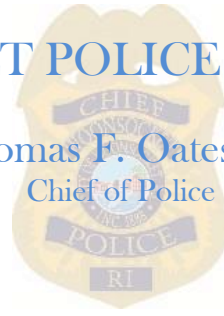


WOONSOCKET POLICE DEPARTMENT

Thomas F. Oates, III
Chief of Police



TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	350.01	2/7/2024	2/7/2024
SUBJECT		PREVIOUSLY ISSUED DATES	
Juvenile Process		2/11/2014, 7/23/2021	
ACCREDITATION		RE-EVALUATION DATE	
CALEA Standards: 44.1.1, 44.2.1, 44.2.2, 44.2.3, 44.2.4, 44.2.5 RIPAC Standards: 9.1, 9.2, 9.3, 9.4, 15.3		6/9/2021, 11/16/2023	
INDEX		DISTRIBUTION	
Juvenile		Sworn Personnel	

JUVENILE PROCESS

I. PURPOSE

The purpose of this policy is to provide procedures to be followed by all personnel regarding the handling of juveniles who come under the jurisdiction of the Woonsocket Police Department and to define the responsibilities of the Juvenile Division.

II. POLICY

RI 9.1

It is the policy of the Woonsocket Police Department to use the least coercive, most reasonable alternatives when dealing with juveniles, consistent with state law, and city ordinances, along with the safety and security interests of this city.

The Woonsocket Police Department and its members are committed to the creation of new programs and the support of existing programs designed to prevent and/or control juvenile delinquency.

III. DEFINITIONS

Juvenile: A person under 18 years of age. (A youth is considered 18 years old (24) twenty-four hours before his/her 18th birthday). **Note:** The age of competency is 9 years of age. Persons under the age of 9 cannot be charged with a crime.

Delinquent: The term applied to a juvenile, who has committed any offense which if committed by an adult, would constitute a felony.

Wayward: The term applied to a juvenile who has committed any act, which, if committed by an adult, would constitute a misdemeanor offense.

Wayward Petition: This is a formal request parents can submit for the Rhode Island Family Court to get involved with their youth.

Status Offender: The term applied to a juvenile who has committed any offense which, if committed by an adult, would not be a crime.

1. Status Offenses include:
 - a. Truancy from school (under the age of 16);
 - b. Violation of curfew;
 - c. Possession of spray paint;
 - d. Wayward/Disobedient;
 - e. Underage possession and/or consumption of tobacco products;
 - f. Runaway (habitual);
 - g. Possession of fireworks;
 - h. Possession of mace;
 - i. Possession of powdered caffeine;
 - j. Sexting;
 - k. Underage alcohol offenses (Note: These offenses are considered status offenses, even though state or local laws may consider them delinquent offenses.);
 - l. Possession of marijuana under 1 oz. (Note: Civil offense treated as a status offense for juveniles); and
 - m. First refusal of a breathalyzer (Note: Civil offense treated as a status offense for juveniles).

Non-Offender:

1. An unmarried child is found to be abused or neglected or in imminent danger of abuse or neglect.
2. An unmarried child that is found to be abandoned.
3. An unmarried child that requires medical, mental health, or chemical dependency treatment, which parent, guardian, or primary caretaker cannot provide.
4. An unmarried child who has been sexually abused by a parent, guardian, or another member of the household.
5. If the parent, guardian, or primary caretaker desires to be relieved of the care and custody of the child for just cause.
6. A juvenile taken into custody for questioning purposes.

Petty Misdemeanor: Any criminal offense which may be punishable by imprisonment for a term not exceeding six (6) months or by a fine of not more than five hundred dollars (\$500), or both.

Secure Custody: Confinement of a juvenile in a physically restrictive area. This includes placement in a locked room, detention room, securing to an immovable object, Rhode Island State Training School for Youth (RITSY), or any other facility used to hold a juvenile securely before, or after final disposition.

Non-Secure Detention: An unlocked, multi-purpose area (lobby, office, interview, or conference room) or in a specified, non-secure temporary holding resource that is not set aside or used as a secure detention area and providing that the juvenile is not physically secured to any stationary part of the non-secure holding area. All juveniles in non-secure detention must be kept in constant visual contact with a sworn officer of the department.

IV. PROCEDURES

A. GENERAL

1. The Woonsocket Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency.
2. All members of the Woonsocket Police Department are encouraged to be involved within the community and in particular to create, support, and/or participate in programs that enhance the positive development of young people.
3. It is the responsibility of all members and divisions of this department to familiarize themselves with juvenile problems and establish procedures for effecting positive changes in juvenile offenders.

B. JUVENILE DIVISION

1. Will develop and coordinate efforts with other agencies and the community designed to prevent and control juvenile delinquency.
2. Will serve as the liaison between the police department, other agencies, and other components of the juvenile justice system.
3. Duties will include:
 - a. Coordinating and preparing cases for Family Court.
 - b. Making referrals to the City of Woonsocket Juvenile Hearing Board (City resident offender).
 - c. Making referrals to the appropriate social service agencies, (ex. Northern Rhode Island Mental Health, Family Resources, Juvenile Probation, DCYF, etc.)
 - d. Prosecuting adults in child abuse, neglect, and abandonment cases.
 - e. Acting as a liaison between the police department and other agencies working to investigate, deter, and prevent child abuse or neglect.

- f. Making recommendations to appropriate counseling or other human resource agencies when requested or as appropriate.
- g. Coordinating efforts with other agencies (government and private) to develop and implement programs to control and prevent juvenile delinquency.
- h. Maintaining records, (separate and apart from adult records) and updating the status of juvenile arrests and dispositions.
- i. Coordinating efforts with other elements of the Juvenile Justice System encouraging review and comment regarding the department's case handling and policy and procedures relating to juveniles. Suggestions to revise and improve the department's juvenile policy and procedures will be implemented when beneficial or necessary.

C. ENFORCEMENT ALTERNATIVES

- RI 9.5(a)** 1. Officers dealing with juvenile offenders will use the least coercive most reasonable alternatives when investigating cases involving juveniles using the following guidelines:

- RI 9.2(a)** a. A juvenile offender may be released to the custody of a parent or guardian without being formally charged when all of the following elements are present:
- 1) The offense is a status, non-offense, or petty misdemeanor;
 - 2) The complainant declines to press charges;
 - 3) The juvenile's parent(s) or guardian has been made aware of the detention and agrees to the release; and
 - 4) The arresting officer has the approval of the Officer-in-Charge (OIC).

- RI 9.2(b)** b. The juvenile offender may be charged and released at the station or transported home after processing when all of the following elements are present (summonsed later by the Juvenile Unit):
- 1) The offense is a status offense or petty misdemeanor;
 - 2) The juvenile is a first-time offender;
 - 3) The juvenile's parent(s) or guardian has been made aware of the charge(s) and agrees to the release;
 - 4) The officer has gathered and verified all of the pertinent information, including the suspect's name, date of birth, address, phone number, parent's names, dates of birth, and contact information. The officer will complete a Juvenile Release Form using all this information; and
 - 5) The arresting officer has the approval of the OIC.

- RI 9.2(c)**
RI 9.5(b) c. The juvenile offender may be referred to the Juvenile Hearing Board by a Juvenile Detective when all of the following elements are present:
- 1) The offense is a status or petty misdemeanor;

- 2) The juvenile is a first-time offender; and
 - 3) The juvenile is a Woonsocket resident.
- d. Custodial arrest should be made if any of the following elements are present:
- 1) On the order of the Family Court;
 - 2) When there is probable cause to believe that the juvenile falls within the delinquency jurisdiction of the Family Court; or
 - 3) When the officer believes that the juvenile is “wayward” under the law, and it is determined that issuance of a summons or citation would not adequately protect the jurisdiction or process of the Family Court or would not adequately reduce the risk of the juvenile inflicting serious bodily harm on themselves or others or committing serious property offenses before adjudication; the juvenile fails to cooperate or to positively respond to police intervention and direction, or the youth’s parents or guardian have failed to provide appropriate control or supervision. In making this determination, the officer must consider:
 - a) The nature and seriousness of the offense;
 - b) The juvenile’s record, previous contacts, and/or warnings;
 - c) The age and circumstances of the juvenile;
 - d) The availability of non-custodial alternatives, including the presence of a parent or guardian willing to provide supervision and care of the juvenile and to assure their compliance with a summons; and
 - e) Any outstanding capias or history of willful failures to appear in court. A check with local and department-wanted files must be made, i.e., NCIC and the department Records Management System (RMS).

D. CUSTODY CLASSIFICATIONS

1. Criminal offenders - violent or major offenses
 - a. A juvenile should be held in secure custody and transported to Family Court as soon as practical or a Family Court Judge called for an emergency hold, for the following offenses:
 - 1) Arson - 1st and 2nd degree;
 - 2) ADW - resulting in serious bodily injury;
 - 3) Assault on a person over 60 - Resulting in injury;
 - 4) Breaking & Entering - Occupied dwelling in the day or night time;
 - 5) Burglary;
 - 6) Child Molestation - 1st Degree;
 - 7) Escape - From the Rhode Island Training School;
 - 8) Felony Assault - Resulting in serious bodily injury;

- 9) Murder - And any other related crime including assault with intent to commit murder;
 - 10) Narcotics - Delivery or possession with intent to deliver or large amounts if just for possession;
 - 11) Reckless Driving - Death or serious bodily injury;
 - 12) Robbery - 1st Degree and armed and assault with intent to commit robbery;
 - 13) Sexual Assault;
 - 14) Stalking - 2nd charge; or
 - 15) Weapons – Including but not limited to firearms, explosives, and others as defined in RIGL [11-47-42](#).
- b. Officers should notify the juvenile detective assigned as the Family Court Prosecutor or the Juvenile Division OIC in his absence of an emergency hold placed on any juvenile sent to the RITSY.
- 2. Criminal Offenders - Felonies not listed above and misdemeanors.
 - a. A juvenile may be held in secure custody when charged with an offense that would be a criminal act if committed by an adult.
 - b. Ensure that the procedures in this policy are adhered to.

RI 9.3(a)

3. Status Offenders

When a juvenile who has committed an act of non-criminal misbehavior, such as a habitual runaway, or disobedient child is taken into custody the following procedures should be followed:

RI 9.3(h)

- a. The juvenile should be monitored and held in a non-secure area away from adult offenders, such as the Report Writing Room, Roll Call, the Station Office, etc.
- b. Under no circumstances will a status offender be held in a locked facility/room or handcuffed to a fixed object.
- c. Status offenders will be released to a parent, guardian, or the Department of Children, Youth and Families (DCYF) as soon as possible, if the public safety is not threatened, the juvenile's appearance in court is assured, and the juvenile is neither in need of medical treatment nor requesting protective custody.

4. Traffic Offenders

- a. For violations under the jurisdiction of the RI Traffic Tribunal, all violations for licensed juveniles require a court hearing. In addition, the issuing officer or a Juvenile Unit detective may choose to notify the parent(s), especially if the juvenile's driving habits are endangering themselves or others.
- b. All traffic offenders under 16 years of age come under the jurisdiction of the Family Court, regardless of the nature of the offense.

- c. Misdemeanor traffic charges which are normally under the jurisdiction of the District Court for adults, i.e., violations such as suspended license, reckless driving, etc., should be transported to headquarters, issued a summons, and released to parents as soon as possible. The report will be forwarded to the Juvenile Unit which is responsible for petitioning the Family Court and any applicable summons.

5. Non-Offenders

RI 9.3(h)

- a. A juvenile who is in police custody for their protection or other non-offense reasons, while awaiting transfer to a social service treatment center or released to parent(s) or guardian.
- b. Non-offenders may be held in non-secure custody only. Police can invoke a 48-hour hold. (RIGL [40-11-5\(c\)](#)).
- c. Reports of child abuse, neglect, or abandonment will be investigated. D.C.Y.F. will be notified of such cases per law or when necessary during the investigation (RIGL [40-11-3](#)).
- d. Any child that has been abused should be checked by a licensed physician, under state statute, who may invoke a 72-hour emergency hold to protect the child under a hearing can be held. (RIGL [40-11-5\(a\)](#)).

6. Protective Custody

RI 9.3(b)

- a. In the event a child is alleged to have been harmed or to be in danger of harm, officers may take the child into protective custody without the consent of the parent(s), guardian, or others exercising temporary or permanent control over the child if: (RIGL [40-11-5](#)).
 - 1) There is probable cause to believe that because of abuse or neglect, there exists an imminent danger to the child's life or physical safety;
 - 2) The parent(s), guardian, or others exercising temporary or permanent control over the child are unavailable or do not consent to the child's removal from their custody;
 - 3) A child's parent(s) or guardian has been arrested;
 - 4) The child has accidentally become lost and as a result, the child's welfare is threatened due to loss of adult protection and supervision. Officers will notify DCYF and will release the child into their custody.

RI 9.3(i)

- b. Every reasonable effort will be made to notify the parent(s), guardian, or another person(s) exercising temporary or permanent control over the child of the placement.

RI 9.3(c)

- c. Officers will ensure that the constitutional rights of juveniles are protected.

E. CUSTODY PROCEDURES

1. Arrest for Delinquent of Wayward

RI 9.3(h)
RI 9.3(g)
RI 9.3(f)

Any juvenile taken into custody for an act, that would be a crime if committed by an adult, may be held in secure custody during processing, and while awaiting transfer to court, another agency, or release to parent(s) or guardian. (Juveniles cannot be held in secure custody for more than six (6) hours and must be kept sight and/or sound separate from adult detainees).

2. Status Offenders and Non-Offenders

Must be held until they can be safely released, in a non-secure area under constant visual contact as defined in this policy.

3. When juveniles are detained at police headquarters, regardless of arrest status or protective custody reason their detention must be documented on a Juvenile Release Form. The following information must be recorded:

- a. Case number;
- b. Age and sex of juvenile;
- c. Current address;
- d. Current/best phone numbers;
- e. Specific charge or reason detained;
- f. Detention area (secure or non-secure);
- g. Length of detention time.; and
- h. Parent or agency juvenile is released to.

RI 9.3(i)

4. Parent(s) or guardian will be notified as soon as possible when a juvenile is taken into custody.

5. The OIC will be notified whenever a juvenile is brought into headquarters on a non-voluntary basis.

6. All juveniles will be afforded due process.

RI 9.3(c)

7. All officers will ensure that the constitutional rights of the juveniles are protected.

RI 9.3(d)

8. Juveniles held for Family Court will be transferred for a hearing as soon as practical unless the juvenile requires emergency medical treatment before being transferred. If the court is not in session, authorization will be obtained from the on-call Family Court Judge and the juvenile will be transferred, without delay, to the RITSY.

RI 9.3(f)

9. **NOTE: Juveniles must be kept sight and sound separated from adult inmates.**

RI 9.3(g)

10. **NOTE: Juveniles may not be held in custody for any more than six (6) hours without the expressed authorization of a Family Court Judge. The six (6) hour time limit begins when the juvenile is placed in a secure room or cell.**

F. INTERVIEW/FORMAL STATEMENTS

RI 9.4(a)

1. Before any formal questioning, the detaining member will await the arrival of the juvenile's parent(s) or guardian.
2. Upon their arrival, both the juvenile and the parent/guardian will be read the Miranda Rights and asked to physically sign or initial each Miranda Right. This will alleviate any question as to whether the juvenile and their parent(s)/guardian were advised of these rights before questioning, thus ensuring the admissibility of any statements made by the juvenile.
 - a. If at any time during the questioning the juvenile, parent(s), or guardian requests to invoke any of their Miranda Rights, their rights will be afforded.
3. Under normal circumstances no questioning will take place, nor will formal oral or written statements be elicited, unless the juvenile's parent(s), guardian, or legal counsel is present or provides consent.
 - a. Exceptions to this section may occur, which may be recognized as admissible evidence. The totality of the circumstance must be considered for questioning. This is primarily based on the juvenile's capability to knowingly and voluntarily waive their right to consult with their parent(s) or guardian.

RI 9.4(b)

4. Interrogation of a juvenile will be limited in duration to generally less than two (2) hours. Exceptions may occur, as the scope of the investigation may require.
5. The juvenile will be provided drinking water and the use of a restroom upon request.
6. There will be no more than two (2) officers interrogating unless needed.

RI 9.4(c)

7. Explanation of the department's juvenile procedures as well as the State of Rhode Island's Juvenile Justice System will be explained to the juvenile being interviewed so that a full understanding of the process is clear.

G. PROCESSING OF JUVENILES

RI 9.3(e)
RI 15.3(b)

1. All juveniles arrested for delinquent, or wayward (misdemeanor) offenses will be fingerprinted and photographed for identification purposes.

Juvenile fingerprints will not be electronically transmitted to the Rhode Island Bureau of Criminal Identification (BCI).

2. Status offenders and non-offenders will not be photographed and fingerprinted.
3. Investigative photographs or fingerprints of a juvenile may be necessary and may be taken of the suspect juvenile regarding a particular incident under the following circumstances:
 - a. It is ordered by the Court; or
 - b. Parent(s) and juvenile consent and waive rights under law and in writing in a manner as required for interrogations in this policy.

H. JUVENILE PROGRAMS**1. Wayward Petitions**

The Woonsocket Police Department has engaged in a partnership with the Family Care Community Partnership (FCCP). If parents are unable to manage their children's behaviors and have concerns about the safety of their children or other family members:

- a. They can be referred to Norther RI FCCP (401-235-7252) or contact the Juvenile Unit and they will make the referral.
- b. If parents are still having trouble managing the behavior, FCCP will provide the necessary paperwork for a parent to file a Wayward Petition with the Juvenile Unit.

2. Juvenile Hearing Board

- a. Provides an alternative to Family Court Adjudication for first-time, non-violent offenders who have committed wayward offenses;
- b. A Juvenile Detective will serve as the liaison to the Juvenile Hearing Board and refer cases to the board as appropriate.

3. The School Resource Officers (SRO) are assigned to the schools. Duties of the SROs include but are not limited to the following:

- a. Act as a resource concerning delinquency prevention;
- b. Guide on ethical issues in a classroom setting;
- c. Provide individual counseling to students; and
- d. Explain law enforcement's role in society.

I. Annual Report

The Juvenile Unit OIC or designee shall prepare an annual report detailing the activities of the Juvenile Unit, particularly the department's diversion efforts and outcomes.

Per order,

Thomas F. Oates, III

Chief of Police

Written directives published within PowerDMS are in full force and effect on the referenced dates and have been approved by the Chief of Police