



NEWARK POLICE DIVISION GENERAL ORDER



SUBJECT: JUVENILE SERVICES SECTION		GENERAL ORDER NO. 18-01
SUPERCEDES: New	DATED: JANUARY 22, 2018	SECTION CODE: P-21

I. Purpose

The purpose of this order is to establish guidelines for the arrest process of juvenile offenders and the functions of the Juvenile Services Section.

II. Policy

It is the policy of the Newark Police Division to protect the public from acts of juvenile delinquency and to deter juvenile delinquency while at the same time providing support and guidance to the juvenile population.

The most effective means to reduce crime is to prevent it. It is with young people, particularly those at risk, that prevention efforts are most needed and hold the greatest promise. The Newark Police Division is committed to the development and continuation of programs designed to prevent juvenile delinquency, in addition to ensuring juveniles are treated fairly, without bias, and with respect.

III. Definitions

A. **Delinquent Act** – The commission of an act by a juvenile which, if committed by an adult, would constitute:

1. A crime
2. A disorderly persons or petty disorderly persons offense.
3. A violation of any other penal statute, ordinance, or regulation.

*Violations of Title 39, Chapters 3, 4, 6, or 8 by a juvenile does not constitute delinquency and a motor vehicle summons should be issued.

B. **Detention** – Temporary care of juveniles in physically restricting facilities pending court disposition.

C. **Guardian** – A person, other than a parent, to whom legal custody of the child has been given by court order or who is acting in the place of the parent or is responsible for the care and welfare of the juvenile.



NEWARK POLICE DIVISION GENERAL ORDER



- D. Juvenile** – An individual who is under the age of eighteen years.
- E. Juvenile-Family Crisis** – Behavior, conduct, or a condition of a juvenile, parent/guardian or other family member which presents or results in:
1. A serious threat to the well-being and physical safety of a juvenile, or
 2. A serious conflict between a parent/guardian and a juvenile regarding rules of conduct which has been manifested by repeated disregard for lawful parental authority by a juvenile or misuse of lawful parental authority by a parent/guardian, or
 3. Unauthorized absence by a juvenile for more than 24 hours from his/her home, or
 4. A pattern of repeated unauthorized absences from school (Truancy) by a juvenile subject to New Jersey Statute Title 18A, or
 5. An act which if committed by an adult would constitute prostitution (N.J.S. 2C:34-1) or any offense which the juvenile alleges is related to the juvenile being a victim of human trafficking.
- F. Stationhouse Adjustment** – An alternative method that may be used to handle juvenile offenders who have committed a minor delinquency offense. The intent of a Stationhouse Adjustment is to provide for immediate consequences, such as community service or restitution and a prompt, convenient resolution for the victim. At the same time, a Stationhouse Adjustment should benefit the juvenile by avoiding the stigma of a formal delinquency record. (Further details of Stationhouse Adjustments procedures are delineated in General Order 04-16.)
- G. Status Offenses** – Activities deemed unlawful due to the actor's status as a minor at the time of the act, and would not be illegal if committed by an adult. Examples of status offenses include runaways, truancy, curfew violations, incorrigible behavior, and possession/consumption of alcohol.

IV. Procedures-General

A. Treatment of Juvenile Offenders

A juvenile offender shall be handled with firmness and respect, which will set the tone for the juvenile's experience with the criminal justice system. The initial contact a juvenile has with the police will have a lasting impression and the experience must leave the juvenile offender knowing he/she was treated fairly, with dignity, and without bias.

A police officer/detective's handling of a situation involving a juvenile may prevent the recurrence of delinquent behavior in the future and may be all that is required to prevent the juvenile from becoming a part of the criminal justice system.



NEWARK POLICE DIVISION GENERAL ORDER



B. Transporting Juveniles

Juveniles will not be transported with any adults.

At no time shall a female juvenile and a male juvenile be transported together.

C. Questioning Juvenile Offenders

The same rules and procedures used for an adult must be followed when questioning a juvenile in custody. Under no circumstances shall the juvenile be compelled to answer questions either by physical force, psychological pressure or deception. When questioning a 14 year old or older juvenile, the parent/guardian should be present for the interview whenever possible. Best efforts to locate the parent/guardian before beginning the questioning shall be taken.

If the juvenile is not “in custody”, the parent/guardian may not need to be present.

When the juvenile is under the age of 14, and the parent/guardian is not present, any confession by the juvenile will be inadmissible unless the adult was unwilling to be present or was truly unavailable.

D. Fingerprinting & Photographing Juvenile Offenders

Juveniles who are charged with disorderly persons offenses or petty disorderly persons offenses may not be fingerprinted or photographed. Juveniles under the age of fourteen at the time of the offense may not be fingerprinted or photographed.

A juvenile who is fourteen or older and is charged with an offense that would be a crime if committed by an adult, shall be fingerprinted and photographed. However, fingerprints may be taken for juveniles of any age for comparison to latent fingerprints, either with the consent of the court, or of the juvenile and parent/guardian. Fingerprints taken for comparison to latent fingerprints shall be destroyed when the purpose for the taking of the fingerprints has been fulfilled.

E. Collecting DNA from Juvenile Offenders

(Reference General Order 13-02-DNA Collection from an Arrestee for further details)

DNA shall be collected from juvenile offenders under the following circumstances:

- Juveniles adjudicated delinquent or adjudicated not delinquent by reason of insanity on or after January 1, 1998 for aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact and any attempts to commit these crimes;
- Juveniles adjudicate delinquent or adjudicated not delinquent by reason of insanity on or after January 1, 2000 for murder, manslaughter, 2nd degree aggravated assault under 2C:12-1b(1) or 2C:12-1b(6), kidnapping, luring/enticing a child, endangering the welfare of a child and attempts to commit these crimes;



NEWARK POLICE DIVISION GENERAL ORDER



- Juveniles adjudicated delinquent or adjudicated not delinquent by reason of insanity on or after September 22, 2003 for all 1st, 2nd, 3rd, and 4th degree crimes. Collection required if the offender was serving a sentence of incarceration, probation, parole or other form of supervision as result of the crime;
- Juveniles arrested on or after February 1, 2013 for:
 - 1. Murder 2C:11-3
 - 2. Manslaughter 2C:11-4
 - 3. Aggravated Sexual Assault 2C:14-2
 - 4. Sexual Assault 2C:14-2
 - 5. Aggravated Criminal Sexual Contact 2C:14-3
 - 6. Criminal Sexual Contact 2C:14-3
 - 7. Kidnapping 2C:13-1
 - 8. Luring or Enticing a Child 2C:13-6
 - 9. 2nd Degree Aggravated Assault 2C:12-1b(1) or 2C:12-1b(6)
 - 10. Endangering the welfare of a child 2C:24-4
 - 11. Attempts to commit these crimes 2C:5-1

F. Filing of Counter Complaints with Juvenile Suspect

Unlike adult counter complaints, counter complaints where the suspect is a juvenile are heard in the Family Division of Superior Court (not Municipal Court). When Newark Police personnel come in contact with a person requesting to file a counter complaint against a juvenile suspect, the Juvenile Services Section shall be contacted for guidance on how to proceed.

During the Juvenile Services Section non-operational hours the counter complaint shall be documented on a Newark Police continuation report (DP1:795) utilizing the central complaint number from the original report (the Records Management System-RMS shall be searched to identify the original central complaint number). In instances when the original central complaint number cannot be identified, a new central complaint number shall be drawn, but this should only be done when all means to find the original number have been exhausted.

V. Juvenile Arrest Process

- A. All juveniles taken into custody shall be processed at the Juvenile Services Section. Police Officers, prior to transporting a juvenile offender to the Juvenile Services Section and as soon as reasonably possible, shall make every effort to identify and notify the parents/guardian of the juvenile (every effort includes telephone contact or in-person contact). Should the Police Officer taking the juvenile into custody not be able to notify the parents/guardian, the Juvenile Services Section Detective shall assume the responsibility. All efforts to contact the parents/guardian shall be documented.



NEWARK POLICE DIVISION

GENERAL ORDER



- B.** A juvenile enters the juvenile justice system when a complaint charging the commission of a delinquent act is signed. An officer may take a juvenile into custody when there is probable cause to believe that the juvenile is delinquent.

Police Officers have the statutory authority to take a juvenile into custody:

1. On probable cause without a warrant in felony cases;
 2. On a misdemeanor offense involving shoplifting even if the offense was not committed in the presence of the arresting officer;
 3. On probable cause to believe that a juvenile has committed an offense which would be a felony if committed by an adult;
 4. When a detention order or warrant is known to be on file in any jurisdiction.
- C.** Officers/Detectives shall, whenever possible, release a juvenile to a parent/guardian, who, (1) is available and willing to provide supervision and care; and (2) makes assurances to present the juvenile before the court when requested. However, the Officer/Detective shall seek from the court to detain a juvenile whenever:
1. The juvenile is charged with an offense which, if committed by an adult, would constitute a crime of the first, second, or third degree, or one of the following crimes of the fourth degree:
 - ❖ Aggravated Assault,
 - ❖ Stalking,
 - ❖ Criminal Sexual Contact,
 - ❖ Bias Intimidation,
 - ❖ Failure to Control or Report a Dangerous Fire,
 - ❖ Possession of a Prohibited Weapon or Device, or
 - ❖ Unlawful Possession of a Weapon; **AND**
 - ❖ The juvenile would otherwise not be present at any hearing; or
 - ❖ The juvenile is likely to commit an offense injurious to him/herself or others; or
 - ❖ The juvenile must be held for another jurisdiction; or
 - ❖ That the interest of the juvenile or the public require custodial protection.
- D.** A juvenile who is 11 years old or under shall not be placed in detention unless he/she is charged with an offense which, if committed by an adult, would be a crime of the first or second degree or arson.



NEWARK POLICE DIVISION

GENERAL ORDER



- E. A juvenile shall not be placed in detention without the permission of a judge or the Juvenile Court Intake Service.
- F. Complaint-Juvenile Delinquency, also referred to as a Juvenile Complaint, is a complaint charging delinquency and may be signed by any person who has knowledge of the facts alleged to constitute delinquency or is informed of such facts and believes that they are true. The complaint shall be filed with the clerk of the court.
- G. A Juvenile Petition alleges that a juvenile-family crisis exists. A Juvenile Petition shall be signed by the Juvenile Court Intake Officer.
- H. The Officer/Detective shall inform the Juvenile Court Intake Officer if the juvenile taken into custody is on probation in cases of all felonies and misdemeanors and whether a parent/guardian has been notified of the arrest.
- I. Except where delinquent conduct is alleged, a juvenile may be taken into short-term custody by law enforcement without an order of the court for the following reasons:
 - 1. The officer has reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and the taking into immediate, short-term custody is necessary for his protection; or
 - 2. The officer has reasonable grounds to believe the juvenile has left the home and care of his parents/guardian without consent; or
 - 3. An agency legally charged with the supervision of the juvenile has notified the law enforcement agency that the juvenile has run away from home placement.

Should the officer believe the juvenile is an abused or neglected child, the officer shall handle the case pursuant to New Jersey Title 9-Children-Juvenile & Domestic Relations.

- J. Under no circumstances shall a juvenile who has been taken into short term custody be held more than six hours and shall not be retained in a detention facility.

VI. Service of Arrest Warrants, Detention Orders, Temporary Detention Orders

- A. Service of arrest warrants/detention orders/temporary detention orders shall be served on juveniles in the same manner as adults.

VII. Handling of Escapees

- A. Should an Officer have probable cause to believe that a juvenile has escaped from a holding facility, a detention home, or another institution in which they were placed by



NEWARK POLICE DIVISION

GENERAL ORDER



an order from Juvenile Court, Division of Child Protection & Permanency, or another licensed child welfare agency, the juvenile shall be taken into immediate custody.

- B. Should there be a known detention order or warrant in any jurisdiction for an escaped juvenile, the juvenile shall be taken into immediate custody.
- C. After processing, the Juvenile Court Intake Officer shall be notified and the juvenile may be returned and released to the facility from which the juvenile escaped or fled.
- D. When the juvenile is not released to the facility from which the juvenile escaped or fled, the Officer, under the direction of the Juvenile Court Intake Officer, shall contact the Probation Officer of the court who will determine where the juvenile will be placed.

VIII. Stationhouse Adjustments

(Reference General Order 04-14-Stationhouse Adjustments for further details)

In lieu of signing a delinquency complaint, the officer may release the juvenile to a responsible parent/guardian (with or without a reprimand or warning) or conduct a stationhouse adjustment.

- A. When a police officer/detective detains a juvenile for a delinquent act which is not serious and a check with the Juvenile Services Section must be contacted. Should it be revealed that there are no prior acts delinquency, a Stationhouse Adjustment shall be offered. The following criteria shall be considered:
 - 1. Seriousness of the offense.
 - 2. Prior record.
 - 3. Age of juvenile.
 - 4. Cooperation and attitude of the juvenile.
 - 5. Likelihood of the delinquent act being repeated.
 - 6. Degree of wrongful intent, violence, premeditation, knowledge of violation.
 - 7. Likelihood that the juvenile will be successful with the provided resources.

Stationhouse adjustment paperwork must be forwarded to the Juvenile Services Section.

IX. Responsibilities of Juvenile Services Section

- A. All Juvenile Services Section personnel will be trained for the specialized function of handling cases involving juveniles.
- B. The function of the Juvenile Services Section includes, but is not limited to, the following:
 - 1. Implement programs intended to prevent and control delinquent and criminal behavior by juveniles.
 - 2. Follow-up processing of juvenile arrests.
 - 3. Diverting juvenile offenders out of the juvenile justice system.



NEWARK POLICE DIVISION

GENERAL ORDER



4. Participate in community recreational youth programs.
 5. Participate in the following community/school outreach programs:
 - ❖ Children's Cabinet
 - Community Safe Student Project (Safe Passage)
 - Newark Cares Program
 - Officer in the Classroom
 6. Liaise between the Police Division and outside agencies/organizations, sharing a mutual interest in juvenile matters.
 7. Maintain a current listing of social service agencies that provide services for area youths.
 8. Assist patrol personnel/Special Police Officers when requested or called on juvenile matters.
 9. Provide in-service training in juvenile procedures and information on available community service resources to Police Division members when necessary.
 10. Collect, disseminate, and maintain the confidentiality of juvenile records pursuant to law.
- C. The Commander of the Juvenile Services Section shall be responsible to ensure the following procedures are handled or delegated to assigned staff.
1. During working hours, respond to any unusual school related incidents (i.e. possession of firearm, robbery).
 2. Ensure Station House Adjustments are afforded to juveniles who meet the criteria.
 3. Ensure the Juvenile Services Section Detectives assume the responsibility of attempting to contact the parents/guardian of the juvenile taken into custody if the Patrol Officers were unable to make contact. All attempts at contacting the parents/guardian shall be documented.
 4. Ensure the probation officer is contacted, if the juvenile is on probation.
 5. Ensure the complete processing of all juvenile offenders, including, when warranted, photographing, fingerprinting, DNA collection.
 6. Ensure every juvenile is logged in and out of the desk blotter.
 7. Ensure juvenile offenders being processed by the Essex County Prosecutor's Office are logged in and out of the desk blotter and a handwritten arrest report is obtained.



NEWARK POLICE DIVISION

GENERAL ORDER



8. Ensure accurate information is provided to the Juvenile Intake Officer of the Juvenile Detention Center (i.e. prior history of juvenile, any other important information regarding the juvenile).
9. Filing and delivery of Juvenile Complaints to the Juvenile Detention Center.
10. Maintain and update all files.
11. Ensure referrals are made to the Call Out Program for Youth (C.O.P.Y.) in accordance with established protocol **at the time the arrest is being processed**.
12. Ensure a Juvenile Liaison Officer is designated to coordinate juvenile cases with the Essex County Prosecutor's Office-Family Court Division. The liaison shall ensure initial reports and juvenile identification reports are provided to the Prosecutor's Office Liaison within 24 hours of an arrest. Within 5 to 7 days of a juvenile arrest the below documentation shall be forwarded to the Prosecutor's Office Liaison:
 - ❖ All reports (incident report, continuation reports, supplemental reports, follow-up reports).
 - ❖ Statements – original (written or audio/video) in evidence, 4 copies in file.
 - ❖ Miranda forms – original, if written in evidence, 4 copies in file.
 - ❖ Identification materials:
 - Statement – original (written or audio/video) in evidence, 4 copies in file
 - Photos used in array – original in evidence, 4 copies (front & back) in file
 - Photo ID documents – forms filled out and instructions read to victim/witness – original in evidence, 4 copies in file
 - Note: Identification documents must be provided regardless of whether or not a positive ID has been made
 - ❖ 911 tapes, dispatch tapes, dash camera audio/video, Body Worn Camera video.
 - ❖ Surveillance video – original in evidence, 4 copies in file. Document on CD time period which depicts event, if possible.
 - ❖ Crime Scene photos disc – original in evidence, 4 copies of disc in file.
 - ❖ Photos of any kind – original in evidence, 4 copies in file.
 - ❖ Motor vehicle summonses – clerk of court should enter into system and original should be sent with file.
 - ❖ Evidence logs.
13. Assist Special Police Officers with school matters, upon request.
14. Distribute juvenile wanted bulletins and juvenile intelligence information



NEWARK POLICE DIVISION

GENERAL ORDER



throughout the Police Division and other agencies if applicable.

15. Develop a rapport with City Departments/Agencies and other Police Agencies who offer juvenile services.

16. Complete a monthly report.

D. The Commander of the Juvenile Services Section shall have line authority over the precinct School Resource Officers (direct, day to day contact and assignment). The Precinct Commanders shall have staff authority over the precinct School Resource Officers (administrative-vacations, sick days, etc.).

(Reference Public Safety Memorandum 17-849-Addendum for further details)

E. Juvenile Services Section Supervisors, Detectives and School Resource Officers shall have the discretion to divert juveniles to alternative community-based programs outside the juvenile justice system when the safety of the community is not threatened.

F. The Juvenile Services Section Supervisors, Detectives and School Resource Officers shall liaison with the Newark Police Community Affairs/Clergy Unit for recommendations to alternative community-based programs as well as police sponsored programs (i.e. Police Explorers).

G. Once a juvenile has been recommended to an alternative program or diverted from court, a concerted effort shall be made to follow-up on the outcome and well-being of the juvenile, and to determine if further assistance is needed.

X. Social Service Assistance Programs

A. Referring troubled or at-risk juveniles and their families to the appropriate social service assistance programs is a vital component in developing stronger bonds between police and community and in future crime prevention efforts.

The Juvenile Services Section shall be the central hub for receiving referral requests and properly referring families in need of assistance. The Commander of the Juvenile Services Section shall ensure referral sheets received from police personnel are documented in a database. The data fields shall include, but not be limited to:

- ❖ Date
- ❖ Control Number
- ❖ Police Officer's full name, rank, and identification number
- ❖ Complaint source's full name, title (i.e. case worker, neighbor), and contact number
- ❖ Parent/guardian's full name and contact number
- ❖ Juvenile's name, date of birth, age, and gender



NEWARK POLICE DIVISION

GENERAL ORDER



- ❖ Juvenile's school, grade, and guidance counselor's name
- ❖ Description of complaint
- ❖ Services referred

- B.** Referral sheets containing juvenile information shall be deemed Law Enforcement Sensitive and shall not be disseminated or distributed to any outside entity without authorization from the Public Safety Director or the Chief of Police.

XI. Status Offenses

- A.** Runaways shall be handled as follows:
1. Patrol Officers shall complete a Missing Persons Report (DP1-1517), request the runaway juvenile description is broadcast on all radio channels, request the Teletype Officer enters the runaway juvenile information into the NCIC system.
 2. When probable cause exists that a juvenile has run away from home, the officer/detective shall:
 - ❖ Take the juvenile into custody,
 - ❖ Verify the run away status,
 - ❖ Notify the probation officer if the juvenile is on probation,
 - ❖ Release the juvenile to the parent/guardian,
 - ❖ If necessary, contact the Family Crisis Intervention Unit of the Juvenile Court,
 - ❖ Complete a continuation report, detailing the circumstance the juvenile was found, and request the teletype be canceled in NCIC
 - ❖ When a juvenile runaway is found who has been reported missing from another jurisdiction, contact the jurisdiction.
- B.** Truant juveniles shall be handled as follows:
1. The truant juvenile shall be taken into custody and transported to the appropriate school personnel,
 2. The parents/guardian of the truant juvenile shall be contacted.
- C.** Curfew Violations shall be handled as follows:
(Reference General order 09-14-Juvenile Curfew Violations for further details)
1. The juvenile suspected of a curfew violations shall be detained and required to identify him/herself.
 2. Every reasonable effort to immediately verify the information provided by the juvenile shall be made.
 3. If identified as a juvenile between 2300 hours and 0530 hours, the officer shall ascertain the juvenile's reason for being unaccompanied.
 4. If a violation of the Juvenile Curfew Ordinance has occurred, the officer shall transport the juvenile to the Juvenile Services Section. The officer shall not take a juvenile into custody unless the officer reasonably believes that an offense has



NEWARK POLICE DIVISION GENERAL ORDER



occurred, and based upon the circumstances known to the officer at the time, none of the exceptions to the Juvenile Curfew Ordinance are applicable.

- D.** Incorrigible juveniles shall be handled as follows:
1. Generally, incorrigible juveniles are handled through the Juvenile Court and/or Probation Department.
 2. Should an officer/detective receive a complaint from a parent/guardian where no crime has been committed but a juvenile has been disobedient, the officer/detective shall refer the juvenile to the Juvenile Courts and/or the Probation Department.
 3. Other alternatives to judicial intervention shall be explored and explained to the parent/guardian.

XII. Reporting

The Commander of the Juvenile Services Section shall submit a monthly report to the Office of the Chief of Police indicating the activity for the previous month. The report shall include:

- ❖ Number of juveniles taken into custody and specific delinquent act
- ❖ Number of juveniles released and number of juveniles remanded
- ❖ Number of juveniles released with a warning
- ❖ Number of Station House Adjustments
- ❖ Number of juveniles referred to diversion programs/alternative community-based programs, broken down by specific program
- ❖ Number of incidents "Transferred Over To" (TOT) another squad if the juvenile is actually an adult
- ❖ Participation in the community/school outreach programs
- ❖ Unusual Incidents

BY ORDER OF

**ANTHONY F. AMBROSE
PUBLIC SAFETY DIRECTOR**

AFA/mm