

# GENERAL ORDER

G.O. 5-441

**SUBJECT: JUVENILE OPERATIONS**



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## **I. PURPOSE AND RESPONSIBILITY:**

- A. Purpose: To set the policy and to establish procedures for the administration and operation of the Detective Division (DD) Youth Unit at the Monroe Police Department.
- B. Responsibility:
  - 1. It will be the responsibility of the officers assigned to the DD Youth Unit to design and implement programs intended to prevent and control delinquent and criminal behavior by youths.
  - 2. It will be the responsibility of the officers assigned to the DD Youth Unit to follow-up processing of juvenile arrests, to prepare court cases in which a juvenile offender is involved, and to divert juvenile offenders out of the juvenile justice system.

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3. It will be the responsibility of the officers assigned to the DD Youth Unit to prepare and apply for arrest warrants for juvenile suspects involved in criminal activity when the juvenile or the parents refuse to cooperate with the normal referral system or the juvenile suspect is believed to be a threat to society.
4. It will be the responsibility of the officers assigned to the DD Youth Unit to conduct follow-up investigations of all "Family With Service Needs" (FWSN) cases and determine if a referral should be made to Superior Court-Juvenile Matters.
5. It will be the responsibility of all Department employees to report all cases of suspected child abuse or neglect to the Department of Children and Families, within twenty-four hours of becoming aware of such occurrence.
6. It will be the responsibility of officers assigned to the DD Youth Unit to notify the superintendent of schools whenever a student is arrested on charges of a class A misdemeanor or felony.

## II. DISCUSSION:

- A. This general order deals with the administration and operation of the DD Youth Unit at this Department. The officers assigned to the DD Youth Unit will engage in activities that include conducting follow-up investigations of cases involving juvenile offenders, processing juvenile arrests, diverting juvenile offenders out of the juvenile justice system, preparing and presenting court cases in which a juvenile is involved, and designing and implementing programs intended to prevent delinquent and criminal behavior by juveniles. When dealing with juveniles, law enforcement officers should always make use of the least coercive among reasonable alternatives, consistent with preserving public safety, order, and individual liberty. Generally speaking, law enforcement has four sets of alternatives from which to choose when dealing with juveniles. They may release the offender and take no further action; they may divert the offender to any number of social service agencies; they may dispose of the case themselves; or they may (in the case of serious offenders) refer the juvenile to juvenile court. This directive is designed to establish procedures and criteria for the use of each.

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## III. DEFINITIONS:

- A. CUSTODIAL INTERROGATION: The questioning of a person by a police officer while the individual is in custody. The person being questioned must either be under arrest or have had his or her freedom restricted in a significant way.
- B. DCF: The Connecticut Department of Children and Families, an investigative social agency charged with the protection of children and youths.
- C. DIVERSION: In the broadest sense, any procedure that (1) substitutes non-entry for official entry into the justice process, (2) substitutes the suspension of criminal or juvenile proceedings for continuation, (3) substitutes lesser supervision or referral to a non-justice agency or no supervision for conventional supervision, or (4) substitutes any kind of non-confinement status for confinement.
- D. FELONY: Any crime in which the punishment is confinement of one year or more or a fine greater than one thousand (\$1,000) dollars or both.
- E. FWSN: Family With Service Needs are acts committed by a juvenile that would lead a reasonable person to believe that the juvenile and/or the family of the juvenile are in need of assistance.
- F. IN RE GAULT: A series of warning(s) that must be given to a juvenile suspect and his/her parents, informing them of their right to legal counsel and their rights against self incrimination.
- G. JUVENILE: Any person who is under the age of eighteen.
- H. JUVENILE DELINQUENCY: Antisocial or criminal behavior by someone under the age of eighteen.
- I. JUVENILE OFFENDER: Any person who is under the age of eighteen and has committed a violation of a law.
- J. JUVENILE RECORDS: Police reports, fingerprints, photographs, statements, and other police records concerning juveniles who have been arrested, diverted from Juvenile Justice System, or who are suspects or victims of a crime.

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- K. JUVENILE REVIEW BOARD: A group of local professionals, who meet regularly to offer juveniles and their families a positive alternative to the Juvenile Justice System.
- L. MIRANDA WARNINGS: A series of warnings that must be given before a custodial interrogation by a police officer, informing criminal suspects of their right to legal counsel and their rights against self-incrimination.
- M. MISDEMEANOR: Any crime in which the punishment is confinement for not more than one year or a fine of not more than one thousand (\$1000.00) dollars or both.
- N. STATUS OFFENSE: An act or conduct declared by statute to be an offense, but only when committed or engaged in by a juvenile, and that can be adjudicated only by a juvenile court.

### **IV. POLICY:**

- A. It will be the policy of the Monroe Police Department to review the policies and programs relating to juveniles annually.
- B. It will be the policy of the Monroe Police Department that officers assigned to the DD Youth Unit will evaluate enforcement and prevention programs annually to determine whether to suggest that a specific program should function as is, be modified, or be discontinued.
- C. It will be the policy of the Monroe Police Department that the officers of the DD Youth Unit may divert a juvenile offender from the juvenile court system as long as the best interests of the juvenile and the community are taken into consideration.

### **V. PROCEDURES:**

- A. YOUTH UNIT ADMINISTRATION:
  - 1. JUVENILE OPERATIONS FUNCTION:
    - a. Juvenile Programs: This Department is committed to the development and perpetuation of programs designed to prevent and control

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juvenile delinquency. Officers assigned to the DD Youth Unit and the DD Supervisor will be responsible to design and implement programs intended to prevent and control delinquent and criminal behavior by juveniles. Programs currently being conducted are:

1. Project D.A.R.E. (Drug Abuse Resistance Education): A comprehensive drug and alcohol educational program taught to students in the fifth grade by police officers;
  2. Sixth, Seventh and Eighth Grade Program: A visit to the sixth, seventh and eighth grade by officers of the SRO Unit to reinforce the dangers of drug/alcohol abuse;
  3. Guest Lecturer: Upon the request of school administrators or faculty, officers of this Department will lecture in the Monroe school system.
  4. Project S.H.A.R.E. (Safety, Health And Relationship Education): A comprehensive program taught to sixth grade students designed to promote methods of developing healthy relationships and behaviors, and personal safety.
- b. Juvenile Responsibility: All Department employees are responsible for participating in and supporting this Department's juvenile operations function and the juvenile programs listed above.
2. JUVENILE COURT REVIEW: The personnel of the Superior Court-Juvenile Matters will be consulted in the development of this Department's policies, procedures, and programs.
  3. YOUTH PROGRAM ANNUAL EVALUATION: The officers assigned to the DD Youth Unit will evaluate enforcement and prevention programs annually. The evaluation should consider both quantitative and qualitative elements of each program. The evaluation is to determine whether a specific program should function as is, be modified, or be discontinued. The Youth Unit will make recommendations to the Chief of Police.

### **B. YOUTH UNIT OPERATIONS:**

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1. JUVENILE ALTERNATIVES: All officers of this Department will use the least coercive among reasonable alternatives, consistent with preserving public safety, order, and individual liberty when dealing with juvenile offenders. Juvenile offenders may be dealt with by officers in one of the following four ways:
  - a. Outright release with no further action;
  - b. Release to parents at scene, not taken into custody, possible referral to court (by summons) or diversion;
  - c. Release to parents from headquarters, taken into custody, possible referral to court (by summons) or diversion;
  - d. Release to Juvenile authorities at a Juvenile Detention Center, referral to court.
2. JUVENILE IN-CUSTODY CRITERIA: The guidelines for making in-custody decisions will be based upon the nature of the offense, the age and circumstances of the offender, the offender's record, the availability of community-based rehabilitation programs, and recommendations for diversion from complainants or victims. The following are procedures for taking a juvenile into custody:
  - a. Non-criminal Misbehavior: The following are procedures for taking into custody juveniles in non-criminal cases (misbehavior or in danger) now classified under the umbrella "Family With Service Needs" (FWSN) cases:
    1. Runaway: If the offense involves a juvenile runaway, the officer shall obtain the appropriate information from the parents necessary to complete an incident/case report:
      - a. If a runaway juvenile, fifteen (15) years of age and under, with no physical or mental deficiencies, has been missing for at least three (3) hours, a teletype describing the missing child will be entered into the

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National Crime Information Center (NCIC) computer;

- b. All officers investigating missing juveniles shall make a reasonable attempt to locate the child.
- 2. Immoral Behavior: If the offense involves conduct which is indecent or immoral or if the child is beyond the control of the parents but the juvenile has not violated any criminal law, the officer shall take the appropriate information and turn the information over to the DD Youth Unit for a follow-up investigation;
- 3. School Rules: If the offense involves conduct which violates school rules and regulations, including truancy, the DD Youth Unit will refer the case to the proper school officials for disposition;
- 4. Apprehension of Juvenile: If an officer locates a juvenile and the officer believes that the juvenile has left and is staying away from home without the permission of the juvenile's parent or guardian, the officer shall report the location of the child to the parent or guardian:
  - a. Detention: The officer may detain the juvenile in protective custody for a maximum period of eight hours to negotiate an agreement with the parents and the juvenile or to arrange for suitable alternative housing. The juvenile will not be held in any locked room or cell during this eight hour period;
  - b. Parent Refuses Custody: If the parent refuses to take custody of a runaway juvenile or if the juvenile refuses to go home with the parent or guardian, the officer shall notify the Patrol Division (PD) supervisor. The PD supervisor will cause the DD Youth Unit to be contacted. The DD Youth Unit will arrange for suitable shelter for the juvenile;

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- c. Out-of-State Runaway: If the juvenile is a runaway from another state, the officer shall contact the DCF who will take custody of the juvenile and arrange for a parent or guardian to pick up the juvenile.
- b. In Danger of Harm: Nothing in this directive prohibits or discourages officers to take into protective custody any juvenile who has been harmed or is in danger of harm under the Abuse and Neglect statute; section 17a-101g of the Connecticut General Statutes. In any suspected abuse or neglect case DCF must be notified orally and within forty-eight (48) hours of making an oral report a mandated reporter shall submit a written report (DCF-136).
- c. Constitutional Rights Protection: Any juvenile who has been arrested, with or without a warrant, for a criminal offense shall be brought to headquarters for formal booking and processing. An exception to this is that in a misdemeanor case, the offender may be released at the scene if their parent or guardian is present or readily available and will accept custody of the offender. The juvenile may also be released to a responsible adult over 18 years of age, with the approval of the Patrol Division supervisor or Shift Commander. The following are procedures for juveniles who have been taken into custody and brought to headquarters. Juveniles shall be advised of their constitutional rights, via Miranda, any time they are taken into custody.
  - 1. No Unnecessary Delay: Juveniles shall be transported to police headquarters without unnecessary delay and turned over to the DD Youth Unit if available, unless the juvenile is in need of emergency medical treatment;
  - 2. Notification: The arresting officer will immediately notify the juvenile's parents or guardians and the Youth Officer will notify the Superintendent of Schools of the arrest if required;
  - 3. Separation: Juvenile offenders, while in police custody, will be kept separate from adult offenders. If temporary detention is officer shall complete a Police Referral Summary form (JD-



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JM57) and a Department incident report;

4. Report: The arresting officer shall complete a Police Referral Summary form JD-JM57 and a Department Incident Report;
5. Release: Bond cannot be set in any juvenile matter. The juvenile offender can be released to a parent or guardian. The juvenile may also be released to a responsible adult over 18 years of age with the approval of the PD supervisor or Shift Commander. The releasing officer should verify the identity of the parent, guardian, or adult. The parents or guardian should be informed that officers from the DD Youth Unit will be contacting them regarding the case;
6. Juvenile Detention: If the juvenile offender is not released to the juvenile's parents because the parents refuse to accept custody of their child or the officer believes that it is in the best interest to detain the child, a petition to the court will be made to obtain an "Order To Detain" (Form JD-JM-190) which must be signed by a judge. Upon obtaining the signed "Order To Detain", the juvenile will be transported without unnecessary delay to the Juvenile Detention Center (JDC), 60 Housatonic Avenue, Bridgeport CT. When a juvenile is brought to the JDC, a Police Referral Summary form (JD-JM57), the Order to Detain form and a completed Department incident report must accompany the juvenile;
7. Fingerprinting and Photographing: Any juvenile charged with a crime shall be required to submit to the taking of his/her photograph, physical description and fingerprints. Where feasible, every juvenile referred to court should be so identified. All identification material must be labeled "juvenile" and be kept separate from adult identification materials.
8. Officers will complete the Juvenile Holding Log (Form 61-aaa) for all juveniles that are taken into custody. This form is kept on the Sergeants clipboard at the Sergeants desk.

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3. JUVENILE CUSTODIAL INTERROGATION: Juveniles have all the same constitutional rights as adult suspects and must be advised of their Miranda warnings before a custodial interrogation may begin. The following are procedures for the custodial interrogation of juveniles:
  - a. Parents: One of the juvenile's parents or guardians must be present during the statement and they must also be advised of the juvenile's Miranda warnings;
  - b. Duration and Number of Officers: The duration of the custodial interrogation should be limited to a reasonable amount of time and should not be of such length and constructed in such a manner as to cause undue stress for the juvenile. The number of officers involved in the interrogation should be limited to two;
  - c. Juvenile Justice System: The officer questioning the juvenile suspect should make certain that the juvenile and the parents understand the Department's and juvenile justice system's procedures.
4. SCHOOL RESOURCE PROGRAM: School Resource programs provide a forum through which students, parents, faculty, and law enforcement officers can become acquainted. This will result in a mutual respect. Apart from the obvious benefits accruing to youths, these programs demonstrate to parents and faculty that this Department has a genuine interest in this community's youth. The officers assigned to the DD School Resource Program shall be responsible to maintain liaison with the Monroe school system. The following are responsibilities of the DD School Resource Officers:
  - a. To act as the resource with respect to delinquency prevention;
  - b. To provide guidance on ethical issues in a classroom setting;
  - c. To provide guidance and direction to counseling for students; and
  - d. To explain the law enforcement role in society.
5. JUVENILE DIVERSION OPTIONS: Once the decision for diversion is made

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by the officer of the DD Youth Unit, the following options are available and the selection will be based on the need of the juvenile offender:

- a. Juvenile Review Board: The juvenile offender and parents may opt for participation in the juvenile review board. See section 8 of this general order.
  - b. School Diversion: For offenses which have occurred in school, the juvenile is turned over to school officials for corrective disciplinary measures;
6. JUVENILE REFERRAL CRITERIA: Officers of the DD Youth Unit, upon receiving Department referrals of alleged juvenile offenders, will make the decision to refer the offender to Juvenile Court using the following criteria as a guide:
- a. All acts that if committed by an adult would be felonies;
  - b. All acts involving the use of weapons;
  - c. All serious gang-related delinquent acts;
  - d. All serious misdemeanors or crimes of violence;
  - e. All acts committed by juveniles who are on probation, or by those with a case pending;
  - f. All repeated delinquent acts;
  - g. All juveniles who have been selected for the Diversion Program but have refused to participate; and
  - h. All cases where it has been determined that parental supervision is not effective.
7. YOUTHS IN CRISIS PROTOCOL: Youth In Crisis means any person, sixteen or seventeen years old, who, within the last two years:

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1. Has without just cause run away from the parental home or other properly authorized and lawful place of abode;
  2. Is beyond the control of parents, guardian or other custodian, or
  3. Has four unexcused absences from school in any one month or ten unexcused absences in any school year.
- a. Reception Of Complaint: All complaints shall be documented indicating:
1. Date and time of complaint;
  2. Name, address, residence and work phone number, date of birth and relationship of the complainant;
  3. A summary of the complaint;
  4. Action taken.
- b. Runaway & Beyond Control Complaints: A check for complaints of family violence or assault should be conducted and noted. A referral to DCF should be made and any DCF involvement with the family should be noted. Runaway complaints should include the names, addresses, and other information regarding the youth's acquaintances as well as the last known whereabouts of the youth. If the youth has access to a motor vehicle, a description of such motor vehicle should be provided. Parents/guardians should be provided with a copy of their statement and should be encouraged to also file a complaint with the probate or juvenile court in Bridgeport. A detailed, signed and notarized statement should be executed. The statement should include the following information:
1. Specific behaviors forming the basis of the complaint;
  2. Specific dates that constitute the complaint;

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3. Specific times that constitute the complaint;
  4. Specific actions that constitute the complaint;
  5. The demeanor of the parent/guardian.
- c. Truancy Complaints: Complaints alleging truancy should be referred to the school where the youth is, or should be enrolled.
- d. Police Response: All runaway youths shall be immediately entered into COLLECT, broadcast to officers on patrol, and included in roll call announcements. Officers shall attempt to locate the youth in crisis. If located, the officer shall:
1. Contact the parent/guardian and inform them that the youth has been located;
  2. Report the location of the youth to the parent/guardian after the officer determines that such report does not place the youth in any physical or emotional harm. In making this determination, the officer should consider the following:
    - a. The demeanor of the parent/guardian at the time of making the complaint;
    - b. The demeanor of the parent/guardian at the time of the notification;
    - c. The family's known history for violence or neglect/abuse;
    - d. The youth's attitude and concerns when interviewed prior to the notification;
    - e. The results of a check of the criminal and DCF records of the youth and adults known to reside in the home where

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the youth will be placed.

3. The officer shall then respond in one of the following ways:
  - a. Transport the youth in crisis to the home of the parent/guardian or a suitable and worthy adult. A suitable and worthy adult (18 years or older) would be a person whom the officer reasonably believes would be able and willing to provide temporary shelter to the youth under circumstances that would not be injurious to the health or welfare of the youth or other persons in the home;
  - b. Refer the youth in crisis to the probate court in Bridgeport, provided the probate court is willing to accept the referral;
  - c. Hold the youth in crisis in protective custody for a maximum period of twelve hours until the officer can determine a more suitable disposition of the matter. If held, the youth may not be held in any cell designed or used for juveniles and/or adults;
  - d. Transport or refer the youth in crisis to any public or private agency serving children, with or without the agreement of the youth in crisis;
  - e. Refer the youth in crisis to a youth service bureau, provided one exists in the Town of Monroe;
  - f. If the police officer is either unable to transport, refer, or hold the youth in crisis pursuant to subdivisions (1) to (5) above, a referral, using form JD-JM 142, Youth In Crisis Complaint, will be made to the juvenile court in Bridgeport.
4. If a youth in crisis is transported or referred to an agency pursuant to the above section, such agency shall provide temporary services to the youth in crisis unless, or until, the parent or guardian of the youth in crisis at any time refuses to agree to those services.

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5. A police officer acting in accordance with the provisions of the statutes applicable to Youths In Crisis shall be deemed to be acting in the course of the police officer's official duties. A police officer who provides assistance to a child or a family in need shall not be liable to such child or such family for civil damages for any personal injuries which result from the voluntary termination of service by the child or the family.
- e. Youth in Crisis Complaint: Any police officer who believes that the acts or omissions of a youth are such that places the youth in crisis may file a written complaint, using form JD-JM 142 Youth In Crisis, setting forth those acts with Bridgeport Superior Court which has venue over the matter. The complaint shall set forth plainly:
  1. The facts which bring the youth within the jurisdiction of the court;
  2. The name, date of birth, sex, and residence of the youth;
  3. The name and residence of the parent/guardian or other person having the control of the youth;
  4. A plan for appropriate action by the court in conformity with the provisions of this section.
- f. Determination: Upon determination that the youth is in crisis in accordance with established court policies, the court may make and enforce court orders. A youth in crisis found to be in violation of any order under this section shall not be considered to be delinquent and shall not be punished by the court by incarceration in any state operated detention facility or correctional facility.
- g. Statutory References: The following Connecticut General Statutes refer to laws and information regarding Youths In Crisis:
  1. CGS 46b-120;

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2. CGS 46b-149b;
  3. CGS 46b-150f;
  4. CGS 46b-150g;
  5. PA 03-257.
8. JUVENILE REVIEW BOARD: The Juvenile Review Board (JRB) is a diversionary juvenile program designed to act as an advisory board to the Monroe Police Department regarding youthful offenders. The membership is comprised of representatives of different youth serving agencies, such as clergy, the Youth Detective, School Resource Officers, the Monroe Public School System, Social Services, and individuals who have specific knowledge in early childhood development, or children's services. It is the goal of the JRB to divert appropriate cases from the Juvenile Justice System to currently operating youth focused community based care giving services. These community based agencies have the time and resources to identify and service juveniles who are troubled before they become "delinquents". The creation and utilization of services deemed appropriate to the referred juvenile's situation are more likely to positively affect the child's future behavior than the traditional Juvenile Justice System.
- A. PURPOSE AND RESPONSIBILITY: To set the policy and to establish procedures for the administration, operation and oversight of the Juvenile Review Board (JRB) at the Monroe Police Department, CT. It will be the responsibility of the officers assigned to the Detective Division Youth Unit and the Commander of the Detective Division to divert appropriate cases to the JRB based upon the criteria outlined in this General Order.
  - B. POLICY: It will be the policy of the Monroe Police Department, CT to assist in the creation, implementation and referral to the Monroe JRB. All juvenile arrests will be reviewed by the Monroe Police Department Detective Division Commander and Youth Detective for referral to the JRB. This review will be conducted immediately upon receipt of the case file from the Youth Detective, School Resource Officers and



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Patrol Officers. Each case or incident shall be individually reviewed and the standard criteria established in this General Order will be applied. Those cases and/or incidents meeting the criteria for referral to the JRB shall be put into the pre-hearing process.

### **C. CREATION OF JUVENILE REVIEW BOARD:**

1. On December 1st of each year the Youth Detective and the DD Commander shall compile a list of volunteers for the JRB for the coming year. Said list shall include a minimum of five members from at least three different agencies or schools. At least one shall be from the Monroe Police Department and shall provide supervision of the Diversion Contract. The Monroe Police Department representative shall also provide all required follow up for the JRB. All volunteers shall be required to sign: a) Confidentiality Statement and Indemnity Agreement with the JRB (MPD Form 61f & 61b), and b) Standards of Professionalism Statement.
2. The list shall include five permanent members. Upon completion of the list the DD Commander will have a criminal background check completed on the recommended members, and shall submit a report with the findings of the background investigation to the Chief of Police or his designee for final approval on or before December 20th of each year.
3. Upon the final approval of the Chief of Police, or his/her designee, the Youth Detective shall contact the approved members of the JRB and verify their agreement to participate for a one year commitment to the JRB and set the date for the first JRB meeting.
4. At the first meeting of the JRB, a chairperson and a vice chairperson shall be appointed by the JRB. The chairperson shall run all meetings of the JRB and shall make any necessary assignments to the JRB members. The vice chairperson shall take on the responsibilities of the chairperson in the absence of the chairperson.

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5. All meetings of the JRB shall be overseen by either the chairperson or vice chairperson. If the chairperson or vice chairperson is not available any meeting of the JRB will be rescheduled.
6. There must be a minimum of at least four members of the JRB in attendance for any meeting or hearing. At least one member of the JRB can be a sworn member of the Monroe Police Department.

### **D. REFERRAL TO THE JUVENILE REVUE BOARD:**

1. All juvenile arrests and Family with Service Needs cases investigated by the Monroe Police Department shall be reviewed by the Youth Detective and forwarded to the DD Commander for final approval. All cases shall be considered for potential referral to the JRB.
2. All cases referred to the JRB must meet the following criteria:
  - a. Offense alleged must not:
    1. Be a felony;
    2. Involve serious physical injury;
    3. Involve the use of, credible threatened use of, or credible implied use of a weapon of any kind;
    4. Be a sexual assault charge.
  - b. Juvenile offender must be a Monroe resident.
  - c. Juvenile offender must not currently be under investigation for any other crime.
  - d. Juvenile offender cannot have any other arrests on record.

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- e. Juvenile offender cannot have used the JRB or any other diversionary program before.
  - f. Input should be solicited from the arresting officer(s) if applicable.
  - g. Input should be solicited from victim(s) if appropriate.
- 3. Any juvenile considered for JRB referral will have a complete background check completed by the Youth Detective prior to consideration for JRB. The background checklist will be the following:
  - a. Monroe Police Department records check;
  - b. Review of JRB file for possible earlier referral (note on Case Intake Summary form, MPD-61c);
  - c. Check of the juvenile case files for alleged juvenile offender.
- 4. Prior to the referral to the JRB, the parents or guardians of the juvenile shall have the JRB process fully explained to them, as well as their option to not participate in the JRB. The following topics will be fully explained and discussed:
  - a. The juvenile and parents/legal guardians must acknowledge responsibility for the behavior being presented to the JRB. Unlike cases handled by the Juvenile Justice System, there is no presumption of innocence in cases handled by the JRB. Any case where there is a claim of innocence, or of any legal defense that might be presented in a court case, will be ineligible for the JRB process and should be referred to the court for resolution;
  - b. It must be fully explained to the parents/legal guardians

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and the juvenile that certain rights that would be available if the matter was referred to the court will not be available if the JRB process is utilized. Such rights not available include the right to remain silent, to have an attorney, to have a trial and to confront any witnesses against them.

- c. All appropriate intake forms and releases must be fully explained and executed;
- d. All available and relevant information regarding the offenses alleged, and the background of the juvenile and family whose case will be referred to the JRB, shall be gathered;
- e. Where appropriate, the victim should also be contacted so the process can be explained to them and their input solicited ( see Victim Impact Statement).

### **E. INITIAL HEARING:**

- 1. Every hearing should begin with a brief statement by the referring officer (Youth Detective) to the JRB. The statement shall include:
  - a. Brief account of the facts of the case;
  - b. An explanation of the elements of the offense(s) alleged;
  - c. Any and all relevant background information and recommendation that would be helpful to the JRB;
  - d. Victim impact statement.
- 2. When the juvenile and family actually appear before the JRB, the chairperson should welcome and summarize for the family the role of the JRB and the procedures for the hearing.
- 3. The chairperson should have each JRB member introduce him

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or herself by name and position within the community to help establish who the juvenile and family are addressing during the proceeding.

4. The chairperson should reiterate to the juvenile and family that an important initial component of the process is for the JRB to determine if the case will be heard by the JRB or be referred to the Juvenile Justice System. While the juvenile and family have agreed to the process, the JRB has discretion to reject a case and suggest that it be referred to the court for resolution.
5. The chairperson should then offer the juvenile an opportunity to explain the circumstances that led to the referral and ask open ended questions to elicit the juvenile's understanding of the facts and circumstances of the case, the level to which the juvenile takes responsibility for their actions and the extent that the juvenile is aware of the consequences of their conduct.
6. The chairperson should then invite the JRB members to ask questions of the juvenile and the family regarding the incident as well as any action that has been taken by the family, school or any other entity in response to the incident up to the point of the hearing. The juvenile should also be asked to explain why they think the JRB should handle the case rather than recommending that it be referred to the court. Such questioning should be orderly and professional and be relevant to the issues of the case. JRB members should demonstrate a heightened sensitivity to the child's actions in the context of social and emotional behavior versus criminal behavior where appropriate. The chairperson should ensure proper decorum is observed during the hearing, that JRB members are afforded opportunity to ask questions and that the juvenile and family are treated and given an opportunity to answer questions asked while maintaining reasonable time limitations.
7. When questioning is complete, the chairperson should ask the family if they have any questions for the JRB. Any questions asked of the JRB should be fully answered.

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8. The chairperson should then advise the family that the JRB will now discuss the case privately and inform them of the results of their deliberations upon completion. The referring Youth Detective should then escort the juvenile and family out to the assigned waiting area for call back by the JRB.
9. When appropriate, the adult family members may be asked to stay and speak with the JRB to gather additional input before determining if the case will be accepted and, if so, what diversions will be proposed for the juvenile.
10. The JRB should then meet and discuss the case to identify the issues and needs to address and recommend appropriate diversions. When choosing the diversions that will be proposed, the JRB should consider the identified issues and needs, including any emotional or mental health factors, as well as the specific nature of the facts of the case, the child's age and background, amount and nature of family support systems and the availability of diversions.
11. Once an agreement has been reached regarding the recommended diversions, including a reasonable time for compliance, the family should be brought back before the JRB and the proposed diversions explained and discussed with the family.
12. If the family does not agree with the proposed diversions, the family should be informed that the JRB will not handle the case and that it will be returned to the Monroe Police Department with a recommendation that the matter be referred to the Juvenile Justice System.
13. If the family agrees to the proposed diversions, they should execute the Diversion Contract (MPD Form 61i), agreeing to complete the proposed diversion(s) within the specified time frame. A copy of the contract should be given to the family.
14. A date for an Interim Hearing, if necessary or desired, or the

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Final Hearing should then be set.

### **F. INTERIM HEARING:**

1. Before the hearing, the JRB should be apprised of the reason for the interim hearing, the status of the proposed diversion contract, and discuss the recommended outcome of the hearing.
2. The family should then be brought into the hearing and informed of the reason for the hearing and given an opportunity to respond.
3. If any amendments will be made to the contract, they should be discussed and agreed to by the family.
4. If the family does not agree to the proposed amendments, the family should be informed that the JRB will close the case at that point and it will be returned to the Monroe Police Department with a recommendation that the matter be referred to the Juvenile Justice System.
5. If the family agrees with the proposed amendments, the Hearing Form should be amended to reflect the changes.
6. The date for the final hearing should be confirmed or reset.

### **G. FINAL HEARING:**

1. Before the hearing, the JRB should be apprised of the status of the proposed diversion contract and should discuss the recommended outcome of the hearing.
2. For cases where the process was successfully completed, the family should then be brought into the hearing and asked about the status of the recommended diversion(s). This provides the juvenile who has successfully completed the process with the opportunity to explain to the JRB how the diversions were

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performed and what lessons were learned. The juvenile should be encouraged to discuss any community services that were performed, any journals that were kept, any positive activities that were engaged in and their thoughts about the process. It also provides the JRB with the opportunity to express their pride in the success of the juvenile and to offer encouragement and support for the juvenile's efforts throughout the process.

3. For cases where the process is not successful, the decision to return the case to the Monroe Police Department with a recommendation to refer the matter to the Juvenile Justice System can be made with or without the family present. In most cases, the final hearing should still be held to provide the opportunity for the JRB to explain why the case is being closed unsuccessfully and what the family can expect to happen next. The JRB can still offer support and encouragement to the family despite the fact that the JRB process did not come to a successful conclusion. As members of the community, the family should be encouraged to address the issues that brought them before the JRB in the first place.
4. The family should be reminded about the confidentiality of the JRB process, records and information gathered and they should recall that access to the JRB process will not be available again but that people they met and the resources they discovered during the process will continue to be available if needed in the future.
5. The records of all JRB cases shall be stored with the juvenile files separate from adult records in the Records Unit. Closed cases shall be stored and disposed in accordance with Connecticut General Statutes and Regulations, as well as Department General Orders governing records retention. See General Order 9-821 for more information concerning records retention.

## **HISTORICAL CHANGES TO POLICY**



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March 21, 2011 – Page 3, Section III,F. Definition of juvenile changed from under “sixteen” years of age to “seventeen”.

DE. 20, 2017 - Entire Section B8, Juvenile Review Board was added.