

JUVENILE PROCEDURES

PURPOSE: To outline methods of handling contacts with juveniles. To respect family autonomy and minimize coercive state intervention, officers dealing with juveniles are encouraged to use the least coercive among reasonable alternatives, consistent with preserving public safety, order and individual liberty.

POLICY: The police role in juvenile justice should be responsive to community needs. Department employees should function in both an enforcement and prevention capacity, emphasizing neither role at the expense of the other. The highest priority is the best interest of the youth, providing however that the safety of the community is not endangered. Police contacts with young people require the exercise of tact, understanding, and adherence with legal principles.

DEFINITIONS:

- I. MINOR: A person under the age of eighteen (18) years.
- II. ADULT: A person eighteen (18) years of age or older.
- III. ABUSED MINOR: Any minor under eighteen (18) years of age whose parents or immediate family member, person responsible for the minor's welfare, person who is in the same family or household as a minor, individual residing in the same home as the minor, or a paramour of the minor's parent:
 - 1. Inflicts, causes to be inflicted, or allows to be inflicted upon such minor physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of bodily functions.
 - 2. Creates a substantial risk of physical injury to such minor by other than accidental means that would be likely to cause death, physical disfigurement impairment of emotional health, or loss or impairment of any bodily function.
 - 3. Commits or allows to be committed any sex offense against such minor, as such sex offenses are defined in State law, and extending those definitions of sex offenses to include minors under eighteen (18) years of age.
 - 4. Commits or allows to be committed an act or acts of torture upon such minor.
 - 5. Inflicts excessive corporal punishment.
 - 6. Whose environment is injurious to his welfare.
- IV. DELINQUENT MINOR: Any minor who prior to his eighteenth (18th) birthday has violated or attempted to violate, regardless of where the act occurred, any federal, state, or municipal law or ordinance.
- V. DETENTION OF MINORS: Except for minors accused of violations of an order of the court, any minor accused of any act under Federal law, State law or a municipal ordinance that would not be illegal if committed by an adult, cannot be placed in a holding facility, municipal lockup, detention center or secure correctional facility.
- VI. NEGLECTED MINOR: Any minor under Eighteen (18) years of age who is not receiving the proper or necessary support, education as required by law, medical or other remedial care recognized under State law as necessary for a minor's well-being, including adequate food, clothing

and shelter, who is abandoned by his parents or other person responsible for the minor's welfare, except that a minor will not be considered neglected for the sole reason that the minor's parent or other person responsible for the minor's welfare has left the minor in the care of an adult relative or responsible individual for any period of time; or

1. Any minor under eighteen (18) years of age whose environment is injurious to his or her welfare; or
2. Any newborn infant whose blood or urine contains any amount of a controlled substance.
3. Any minor whose parent or other person responsible for the minor's welfare leaves the minor without supervision for an unreasonable period of time without regard for the mental or physical health, safety, or welfare of that minor.

VII. DEPARTMENT OF HUMAN SERVICES (DHS): The DHS Division of Children and Family Services is the state agency with primary social service responsibility in all cases of physical abuse where the victim is younger than eighteen (18) years of age and sex crime cases involving offenders younger than ten (10). In these cases the Department of Human Services will assess the situation and take appropriate measures to provide for the immediate safety of the child. DHS is responsible for determining if the juvenile may be returned home or placed in appropriate custody.

VIII. ARKANSAS STATE POLICE CRIMES AGAINST CHILDREN DIVISION (CACD): This division of the State Police receives and processes reports of child maltreatment. CACD is responsible for sex crimes involving offenders age ten (10) and older and all physical abuse cases with injury to the head or death cases. The center is staffed by a team of specially trained personnel and will launch an investigation of the reports that meet the criteria of state and federal statutes.

IX. PULASKI COUNTY JUVENILE COURT: Located at the Pulaski County Juvenile Justice Center, where all Pulaski County juvenile cases are processed and tried. A detention facility located at the Pulaski County Juvenile Justice Center is used to house juvenile offenders who are charged on the juvenile docket.

PROCEDURE:

I. PROCEDURES/ADMINISTRATION

- A. All employees of the Jacksonville Police Department are committed to participation and support of the juvenile operations of the Department.
- B. The Criminal Investigations Division (CID) and the School Resource Unit are responsible for the investigation of offenses committed against juveniles (including family offenses), offenses committed in public schools, or child care facilities in which a juvenile is a suspect or a victim, juvenile runaways, and missing persons.

II. DELINQUENT MINOR

- A. When involved with juveniles, officers must remember that the same degree of probable cause is necessary to arrest a juvenile, and the same degree of proof is required to convict a juvenile as is necessary to arrest and convict an adult. (10.02)
- B. An officer may take a juvenile into custody if there is probable cause to believe the juvenile has committed a status offense (i.e. runaway, truancy, etc.) The parent should be advised to contact the Juvenile Justice Center in reference to filing a FINS (Family In Need of Services) petition. If a parent cannot be contacted, alternate arrangements such as placement with the Department of Child and Family Services (DCFS) or Consolidated Youth Services should be made. A FINS petition is also a course of action available if a child under ten (10) violates the law.