

GREENVILLE POLICE DEPARTMENT POLICY AND PROCEDURES		
<b>Chapter 44</b>	<b>Juvenile Operations</b>	
<b>Date Initially Effective: 07/15/1994</b>	<b>By the Order Of: Ted D. Sauls, Jr., Chief of Police</b>	
<b>Date Revised: 7/30/2023</b>	<b>Date Reissued: 12/01/2023</b>	<b>Page 1 of 9</b>

## ***44.1 Administration***

### **44.1.1 OBJECTIVES OF JUVENILE OPERATIONS**

CALEA Standard: 44.1.1 (Juvenile Operations Policy), 44.1.2(Policy Input, Others), 44.1.3(Annual Program Review), 11.4.1 (Administrative Reporting Program)

The Greenville Police Department is committed to the development, implementation, and perpetuation of programs designed to prevent and control juvenile delinquency within the community.

#### **Special Victims Unit Functions**

Members of the Special Victims Unit conduct activities targeted towards the juvenile population, to include:

- Delivering programs intended to prevent and control delinquent and criminal behavior by youth
- Follow-up processing of youth arrests
- Coordinating or preparing court cases in which a juvenile offender is involved
- Make referrals to juvenile court when indicated

#### **Shared Responsibilities**

The juvenile operations and delinquency prevention efforts of the Greenville Police Department are not limited to the activities of the Special Victims Unit. The responsibility for participating in and supporting the juvenile operations function is shared by all components and personnel of the Greenville Police Department. All police officers should be familiar with methods and procedures for addressing both criminal and noncriminal incidents involving juveniles.

#### **Juvenile Officers**

Police officers assigned to the Special Victims Unit shall have the primary responsibility for the coordination of prosecution efforts of juvenile offenders. Responsibilities include:

- Conducting initial investigations or follow-up investigations involving juvenile offenders
- Assisting patrol officers in cases involving juvenile offenders, victims, or suspects
- Serving as liaison with other agencies and organizations interested in juvenile matters

Special Victims Unit Detectives are required to respond at the direction of on-call C.I.B. supervisor or the unit supervisor for the following incidents:

- Juvenile death investigation
- Juvenile rape, if reported within 72 hours of occurrence
- First or second-degree sex offenses
- Physical abuse or assault resulting in serious bodily injury (whether committed against a juvenile or by a juvenile)
- Request by the Department of Social Services requiring the assistance of a juvenile investigator
- Incidents requiring the assistance of the State Bureau of Investigation

The shift supervisor should determine the following information prior to requesting the Special Victims Unit respond:

- When the crime took place
- Where the crime took place
- If a patrol officer can proceed within the scope of their responsibility
- If the officer needs specialized assistance from an investigator

If a Watch Commander determines that an investigator should be called out, he/she should contact the on-call C.I.B. supervisor.

#### **Evaluation of Juvenile Programs and Policies**

The Strategic Services and/or Youth Outreach Supervisor shall conduct an annual evaluation of juvenile enforcement and prevention programs. Quantitative and qualitative elements of such plans will be assessed to determine if a particular program should be continued, modified or discontinued. The final report should be submitted to the Chief of Police for review and approval.

This agency encourages review and comment by other elements of the juvenile justice system or other subject matter experts. Individuals meeting these qualifications shall be given the opportunity to review and comment during the development or revision of Greenville Police Department policies and procedures relating to juvenile operations.

## ***44.2 Operations***

### **44.2.1 SELECTION OF REASONABLE ALTERNATIVES**

CALEA Standard: 44.2.1 (Handling Offenders)

Police officers dealing with juvenile offenders should choose the least coercive option available, consistent with preserving public safety, order, and individual liberty. Options available under N.C. General Statute 7B-2100 include:

- Release of the juvenile, with or without first counseling the juvenile
- Release the juvenile to the juvenile's parent, guardian, custodian, or other responsible adult
- Refer the juvenile to community resources, other agencies/services for diversion alternatives
- Seek a petition
- Seek a petition and request a custody order.

When determining the course of action to be taken with juvenile offenders, police officers should consider the following factors:

- Nature of the alleged offense
- Age and circumstances of the offender
- Offender's record, (including school records)
- Availability of community-based programs
- Needs and limitations of the juvenile
- Strengths and weaknesses of the family
- Concerns of any victims or complainants

#### **Procedures for Release or Referral of Juvenile Cases**

Juveniles in the custody of Greenville Police Department personnel shall only be released to a parent, guardian, or other appropriate authority. Departmental referrals for juvenile cases may include, when appropriate:

- Warnings
- Informal referrals
- Consultation with parents or guardians

- Assistance with implementation of corrective action by parents

**Criteria Governing Intake Referrals of Juvenile Offenders**

Juveniles committing offenses in the following categories should be referred to an Intake Counselor with the assistance of a Juvenile Investigator:

- Delinquent acts that would be classified as a felony if committed by an adult
- All offenses with sexual motives
- Criminal acts involving weapons
- Serious gang-related delinquent acts
- Delinquent acts involving aggravated assaults
- Delinquent acts committed by juveniles under probation or parole or by those with a case pending
- Repeated delinquent acts within a 12-month period
- Other situations as determined necessary by the Juvenile Investigator conducting the investigation; 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.

**Temporary Custody**

A juvenile taken into temporary custody shall not be held for more than twelve hours unless:

- A petition for review has been filed by the Director of Social Services or
- An order for non-secure custody has been entered by the court.

An individual 16 or 17 years of age, charged with a traffic misdemeanor or infraction, may be issued a North Carolina Uniform Citation and processed as an adult.

**44.2.2 TAKING A JUVENILE INTO CUSTODY**

CALEA Standard: 44.2.2 (Procedures for Custody), 82.1.2 (Juvenile Records)

North Carolina General Statutes Chapter 7B-1900 provides a juvenile may be taken into temporary custody by a law enforcement officer without a court order if:

- Grounds exist for the arrest of an adult in identical circumstances under G.S. 15A-401 (b)
- There are reasonable grounds to believe that the juvenile is undisciplined
- There are reasonable grounds to believe the juvenile is an absconder from any authorized residential facility or from an approved detention facility

**In-custody Procedures for delinquent juveniles:**

The following procedures shall be followed when detaining juveniles suspected of committing criminal (delinquent) acts:

1. The officer will proceed with a petition if the victim or guardian requests the officer to proceed, or if officer discretion indicates a petition is the appropriate resolution or,
2. Release the juvenile to a parent or guardian.
3. The officer will complete the Arrest Report in the records management system any time a petition is obtained
4. Juvenile contact forms will be completed in the records management system if a juvenile is released
5. The unit supervisor will review the investigation to determine if all appropriate steps have been taken.
6. The SVU supervisor will assess if Teen Court or other diversionary actions may be considered, and consult with the investigating officer or assign the incident to an SVU detective.

Criminal matters occurring at any Pitt County School staffed by Greenville Police School Resource Officers (SROs) will follow the same procedures listed above.

**Tuant and Undisciplined Calls**

Officers will only be dispatched to a residence for truancy related calls for service where safety issues are known or suspected. When no safety issues are known or suspected, the tele-communicator should refer the parents to one of the following for assistance:

- The involved school
- Mobile Crisis Unit
- Department of Juvenile Justice

The following procedures shall be followed when dealing with truant and/or undisciplined juveniles:

- If dispatched to a home, officers should request the child be sent to school.
- If the child is located outside the home, the school will be contacted regarding the child's location. If the school cannot provide transportation for the child, the DJJ will be contacted to determine the appropriate course of action.

The officer will complete a field contact report and document the name of the individual that the child was released to. As a last resort, the officer will request approval from a supervisor to transport the juvenile to school.

**Juvenile Contact Report Requirements:**

An arrest report must be completed a juvenile (17 years or younger) will be charged with a crime and/or taken into secure custody. Along with the basic identifying information for the juvenile, the report should include the parent or guardian's name, address and/or phone number. If the juvenile is released to another responsible adult, the parental contact information should still be included. Additionally, field contacts with juveniles should always be documented in RMS utilizing the field contact option.

**Parental and School Notification Requirements**

North Carolina General Statute 15A-505 governs the notification requirements when a juvenile is charged with a criminal offense. "A police officer who charges a minor with a criminal offense shall notify the minor's parent or guardian of the charge, as soon as practicable, in person or by telephone. If the minor is taken into custody, the law enforcement officer or the officer's immediate superior shall notify a parent or guardian in writing that the minor is in custody within 24 hours of the minor's arrest." Notification may be made to the minor's next-of-kin if a parent or guardian is unable to be located. This notice is not required if the minor:

- Is emancipated
- Is not taken into custody and has been charged with a motor vehicle moving violation for which less than three points are assessed under G.S. 20-16 (c), except an offense involving impaired driving
- Has been charged with a motor vehicle offense that is not a moving violation

As part of the School Resource Officer (SRO) program:

- The SRO Supervisor will conduct weekly active warrant reviews, ensuring awareness of current orders issued by the Court. The SRO Supervisor shall notify the SRO and school administration of any outstanding custody orders/arrest warrants involving students enrolled at their assigned school.
- SROs will work with officer(s) assigned to duties off campus to ensure warrant service is first attempted off campus when practical.
- Absent any immediate concerns to public safety, the SRO or SRO Supervisor shall determine the most appropriate method for taking any juvenile into custody.
- When off campus warrant service is not practical,
  - High visibility locations such as cafeterias, auditoriums, gymnasiums, etc. should avoided, unless an immediate safety concern exists;
  - All consideration and discretion shall be used to limit exposure to other students during the arrest process to reduce risk and minimize further negative impact; and
  - When appropriate, school administration, staff, or coaches may assist by directing the student to a more private area (verbal assistance only).

**Procedures for Processing Juveniles for Identification**

N.C.G.S 7B-2102 establishes the provisions when a law enforcement officer may photograph and fingerprint a juvenile. Any fingerprints and photographs taken pursuant to the statute shall be maintained by the Forensic Unit and separately from any juvenile record. Destruction of all fingerprints and photographs will be done in accordance with statutory requirements.

**Juvenile Records**

Records pertaining to arrest and identification of juveniles shall be maintained separate from those of adults. Disposition and expungement of juvenile records will be in accordance with applicable North Carolina General Statutes. The Virtual Response Unit handles the expungement of juvenile records. When a juvenile offender reaches the age of 18, the juvenile can petition the court to purge the juvenile's records. Juvenile Records may be viewed by law enforcement officers on an authorized, need-to-know basis only after approval by the Criminal Investigations Bureau Commander. An individual juvenile's record will only be open to inspection by prosecutors, court counselors, the juvenile, the parent, guardian or custodian.

Pursuant North Carolina General Statute 7B-3100 a standing order provides for the sharing of information with regard to abused, neglected, and dependent children in certain situations. Any information shared pursuant to this statute shall remain confidential and shall only be shared and used as provided for in the statute. Agency names for Pitt County designated as authorized to share information are as follows:

- District 3 Department of Public Safety Division of Juvenile Justice
- Office of the District Attorney
- Office of Guardian Ad Litem Services of the Administrative Office of the Courts
- Pitt County Department of Social Services
- East Carolina Behavioral Health, LME
- Pitt County Public Health Center
- Pitt County Board of Education
- Pitt County Sheriff's Office
- North Carolina State Highway Patrol
- State Bureau of Investigation
- Ayden Police Department
- Bethel Police Department
- Farmville Police Department
- Greenville Police Department
- Grifton Police Department
- Winterville Police Department

**44.2.3 PROCEDURES FOR JUVENILE INTERVIEW/INTERROGATION**

CALEA Standard: 44.2.3 (Custodial Interrogation and Non-Custodial Interviews)

Police officers interviewing a juvenile shall ensure that the parents or guardians of the juvenile are notified of the reason for the interview. All Departmental and juvenile justice system procedures must be explained to the juvenile, juvenile's parent, custodian or guardian at the time of the interview.

Prior to questioning, police officers interviewing a juvenile under 18 years of age shall ensure that the juvenile, along with his/her parent, guardian or custodian if the juvenile is under the age of sixteen (16), is advised of his/her Miranda rights and statutory rights in accordance with N.C.G.S. 7B-2101. If the juvenile is less than sixteen (16) years of age, the juvenile must have a parent, guardian, custodian, or lawyer with them during questioning. The parent, guardian or custodian may not waive any right, on behalf of the juvenile. All interviews, the administration of Miranda rights and subsequent waiver or exercise of one's rights shall be documented utilizing the interview room video equipment or a body-worn camera. If no equipment is available, officers must document in their case report the reason why no video was utilized.

**Interviews of juveniles:**

- Are limited in duration to no more than two hours at any one session
- Involve no more than two police officers in the actual interview of a juvenile
- Must be conducted in a reasonable manner and not cause undue stress for the juvenile
- Shall be recorded on video with corresponding audio. However, at a minimum, an audio recording shall be done as required in NCGS 15A-211 (d)

Exceptions to the two-hour limitation for interviews may be made:

- At the discretion of the Criminal Investigations Bureau Supervisor, or
- At the agreement and discretion of the Greenville Police Detective and the clinician involved in any interview conducted as part of the TEDI-BEAR project.

**Non-custodial interview:**

For any pre-planned non-custodial interview, officers should attempt to notify the juvenile's parent(s)/guardian prior to the commencement of the interview. Notification may be waived, if the notification would jeopardize the investigation, or the parent/guardian is a suspect. Notification or any attempt at such should be documented in the incident report.

**44.2.4 SCHOOL LIAISON PROGRAM**

CALEA Standard: 44.2.4 (School Services Programs), 11.4.1 (Administrative Reporting Program)

The Greenville Police Department will establish and maintain a school liaison program through the use of the School Resource Officers, officers assigned to the Adopt-A-School Program and the truancy prevention program. Some of the responsibilities within certain school programs include:

- Acting as resources with respect to delinquency prevention
- Providing guidance on ethical issues in a classroom setting
- Providing individual counseling and/or mentoring to students
- Explaining the law enforcement role in society

**ADOPT-A-SCHOOL PROGRAM**

The purpose of the Department's Adopt-A-School Program is to establish consistent interaction between police officers appointed as liaisons and schools within agency jurisdiction that do not have a designated School Resource Officer. It is important to recognize the increasing need for developing relationships with school-aged children, before they have succumbed to negative pressure and influences. This interaction aids both the school and the Department in addressing societal problems such as drug, crime, gang, and violent influences that are consistently targeting children who are more susceptible.

**Appointment of Adopt-A-School Liaisons**

Any employee who desires to be a liaison or is recommended must be at the rank of Corporal or below. In the event an employee expresses a desire to be a liaison or is recommended, the employee's supervisor shall:

- Confirm the employee accepts the responsibilities and commitments
- Prepare a memorandum of interest or recommendation to the Chief of Police
- Submit the memorandum to the Chief of Police through the chain of command

**Adopt-A-School Program Coordinator**

The Strategic Services Commander or their designee shall act as the coordinator shall be responsible for:

1. Maintaining a current list of schools who do not have a designated SRO.
2. Maintaining ongoing communication and support to liaisons.
3. Collecting liaison quarterly reports and any other communications from school liaisons.
4. Furnishing copies of three quarterly-reports to the Accreditation Manager each quarter
5. Compiling collected information summary Adopt-A-School Report.
6. Submitting pertinent information to the Command Staff each quarter

7. Annually reviewing benefits and requirements of the program.

It is the responsibility of Bureau Commanders to remain informed and aware of all liaison activities within their command. The Bureau Commanders shall forward all requests for law enforcement activity to the appropriate liaison to afford them the opportunity to participate with their assigned school.

#### **Liaison Requirements**

It is the primary responsibility of the liaisons to visit the school assigned at least twice a month, assist with requests, or create a learning opportunity through a reading or other program. Upon appointment as an Adopt-A-School Liaison, the employee shall be responsible at a minimum, for submitting a quarterly report during the designated 'in-session' school calendar months, participating in projects and activities, encouraging academic success and mentoring students on how to be good citizens. The Liaison shall be proactive and provide timely responses to requests from their assigned school.

Immediately upon appointment the following shall be done:

- Make contact with the Principal or Assistant Principal
- Promote the program
- Provide contact information
- Clarify the school's understanding of the program and willing participation
- Notify the Principal or Assistant Principal that school visits shall be twice monthly at a minimum and at other times as mutually agreed upon.

At the conclusion of a school visit the Liaison shall:

- Submit for payroll purposes, documentation describing attendance at the specific special event, for any attendance that occurred outside of the Liaison's normal working hours
- Forward in writing, any recommendations or issues outside the scope of the Liaison to the appropriate bureau commander
- Ensure the Command Staff is advised of any special events occurring at the school
- Facilitate any special requests for a guest speaker from the Department
- Compile a quarterly report, for those months that the designated school is in session according to the County School calendar, including a brief synopsis of each school visit
- Submit each report via email to the Adopt-a-School Program Coordinator
- Provide suggestions for improvement to the program to the Adopt-a-School Coordinator

The quarterly Adopt-A-School Report is designed to measure the benefits and success of the program and therefore a consistent format is vital. For this reason, each quarterly report shall be formatted as follows:

- Total number of compiled hours spent for all Adopt-a-School functions.
- Total number of school concerns addressed during the month by liaisons.
- Specific concerns expressed by the school.
- Recommended solutions and/or action taken as reported by the liaisons.
- Descriptions of potential problems bearing on law enforcement activities.
- An outline of any special presentations conducted.

Each report should be forwarded to the coordinator. In the event a liaison fails to submit a quarterly report; their Bureau Commander or supervisor shall be notified by the coordinator.

#### **School Representative Responsibilities**

For this program to be successful, it is crucial that the individual schools share responsibilities of the program with their assigned officer. For this reason, it is expected that each school will:

- Use their assigned liaison as the point of contact for all non-emergency issues involving the police department.

- Report safety issues/concerns that are not an immediate threat to their assigned liaison. (If an immediate threat/concern the representative should contact the Department directly)
- Actively partner with their liaison to promote the program throughout the school.
- Work with local businesses to facilitate programs that the Liaison can promote or participate in
- Notify their liaison of any change in leadership
- Ensure the liaison has current contact information for both the Principal and Assistant Principal.

### **TRUANCY PREVENTION PROGRAM**

The Greenville Police Department and the Pitt County Schools have partnered to address truancy in public schools through the Greenville Police Department Truancy Prevention Program. The program will provide officers with an additional resource to address juvenile related problems during school hours and provide department employees with the appropriate procedures to be used when observing a possible truant juvenile or responding to a truancy call for service.

#### **Goals**

It is important that youth who fail to show up for school or leave early are made aware that there are repercussions for such behavior. The Department's goals are to:

- Return out of school youth found skipping to school.
- Enforce the compulsory school attendance law.
- Reduce the dropout rate.
- Reduce child victimization and crimes committed by school age children.

#### **Responsibilities of Responding Officers**

- When an officer observes a possible truant, or responds to a truancy call for service, the officer should conduct a voluntary field interview with the juvenile and complete a field interview report. The contact must be voluntary, unless the officer has reasonable suspicion to believe the juvenile is truant. The officer must structure the contact in such a manner that a reasonable juvenile would feel free to leave and/or refuse to answer the officer's questions.
- If the juvenile walks away during the contact, the officer can lawfully walk along with the juvenile and continue the interview. If the juvenile is detained due to criminal involvement in addition to truancy, the officer shall complete a juvenile contact report. In that circumstance, the field interview report is not necessary.
- Officers should use discretion when considering whether to pursue a fleeing juvenile suspected only of truancy. Officers should not use force that may result in injury to the juvenile.
- The officer should question the juvenile about his/her absence from school. The officer may briefly detain the juvenile if there is reasonable suspicion to believe he/she is truant. The officer can contact, or have Communications contact, the Pitt County Schools administrative office to determine a student's current enrollment status including which school the student attends, and whether the student is truant, suspended, or expelled. Daily records concerning attendance are generally available after 10:00 am each day. Alternately, if the officer determines through the interview that the student attends, or is truant from, a specific school, the officer may contact the school directly. In the event a juvenile is detained and the officer is unable to contact the Pitt County Schools office and is unable to determine the student's school or enrollment status, the officer will contact the juvenile's parent or guardian to determine the juvenile's current status to determine the appropriate course of action.
- If the officer has probable cause to believe that the student is truant, the officer will take the juvenile to the school in which the juvenile is enrolled. The officer or Communications will notify the school that the officer is enroute with the truant student. The officer will take the student to the principal's office where the school administrative staff will take responsibility for the truant student. In those circumstances in which the student is violent or abusive, the officer or a School Resource Officer may need to stand by or take additional action.
- The officer's action will be documented on either the field interview report or, if criminal involvement, an incident report.



- If, based on the circumstances and the officer's observations, the officer believes that the parent(s) of the child have been criminally negligent; an incident report shall be completed to document the incident and/or the filing of criminal charges.