



CONCORD POLICE DEPARTMENT

GENERAL ORDER

JUVENILE OPERATIONS

GENERAL ORDER: 07.07

CREATED: December 1, 2003

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CALEA STANDARD: 44.1.1, 44.2.1, 44.2.2, 44.2.3, 82.1.2

EFFECTIVE DATE: June 9, 2025

ACTION: Amends general order dated October 1, 2022.

07.07.0 **PURPOSE**

The purpose of this general order is to establish guidelines for investigating incidents involving juvenile victims and suspects in compliance with North Carolina state law.

07.07.1 **POLICY**

It shall be the policy of the Concord Police Department to be committed to the concept that juvenile operations and delinquency prevention efforts are not limited to the activities of any one division. All officers shall be familiar with the Juvenile Code found in Chapter 7B of the North Carolina General Statutes (NC GS) and shall be familiar with juvenile abuse, neglect, delinquency, and undisciplined juveniles. All officers share the responsibility for participating in and/or supporting the department's juvenile operations function.

07.07.2 **DEFINITIONS**

A. CARETAKER ([NC GS 7B-2101](#))

Any person other than a parent, guardian, or custodian who has responsibility for the health and welfare of a juvenile in a residential setting. A person responsible for a juvenile's health and welfare means a stepparent, a foster parent, an adult member of the juvenile's household, an adult entrusted with the juvenile's care, a potential adoptive parent during a visit or trial placement with a juvenile in the custody of a department, any person such as a house parent or cottage parent who has primary responsibility for supervising a juvenile's health and welfare in a residential child care facility or residential educational facility, or any employee or volunteer of a division, institution, or school operated by the Department of Health and Human Services.

B. DELINQUENT JUVENILE ([NC GS 7B-1501\(7\)](#))

1. A juvenile less than 16 years of age but at least 10 years of age, who commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws defined in Chapter 20 of NC GS, or who commits indirect contempt by a juvenile as defined in NC GS 5A-31.
2. A juvenile less than 18 years of age but at least 16 years of age, who commits indirect contempt by a juvenile as defined in NC GS 5A-31 or a crime or an infraction under State law or under an ordinance of local government, excluding:
 - a. Violations of motor vehicle laws defined in Chapter 20 of the NC GS.

- b. Any offense punishable as a Class A, B1, B2, C, D, or E felony if committed by an adult, together with any offense based on the same act or transaction or on a series of acts or transactions connected together or constituting parts of a single scheme or plan of that offense, and any greater or lesser included offense of that offense.
3. A juvenile less than 10 years of age but at least 8 years of age commits a Class A, B1, B2, C, D, E, F, or G felony under State law.
4. A juvenile less than 10 years of age but at least 8 years of age, who commits a crime or an infraction under State law or an ordinance of local government, including violation of the motor vehicle laws defined in Chapter 20 of NC GS, and has been previously adjudicated as delinquent.

C. JUVENILE

Except as provided in definitions of delinquent juvenile and undisciplined juvenile in NC GS 7B-1501, a juvenile refers to any person who has not reached the person's eighteenth birthday and is not married, emancipated or a member of the Armed Forces of the United States.

D. UNDISCIPLINED JUVENILE ([NC GS 7B-1501\(27\)](#))

1. A juvenile less than 16 years of age but at least 10 years of age, is unlawfully absent from school; or is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours or;
2. A juvenile who is 16 or 17 years of age and who is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours.

07.07.3 CUSTODY ALTERNATIVES

- A. When selecting a custody alternative, the officer shall include the details of the circumstances that led the officer to choose the specific custody alternative. This ensures that the decision is based on objective, predefined criteria.
- B. Upon taking a juvenile into temporary custody for a delinquent or undisciplined act, officers should select the least restrictive course of action appropriate to the situation and needs of the juvenile. Officers have four alternatives:
 1. Warning and releasing the juvenile to a parent/guardian;
 2. Divert the juvenile from the Juvenile Court with appropriate counseling or referral to community resources;
 3. Seek a juvenile petition, summons or citation and release the juvenile to a parent/guardian;
 4. Seek a petition and request a secure custody order.

- C. When deciding which course of action to take with a juvenile, the officer should consider the following:
1. Cooperation of the juvenile's family;
 2. Attitude of juvenile toward the victim;
 3. The presence of alcohol or drugs;
 4. Admission or denial of committing the offense;
 5. Juvenile's school attendance and performance;
 6. Wishes of the victim;
 7. Whether committed acts be classified as a felony if committed by an adult;
 8. Did the acts have sexual motives;
 9. Did the criminal acts involve weapons;
 10. Serious gang-related delinquent acts;
 11. Delinquent acts involving aggravated assaults and seriousness of injury to the victim;
 12. Delinquent acts committed by juveniles under probation or parole or by those with a case pending;
 13. Repeated delinquent acts within a 12-month period;
 14. The age of the juvenile, background investigation, and recommendations for a diversion program;
 15. Availability of a community-based rehabilitation program;
 16. Other situations as determined necessary by the investigator such as juveniles who have been selected for a diversion program but have refused to participate and cases in which it has been determined that parental supervision is not effective.

07.07.4 CUSTODY OF JUVENILES

- A. In accordance with [NC GS 7B-1900](#), juveniles may be taken into temporary custody by an officer without a court order under the following circumstances:
1. If grounds exist for the arrest of an adult in identical circumstances under [NC GS 15A-401\(b\)](#);
 2. If there are reasonable grounds to believe that the juvenile is an undisciplined juvenile;
 3. If there are reasonable grounds to believe the juvenile is an absconder from any residential facility operated by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or from an approved detention facility;

4. If there are reasonable grounds to believe that the juvenile is abused, neglected, or dependent and that the juvenile would be injured or could not be taken into custody if it were first necessary to obtain a court order ([NC GS 7B-500](#)).
- B. Officers shall notify the juvenile's parents, guardian, or custodian when a juvenile has been taken into temporary custody and advise the parents, guardian or custodian of his/her right to be present with the juvenile until a determination is made as to the need for secure or non-secure custody.
 1. Parental notification is not required when one of the following conditions exists:
 - a. The minor is emancipated, or;
 - b. The minor is not taken into custody and has been charged with a non-moving motor vehicle violation or a moving violation for which three or fewer points are assessed, except an offense involving impaired driving;
 - c. The minor is charged with a motor vehicle offense that is not a moving violation.

07.07.5 **TRANSPORTATION OF JUVENILES**

- A. Juveniles shall not be transported with adult prisoners unless the juvenile and adult have been arrested in connection with the same offense, or unless the adult is the parent or guardian of the juvenile.
- B. Prior to transportation, regardless if the juvenile has been taken into custody, the officer transporting the juvenile shall advise the communications center of the following:
 1. Location from where the juvenile is being transported from;
 2. Location where the juvenile is being transported to;
 3. Beginning mileage;
 4. Vehicle number.
- C. Upon arriving at the final location, the officer shall advise the communications center and provide ending mileage.
- D. Juveniles that are in custody shall be searched prior to transport or transfer to another officer as outlined in [General Order 07.01 Arrest Authority and Procedures](#).

07.07.6 **JUVENILE PETITION**

- A. Officers shall release a juvenile to the parents, guardian, or custodian if the officer having the juvenile in temporary custody decides that continued custody is not necessary, based on the factors listed in section 07.07.3.
- B. If the officer determines that a juvenile petition should be issued on the juvenile, the following procedures shall be followed, unless otherwise directed by the juvenile intake counselor.

1. The officer shall complete an incident report.
2. The officer shall contact the Division of Juvenile Justice and Delinquency Prevention during normal business hours via telephone (Monday through Friday 8am – 5pm) to make an appointment with the intake court counselor.
3. The officer should take available information, which may include the incident report, disciplinary history from the school, any notes from the incident, and demographic information on the juvenile, including their parent/guardian information.
4. The information presented to the intake court counselor will be reviewed, and if approved, the intake court counselor will prepare the petition and provide copies to the officer.

Note: **NC GS 7B-1704 (Request for Review by the Prosecutor) allows the complainant and the victim to request a review by the prosecutor if the juvenile court counselor decides not to approve the filing of a petition. The officer shall notify the juvenile court counselor, and the juvenile court counselor shall notify the prosecutor immediately of such a request and shall provide the prosecutor a copy of the complaint. The prosecutor then shall notify the complainant, the victim, and the juvenile court counselor of the time and place for the review.**

5. The intake court counselor will then have the officer swear to the information in the petition and provide the officer with a copy of the petition.
6. The officer shall attach the petition and any other paperwork received from the intake court counselor to the incident report in RMS.
7. The juvenile court counselor will then conduct follow-ups and determine if the juvenile's charge can be diverted or if it will be approved for juvenile court.

07.07.7 JUVENILE SECURE CUSTODY ORDER

- A. When warranted, an officer shall make a request for a secure custody order. The request shall be made for all felonies and/or crimes against a person, which includes misdemeanor assaults. This request shall be documented on the arrest report.
 1. The officer shall complete an incident report.
 2. The officer shall contact the Division of Juvenile Justice and Delinquency Prevention during normal business hours via telephone (Monday through Friday 8am – 5pm) to make an appointment with the intake court counselor. After normal business hours, the officer shall contact the Communications Center to obtain contact information for the on-call Court Counselor.
 3. The officer should take available information, which may include the incident report, disciplinary history from the school, any notes from the incident, and demographic information on the juvenile, including their parent/guardian information.

4. The information presented to the intake court counselor will be reviewed, and if approved, the intake court counselor will prepare the secure custody packet (which includes the juvenile petition, secure custody order and media release form).
5. The intake court counselor will then present the secure custody packet to a judge who will determine if a secure custody order will be issued.
6. If the secure custody order is issued, the officer will receive the secure custody packet and take the juvenile into custody.
7. The officer will receive three copies of the secure custody packet. One copy shall be given to the juvenile, one for the detention facility and one for the officer.

07.07.8 INTERVIEWS / CUSTODIAL INTERROGATIONS

A. CUSTODIAL INTERROGATIONS

1. The parents shall be notified that the juvenile has been taken into custody, and their presence may be required at the location of the incident.
2. In accordance with [NC GS 7B-2101](#), all juveniles who are in custody and are going to be interrogated shall be advised of their constitutional rights prior to any interrogation.
3. If a juvenile is under the age of 18 and is charged as an adult, they shall still be advised their juvenile rights until their first appearance and/or be formally charged, and jurisdiction transferred to Superior Court.

Note: If the juvenile under the age of 18 requests that a parent, guardian, or custodian be present during questioning, the officer shall make a reasonable effort to contact them and document same. A caretaker may be present during questioning if the parent, guardian, or custodian is unavailable.

4. If you have a juvenile in a custodial setting, they shall be audio / video recorded. The recording shall begin when the subject is placed into the room and end when they are removed from the room. If there is a break in the interrogation, the recording shall reflect that break.
5. Juvenile Miranda warnings shall be read by officers utilizing Concord Police Department Advice of Rights – Juvenile ([form MJ – 1 Age 16 or 17](#) or [form MJ – 1 Age Under 16](#)) to all juveniles subjected to a custodial interview. To avoid irreparable mistakes, officers shall not recite the juvenile Miranda warning from memory.
6. When the juvenile is less than 16 years of age, no in-custody admission or confession resulting from interrogation may be admitted into evidence unless the confession or admission was made in the presence of the juvenile's parent, guardian, custodian, or attorney. If an attorney is not present, the parent, guardian, or custodian, as well as the juvenile, shall be advised of the juvenile's rights, however, a parent, guardian, or custodian may not waive any right on behalf of the juvenile, in accordance with [NC GS 7B-2101](#).

7. Officers may obtain pertinent information concerning the juvenile's name, parents' names, and means of contacting parents prior to advising the juvenile of his/her rights but cannot ask questions about the incident being investigated.
8. Interrogation shall cease upon request from the juvenile, the parents or his/her attorney, or if a reasonable person would believe that the setting or circumstances have become coercive.

B. NON-CUSTODIAL INTERVIEWS

1. A juvenile who is not in custody may be interviewed without Miranda warnings and without a parent, guardian or custodian present.
2. If an officer needs to interview a juvenile who is in secure custody (in a youth development center, detention center, or community commitment placement), the officer shall contact the Facility Director with the purpose of the interview to arrange a time.

07.07.9 FINGERPRINTING AND PHOTOGRAPHING DELINQUENT JUVENILES

- A. [NC GS 7B-2102\(a\)](#) requires a law enforcement officer or agency to fingerprint and photograph a juvenile when all of the following circumstances exist:
 1. The juvenile was 10 years of age or older when the juvenile allegedly committed a nondivertible offense as set forth in [NC GS 7B-1701\(a\)](#);
 2. A complaint has been prepared for filing as a petition; and
 3. The juvenile is in the physical custody of law enforcement or of the Division of Juvenile Justice and Delinquency Prevention.
- B. Fingerprints and photographs of juveniles taken pursuant to [NC GS 7B-2102](#) shall be prepared in the proper format for submission to the State Bureau of Investigation (SBI) and Federal Bureau of Investigation (FBI).
- C. If a juvenile's fingerprints and photographs are taken pursuant to [NC GS 7B-2102\(a\)](#), they shall be destroyed at the earliest of the following events:
 1. The juvenile court counselor or prosecutor does not file a petition against the juvenile within one year of fingerprinting and photographing the juvenile pursuant to [NC GS 7B-2102\(a\)](#);
 2. The court does not find probable cause pursuant to [NC GS 7B-2202](#);
 3. The juvenile is not adjudicated delinquent of any offense that would be a felony or misdemeanor if committed by an adult.
- D. If the juvenile, who was 10 years of age or older at the time of the offense, is adjudicated delinquent of an offense that would be a felony if committed by an adult, the fingerprints obtained pursuant to [NC GS 7B-2102](#) shall be transferred to the SBI and placed in the AFIS system. The fingerprints and photographs may be used for all investigative and comparison purposes.

- E. Fingerprints and photographs of juveniles taken pursuant to [NC GS 7B-2102](#) are NOT public records, not open to public inspection or examination, and are not eligible for expunction under [NC GS 7B-3200](#). Juvenile fingerprints and photographs shall be maintained separately from any juvenile record, other than the electronic file maintained by the SBI.

07.07.10 IDENTIFICATION PROCEDURES

- A. Non-testimonial Identification Orders shall be carried out in accordance with [NC GS 7B-2103 through 7B-2109](#).
- B. Officers may conduct a "show up" involving a juvenile suspect shortly after the commission of a crime. Officers shall follow procedures as set forth in [NC GS 15A-284.52\(c1\)](#).

07.07.11 FIELD REPORTING AND RECORDS MANAGEMENT

- A. When a juvenile is delinquent as defined above in section 07.07.2A all field reporting shall be completed in accordance with [General Order 09.19 Field Reporting and Records Management](#). Concord Police Department Parent Notification Form ([Form PN-1](#)) shall be completed and turned into the Customer Service Unit. A Customer Service Unit coworker shall attach a copy of this form to the report completed in RMS prior to mailing a copy to the listed address on the form.

07.07.12 JUVENILE RECORDS

- A. Disclosure of information concerning any juvenile under investigation or alleged to be within the jurisdiction of the court that would reveal the identity of the juvenile is prohibited except that publication of pictures of runaways is permitted with the permission of the parent.
- B. Unless jurisdiction of the juvenile has been transferred to superior court, all law enforcement records and files concerning a juvenile shall be kept separate from the records and files of adults and shall be withheld from public inspection. The following persons may examine and obtain copies of law enforcement records and files concerning a juvenile without an order of the court:
1. The juvenile or the juvenile's attorney;
 2. The juvenile's parent, guardian, custodian, or the authorized representative of the juvenile's parent, guardian, or custodian;
 3. The district attorney;
 4. Juvenile court counselors;
 5. Law enforcement officers that are sworn in this State.

Otherwise, the records and files may be examined or copied only by order of the court ([NC GS-7B-3001](#))

- C. All juvenile arrest and criminal history records shall be maintained within the Customer Service Unit in a secure location separate and apart from adult offender files. Juvenile fingerprint cards, photographs, and arrest records authorized for retention shall be maintained separate from adult criminal information and shall be secured within the Customer Service Unit. All electronic juvenile information shall be password protected.
- D. Access to juvenile information within RMS shall be limited to the appropriate coworkers by the user rights assigned by the Support Services Division commander or designee.
- E. Disposition and expungement of juvenile records shall be in accordance with the prevailing requirements of the North Carolina Juvenile Code.

07.07.13 TRUANTS


- A. Juveniles under age 16 are required to attend school unless permission to be absent is given by an authorized person.
- B. When an officer has probable cause to believe a juvenile is truant, the juvenile may be taken into temporary custody. When a juvenile is taken into temporary custody, the officer shall release the juvenile to his/her parent, guardian, custodian, or to the juvenile's school.

07.07.14 JUVENILE TRAFFIC ENFORCEMENT AND VEHICLE STOPS

- A. A person sixteen (16) years of age or older who is to be charged with a traffic misdemeanor or infraction may be issued a Uniform Traffic Citation and processed as an adult.
- B. A person less than sixteen (16) years of age who is to be charged with a traffic misdemeanor or infraction shall be charged by the officer utilizing the Department of Juvenile Justice petition process.

07.07.15 JUVENILE OPERATIONS

- A. The department's juvenile operations function shall include, at a minimum, the following activities:
 - 1. Designing and implementing programs intended to prevent and control delinquent and criminal behavior by juveniles;
 - 2. Follow-up processing of juvenile arrests;
 - 3. Coordination and preparing court cases in which a juvenile offender is involved;
 - 4. Diverting juvenile offenders out of the juvenile justice system when deemed appropriate.


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