

<b>Anchorage Police Department</b> Regulations and Procedures Manual	<b>Operational Procedures</b> <b>3.02.020</b>	
<b>Policy and Procedure Title</b> Arrests Juvenile	<b>Effective Date</b> 9/1/2020	Page 1 of 3
<b>Replaces Prior Policy:</b> 8/10/2009	<b>Approved by:</b> Chief Justin Doll	

**This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.**

### **3.02.020 Arrest--Juvenile**

#### **PURPOSE**

To identify the ordinances commonly enforced by Anchorage Police Department members which, if violated by a juvenile, would result in that minor's arrest and treatment as an adult, and to instruct members on how to process such an arrest.

#### **DISCUSSION**

This procedure addresses only the actual arrests of juveniles for violating traffic laws which are criminal. For violations of other criminal laws, the procedure "Custody--Juvenile Delinquency," 3.02.055, must be consulted.

To fully appreciate the limited scope of this procedure, one is encouraged to review the terms defined in the following procedures: "Custody--General" (3.02.045), "Arrests-Custody-General" (3.02.005), and "Custody--Infractions and Civil Violations" (3.02.050). In those procedures it will be stressed that by definition, a juvenile cannot be arrested in the legal sense of the word for any criminal violation except those found in the traffic code (AMC Chapter 9, Alaska Statute Title 28, and 13 AAC provisions) or, less commonly, those in the Fish & Game and Parks & Recreation Codes. In those cases where a juvenile violates a criminal law or ordinance found outside of these codes, the minor is "taken into custody" as a "delinquent minor" instead of being "arrested" in the full, legal context. Such custodies are explained in the procedure "Custody--Juvenile Delinquency" (3.02.055).

An officer routinely deals with juveniles who violate traffic laws, but only rarely encounters Fish and Game or Parks and Recreation code violations. Consequently, it is common to hear an abbreviated instruction of "juveniles who violate traffic laws are handled as adults." Although this is technically incorrect (as it excludes the other two codes), it is accurate in a practical sense.

#### **PROCEDURE**

##### **I. APPLICABILITY**

A. **Applicability of this Procedure.** This procedure governs actions by Anchorage Police Department members when processing:

1. Violators who have not attained their 18th birthday; **and**
2. Violate the provisions of:
  - a. AMC 9.10.020 A.1. and A.2. (AS 28.35.050 a) Leaving the Scene of an Injury Accident; and/or
  - b. AMC 9.10.020 B. (AS 28.35.050 b and c) Leaving the Scene of a Property Damage Accident; and/or
  - c. AMC 9.10.020 C.1. and C.2.(AS 28.35.060 a and b) Duty to Give Information; and/or
  - d. AMC 9.10.080 (AS 28.35.110 and .130) False Report; and/or
  - e. AMC 9.28.019 B (AS 28.15.291) Driving with a Suspended, Revoked, or Canceled License; and/or
  - f. AMC 9.12.050 A, B, C, and D (AS 28.15.281 a) various Unlawful Use(s) of License; and/or
  - g. AMC 9.28.010 A (13AAC 02.040) Reckless Driving; and/or
  - h. AMC 9.28.011 Eluding a Police Officer; and/or
  - i. AMC 9.28.020 A (AS 28.35.030) Driving While Intoxicated; and/or
  - j. AMC 9.28.022 (AS 28.35.032) Refusal to Submit to Chemical Tests; and/or
  - k. AMC 9.42.020 A5 (no equivalent State charge) Unlawful Operation; impoundment as public nuisance.

## **II. PROCESSING PROCEDURE**

A. **Processing Similarities.** Juvenile offenders of the aforementioned laws are detected and arrested without special consideration for their age. As with adult arrests, a juvenile arrested for one of these violations while be issued a "Criminal Case Intake and Disposition, ATN" number. Under these circumstances and when appropriate, the juvenile may be arrested and released with an Uniform Summons and Complaint, the juvenile may be released on their own recognizance (Order and Conditions Release Per Schedule, Form CR-766), or may be brought before a magistrate for a bail hearing, in person or telephonically, which will include the Release Per Judicial Officer Order (Form CR-765). Court dates for these violations will receive a court date in the same way an adult would receive a court date.

1. Officers may contact McLaughlin Youth Center (MYC) Intake and inform them of the identity of the juvenile and the nature of the contact. MYC Intake will make a determination for whether they will take custody of the juvenile.

2. In situations where the bail schedule was used, or a bail hearing was conducted, and bail was imposed, then the officer should contact MYC Intake, transport the juvenile to MYC, and remand the juvenile to MYC.

**B. Processing Differences.** The following constitutes the only substantial processing differences officers must comply with in arresting a juvenile for any of the aforementioned violations:

1. If the juvenile is to be released, write boldly on the paperwork, or verbally advise, that "Parents must appear in Court with the minor".
2. All juvenile bookings (of either sex), will take place at McLaughlin Youth Center.

**C. Common Errors.** Officers are reminded of the following:

1. Officers who have a juvenile arrested shall immediately, and in no event more than 12 hours later, make reasonable efforts to notify the juvenile's parents or guardian, or the minor's foster parent (AS 47.12.250(b)). See APD Policy Custody-Juvenile Delinquency (3.02.055) for additional guidance on interviewing juveniles.
  - a. Attempts to contact a juvenile's custodian should be documented by mean of an officers in car video, digital recorder, and/or in a police report.
2. Many infractions appear on the "Bail Forfeiture Schedule" allowing the defendant to mail in the bail and forfeit that money in lieu of appearance in court. Juveniles are entitled to that disposition as well. For example, if a validly licensed juvenile were to fail to stop for a red light, that citation would also read "4 points and \$200.00 bail," just as an adult drivers would. If the juvenile were to contest the ticket by choice, he/she would be advised by traffic court to have a parent attend court with him/her, and would set an appropriate appearance date.

**END OF DOCUMENT**