



## **I. ORGANIZATION AND ADMINISTRATION**

- A. All members of this Agency will cooperate with the Delaware Family Court, Delaware Division of Family Services and all other support agencies related to juvenile operations.
- B. All personnel have responsibility for, and will be familiar with juvenile operations, procedures and their support agencies.
- C. This Agency strongly supports and encourages participation in the Police Athletic League (PAL), New Castle County Department of Community Services programs and all other community groups sponsoring such programs.
- D. Juvenile Operations
  - 1. All officers will encourage youths to participate in the previously mentioned programs. The Agency's goal is to implement problem-solving strategies through positive programs that deal with the prevention of delinquency and youth crime. **(44.1.1)**
  - 2. The Special Victims Squad will be responsible for coordination and communication with:
    - a. Attorney General's Rape Response Unit
    - b. Division of Family Services
    - c. Family Court Arbitration Unit
    - d. Family Court Domestic Violence Unit
    - e. Clearinghouse for Runaway and Missing Persons, Dover, DE
    - f. State Bureau of Identification
    - g. Other community or private family-oriented services i.e., Adult Protection Services, Child Inc. and Parents Anonymous
  - 3. The Special Victims Squad Supervisor and the Criminal Investigation Unit Commander are responsible for overseeing juvenile operations.
    - a. It is the responsibility of the Special Victims Squad to investigate all reported cases of the following:
      - i. Death of a child
      - ii. Sexual abuse of a child by a family member
      - iii. Pedophilia
        - 1) Condition where children are preferred sexual partners
      - iv. Serious physical abuse of a child

v. Referral cases from the Division of Family Services

E. Agency policies regarding juvenile operations will be available to subject matter experts for review, comments, and suggestions. **(44.1.2)**

F. Social service agencies providing services to youth:

1. The New Castle County Police encourages utilization and support of social service agencies within our area in order to divert juveniles out of the court system.
2. When investigating cases involving juveniles, the officer should recommend to parents and/or attempt to divert the juvenile to one of the social service agencies, when it is appropriate and the officer determines that one of these agency's services may be of more benefit in correcting the situation than utilizing formal handling through the court system.

**Note:** For a list of social service agencies that provide services to youth and their families in Delaware, refer to Appendix 44-A.

G. Delaware Criminal Justice Council

1. This Agency participates in local criminal justice planning through its membership in the Delaware Criminal Justice Council. This council includes:
  - a. Attorney General
  - b. Public Defender
  - c. Chief of the Bureau of Adult Correction
  - d. Director of the Division of Youth and Family Services
  - e. The Chief of Police, or designee, will represent this Agency at Criminal Justice Council meetings.

H. The Operations Support Commander shall perform an annual review and provide a written evaluation of all enforcement/prevention programs relating to juveniles. The Operations Support Commander shall make recommendations to the Chief of Police or designee, who will decide whether specific programs should be continued, discontinued or modified. The Unit Commander is the primary contact point in juvenile programs. **(44.1.3)**

I. All Special Victims Squad investigators will follow the policies and procedures established in Directive 42, Investigations. All Special Victims investigators should have a thorough knowledge of Agency diversion programs and informal arrest procedures. They will provide information and assistance in juvenile matters to members of the Agency, parents and members of the community.

J. The Special Victims Squad will assist in the training of all members of the Agency in matters which relate to current laws and court decisions on sex crimes, investigative techniques and procedures for interviewing children.

K. The Special Victims Squad will conduct any follow-up investigations concerning a juvenile victim or suspect/arrestee, at the discretion of the Squad Commander.

L. All Agency personnel shall be familiar with and adhere to the laws, statutes and Agency procedures governing the citing, arrest and release of juveniles. All members of the Agency will be responsible for the immediate response, observation and proper reporting of child abuse. Any officer who encounters any such behavior shall direct a report to the Special Victims Squad.

## II. OPERATIONS

- A. Informal handling of juveniles is a recognized alternative to arrest and prosecution, under certain circumstances. This requires the parent(s), guardian, and people in “loco parentis” or interested adult picking up the child or the officer taking the child home and informing the parent(s) of the alleged offense. If the release is made to a relative or other responsible person because the parent(s) cannot be reached, the officer should notify the parent(s) as soon as practicable, unless the circumstances dictate otherwise. **(44.2.1.a)**
- B. When handling a case informally, the officer should remember that the objective is to rehabilitate rather than punish. Officers should remember that warnings, informal referrals, consulting with parents and arranging for the dropping of charges through proper channels are viable alternatives to arrest and prosecution. **(44.2.1.a)**
1. Alternatives to arrest include the Juvenile Civil Citation Program. Pre-arrest diversionary programs are also administered by the Delaware Center for Justice and the Division of Youth Rehabilitative Services. For more information refer to Delaware Code Title 10.
- C. If it is likely the child and/or parent can be successfully referred to a support agency or directed to an acceptable alternative to an arrest, one must consider:
1. The nature of the alleged offense
  2. The age and circumstances of the alleged offender
  3. The alleged offender’s record, if any
  4. The availability of community-based rehabilitation **(44.2.1.a)**
- D. Procedures for issuing written citations or summonses to juvenile offenders in lieu of taking them into custody:
1. Crime Prevention Checks (CPC) or other Agency reports should be completed and submitted via LEISS. A CPC should be completed when simply observing or having contact with a juvenile and the circumstances seem suspicious or questionable.
  2. In the absence of compelling circumstances that prompt the issuing court to specify to the contrary, a summons or warrant should not be served on an accused juvenile while in school or at a place of employment.
  3. A sworn police officer may issue a traffic or non-traffic citation or otherwise include charges pursuant to Delaware Traffic Law or Criminal Code Procedures. Proceeding via citation with offenses is directly related to utilizing the least coercive among appropriate means available to satisfy law enforcement responsibility to the juvenile and the community.
  4. A juvenile may be issued a criminal summons to appear in Family Court for any offense which a Family Court petition would have formerly been used, provided all other provisions for issuing a summons have been met.
    - a. The parent/legal guardian must be notified of the arrest and take custody of the juvenile or authorize release of the juvenile to an appropriate, responsible adult.
  5. Officers observing traffic violations committed by juveniles shall take appropriate enforcement action in the usual manner. **(44.2.1.b)**

- E. Formal handling occurs when an arrest or other formal institution of charges is initiated. Formal handling is also construed to mean the taking into custody of any juvenile. No juvenile may be taken into immediate custody except:
1. In accordance with Family Court procedures Delaware Code Title 10 Chapter 9 § 1004.
  2. In accordance with the New Castle County Police juvenile procedures.
  3. Pursuant to an order of the court
  4. Pursuant to the laws of arrest
- F. The officer should consider the following factors when formally handling a juvenile:
1. The possibility that the offense is a repeat offense or will be repeated
  2. The degree of cooperation and attitude of all parties
  3. The degree of wrongful intent, violence, premeditation, knowledge, or culpability of the juvenile
- G. Juvenile offenders under the age of twelve (**12**) will be handled in accordance with Family Court procedure Delaware Code Title 10 Chapter 9 § 1002.
- H. All cases involving the arrests of juveniles go directly to the New Castle County Family Court, with the exception of minor traffic offenses. **(44.2.1.c)**
- I. Provisions for taking juveniles into custody regarding “status offenses”
1. If a juvenile is found, by a New Castle County Police Officer, to be absent from home without the consent of his or her parent or legal guardian or custodian, the officer may take the child into protective custody.
    - a. If it is impracticable to secure the juvenile's return by handling the case informally, the juvenile should be referred to the Delaware Division of Family Services who will refer the juvenile to a temporary non-secure facility licensed by the state for such a purpose.
  2. Juveniles who come into police custody who are truant from school should be returned to the custody of the school. The police officer shall record the incident, and the parents or legal guardian(s) should be notified by school authorities or the officer regarding the incident.
  3. Juveniles who are solely charged with underage consumption will not be placed in secured custody, which is defined as being placed in a cell, holding room, behind a locked door or handcuffed to a fixed object.
    - a. Juveniles that are charged with crimes in addition to the charge of underage consumption may be detained per agency policy.
    - b. Juveniles charged with underage consumption may be issued a summons and then released to a parent or legal guardian or the parent may authorize release of the juvenile to an appropriate, responsible adult.
      - i. At no time will a juvenile be released on his or her own recognizance if the offense is related to drug or alcohol consumption and the crime presents a clear and present danger to the child. **(44.2.2.a)**

- J. Provisions for taking juveniles into custody where the juvenile is alleged to have been harmed or to be in danger of harm:
1. A law enforcement officer or duly authorized officer of the court, if there are reasonable grounds to believe that the child is suffering from illness or injury or is in imminent danger from his surroundings, and that his removal is necessary, may take a juvenile into custody. **(44.2.2.b)**
  2. A law enforcement officer or duly authorized officer of the court, if there are reasonable grounds to believe that the child has violated conditions of his probation, may take a juvenile into custody.
- K. When it is necessary to take a juvenile into custody, it should be done with the least possible embarrassment of the juvenile and his family. The officer should also respect the youth's right to privacy. Any information gained should be provided to others only on a need to know basis. Any officer who takes a juvenile into custody shall ensure that the constitutional rights of the juvenile are protected. **(44.2.2.c)**
- L. Juveniles have all the Constitutional rights outlined in Title 10 of the Delaware Code. In all cases, proper documentation of the officer's contact with the juvenile and any action taken will be submitted. **(44.2.2.c)**
- M. Delaware Criminal Code Title 11 § 1909 requires that every person arrested be brought without unreasonable delay to a magistrate within 24 hours of arrest, Sundays and holidays excluded. It is the policy of this Agency to expedite the processing of juveniles taken into custody. Unless it is necessary for lawful investigative efforts, juveniles are to be processed, arraigned, and released or transferred within six **(6)** hours of being taken into custody, pursuant to the Juvenile Justice and Delinquency Prevention Act of 2002.
1. The six **(6)** hour time limit begins the moment the juvenile is taken into custody and does not end until the juvenile is arraigned. This time period includes interviews, ride arounds or any other type of investigative activity that takes place during the time the juvenile is in custody.
    - a. If a juvenile is in custody for more than six **(6)** hours, the Turnkey officer will complete the New Castle County Police Juvenile Violation form and send an email with the relevant details to the Patrol Lieutenant.
    - b. The Patrol Lieutenant will document any violations on the patrol squad monthly report.
    - c. The Patrol Executive Officer will complete the online violation form which is submitted to Delaware Criminal Justice Council (CJC).
    - d. The Patrol Executive Officer is responsible for completing the annual audit of the juvenile arrest log in conjunction with the CJC.
  2. Once the juvenile is arraigned, they are to be released to a parent/guardian or an authorized, responsible adult or transported to the appropriate holding facility as soon as possible.
- Note:** For further information, refer to Delaware Code Title 11, Directive 71 and the Turnkey IOP. **(44.2.2.d)**

N. Notification of parents or guardians is required in every case a juvenile is taken into custody in order to inform them of the circumstances and/or to pick up the juvenile, etc. Notification is mandatory whether the juvenile is handled informally or formally unless contact with the juvenile is through state or vehicle code violations not pertaining to serious traffic offenses. **(44.2.2.e)**

1. Anytime a juvenile is in police custody and a parent/guardian is unavailable, the arresting officer will contact the Division of Family Services.

O. Questioning of Juveniles

1. Under normal circumstances, officers must contact the parents or guardians of a juvenile, or person in “loco parentis” or interested adult, prior to questioning and the parents or person must be given an opportunity to both understand what the questioning will cover and to be present during questioning. **(44.2.3.a)**
2. In many cases, juveniles may not understand what is happening to them during the interrogation process. The officer should explain to them what to expect as far as procedures are concerned and how the court system works. **(44.2.3.a)**
3. No juvenile can be compelled to answer any questions that may tend to incriminate them. Juveniles are entitled to all warnings as they apply to Miranda and these rights must be explained in the presence of parents, guardian or counsel, or a person interested in the child's welfare, not just routinely read. **(44.2.3.a)**
4. Under no circumstances should the child be compelled to answer questions either by physical force or psychological pressure.
5. Officers should keep in mind that when questioning a juvenile; they should not prolong the interview period any longer than is needed in order to complete their investigation. Also, one officer should handle the interview if at all possible, in order to lessen the chance of the juvenile feeling intimidated or pressured. **(44.2.3.b)**
6. In accordance with Delaware Criminal Code Title 11, Chapter 20, deceptive tactics in a custodial interrogation of a person under 18 years of age are prohibited.

P. Fingerprints and Photographs of Juveniles

1. Fingerprints and photographs of juveniles may be taken and filed under the following circumstances:
  - a. A juvenile who is alleged to have committed a delinquent act that would be a felony if committed by an adult
  - b. Arrest of a juvenile for a class "A" misdemeanor, except when utilizing a criminal summons for an arrest on a class “A” misdemeanor where the defendant has a hard SBI number
  - c. Any other arrests which the arresting officer may deem a serious or significant criminal offense
  - d. Fingerprinting for a criminal summons

2. Other physical samples may be taken from a juvenile for identification purposes only after the officer has conferred with the Family Court and/or the Attorney General's Office for advice and assistance as to the legalities and proper procedure for obtaining such samples.
  - a. Samples required might include, but are not limited to:
    - i. Hair
    - ii. Blood
    - iii. Urine
    - iv. Nails
    - v. Breath
    - vi. Stomach contents
    - vii. Handwriting
3. D.U.I. arrest samples should be taken in the same manner as for adults

**Note:** For further information regarding Juvenile Fingerprints and Photographs refer to Directive 82.

Q. Delaware Code Title 10 § 1063: Proceedings; privacy, informality:

1. All proceedings before the Family Court and all records of such proceedings may be private except to the extent that Family Court may consider publication in the public interest as indicated below; provided, however, that proceedings in a crime classified as a felony, shall be open to the public.
2. All records concerning any child shall be made available to the Superior Court and the Department of Services for Children, Youth and their Families, and whenever a child is arrested for a crime classified by Title 11 as a felony, or a class "A" misdemeanor for juveniles ages 13 through 17, the Clerk of the Family Court, or any state or local police authority, shall release the name and address of the child and the name of the parents upon request by a responsible representative of public information media.

R. This Agency shall actively encourage and participate in crime prevention and awareness programs with juveniles.

S. Police Athletic League (PAL)

1. There are two PAL locations:
  - a. The Garfield Park PAL
  - b. The Hockessin PAL
2. It shall be the primary function of the PAL officer(s) to organize and participate in community youth programs including athletic, educational and cultural events. These programs will promote the prevention of juvenile crime and violence by building relationships between youth, officers, and communities through positive engagement. **(44.2.5)**
  - a. Assignments of officers to the PALs will be at the discretion of the Chief of Police.

## **REFERENCES**

Directive 42 Investigations

Directive 71 Processing and Temporary Detention

Directive 82 Records

Appendix 44-A Social Service Agencies Providing Services to Youths

Appendix 44-B “Home Free” Program

Delaware Criminal and Traffic Law Manual, Titles 10 and Title 11

Turnkey Internal Operating Procedure