

Hamden Police Department General Orders

Policy Number: 012-001

Rescinds: August 01, 2005

Section: Juvenile Matters

Approved By: Police Commission

Title: Handling of Juvenile Offenders

Effective Date: October 31, 2012

Approval Date: March 31, 2013

PURPOSE

To establish methods and procedures for members of the 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 youths. 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.

Procedures

A. Factors to consider in handling Juvenile Offenders.

1. Use of Adult procedures - When handling juvenile offenders the officer should follow the Departments guidelines in the area of investigative detentions, pat down searches and use of force.
2. Factors to consider - Officers of the Department have numerous options available in handling juvenile cases. No matter which option is chosen 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.

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- g. Any recommendations on the juvenile from other agencies or professional people involved

3. Options:

- a. Verbal warning and release.
- b. Conference between the child and parents, teachers or other professionals.
- c. Non-custodial referral to court
- d. Custodial referral to court

B. Non-custodial referrals.

1. Notify both the juvenile and the parent/legal guardian of the referral.
2. Release the juvenile to his parents, legal guardian or other suitable agency or person.
3. Fill out Juvenile referral form and attach a copy of the incident report to it.
 - a. A parent or guardian must sign the referral (if they refuse note same in report).
 - b. 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. Special Victims Unit will make notification to the superintendent of schools when mandated.

C. Custodial referral to court.

1. Separation of juveniles from adult offenders - Juveniles should be kept separate by sight and sound from adult offenders.
2. 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 separate and marked "juvenile".

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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.
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 offenders.
4. Juveniles are to be monitored at all times while being detained.
5. Juveniles may be held in secure areas for a MAXIMUM of 6 hours.
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 prisoner data +management module.

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.

F. Interviews and interrogations of juveniles.

1. A parent or legal guardian must be present during any interview or questioning of a juvenile in custody.
2. The parent, legal guardian and the juvenile must all be advised of the juvenile's rights.
3. A written waiver form must be obtained from the juvenile and the parent/legal guardian.

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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.

G. Release or transfer to juvenile detention facility

1. Upon completion of the arrest process the juvenile may be released to the parent, legal guardian, or any other suitable person or agency.
2. The juvenile may be taken to detention when:
 - a. The alleged act is a "serious juvenile offense" as defined by C.G.S. 46b-120 and the Officer has obtained an Order to Detain signed by a judge of the Superior Court.
 - b. The offender has been ordered into custody by an Order to Detain signed by a judge of the Superior Court.
3. Prior to the transfer to detention the following will be done:
 - a. Make contact with the detention facility to ascertain if they have space to accept the juvenile.
 - b. Prepare a juvenile referral form and attach police report describing the offense. The police report MUST be signed and sworn to.
4. After all proper paperwork has been filled out the juvenile offender will be transported to the detention facilities located at 60 Housatonic Ave. Bridgeport, CT 06604. Telephone number (203)579-6548.
5. In the event that the youth cannot be accepted by detention or placed by Department of Children and Families, the officer should apply for an Order to Detain from a Superior Court Judge.

H. Referrals to other agencies.

1. Juveniles who are under the influence of drugs or alcohol or need medical attention cannot be taken to detention. In these cases the juvenile can either be:
 - a. Released to the parent or guardian, or
 - b. Transported to either Yale New Haven at St Raphael's campus or Yale New Haven Hospital.

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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:

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 or immoral 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.

Officers will have the following options in dealing with FWSN children:

1. The child may be brought home or to another suitable residence.
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 referred to juvenile court.
4. The child may be held in protective custody for a maximum of 12 hours. 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.
5. The child may be released without further action. They should not be released in own custody but in some cases this might be necessary. If this becomes the case a referral to court should be done.
6. The child and/or family may be referred to any public or private agency serving children. 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 referral to court

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will also be made.

7. The officer may transport these individuals to facilities that provide food, shelter or medical attention after receiving the individual's written consent.

J. Child Abuse and Neglect.

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

Responsibility of reporting incidents.

1. When officers have a reasonable cause to believe that a child has been abused or neglected, the officer **MUST** immediately telephone the DCF CARELINE 800 842-2288. 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.

The areas that must be reported are:

1. Abuse which includes non-accidental injuries and injuries without consistent explanation.
2. Maltreatment which includes malnutrition, sexual abuse, sexual exploitation, deprivation of necessities, emotional maltreatment, cruel punishment.
3. Neglect which includes abandonment, denial of proper care and attention, living under conditions which are injurious to the individual's well being.
4. Any youth that might be at risk of abuse.

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.

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Removal of abused children.

1. The Commissioner of the Department of Children and Families or his/her designee may, after investigation authorize a 96 hour temporary custody of the child.
2. At this point the Department of Children and Families may authorize the police to remove the child from the home without parental consent.
3. The officer should remember to 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 inform Communications of the facts. Communications will then notify all on duty personnel and other law enforcement agencies necessary of the missing child report. In addition a Silver Alert will also be issued.
2. When a report of a missing child is received a File 6 report will be entered into the Collect system computer. The dispatcher will also complete a Silver Alert report with the Department of Public Safety's Communications Center. Also when the child is found the type should be cancelled from the Collect system.
 - a. For probable abductions refer to Section 12 Number 2, Amber Alert Plan, of this policy book for procedures.
3. Officers are encouraged to use the National Missing Children Hotline 1 800 843-5678 to obtain information on missing children
4. All original reports are to be forwarded to the Special Victims Unit for follow up.

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

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officer and Department.

2. This will be done on the proper CIRS reports or the Juvenile detention log.

M. 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 Juvenile.
4. All juvenile records will be kept separate from adult records.
5. From time to time the Department will receive notices of erasures from the court. All records concerning juveniles or youthful offenders will be erased accordingly.

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 his/her 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.
3. Except in emergencies, the officers should act through the school resource officer and/or school administrators before entering the school.

Student Interviews and Interrogations:

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1. When questioning witness or victims the officer should have a school administrator present.
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 Students right before questioning and sign the proper waiver form.

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. All efforts should be made not to effect the arrest on school grounds and should only be done as a last resort.

O. SERIOUS JUVENILE OFFENSES

Serious Juvenile Offenses are violations that are committed by the juvenile which are listed below. This will also mean if the juvenile conspires or attempts any of the offenses. The term also includes having without just cause run away from any secure placement other than home while committed as a delinquent child to the commissioner of children and youth services for a serious juvenile offense. (CGS 46b-120)

Conn. Gen. Statute	Offense
21a-277	Manufacture, sale of drugs
21a-278	Manufacture, sale of drugs by non-drug dependent person
29-33	Sale of Handgun
29-34	False information sale of handgun/ sale of handgun to minor
29-35	Carrying a pistol or revolver without a permit.

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53-21	Injury/risk of injury to a minor
53-80a	Manufacture of bombs
53-202b	Sale of assault weapon
53-202c	Possession of assault weapon
53-390	Extortionate extension of credit
53-391	Advances of money or property to be used in extortionate extension of credit
53-392	Participation or conspiracy in use of extortionate means
53a-54a	Murder
53a-54b	Capital Felony
53a-54c	Felony Murder
53a-54d	Arson Murder
53a-55	Manslaughter 1st
53a-55a	Manslaughter 1st with firearm
53a-56	Manslaughter 2nd
53a-56a	Manslaughter 2nd with firearm
53a-56b	Manslaughter 2nd with M/V
53a-57	Misconduct with motor vehicle
53a-59	Assault 1st
53a-59a	Assault 1st victim over 60 yrs

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53a-60	Assault 2nd
53a-60a	Assault 2nd with firearm
53a-60b	Assault 2nd victim over 60 yrs
53a-60c	Assault 2nd victim over 60/firearm
53a-70	Sexual assault 1st
53a-70a	Sexual assault with deadly weapon
53a-70b	Sexual assault in cohabiting relationship
53a-71	Sexual assault 2nd
53a-72b	Sexual assault with firearm
53a-86	Promoting prostitution 1st
53a-92	Kidnapping 1st
53a-92a	Kidnapping 1st with firearm
53a-94	Kidnapping 2nd
53a-94a	Kidnapping 2nd with a firearm
53a-95	Unlawful restraint 1st
53a-101	Burglary 1st
53a-102a	Burglary 2nd with a firearm
53a-103a	Burglary 3rd with a firearm
53a-111	Arson 1st
53a-112	Arson 2nd

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53a-113	Arson 3rd
53a-122(a)(1)	Larceny 1st by extortion
53a-123(a)(3)	Larceny 2nd from the person
53a-134	Robbery 1st
53a-135	Robbery 2nd
53a-166	Hindering prosecution 1st
53a-167c	Assault on peace officer/fireman
53a-174(a)	Unauthorized conveyance into correctional facility.
53a-196a	Employing minor in obscene performances
53a-211	Possession of sawed off shotgun or silencer
53a-212	Theft of a firearm
53a-216	Criminal use of a firearm
53a-217b	Possession of a firearm on school grounds
46b-120	Runaway from secure placement other than home while committed to DCF as a serious juvenile offender

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PARENTAL CONSENT

CASE NUMBER _____

I, _____ (parent/guardian) do

hereby give _____ (police officer) consent

to question and take a statement from _____ who is
my son/daughter/ward. I have been advised that:

_____ He/she has the right to remain silent

_____ If he/she does speak to any police officer, anything
he/she says can and will be used against him/her during any
questioning

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_____ I have a right to consult with a lawyer before he/she answers any questions and I may have a lawyer with him/her during any questioning

_____ He/she has the right to have a lawyer appointed for him/her, if I cannot afford one, before he/she answers any questions

_____ I know that if he/she answers questions, he/she has the right to talk to a lawyer and have him or her present during any further questioning

_____ I may stop the questioning at any time if I wish to talk to a lawyer and have him or her present during any further questioning

I am willing to give my consent to any police officer to question my son/daughter/ward and take a statement, knowing that I have and fully understand these rights. I do not want a lawyer present at this time. I do give my consent without fear, threats, or promises of favor. I know my consent does not waive the rights of my son/daughter/ward. I also know that any statement given can be used for or against him/her in a court of law.

DATED AT _____ ON THE _____ DAY OF _____

_____, _____ (time)

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SIGNED _____

WITNESS _____

WITNESS _____