

COLUMBUS POLICE DEPARTMENT



General Order 44: Juvenile Operations

CALEA Standards: 44.1.1
44.2.1
44.2.2
44.2.3

Replaces: General Order 44 effective November 5, 2014

Effective date: December 19, 2017

Dates updated:

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44.1 Administration

44.1.1 Juvenile Operations Policy

Beyond enforcing the law with respect to juvenile offenders, the department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. All department personnel share the responsibility for participating in or supporting the juvenile operations function.

- A. The Detective Division is responsible for all juvenile investigations that go beyond the scope of initial investigations, and will assign juvenile cases to investigators.
- B. The Chief of Police or his/her designee will be responsible for supporting programs such as:
 - 1. D.A.R.E.;
 - 2. Youth Academy;
 - 3. Cadet Program; and
 - 4. Teen driving.

44.2 Operations

44.2.1 Handling Offenders

Except when incarceration is required in accordance with General Order 44.2.2(A)(1), when dealing with juvenile offenders, personnel should use the least coercive among reasonable legal alternatives, consistent with serving public safety, order and individual liberty. The seriousness of the offense, the offender's past involvement in delinquent acts, whether the act is violent, the age of the offender, whether the youth is under the influence of drugs, the likelihood of committing another offense, and whether the juvenile offender is currently on probation are examples of factors that should be used to establish the basis for deciding to incarcerate in a juvenile detention center or use of one of the following alternatives:

- A. Personnel may release a juvenile with no further action if the juvenile is released to a parent or guardian. Outright release with no further action is the least coercive alternative to incarceration; a report may still be necessary for documentation purposes.
- B. Personnel may issue a written citation and/or warning to a juvenile for an infraction or ordinance violation. Issuance of a citation is the second least coercive alternative to incarceration.

- C. Personnel may refer juveniles to another agency or service for potential diversion alternatives if the situation is appropriate for such a referral.
- D. Personnel may release a juvenile to a parent or guardian and prepare all paperwork to be forwarded by the Records Division to the prosecutor's office through the Bartholomew County juvenile probation; such referral is the most coercive alternative to incarceration. Personnel shall refer the following:
 - 1. A delinquent act that, if committed by an adult, would be a felony;
 - 2. A delinquent act that involves a weapon;
 - 3. All serious gang-related delinquent acts; and
 - 4. All delinquent acts involving aggravated assault and battery.

44.2.2 Procedures for Custody

- A. Subject to IC 31-37-5-3, officers may take a juvenile into custody by an order of the court or if the juvenile is alleged to have engaged in criminal behavior and/or a status offense (runaway, truancy, curfew, incorrigible or violations of IC 7.1-5-7 concerning minors and alcoholic beverages);
 - 1. Any time an officer deals with a person under the age of 21 who is in violation of IC 7.1-5-7-7 by possessing or consuming alcoholic beverages, the officer shall make a custodial arrest if the exceptions of IC 7.1-5-1-6.5 do not apply, unless extenuating circumstances exist.
- B. Officers may take a juvenile into protective custody if the juvenile is alleged to have been harmed or to be in danger of harm (IC 31-34-2-3 concerning children in need of services);
- C. When a juvenile is taken into custody, the involved officers shall ensure that the juvenile's rights are protected;
- D. When a juvenile is arrested, he/she should be brought directly to the Bartholomew County Detention Center without delay, unless the juvenile is in need of emergency medical treatment. This provision should not be interpreted to require officers to forego interviewing the juvenile at the Columbus Police Department prior to transporting him/her to the detention center.
- E. When an officer takes a juvenile into custody, the arresting officer shall ensure that reasonable attempts to notify the juvenile's parent or guardian that the child has been taken into custody are made. If the child is remanded into the custody of the Bartholomew County Detention Center, the officer may forego the parental notification, pending the notification by the Detention Center staff.

44.2.3 Custodial Interrogation and Non-Custodial Interviews

- A. Officers conducting a custodial interrogation of juveniles shall adhere to the following procedures:
1. Pursuant to IC 31-32-5-1, any rights guaranteed to a child under the Constitution of the United States, the Constitution of the State of Indiana, or any other law may be waived only:
 - a. By counsel retained or appointed to represent the child if the child knowingly and voluntarily joins with the waiver;
 - b. By the child's custodial parent, guardian, custodian, or guardian ad litem if:
 - i. That person knowingly and voluntarily waives the right;
 - ii. That person has no interest adverse to the child;
 - iii. Meaningful consultation has occurred between that person and the child; and
 - iv. The child knowingly and voluntarily joins with the waiver.
 - c. By the child, without the presence of a custodial parent, guardian, or guardian ad litem, if:
 - i. The child knowingly and voluntarily consents to the waiver; and
 - ii. The child has been emancipated under IC 31-34-20-6 or IC 31-37-19-27, by virtue of having married, or in accordance with the laws of another state or jurisdiction.
 2. Officers shall comply with constitutional requirements for interrogations as outlined in General Order 1.2.3.
 3. Pursuant to IC 31-37-7-2, a child alleged to be a delinquent child under IC 31-37-1 may not be held for more than six (6) hours upon arrest for the purpose of interrogation.
- B. Officers conducting non-custodial interviews of juveniles shall adhere to the requirements of General Order 1.2.3, while being cognizant of the juvenile's age, mental state and other factors or influences experienced by the juvenile.

Acceptance by Columbus Police Department Captain's Board:

Date: _____

Jonathan L. Rohde, Chief

Attest:

Matthew Todd Harry, Deputy Chief

Sandy LaBarbera, Chief's Secretary

Michael Richardson, Uniform Captain

Brian Wilder, Administrative Captain

Acceptance by Columbus Board of Public Works and Safety:

Date: _____

Jim Lienhoop, Mayor

Attest:

Mary Ferdon, Member

Luann Welmer, Clerk-Treasurer

John Pickett, Member

Jim Strietelmeier, Member


Brenda Sullivan, Member

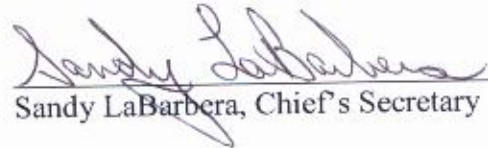
Acceptance by Columbus Police Department Captain's Board:


Date: 12-18-2017


Jonathan L. Rohde, Chief

Attest:


Matthew Todd Harry, Deputy Chief

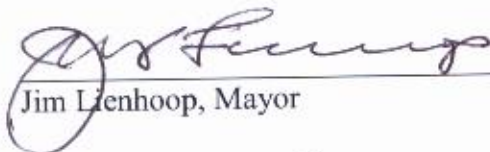

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Michael Richardson, Uniform Captain



Brian Wilder, Administrative Captain

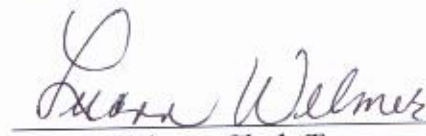
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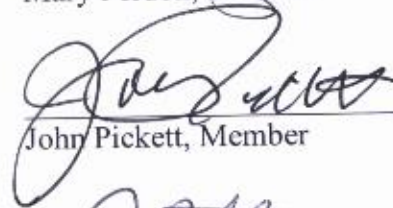
Date: 12/19/17



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