

# MERIDIAN TOWNSHIP POLICE DEPARTMENT

## GENERAL ORDER

Subject: <b>JUVENILE INVESTIGATIONS, HANDLING &amp; DETENTION</b>	General Order: 1002
Effective Date: April 22, 2014 Revision Date: November 10, 2022	Distribution: Sworn Employees

### I. PURPOSE

This directive establishes procedures for investigating juvenile suspects and the handling (detention, custody and release) of juveniles who come into contact with this department.

### II. POLICY

The Meridian Police Department is committed to developing and maintaining programs for the prevention and control of juvenile delinquency. All members of the department are responsible for the investigation and follow-up of incidents coming to the attention of the department when the victim or suspect is a juvenile.

The procedures referred to in this policy reflect the current laws and policies of the federal government, the state of Michigan, the Michigan Office of Juvenile Justice and Delinquency Prevention, and the juvenile court system.

Meridian Police officers assigned to or assisting other agencies shall comply with this directive.

### III. PROCEDURES

#### A. Definitions

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1. **Juvenile:** Michigan Law defines a juvenile as a person under the age of 18.
2. **Juvenile Delinquent:** A juvenile delinquent is any juvenile who commits an offense, which would be a criminal act (felony or misdemeanor) if committed by an adult. (However, legally a juvenile is not officially considered a delinquent unless adjudicated as such by a court.)
3. **Status Offenders** - A status offense is any violation of Michigan or local law, which is specifically applicable only to juveniles and would not be a crime if committed by an adult. Examples include but are not limited to:
  - Curfew Violations – under 12 years of age 10pm – 6am, 12 to under 16 years of age is 12pm – 6am.
  - Runaways – 18 years of age or younger reported by parent of guardian as missing shall be entered into LEIN.

- Truants – Unexcused absence from school of a juvenile less than 16 years of age. These offenders can be turned over to the school.
4. **Locked Detention:** Locked detention is defined as any locked room, set of rooms or cell that is set aside, or designed for, the purpose of securely detaining individuals. Securing or handcuffing a juvenile to a cuffing rail or any stationary object is also considered as locked detention.

A staff member in an unlocked room with a juvenile does not constitute locked detention.

B. Taking Juveniles into Custody

Authority for taking a juvenile delinquent into custody is provided by MCL 712.14. This law gives law enforcement officers authority to take into custody a juvenile who is found violating the law.

1. Standards for arresting an adult without a warrant shall be used when taking a juvenile into custody without a court order. Juveniles shall be afforded all of the same Constitutional rights as an adult.
2. Officers shall take the customary precautions when taking a juvenile delinquent into custody.
3. Juveniles being lodged for a misdemeanor punishable by 93 days or more in jail, or a felony shall be brought directly to MTPD or a detention facility to be fingerprinted and photographed in accordance with MCL 28.241, et seq. absent emergency circumstances.
4. The law authorizes the arrest of a juvenile delinquent with or without a warrant while he/she is attending school. Members are cautioned to exercise extreme care when determining whether the ends of justice are best served by such an arrest or removal from school.

C. Status Offenders

1. Laws prohibit locked detention of a status offender in an adult jail, police station or lock-up unless the juvenile is already under the jurisdiction of the court for an offense which, if committed by an adult, would be a felony.
2. Handcuffs will not be used for juveniles who are being detained solely for a status offense unless they cannot otherwise be safely detained. While being transported, juveniles may only be handcuffed to themselves in accordance with General Order 802.

3. Status offenders and juvenile victims of abuse or neglect **cannot** be locked at all. The moment they are placed in a locked setting, there is a violation of the law.
4. Status offenders **shall not** be placed in a juvenile detention facility unless the juvenile is under the jurisdiction of the juvenile court for a criminal offense, or the court finds that the juvenile willfully violated a court order.
5. The juvenile status offender, who is to be detained pending release or disposition, may be confined to a staff supervised room separate from areas restricted to holding and detention of adult offenders.
6. Status offenders **shall not** be processed or allowed in the booking or cellblock areas or any other area generally restricted to prisoner holding or processing.

D. Juvenile Victims of Abuse and Neglect

1. If there is reasonable cause to believe that a child is at substantial risk of harm or is in surroundings that present an imminent risk of harm and the child's immediate removal from those surroundings is necessary to protect the child's health and safety, an officer may, without a court order, immediately take that child into protective custody. An officer who takes a child into protective custody shall immediately notify the department of social services. While awaiting the arrival of the department of social services the child shall not be held in a detention facility. (MCL 712A.14a).
2. Department of Social Services (DSS) form 3200 shall be completed:
  - a. whenever an officer discovers, investigates, or encounters cases of possible abuse or neglect,
  - b. when a juvenile believed to be a victim of abuse or neglect is taken into protective custody,
  - c. with other required incident reports as soon practicable, and forwarded to DSS within 24 hours.
3. Juveniles brought into custody in cases of abuse or neglect shall be treated with compassion and be made as comfortable as possible pending a disposition of their status.

## E. Sight and Sound Separation

1. The law requires that juveniles be completely separated from adult prisoners by sight and sound. This procedure applies at all times and to all areas of the department. This includes periods of transportation, interrogation and processing.
2. You may use department facilities for the processing of juveniles charged with criminal offenses if adult prisoners are not present.

## F. Locked Detention

1. Juveniles may not be placed in locked detention when:
  - a. They are being held for a status offense only.
  - b. They are held in protective custody as a victim of abuse or neglect
2. A juvenile may only be placed in locked detention when:
  - a. They have been apprehended for an offense that is so dangerous that it would endanger public safety.
  - b. They may not be otherwise safely detained (exigent circumstance).
  - c. An order from the Juvenile Court is received.
  - d. They have committed violent crimes against persons.
3. Juvenile delinquents will not normally be placed into detention cells unless they meet the criteria in Section IV, E (2). When detention is required, a juvenile offender will be transported directly to the Ingham County Juvenile Detention facility whenever possible.
4. All guidelines and requirements of the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP) will be adhered to.
  - a. JJDP posters placed near authorized detention areas in the department shall remain posted and unobstructed.
  - b. Officers are responsible for familiarizing themselves and adhering to the JJDP guidelines.

## G. Two Hour Rule and Reporting

1. If a juvenile delinquent is placed in locked detention, the following guidelines shall be adhered to:
  - a. The detention shall not exceed two (2) consecutive hours.
    1. The time begins the moment the juvenile is placed into a locked setting. This includes any locked room within the department or if the room or area is set aside for or used for detention purposes (any locked office, interrogation room or locked corridor), or when a juvenile is handcuffed to any stationary/immovable object.
    2. Once the clock starts, it cannot be stopped, even if the juvenile is briefly removed from the locked setting (e.g. to use the restroom).
    3. If you take custody of a juvenile from another agency or private security officer and the juvenile has been locked, the clock began when the other agency locked them. The clock does not start over with the receiving agency.
    4. The two (2) hour clock does not begin when any of the following occur:
      - When the juvenile is placed in a locked police car.
      - When the juvenile is handcuffed only to themselves.
      - When the juvenile is placed in an unlocked room at the department, such as the lobby or an unlocked meeting room.
  - b. The juvenile delinquent shall be separated by sight and sound from adult offenders. This includes transportation, interrogation and processing.
  - c. Continuous supervision is required, except in cases of exigent circumstance. However, in no situation will physical checks on the juvenile delinquent's well-being be greater than 15 minutes apart.
  - d. A report indicating the reasons for secured detention and that these guidelines were strictly adhered to shall be prepared by the officer and promptly forwarded to the Services Division Commander to include a description of how the juvenile was detained and the length of the locked detention. This report can

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be submitted using Guardian Tracking, Microsoft Forms, or any other format as authorized by the Chief of Police or his / her designee.

New                      e.        The Services Division Commander shall forward all Juvenile in Locked Detention reports to the Chief of Police and will compile a monthly list of all juveniles held in locked detention and forward it to the Chief of Police.

New                      f.        The Services Division Commander shall report data related to juveniles held in locked detention to the Michigan Committee on Juvenile Justice on a monthly basis.

H.        Medical Considerations

1.        During contact with a juvenile, officers need to be alert to indications of drug or alcohol intoxication, injuries or other medical needs
2.        If a juvenile is in need of medical attention, the officer is to arrange for medical care.
3.        In all circumstances, officers are to attempt to notify a parent or legal guardian and request they respond to the scene/ medical facility for authorization to treat the juvenile. If a parent or guardian cannot be contacted the officers should contact the appropriate juvenile authority.

I.        Notification and Release

1.        The arresting officer shall forthwith notify the parents, guardian, or custodian of any juvenile taken into custody (including a fugitive apprehension) as is required by MCL 712A.14.
2.        Under no circumstance shall a juvenile delinquent be detained but then released by a member of this department without the notification of the parent, guardian, or custodian, except for traffic offenses and civil infractions pertaining to traffic offenses.
3.        The parent, guardian, or custodian shall be summoned to the department for release of the juvenile whenever practical to do so. However, if there is no other means of transport available, the officer shall furnish transportation within the immediate area.
4.        A juvenile delinquent shall be released to his/her parent, guardian, or custodian unless immediate detention is required.
  - a.        A custodian is a responsible adult, given responsibility by the parent(s) or legal guardian, for the care or custody of a juvenile.

- b. In exigent circumstances, juveniles may be released into the custody of a responsible adult willing to accept responsibility for their care and custody until their parents or guardians can be located or contacted. Where possible, this adult should have a standing relationship with the family; for example, an adult sibling, a grandparent, an aunt or uncle, a close friend or neighbor.
5. The releasing officer shall acquire the written release and assurance of the parent, guardian, or custodian to bring the juvenile to court when required.
6. If the officer is unable to immediately contact the parent, guardian, or custodian, efforts to contact them shall be documented in the original incident report, and notification made at the earliest possible time.
7. When a person under 18 years of age, and not emancipated, is cited for alcohol offenses their parents or guardian must be notified. The person may be released to a responsible adult as required under MCL 436.1703 and MCL 257.624b(5)
8. If a person is less than 18 years of age, and not emancipated, is incarcerated under MCL 436.1705 (minor purchasing, consuming, or possessing alcoholic liquor or having any bodily alcohol content), the minor's parents or legal guardian shall be notified immediately. MCL 436.1703(7).

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#### J. Interviewing Juveniles

Interviewing the juvenile delinquent, or suspected offender, can be the most important phase of an investigation of an offense involving a juvenile. It is desirable to leave the juvenile with a sense of hope rather than frustration. Officers can accomplish this while at the same time obtaining necessary data by following these guidelines:

1. Juveniles shall be accorded the same procedural rights as an adult during interviews and investigations.
2. Juveniles shall be interviewed only with the permission of a parent, guardian, custodian, or attorney, unless all reasonable attempts to contact the parent, guardian, custodian or attorney have failed. If all reasonable attempts have failed, then, a supervisor may authorize an officer to interview a juvenile with consideration for the following:
  - a. Special attention should be paid to the juvenile's physical condition (IE: intoxicated, drowsy, ill, extremely frightened, etc.)

- b. Particularly careful explanation of their constitutional rights would be necessary depending to some extent on the juvenile's age, apparent intellectual capacity to understand an explanation of their constitutional rights, prior contact with the police and courts, etc.
  - c. Document in the police report;
    - actions taken to ensure that the juvenile does understand his rights and is making a voluntary statement,
    - all efforts that were made to contact the parents, guardian, etc.
3. Officers shall be fair, firm, friendly, and constructive during interviews
4. Only officers authorized by the Chief of Police or his designee may conduct interviews, beyond the initial complaint, of juveniles who are victims of abuse, neglect or criminal sexual conduct.
5. Officers authorized to conduct the interviews shall use the interview protocol established by the Prosecutor's Office for interviewing juveniles who are victims of abuse, neglect or criminal sexual conduct.
6. Custodial interrogations shall be limited to 60 minutes unless approved by a commanding officer.
7. No more than two officers may be present with the juvenile while conducting a juvenile custodial interrogation.

K. Referring Cases to Probate

After the investigating officer makes a determination to petition, the following procedures shall be used:

1. The investigating officer shall provide the Meridian Township Police Department Records Division with the necessary information for a petition.
2. The investigating office or complainant shall sign the petition.
3. If the juvenile resides outside of Ingham County the process shall still be initiated in Ingham County. It is up to the courts to transfer the case to the juvenile's county of residence.
4. The prosecutor's office and the probate court shall be provided with a copy of the investigation report and all forms required by the probate court and the prosecutor's required forms (PRF's).



L. Officers Assigned to Other Agencies

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this policy.

**IV. CANCELLATIONS**

None

Authorized by:



Ken Plaga, Chief of Police

Index as:

Juveniles, Arrest  
Juvenile Status Offenses  
Juvenile Handling & Detention  
Two hour rule  
Standard 4.4.1

*Application: This directive constitutes department policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law.*