

Hamden Police Department General Orders

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Section: Juvenile Matters

Rescinds: March 31, 2013

Title: Handling of Juvenile Offenders

Approved By: Police Commission

Approval Date: TBD

PURPOSE

To establish methods and procedural guidelines for members of the Hamden Police Department to follow in handling juvenile matters.

POLICY

The Hamden Police Department is committed to developing and implementing procedures for the handling of children and youth and to the development and perpetuation of programs designed to prevent and control juvenile delinquency. The Department recognizes that the effective police response to incidents involving children and youth requires an awareness and understanding of the specific needs of those children and youth as well as the law as it relates to juvenile matters. All members of the Hamden Police Department share the responsibility for supporting the juvenile operations function.

DEFINITIONS

Delinquent act:

The violation by a person prior to their 16th birthday of

- a) any federal or state law except sections 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a including infractions
- b) any municipal or local ordinance, other than an ordinance regulating the behavior of a child in a family with services needs
- c) any order from a court in a delinquency proceeding
- d) the failure to appear for any hearing in a delinquency proceeding
- e) the violation of any condition of juvenile probation

The violation by an emancipated person age 16 or 17 of

- a) any federal or state law other than
 - i) an infraction other than the possession of drug paraphernalia for use with under ½ ounce of marijuana (see CGS 21a-267d)
 - ii) a violation other than under ½ ounce of marijuana (see 21a-279a)
 - iii) a motor vehicle offence under title 14
 - iv) any municipal or local ordinance
 - v) sections 51-164r, 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a
- b) the failure to appear for a hearing in any delinquency proceeding
- c) a violation of any order of a Superior Court in a delinquency proceeding
- d) the violation of any condition of juvenile probation supervision, with or without residential placement

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Serious Juvenile Offense (SJO): the violation of, including attempt or conspiracy to violate one of the specific offenses on the list of serious juvenile offenses by a person prior to their 18th birthday.

Youthful Offenders: persons under 18 whom:

- A) are charged in the adult court with crimes which are not Class A felonies or a violation of sections 14-222a, 14-224(a), 14-224(b)(1)(a), 14-227a, 14-227g, 14-227m or 14-227n(a)(1) or (2), 53a-21a(2), 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, except a violation involving consensual sexual intercourse or sexual contact between the youth and another person who is 13 years of age or older but under 16 years of age and
- B) whom have not been previously convicted of a felon in the adult court or adjudicated a serious juvenile offender in the juvenile court. This would include an emancipated 16 or 17 years old. While they are not juveniles, and their cases are handled in the adult court, they are presumed youthful offenders until the court orders otherwise. All records in their cases must be kept confidential.

PROCEDURES

A. Factors to consider in handling Juvenile Offenders.

Use of Adult procedures - When handling juvenile offenders the officer should follow the Departments guidelines in the areas of investigative detentions and techniques, pat downs / in-custody searches, identification procedures and use of force. If the child is to be arrested and taken into custody, the same warrant requirements used in an adult case apply. In order to take a child into custody after the act, a warrant should be obtained as in adult cases unless one of the exceptions to the warrant requirement exists (i.e. speedy information, on sight violation, exigent circumstances, etc.); said exceptions also apply in juvenile cases. At the time of warrant application, the officer should indicate whether the officer seeks to place the child into a detention center upon arrest or release the child to an adult with a summons and the reason for the decision. If detention is authorized the judge should be asked to check the box on the warrant indicating that the child is not to be released prior to a hearing. The apprehension of the juvenile is the same as an adult where the officer is entitled to use reasonable force to affect the arrest, prevent escape, protect the officer or others, etc. Once arrested a child charged with any crime may be required to submit to the taking of fingerprints, photo and description.

1. Factors to consider - Officers have numerous options available when handling juvenile cases. It is critical to document what action was taken. In choosing what action to take the officer should consider:
 - a. The nature of the offense.
 - b. The age of the offender.
 - c. Past involvement with the Department.
 - d. The attitude of both the parent and juvenile toward the offense and toward the action to be taken.
 - e. The availability of community based programs for the offender.
 - f. If the alternative picked will likely prevent future delinquent behavior.
 - g. Any recommendations on the juvenile from other agencies or professionals involved.

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2. Some options that may be available (dependent on circumstances):
 - a. Verbal warning and release.
 - b. Conference between the child, parents, teachers and / or other professionals.
 - c. Referral to a juvenile review board
 - d. Referral to youth services
 - e. Non-custodial referral to court
 - f. Custodial referral to court
 - g. Committal to a juvenile detention center which may require seeking a warrant or a Take into Custody court order
- B. Non-custodial referrals.
1. Notify both the juvenile and the parent/legal guardian of the referral (charges, court date, details, etc.).
 2. Release the juvenile to his parent(s), legal guardian or other suitable agency or person. Any time a child is released from police custody to another person, the officer must be certain of the identity of the person taking custody of the child from the officer by ensuring positive identification. If the child is released to someone other than the parent or guardian, the parent or guardian should be contacted and made aware of the referral.
 3. Fill out Juvenile referral form and attach a copy of the incident report to it.
 - a. The juvenile shall be referred to the Superior Court of Juvenile Matters that serves the juvenile's town of residence. The date on the referral should be the date the particular court is in session and should be no more than five or more than ten business days from the date the summons is served, the time on the referral should be 0900 hours.
 - b. A parent or guardian must sign the referral. If the parent or guardian refuses to sign or they are not available, the identity of the person accepting custody of the child should be verified and noted in the report as should any refusal.
 - c. Give a copy of the referral to the youth and a copy to the parent or guardian.
 4. Forward the report and referral to the Special Victims Unit.
 5. The Special Victims Unit will make notification to the superintendent of schools when mandated. Police are required to report the arrest of any enrolled student between the ages of seven (7) and twenty-one (21) years of age who is arrested for a felony, class A misdemeanor or a violation of CGS 53-206c - Sale, Carry or Brandishing of Facsimile Firearms. Such notification shall be made orally no later than the end of the weekday following the arrest to the Superintendent of Schools where the student attends or resides informing the Superintendent of the identity and offense. Within seventy-two (72) hours, written notification shall be made including a brief description of the incident.
 6. A child at any age may be released to his/her own custody but this option should only be used in appropriate situations. An example may be when a 16 year old is being charged with juvenile and adult charges at the same time as a result of the same incident and they are released on a bond on the adult incident. Child safety and officer liability issues should always be considered when making this decision.
 7. If applicable, the Special Victims Unit will work with the appropriate agency to determine if referral to a diversionary program would be beneficial (such as a juvenile review board).

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Note: The court of proper jurisdiction (adult or juvenile) is determined by the specific charge alleged and the child's age and law that was in effect on the date the offense occurred, except for those acts that are specifically excluded from juvenile court jurisdiction when committed by a 16 or 17 year old, such as infractions (other than the possession of drug paraphernalia for use under ½ ounce of marijuana), violations (other than the possession of under ½ ounce of marijuana), title 14 motor vehicle offenses, municipal and local ordinances and failure to pay or plead when charged with an infraction, or the failure to appear, violation of court order or probation associated with an adult court case. Note that CGS 30-89(b) provides immunity for a minor in possession of alcohol when (1) they are the first person making a 911 call to police requesting medical assistance for another to prevent death or serious injury, (2) provides their name and other relevant information requested and (3) remains at the scene and fully cooperates with personnel at the scene.

C. Custodial referral to court.

1. Juveniles shall be kept separate by sight and sound from adult detainees and will be monitored at all times while in custody.
2. If it appears a delinquent child will be held in custody for more than 6 hours, transfer to a detention center should be contemplated unless already the subject of a Take into Custody Order (before any child can be brought to a detention center, an arrest warrant or an order to detain signed by a judge must be obtained).
3. A child charged with a delinquent act shall be brought before the court not later than five business days after the arrest. If the child is arrested for a firearms offense or a motor vehicle offense: The court date shall be scheduled for the next business day following the date of the child's arrest (46b-133(d)).
4. Photographs and fingerprints.
 - a. All juveniles who have been charged and taken into custody should be fingerprinted and photographed.
 - b. All photographs and fingerprints should be kept confidential, separate and marked "juvenile".
5. If applicable, the Special Victims Unit will work with the appropriate agency to determine if referral to a diversionary program would be beneficial (such as a juvenile review board).

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D. Secured holding of juveniles in Department custody.

1. Only juveniles who have been charged with delinquent offenses can be held in secured areas.
2. Secured areas are, but not limited to:
 - a. Juvenile cell block.
 - b. Lockable rooms whether locked or not.
3. Juveniles must be detained in areas that are separate by both sound and sight from adult detainees.
4. Juveniles are to be monitored at all times while being detained.
5. No child may be held in a secured area for period exceeding 6 hours or 8 hours when an officer has submitted an application for an order of detention that has not been ruled on, or if the officer has been unable to contact a parent or guardian (46b-133e)
6. Whenever a person under the age of 18 years is held in a secure area for any length of time it must be noted in the prisoner data management computer module and entered into the juvenile log book in lockup by an arresting officer and then signed by the on duty supervisor.

E. Parental notification.

1. In all cases where the juvenile is brought to H.Q. the officer must notify the parent or legal guardian of the following information:
 - a. The whereabouts of the juvenile.
 - b. The nature of the charges.
 - c. The planned action to be taken by the officer.

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F. Interviews and interrogations of juveniles.

Juveniles have all the same constitutional rights as adult suspects and must be advised of their "Miranda Rights" however they apply whether the child suspect is in custody or not or being interrogated or not. For any admission, confession or statement of a child under the age of 16, whether written or oral, made to a police officer or juvenile court official, to be admissible in court in any proceeding concerning the delinquency of the child making the statement, the following must be complied with:

1. A parent or legal guardian of the child must be present at the time the admission, confession or statement was made of a juvenile in custody.
2. The parent or legal guardian and the juvenile must all be advised of the juvenile's rights, that is the right to counsel, the right to have counsel appointed if unable to afford one, the child's right to refuse to make any statement and that any statement made may be introduced into evidence against the child including any adult court if the case is transferred.
3. A written waiver form must be obtained from the juvenile and the parent/legal guardian.
4. If a parent or legal guardian is not present or the juvenile invokes his rights no questioning is to take place.
5. The above requirements need not be met with juveniles that are victims or witnesses.

For a 16 or 17 year old, the rules applicable to interviews are different. In addition to the "Miranda Rights", for an admission, confession or statement by a 16 or 17 year old to a police officer or juvenile court official to be admissible in court in any proceeding concerning the delinquency of the child making the statement, the following must be complied with:

1. The police or juvenile court official has made reasonable efforts to contact a parent or guardian of the child and those efforts be documented in the report, and
2. Such child has been advised that the child has the right to contact a parent or guardian and to have them present during any interview, that the child has the right to counsel or if unable to afford counsel have one appointed, that the child has the right to refuse to make any statement and that any statement made may be introduced into evidence against them even if their case is transferred to adult court.

Note: The validity of the waiver of these rights and thereby the admissibility will be determined by the court considering the totality of circumstances. The court will consider the child's age, experience, education, background and intelligence; the capacity of the child to understand the rights and any consequences; the opportunity the child had to speak with someone and the circumstances surrounding any statements; when and where the statements took place; the reasons police proceeded without a parent or guardian and efforts made by police to contact them. Before accepting such waiver, police should be confident that they can testify as to why they believed the child knew and understood his/her rights.

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G. Transfer to a juvenile detention facility

1. Upon completion of the arrest process, under certain circumstances the juvenile may be transferred to a juvenile detention center.
2. The juvenile may be transferred to a juvenile detention center when:
 - a. The alleged act is a crime and/or "serious juvenile offense" as defined by C.G.S. 46b-120 and the Officer determined the detention of the child is necessary and appropriate, efforts to make other arrangements for the placement of the child have not succeeded and subsequently obtains an arrest warrant or an Order to Detain / Take into Custody Order signed by a judge of the Superior Court who mandates detention or
 - b. The offender is the subject of an active arrest warrant or Take into Custody Order signed by a judge of the Superior Court who has mandated detention.
 - c. When police take a child into custody and seek an order to detain they will contact the Juvenile Probation Supervisor in their jurisdiction to obtain juvenile and adult court case information. Police will complete the top section of form JD-JM-218, email it to the Juvenile Probation office who will complete the bottom section and return it to police.
 - d. When requesting such information on evenings, weekends and holidays the police will contact the Juvenile Detention/Residential Center (Bridgeport 203-579-6548 / Hartford 860-244-7961) who will provide the form to the on call Juvenile Probation Officer.
 - e. The completed form will be presented to the judge with the Order to Detain affidavit. If the judge authorizes detention, the judge should be asked to check the box indicating the child not be released prior to a hearing.
 - f. The only grounds for which a child may be placed in a juvenile detention center are:
 - i. Probable cause to believe that the level of risk that the child poses to public safety if released to the community prior to the court hearing or disposition cannot be managed in a less restrictive setting
 - ii. A need to hold the child in order to ensure the child's appearance before the court or compliance with the court process
 - iii. A need to hold the child for another jurisdiction.

Note: Reason to believe the child will run away prior to the court hearing or that the child may commit other offenses injurious to the child or leaving the child at home possesses a risk to the child due to the serious and dangerous nature of the offenses he/she is alleged to have committed or because the child has violated one or more conditions of their release, unless the violation is the commission of a new crime, are no longer reasons to place the child in detention. When a request is made for an Order to Detain because there is concern that the child will run away or commit offenses that may be injurious to the child, the officer should point out to the judge that a child on the run is likely to commit crimes posing a risk to public safety, such as a robbery, burglary or larceny in order to survive. If the child is likely to engage in gang activity, prostitution or substance abuse which are injurious to the child but not necessarily to the general public, it should be pointed out that activities and conduct of gangs, pimps, traffickers and drug dealers are generally known to pose a risk to public safety through the use of weapons and violence.

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3. Prior to the transfer to a juvenile detention center the following will be completed:
 - a. Make contact with the detention facility to inform them of the order and transport.
 - b. Prepare a juvenile referral form and attach the police report describing the offense. The police report **MUST** be signed and sworn to.
 - c. A copy of the signed order authorizing the detention of the child is now required to be presented with the child along with the referral and police report.
 - d. The police must make an attempt to notify the parents of their decision to detain the child and document in the police report.
 - e. Any child who is injured, under the influence of alcohol or drugs, or needs medical or psychiatric treatment should not be brought to detention unless and until the medical attention is received.
 - f. Since an order is required to place the child into detention, it is no longer necessary to ask a judge to make a separate finding of probable cause on a weekend or holiday (probable cause has already been established if an order was obtained).

4. After all proper paperwork has been completed and the authorization to detain secured the juvenile offender will be transported to the detention facilities located at 60 Housatonic Ave. Bridgeport, CT 06604. Telephone number (203) 579-3671. Once a child is admitted to a detention center, the responsibility of the police officer for custody of the child ends. Alternatively the Hartford Juvenile Detention Center is located at 920 Broad St, Hartford, CT (860) 244-7985.

H. Referrals to other agencies.

1. Arrested Juveniles who are under the influence of drugs or alcohol or need medical attention that cannot be taken to detention because a judge will not authorize it can either be:
 - a. Released to the parent or guardian after a juvenile referral and any other required paperwork is completed, or
 - b. Transported to either Yale New Haven Hospital at St Raphael's campus or Yale New Haven Hospital York St.
 - c. Supervisors shall make decisions regarding release of the juvenile or retaining custody based on law.

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I. Children from Families with Service Needs (FWSN)

Definition - A Family with Service Need is one which includes a youth under the age of 18 years who has engaged in non-delinquent conduct who:

1. Has run away from his/her home or residence without just cause.
2. Is beyond the control of his/her parents or guardians.
3. Has engaged in indecent, immoral behavior or prohibited sexual behavior.
4. Has been continuously truant from school or while in school disregards rules and regulations

Officers involved with FWSN child should try and locate the child and if located should notify the parents or legal guardian of the child's location. Families with Service Needs offenses have been removed from the Court's Jurisdiction. Families involved in FWSN incidents should be referred to local Youth Service Bureaus (a list of guides and forms can be found at <https://www.ctyouthservices.org/Division/Important-Documents>).

Officers may consider the following options in dealing with FWSN children:

1. The child may be brought home or to another suitable residence. An officer should not attempt to take custody of a runaway person under 18 to return them home unless the person is in an environment that endangers their health, safety or welfare.
2. If the parent does not want the child home DCF must be notified at 860-550-6550 Police use only.
3. The child may be held in protective custody for a maximum of 12 hours with or without the child's consent. If this is the option at no time is the child to be held in a secure area or be handcuffed to a rail or stationary object and must be under constant observation at all times.
4. The child may be released without further action. They should not be released into their own custody but in some cases this might be necessary.
5. The child and/or family may be referred to an appropriate public or private agency serving children with or without the agreement of the child. The child can be forced to go but not forced to stay. If the parent or legal guardian refuses to allow the child to come home or refuses permission for alternative housing, the child should be reported to the Department of Children and Families.

A child that has engaged in non-delinquent misconduct cannot be brought to a juvenile detention center. No non-delinquent juvenile runaway from another state may be held in a state operated detention home but instead taken into custody and presented before the Juvenile Court, or, placed in a staff secure Community Residential Program if a Superior Court Judge signs an Interstate Compact For Juvenile Take Into Custody Application and Order Non-Delinquent Runaway form. When dealing with such runaways, the DCF Hotline should be contacted. The Deputy Compact Administrator for the CT Interstate Compact on Juveniles can be contacted at 860-368-3891.

The officer who provides assistance to FWSN children and their families is immune from liability to such child and family for civil damages for any personal injuries that result from the voluntary termination of services by the child or family (CGS 46b-149b).

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J. Child Abuse and Neglect.

Unlike other juvenile laws, the child abuse and neglect statutes apply to all un-emancipated children and youths under the age of 18.

- a. Neglected Child – an un-emancipated person under the age of 18 who has been abandoned OR denied proper care and attention, physically, educationally, emotionally or morally OR permitted to live under conditions, circumstances or associations injurious to the well-being of the child or youth.
- b. Abused Child - an un-emancipated person under the age of 18 who has been inflicted with physical injury or injuries other than by accidental means OR has injuries that are at variance with the history given of them OR is in a condition that is the result of maltreatment such as but not limited to malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment.
- c. Uncared for child - an un-emancipated person under the age of 18 who is homeless or whose home cannot provide the specialized care that the physical, emotional or mental condition of the child requires or who has been identified as a victim of trafficking as defined in CGS 46a-170 (also see CGS 46b-120(6)).
- d. Termination of parental rights – the severance of a parent's legal rights with respect to a child under 18 years of age.
- e. Emancipation of minors – a court order conferring adult status upon a child between ages 16 and 18. Such an order permits a child to assume most of the responsibilities of adults, age 18 to 21 and relieves the parents of most of their obligations owed to their minor child. Police will handle an emancipated 16 or 17 year old the same as a person over the age of 18.

Responsibility of reporting incidents:

1. When officers have a reasonable cause to believe that an un-emancipated person under the age of 18 has been abused or neglected, has received non-accidental physical injury or injury which is at variance with the history given of such injury or is placed at imminent risk of serious harm, the officer MUST immediately telephone the DCF CARELINE at 800 842-2288 or for Police use only 860-550-6550.
2. A written report must follow within 72 hours. This will be done on the Suspect Child Abuse/Neglect form.
3. DCF will also report to the police any reports of serious physical abuse or sexual abuse.
4. If a police officer is also a school employee (see CGS 53a-65) they are also required to report to DCF if they have reasonable cause to suspect or believe that a student being educated by the technical high school system or local or regional board of education other than an adult education program, is a victim of section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b, 53a-73a and the perpetrator is a school employee. A reporters suspicion or belief may be based on factors including but not limited to observations, allegations, facts, or statements by the child, victim or third party and do not require certainty or probable cause. NOTE: Since the minimum age for an arrest for prostitution is now 18, police no longer need to notify DCF of such arrest.
5. The report must be made as soon as practicable but not later than twelve hours by telephone, electronically or in person. A written or electronic report (DCF-136 form) must be provided to DCF within 48 hours of making the oral report. Any officer who fails to make a timely report may be criminally charged.
6. If a law enforcement agency receives an oral report, it shall immediately notify DCF.

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7. If more than one mandated reporter discuss a possible abuse or neglect situation, each person must notify DCF unless each person is positive that one or the other mandated reporter will notify DCF and mention the others by name. When in doubt a report should be made even if more than one person makes the report.
8. If DCF receives a report of child sexual abuse, it will notify the appropriate law enforcement agency within 12 hours of receipt of such report. Such reports might include a report that:
 - a. A child has died
 - b. A child has been sexually assaulted
 - c. A child has suffered brain damage or loss or serious impairment of a bodily function or organ
 - d. A child has been sexually exploited
 - e. A child has suffered serious nonaccidental physical injury

Investigation of cases of suspected child abuse

1. When the department is investigating cases of child abuse they should check with the Department of Children and Families to see if other reports have been made in the past. This can be done by calling the CARELINE.

Removal of abused children.

1. The Commissioner of the Department of Children and Families or his/her designee and/or the Courts may, after investigation, authorize to take temporary custody of a child.
2. At this point the Department of Children and Families / Court may authorize the police to remove the child from the home without parental consent.
3. The officer should try and accomplish this in the least aggressive manner possible.

K. Missing Children reports.

1. Officers receiving reports of missing children under the age of 18 years will accept the report and will attempt to obtain a photo of the child, then inform Communications of the required facts. The officer and / or Communications will then notify all on duty personnel and other area law enforcement agencies as necessary of the missing child report. In addition, Communications will issue a Silver Alert.
2. When a report of a missing child is received, missing person information will be entered into the COLLECT system. The dispatcher will complete a Silver Alert report with the Department of Public Safety. When the child is located, the Silver Alert and missing person type should be cancelled from the COLLECT system.
 - a. For probable abductions or life-threatening situations refer to Section 12 Number 2, Amber Alert Plan, of this policy book for procedures.
3. Officers are encouraged to use the 24-hour National Missing Children Hotline 1-800-843-5678 to obtain information on missing children. The national registry is now in operation to coordinate information and resources related to the reporting and locating of missing children.
4. Missing person reports / copies are to be forwarded to Records, Communications and the Special Victims Unit who will follow up. In addition to a missing person form report, an actual police report detailing circumstances and actions is required to be completed by the officer taking the complaint.

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L. Record Keeping and Confidentiality

Documentation.

1. It is of the utmost importance that all contacts with juveniles be documented. This is not only for the protection of the child but also of the officer and Department.
2. This will be done in the CAD / report management system and the Juvenile detention log if applicable.

Confidentiality.

1. Police personnel may be allowed access to juvenile records as needed. All other inquiries from non-police personnel should be referred to the court.
2. All juvenile records are confidential and can only be released by the court.
3. All records on juvenile matters will be marked and / or segregated as Juvenile.
4. All juvenile records will be segregated from adult records.
5. From time to time the Department will receive notices of erasures from the court. All records concerning juveniles, FWSN cases and / or youthful offenders will be erased accordingly. This includes all references to the juvenile charges, including arrest, complaint, referrals and reports, must be removed from all agency files. Said records can be erased by operation of law unless ordered physically destroyed. Persons in charge of said records may not disclose any information about an erased record to anyone. If there were adult charges arising out of the same incident, that information is not affected by the order to erase the juvenile records.

M. Domestic Violence Cases

1. Due to a change in the definition of "family violence crime", the domestic violence procedures and mandates, such as mandatory arrest, next day court appearance and the setting of conditions of release, do not apply to juveniles (PA 11-157). If there is evidence of physical injury or the threat that it may occur, an arrest should be made and an alternative placement or the detention of the juvenile should be pursued.
2. Officers are still required to submit a Family Violence Offense Report (DPS-230-C) whether the offender is a child or adult and whether an arrest is made or not.

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N. Police Activity on School Grounds.

Entering onto school grounds:

1. Entering onto school grounds during class may present a potential disruption to the school.
2. The officer should consider the above fact before entering the school and base their decision on:
 - a. Potential danger to persons.
 - b. The destruction of evidence or other property.
 - c. If the investigation, arrest or search could be done elsewhere.
 - d. The seriousness of alleged charges and potential for future violence to officers and the public if not apprehended immediately.
3. Except in emergencies, the officers should coordinate with the school resource officer and / or school administration before entering the school.
4. At times, schools may request police presence due to events such as sports, graduations, presentations, etc. where coordination as outlined above does not necessarily apply.

Student Interviews and Interrogations:

1. When questioning witness or victims the officer should have a school administrator present however it is not mandated.
2. If the student to be questioned is a suspect, the parent or legal guardian **MUST** be present during the questioning.
3. The parent and / or legal guardian and the student both must be advised of the student's Miranda rights before questioning and sign the proper waiver forms.

Taking a student into custody:

1. Students must not be removed from the school unless they are under arrest or the officer has obtained the consent of the parent / legal guardian and the student.
2. Efforts should be made not to effect the arrest on school grounds; however, the nature of the incident facts and alleged charges should be considered in making this decision. Serious charges, felony charges, the potential for flight, the potential for violence and / or harm to students and faculty or the potential for future harm and / or violence to officers or the public if the student is not taken into custody at that time are all examples of circumstances that should be weighed when considering an arrest on school grounds.

O. SERIOUS JUVENILE OFFENSES (SJO)

The violation of, including attempt or conspiracy to violate one of the specific offenses on the list of serious juvenile offenses, by a person prior to his / her 18th birthday. A list of Serious Juvenile Offenses can be found in section CGS 46b-120(8).

P. SERIOUS JUVENILE REPEAT OFFENDER

A serious juvenile repeat offender is a child charged with a felony if such child has previously been adjudicated of two violations of any provision of CGS title 21a, 29, 53 or 53a which is designated as a felony (CGS 46b-120(10)).