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POLICY

It is the policy of the Douglas County Sheriff's Office (DCSO) to develop and participate in programs designed to prevent and control juvenile crime and delinquency and to respond to juvenile crimes in the least coercive course of action necessary to protect both the public and the juvenile. (44.1.1)

DEFINITIONS

Temporary Custody: For purposes of NSS §43-248(8) and §43-250(2), temporary custody refers to situations where the juvenile ages 10 and under would otherwise have been street released or booked.

PROCEDURE

I. Juvenile Operations

- A. The DCSO has established the following programs and operations for prevention and control of juvenile delinquency: (44.1.1)
 1. School Resource Officer (SRO) Team (44.2.4)
 - a. In addition to providing law enforcement services for Douglas County Public Schools, the DCSO School Resource Officers (SROs) Team is responsible for:
 - (1) Acting as a resource with respect to delinquency prevention.
 - (2) Providing guidance on issues in classroom settings.
 - (3) Providing individual counseling and/or mentoring to students.
 - (4) Explaining law enforcement's role in society.
 2. Explorers Program
 - a. Provides high school aged youth with training and experience in various aspects of the law enforcement field within a safe environment.
 3. Vice, Intelligence, Organized Crime (VINOC) Unit
 - a. VINOC investigates online enticement cases, hotel/motel operations, target-specific investigations, and peer-to-peer human trafficking cases including those targeted at juveniles.
 4. Juvenile Investigations

- a. The Juvenile Investigation Function serves court orders related to juvenile custody and hearings.
5. Community Outreach Team
 - a. The Community Outreach Team may engage in juvenile-specific outreach programs such as the Explorers Program, childhood passenger safety checks, and providing education and crime prevention resources to various community organizations.
6. The DCSO encourages all its members to volunteer their time to become active in the community and community youth programs. (44.2.5)
7. In accordance with NSS §43-2,108 and §43-286.04, the Operations Chief Deputy or designee will ensure that designated members have access to juvenile probationer information, including those placed on electronic monitoring.
- B. It is the responsibility of all members to follow all DCSO policies and procedures concerning juvenile matters. (44.1.1)
 1. All Deputies are required to maintain a working knowledge of the Nebraska State Statutes as it pertains to juveniles.
 2. All agency components and members share responsibility for participating in and supporting DCSO juvenile operations as applicable in their various roles.
- C. In dealing with juvenile offenders, all Deputies will use the least coercive action among reasonable alternatives, consistent with preserving public safety, order, and individual liberty. Any action taken will conform to and not be in violation of the Nebraska State Statutes. (44.2.1)
 1. Deputies may contact one of the available behavioral health crisis resources and provide families with the Nebraska Family Helpline as needed to assist juveniles and their families with any non-criminal issues or concerns regardless of the action ultimately taken to address the specific call (see the DCSO “Behavioral Health Crisis Response” policy). Providing the family with additional resources could prevent or reduce future incidents.
 - a. Deputies will document any community resources provided to the juvenile and/or family such as the Nebraska Family Helpline in the Case Report if one is completed. If a Case Report is not completed resources provided will be documented on the Daily Report in CAD.
- D. Diversion is administered by the Douglas County Juvenile Assessment Center in cooperation with the Douglas County Attorney’s Office (DCAO). (1.1.3)
- E. The DCSO encourages review and comment by other elements of the juvenile justice system or subject matter experts in the on-going development of the agency’s policies and procedures relating to juveniles. (44.1.2)
 1. Input may be sought from:
 - a. The Douglas County Attorney’s Office – Juvenile Division.
 - b. The Douglas County Youth Center (DCYC).

- c. The Douglas County Juvenile Assessment Center.
2. Review and comment will be evaluated and changes will be considered, as appropriate, at the time of the review.

II. Juveniles Ages Ten (10) and Younger

- A. Deputies may take juveniles ages ten (10) and younger into temporary custody without a warrant in accordance with NSS §43-248(7) and NSS §43-247(1), (2), (3)(b), or (4) when:
 1. The juvenile has committed a misdemeanor offense.
 2. The juvenile has committed a felony offense.
 3. The juvenile has committed a traffic offense per NSS §43-245.
 4. The juvenile is, by reason of being wayward or habitually disobedient, is uncontrolled by his or her parent, guardian, or custodian, departs him/herself so as to injure or endanger seriously the morals or health of him/herself or others, or is habitually truant from home or school.
- B. Deputies WILL take juveniles age ten (10) and younger into temporary custody without a warrant if the juvenile is on active probation and has committed a misdemeanor or felony criminal offense (NSS §43-250.01). In accordance with NSS §43-286.01, criminal offenses in this case do not include traffic offenses.
 1. Deputies will contact Juvenile Intake/Probation for placement of the juvenile in such cases.
- C. In accordance with NSS §43-248(1) and (7) and §43-250(2) all juveniles younger than eleven (11) who are taken into temporary custody, due to delinquency or a traffic offense may be:
(44.2.1a)
 1. Placed into the custody of the Department of Health and Human Services (DHHS) who will make a temporary placement of the juvenile into the least restrictive environment consistent with the best interests of the juvenile as determined by DHHS. **(1.2.6 & 44.2.1c)**
 2. Released. **(1.2.6)**
- D. Deputies will not arrest, book, cite, or street release juvenile suspects who are younger than eleven (11) in accordance with NSS §43-248(7) and NSS §43-250(2). **(1.2.6 & 44.2.1b)**
- E. When responding to calls in which the suspect is younger than eleven (11), Deputies will adhere to the following procedures:
 1. If the Deputy takes temporary custody of the juvenile, the Deputy will adhere to the following procedures:
 - a. Complete all applicable reports (e.g., Case Report, Affidavit for Removal of Juvenile(s)/Parental Notification Report (OSF-46A), etc.).

- b. If Deputies believe the juvenile is a ward of the state, the following procedures apply:
 - (1) During regular business hours Deputies will contact Douglas County Juvenile Intake/Probation to verify if the juvenile is a current ward of the state.
 - (2) Outside of normal business hours, Deputies will call DHHS to verify ward status.
 - c. In non-criminal cases (e.g., abuse, neglect, etc.), Deputies will contact the DHHS hotline and assigned caseworker for appropriate placement and follow-up.
 - (1) Complete any additional follow-up investigation as directed by DCSO/CID to provide more information to DHHS (e.g., home site inspection, interviewing parents/guardians, etc.).
 - d. In criminal cases, Deputies will contact Juvenile Intake/Probation for appropriate placement.
2. If the Deputy does not take the juvenile into temporary custody or releases the juvenile after taking the juvenile into temporary custody the Deputy will take no further action. The juvenile will be released to a parent or legal guardian. (44.2.1a)
- a. Deputies will still be required to complete all applicable reports.
3. If the victim inquires as to the disposition of the juvenile suspect when the suspect is younger than eleven (11), Deputies will advise the victim that the suspect is being handled in accordance with state statute based on the juvenile's age.
- a. Deputies WILL NOT inform the victim whether the suspect was placed with DHHS or released.

III. Juveniles ages eleven (11) through seventeen (17)

- A. Pursuant to NSS §43-248, a juvenile age eleven (11) through seventeen (17) may be taken into temporary custody by any peace officer without a warrant or order of the court when:
 - 1. A juvenile has violated a state law or municipal ordinance in the presence of the officer (NSS §43-248 (1)).
 - 2. If a juvenile is suspected of committing a misdemeanor violation not witnessed by the Deputy, that juvenile cannot be booked. Deputies will refer to section C, 1-3 below for possible dispositions.
 - 3. A felony has been committed and the officer has reasonable grounds to believe such juvenile committed it.
 - 4. There are reasonable grounds to believe that the juvenile has run away from his or her parent, guardian, or custodian (NSS §43-248(2)).
 - a. Deputies will adhere to the procedures in the DCSO "Missing Persons" policy.

5. There are reasonable grounds to believe that the juvenile is a truant from school (NSS §43-248(3)).
 6. The juvenile is seriously endangered by his or her surroundings and immediate removal appears to be necessary for the juvenile's protection (NSS §49-248(6)) (see Section X below).
 7. There are reasonable grounds to believe that the juvenile is a victim of prostitution or trafficking (NSS 49-248(5)) (See Section X below).
 8. The Deputy believes the juvenile to be mentally ill and dangerous in accordance with NSS §71-908 and such harm is likely to occur before proceedings may be instituted before the juvenile court (NSS §49-248(8)) (See Section X below).
 - a. Deputies will adhere to procedures in the DCSO "Behavioral Health Crisis Response" policy.
- B. Deputies WILL take juveniles age ages eleven (11) through seventeen (17) into custody without a warrant if the juvenile is on active probation and has committed a misdemeanor or felony criminal offense (NSS §43-250.01). In accordance with NSS §43-286.01, criminal offenses in this case do not include traffic offenses.
1. Deputies will contact Juvenile Intake/Probation and request detention of the juvenile in such cases.
- NOTE:** Juveniles twelve (12) years of age and younger may not be placed into detention unless all temporary and alternative placement options have been exhausted in accordance with NSS §43-251.02.
- C. Deputies will adhere to the following procedures when taking a juvenile age eleven (11) through seventeen (17) into custody:
1. Deputies will determine whether the juvenile is alleged to have engaged in criminal or non-criminal behavior. (44.2.2a)
 - a. Non-criminal behaviors are classified as status offenses (runaway, ungovernable or wayward juvenile). (44.2.2a)
 - (1) If a status offender is encountered, the responding Deputy will make every reasonable attempt to place the juvenile with the juvenile's parents or custodial parent.
 - (2) If this is not possible or practical, the Juvenile Intake Officer will be contacted regarding placement.
 - (3) Status offenders cannot be detained in DCYC unless they are reported runaways from another jurisdiction. (44.2.2c)
 - b. For criminal matters, Deputies will adhere to the following procedures:
 - (1) Each suspect/juvenile will be placed on a separate affidavit with the narrative based on their role in the crime/investigation. The Affidavit for Removal of Minor Child from Parental/Custodial Home (SF-46) will be completed.

(2) Deputies will contact Juvenile Intake/Probation for detention/placement.

D. Deputies may utilize the following alternatives for juveniles ages eleven (11) through seventeen (17), except for juveniles on active probation who have committed a felony or misdemeanor offense in accordance with NSS §43-250.01: (1.2.6)

1. Outright release with no further action (44.2.1a)

- a. This alternative includes verbal warnings, field interviews, and leaving corrective action to the parents or guardians of the juvenile(s) involved. Such contacts will be documented within CAD in RMS.
- b. Juveniles should be released to a parent or legal guardian. If the parent/legal guardian is not available, they will be contacted and notified of the incident.

2. Citations/Summonses of Juvenile Offenders (44.2.1b)

a. Misdemeanors and Traffic Offenses

- (1) All juveniles ages sixteen (16) and seventeen (17) years old, believed to have committed a traffic infraction will be issued a citation.
- (2) All juveniles ages sixteen (16) and seventeen (17) years old, believed to have committed a traffic offense or traffic misdemeanor offense or a combination thereof will be issued a citation.
- (3) All juveniles aged sixteen (16) and seventeen (17), believed to have committed a misdemeanor offense or non-traffic infraction offense will be street released and a Juvenile Referral Report (OSF- 29) will be completed unless aggravating circumstances exist.
- (4) Aggravating circumstances include:
 - (a) A need to remove the juvenile from an environment made dangerous by the juvenile's presence.
 - (b) An extensive criminal history or a propensity towards violence.
 - (c) The juvenile committed a misdemeanor offense and is a juvenile probationer (NSS 43-250.01).
- (5) If such circumstances exist, the Juvenile Intake Officer will be contacted to determine if the juvenile offender should be booked and confined at the DCYC in accordance with Section IV below.
- (6) All juveniles, ages eleven (11) through fifteen (15) years, charged with a misdemeanor traffic offense or infraction will be street released to their parent or guardian and referred to juvenile court by completing a Juvenile Referral Report (SF-29). (44.2.1a)
 - (a) Deputies need not seek the authorization from the Juvenile Intake Officer before street-releasing a juvenile less than sixteen (16)

years of age charged with a traffic infraction or a misdemeanor. This does not apply to juveniles on active probation who have committed a felony or misdemeanor offense in accordance with NSS §43-250.01.

3. Juvenile Referral (44.2.1d)

- a. When appropriate, written citations or a Juvenile Referral Report will be used rather than detention. Deputies will attempt to street release and refer or cite juveniles into court rather than seek detention, when feasible.
- b. In making such a decision, Deputies will consider the circumstances of the offense, the offender's past record and the intake criteria of the DCYC. Criminal acts that may require detention include but are not limited to the following (see Section IV below for detention procedures):
 - (1) Felony crimes.
 - (2) Crimes involving weapons.
 - (3) Instances where the juvenile may be a danger to themselves or others.
 - (4) Gang related crimes.
 - (5) Aggravated assaults.
 - (6) Crimes committed by juveniles under probation or parole or with cases pending in juvenile court.
 - (7) Repeated criminal acts.
 - (8) Cases where parental supervision is not effective.
 - (9) Felony or misdemeanor offenses committed by a juvenile on active probation in accordance with NSS §43-250.01.
- c. The DCSO does not directly refer juveniles to diversion alternatives. Once juveniles have been referred to the court system, the appropriate prosecuting authority will determine whether the juvenile should be referred to an appropriate diversion alternative or whether the juvenile will be prosecuted. (44.2.1c) (1.1.3)

4. Arrests

- a. When a Deputy makes a physical juvenile arrest, the juvenile will be taken to the DCYC for processing without delay, unless the juvenile is in need of emergency medical treatment. (44.2.2d)
 - (1) Deputies will adhere to procedures in Section IV when booking juveniles into DCYC.
- b. The parents or guardian of the detained juvenile will be contacted as soon as practical and advised of the situation. This notification will be documented in the appropriate reports. (44.2.2e)

- (1) Deputies are required by NSS §43-250 to immediately take reasonable measures to notify the juvenile's parent, guardian, custodian, or relative.
- (2) If a parent, guardian, custodian, or relative is not located, a supervisor will be contacted and advised. The on-duty supervisor will ensure contact is made. If needed, the supervisor may pass the obligation to the next shift supervisor for follow-up.
- c. While in custody at the DCSO, current temporary detention agency policies and procedures will be followed (see the DCSO "Temporary Detention" policy).
 - (1) The juvenile will not have any verbal, visual, or physical contact with an adult suspect while in temporary detention at the DCSO.
- 5. Regardless of the disposition, reports will be completed per established policy and procedures before the end of the reporting Deputy's shift (see the DCSO "Report Writing" policy).

IV. Booking of Juveniles Eleven (11) – Seventeen (17) Years of Age

- A. When a juvenile offender is placed under custodial arrest or it is determined by the Deputy that the juvenile offender should be detained at DCYC in accordance with Section III above, the Deputy, while retaining temporary custody of the juvenile, will contact a State Probation (Intake) Officer for a detention interview to determine the need for detention or release of juvenile offenders and provide all relevant information.
 - 1. Deputies will request that the Juvenile Intake Officer detain the juvenile at DCYC in the following circumstances:
 - a. All felony offenses, unless otherwise directed by a Lieutenant or Captain.

NOTE: A Lieutenant or Captain may determine that an alternative to detention at DCYC is appropriate based on the totality of the circumstances.
 - b. All juveniles booked for firearms-related offenses.
 - c. All juveniles who the Deputy determines may be a danger to themselves or other persons (see the DCSO "Behavioral Health Crisis Response" policy).
 - d. All juveniles on active probation who have committed a misdemeanor or felony offense in accordance with NSS §43-250.01.
 - 2. If the Juvenile Intake Officer directs that the juvenile will be detained at the DCYC, the following procedures will be followed:
 - a. The juvenile to be detained will be advised of their constitutional rights utilizing developmentally appropriate language.
 - b. If the juvenile has not yet been transported, the juvenile will be transported to DCYC without delay and turned over to that authority.
 - (1) All juveniles taken to DCYC for detention will be thoroughly searched prior to being turned over to DCYC personnel.

- (2) If the juvenile has been injured or is under the influence of drugs or alcohol, a medical examination will be given prior to the juvenile being accepted for detention in DCYC as directed by the Intake Officer.
 - (a) Medical clearance may be obtained from any local hospital emergency room.
 - (b) Upon medical clearance, the juvenile will be transported by a Deputy to DCYC as directed by the Juvenile Intake Officer.
 3. The Deputy will document in the Case Report if a request was made to the Intake Officer to detain the juvenile at DCYC and the outcome of that request.
 - B. Juveniles, fourteen (14) through seventeen (17) years old, may only be booked as adults for class IA, IB, IC, ID, II or IIA felonies. **(NSS §29-1816)**
 1. If a juvenile, fourteen (14) through seventeen (17) has committed one of the felony offenses listed above and meets one of the conditions listed below, the on duty county attorney will be notified for a decision whether to charge the juvenile as an adult.
 - a. The juvenile is currently on probation or parole.
 - b. The juvenile is being booked for more than one felony charge.
 - c. The juvenile has an extensive criminal history.
 - d. An unsafe condition will exist if the juvenile is released.
 2. If the DCSO desires to have the juvenile charged as an adult, all reports in connection with the case will be forwarded to the deputy county attorney on duty and a Juvenile Referral Report will not be submitted. The deputy county attorney will base a decision regarding further confinement on recommendations.
 - a. A Juvenile Intake Calendar is provided for after-hours contact resources.
 3. The Deputy County Attorney on duty may later decide whether to formally charge such juveniles as an adult or whether to refer the juvenile to juvenile court.
 4. If the deputy county attorney declines adult prosecution, the county attorney will refer the juvenile back to the juvenile court. No further action will be required of DCSO.
 - C. All other juveniles will be booked as juveniles.

V. Custodial Interrogation Procedures (44.2.3a)

- A. Similar to adult arrestee/detainees, Deputies may question/interrogate juveniles being detained only after:
 1. Formally advising the juvenile of the juvenile's constitutional rights using developmentally appropriate language (see OSF-12).

-AND-

2. Receiving a waiver of those rights from the juvenile to be questioned. When feasible, a DCSO Rights Advisory Form (OSF-12) will be used.
- B. Juvenile suspects will be given the same Constitutional protections afforded adults. (44.2.2c) Any Deputy questioning a juvenile offender or suspect will make certain that both the juvenile and parents/guardians understands:
1. The DCSO procedures in dealing with juvenile offenders.
-AND-
 2. The implications that may be forthcoming in the juvenile justice system.
- C. The following additional procedures/safeguards will be followed concerning juveniles:
1. When possible, parents or guardians will be notified after a juvenile is taken into custody, interviewed/interrogated or charged.
 2. The number of Investigators engaged in the interview and its duration will be limited to two and its duration will be reasonable, preferably three hours or less. Increasing the number of Investigators or requests for duration extensions will be approved by a supervisor.
- D. These notifications, as well as any aberrations in the number of Investigators or time extensions will be documented in the involved Deputy's reporting.

VI. Parental Access to Detained Juveniles

- A. There is no statutory or constitutional right for a parent to be present during a custodial interrogation.
1. However, the presence or lack thereof of a parent or guardian is one factor to be considered by the court to determine if any confessions were voluntarily made.
 2. Another factor is whether or not the juvenile asked to have their parent or guardian present or to speak to their parent or guardian.
- B. There is no statutory or constitutional right for a parent or guardian to demand no interview/interrogation take place without their presence and or the presence of a family attorney.
- C. Generally, parents may not invoke Miranda rights on behalf of their child. However, if a juvenile wants an attorney or already has an attorney and wishes to use a parent as an intermediary, it may be allowed.
- D. If a juvenile has already retained an attorney on the case the juvenile is being interviewed on, the parent may demand the attorney be allowed access to the juvenile if there was an understanding the juvenile was not to speak to law enforcement.
- E. Juveniles requesting to confer with an attorney, except when exigent circumstances exist, will be permitted to call or consult with such attorney without delay. An attorney will be permitted to see and consult with the juvenile alone and in private at the place of custody.

VII. Non-Custodial Interviews of Juveniles (44.2.3b)

- A. Juvenile victims and witnesses will be given the same constitutional protections afforded adults. The following additional safeguards will be followed concerning juveniles:
1. Patrol Deputies will generally be the first responders to calls of Child Abuse/Neglect for both in home or out of home complaints. In cases where the Deputy is unable to interview the victim due to the nature of the allegations, Deputies may interview the reporting party/witness to complete their initial reports.
 2. Only specially trained Investigators (e.g., Project Harmony) will interview juvenile victims of sexual assault or felony child abuse/neglect. Responding Deputies will ensure the safety of the victim to include placement if necessary. Patrol Deputies may contact CIU with questions.
 3. As the preliminary investigator, Patrol Deputies may interview victims of misdemeanor child abuse/neglect, arrest/cite suspects and remove children as necessary for their safety.
 4. When possible, parents or guardians will be notified after a juvenile is removed, taken into custody, or interviewed.

VIII. Fingerprinting and Photographing Juveniles

- A. Juveniles age Thirteen and Under
1. Juveniles age thirteen and under who are in custody in the investigation of a suspected unlawful/delinquent act, shall NOT be fingerprinted without a court order from a County, District, or Juvenile Court Judge (NSS §43-252).
 2. Juveniles age thirteen and under who are not suspected of an unlawful act and are not in custody in such an investigation shall NOT be fingerprinted for an identification record but may be fingerprinted for comparison/exemplar (e.g., elimination) reasons as long as the fingerprints will not be utilized as an identification record.
 - a. Fingerprints of juveniles taken for elimination purposes will only be used for elimination purposes and may not be searched through the AFIS database.
- B. Juveniles Age Fourteen and Older
1. Juveniles age fourteen and older who are charged with a misdemeanor or felony offense and who are being booked and detained will be fingerprinted and have mugshot photos taken by the Douglas County Youth Center (DCYC) during the booking process, following current DCYC procedures.
 2. If the parent/guardian refuses permission, the standard policy of refusal will prevail as in the case of adult suspects.
 3. Exemplar prints will be retained in accordance with the DCSO "Records" policy.
- C. Juveniles Accused of Status Offenses
1. Juveniles accused of status offenses will NOT be fingerprinted (NSS §43-252).

IX. Minor in Possession of Alcohol (MIP)

- A. The DCSO enforces a zero tolerance policy regarding minors in possession of alcoholic beverages and the procurement of alcohol for minors. Members will refer to the DCSO “Traffic Enforcement – DUI” policy for procedures regarding Driving Under the Influence.
- B. Deputies responding to MIP incidents will adhere to the following procedures:
 - 1. If the scene involves a significant amount of alcohol and/or minors, Deputies may request that FSB document the scene in accordance with the DCSO “Collection and Preservation of Evidence” policy.
 - 2. Members will book a representative sample of alcoholic beverage containers from the scene into PED.
 - a. A representative sample might include one alcoholic beverage container of each type of alcoholic beverage located at the scene.
 - b. When entering the alcoholic beverage containers in the Property Sheet, members will include the amount, specific type, and brand of alcoholic beverage containers being entered into PED (e.g., one 12 oz. can of Miller Lite).
 - c. Alcoholic beverage containers that can be properly sealed (e.g., bottles with screw on cap, unopened cans, etc.) will be placed into PED with their liquid to justify the charge of Minor in Possession of Alcohol.
 - d. Alcoholic beverage containers that cannot be properly sealed (e.g., open can of beer) will be emptied of their contents prior to entering the container into PED.
 - 3. If there are kegs present at the scene, members will attempt to locate and remove the keg registration label at the scene.
 - a. The labels will be booked into PED. Members will include the Keg Identification Number located on the label in the item description if available.
 - b. If the labels are missing/removed Deputies will refer to NSS §53-167.03 for possible charges related to tampering, altering, or removing the Keg Identification Number.
 - 4. Deputies will ensure that all alcoholic beverage containers at the scene that will not be entered into PED are opened, emptied, and destroyed prior to leaving the scene.
 - 5. Deputies will notate in the Case Report narrative the amount and type of alcohol that was destroyed at the scene (e.g., 23 12 oz. cans of Miller Lite).
- C. With the exception of the procedures above, members will adhere to standard DCSO policies and procedures when investigating such incidents.

X. Child Welfare Procedures

- A. Pursuant to NSS §43-248(6) and (8), a juvenile may be taken into temporary custody by any peace officer without a warrant or order of the court when:
 - 1. A juvenile is seriously endangered in his or her surroundings and immediate removal appears to be necessary for the juvenile’s protection.

2. The officer believes the juvenile to be mentally ill and dangerous as defined in NSS §71-908 and that the harm described in that section is likely to occur before proceedings may be instituted before the juvenile court.
- B. Deputies will determine whether the juvenile is alleged to have been harmed or to be in danger of harm. (44.2.2b) In situations where Deputies have encountered juveniles who are victims of abuse/neglect and need to be placed into emergency protective custody, Deputies will adhere to the following procedures:
1. The Nebraska Department of Health and Human Services (DHHS) Child Protective Services (CPS) Hotline is the information gathering entity responsible for taking calls reporting suspected abuse and coordinating with Law Enforcement for the temporary custody and placement of child victims.
 - a. Within Omaha CPS, the Hotline and CPS are housed separately within the same facility and have different functions.
 - b. Hotline call takers are not authorized to provide approval for Deputies to make temporary placement of a juvenile victim with relatives, and or associates of unfit parents. Hotline operators are responsible for coordinating with CPS and ultimately Project Harmony.
 - c. Only CPS Supervisors and Caseworkers may screen and approve temporary placement of a juvenile victim with foster parents, relatives, and or associates.
 2. Omaha Project Harmony exists to provide effective, immediate, and sensitive support to child abuse victims and their non-offending family members.
 - a. Medical evaluations, forensic interviews, and advocacy services are provided to ensure that each juvenile and family member gets the most from those responding to child abuse.
 - b. A highly child-centered program and facility, Project Harmony utilizes a multidisciplinary team of law enforcement, social services, case workers, medical and referral professionals who work together to protect children.
 3. CPS and Project Harmony share the same facilities and triage center.
 4. Deputies will ONLY call the CPS Hotline when a Deputy, in collaboration with the shift supervisor or command officer, have determined juvenile victims should be placed in temporary custody and made a ward of the State of Nebraska.
 5. Once it is determined that a juvenile is endangered due to neglect, abuse, or sexual abuse, the juvenile will be placed into protective custody and removed from the home. Deputies will complete a notarized Affidavit for Removal of Minor Child from Parental/Custodial Home (SF-46).
 - a. When a juvenile is placed into protective custody, at no time will the parent or legal guardian be given the address or location of the juvenile.
 6. In cases involving the removal of multiple juvenile(s), Deputies will utilize the same Affidavit for Removal of Minor Child from Parental/Custodial Home (SF-46).

- a. The form lists up to four juveniles. Additional juveniles, beyond four, may be hand-written into the form in the same manner.
 - b. Deputies will document each victim/juvenile and file the Affidavit under the same Case Report Number.
7. Deputies will transport juveniles taken into custody in this manner to the office of CPS/Project Harmony.
- a. The purpose of the transportation to Project Harmony is to utilize the triage center, assign a case worker, and facilitate the screening/temporary placement process.
 - b. Only a CPS Caseworker can waive this step and screen candidates in the home (typically occurring in cases with open Court Dockets).
8. Prospective placement candidates such as immediate non-suspect family members may transport the juvenile and/or meet Deputies at Project Harmony to expedite the screening/placement process with the understanding the overall discretion for placement resides with DHHS CPS.
9. Juveniles formally removed from the home via an Affidavit for Removal of Minor Child from Parental/Custodial Home (SF-46) will not be left in the home with relatives, friends, other residents or be transferred to 3rd party locations unless the on-call CPS worker responds to the home and agrees to complete the screening process at the home.
- C. Juveniles left in the short-term care of relatives as a result of one or more parent(s) being arrested for minor offenses (e.g. fines, capias mitt.) not involving child abuse or where the juvenile is determined to not be endangered, remains at the discretion of the on duty DCSO Supervisor (see Section B above for procedures to be followed when a juvenile is determined to be endangered).
1. In such circumstances of short-term care, Deputies will conduct at a minimum a local and NCIC check on the proposed caregiver to preclude a criminal history disqualifying them as a suitable option.
 2. Deputies will fully identify the caregiver by name, DOB, address and phone number(s) in an Investigative Supplementary reports prior to the end of their shift.
- D. Deputies may contact available behavioral health crisis resources and provide families with the Nebraska Family Helpline as needed to assist juveniles and their families with any non-criminal issues or concerns (see the DCSO "Behavioral Health Crisis Response" policy). Providing the family with additional resources could prevent or reduce future incidents.
- E. NSS §43-248 and §43-250 requires a law enforcement officer to make a full written report to the county attorney within 24 hours of taking a child into emergency protective custody.
1. The County Attorney will facilitate a court order for placing the child in the temporary custody of the State of Nebraska.
 2. If a court order is not issued within 48 hours of taking the child into custody, the temporary custody placed by the DCSO TERMINATES.

3. To meet this statutory requirement, Deputies accomplishing a removal between the hours of Friday noon/1200 to Saturday noon/1200 will email the Douglas County Attorney's Office - Juvenile Division an informative "Affidavit for Removal of Minor Child from Parental/ Custodial Home (SF-46)" along with accompanying reports.
 - a. The DCAO will present a proposed court order to a judge over the weekend.
 - b. Deputies will be cognizant of holidays and follow the same procedure to ensure compliance with the law.
 - c. Deputies will email the signed and notarized affidavit and accompanying reports to the DCSO Juvenile Removal email group.
 - (1) The Case Report will include any resources provided to the juvenile and/or family (e.g., providing the family with the Nebraska Family Helpline, the MCRT, or any other community resources) to assist the DCAO in determining the appropriate decision.
 - d. Deputies will not telephone the DCAO after hours for purposes of informing DCAO of the affidavit of removal only. The email will be sufficient.
- F. Deputies will complete a report to document the actions taken by Deputies and other DCSO members in all investigations involving child abuse/neglect.
 1. If the elements of a crime exist a Case Report will be generated regardless of how the call or contact was initiated.
 - a. The Case Report will include any resources provided to the juvenile and/or family such as the Nebraska Family Helpline, the DCCRT, or any other community resources.
 - b. Deputies will note in the Case Report if the juvenile was placed in protective custody.
 2. In situations where the elements of a crime do not exist for child abuse/neglect, the actions taken by the Deputy and details of their investigation will be documented on an Information Report.
 - a. Deputies will document any resources provided to the juvenile and/or family in the Daily Report such as the Nebraska Family Helpline, the MCRT, or any other community resources.

XI. Safe Haven Procedures

- A. In accordance with NSS §43-4903 an infant up to 90 days old may be surrendered to an employee at a staffed law enforcement agency, emergency care provider, hospital, or fire station.
- C. In such circumstances, the person surrendering the infant is protected from prosecution for any crime based solely on the act of surrendering the infant in accordance with the law.
- D. If an infant is surrendered to a DCSO employee at one of its staffed facilities, the following procedures will be followed:

1. Sworn Procedures

- a. Deputies who either have an infant surrendered to them or respond to a call of a surrendered infant will contact DHHS for placement and notify their chain of command as soon as possible.
- b. Deputies will audio/video record the surrender when possible.
- c. Deputies will accept the infant, even if the infant appears to be over 90 days old.
- d. Persons surrendering an infant are not required to provide any information. However, Deputies will request the following information:
 - (1) Date, time, and location of birth.
 - (2) Any pregnancy or delivery complications.
 - (3) Any known health concerns for the infant, mother, or father.
 - (4) If the infant has any tribal affiliation, and, if so, the name of the Tribe.
 - (5) Any other information about the infant's medical, social, and family history.
- e. The Deputy will call 911 to request a Safe Haven transport of the infant via the Fire Department to Children's Hospital for further assessment, unless injuries would require a different hospital (i.e. trauma).
 - (1) The Deputy will inform 911 that this is a Safe Haven transport and include the infant's condition (e.g., healthy, obvious injuries, or health issues).
- f. The Deputy will remain with the infant until DHHS takes custody of the infant.
 - (1) The Deputy will provide DHHS with any information obtained during the surrender.
- g. Deputies will complete an Information Report documenting the incident and any information obtained.

2. Non-Sworn Procedures

- a. If the infant is surrendered to a non-sworn employee, the employee will notify a sworn Deputy immediately.

REFERENCES

I. Laws

- A. Nebraska State Statutes: §29-1816, §43-245, §43-248, §43-250, §43-252, §53-167.03, and §71-908.

II. DCSO Orders

- A. Previous DCSO General Orders include: #14-2023, #31-2022, #61-2020, #104-2019, #75-2018, #55-2018, #19-2017, #2-2017, #21-2016, #4-2015, #29-2014, and #24-2009.
- B. Previous USB Bureau Directives include: #1-2004.

III. Accreditation Standards

- A. Applicable CALEA Accreditation standards include: 1.1.3, 1.2.6, and Chapter 44.

IV. Review Schedule

- A. Quadrennial.