



# Colorado Springs Police Department

## Standard Operating Procedure

### DL-1050-10 Juvenile Offenders

#### Section 1000 – Patrol Functions

Effective Date: 5/11/2021

Supersedes Date: 10/15/2015

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### .01 Purpose

The purpose of this directive is to define officer authority and responsibility as well as to establish the operational and response guidelines when in contact with, investigating, detained, or arrested juveniles.

### .02 Cross Reference

[GO 860 Interviews and Interrogations](#)

[GO 1006 Physical Arrest](#)

[GO 1050 Juveniles: General Applicability](#)

[GO 1077 Citations](#)

[GO 1618 Juvenile Records](#)

[DL-1050-01 Juvenile Victims](#)

[P1-194 Crimes Against Children](#)

### .03 Definitions

*Active Guardian:* For the purposes of this directive, an adult who has an active supervisory role, has any amount of custody, or regular active participation and/or adult responsibilities involving the **arrested juvenile**, who does not present adverse interests to that of the juvenile upon interview by the investigating officer, to be utilized as a responsible adult during a custodial interrogation when no other responsible adult is available or located. See also, *Responsible Adult*.

*Adverse Interest:* For the purposes of this directive, this concept refers to situations in which one party wants one thing, and the other party wants something else that is contrary to what the first party wants. For example, a juvenile has stolen their parent's car; the parent is upset and wants their child arrested and punished, but the child does not want to go to jail. Parent and juvenile are considered to have adverse interests, and parent cannot act as the responsible adult for purposes of Miranda or custodial interrogation.

*Crime of Violence* : In accordance with CRS § 18-1.3-406, includes all of the offenses below in which the juvenile used, possessed or threatened to use a deadly weapon; or caused serious bodily injury or death to another person, except another participant:

- Any crime against an at-risk adult or at-risk juvenile
- Murder
- First degree or second degree assault
- Sexual assault
- Kidnapping
- Aggravated robbery
- First degree arson
- First degree burglary
- Escape
- Criminal extortion
- Any felony sexual offense in which the defendant causes bodily injury to the victim, or in which the defendant used threats, intimidation, or force against the victim, and the victim is under the age of 15.

*Delinquent Act*: A violation of any statute, ordinance, or order enumerated in CRS § 19-2-104 (1) (a). If a juvenile, ten (10) years of age or older, is alleged to have committed, or is found guilty of, a delinquent act, the classification and degree of the offense shall be determined by the statute that the petition alleges was violated. Delinquent Act does not include truancy or habitual truancy.

- *Note*: Violations of municipal ordinances of the city of Colorado Springs do not fall into the category of delinquent acts because juvenile violators are specifically exempted from incarceration and are only subject to fines. However, under certain circumstances violations of municipal ordinances can result in the filing of state charges. Due to this possibility, questioning of juveniles cited for municipal ordinance violations should be conducted as if the juvenile was being charged into Juvenile Court.
- Additionally, the following offenses are exempt from CRS § 19-2-104 (1)(a):
  - Possession, display or use of less than one ounce of marijuana or marijuana concentrate (18-18-406)
  - Illegal possession or consumption of ethyl alcohol or marijuana by an underage person (18-13-122)
  - Possession of drug paraphernalia (18-18-428)
  - Offenses related to tobacco products (18-13-121), Game and fish, parks, and recreation laws or regulations, and non-felony state traffic offenses
  - Posting a private image by a juvenile, civil infraction (18-7-109 (3))

- *Note:* **All** of these violations should be written on a county court summons, not on a Juvenile Complaint and Referral.

*Emancipated Juvenile:* As used in CRS § 19-1-103 (45), means a juvenile over 15 years of age and under 18 years of age who has, with the real or apparent assent of the juvenile's parents, demonstrated independence from the juvenile's parents in matters of care, custody and earnings. The term may include, but shall not be limited to, any such juvenile who has the sole responsibility for the juvenile's own support, who is married, or who is in the military.

*Juvenile:* A person under eighteen (18) years of age.

*Juvenile Delinquent:* A juvenile, at least ten (10) years old and less than eighteen (18) years old, who has previously been found guilty of a delinquent act, according to state statute.

*Mittimus:* A warrant issued by a court to commit someone to imprisonment. It directs a sheriff or other officer to deliver the person named in the writ to a prison or jail, and directs the jailor to receive and imprison the person. A mittimus will include the committing charge(s), commitment date, and case number(s).

*Ongoing Opportunity:* For the purposes of this directive, if the presence of responsible adult is waived, the investigating officer will provide regular and repeated reminders, to the juvenile suspect, that contact and presence of the responsible adult is allowed at any/all times during the questioning/interrogation. The responsible adult must remain available in an ongoing capacity in the event the juvenile requests any assistance or counseling.

*Responsible Adult:* For the purposes of this directive, means a parent, guardian, legal or physical custodian, or other actively responsible adult who is a custodian of the juvenile or who had assumed the role of a parent at the time of the interrogation. This determination is based on the information available at the time of the interrogation. Examples include; a biological parent, adoptive parent, grandparent if baby-sitting or primary caretaker, siblings eighteen or older acting in the role of a parent at the time of the interrogation.

*Responsible Person/Party:* An adult who voluntarily takes responsibility for a **juvenile detainee**, with permission from a responsible adult, who is unavailable at the time of contact, to report and collect the juvenile from the contacting officer.

*Physical Custodian:* Per CRS § 19-1-103, includes a stepparent, or other responsible adult, with whom the juvenile has been residing. The term does include foster parents or staff members of placement facilities. When in doubt about whether an adult qualifies for legal purposes as a physical custodian, officers should attempt to locate a parent, a guardian, or a legal custodian.

*Protective Counseling:* For the purposes of this directive, an ongoing opportunity to offer guidance and advice concerning the juvenile's right to remain silent and to obtain retained or appointed counsel associated with the custodial interrogation.

## **.04 Procedure**

Law enforcement contact with juvenile suspects involve specific procedures and processes that differ from those pertaining to adults, as mandated by law. The Colorado Spring Police Department (CSPD) not only recognizes these differences, by considering what is best for the juvenile, but to maintain public safety while ensuring compliance with statutory requirements.

All officers will be familiar with and operate within the Colorado Children's Code, Title 19, CRS when detaining or arresting a juvenile(s).

Department personnel will use discretionary judgment when deciding the dispositional alternative that least restricts the minor's freedom of movement, but is also most compatible with maintaining public safety except in situations where contacting juvenile screeners are required.

CSPD supports and fully cooperates with the Juvenile Diversion Program of the District Attorney's Office in diverting juvenile offenders from the legal system, whenever such diversion would be in the best interest of the child and the community.

CSPD will endeavor to protect children from abuse and neglect as well as safeguarding the community from acts of juvenile delinquency.

CSPD will partner and coordinate with other community resources that provide services to juveniles in the community.

### **Juvenile Arrests or Detainees**

When a juvenile is arrested, the officer/detective will identify, locate and notify a responsible adult, parent, guardian or custodian of the juvenile without unnecessary delay. In situations where juveniles are detained for long periods of time, it may be appropriate to notify a parent, guardian, or custodian of the circumstances surrounding the detention.

When a juvenile is detained, the investigating officer may conduct an informal interview, at their discretion, but not detain the juvenile any longer than is reasonably necessary to obtain basic identification information and/or to contact a responsible adult, custodian, or responsible party, as deemed appropriate.

If, at any time while in custody, it is determined the welfare of the juvenile arrestee/detainee is in jeopardy or a responsible adult is not available, the officer will contact and notify DHS of the situation, as deemed appropriate.

Pursuant to CRS § 19-2-507, if an officer is unable to locate a responsible adult for a juvenile 14 years of age or older, and the officer believes the juvenile will answer the summons, the officer may release the juvenile on their own signature. However, the District Attorney's Office does not consider this a good service and no warrant will be issued if the juvenile fails to appear in court, requiring that the officer re-serve the summons.

## **Arrest of Emancipated Juveniles**

An emancipated juvenile can be served and released on a juvenile summons and complaint.

If the emancipated juvenile is taken into custody, the juvenile will be transported to the Zeb Pike Youth Detention Facility once approval for detention is obtained from a screener, unless court ordered or direct filed (see .50 Detention of Juveniles).

Parents do not need to be contacted nor be present during custodial interrogation of emancipated juveniles.

## **Establishing Identity & Fingerprint Requirements**

Establishing the identity of a juvenile who is not under arrest is at the discretion of the investigating officer, who can consider prior law enforcement records, Department of Revenue records, and school records.

CBI and the courts require a new submission of fingerprints each time a juvenile is arrested for certain offenses. A juvenile charged with any of the following offenses may **not** be released without obtaining fingerprints:

- Any felony offense
- A class one misdemeanor
- Any crime, the underlying factual basis of which include an act of Domestic Violence as defined in CRS § 18-6-800.3(1)
- DUI, DWAI, or DEAC pursuant to CRS 42-4-1301
- Any misdemeanor sexual offense or indecent exposure
- Any juvenile apprehended on a juvenile court warrant
- Any offense involving the possession or use of a weapon

As necessary, juveniles detained as runaways will have photos and fingerprints taken or updated. Records section personnel can determine if updated prints and photos are required. Runaways can then be released to a responsible adult/person, parent, guardian, legal or physical custodian such as the Department of Human Services, a foster home, group home, etc.

The Juvenile Complaint and Referral or summons number will serve as the unique arresting agency number (ARN/OAC) for the submission of prints to CBI.

### *Insufficient Evidence of Identity*

A juvenile arrestee who fails to produce satisfactory identification should be transported to the Police Operations Center to determine if their identity can be confirmed through fingerprints and/or photos.

If the arresting officer is able to confirm identity in another manner such as through a parent, guardian, family member, etc., the juvenile can continue to be processed in accordance with the procedure listed below.

If the arresting officer is unable to confirm the identity of the juvenile, they will continue to search for a responsible adult who can assist in establishing the identity of the juvenile.

## **Juvenile Screening Procedures**

The judicial screening team is designated, per CRS § 19-1-103 (94.5), to make recommendations on behalf of the juvenile court concerning whether a juvenile taken into custody, should be released, or admitted to a detention or shelter facility.

The arresting officer will contact the on-call judicial district screener stationed at the Zeb Pike Youth Detention Facility and provide the screener with all requested information.

The juvenile will be allowed to speak with the screener. If the juvenile refuses to speak with the screener the officer will answer the screener's questions in reference to the juvenile to the best of their ability based upon what the officer knows about the juvenile and the reason for the arrest of the juvenile.

The investigating officer will be responsible for transporting the juvenile to detention unless extenuating circumstances exist and other arrangements are made.

Juveniles who are not accepted into detention by the screener will be released to a responsible adult/person, legal or physical custodian or other responsible party after all physical and

biographical information necessary for the completion of arrest documents and case reports has been obtained.

When a juvenile is screened into detention and a bed is not available at the Zeb Pike Youth Detention Facility, the officer will contact the Pueblo Youth Services Center.

Juveniles are not to be detained by CSPD personnel any longer than necessary.

## **Custodial Interrogation of Juveniles**

Custodial interrogation of a juvenile will be conducted as deemed appropriate by the investigating officer and in accordance with interrogation directives.

Additionally, officers will conduct juvenile interrogations in accordance with CRS § 19-2-511, which provides mandatory special rules for custodial interrogations of juveniles.

Prior to any interrogation, both the juvenile and responsible adult must be advised of the juvenile's Miranda rights and **BOTH** must waive those rights.

Exceptions to this requirement include:

- Out of state runaways who are of sufficient age to understand
- Emancipated juveniles
- Traffic offenses
- Attorney representation is present

If language barriers exist between the investigating officer, the juvenile and/or responsible parent, a certified independent translator will be contacted and utilized prior to any responsible adult determination, custodial interrogation, advisements of rights, completion of any waivers.

### *Responsible Adult*

Officers will determine an appropriate responsible adult to provide protective counseling to the juvenile throughout the custodial interrogation.

A responsible adult will typically be a biological parent, guardian, legal/physical custodian or other adult who is actively functioning in the role of a guardian at the time of the interrogation.

Responsible adult status is based upon information obtained at the time prior to the interrogation, to the best of the officer's judgement, made in good faith.

The responsible adult will:

- Sign Miranda waivers

- Provide protective counseling to the juvenile
- Remain present, unless expressly prohibited by the juvenile, or in the immediate vicinity during the custodial interrogation

DHS caseworkers, guardian ad litem, and foster parents can **never** be considered a responsible adult for interrogations of juveniles nor can they sign Miranda paperwork.

#### *Adverse Interests*

Once responsible adult status has been established, it is paramount for officers to determine whether the responsible adult has adverse interests to that of the juvenile **prior** to any administration of Miranda rights/waiver or the custodial interrogation.

Officers will question both the juvenile and the responsible adult to determine if such an adverse relationship exists. This can include questions pertaining to their legal status as well as descriptions of the relationship. Officers may use the Juvenile Miranda Warning/Waiver Advisement Form attachment, which covers the line of questioning the District Attorney's Office recommends to establish if an adverse interest exists between the juvenile and the identified responsible adult.

If the juvenile states the responsible adult has an adverse interest to theirs, then that adult is not appropriate to participate in the administration of the Miranda waiver nor will the custodial interrogation continue until a replacement responsible adult has been located and determined not to have adverse interests to that of the juvenile. It is incumbent upon officers to locate another adult without adverse interests to that of the suspect juvenile.

If no responsible adult, without adverse interests to the juvenile are located or available, then the officer will not proceed with the Miranda advisement and there will be no questioning or interrogation of the juvenile as it pertains to the case or allegations in question where the juvenile is the suspect.

Officers should include in documentation, the authority of a juvenile's responsible adult, such as whether the stepparent is legally married to the natural parent, the length of that marriage, and whether the stepparent routinely exercises control and supervision over the juvenile.

Officer discretion should be utilized in each situation to determine the nature and extent of information needed.

#### *Sexual Abuse/Incest*



Juvenile suspects of incest related sexual abuse claims will require further questioning of the responsible adult to ensure adverse interests do not exist. Typically, a parent is more likely to have an adverse interest toward either the victim or suspect in sexual abuse related allegations.

It is recommended to utilize a parent who is not in common or shared by the involved juveniles, when available, who is also an active guardian.

## **Interrogation Procedure**

Custodial interrogations of juveniles will be conducted by one officer unless approved by a supervisor, due to safety concerns or because of the complexity of the investigation (e.g. multiple cases investigated by more than one officer). Even under those circumstances, a maximum of two officers will be present in the room during the interrogation of a juvenile.

Unless special circumstances exist (e.g., interview of a juvenile homicide suspect), a single custodial interrogation of a juvenile will be limited to a maximum of six hours in duration with breaks for food, water, restroom, etc. provided no less frequently than once every 90 minutes. If special circumstances exist, an extended interview must be approved by a supervisor.

During the custodial interrogation, personnel will make every effort to explain, in detail, the procedures of the department regarding the arrest and/or the detention of juveniles, as well as any aspects of the juvenile justice system that are relevant to the situation at hand. Explanations will be offered both to the juvenile and to the responsible adult.

### *Adult Presence during Interrogation*

The juvenile or responsible adult may expressly waive the right for the responsible adult to be present during the interrogation of the juvenile. This waiver must be in writing utilizing the Waiver of Parental Presence for Juvenile Interview form. This waiver may only be obtained after the establishment of the responsible adult and both juvenile and responsible adult have been advised of their constitutional rights.

If a parental presence waiver is completed, the responsible adult must remain available, within the immediate vicinity, in order to provide the juvenile with an on-going opportunity to consult with the responsible adult for purposes of protective counseling. It is recommended that officers avoid allowing the responsible adult to leave the immediate area of the interrogation in the event either party wants to rescind the parental presence waiver

Statements or admissions by a juvenile may be admissible into evidence without a responsible adult present if the juvenile, who is or claims to be 18 years or older at the time of the interrogation, makes a knowing, intelligent, and voluntary waiver of their rights and the officer acts in good faith

reliance while conducting the interrogation. The court will consider the totality of the circumstances when making the ruling, (CRS § 19-2-511 (2)).

## **Citation & Summons Procedure**

A single summons may contain both criminal and traffic charges, which will be uploaded into LERMS.

If traffic and criminal charges are combined on the same summons, the defendant must be cited into the appropriate court for the higher charge (typically the criminal charge).

Officers cannot combine municipal and county court charges on the same citation.

Officers will make all reasonable efforts to inform the responsible adult of the arrest and the court date/time and document all efforts in the associated case report.

If a juvenile has been previously arrested for a state criminal offense, all future charges must be written into state Juvenile Court unless no state statute is applicable to the violation.

If two summons and complaint forms are issued to the same violator, cross-reference the two forms to each other by completing the line marked Companion No. on each summons.

### *Municipal Ordinance Violations*

The municipal code of the City of Colorado Springs allows for juvenile offenders, ages ten (10) through seventeen (17) years old, to be summoned to appear in Municipal Court for violation of any municipal ordinance, traffic or criminal violations.

Officers will issue a standard Summons and Complaint to juvenile offenders for municipal ordinance violations if there has not been a prior arrest for a state criminal offense.

On the top of the form, the words - "Parent Must Appear" will be checked and this information must be verbally communicated to the juvenile offender.

Regardless of age or residence status, juvenile defendants summoned to appear in Municipal Court will be released on their own signature and will not be required to post an appearance bond.

Officers will complete the back of the affidavit copy with a brief statement of the facts. If the summons is a Signed Complaint, the civilian complainant shall complete this portion.

### *Misdemeanor & Felony Violations*

The following provisions pertain to citations into Juvenile District Court:

- A case report must be completed.
- Juveniles arrested on state misdemeanor or felony charges will be served a Juvenile Complaint and Referral and be given a juvenile court date which can be obtained from dispatch.
- A separate Probable Cause Affidavit will be completed for all felony arrests regardless of whether or not the juvenile is placed into detention. If both criminal and traffic offenses result from the same criminal episode, all charges can be included on one Probable Cause Affidavit.
- If the juvenile is placed in detention, the Juvenile Complaint and Referral and the Probable Cause Affidavit will accompany the juvenile to detention. Copies of the Juvenile Complaint and Referral and the Probable Cause Affidavit will be forwarded to the appropriate investigations unit.
- If the juvenile is served and released, the Juvenile Complaint and Referral and the Probable Cause Affidavit will be sent to the Records section. Copies of the Juvenile Complaint and Referral and the Probable Cause Affidavit will be sent to the appropriate investigations unit.

#### *County Court Misdemeanor & Petty Offenses - Filing E-Citations*

Per the District Attorney's Office, only the following charges into County Court may utilize the e-citation program. Provided the juvenile can provide satisfactory evidence of identity and is willing to sign the summons as a promise to appear, the juvenile can be served and released. Parents/guardians should be contacted whenever possible.

- Title 42 (Traffic Offenses)
- CRS § 18-13-122: Illegal Possession or Consumption of Ethyl Alcohol or Marijuana by an underage person – Illegal Possession of Marijuana Paraphernalia by an Underage Person.
- CRS § 18-18-406(5)(a)(I): Offenses Relating to Marijuana and Marijuana Concentrate
- CRS § 18-18-428: Possession of Drug Paraphernalia
- Title 33: Parks and Wildlife

#### *District Court*

The following charges for juveniles should be written into District Court:

- All violations of CRS other than those listed for County Court
- If there are additional Misdemeanor or felony charges in conjunction with the county charges, all charges will be written into District Court.
- E-Citations **cannot** be used to cite juveniles into District Court

All criminal offenses written into Juvenile District Court **require** a criminal summons, which must be completed on paper (J-Summons), assigned a court date through dispatch, scanned upon completion, and attached to the officer's report in MFR.

## **Charging Juveniles as Adults**

CRS § 19-2-517 specifies those circumstances under which a juvenile offender may be charged as an adult by information or indictment in District Court. Unless a juvenile offender meets the specified criteria for a direct file, the Juvenile Court retains exclusive jurisdiction over the juvenile. There are three sections of CRS § 19-2-517, which reference prior criminal cases:

- Cases where the juvenile has a prior adjudication for a felony level offense within two years and has committed a class 3 felony
- Cases where the juvenile is 14 or older and has previously been subject to proceedings in District Court as a result of a direct filing
- Cases where the juvenile is 14 or older, has allegedly committed a delinquent act that constitutes a felony, and is determined to be a "habitual juvenile offender".

While prior criminal conduct, including a prior direct file case, is relevant to the decision to direct file against a juvenile as an adult, it is important to note that the direct file statute leaves the decision to the discretion of the District Attorney's Office by stating that the case may be direct filed. Unless and until it is direct filed, the juvenile is treated as a juvenile despite prior cases; each case is evaluated to determine whether 1) the case qualifies for direct filing and 2) whether a case that does qualify for direct filing should, in fact, be direct filed. Until juvenile arrestees achieve the "Direct File" status, they are to be incarcerated in juvenile holding facilities.

## **Refusal to Sign**

A juvenile who refuses to sign a summons on misdemeanor or felony charges will continue to be released to a responsible adult unless screened into the Zeb Pike Youth Detention Facility. The summons will be marked "Refused to Sign" on the signature line and the circumstances documented in the related case report.

## **Controlled Substance Violations**

Controlled substance violations directives will be adhered to in all controlled substance violations involving juveniles.

Juveniles will be cited in accordance with this directive, Section .20 for municipal, misdemeanor and felony violations.

## Juvenile Offender Reports

Officers must complete all paperwork relating to the juvenile prior to going off duty.

The officer will include the information in the case report related to the placement of the juvenile in a detention facility or release to a responsible adult.

Officers will complete a custody report listing the appropriate charges. The Juvenile Complaint and Referral, or summons, and a copy of the Probable Cause Affidavit, if applicable, will be provided to Records Section personnel at the time the juvenile is processed for prints and photos.

When a juvenile is arrested on an outstanding warrant, a custody report will be prepared listing the warrant number, and a copy of the warrant will be obtained from the Records & ID Section. The call screen number will be listed on the custody report to serve as the unique arresting agency number (ARN/OAC) for the submission of prints to CBI.

## Detention of Juveniles

Detention of juveniles is permissible only when it is determined that detention will prevent the further endangerment of the juvenile or community.

Detention of juveniles requires a prior consultation and determination by the juvenile screeners.

The screener will determine whether detention placement is appropriate for the arrested/detained juvenile **prior** to any officer transporting the juvenile to the Zeb Pike Youth Detention Facility or other appropriate detention facility.

In the following types of cases, juveniles may be admitted to detention without judicial approval.

*Weapons Offenses*, including:

- Possession of handguns by juveniles (**mandatory** arrest & detention per CRS § 18-12-108.5(1))
- Possession of dangerous or illegal weapon, CRS § 18-12-102
- Possession of a defaced firearm, CRS § 18-12-103
- Carrying a concealed weapon, CRS § 18-12-105
- Carrying a concealed weapon on school grounds, CRS § 18-12-105.5
- Prohibited use of weapons, CRS § 18-12-106
- Illegal discharge of firearms, CRS § 18-12-107.5

Additionally, per CRS § 19-2-508 (3)(a)(III), an arguable presumption that a juvenile is a danger to themselves or to the community exists if:

- The juvenile is alleged to have committed a felony crime of violence pursuant to CRS § 18-1.3-406
- Any felony offense in which the juvenile is alleged to have used, or possessed, and threatened to use a firearm per article 3 of title 18, CRS
- Any other weapons offense per article 12 of title 18, CRS
- EXCLUSIONS include the juvenile in possession of a BB gun, pellet gun, or gas gun.

*Other offenses:*

- Domestic violence (**mandatory** arrest per CRS § 18-6-803.6)
- Juveniles arrested for felonies
- Out-of-state runaways
- Juveniles arrested on county or state warrants
- Juveniles ordered held by the court as part of a disposition or probation violation after a hearing is held
- No bond municipal court warrants
- Contempt of court

In the above listed offenses, with the exception of the first weapons offense, if the juvenile is not held in detention, the officer must provide the reason in detail in a case report and list the name and IBM of the supervisor who gave final approval.

*Limitations on Detention*

The following categories of juveniles will **not** be admitted to detention:

- Juveniles age ten (10) years old and older but less than thirteen (13) years old will not be ordered to detention unless arrested for a felony or weapons charge.
- Juveniles who exhibit behavior placing them at imminent risk of suicide
- Juveniles who are intoxicated or need medical attention due to injury or illness, unless a prior recent medical clearance has been obtained through the Colorado Springs Fire Department or Hospital/ER and/or needs are outside the scope of the detention facility's medical service capability.
- Juveniles whose only violations include:
  - wildlife
  - parks
  - outdoor recreation
  - non-felony traffic statutes

- municipal ordinances
- No juvenile will be detained in an adult detention facility without prior judicial approval, such as court order or direct file (juvenile charged as an adult).

## **Release of Juveniles**

Juveniles, who are either detainees or determined to be released by the screener, will be released to a responsible adult, legal/physical guardian or other responsible party as deemed appropriate by the investigating officer.

## **Escapes from Group Homes and Placement Centers**

Juveniles committed to the Division of Youth Services (DYS) can be placed in numerous facilities throughout the community. Patrol officers will initiate an escape report through MFR, concerning juveniles who escape from DYS placement, per CRS § 18-8-208 Escapes

The report will include:

- Completing a report for escape in MFR with information obtained from the facility's staff.
- Acquiring the following documents:
  - Mittimus for the committed juvenile.
  - Original facility rules and procedures form signed by the juvenile.
  - Escape advisement paperwork signed by the juvenile.
  - Sign out sheet (if applicable)
  - Personal information sheet with photo (if available)
  - Facility Incident Report with statements from involved staff
  - Department of Human Services Trails System Report (if available)
- Complete a Notarized Probable Cause Affidavit for Escape. Include in the affidavit the committing charge(s), date of commitment, placement date and escape information.
- Complete a Juvenile Summons and Referral.
- Once the juvenile is located, take the juvenile into custody and transport to the Police Operations Center for fingerprints and photographs. Contact the Juvenile Screener and screen the juvenile into the Zeb Pike Youth Detention Facility and transport accordingly.
- If the juvenile is in custody, forward the case report, Juvenile Summons and Referral, and PC Affidavit to the appropriate Patrol Investigations Unit for follow-up and filing of charges with the District Attorney's Office.
- If the juvenile cannot be located, place a pick-up with the Records Section (include a Juvenile Summons and Referral and a Probable Cause Affidavit). Forward the case report to the appropriate Patrol Investigations Unit as well.

Juveniles residing in community placements through the Department of Human Services, and who are not committed to DYS, are not considered on escape status if they leave those placements. Missing Person/Runaway reports should be completed for these juveniles.

The Fourth Judicial District Probation Office utilizes electronic home monitors to track juvenile probation clients. If a juvenile removes a monitor and damages it, the juvenile should be charged with misdemeanor Criminal Mischief, CRS § 18-4-501. If the monitor cannot be located, the juvenile should be charged with misdemeanor Theft, CRS § 18-4-401.

### **Attachments**

[Juvenile Miranda Conflict Waiver](#)

[Juvenile Miranda Conflict Waiver \(Spanish\)](#)