

Pasco Police Department Policy Manual

JUVENILE OPERATIONS	Chapter No. 44
Effective Date: 04/01/2018 Revised: 08/20/2021	Reference: Chapter 1 – Law Enforcement Role & Authority

44.1.1 JUVENILE POLICY

The Pasco Police Department is committed to developing and implementing programs directed at the prevention and control of juvenile delinquency. Enforcement of the law as it relates to juveniles has the following purpose: To hold the juvenile responsible for their actions while working toward rehabilitative efforts, protect society and prevent recidivism.

Employees of the department are to follow all department policies and procedures regarding juvenile matters. Officers will maintain a working knowledge of the Revised Code of Washington (RCW) reference juvenile laws.

Records staff send felony and misdemeanor juvenile case filing packets to the detective section for subsequent filing with the Franklin County Prosecutor's Office. The detective section is responsible for several functions related to juveniles and juvenile investigations. The juvenile function for detectives includes:

- Follow-up processing of juvenile felony arrests.
- Follow-up processing of all missing and runaway juveniles.
- Serving as a resource to other department components on the follow-up and coordination of juvenile offenses.

The responsibility for supporting the department's juvenile operations function is shared by all members and divisions of the department. Patrol officers assigned juvenile cases will investigate and follow up in accordance with current practice while following department procedures.

Explorer Program

The department operates this program to provide an alternative for youth in the community. The program introduces youths to the law enforcement profession and work environment, which helps prepare them for any future career.

44.1.2 INPUT ON JUVENILE PROGRAMS

The Pasco Police Department receives and encourages input on juvenile programs and policies from outside or support agencies.

The Field Operations Captain evaluates all input and routes information to the respective divisions dealing with juvenile-related issues. Each division captain then determines if input and ideas will be used in the various juvenile programs or policies.

44.1.3 JUVENILE PROGRAM EVALUATION

The Support Operations Captain coordinates an annual review of juvenile enforcement and prevention programs sponsored by the Pasco Police Department. The evaluation will include whether the program provides the intended service and its effect on crime reduction and perception of crime. Findings are reported to the Chief of Police.

44.2.1 HANDLING JUVENILE OFFENDERS (Reference Standard 1.1.3)

Juveniles will be handled in a manner consistent with state law. The officers' actions should be consistent with preserving public safety, order, and individual liberty. Any action taken should conform to and not violate Title 13 of the Revised Code of Washington (RCW).

Pasco Police Department officers can refer juvenile offender contacts to social service agencies or juvenile court. Alternatives to referral to juvenile court include:

1. Release to parent or guardian with no further action taken.
2. Verbal warning.
3. Note behavior/actions on a Field Interview (FI) report.
4. Information case only, with release to parent or guardian.
5. If taking the juvenile directly home, release the juvenile to a parent, guardian, or other responsible person.
 - No charges: forward as any other report.
 - Charges: also complete a juvenile referral request form and forward the forms to Juvenile Court.
6. Request a voluntary program of treatment using the services of one or more social agencies.

Officers should attempt to refer juveniles into court rather than place them in the Juvenile Justice Center. When making the decision, the officer should consider the circumstances of the offense, the offender's record, and the intake criteria of the Juvenile Justice Center.

For serious offenses, or if the officer believes that court action is necessary, forward the suspect/arrest report to the Franklin County Juvenile Court Prosecutor's Office for review and disposition.

Make official referrals to the Franklin County Prosecuting Attorney on all serious criminal conduct and repeated criminal violations. This includes:

- Felony crimes
- Crimes involving weapons
- Gang-related crimes
- Aggravated assaults
- Crimes committed by juveniles under probation or parole or with cases pending in juvenile court
- Repeated criminal acts
- Cases where parental supervision is not effective
- Cases where the juvenile refuses to cooperate or participate in a diversion program

The Washington State Juvenile Code, [RCW 13](#), authorizes the Juvenile Court System to administer diversion programs for juvenile offenders in the following circumstances.

- When one or two minor crimes have been committed.
- There is no prior record of criminal behavior.

Chapter No. 44 Juvenile Operations

- The juvenile offender is under the age of 18 years.
- By RCW, the prosecutor is guided by the length, seriousness, how recent the criminal history record is, and the circumstances surrounding the commission of the offense.
- The availability of community-based rehabilitation programs.

44.2.2 PROCEDURES FOR CUSTODY

A juvenile is taken into custody:

- By order of the court.
- According to the laws of arrest.
- By a law enforcement officer believing the child is in immediate danger and removal from the surroundings is necessary to protect the child. The officer contacts Washington State Child Protection Services (CPS) for further instructions. CPS is a division of the Department of Social and Health Services (DSHS).
- At the request, and with the assistance of CPS.
- If the juvenile is reported as a runaway, officers may take protective custody of the juvenile and deliver them to a parent or a Department of Social and Health Services Office.
- Any juvenile taken into custody shall be released to the care of the juvenile's parent/s or responsible adult or transported to the Juvenile Justice Center or authorized facility as soon as practicable.
- Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Pasco Police facility. There should also be sight and sound separation between non-offenders and juvenile status offenders.

In situations where a brief or accidental contact may occur, a member of the Pasco Police Department shall maintain a constant, immediate presence with the juvenile to minimize contact with any adult offender.

When possible, use reasonable alternatives when dealing with juvenile offenders. Officers making a physical arrest, transport the juvenile to the Juvenile Justice Center without delay unless emergency medical treatment is needed. If emergency medical treatment is necessary, officers will request medical aid through dispatch. Officers will complete a case report, including suspect/arrest, juvenile referral, and incident report forms.

Juvenile Rights

1. Officers shall provide a juvenile with access to an attorney for consultation, which may be provided in person, by telephone, or by video conference, before the juvenile waives any constitutional rights if the officer:
 - Questions a juvenile during a custodial interrogation;
 - Detains a juvenile based on probable cause of involvement in criminal activity; or
 - Requests that the juvenile provide consent to an evidentiary search of the juvenile or the juvenile's property, dwellings, or vehicles under the juvenile's control.
2. The consultation may not be waived.

3. An officer may question a juvenile without following requirement in number 1 if:

- The officer believes the juvenile is a victim of trafficking as defined in [RCW 9A.40.100](#);
- The law enforcement officer believes that the information sought is necessary to protect an individual's life from an imminent threat, the delay to allow legal consultation would impede the protection of an individual's life from an imminent threat, and questioning is limited to matters reasonably expected to obtain information necessary to protect an individual's life from an imminent threat.

4. After the juvenile has consulted with legal counsel, the juvenile may advise, direct a parent or guardian to advise, or direct legal counsel to advise the law enforcement officer that the juvenile chooses to assert a constitutional right. Any assertion of constitutional rights by the juvenile through legal counsel must be treated by a law enforcement officer as though it came from the juvenile.

Detention Facility

Use the following procedures for placing juveniles in detention in the Juvenile Justice Center.

- Explain the reason(s) for the detention to the Juvenile Justice Center. If the intake screener authorizes the detention, a PPD officer transfers custody.
- The officer will transport the juvenile to get medically cleared if the juvenile is injured or under the influence of drugs or alcohol. If the Juvenile Justice Center requests additional medical screening, the officer will take the juvenile to get additional medical screening.

If the juvenile cannot be identified, or a parent or guardian cannot be located, and the **injury is not serious**, do the following:

- An officer transports the juvenile to the center and stands by.
- The center processes the juvenile for admission.
- The intake screener contacts the juvenile court and explains the situation.
- A court order authorizing the medical examination and treatment is completed for a Juvenile Court judge's signature.
- If this occurs when a judge is not readily available, the officer takes the order to a judge and transports the juvenile to a hospital emergency room for examination.
- After examination and treatment, return the juvenile to the center if hospitalization is not necessary.

If the juvenile's **injuries are serious** and immediate medical treatment is needed, take the juvenile directly to a hospital for treatment. The emergency room staff has the authority to treat injuries without the consent of a parent or court order.

- The officer provides copy of probable cause report and JCR to the Juvenile Justice Center screener at the time of detention and submits originals to Records. When filing, the complete investigation packet goes to the Franklin County Prosecutor's Office.
- Thoroughly search all juveniles before turning over to the center for detention.
- Under no circumstances can a juvenile alleged to have committed a status offense (chronic or persistent truancy, running away, being ungovernable or incorrigible, violating

curfew laws, or possessing alcohol or tobacco), including those returned on court orders for contempt, be held in a secure location at the Pasco Police Department. If such a juvenile is transported to the department, the juvenile shall not be placed in any holding cell or interview room where the door is locked requiring a key to exit. Nor will they be secured to any fixed object. They may be taken to a DSHS approved facility or location but not be held in a detention environment or come into contact with adults in custody in the police department.

Contact the parent or guardian of the detained juvenile when possible and advise them of the situation and location of the youth.

44.2.3 CUSTODIAL/ NON-CUSTODIAL INTERROGATION OF JUVENILES

Custodial

All custodial interrogations of juveniles are subject to electronic recording as outlined in the Interview and Interrogations Procedure.

Officers should re-advise juveniles in detention of their constitutional and juvenile rights prior to interrogating them.

Officers shall provide a juvenile with access to an attorney for consultation, which may be provided in person, by telephone, or by video conference, before the juvenile waives any constitutional rights if an officer is going to question a juvenile during a custodial interrogation. The consultation may not be waived.

Officers may only question a juvenile during a custodial interrogation after the juvenile has been provided with access to an attorney for consultation and the juvenile provides an express waiver knowingly, intelligently, and voluntarily made by the juvenile after the juvenile has been fully informed of the rights being waived as required under [RCW 13.40.140](#).

If possible, officers advise a parent or guardian of the juvenile of the intent to question the juvenile.

- Limit the number of officers in the interrogation to two.
- Limit the interrogation to a prudent amount of time.

Any officer questioning a juvenile offender or suspect should explain:

- The department's procedures in dealing with juvenile offenders.
- The juvenile justice system process.

Notification / Presence of Parent(s)

In most cases, the investigating officer will confer with the juvenile and parents/guardians before the interrogation to explain agency and juvenile justice system procedures and advise of the reason for the interrogation. It is not required that a parent be present during the interrogation, although the parent's presence may be helpful at times. If a parent insists that they be present during an interrogation, a supervisor shall be contacted before the interrogation. The supervisor will consider the following factors when deciding whether or not to allow the parent to be present.

- The crime being investigated
- The age of the violator and ability to understand their constitutional rights per Miranda

- The desire of the juvenile to have their parent present

Children Under 12: Only a parent (guardian) may waive a child's constitutional rights when the child is under 12 years of age

Non-Custodial

If it is necessary to conduct a non-custodial interview of a pupil on school premises, officers follow these guidelines.

- Attempt to contact the parent or guardian of the juvenile to explain the nature of the incident before interviewing the juvenile on school premises. If the parent requests to be present, delay the interview for a reasonable amount of time until their arrival, provided the parent or guardian is not a suspect in crimes against the child to be interviewed.
- Upon arrival at the school, contact the principal or assistant principal and explain the nature of the interview. Call the student to the office. Conduct the interview in the presence of the principal or designee.
- If unusual circumstances require a change from the above guidelines, contact the shift supervisor.

Juveniles will not be subject to strip searches or cavity searches by members of the Pasco Police Department.

44.2.4 SCHOOL ASSIGNED OFFICERS

The Pasco Police Department, in contract with the Pasco School District, designates School Resource Officers to function as liaison officers with its schools.

The School Resource Officers are primarily responsible for handling reports of criminal activity or other problems occurring on school district property. The school resource officer may:

- Act as a resource for delinquency prevention.
- Provide guidance on ethical issues in a classroom setting.
- Provide individual counseling and/or mentoring to students.
- Explain the law enforcement role in society.

The School Resource Officers may coordinate school/department activities, such as:

- Crime prevention programs
- Substance abuse programs
- Educational instruction

44.2.5 PARTICIPATION IN COMMUNITY RECREATIONAL YOUTH PROGRAMS

The Pasco Police Department supports the philosophy of police and youth interaction. The department encourages its members to volunteer their time to become active in community recreational and other youth-oriented programs.

The Resource Sergeant oversees all community engagement programs and participation by the Community Engagement Officers and School Resource Officers. The officers engage with youth and community through programs such as the Citizen's Academy, ride-along, and training.