

**LITTLE ROCK POLICE DEPARTMENT
GENERAL ORDER**

G.O. 307 - JUVENILE PROCEDURES

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I. General

- A. The purpose of this Order is to establish the procedures by which members of this Department process complaints and/or arrests, involving youthful offenders, and to establish youth services within the Department.
- B. The Department is committed to developing and implementing programs which are concerned with the control and prevention of juvenile delinquency. An effective plan to address juvenile delinquency enhances the Department and its public image. The Department is committed to ensuring the fair and equitable treatment of youthful offenders.
- C. All members of the Department are committed to participation and support of the juvenile operations of the Department.
 - 1. The Juvenile Crimes Unit is responsible for the investigation of offenses committed against juveniles (including felony family offenses), offenses committed in public schools or child care facilities, in which a juvenile is a suspect or a victim, juvenile runaways, missing persons and all status offenses. The Juvenile Crimes Unit is also responsible for the Department's sex offender notification program.
 - 2. The Special Units Section is primarily responsible for implementation of juvenile programs.
- D. The Juvenile Crimes Unit Sergeant will be responsible for soliciting comments from other elements, in the juvenile justice system, regarding development and implementation of new programs, or policy and procedures.
- E. An annual evaluation will be completed for the Juvenile Crimes Unit and all juvenile programs for the purpose of evaluating progress towards meeting their goals and objectives for the year, and to determine each program's effectiveness, efficiency, and retention advantages.
 - 1. Each separate evaluation shall be completed by component supervisors having direct supervision over their program or unit, whichever may apply.
 - 2. Annual evaluations shall be completed in December of each year and forwarded through the chain of command to the Office of the Chief of Police by January 10th of each year.
 - 3. Division Commanders shall be responsible for ensuring compliance with this order.
- F. Juvenile programs include, but are not limited to:

1. School Resource Officer Program (SRO);
2. Teen Citizen's Police Academy;
3. Community Recreation Youth Program (Crime Prevention);
4. Our Kids Program; and
5. Girls Empowered by Mentoring Sisterhood Program (G.E.M.S.).

II. Definitions

- A. Abandonment - (A.C.A. § 9-27-303[2]) The failure of the parent to provide reasonable support and to maintain regular contact with the juvenile, through statement or contact, when the failure is accompanied by an intention on the part of the parent to permit the condition to continue for an indefinite period in the future, and failure to support or maintain regular contact with the juvenile, without just cause or an articulated intent to forego parental responsibility.
- B. Abuse - (A.C.A. § 9-27-303[3A]) Any of the following acts or omissions by a parent, guardian, custodian, foster parent, person eighteen (18) years of age or older living in the home with a child whether related or unrelated to the child, or any person who is entrusted with the juvenile's care by a parent, guardian, custodian, or foster parent, including but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, or any person legally responsible for the juvenile's welfare, shall be considered abuse.
 1. Extreme and repeated cruelty to a juvenile;
 2. Engaging in conduct creating a realistic and serious threat of death, permanent or temporary disfigurement or impairment of any bodily organ;
 3. Injury to a juvenile's intellectual, emotional or psychological development as evidenced by observable and substantial impairment of the juvenile's normal range of performance and behavior;
 4. Any injury which is at variance with the history given;
 5. Any non-accidental, physical injury;
 6. Any of the following intentional or knowing acts, with physical injury:
 - a) Throwing, kicking, burning, biting, or cutting a child;
 - b) Striking a child with a closed fist;
 - c) Shaking a child; or
 - d) Striking a child on the face.
 7. Any of the following intentional or knowing acts, with or without physical injury:

- a) Striking a child age six (6) or younger on the face or head;
 - b) Shaking a child age three (3) or younger;
 - c) Interfering with a child's breathing;
 - d) Urinating or defecating on a child; or,
 - e) Pinching or striking a child in the genital area.
8. Abuse shall not include:
- a) Physical discipline of a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting the child.
 - b) When a child suffers transient pain or minor temporary marks as the result of a reasonable restraint if:
 - (1) The person exercising the restraint is an employee of an agency licensed or exempted from licensure under the Child Welfare Agency Licensing;
 - (2) The agency has policy and procedures regarding restraints;
 - (3) No other alternative exists to control the child except for a restraint;
 - (4) The child is in danger of hurting himself/herself or others;
 - (5) The person exercising the restraint has been trained in properly restraining children, de-escalation and conflict resolution techniques; and,
 - (6) The restraint is for a reasonable period of time.
9. Reasonable and moderate physical discipline inflicted by a parent or guardian shall not include any act that is likely to cause and which does cause injury more serious than transient pain or minor temporary marks.
10. The age, size, and condition of the child and the location of the injury and the frequency or recurrence of injuries shall be considered when determining whether the physical discipline is reasonable or moderate.

- C. Centers For Youth and Families - An emergency shelter, designed and authorized for the temporary care of juveniles (ages six through seventeen only) who are runaways, the victims of physical or sexual abuse, drug and/or alcohol abusers (where no withdrawal reaction may reasonably be anticipated), or are abandoned. The Centers For Youth and Families will not accept violent, aggressive, or suicidal persons, nor persons who are visibly intoxicated. The Centers for Youth and Families will accept juveniles who have criminal charges pending, provided those charges are non-violent in nature. The Centers For Youth and Families is not, however, a secure facility, and should not be viewed as a point of incarceration. The Centers for Youth and Families is an alternative residence for those juveniles who cannot or should not in an officer's opinion, be immediately released to the custody of a parent or guardian or otherwise returned to the home. The twenty-four hour telephone number for The Center For Youth and Families is 666-8686 or 1-888-868-0023.
- D. Child Maltreatment - Abuse, sexual abuse, neglect, sexual exploitation, or abandonment.
- E. Computer Crimes Against Minors Include:
1. Distributing, possessing, or viewing matter depicting sexually explicit conduct involving a child;
 2. Computer child pornography; or,
 3. Computer exploitation of a child.
- F. Custodian- A person, other than a parent or legal guardian who stands in loco parentis to the juvenile or a person, agency, or institution to whom a court of competent jurisdiction has given custody of a juvenile by court order.
- G. Department of Human Services (DHS) – State of Arkansas agency responsible for the protection of individuals.
- H. Division of Children and Family Services (DCFS) – A division of DHS responsible for assessing child maltreatment cases.
- I. Family in Need of Services (F.I.N.S.) – Any family whose juvenile evidences behavior which includes, but is not limited to, the following:
1. Being habitually and without justification absent from school while subject to compulsory school attendance;
 2. Being habitually disobedient to the reasonable and lawful commands of his or her parent, guardian or custodian; or,
 3. Having absented himself or herself from the home without sufficient cause, permission, or justification.
 4. F.I.N.S. may be obtained by parent or guardian at the Juvenile Justice Center at 340-6700.
- J. Family Offenses (felony) Include:

1. Domestic Battery 1st ;
 2. Domestic Battery 2nd ;
 3. Aggravated Assault on Family or Household Member;
 4. Concealing birth; or,
 5. Endangering Welfare of Minor 1st.
- K. Delinquent Juvenile - Means any juvenile that is ten (10) years old or older who has committed an act other than a traffic offense or game and fish violation which, if the act had been committed by an adult, would subject the adult to prosecution for a felony or misdemeanor. This includes the violation of furnishing a deadly weapon to a minor (5-73-119) and any juvenile charged with capital murder (5-10-101) or murder in the first degree (5-10-102) in juvenile court.
- L. Dependent-Neglected Juvenile - Means any juvenile who is at substantial risk of serious harm as a result of:
1. Abandonment,
 2. Abuse,
 3. Sexual abuse,
 4. Sexual exploitation,
 5. Neglect,
 6. Parental unfitness to the juvenile, a sibling, or another juvenile, or is,
 7. A Dependent Juvenile.
- M. Dependent Juvenile - Means a child of a parent who is under the age of eighteen years and is in the custody of the Department of Human Services (DHS); a child whose parents or guardian has no appropriate relative or friend willing or able to provide care for the child; a child whose parents or guardian is incapacitated, whether temporarily or permanently, so that the parent or guardian cannot provide care for the juvenile and the parent or guardian has no appropriate relative or friend willing or able to provide care for the child; a child whose custodial parent dies and no stand-by guardian exists; a child who is an infant relinquished to the custody of DHS for the sole purpose of adoption; or a safe-haven baby.
- N. Guardian - A parent, stepparent, legal guardian, legal custodian, foster parent, or anyone who, by virtue of a living arrangement, is placed in an apparent position of power or authority over a minor.
- O. Juvenile - Any individual who is under the age of eighteen, whether married or single (A.C.A. § 9-27-303(32)).

- P. Juvenile Charged as an Adult - Any criminal offense, as defined by Arkansas State Statute, City of Little Rock Ordinance, Federal law, or any other accepted and enforced code, where the offender may be subjected to incarceration and/or fined as an adult.
- Q. Juvenile Charged as a Juvenile - Any criminal offense, as defined by Arkansas State Statute, City of Little Rock Ordinance, Federal law, or any other accepted and enforced code, but where the offender is charged through the Juvenile Court system, and is subject only to the provisions therein. This is also referred to as delinquency or a delinquent act (A.C.A. § 9-27-303[15]).
- R. Juvenile Justice Center - Located at 3201 W. Roosevelt, this facility is where all Pulaski County juvenile cases are processed and tried. A detention facility located at the center is used to house juvenile offenders, who are charged on the juvenile docket.
- S. Neglect - (A.C.A. § 9-27-303[23]) Acts or omissions of a parent, guardian, custodian, foster parent, or any person, who is entrusted with the juvenile's care by a parent, custodian, guardian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, or any person legally responsible, under state law, for the juvenile's welfare, which constitute:
1. Failure/refusal to prevent the abuse of the juvenile, when such person knows, or has reasonable cause to know, the juvenile is or has been abused;
 2. Failure or refusal to provide the necessary food, clothing, shelter, and education, required by law, or medical treatment necessary for the juveniles well-being, except when the failure or refusal is caused primarily by the financial inability of the person, legally responsible, and no services for relief have been offered or rejected, or when the juvenile is being furnished with treatment by spiritual means alone, through prayer, in accordance with the tenets and practices of a recognized religious denomination by a duly accredited practitioner thereof in lieu of medical treatment;
 3. Failure to take reasonable action to protect the juvenile from abandonment, abuse, sexual abuse, sexual exploitation, neglect, or parental unfitness, where existence of such condition was known or should have been known;
 4. Failure or irremediably inability to provide for the essential and necessary physical, mental, or emotional needs of the juvenile;
 5. Failure to provide for the juvenile's care and maintenance, proper or necessary support, or medical, surgical, or other necessary care;
 6. Failure, although able, to assume responsibility for the care and custody of the juvenile, or participate in a plan to assume such responsibility; or
 7. Failure to appropriately supervise the juvenile, which results in the juvenile being left alone at an inappropriate age or under inappropriate circumstances placing the juvenile in danger.
- T. Parent - Means a biological mother, an adoptive parent, or a man to whom the biological mother was married at the time of conception or birth or who has been found by a court of competent jurisdiction to be the biological father of the juvenile.

- U. Pornography
 - 1. Obscene or licentious material including pictures, movies and videos lacking serious literary, artistic, political or scientific value, which when taken as a whole and applying contemporary community standards would appear to the average person to appeal to the prurient interest; or,
 - 2. Material that depicts sexual conduct in a patently offensive manner lacking serious literary, artistic, political or scientific value.
- V. Serious Bodily Injury – Bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
- W. Severe Maltreatment – Sexual abuse, sexual exploitation, acts or omissions which may or do result in death, abuse involving the use of deadly weapon as defined by the Arkansas Criminal Code § 5-1-102(4), bone fracture, internal injuries, burns, immersions, suffocation, abandonment, medical diagnosis of failure to thrive, or causing a substantial and observable change in the behavior or demeanor of the child.
- X. Sexual Contact – Any act of sexual gratification involving the touching, directly or through clothing, of the sex organs, buttocks or anus of a person or the breast of a female.
- Y. Sexual Exploitation – Allowing, permitting or encouraging participation or depiction of the juvenile in prostitution, obscene photographing, filming, or obscenely depicting a juvenile for any use or purpose.
- Z. Sexual Abuse Offenses Include:
 - 1. Rape;
 - 2. Sexual Assault 1st;
 - 3. Sexual Assault 2nd;
 - 4. Sexual Assault 3rd;
 - 5. Sexual Assault 4th;
 - 6. Exposing another person to H.I.V.;
 - 7. Incest; or,
 - 8. Sexual indecency with a child.
- AA. Sexual Performances Include:
 - 1. Engaging children in sexually explicit conduct for use in visual or print medium;

2. Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child;
 3. Transportation of minors for prohibited sexual conduct;
 4. Employing or consenting to use a child in sexual performances; or,
 5. Producing, directing or promoting sexual performances.
- BB. Status Offense - Acts which are offenses only because of the age of victim (sexual offenses, sexual performances, computer crimes against minors, exposing children to chemical substance or methamphetamine, or endangering the welfare of a minor 1st).
- CC. Traffic Offense - Any act which is considered an offense resulting from the operation of a motor vehicle. These offenses may include moving, parking and license violations, as well as D.W.I. offenses.
- DD. Victim's Assistance Unit - A unit of the Prosecuting Attorney's Office, which assists police agencies and prosecutors in interviewing victims and witnesses, and in preparing child abuse/neglect and sexual offense cases for trial.
- EE. Victim Services Program – trained, civilian employees of the Little Rock Police Department, who provide valuable information such as counseling and therapy referrals and assistance in obtaining Orders of Protection. In addition, upon request, Victim Services personnel are available to assist officers in the furtherance of their investigation. Victim Services personnel are on-call 24 hours a day and may be contacted at 690-7474 or through the Communications Section.

III. Procedures

- A. Juveniles may be taken into custody for the following reasons:
1. Court order or warrants;
 2. Delinquent act or violation of law;
 3. Reasonable grounds to believe that the youth has been abandoned, abused or neglected;
 4. The juvenile is in immediate danger from his/her surroundings; and/or,
 5. Reasonable grounds to believe the youth is a runaway.
- B. When a juvenile is taken into custody, the laws of arrest, which apply to adults, are applicable. Constitutional rights shall be protected for all subjects taken into custody. The juvenile shall be transported to the appropriate facility, without delay (unless the juvenile is in need of emergency medical treatment), and processed in a timely manner. Parents or guardians of juveniles shall be notified as soon as practicable.
- C. Custodial Interrogation of Juveniles [(A.C.A. § 9-27-317 [(h)(2)(A)]

1. Law Enforcement Officers who take juveniles into custody for a delinquent or criminal offense will inform the juvenile of their rights under A.C.A. §9-27-317 before questioning. Officers who take a juvenile into custody for a delinquent or criminal offense shall clearly advise the juvenile of his or her Miranda Rights in the juvenile's own language.
 2. Officers shall immediately make every effort possible to notify parents or guardian of the juvenile's location after the juvenile is taken into custody.
 3. No law enforcement officer shall question a juvenile, who has been taken into custody for a delinquent act or criminal offense if the juvenile's parents, guardian or counsel is not present and has not given written consent or permission.
 4. When a parent or guardian cannot be located or refuses to go where the juvenile is held, counsel shall be appointed for the juvenile. Procedures are then the same as if the juvenile had invoked counsel.
 5. No waiver of the right to counsel shall be accepted in any case in which the parent, guardian, or custodian has filed a petition against the juvenile, initiated the filing of a petition against the juvenile, or requested the removal of the juvenile from the home.
 6. No waiver of the right to counsel can be accepted when a juvenile is in the custody of the Department of Human Services, including the Division of Youth Services.
- D. Whenever possible, the arresting officer/detective shall take the least severe action, which is consistent with the nature of the offense.
1. When an officer/detective makes contact with a juvenile, involved in criminal or delinquent behavior, but no charges are to be pursued, the officer shall contact the parents or guardian. Upon the parents'/guardians' availability, the juvenile shall be released, either at the scene or at a police facility.
 - a) When it is determined that referral to a Social Services Agency may be of more benefit in correcting the situation, than formal handling through the court system, the officer may recommend services through agencies included in the Social Services Referral Guide.
 - b) Officers may obtain information from the Social Services Referral Guide through their supervisor or the Communications Center.
 - c) Unless detained by the Pulaski County Juvenile Justice Center, all juveniles arrested shall be issued a Juvenile Citation to Appear. Only the intake officer can make the decision to detain a juvenile, and only the intake officer can give a court date, if the juvenile is given a Citation to Appear. Juvenile Intake Officers are on-call 24 hours a day, 7 days a week. They may be reached by calling 1-501-940-9701. The Citation to Appear will be executed by the investigating officer. Prior to release, both the parent and juvenile shall be required to sign the Juvenile Citation, and a copy given to the parent.
 2. For violations of a serious nature, juveniles with prior offenses, as mandated by the Pulaski County Juvenile Justice Center, shall be transported to the Juvenile Justice Detention Center.

- E. Any officer who arrests a juvenile under the following conditions shall complete LRPD Form 5400-72 and forward the form and a copy of the incident report to the Juvenile Squad.
 - 1. Criminal charges of unlawful possession of a firearm under A.C.A. § 5-73-119.
 - 2. An offense involving a deadly weapon under A.C.A. § 5-1-102.
 - 3. Criminal charges of Battery in the first degree under A.C.A. § 5-13-201.
- F. As soon as practical, the Juvenile Unit will send written notification of the arrest to the school superintendent of the school in which the juvenile is currently enrolled. A.C.A. §9-27-309(2).

IV. Jurisdiction of Juvenile Court

- A. The Pulaski County Juvenile Justice Center will have exclusive original jurisdiction of proceedings in which a juvenile is alleged to have committed a delinquent act or violation of law.
- B. Juveniles, who commit serious acts of delinquency, will be referred to the Pulaski County Juvenile Justice Center. These acts include:
 - 1. Delinquent acts that would be felonies, if committed by an adult;
 - 2. Delinquent acts involving the use of a weapon;
 - 3. Serious gang-related delinquent acts;
 - 4. Delinquent acts involving aggravated assault and battery;
 - 5. Delinquent acts committed by juveniles on probation or parole, or with a case pending; and/or,
 - 6. Repeated delinquent acts, within a twelve-month period.

V. Juveniles Charged With Criminal Offenses

- A. Juveniles charged with criminal offenses shall be afforded all rights and guarantees prescribed by law.
 - 1. Juveniles, 14 or 15 years of age, may be charged as adults for the following offenses only (A.C.A. § 9-27-318[b]):
 - a) Capital Murder;
 - b) Murder First Degree;
 - c) Murder Second Degree;
 - d) Rape;

- e) Kidnapping;
- f) Aggravated Robbery;
- g) Battery in the First Degree;
- h) Battery in the Second Degree;
- i) Aggravated Assault;
- j) Terroristic Act;
- k) Unlawful Discharge of a Firearm From a Vehicle;
- l) Any Felony While Armed With A Handgun;
- m) Soliciting a Minor to Join a Criminal Street Gang;
- n) Criminal Use of a Prohibited Weapon;
- o) Felony Attempt, Conspiracy, or Solicitation to Commit Any of the Following:
 - (1) Capital Murder;
 - (2) Murder in the First Degree;
 - (3) Murder in the Second Degree;
 - (4) Kidnapping;
 - (5) Aggravated Robbery;
 - (6) Rape;
 - (7) Battery in the First Degree;
 - (8) Escape in the First Degree and/or,
 - (9) Escape in the Second Degree.
- p) Escape in the First Degree;
- q) Escape in the Second Degree; and/or,
- r) Possession of Handgun on School Property.

2. Juveniles, 16 and 17 years of age, may be charged as an adult for any felony offense (A.C.A. § 9-27-318[c]).

3. Juveniles cannot be charged as adults for misdemeanor offenses (A.C.A. § 9-27-318[a](2)]).

VI. Fingerprinting and Photographing Juveniles

- A. Juveniles who are arrested for any offenses that if committed by an adult would constitute a felony or a Class A misdemeanor in which violence or the use of a weapon was involved shall be fingerprinted and photographed by the arresting officer.
 1. The arresting officer will send the original fingerprint card and photograph to the Juvenile Sergeant.
 2. Copies of a juvenile's fingerprints and photographs shall be made available only to other law enforcement agencies, the Arkansas Crime Information Center, Prosecuting Attorney's and the Juvenile Division of Circuit Court.
 3. Photographs and fingerprints of juveniles adjudicated delinquent for offenses for which they could have been tried as adults shall be made available to Prosecuting Attorney's and Circuit Courts for use at sentencing in subsequent adult criminal proceedings against those same individuals.
 4. Juvenile photographs and fingerprints shall be securely filed in the Juvenile Crimes Sergeant's office.

VII. Juvenile Charged as an Adult

- A. Whenever a juvenile is arrested for the commission of an offense for which he/she may be charged as an adult, the investigation will be conducted and the prisoner will be processed just as if the offender were an adult.
 1. The authority to charge a juvenile as an adult rests with the Prosecuting Attorney's Office (A.C.A. § 9-27-318[c]).
 - a) The arresting officer, or the detective processing the juvenile, will contact the Prosecuting Attorney's Office (a Deputy Prosecuting Attorney or higher) for a determination, as to whether the juvenile will be charged through Little Rock Municipal Court (as an adult) or through Juvenile Court (as a juvenile).
 - b) The name of the prosecutor, his/her decision, as to which court will be utilized, and the date and time the prosecutor rendered his/her decision shall be noted on the Arrest/Disposition Report and in the Major Crimes Division's case file.
 2. If the juvenile is to be charged as an adult in Municipal Court, the arresting officer, or the detective processing the juvenile, shall contact the Pulaski County Juvenile Court and notify an Intake Officer and shall provide such information, as may be directed by Juvenile Court authorities. The juvenile may then be placed in a Detention Facility.

VIII. Juvenile Charged as a Juvenile

- A. Whenever a juvenile has been arrested for any offense for which he/she is to be charged through the Juvenile Court, the arresting officer, or the detective processing the juvenile, shall contact the Juvenile Court and notify an Intake Officer of the arrest. The officer shall provide such information, as may be requested.
1. A Juvenile Citation will be prepared by the arresting officer or detective in lieu of an A.D.R., with the Intake Officer providing the intake time and date (A.C.A. § 9-27-313(d)).
 - a) In the event the Intake Officer determines that detention in a juvenile facility is inappropriate, the juvenile shall be released to a parent or guardian, as prescribed by law. The arresting officer will issue a Juvenile Citation and attach it to the Offense Report. A copy of the Offense Report and Juvenile Citation will be forwarded through the Front Desk Officer to Juvenile Court. All forms and reports will be completed and submitted to the Desk Officer prior to the arresting officer's shift. All documentation will be complete, including parent or guardian information and a physical description of the juvenile on the Offense Report.
 - b) If the Intake Officer determines that detention in a juvenile facility is appropriate, the arresting officer or the detective will, without delay, transport the juvenile to the Juvenile Facility (A.C.A. § 9-27-322). The arresting officer will fill out a notarized Juvenile Affidavit (LRPD Form 5400-44) and attach it to the Offense Report. The Juvenile Affidavit and Offense Report will be presented to the Intake Officer upon arrival at the juvenile facility. Parent or guardian information will be included in the Offense Report.
- B. Juvenile in Possession of a Weapon – Officers, who determine a person under eighteen years of age is in possession of any weapon, shall disarm the juvenile and seize the weapon, under the authority conferred by A.C.A. § 5-73-110.
1. Weapons seized from juveniles may be returned to the parent or guardian of the juvenile or be stored in the usual manner for delivery to the court having jurisdiction to try criminal offenses, if an offense involving the weapon has occurred.
 2. Juveniles found in possession of a handgun shall be charged with such violation under the authority of A.C.A. § 5-73-119, and the handgun stored as evidence.

IX. Juveniles Charged With Traffic Offenses

- A. Traffic Offenses - When a member of this Department charges a person, who is under the age of eighteen with a traffic offense, he/she shall comply with the following procedure:
1. The person shall be charged on a Uniform Traffic Ticket and Complaint.
 2. The court date indicated on the citation shall be for a Wednesday at 1600 hours, and shall be at least 30 days from the date of issue.

3. Before allowing the juvenile to sign the citation, it should be explained to him/her that the court appearance is mandatory and that he/she must be accompanied to court by a parent or guardian.
- B. D.W.I. Offenses - When a member of this Department charges a person, who is under the age of eighteen with the offense of D.W.I., he/she shall comply with the following procedure:
1. The person shall be charged on a Uniform Traffic Ticket and Complaint.
 2. The court date indicated on the citation shall be for a Tuesday at 0800 hours, and shall be at least a week from the date of issue.
 3. Before allowing the juvenile to sign the citation, it should be explained to him/her that the court appearance is mandatory and that he/she must be accompanied to court by a parent or guardian.
 4. The investigation and processing of juvenile D.W.I. suspects shall follow the same procedures as any other D.W.I. case. Juvenile arrest procedures, as outlined in this Order, shall be followed. A parent or guardian must be notified and the juvenile released to them.
- C. Alcohol Possession - Arkansas law prohibits the purchase or possession of intoxicating liquor, wine or beer by any person under the age of twenty-one (21) (A.C.A. § 3-3-203). When a member of this Department observes an individual in violation of this statute, he/she shall comply with the following procedure:
1. Persons in violation, who are age eighteen through twenty, shall be charged with the aforementioned statute in Little Rock Municipal Court. The officer may place this charge on a citation to appear, if the circumstances indicate that this would be appropriate.
 2. Persons in violation, who are under the age of eighteen, shall be charged with the aforementioned statute in Pulaski County Juvenile Court. The officer shall follow established procedure set out for charging a juvenile in a misdemeanor arrest. The juvenile will then be released to his/her parent, guardian, or other appropriate person.
 3. Any intoxicating liquor, wine or beer, which is found in the possession of a juvenile, shall be stored as evidence in the Property Section of the Police Department. Sealed containers or containers that can be closed with a cap may be stored with the contents. Those containers, which are open and cannot be closed, shall have the contents disposed of prior to storage.

X. Emergency Protective Custody of Juveniles

- A. A law enforcement officer may take a juvenile into protective custody, without the consent of the parent or guardian, whether or not medical treatment is required, if the circumstances or conditions of the juvenile are such, that continuing in his/her place of residence or in the care and custody of the parent, guardian, custodian, or other person, responsible for the juvenile's care, presents an imminent and severe danger to that juveniles life, health, or welfare (A.C.A. § 12-12-1001).

1. A juvenile may be taken into custody **without a warrant** by a law enforcement officer before service upon him/her of a petition, notice of hearing or order to appear is set if the following apply: (A.C.A. § 9-27-313)
 - a) Clear and reasonable grounds to conclude that the juvenile is in immediate danger and that removal is necessary to prevent serious harm from his/her surroundings or from illness or injury; and,
 - b) If parents, guardians or others with authority to act are unavailable or have not taken action necessary to protect the juvenile from the dangers; and,
 - c) There is not time to petition for or obtain an order from the court before taking the juvenile into custody.
- B. If an officer encounters a juvenile, who appears to meet the criteria for Emergency Protective Custody, and no other means exist for the protection of the juvenile, he/she shall:
 1. Contact a Field Services Division supervisor for authorization to place the juvenile in emergency protective custody.
 2. Immediately notify the D.C.F.S. of said custody and the circumstances and conditions which required it. The twenty-four hour emergency telephone number for the D.C.F.S. is 1-501-837-8069.
 3. Provide the D.C.F.S. investigator with any information required and appear at the probate court hearing, if requested by the investigator.
 4. Transport the juvenile to the facility or location designated by the D.C.F.S.
 5. Make every effort to notify the custodial parent, guardian or custodian of the juvenile's location. (The D.C.F.S. Investigator may make this notification; however, the officer shall check with the D.C.F.S. to make certain notification was made.)
 6. Generate a detailed Offense Report, containing all facts and circumstances surrounding the Emergency Custody of the juvenile.
- C. During an investigation involving disputed custody of a juvenile, where neither of the parties involved are the biological mother (A.C.A. § 9-27-342[a]), and it can not be readily established who has legal custody between the involved parties, the investigating officer shall contact a Supervisor for authorization to place the juvenile in emergency protective custody and contact D.C.F.S. for guidance.
- D. An individual taking a juvenile into protective custody may give effective consent for medical, dental, health, and hospital services during protective custody (A.C.A. § 12-12-516[c]).
- E. Emergency protective custody shall only be invoked as a method of last resort; however, officers should not hesitate to use such custody, if necessary, for the protection of a juvenile.

XI. Investigating and Reporting Child Abuse - Abandonment - Neglect

- A. Officers who respond to calls of physical or sexual abuse of a juvenile, or to neglect or abandonment of a juvenile shall:
1. Obtain the pertinent information from the person reporting;
 - a) In cases of sexual abuse, this will generally be a social worker, if called to a hospital.
 - b) The officer shall interview family members or witnesses, if additional information about the incident may be obtained from these persons.
 - c) If it is necessary to the proper investigation of the case, the officer may interview the victim of sexual or physical abuse at the hospital; however, in most incidents of juvenile sexual abuse, it will not be appropriate for the officer to interview the victim. Factors such as the victim's age and emotional condition should be taken into account, before such an interview takes place.
 - d) When any officer has reasonable cause to believe that any juvenile has been subjected to maltreatment or has died as a result of child maltreatment or observes a child being subject to conditions or circumstances that would reasonably result in child maltreatment he/she shall **immediately notify the Child Abuse Hotline at 1-844-SAVE-A-CHILD**. Officers can also make this notification by faxing the incident report detailing the circumstances to 501-618-8952. When using this option, the officer must include a telephone number where he/she can be contacted.
 2. View and document injuries and determine the victim's need for medical attention.
 - a) Photographs of physical abuse will be taken by a detective or hospital personnel.
 - b) Medical-Legal examination of sexual abuse victims shall be requested at the Arkansas Children's Hospital. Officers will make every effort to assist the person in obtaining this examination.
 3. Notify the Major Crimes Division.
 4. Issue a Criminal Citation for any appropriate misdemeanor charges.
 5. Assess the juvenile's condition to determine a need for Emergency Protective Custody, as outlined in this Order.
- B. Generate a detailed Offense Report containing all pertinent information and fax a copy of the report to the Juvenile Unit (918-3580).

XII. Juvenile Incidents Occurring in Schools or on School Buses

- A. Any time an officer takes a report of an incident, involving criminal activity or a disturbance on any school property, school bus or school bus stop, he/she will:
1. Notify a Field Supervisor;

2. Immediately provide a copy of the completed Offense Report to the Office of the Public Information Officer; and,
 3. Notify the Major Crimes Division Supervisor.
- B. Whenever a member of this Department removes a juvenile student from the grounds of a school, he/she will:
1. Contact the school principal or any member of the school administration, and advise them that the student is being removed from the school;
 2. Advise the principal or administrator of the general reason for the juvenile custody; and,
 3. Sign any forms or release, which may be required for the removal of the student from the school grounds.

XIII. Truancy Program

- A. Officers, either through personal observation or responding to a citizen's call, shall determine if the youth fits the below-listed criteria:
1. Age 5 through the 18th birthday.
 2. Enrolled or eligible for enrollment in the Little Rock School District (students enrolled in private schools are not covered by this program).
 3. The student must not be violent, intoxicated or have criminal charges pending (these situations will be handled per existing policy).
 4. Runaway or homeless youth will be taken to the Stepping Stone Shelter for assistance.
 5. Students who are expelled or suspended will be provided written documentation by the Little Rock School District.
 6. Students, who are with their parents, or who have parental or school authorization to be away from school, will not meet the criteria (i.e. doctor's appointment, work permits, etc.).
- B. Officers will transport truants to the nearest secondary school or the student's school, whichever is closest.
- C. The school district will provide Truancy Reports, which have been printed in triplicate. The officer will transport the student to the principal's office of the respective school, complete the form, and leave two copies with school personnel. Officers will complete a Truancy Contact Form in place of a police Offense report, and will insert the incident number in the top left corner. The form will be sent to the Records Division for processing.
- D. The school district will accept responsibility for returning the student to his/her school, if necessary, and for providing follow-up between the school administration and parents.

- E. If the student is not eligible to return to school, (i.e. currently expelled), then he/she may be charged with violation of the daytime curfew ordinance, if applicable.

XIV. Juvenile Curfew Procedures

- A. Pursuant to Little Rock City Ordinance 16,564, Section (17.5-24.), it shall be unlawful for any minor to be upon the streets, sidewalks, parks, playgrounds, public places and vacant lots, or to ride in or upon, drive or otherwise operate or be a passenger of any automobile, bicycle, or other vehicle in, upon, or over or through the streets, or other public places between the hours of 10:00 p.m. and 5:00 a.m., Sunday through Thursday, or 12:00 midnight and 5:00 a.m., Friday and Saturday. An amendment to this ordinance also provides for a daytime curfew to apply to these same circumstances, during the hours of 9:00 a.m. and 3:45 p.m. Monday through Friday. Additionally, it shall be unlawful for any parent to permit a minor to be in those places during the specified hours. (The daytime curfew only applies when school is in session.)

- 1. The provisions do not apply:

- a) At any time a minor is accompanied by a parent, or a responsible adult, authorized by a parent to take the parent's place, to accompany the minor for a designated period of time and purpose, within a specified area.
- b) To an emancipated minor, which is defined as a person who no longer has a parent-child relationship, as a result of marriage, or as a result of being recognized as an adult by order of a court of competent jurisdiction.
- c) If the minor is employed, for the period of time 45 minutes after work, provided that circumstances suggest the minor is returning from work to a place of residence.
- d) When the minor is returning home, from an activity that is supervised by adults or sponsored by the City of Little Rock, a civic organization, a public or private school, or any entity that takes responsibility for the minor, provided that the activity has not concluded for more than 45 minutes.
- e) At any time the minor is on a legitimate parentally approved errand.
- f) At any time the minor is on a trip in interstate commerce.
- g) At any time the minor is required to leave the residence because of an emergency.
- h) At any time the minor is engaged in an activity that is protected by the First Amendment to the United States Constitution, or the freedom of speech, religion or expression provisions in Article II of the Arkansas Constitution.

- 2. If the juvenile falls within any classification, as listed in subsection 1 above, and the officer has no other charges to consider against the juvenile, the juvenile shall be released and no further action shall be taken.

B. Procedures

1. The Field Services Divisions shall be responsible for enforcing the curfew, during the designated times. Officers coming into contact with a juvenile 17 years of age or younger, shall (within the bounds of good judgment and common sense) detain that juvenile and follow the listed procedures. Officers are cautioned to use judicious discretion in their actions.
2. The following general procedures shall apply to all citations issued to juveniles, who are determined to be in violation of the curfew Ordinance.
 - a) All descriptive information on the juvenile, any driver's license or school identification numbers, any motor vehicle information and the exact place of occurrence must be included in the top portion of the citation.
 - b) The words, "date and time released" or "date and time notified," and appropriate information must appear above the box titled "WARNING". The signature of the parent, if obtained, must appear at the bottom of the citation and the court appearance date and time information must be left blank. Court appearance date and time will only appear on those citations issued, as a result of a warrant obtained for the parent.
3. The following shall apply to juveniles determined only to be in violation of the curfew Ordinance (no additional charges):
 - a) If the juvenile has been properly identified, lives within the City of Little Rock and a parent has been notified, the officer shall:
 - (1) Issue the juvenile a criminal citation for 3rd Division District Court;
 - (2) Transport the juvenile to the parent;
 - (3) Obtain all information on the parent to include full name, home address (if different from the juvenile), date of birth, driver's license or social security number, place and phone number of employment;
 - (4) Require the juvenile and parent to sign the citation;
 - (5) Give the parent the green copy of the citation;
 - (6) Release the juvenile to the parent or return the juvenile to his/her school; and,
 - (7) Turn in copies of the citation (except the blue [Officer's] copy), per departmental procedures.
 - b) If the juvenile has been properly identified, lives within the City of Little Rock, but no parental notification can be made, the officer shall:
 - (1) Issue the juvenile a citation, as described in subsection a.1. above;

- (2) Obtain as much information on the parent, as possible, to include full name, home address (if different from the juvenile), date of birth or age, place and phone number of employment;
 - (3) Release the juvenile or if citation is for a daytime curfew, return the juvenile to his/her school and,
 - (4) Turn in all copies of the citation (except the blue [Officer's] copy), including the green copy.
- c) If the juvenile cannot be properly identified and no parental notification can be made, the officer shall:
 - (1) Transport the juvenile to the officer's assigned Field Services Division, or the Major Crimes Division, for further investigation;
 - (2) After further investigation, obtain all information on the parent to include full name, home address (if different from the juvenile), date of birth, driver's license or social security number, place and phone number of employment; and/or,
 - (3) Follow impound procedures, specified in General Order 304, if the juvenile is operating a vehicle.
- d) If the juvenile has been properly identified, lives outside the City of Little Rock and the parent has been notified, the officer shall:
 - (1) Issue the juvenile a citation, as described in subsection a.1, above;
 - (2) Obtain all information on the parent, to include full name, home address (if different from the juvenile), date of birth, driver's license or social security number, place and phone number of employment;
 - (3) Require the juvenile to sign the citation and note on the citation that parental notification has been made;
 - (4) Release the juvenile; and,
 - (5) Turn in all copies of the citation (except the blue [Officer's] copy), including the green copy.
- e) If a juvenile has no identification, lives outside the City of Little Rock, but parental notification can be made, the officer shall:
 - (1) Issue the juvenile a citation, as described in subsection a.1, above;
 - (2) Obtain all information on the parent, to include full name, home address (if different from the juvenile), date of birth, driver's license or social security number, place and phone number of employment;

- (3) Require the juvenile to sign the citation and note on the citation that parental notification has been made;
 - (4) Release the juvenile or if the citation is for a daytime curfew, return the juvenile to his/her school; and,
 - (5) Turn in all copies of the citation (except the blue [Officer's] copy), including the green copy.
- f) If the juvenile has no identification, lives outside the City of Little Rock and parental notification cannot be made, the officer shall contact his/her supervisor, who will determine what further actions will be taken.
- 4. If a juvenile is arrested for any other charge during the curfew hours, he will be charged with the curfew violation on one citation and any additional charge(s) shall be placed on a separate citation. The citation numbers shall be referenced in the Offense Report and on each citation, (i.e. also citation # XXXXXX).
- 5. It will be the responsibility of the on-duty Shift Commander to ensure that the above procedures are properly implemented, ensuring that good judgment and common sense are being used regarding juveniles.

XV. Compliance

- A. All officers are responsible for the proper processing of incidents involving juveniles.
- B. Supervisors will monitor all incidents involving juveniles, and will ensure compliance with this Order.
- C. The Financial Services Manager shall maintain juvenile service billing records and make such payments to independent organizations, as may be required by City of Little Rock Ordinance and/or Departmental operating procedures.

Additions and revisions are *italicized and underlined.*