 Kinston Police Department	<u>POLICY: Juvenile Custody</u>						<u>POLICY #:</u> 600-8
	<u>NCLEA Standards: 9.02;</u>						
	<u>NCLM Standards:</u>						Effective Date:
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	Revision Dates:	01/01/21					07-01-2019
Approval: Chief of Police							

I. PURPOSE


The purpose of this policy is to establish guidelines for situations involving juveniles.

II. DEFINITIONS

- A. N.C.G.S. North Carolina General Statutes: includes North Carolina state laws on civil procedure, common law, evidence, criminal law, criminal procedure, offenses against public morals, motor vehicles, wills, landlord and tenant, divorce, and marriage.

III. POLICY

- A. When a juvenile is determined to be a runaway, a Missing Person's report is generated. Once the juvenile is located, the juvenile is taken into protective custody and a juvenile contact report is generated.
- B. The officer taking the juvenile into custody contacts the juvenile's parent or guardian and facilitates the return of the juvenile home.
- C. In the event that a parent or guardian cannot be found or will not be able to reclaim the juvenile for an extended period of time, patrol officers or available Investigations personnel will contact the Department of Social Services.
- D. Police personnel transporting juveniles to a juvenile detention center should ensure the following paperwork is completed for delivery to the detention center with the juvenile:
1. A juvenile cover sheet,
 2. A juvenile custody report,
 3. A copy of all offense report(s), supplements and associated reports.
 4. Juveniles who are transported to the Kinston Police Department for processing are taken directly, without delay, to the Department. Juveniles must be isolated from sight and sound of any adult prisoner. Juveniles are not secured to any stationary object or held within a locked room, absent exigent circumstances.
- E. A law enforcement officer or agency shall fingerprint and photograph a juvenile who was 10 years of age or older at the time the juvenile allegedly committed a non-divertible offense as set

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forth in N.C.G.S., when a complaint has been prepared for filing as a petition and the juvenile is in physical custody of law enforcement or the Department. A county juvenile detention facility shall photograph a juvenile who has been committed to that facility if the juvenile was at least 10 years old at the time that juvenile allegedly committed a non-divertible offense as set forth in N.C.G.S.

- F. If a law enforcement officer or agency does not take the fingerprints or a photograph of the juvenile pursuant to subsection (A) of this section or the fingerprints or photograph have been destroyed pursuant to subsection (E) of this section, a law enforcement officer or agency shall fingerprint and photograph a juvenile who has been adjudicated delinquent if the juvenile was 10 years of age or older at the time the juvenile committed an offense that would be a felony if committed by an adult.

- G. A law enforcement officer, facility, or agency that fingerprints or photographs a juvenile pursuant to this section shall do so in a proper format for transfer to the State Bureau of Investigation and the Federal Bureau of Investigation. After 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, fingerprints obtained pursuant to this section shall be transferred to the State Bureau of Investigation and placed in the Automated Fingerprint Identification System (AFIS) to be used for all investigative and comparison purposes. Photographs obtained pursuant to this section shall be placed in a format approved by the State Bureau of Investigation and may be used for all investigative or comparison purposes.


- H. Fingerprints and photographs taken pursuant to this section are not public records under Chapter 132 of the General Statutes, shall not be included in the clerk's record pursuant to N.C.G.S., shall be withheld from public inspection or examination, and shall not be eligible for expunction pursuant to N.C.G.S. Fingerprints and photographs taken pursuant to this section shall be maintained separately from any juvenile record, other than the electronic file maintained by the State Bureau of Investigation.
 - 1. Notwithstanding, the court may order the release of a juvenile's photograph to the public if the juvenile escapes from a youth development center, other juvenile facility, a holdover facility, or from the custody of juvenile personnel or a local law enforcement officer.

- I. If a juvenile is fingerprinted and photographed pursuant to subsection (A) of this section, the custodian of records shall destroy all fingerprints and photographs at the earlier of the following:
 - 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 subsection

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(A) of this section;

2. The court does not find probable cause pursuant to N.C.G.S. or,
 3. The juvenile is not adjudicated delinquent of any offense that would be a felony or a misdemeanor if committed by an adult.
 4. The chief court counselor shall notify the local custodian of records, and the local custodian of records shall notify any other record-holding agencies, when a decision is made not to file a petition, the court does not find probable cause, or the court does not adjudicate the juvenile delinquent.
- J. A child may be taken into custody for the following:
1. Pursuant to an order of the Juvenile Court;
 2. Pursuant to the laws of arrest;
 3. By a law enforcement officer, if there is probable cause to believe that the child has engaged in delinquent conduct or conduct indicating a need for supervision.
 4. The on-duty supervisor is responsible to ensure the constitutional rights of juveniles are protected.
 5. Officers notify a parent or guardian immediately when taking a juvenile into custody. Under no circumstance is a juvenile held for longer than twelve (12) hours, or for more than 24 hours if any of the 12 hours falls on a Saturday, Sunday, or legal holiday, unless a petition or motion for review has been filed and an order for secure or non-secure custody has been entered.
- K. A child held in detention is only held long enough to accomplish identification, investigation, processing, release to parents, or arranging of transportation to the appropriate juvenile detention center.
1. A detained juvenile has the right to be accompanied by his parent, guardian, or other custodian or by attorney.
- L. Upon taking a juvenile into custody, personnel make disposition of the juvenile by one of the following methods:

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1. Outright release with no charges filed;
 2. Release the juvenile to their parent, custodian, or other responsible adult upon that person's promise to bring the juvenile before the appropriate court when summoned;
 3. Take the juvenile before the office or official designated by the court; or,
 4. Take the juvenile to a detention facility designated by the juvenile court.
- M. A law enforcement agency that arrests or detains an individual, whom the agency knows is enrolled as a student in a public primary or secondary school, shall notify the school principal as outlined in N.C.G.S.
- N. Law enforcement files and records concerning a child are kept separate from files and records of arrest of adults. Reports of missing children are specifically authorized for entry into NCIC.