child; or
    b. If authorized by a judge of the district court having jurisdiction.

E. Juvenile Records

1. All records held by the department concerning an offense committed or alleged to have been committed by a juvenile under 14 years of age shall be kept readily distinguishable from criminal and other records and shall not be disclosed to anyone except those expressly authorized by KSA 38-2310.
2. Information contained in department records concerning a child alleged or adjudicated to be in need of care may be disclosed as provided in KSA 38-2213. Disclosure shall in all cases be guided by the principle of providing access only to persons or entities with a need for information that is directly related to achieving the purpose of the Kansas Code for Care of Children.
3. Fingerprints taken of a juvenile shall, and photographs of a juvenile may, be sent to the state and federal repository if taken because the child is alleged to have committed an offense which, if committed by an adult, would constitute a felony, a Class A or B misdemeanor or assault, as defined by KSA 38-2313.

4. All other fingerprints and photographs of juveniles shall be kept readily distinguishable from adult fingerprints and photographs, and shall not be sent to a state or federal repository unless authorized by a judge of the district court having jurisdiction.

F. Interagency Cooperation

1. To facilitate investigation and ensure the provision of necessary services to children who may be in need of care and such children's families, employees of this department shall freely exchange information with juvenile intake and assessment workers, the county attorney's office, and other the parties listed in KSA 38-2210.
2. The department will encourage review and comment by other elements of the juvenile justice system in the development and implementation of new policies and procedures relating to juveniles. This review will be solicited from outside agencies on an informal basis. Individuals and agencies who might contribute to this process include, but is not limited to, the following (44.1.2):
   a. Juvenile Intake and Assessment Workers;
   b. District and Municipal Court Judges;
   c. Office of the Butler County Attorney;
   d. Community Corrections;
   e. School District Representatives;
   f. Church Leaders.

G. School Resource Officers

1. The position of School Resource Officer (SRO) is established to provide a link between the department and the schools within Andover, and to increase positive, proactive involvement with the students of those schools. The SRO serves three primary functions (44.2.4):
   a. Police officer;
   b. Instructor on police related topics;
   c. Advisor/Informal Counselor.
2. The SRO will:
   a. Enforce all applicable laws, both criminal and traffic, on and adjacent to campus, and take appropriate action when an offense is witnessed or reported. The SRO may investigate all such offenses and should coordinate with other officers and detectives when necessary.
   b. Provide criminal analysis as it relates to the school environment with the goals of identification and prevention of criminal activity, both in the school system and the community.
   c. Act as a liaison between the school district and the department and provide assistance to other officers of the department through:

-Identification of persons (witnesses, suspect, etc.);
-Facilitation of interviews (in accordance with established school protocol);
-Provision of background information (known associates etc.);
-Notification of school events and potential problems (games, dances, fights, etc.).

3. The SRO may, upon request from a teacher, give classroom presentations on various subjects including, but not limited to criminal justice, violence, traffic issues, sex crimes, substance abuse, safety issues, search and seizure, etc.
4. The SRO should communicate with students, parents and faculty to address SRO functions, provide information and act as a resource in school, at extra-curricular events, at parent-teacher conferences and club meetings.
5. The SRO should strive to develop trust between law enforcement and students.

H. Volunteer Programs

1. The department promotes and encourages its officers to participate in established youth programs on a volunteer basis. Members of the department are encouraged to voluntarily coach, assist or participate in various children's programs (44.2.5).
2. Officers should be mindful that many activities that serve to foster improved police-juvenile relations are often spontaneous and impromptu in nature. On-duty officers are encouraged to frequently engage in such activities, like stopping to speak with children in parks, visiting school classrooms, etc.
3. Officers should be creative when considering options for positive contact with children. Children are highly aware of police officer presence and officers should capitalize on this awareness to promote positive interaction and build relationships.