

**6.06**  
**CRAIG POLICE DEPARTMENT**  
**Office of Chief of Police**  
**General Order**

**Date Issued:** July 25, 1997  
**Subject:** Juveniles  
**To:** All Officers

**Revision Date:** April 1, 2009  
**Reference:** CACP STD 130.1-2

**I. POLICY:**

When handling juvenile cases, the primary concern shall be to determine what is in the best interest of the juvenile first, and the secondary concern shall be to determine what is in the best interest of the community. All efforts should be made to find alternative solutions that will aid in keeping juveniles out of the criminal justice system.

**II. DEFINITIONS:**

**CHILD:** A child is any person under ten years of age.

**JUVENILE:** A child ten years of age to eighteen years of age who falls under the jurisdiction of the juvenile court.

**ADULT:** An adult is any person eighteen years of age or older, or any legally emancipated juvenile.

**III. TEMPORARY CUSTODY/DETENTION PROCEDURES (TEMPORARY DETENTION)**

**A. Authority – Colorado Revised Statutes (CRS)**

1. A juvenile may be taken into temporary custody by a law enforcement officer without the order of the court when there are reasonable grounds to believe that he/she has committed a delinquent act.
2. A juvenile may be taken into temporary custody by a law enforcement officer executing a lawful warrant taking a juvenile into custody issued pursuant to CRS.
3. A juvenile shall be detained if the law enforcement officer or the court determines that the juvenile's immediate welfare or the protection of the community require that the juvenile be detained.
4. The taking of a juvenile into temporary custody is not an arrest, nor does it constitute a police record.

**B. Safety**

1. The reporting officer shall ensure the safety of any juvenile, being detained, the safety of any civilians in the area, and his/her own safety when taking the juvenile into temporary custody.
2. No person under the age of thirteen shall be placed into handcuffs unless the person is exhibiting assaultive behavior toward the officer or is being arrested for assaultive behavior to others.
  - a. Officers shall document reasons for placing persons under the age of thirteen into handcuffs.
3. All juveniles in temporary custody shall be placed into seat belt restraints prior to transportation to the police department.
4. Juveniles who have been taken into temporary custody will not be left alone.

### **C. Notification of Parents**

1. The reporting officer shall immediately notify the parent, guardian, or legal custodian of any juvenile taken into temporary custody or who is going to be placed in secure detention.
2. The officer shall request that the parent, guardian, or legal custodian respond to the police department as soon as possible after the custody of a juvenile has been affected.
3. In the event that no parent, guardian, or legal custodian can be located, a responsible adult may assume custody of a juvenile who has been taken into temporary custody. (i.e. relative, close friend of the family, the parent of the child's friend who the child may be staying with, etc.)

### **D. Juvenile Intake Form / Custody Form**

1. A juvenile intake form shall be completed on all juveniles taken into temporary custody. If the juvenile is too young to provide adequate information, the officer may wait until the parent guardian, or legal custodian has arrived to complete the form.

### **E. Custodial Interviews with Children/Juveniles**

1. Authority – Colorado Revised Statute
2. Custodial interviews/interrogations of a juvenile shall include the presence of a parent, guardian, or legal custodian.
3. No statements or admissions of a juvenile in custody shall be admissible unless a parent, guardian, or legal custodian is present with that juvenile during the custodial interview and the juvenile, and his parent, guardian, or legal custodian were advised of the juvenile's rights (Miranda).

4. If the juvenile is not in custody, neither Miranda advisement nor the presence of a parent, guardian, or legal custodian is required. Out of courtesy to the parents, it is in the best interest of the department to notify the parents of the interview. Although not required, an officer may request a parent be present in the interview.

5. If there is a question or doubt about whether or not the juvenile is in custody, an interview should not take place until the parent, guardian or legal custodian is present with that juvenile.

**F. Secure Detention**

1. Authority – Colorado Revised Statute

2. If probable cause exists to believe a juvenile has committed the following delinquent acts, that juvenile **MUST** be **SCREENED** for detention using the “*Colorado SB94 Juvenile Detention Screening and Assessment Guide.*”

3. **If probable cause exists to believe a juvenile has committed any of the following delinquent acts the juvenile MUST be detained and may not be released prior to a detention hearing which must be held within 48 hours excluding Saturdays, Sundays and legal holidays.**

- Crimes of Violence (committed, conspired to or attempted) as follows:

Arson, 1 <sup>st</sup> Degree		<b>Either</b>
Assault, 1st or 2 <sup>nd</sup> Degree		Use, or possession and threatened use, of a <b>deadly weapon</b>
Burglary, 1 <sup>st</sup> Degree		
Escape		
Criminal Extortion	<b>AND</b>	<b>OR:</b>
Kidnapping		
Murder, 1 <sup>st</sup> or 2 <sup>nd</sup> Degree		Serious Bodily Injury, or (non-participant) <b>death</b> caused.
Aggravated Robbery		
Sex Assault or Unlawful		
Sexual Contact		
Other: Any crime to AT RISK adult/juvenile		

- Felony Sex Offense resulting in bodily injury or juvenile used force, threats or intimidation.
- Use, or possession and threat to use, firearm during commission of a felony against a person.
- Weapons Offenses
- Any 14<sup>th</sup> Judicial District adult No Bond offense indicted on the bond schedule.
- Escape or AWOL after committed to Division of Youth Corrections.
- District Court Warrant

- Juvenile has (1) been previously designated a **repeat, violent, aggravated or mandatory** sentence offender and (2) is taken into custody for delinquent activity or probation violation.

4. Juveniles shall not be placed into secure detention for the following reasons:

- a. Status offenses (e.g. Beyond parental control, truancy, runaway, etc.)
- b. Solely as a temporary corrective or punitive measure.
- c. Solely on a missing person report.
- d. Solely for police investigations for the purpose of preliminary investigations.
- e. Juveniles who require medical care beyond the scope of the detention facility's level of medical service or have a contagious disease.
- f. Juveniles who are intoxicated or under the influence of drugs.
- g. Any juvenile who has been certified mentally ill pursuant to C.R.S. 19-2-702. (Juveniles exhibiting destructive behavior toward themselves should be screened by mental health).
- h. Juveniles who have violated municipal ordinances, or is only charged with a traffic violation.

5. Detention Procedure:

- a. The detaining officer shall immediately notify the Moffat County Crisis Intervention Team to respond and screen any juvenile facing secure detention. The Crisis Team must complete all juvenile screening forms prior to the juvenile being booked into the jail. All of the crisis screening forms will be submitted with the custody sheet to the detention officer. (The crisis team shall be given a photocopy of the juvenile intake form on the juvenile.)
- b. If the juvenile is under the influence of alcohol or drugs, they must be transported to the hospital for a medical screening/detox until accepted for secure detention.
- c. If the juvenile has been arrested on a warrant or traffic offense and can post bond, notify Crisis and they will decide if the juvenile needs to be screened.

6. Pursuant to C.R.S., The screening team shall be responsible for notifying the court office of juveniles ordered into secure detention and shall schedule a detention hearing and attend if necessary.

7. Secure detention means the juvenile will be transported to the Grand Mesa Youth Detention facility in Grand Junction, Colorado. The juvenile will be detained at

M.C.S.O. until he/she is transported to Grand Mesa by the arresting agency or until a detention hearing has been held.

## **H. Releasing Children/Juveniles from Custody**

1. All children/juveniles not requiring shelter or secure detention shall be released from custody to a parent or guardian at the earliest time possible.
2. Officers may use discretion for contacting the Moffat County Crisis Intervention Team for screening purposes in cases where unusual circumstances exist that may warrant immediate screening or intervention with a child or juvenile.

## **I. Juvenile Case Investigations**

1. The assigned officer shall be responsible for obtaining initial information in juvenile cases.
2. The names, dates of birth, and addresses of all juvenile suspects or victims, their natural parents, stepparents, guardians, or legal custodians shall be obtained by the assigned officer.
3. The assigned officer may request or be assigned to perform follow up investigations in juvenile cases.
4. The assigned officer may make recommendations to the D.A. in juvenile cases.
5. In some cases, the assigned officer has the discretion to lecture and release or refer the juvenile for further action to the Municipal Court, District Attorney's Office, Moffat County Department of Social Services, the Diversion program, or Moffat County Youth Services. The officer should base his actions on the following:
  - a. Previous records of contacts by the Craig Police Department.
  - b. Previous contacts with other agencies.
  - c. Classification of the delinquent act.
6. If the assigned officer elects to lecture and release the juvenile, it will be done in the presence of a parent or legal guardian/custodian. The officer may set an appointment for a convenient time, to all concerned parties, under these circumstances. In the event that a mutual time cannot be selected, the officer may ask the assistance of the School Resource Officer or the Investigation Unit.

## **J. Filing Charges (Court Referrals)**

1. The goal of filing charges on juveniles shall be to facilitate the rehabilitation of juvenile offenders.

2. An officer may issue a summons to a juvenile for municipal ordinance violation, traffic violations, minor alcohol violations and petty marijuana possession. Officers shall not allow civilians to sign a summons on a juvenile, except for traffic offenses.
3. An investigating officer may file delinquency petitions with the District Attorney's office in juvenile cases by preparing a case transmittal form to be forwarded to the District Attorney's office.
4. All officers shall handle traffic cases involving juveniles the same as with adults, by verbal warnings or the issuing of a city traffic summons. In the case with State summons the inclusion of the advisement regarding a penalty assessment / summons and complaint form is mandatory.

#### **K. Parent/Child Conflicts**

1. An officer may call the Crisis Intervention team members in situations where there are conflicts between juveniles and their parents that do not include physical or sexual abuse situations.
2. If the juvenile reports physical or sexual abuse situations to the Crisis Team, the on call team members will discontinue their interview and notify an on duty officer. That officer shall contact the on call Social Service caseworker to come to the Police Department.

#### **Approved By:**



**Walter K. Vanatta**  
**Chief of Police**