

# OVERLAND PARK POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



**NUMBER:** 1140  
**TOPIC:** JUVENILE CONTACTS, ARREST & DETENTION  
**EFFECTIVE DATE:** 10/03/2024  
**SUPERCEDES:** 07/13/2018

**SIGNATURE:** /s/ Simon Happer  
Chief of Police

/s/ Eric Houston  
Bureau Commander

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## I. POLICY

The Department's policy is for Members to support all juvenile operations effectively and to resolve juvenile crimes consistent with applicable Kansas Statutes.

Law enforcement's focus for any juvenile contacted should be prevention, intervention, and education, in preparation to effectively rehabilitate the juvenile in their community. The Johnson County Intake and Assessment Center (JIAC) will provide law enforcement with a means to meet these objectives, and these should generally be considered when juveniles are taken into custody. Members will maintain familiarity with procedures for handling criminal or non-criminal juvenile incidents outlined in this policy.

## II. DEFINITIONS 44.2.2 (A)(B)

6-Hour Limit of Secure Custody - requires that a juvenile taken into secure custody for any reason will be released to a responsible adult, Juvenile Detention or JIAC; whichever is more appropriate, within six hours after the juvenile has been taken into secure custody.

Civil-type Offender - a juvenile offender who has been charged with or adjudicated for an offense that is civil in nature. Examples include non-criminal traffic violations and non-criminal fish and game violations.

Criminal Traffic - includes reckless driving; driving while under the influence of alcohol or drugs, or both, or driving with a blood or breath alcohol concentration of .08 or more; driving without a valid license issued or on a canceled, suspended, or revoked license; fleeing or attempting to elude a police officer. Juveniles committing criminal traffic violations are subject to the 6-hour holding limit.

Juvenile Offender - is defined per K.S.A. 38-2302(n) as being "a person who commits an offense while 10 or more years of age but less than 18 years of age which if committed by an adult would constitute a commission of a felony or misdemeanor." Persons 14 years of age and over who commit traffic offenses are excluded from this definition.

Newborn Infant Protection Act - per K.S.A. 38-2282, the purpose of this act is to protect newborn children from injury and death caused by abandonment by a parent and to provide safe and secure alternatives to such abandonment.

Non-Offenders - per K.S.A. 38-2202 and amendments thereto; a Child In Need of Care (CINC) is defined as a person less than 18 years of age and who meets any of the following criteria:

1. Is without adequate parental care, control, or subsistence; and when the condition is not due solely to a lack of financial means by the child's parents or custodian.
2. Is without the care or control necessary for the child's physical, mental, or emotional health.
3. Has been physically, mentally, or emotionally abused or neglected; or, has been sexually abused.
4. Has been living in the same residence with a sibling or another person under the age of 18 who has been physically, mentally, or emotionally abused or neglected; or, has been sexually abused.
5. Has been placed in care or adoption in violation of the law.
6. Has been abandoned or does not have a living parent.
7. A newborn infant surrendered according to the Newborn Infant Protection

Act, K.S.A. 38-2282, at a police station, sheriff's office, law enforcement center, fire station, city or county health department, or medical care facility as defined by K.S.A. 65-425.

8. Has not attended school as required by K.S.A. 72-977 or 72-1111 and amendments thereto;
9. Except for violations of K.S.A. 41-727, K.S.A. 79-3321(m)(n) and amendments thereto; K.S.A. 74-8810; or, except as provided in subsection (a)(12) of K.S.A. 21-6301 and amendments thereto; has committed an act which if committed by a person under 18 years of age is prohibited by Kansas Law, City Ordinance or County Resolution, but which is not prohibited when done by an adult;
10. While being less than 10 years of age has committed an act, which if done by an adult would:
  - Be a felony or a misdemeanor per K.S.A. 21-3105 and amendments thereto; or;
  - Violate K.S.A. 21-6302(a) (1), *Criminal Possession of a Firearm*, and amendments thereto.
11. Is willfully and voluntarily absent;
  - From the child's home without parental or guardian consent; or
  - For at least a second time, from a court-ordered or court-designated placement; and,
  - Without consent of the person with whom the child has been placed.
12. Has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve. 38-2202, (d) (13).

Non-Secure Juvenile Custody - is control of a juvenile's freedom of movement by any of the following:

- Observation and verbal commands rather than physical restraints.
- Use of unlocked areas not designed for prisoners, such as an office or interview room.
- Controls which at no time involve handcuffing to any stationary object.
- Holding only long enough to complete an identification, investigation, and required processing before being released to a responsible adult, or transferred to a juvenile facility or court.
- Maintaining continuous visual supervision until release.

Responsible Adult - is considered to be the juvenile's parent or legal guardian, and in their absence one who is responsible for the juvenile's physical custody. An adult acquaintance of the juvenile's parents or legal guardian who agrees and reasonably demonstrates the ability to supervise the juvenile until parents, a legal guardian, or next of kin can assume responsibility.

Secure Juvenile Custody - is physically detaining or confining a juvenile in a locked room, set of rooms; or, in a cell designated, set aside, or used specifically to securely detain persons in law enforcement custody.

Status Offender - a juvenile charged with an offense that would NOT be a crime if committed by an adult, such as being a runaway, truant, or underage and possessing or consuming alcohol or tobacco. The various "status offenses" will be handled as outlined in this written directive.

Traffic Offense - is a violation of the *Uniform Traffic Code*, City Ordinances regulating the same acts as those set out in the Traffic code per K.S.A. 8-2117 (D), "Any violation of City ordinances or county resolution which prohibits acts which are not violations of State laws and which relate to the regulation of traffic on the roads, highways or streets or the operation of self-propelled or non-self-propelled vehicles of any kind."

### III. PROCEDURE

#### A. GENERAL JUVENILE INFORMATION [44.1.1](#), [44.2.2 \(B\)\(D\)](#)

Juveniles taken into custody are to be released to their parents unless there are reasonable grounds to believe that such action would not be in the best interests of the juvenile or would pose a risk to public safety or property, or if the juvenile cannot be delivered to a parent or custodian. In lieu of custodial detention, juveniles and their parents should be served with a juvenile notice to appear at intake within 48 hours.

Juvenile Intake and Assessment Center (JIAC) which handles the Child In Need of Care (CINC) and Notice to Appear (NTA) cases will be housed at The Youth and Family Services Center (YFSC), staff from the Kansas Children's Service League will be on-site to handle CINC cases during normal business hours. After-hours calls will roll over to the JIAC staff at JDC.

Prior to arrival, officers will call JIAC staff so they can be prepared for the arrival of the juvenile. For Juvenile Offenders call (913) 715-7350. For CINC's call (913) 715-7300.

If a juvenile is classified as a juvenile offender, is physically aggressive, or is out of control, the officer will call and notify JIAC staff so assistance will be immediately available on the officer's arrival.

Absent unusual circumstances, when it has been determined a juvenile is alleged to have been harmed or is in danger of being harmed and determined to be a Child in Need of Care (CINC) and placed in police protective custody, the juvenile will be transported to The Youth and Family Services Center (YFSC). In all other CINC cases, (e.g., runaway and truancy) the officer will exercise discretion when deciding to take the juvenile to JIAC or return the juvenile to the parents or guardian with a NTA.

Ultimately the decision on where the juvenile goes should be based on the safety of both the public and the juvenile.

If the need arises, JIAC personnel can provide officers with private interview rooms, however, the rooms are not equipped with recording equipment so it is recommended officers utilize their issued body-worn cameras or digital pocket recorders during any interview.

JIAC or corrections staff will complete the required booking procedure at their facility. Space inside JIAC has been designed with computer access for officers to complete reports and make entries/inquiries into the RMS system. The officer will still sign the juvenile into JIAC. When feasible, officers will provide copies of all police reports to JIAC personnel. Supervisors will be responsible for file packaging all applicable reports through the RMS to the Johnson County District Attorney's Office for review.

Whether an officer transports the juvenile to JIAC or JDC, officers will contact JIAC for triage before transport to ensure the juvenile is taken to the proper facility. Transports will be done without delay unless the juvenile needs emergency medical treatment.

B. FILING JUVENILE CHARGES [44.2.1 \(B\)\(C\)](#)

Even though Johnson County District Juvenile Court has exclusive jurisdiction over all juvenile offenders, double jeopardy does not attach in either court when a single incident produces traffic charges in OP Municipal Traffic Court and criminal charges are filed in Johnson County District Juvenile Court. Double jeopardy does not occur, because the juvenile court has no jurisdiction to hear cases involving traffic offenses, and the municipal court has no jurisdiction to hear criminal cases against juvenile offenders.

Officers will file juvenile cases as follows:

- All Chapter 12 traffic offenses for juveniles 14 years of age and older will be filed in OP Municipal Court.
- *OPMC 7.08.002(E), Operating a Motor Vehicle in violation of the Noise Ordinance*, is a traffic offense and will be filed through OP Municipal Court.
- Tobacco violations will be filed through OP Municipal Court.
- All juvenile criminal charges will be filed through juvenile court.
- Two examples follow:
  - 1) If a 16-year-old is charged with speeding and being a Minor in Possession (MIP) of Alcohol, charges will be filed in two different courts. The speeding ticket will be charged through OP Municipal Court and the MIP will be sent to the juvenile court.
  - 2) If a 14-year-old is arrested for DUI and with a narcotics violation, the charges will be filed in two courts. The DUI will be charged through OP Municipal Court and the narcotics charge will be sent to the juvenile court.

The JOCO DA's Office always has discretion not to file charges in every situation, for example; not filing MIP charges if a juvenile is also charged with DUI. However, the JOCO DA's Office also does not require the review of every juvenile case.

Civil-type offenders and non-offenders who fail to appear for court hearings remain as such, they cannot be upgraded to delinquent status for their failure to appear.

C. NOTIFICATION REQUIREMENTS [44.2.2 \(E\)](#)

When appropriate, the arresting officer will notify a parent, guardian, or other responsible adult, to explain the arrangements that have been made for the juvenile's welfare. Officers will document their efforts in the police report.

D. TEMPORARY USE OF SANDERS JUSTICE CENTER BOOKING AREA

If the arresting officer does not release the juvenile to a parent or other responsible adult, the officer will utilize JIAC as the primary booking facility. During transport, officers will ensure all juvenile prisoner restraints and transports comply with *SOP 1230, Prisoner Transfers and Restraints*. Officers/Detectives will refer to *SOP 2030, Arrest and Detention* regarding prisoner control during interviews.

Juvenile offenders are prohibited from being processed in the Scafe booking facility. The Sanders juvenile booking room will only be utilized to process juvenile DUI offenders. A supervisor must approve all other juveniles entering the juvenile booking facility for processing. If the need to use the Sanders juvenile booking area arises, Members will use the Sally Port to transfer all juvenile prisoners from transport vehicles to the juvenile booking area.

Arresting officers will ensure the flashing red light at the entrance is activated when a juvenile occupies the area and make sure it is turned off when the juvenile is removed from the area. When juveniles and adults are being held in the OPPD booking area at the same time, arresting officers will ensure they are never processed together and sight-and-sound separation is maintained at all times.

Juveniles will not be held any longer than the set 6-hour holding limit for secure juvenile custody. The 6-hour limit will begin when the juvenile is placed in any holding cell, locked room, or secure environment. Officers will track all time spent in these settings and will contact a supervisor for advice and direction well in advance of the expiration of the 6-hour limit.

Arresting officers will make sure juveniles are never left unattended and will always conduct a thorough search for all weapons, evidence, or contraband. If any items are found, arresting officers will collect, inventory, and properly store those items. Other items that will be collected from juvenile arrestees will include all belts, shoelaces, or other potentially harmful or dangerous items as well as all other personal property.

Once prisoner processing tasks are completed, juveniles will be secured in juvenile cells when appropriate. Officers will conduct welfare checks for all juveniles secured in cells per II-M, Detention Cells, in SOP 2030, *Arrest & Detention*. All disruptive or resistive juveniles will be placed in different detention cells to ensure separation from other juveniles in custody.

Civil-type offenders, status offenders, or adjudicated non-offenders will never be held in secure custody.

E. JUVENILE FINGERPRINTS & MUG SHOTS, DNA COLLECTION AND DISSEMINATION

All juvenile fingerprints will be disseminated as follows:

- Upon authorization by a district court judge with jurisdiction, may be sent to a state or federal repository.
- For felony offenses, a class A or B misdemeanor or assault as defined by K.S.A. 21-5412 and amendments thereto; must be sent to a state or federal repository.
- Upon demonstration of a legitimate need, may be furnished to another law enforcement agency.
- For traffic offenses, will be disseminated like adults who commit the same traffic offense.

Juvenile mug shots dissemination:

- Upon authorization by a district court judge with jurisdiction, may be sent to a state or federal repository.
- For felony offenses, a class A or B misdemeanor or assault as defined by K.S.A. 21-5412 and amendments thereto; may be sent to a state or federal repository.
- Upon demonstration of a legitimate need, may be furnished to another law enforcement agency.
- For traffic offenses, will be disseminated like those of adults committing the same traffic offense.

Fingerprints and photographs recorded according to a JOCO juvenile court order will:

- Be promptly returned to the juvenile court after completion of the case for which they were authorized,
- Not be disseminated to any other agency without authorization by a juvenile court order,
- Per K.S.A. 21-2511 and amendments thereto; juveniles placed in secure custody for or charged with the commission or attempted commission of any felony will be required to submit DNA.

In addition to felony offenses, juveniles will be transported to JDC for the following K.S.A. violations:

- K.S.A. 21-5504, *Criminal Sodomy*
- K.S.A. 21-5513, *Lewd and Lascivious*
- K.S.A. 21-6412, *Cruelty to Animals*
- K.S.A. 21-5411, *Criminal Restraint*
- K.S.A. 21-5511, *Adultery*
- K.S.A. 21-6420, *Promoting Prostitution*
- K.S.A. 21-6412, *Patronizing a Prostitute*
- K.S.A. 21-5505, *Sexual Battery*

Corrections personnel will collect DNA samples in accordance with K.S.A. 21-2511 and amendments thereto.

#### F. NEWBORN INFANT PROTECTION ACT

Per K.S.A. 38-2282, a member who is on duty shall, without a court order, take physical custody of an infant surrendered pursuant to the Newborn Infant Protection Act. According to the Newborn Protection Act, infants can be surrendered at police stations, sheriff's offices, law enforcement centers, city and county health departments, or health care facilities as defined in K.S.A. 38-2282. It is possible an infant could be surrendered at one of our police buildings, fire stations, or area health care facilities.

A member to whom an infant is delivered shall not reveal the name or other personally identifiable information of the person who delivered the infant unless there is reasonable suspicion that the infant has suffered great bodily harm. Members shall be immune from administrative, civil, or criminal liability for any action taken pursuant to this act. Immunity shall not extend to any acts or omissions, including negligent or intentional acts or omissions, occurring after the acceptance of the infant.

A member that receives an infant surrendered under this act shall ask the person surrendering the infant whether such infant or either biological parent is a member of or eligible for membership in a federally recognized Indian tribe and the identity of any such tribe or tribes.

A member that receives an infant surrendered under this act shall make available, if possible, information to the relinquishing parent, but such parent shall not be required to accept such information. Such information to be made available shall include:

- A notice stating that 60 days after the surrender of the infant to the facility, the secretary shall commence proceedings for termination of parental rights and placement of the infant for adoption.
- A list of providers that provide counseling services on grief, pregnancy, and adoption or other placement or care regarding the infant.
- A copy of this statute, the rights of birth parents, a questionnaire that a birth parent may answer questions about medical or background information of the child.



A packet containing these documents will be kept with the Records unit, Parkway Watch Commander, and Antioch Watch Commander for distribution when needed.

The member to whom an infant is surrendered shall contact police dispatch as soon as practical. Dispatch will send a police sergeant, a police officer, and an ambulance to the location where the infant has been delivered. The infant shall be transported to the nearest medical care facility, and according to K.S.A. 38-2282, the medical care facility shall perform treatment in accordance with the prevailing standard of care as necessary to protect the physical health and safety of the infant.

The infant shall be considered a Child in Need of Care (CINC). Police officer(s) will respond to the medical care facility to take custody of the infant upon the child's release from the medical care facility. Police officers shall follow procedures for processing CINC's in subsection G, Processing Children in Need of Care. The incident will be documented in a police report in accordance with SOP 2220 Report Writing.

G. PROCESSING CHILD IN NEED OF CARE (CINC) [44.2.2 \(A\)](#)

Officers processing Children in Need of Care (CINC's) should transport the CINC to JIAC and will not process CINC's in secure juvenile booking facilities at Sanders unless otherwise directed. If an OPPD facility is used for investigation reasons, interview rooms, station offices or other non-secure settings should be used during all interviews. Officers will not leave CINC's unsupervised while in OPPD custody.

No juvenile as a Child in Need of Care can be placed in a secure detention facility unless they are an out-of-state runaway, K.S.A. 38-2288.

If a CINC is reclassified to Juvenile Offender status the officer should take the juvenile into custody, and call JIAC prior to transport to JDC or release to a parent with a juvenile notice to appear.

As mandated reporters, commissioned officers shall report all cases involving CINC's to the Department of Children and Family Services (DCF). The report can be made by calling the DCF abuse/neglect hotline number or by reporting the abuse/neglect only using the Mandated Reporter online report form.

H. DETENTION LOG

When any juvenile is held or maintained in any police facility containing a secure custody area such as the OPPD booking area, a detention cell, a locked room, or an interview room, officers will enter all applicable data in the *Juvenile Detention Log* for the appropriate facility. This includes entering data for juveniles in police custody, but not detained within that secure custody area, such as the lobby, station office, or interview rooms.

Supervisors will review juvenile arrest reports to ensure officers appropriately document all juvenile detentions and complete all required *Juvenile Detention Log* entries.

The first week of every month the Parkway Division Commander, or designee, will review, follow up on any discrepancies, and retain a copy of the *Kansas Juvenile Detention Log* for the previous month. This log is an electronic document that is stored on the O: Drive. (O:\juvenile detention log). There is a separate log file for each police facility containing a secure custody area.

The assigned Patrol Watch Commander will e-mail a copy to the *Kansas Juvenile Justice Authority* per the log sheet's directions.

Personnel from the Office of Professional Standards will conduct biannual juvenile booking log audits.

I. RELEASE OPTIONS FOR JUVENILES [44.2.1 \(C\)\(D\)](#)

Juvenile Intake and Assessment Center (JIAC)  
(CINCs only)

Juvenile Detention Center (JDC)

Any juvenile arrested for a felony and/or who is an absconder from court supervision, (probation, diversion, etc.) and those juveniles who are likely to flee or pose a risk to the community or themselves will be taken to the Juvenile Detention Center (JDC) for JIAC services. Officers will call JIAC prior to transport for triage, and to ensure proper facility placement as determined by JIAC's staff.

Upon approval, the sergeant will ensure all applicable police reports are properly file packaged in RMS, and sent to the Johnson County District Attorney's Office for review.

No Further Action [44.2.2 \(A\)](#)

If the investigation reveals no further action is necessary, the juvenile may be released to a responsible adult if such can be completed in a timely manner.

Responsible Adult

A juvenile may be released to a responsible adult if such can be completed in a timely manner. If a juvenile is released to a responsible adult, the police report upon supervisory approval, will be filed through the RMS to the Johnson County District Attorney's Office for review.

Educational Facility

Depending on the offense, and after consulting with school administrators and the juvenile's parent(s) or guardian, a juvenile offender may be allowed to remain at school.

### Medical Facility

Unless an emergency requires the use of the closest medical facility, the juvenile should be transported to a medical facility as identified by the Watch Commander or designee. When a juvenile suffers a serious illness or injury, officers will make an effort to notify a responsible adult.

## J. JUVENILE NOTICE AND AGREEMENT TO APPEAR [44.2.1 \(B\)\(C\)](#)

In situations where law enforcement officers do not transport a juvenile to JDC and instead release the juvenile to his/her parent(s), guardian(s), or responsible party at the scene, the officer will complete a *Juvenile Notice and Agreement to Appear*.

The *Notice and Agreement to Appear* requires the juvenile to contact JIAC personnel by telephone within twenty-four hours of service of the notice to schedule an initial appointment.

This process will not replace the current practice of taking juvenile offenders to JDC who need and should be transported to that facility.

### Officer Responsibilities [44.2.1\(B\)](#)

Officers will complete the *Notice and Agreement to Appear* form in situations where a juvenile has been released to his/her parent(s), guardian(s), or responsible person at the scene. Officers will:

- Fill out the form as thoroughly as possible. This form is very much like the NTA forms currently in use for municipal code violations,
- Fax a copy of the *Notice and Agreement to Appear* and a copy of the approved arrest report to JIAC within 12 hours of issuance to (913) 715-7311,
- Forms may also be scanned to [JIAC@jocogov.org](mailto:JIAC@jocogov.org)
- Attach a copy of the *Notice and Agreement to Appear* to the report by scanning it into the records management system.

If the officer can speak with a parent/guardian via the telephone and that person declines to respond to the scene to sign the *Notice and Agreement to Appear*, the officer should note on the parent signature line “Released with the permission of parent”.

The officer will give the yellow copy to the juvenile, and document in the police report the conversation and permission the parent/guardian gave for the release of the juvenile. As an example; if a juvenile is involved in a fight at school, the SRO investigates the battery, contacts the juvenile’s parents, and the parent agrees to let the juvenile stay at school.

A supervisor should be contacted regarding any unusual circumstances.

K. JUVENILE INTAKE AND ASSESSMENT CENTER (JIAC) 44.2.1(c)(D)

The Kansas Supreme Court mandated the JOCO Tenth Judicial District to establish a Juvenile Intake and Assessment Center (JIAC). CINC's will be transported to the non-secure JIAC facility. Juvenile offenders will be transported to JDC where JIAC services will be provided. Before any transport, officers will contact JIAC from the field to triage and determine the proper facility.

Suicidal juveniles will require mental health assessments, which are not available at nor coordinated through JIAC or JDC.

Juveniles meeting the below criteria will need to be medically cleared prior to being brought to JIAC:

- Unconscious or semiconscious (unable to walk under their own power),
- Bleeding (significant external bleeding, symptoms of possible internal bleeding, or abdominal bleeding,
- Mentally unstable or in a severely psychotic state,
- Severely intoxicated, unable to stand/walk/talk without assistance or have loss of control of bodily functions,
- Signs of acute alcohol or drug withdrawal,
- Otherwise urgently in need of medical attention (obvious fractures, signs of head injury, pregnant women in labor, having or recently having convulsions, recent motor vehicle accident without subsequent medical evaluation, or use of force by law enforcement using pepper spray or Taser, chest pains or shortness of breath.

Any juvenile arrested for a felony and/or who is an absconder from court supervision, (probation, diversion, etc.) and those juveniles who are likely to flee or pose a risk to the community or themselves will be taken to JIAC for services.

In addition to the above and based on the Procedural Guidelines Agreement between the District Court and the District Attorney's Office, officers will detain and transport juveniles to JIAC and not issue a Juvenile Notice and Agreement to Appear for:

- Burglary (of a dwelling),
- Distribution Level Drug Offenses (targeted removal of alleged drug dealers from the community),
- All crimes involving a weapon (does not need to be a charge, can be referenced or should be mentioned in the report narrative),
- Violence towards law enforcement (where a LEO is the intended target or intentionally put in harm's way) upon arrest of a youth,
- Fleeing and Eluding (youth who drive recklessly, bypass efforts to stop by LEA, CDP, and or five or more violations).

Arresting and/or transporting officers will:

- Before or upon arrival at JDC/JIAC, complete an incident report and a juvenile arrest report,
- Transporting officers will be requested to complete a “*Law Enforcement Referral of Possible Suicide Risk*” form which will be provided by JDC personnel,
- Remain at JDC/JIAC until medical and mental health clearance assessments are completed,
- Ensure copies of police reports are provided to JDC/JIAC personnel before the transporting officer leaves JDC/JIAC,
- In the event JIAC or Juvenile Detention will not provide for the juveniles’ personal security, contact an OPPD supervisor for assistance.

#### L. SCHOOL-BASED JUVENILE CONTACTS

Officers contacting juveniles in school settings are subject to special contact conditions set out in SOP 2260, *School Resource Officer (SRO) Unit*.

#### M. SCARED-STRAIGHT PROGRAMS PROHIBITED

All Members will ensure the OPPD booking area is not used for “*Scared Straight*” programs or efforts designed to shock or scare juveniles into lawful compliance.

#### N. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS [1.2.3\(A\)\(B\)\(C\)](#), [44.2.3\(A\)\(B\)](#), [44.2.2\(C\)](#)

When seeking incriminating information from a juvenile, officers need to be aware that the voluntariness of the juvenile's confession will generally be the issue. In determining whether a confession is voluntary, the courts look to the totality of the circumstances which includes a review of the following factors related to the juvenile defendant:

- Age, intelligence, educational background,
- Mental capacity, including whether the defendant was nervous, and their physical condition,
- Prior experience in the criminal system,
- Whether the defendant was suffering from any injury or pain when the statement was given,
- The duration of the questioning,
- Time of day,
- Whether the defendant was tired and desirous of sleep,
- Length of confinement,
- Whether *Miranda* or Police caution warnings were given, when, and whether he/she understood them,
- Whether the room size was sufficient and supplied with appropriate furniture,
- Whether the defendant was cuffed or threatened,
- Whether the defendant was refused the use of the bathroom, food, or drink,
- Whether there was a promise of leniency,
- Whether the juvenile understood the interrogation process,
- Whether a youth officer was present during the interview,

- Whether the parents were notified,
- Whether the juvenile asked for a parent to be present,
- Whether the police prevented a concerned adult from speaking with the juvenile, which is a significant factor,
- Familiarity with English or the official language.

Additionally, K.S.A. 2016 Supp. 38-2333, and amendments thereto, mandates the following procedure when law enforcement officers interview any juvenile under the age of 14. Failure to follow this procedure makes any admission or confession inadmissible in evidence:

- Officers must give appropriate *Miranda* warnings to both the juvenile and a parent, guardian, or attorney, and allow consultation between the juvenile's parent, guardian, or attorney as to whether the juvenile will waive the right to an attorney and the right against self-incrimination. It is the duty of the facility where the juvenile has been delivered to make a reasonable effort to contact the parent immediately upon the juvenile's arrival unless the parent is the alleged victim or alleged codefendant of the crime under investigation.
- When a parent is the alleged victim or alleged codefendant of the crime under investigation, officers must follow the procedure in paragraph (a) above but allow a consultation between the juvenile and an attorney, or a parent who is not involved in the investigation of the crime as to whether the juvenile will waive the right to an attorney, and the right against self-incrimination. Again, it is the duty of the facility where the juvenile has been delivered, to make a reasonable effort to contact a parent, who is not involved in an investigation of the crime, immediately upon the juvenile's arrival.
- After an attorney has been appointed for the juvenile in the case, the parent may not waive the juvenile's rights.

#### O. COMMUNITY OUTREACH [4.1.1](#)

The Overland Park Police Department is committed to developing and perpetuating programs designed to prevent and control juvenile delinquency and develop trust between juveniles and law enforcement. This may be accomplished by creating positive interactions through programs such as the annual *3 on 3 Basketball Tournaments*, *Trunk or Treat*, and *Operation Rudolph* as examples.

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Revised by: Major James Sutterby

CALEA REFERENCES:

1.2.3(A)(B)(C)

44.1.1

44.2.1 (A)(B)(C)(D)

44.2.2 (A)(B)(C)(D)(E)

44.2.3(A)(B)