

MESA POLICE Department Policy Manual	<h1 style="text-align: center;">Taking Juveniles Into Custody</h1>	DPM 3.5.10 Effective 04/06/2012 Reviewed 10/11/2023 Revised 11/28/2023
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1. PURPOSE [ALEAP 18.1]

This policy provides Mesa Police Department (MPD) members with guidelines for taking juveniles into custody.

2. GENERAL

2.1 Arrest/Temporary Custody

- A. As outlined in [ARS 8-303](#) any peace officer shall take a child into temporary custody:
 - 1. Pursuant to an order of the juvenile court; or
 - 2. Pursuant to a warrant issued according to the laws of arrest.
- B. Also, as outlined in [ARS 8-303](#) any peace officer may take a juvenile into temporary custody :
 - 1. Pursuant to the laws of arrest, without a warrant, if there are reasonable grounds to believe that the juvenile has committed a delinquent act of is incorrigible.
 - 2. If there are reasonable grounds to believe that the child has run away from their parents, legal guardian, or other custodian.

2.2 Decision to Arrest/Take Into Custody

- A. The decision to arrest a juvenile will, in most cases, comply with the policy concerning the arrest of adults.
- B. Immediately notify the on-duty supervisor when taking a juvenile into custody.
- C. Notify the parent(s), legal guardian, or custodian a juvenile has been taken into custody when that notification does not interfere with the investigation.
- D. If a parent, legal guardian, or custodian cannot be located for notification when a juvenile is detained at the Juvenile Detention Center or MCSO (when arrested on a warrant form an adult court), the arresting officer shall notify Department of Child Safety (DCS) and their sworn supervisor. The supervisor should notify the appropriate Division Commander or Duty Commander.

3. DISPOSITION PROTOCOLS

3.1 Disposition Alternatives [ALEAP 18.2]

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- A. Release to parent, legal guardian, or custodian for action.
 - 1. Utilize when the offense and conditions involved are such that, in the opinion of the member, parental action can correct the child's behavior and Juvenile Court adjudication is not required.

3.2 Cite and Release [ALEAP 18.2] [ALEAP 18.4] [ALEAP 18.5A]

- A. Officers shall **only** cite for civil traffic or civil city code violations.
- B. The juvenile may be cited into Maricopa County Juvenile Court (1810 S. Lewis Street, Mesa, Az 85210) for the **below criminal violations only**.
 - 1. [Title 4 Liquor Violations](#).
 - 2. Criminal City Code Violations.
 - 3. Curfew.
 - 4. Possession of Tobacco.
 - 5. [Title 28](#) Criminal Traffic Violations, except DUI.
 - 6. Assign a court date 21 days or more after the violation date that is for a Tuesday or Thursday at 8:30 a.m.
- C. Officers will attach a copy of the department report (GO) or CAD report/citation notes to the court copy of the citation and deposit in the designated juvenile citation basket.
- D. If the juvenile has consumed any alcoholic beverage or if the juvenile's behavior is deemed disruptive, release only to parent(s), legal guardian, custodian, or a responsible adult.

3.3 Release to Parent, Legal Guardian, or Custodian with Referral or Citation (for designated violations) to Juvenile Authorities [ALEAP 18.2] [ALEAP 18.5A]

- A. Utilize when parental custody will, in the opinion of the member, be sufficient to ensure the proper control of the juvenile pending Juvenile Court action.

3.4 Immediate Incarceration in a County Juvenile Court Center [ALEAP 18.3]

- A. Officers shall adhere to Maricopa County Attorney and Maricopa County Juvenile Court Center guidelines and procedures when requesting detention at Juvenile Court Detention Centers.
- B. Any delay between arrest and delivery to juvenile authorities at the detention facility shall be authorized by a juvenile probation officer (e.g.; for necessary paperwork or medical clearance). Such delays shall be avoided whenever possible.
- C. A delinquent child shall not be detained or transported in the company of any adult charged with a crime.

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- D. Pursuant to MCSO booking policy, if a juvenile who has previously been tried and convicted of a felony as an adult is arrested again and is to be incarcerated, incarceration shall be in a county Juvenile Court Center.
- E. **If a juvenile is arrested on an arrest warrant issued by an adult court, they will be booked directly into MCSO 4th Avenue Jail.**

3.5 Juvenile Referrals [ALEAP 18.3]

- A. If a juvenile commits any of the following, refer juvenile to Maricopa County Superior Court – Juvenile Division.
 1. **Any** criminal charge, except those designated for cite and release.
 2. DUI.
 3. If juvenile is stopped for civil traffic violation and stop results in additional criminal or criminal traffic charges, **refer or cite (designated violations only) the juvenile to the Juvenile Court.** Send civil, criminal, and criminal traffic charges together. **Do not separate if part of the same incident.**

3.6 Juvenile Referral Process/Juvenile Affidavit [ALEAP 18.3]

- A. The following process is for in-custody referred juveniles.
 1. Complete [DPM 3.5.5F1 Juvenile Affidavit](#).
 2. Have the Juvenile Affidavit notarized.
 - a. [Notaries](#) are located throughout the Department, including Teleserve Officers, division secretaries and clerks, and support staff in the Criminal Investigations Units.
 - b. Make attempts to have the Juvenile Affidavit notarized at the substation whenever possible.
 - c. If the officer is required to come to the main station to locate a notary, keep the juvenile sight and sound separate from any adult prisoner, detainee, or trustee.

3.7 When Transporting a Juvenile to the Southeast Juvenile Facility [ALEAP 18.3]

- A. Take the black/original copy of the Juvenile Referral only.
- B. Take the original Juvenile Affidavit.
- C. Take a copy of the Department report (GO).
- D. Forward brown and blue copies of the Juvenile Referral and a copy of the Juvenile Affidavit to the CID clerks.
- E. The CID clerks enter the information into the Records Management System (RMS) – Case Management.

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F. The CID clerks will forward the documents to the Criminal Justice Information Division (CJID).

3.8 When Referring a Juvenile to the Southeast Juvenile Facility [ALEAP 18.3]

- A. Forward all required paperwork ((juvenile referral, juvenile affidavit, and juvenile Miranda rights form, if applicable) to the CID clerks.
- B. The CID clerks will process the juvenile referrals and enter the information into RMS - Case Management.
- C. Ensure the juvenile affidavit is notarized.
- D. The CID clerks will forward the juvenile referrals to CJID for review and scanning.

3.9 Victims' Rights Request/Waiver Form

- A. Complete a State of Arizona Victims' Rights Request/Waiver form whenever a juvenile is:
 1. Taken into custody.
 2. Cited and released.
 3. Referred on a felony or misdemeanor involving physical injury or the threat of physical injury, or a sexual offense.

3.10 If the Juvenile is Taken to a Detention Center

- A. Submit all copies of the form, except for the victim and law enforcement copies, to the detention center with the juvenile.

3.11 If the Juvenile is Referred and Not Taken Into Custody

- A. Attach copies of the filing forms to the arrest module type Long Form – Cited and forward originals to the CID clerks.
- B. Forward all required paperwork (juvenile referral, juvenile affidavit, and juvenile Miranda rights form, if applicable) to the CID clerks.
- C. CID clerks will send copies to CJID.

3.12 If the Juvenile is Cited and Released, the ASA at the Division Shall:

- A. Enter the citation in RMS then send the yellow copy to CJID.
- B. Send the original copy and court copy to the Juvenile Court for adjudication.

REFERENCES

- [DPM 3.5.5F1 Juvenile Affidavit](#)