

Shared Responsibilities

The juvenile delinquency prevention efforts of the Stevensville Police Department are not limited to the activities of the individual Officers. The responsibility for participating in and supporting the juvenile operations function is shared by all components and personnel of the Stevensville Police Department. All Officers should be familiar with methods and procedures for addressing both criminal and noncriminal problems involving juveniles.

The Supervisor should determine the following information involving a juvenile offender:

- When the crime took place
- Where the crime took place
- If an Officer can proceed within the scope of their responsibility

An investigative unit should be considered for the following:

- Juvenile death investigation
- Juvenile rape within 72 hours of occurrence
- sex offenses
- Request by Social Services

If a Supervisor determines that an investigative unit should be used, he/she should contact the Chief of Police.

Responsibility of Officers Concerning Juveniles

Responsibilities of the Officer include:

- Conducting initial investigations or follow-up investigations involving juvenile offenders
- Assisting Officers in cases involving juvenile offenders, victims, or suspects
- Serving as liaison with other agencies and organizations interested in juvenile matters

Evaluation of Juvenile Programs and Policies

The Chief of Police or a designee shall conduct an annual evaluation of juvenile enforcement and prevention programs. Quantitative and qualitative elements of such plans will be assessed to determine if a particular program should be continued, modified or discontinued.

This agency encourages review and comment by other elements of the juvenile justice system.

Juvenile Justice System elements shall be given the opportunity to review and comment during the development or revision of Stevensville Police Department policies and procedures relating to juvenile operations.

22.2.1 SELECTION OF REASONABLE ALTERNATIVES

CALEA Standard: 44.2.1

Officers dealing with juvenile offenders shall use the least forceful of available alternatives, consistent with preserving public safety, order, and individual liberty.

When taking a juvenile into temporary custody, Officers should select the least restrictive course of action appropriate to the situation and needs of the juvenile from the following alternatives:

- Divert the juvenile from the court by release to parent or guardian with no further action
- Divert the juvenile from the court by counsel and release to parent or guardian
- Divert the juvenile from the court by referral to community resources
- Release the juvenile to a parent or guardian and later seek direction from the County Attorney
- After consideration of the seriousness of the offense, circumstances, and previous history, the Officer may choose to charge the juvenile offender.

When determining the course of action to be taken with juvenile offenders, Officers should consider the following factors:

- Nature of the alleged offense
- Age and circumstances of the offender
- Offender's record, (including school records)
- Availability of community-based programs
- Needs and limitations of the juvenile
- Strengths and weaknesses of the family
- Concerns of any victims or complainants

Criteria Governing County Attorney Consultation of Juvenile Offenders

In instances where Juveniles commit offenses in the following categories, the County Attorney's Office may be contacted for guidance:

- Delinquent acts that would be felonies if committed by an adult
- All offenses with sexual motives
- Criminal acts involving weapons
- Serious gang-related delinquent acts

- Delinquent acts involving aggravated assaults
- Delinquent acts committed by juveniles under probation or parole or by those with a case pending
- Repeated delinquent acts within a 12-month period
- Other situations as determined necessary; such as, juveniles who have been selected for a diversion program, but have refused to participate and cases in which it has been determined that parental supervision is not effective.

Procedures for Release or Referral of Juvenile Cases

Juveniles in the custody of Stevensville Police Department personnel shall only be released to a parent, guardian, or other appropriate authority. Departmental referrals for juvenile cases may include, when appropriate:

- Warnings
- Informal referrals
- Consulting with parents or guardians
- Arranging for corrective actions by parents

Issuing Written Citations to Juvenile Offenders

When a juvenile (an individual under 18 years of age) commits a misdemeanor or infraction, the Officer shall indicate on the citation that a parent will be brought to court with the juvenile.

A juvenile taken into temporary custody shall not be held for more than four hours.

22.2.2 TAKING A JUVENILE INTO CUSTODY

CALEA Standard: 44.2.2, 82.1.2

In-custody Procedures

Officers taking a juvenile into custody shall:

- Ensure that the constitutional rights of the juvenile are protected
- Transport the juvenile to an appropriate juvenile intake facility without delay (unless the juvenile is in need of emergency medical treatment)
- Notify the juvenile’s parents or guardians that the juvenile has been taken into custody
- When appropriate, conduct an interview with the parents or guardians to seek insight into the juvenile’s behavior
- Examine all factors to determine the most appropriate solution to the case

Procedures for Processing Juveniles for Identification

An order issued by a juvenile court directing the apprehension of a child shall have the same force and effect as a felony warrant. Once the decision is made to take the child into custody, the Officer must either:

- Without unnecessary delay and without taking the child to any place other than a juvenile processing center.
- The person taking the child into custody shall promptly give notice of his action and a statement of the reason for taking the child into custody to:
 - The child's parent, guardian or custodian; and
- Take the child to a designated processing office for the following express purposes:
 - The completion of essential forms and records required by the juvenile court;
 - The photographing and fingerprinting of the child if otherwise authorized at the time of temporary detention;
 - The issuance of warnings to the child as required or permitted or
 - The receipt of a statement by the child.

A child may not be left unattended in a juvenile processing center/office. Upon arrival of the child's parents, guardian, custodian or attorney at the juvenile processing center/office, the child is entitled to be accompanied by that person, the child's parent, guardian, or other custodian or by the child's attorney, until released from the juvenile processing center/office.

Fingerprinting and Photographs

Any child may be fingerprinted or photographed by law enforcement officer when necessary for the investigation of an offense. Fingerprints or photographs taken under these circumstances will be destroyed unless the comparison is positive.

For purposes of this section, videotaping shall be considered the same as photograph.

If a petition is not filed or the petition is dismissed in court, the fingerprint or photograph must be destroyed.

A child in custody for delinquent conduct whose identity is unknown to law enforcement authorities may be fingerprinted or photographed solely for the purpose of identification and only after other reasonable efforts to identify the child have been made.

Fingerprinting and photographs maintained by law enforcement agencies pursuant to the missing child prevention and identification program shall not be utilized in any manner other than to assist in the location of a missing child.

Physical Line-up regardless of age

A child may appear in a physical line-up for the purposes of an identification subject to the following:

- If the child has an attorney or a petition is pending, and the child is in detention, a juvenile court judge must be contacted prior to the child's appearance in a line-up.
- If the child is on probation or a petition is pending, and the child is in detention, a juvenile court judge must be contacted prior to the child's appearance in a line-up.
- If the child, prior to appearing in a line-up requests an attorney, the juvenile court judge must be contacted for instructions.
- The line-up must not take place in a juvenile probation department facility.
- Under no circumstances shall any participant in a line-up be an adult offender

Juvenile Charged with Offense

A juvenile may be referred to Montana Juvenile Probation only if there is probable cause to believe that the child engaged in delinquent conduct or conduct indicating a need for criminal violation.

Each referral to the Montana Juvenile Probation must be made with a complete offense report and a face sheet filled out on each child. If there are multiple co-actors involved in an offense, each child must have his own offense report when referred to the juvenile probation department.

- The following types of cases should not be forwarded to the Juvenile Probation Department:
- Cases where the law enforcement agency is of the opinion that there is insufficient evidence
- Cases where the investigation is incomplete or the juvenile suspect is still wanted or
- Where the case is unfounded

22.2.3 PROCEDURES FOR CUSTODIAL INTERVIEWS

CALEA Standard: 44.2.3

Officers interviewing a juvenile shall ensure that the parents or guardians of the juvenile are notified of the reason for the interviewing. Prior to questioning, Officers interviewing a juvenile under 18 years of age shall ensure that the juvenile is advised of his/her Miranda. At the minimum, a recording device will be used for the entire interview process and the recording will be continued without interruption through the period of time that the juvenile is processed.

Interviews of juveniles:

- must comply with the 4-hour time frame
- Involve no more than two Officers in the actual interview of a juvenile
- Be conducted in a reasonable manner and not cause undue stress for the juvenile
- If feasible, are recorded electronically visually and through audio. However, at a minimum, an audio recording shall be done

22.2.4 SCHOOL LIAISON PROGRAM

CALEA Standard: 44.2.4

The Stevensville Police Department will establish and maintain a school liaison program, if funding allows. Responsibilities within the school programs include:

- Acting as resources with respect to delinquency prevention
- Providing guidance on ethical issues in a classroom setting
- Providing individual counseling and/or mentoring to students
- Explaining the law enforcement role in society
- Providing Instruction as a component of Community Policing

22.2.5 COMMUNITY RECREATIONAL YOUTH PROGRAM

CALEA Standard: 44.2.5

The Stevensville Police Department supports the philosophy on law enforcement interaction with youth and encourages all of its employees to participate in community recreational youth programs.