



Wilmington Police Department

Directive: 5.19 Juvenile Contact Procedures



CALEA Standards:
44.1.1, 44.2.1, 44.2.2, 44.2.3, 61.1.3

I. Purpose

The purpose of this directive is to establish procedures and guidelines for Wilmington Police Officers to follow when dealing with Juveniles. The Juvenile Justice System is intended to be a non-punitive system which aims to correct criminal behavior in children, so that the behaviors do not continue and manifest in the children as they become adults. As such, Wilmington Police Officers shall deal with juveniles with the least coercive among reasonable legal alternatives.

II. Definitions

- A. Juvenile:** for law enforcement purposes (when a juvenile is a suspect), a child who has not yet reached their 18th birthday. For Social Services (abuse/neglect/dependency NCGS 7B-101) issues, a juvenile is a child whom has not yet reached their 18th birthday.
- B. Non-divertible offense:** an offense in law when committed by a juvenile precludes the option of diversion for the juvenile. Some examples of non-divertible offenses are: Murder, Rape, Robbery, Burglary, Felonious Sex Offenses, Arson, Felonious Violations of Chapter 90, crimes against nature, and crime where a juvenile uses a weapon with the intention to inflict serious bodily injury. See also: NCGS 7B-1701 for a complete listing.
- C. Divertible offense:** a violation of the law, that when committed by a juvenile, allows the option of utilizing diversion techniques in order to keep the child away from the court or official petition.
- D. Diversion:** an informal process where alternatives to petition, secure custody, and court proceedings are sought by the officer. A diversion could be as simple as conducting a parent/juvenile conference with the parent, and releasing the juvenile into the parent's custody, in the hopes that the parent will instill the proper values and morals into the child to correct problematic behaviors encountered by law enforcement officers. Other diversion options could include referrals to community-based programs, such as programs administered by the WPD Social Worker.
- E. Adjudication:** an official court finding upon a juvenile that a juvenile is either: delinquent, abused, neglected, dependent, or emancipated.
- F. Duty to Report Abuse, Neglect, or Dependency:** Every person has a legal (NCGS 7B-301543) duty to report facts which lead the

person to suspect that a juvenile is abused, neglected, or dependent, or has died as the result of maltreatment. Any person or institution who has cause to suspect any of these circumstances to exist must report the case to the Department of Social Services (DSS), intake services of DSS, in the county where the juvenile resides or is found.

III. Procedures

A. Juvenile contacts for neglect, dependency, or abuse: If an Officer of the Wilmington Police Department is made aware of any factors that would lead them to reasonably believe that the welfare of a juvenile is in jeopardy, they shall make an immediate report of those factors to the New Hanover County Department of Social Services. Dispatch retains an on-call list for Social Workers during non-business hours. Officers should be extremely cognizant of the exposure to danger juveniles encounter during domestic disputes in their homes. Officers will charge a parent/guardian offender with misdemeanor child abuse and/or contributing to the delinquency, neglect, and abuse of a minor if a child is present or a witness to a domestic assault. Furthermore, Social Services shall be immediately contacted.

B. Juvenile Contacts for Criminal Offenses (delinquency): If an officer of the Wilmington Police Department is made aware of facts and or circumstances that would lead a reasonable and prudent person to believe (probable cause) that a juvenile is delinquent, the officers should determine the nature of the offense alleged. There are three possible determinations, and they are: status offense (illegal due to the age only), a divertible offense, or a non-divertible offense. Once the nature of the allegation is understood, the Officer will follow the below procedures:

1. Status Offense:

- a. Depending on the circumstances, temporarily detain the juvenile, counsel the juvenile, and release to a parent, legal guardian, or other responsible adult with no further action.
- b. Temporarily detain juvenile, restraints are permitted
- c. Inform the juvenile that they are under arrest
- d. Contact the juvenile's parent/guardian/custodian, and summon them to your current location.
- e. If you need to interview the juvenile, read Miranda warnings and make sure a parent/guardian/custodian is present during any custodial interview for those under 16 years of age.
- f. Complete an incident report, and protect the confidentiality of the suspect in report
- g. Complete a juvenile contact report
- h. Complete the juvenile contact checklist and Juvenile Justice report form
- i. Complete the parent/guardian notification letter
- j. Complete the parent/guardian notification proofs
- k. Complete the principal notification form, if applicable (felonious

offenses only)

- l. Conduct a counseling session with the parent and juvenile.
- m. If counseling session was positive, mark juvenile contact sheet "handled within the department and release." Then release the juvenile to the parent.
- n. If counseling session was negative, mark the juvenile contact sheet "referred to court authorities." Release the juvenile to the parent.
- o. If the parent/guardian refuses to come and pick up the child and/or participate in a conference between you and the child, contact your supervisor for DSS/Juvenile Intake involvement.
- p. If a secure custody order is issued, the juvenile will be transported without delay to the nearest Juvenile Custody Facility without delay, unless a juvenile is in need of medical treatment.

2. Juvenile Contact divertible offense:

- a. Temporarily detain juvenile, restraints are permitted
- b. Inform the juvenile that they are under arrest
- c. Contact the juvenile's parent/guardian/custodian, and summon them to your current location.
- d. If you need to interview the juvenile, read Miranda warnings, and make sure a parent/guardian/custodian is present during interview.
- e. Complete an incident report, and protect the confidentiality of the suspect in report
- f. Complete a juvenile contact report
- g. Complete the juvenile checklist and Juvenile Justice report form
- h. Complete the parent/guardian notification letter
- i. Complete the parent/guardian notification proofs
- j. Complete the Principal Notification form if applicable (felonious offenses only)
- k. Conduct a counseling session with the parent and juvenile
- l. If counseling session was positive, mark juvenile contact sheet "handled within the department and released."
- m. If counseling session was negative, mark the juvenile contact sheet "referred to court authorities."
- n. If the parent/guardian/custodian refuses to come and pick up the child, contact your supervisor, and they shall assure that DSS and Juvenile Intake Counselor are contacted for further advice and guidance.
- o. If a secure custody order is issued, the juvenile will be transported without delay to the nearest Juvenile Custody Facility or processing facility, unless a juvenile is in need of medical treatment.

3. Juvenile Contact non-divertible offense:

- a. Temporarily detain juvenile, restraints are permitted
- b. Inform the juvenile that they are under arrest
- c. Contact the juvenile's parent/guardian/custodian and inform them of the situation, and that they have the right to be present with

the juvenile pending the secure custody determination by the Juvenile Intake Counselor and District Court Judge unless the Juvenile already has a secure custody order.

- d. Contact the first-line supervisor, so that they may call or give permission for you to contact the on-call Juvenile Intake Counselor to seek petition for secure custody from the Magistrate if after normal court hours. **Detention while awaiting this decision cannot exceed 12 hours.**
- e. If you need to interview the juvenile, read Miranda warnings, and make sure a parent/guardian/custodian is present during interview for those under age 16.
- f. Complete an incident report, and protect the confidentiality of the suspect in report
- g. Complete a juvenile contact report
- h. Complete the juvenile checklist and Juvenile Justice report form
- i. Complete the parent/guardian notification letter
- j. Complete the parent/guardian notification proofs
- k. Complete the Principal Notification form if applicable (felonious offenses only)
- l. Conduct a counseling session with the parent and juvenile
- m. Mark the juvenile contact sheet "referred to court authorities."
- n. The Intake Counselor will either arrange for secure custody at a Juvenile Detention Facility, or request that the officer release the juvenile to their parent/guardian/custodian.
- o. If a secure custody order is issued, the juvenile will be transported without delay to the nearest Juvenile Custody Facility, unless a juvenile is in need of medical treatment.

****With the change in the Juvenile law (Raise the Age), new procedures have been developed. Officers **shall** contact a juvenile court counselor upon the arrest of anyone under the age of 18 to determine which detention and processing procedures will be followed. The officer **shall** put the name of the court counselor in their incident report. A juvenile justice court counselor now is required to provide officers with information about the juvenile's previous history as well as any law enforcement consultations which have occurred with any other law enforcement officer.**

Note: If detention of a juvenile for any purposes exceeds a duration that has exceeded 4 hours, the Officer in charge of the juvenile's detention will contact their first line supervisor. The first line supervisor in receipt of such notice will make provisions for food and drink for the juvenile. The detaining officer shall allow a juvenile in custody visits to restroom facilities and water fountains in a reasonable and humane manner.

Temporary Custody Procedures at Police Headquarters or other sub-stations: Juvenile offenders shall never be detained in the presence of adult offenders. Juveniles shall always be segregated in separate areas of the facility that are specially designed to house juveniles. WPD Headquarters

houses a Juvenile Custody Area that is behind the Patrol Report Writing Room. Use of this facility requires that the custodial officer fill out the appropriate logs.

Juvenile Transportation Procedures: Any time a Wilmington Police Officer transports a juvenile (regardless of reason), the officer shall announce on the radio that they are transporting a juvenile to a specific location from current location, and provide the beginning mileage and ending mileage of the transportation so that the announcement times are logged by dispatchers. Officers should also refer to WPD Directive 5.07.

Custodial Interrogation of Juvenile Offenders: A juvenile who has not reached their 16th birthday is required to have a parent/guardian/custodian present during custodial interviews. A juvenile 16 or 17 may have their parent present during custodial interviews. In addition to reading Miranda warnings to a juvenile offender, the officer/detective shall document and consider the following issues (in relation to the suspect) as part of their investigative report:

1. Age, intelligence, educational background
2. Mental capacity, including whether or not the defendant has any psychological conditions
3. Prior experience in the criminal justice system
4. Whether the defendant is suffering from any injuries at the time of any statements
5. The duration of the interview
6. Time of day
7. Whether the defendant is tired and desirous of sleep
8. Length of confinement
9. Whether or not Miranda warnings were given and knowingly waived by the juvenile with a parent/guardian/custodian present.
10. Whether the room size was sufficient and supplied with appropriate furniture
11. Whether there was a promise of leniency given
12. Whether the suspect understood the interrogation process
13. Familiarity with the English language (is English the primary language of the suspect, and if not do they adequately understand English?)
14. Whether the police prevented a concerned adult from speaking with the juvenile.