

GREENVILLE POLICE DEPARTMENT POLICY AND PROCEDURES MANUAL

Chapter 44	Juvenile Operations	
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44.1.1 OBJECTIVES OF JUVENILE OPERATIONS

CALEA Standard: 44.1.1, 44.1.2, 44.1.3

The Greenville Police Department encourages youthful offender law enforcement operations that will emphasize rehabilitation rather than punishment. North Carolina General Statute 7B- 1701 requires that specific offenses for juvenile offenders are non-divertible. Sworn personnel shall discharge their duties in a manner that is consistent with the best interest of the youth involved and in accordance with statutory requirements.

The Greenville Police Department is committed to the development, implementation, and perpetuation of programs designed to prevent and control juvenile delinquency within the community.

Juvenile Unit Functions

The Greenville Police Department Juvenile Unit is a function of the Greenville Police Department Special Victims Unit. The Juvenile Unit activities include:

- Delivering programs intended to prevent and control delinquent and criminal behavior by youth
- Follow-up processing of youth arrests
- Coordinating or preparing court cases in which a juvenile offender is involved
- Make referrals to juvenile court when indicated

Shared Responsibilities

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

Juvenile Officers

Police officers assigned to the Juvenile Section of the Special Victims Unit shall have the primary responsibility for the coordination of prosecution efforts of juvenile offenders. Responsibilities of the Juvenile Unit include:

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

Special Victims Unit Detectives are required to respond at the direction of on-call C.I.B. supervisor or the unit supervisor for the following incidents:

- Juvenile death investigation
- Juvenile rape, if reported within 72 hours of occurrence
- First or second degree sex offenses

- Physical abuse or assault resulting in serious bodily injury (whether committed against a juvenile or by a juvenile)
- Request by the Department of Social Services requiring the assistance of a juvenile investigator
- Incidents requiring the assistance of the State Bureau of Investigation

The shift supervisor should determine the following information prior to requesting a juvenile officer:

- When the crime took place
- Where the crime took place
- If a patrol officer can proceed within the scope of their responsibility
- If the officer needs assistance from a Juvenile Unit Detective

If a Watch Commander determines that a juvenile detective should be called out, he/she should contact the on-call C.I.B. supervisor.

Evaluation of Juvenile Programs and Policies

The Criminal Investigations Bureau Commander 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. A copy of this report shall be maintained by the Special Victims Unit Supervisor.

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 Greenville Police Department policies and procedures relating to juvenile operations.

44.2.1 SELECTION OF REASONABLE ALTERNATIVES

CALEA Standard: 44.2.1

Police officers dealing with juvenile offenders should choose the least coercive option available, consistent with preserving public safety, order, and individual liberty. Options available under N.C. General Statute 7B-2100 include:

- Release of the juvenile, with or without first counseling the juvenile
- Release the juvenile to the juvenile's parent, guardian or custodian
- Refer the juvenile to community resources
- Seek a petition
- Seek a petition and request a custody order.

When determining the course of action to be taken with juvenile offenders, police 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

Procedures for Release or Referral of Juvenile Cases

Juveniles in the custody of Greenville 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

Criteria Governing Intake Referrals of Juvenile Offenders

Juveniles committing offenses in the following categories should be referred to an Intake Counselor with the assistance of a Juvenile Investigator:

- Delinquent acts that would be classified as a felony 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 by the Juvenile Investigator conducting the investigation; 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.

Temporary Custody

A juvenile taken into temporary custody shall not be held for more than twelve hours unless:

- A petition for review has been filed by the Director of Social Services or
- An order for non-secure custody has been entered by the court.

An individual 16-18 years of age, charged with a misdemeanor or infraction, may be issued a North Carolina Uniform Citation and processed as an adult.

44.2.2 TAKING A JUVENILE INTO CUSTODY

CALEA Standard: 44.2.2, 82.1.2

North Carolina General Statutes Chapter 7B-1900 provides a juvenile may be taken into temporary custody by a law enforcement officer without a court order if:

- Grounds exist for the arrest of an adult in identical circumstances under G.S. 15A-401 (b)
- There are reasonable grounds to believe that the juvenile is undisciplined
- There are reasonable grounds to believe the juvenile is an absconder from any residential facility operated by the Division or from an approved detention facility

In-custody Procedures for delinquent/truant juveniles:

Police officers taking a juvenile into custody shall:

- Determine whether the juvenile is involved in a criminal or non-criminal offense,
- Ensure that the constitutional and statutory rights of the juvenile are protected,
- Determine whether the juvenile is alleged to have been harmed or in danger of being harmed,
- Transport the juvenile to the Greenville Police Department or appropriate juvenile intake facility without delay (unless the juvenile is in need of emergency medical treatment)
- Prepare a juvenile contact sheet and notify the juvenile's parents or guardians that the juvenile has been taken into custody,
- Complete appropriate school notification requirements
- 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

Juvenile Contact Report Requirements:

Juvenile Contact reports must be completed anytime contact with a juvenile (15 years or younger) is made and they will be charged with a crime. Along with the basic identifying information for the juvenile, the report should include the parent or guardian's name, address and/or phone number. If the juvenile is released to another responsible adult, the parental contact information should still be included.

Parental and School Notification Requirements

North Carolina General Statute 15A-505 governs the notification requirements when a juvenile is charged with a criminal offense. "A police officer who charges a minor with a criminal offense shall notify the minor's parent or guardian of the charge, as soon as practicable, in person or by telephone. If the minor is taken into custody, the law enforcement officer or the officer's immediate superior shall notify a parent or guardian in writing that the minor is in custody within 24 hours of the minor's arrest." Notification may be made to the minor's next-of-kin if a parent or guardian is unable to be located. This notice is not required if the minor:

- Is emancipated
- Is not taken into custody and has been charged with a motor vehicle moving violation for which less than three points are assessed under G.S. 20-16 (c), except an offense involving impaired driving
- Has been charged with a motor vehicle offense that is not a moving violation

Greenville Police Department officers are required by N.C.G.S. 15A-505 to make notification to school administrators under certain circumstances. Officer shall follow the following notification guidelines:

- If a juvenile is charged with a criminal offense that is classified as a felony, except for a criminal offense under Chapter 20 of the General Statutes, the charging officer will notify the school administration via telephone or in person of the charge(s) as soon as practicable but at least within five days.
- If the juvenile is taken into custody, the charging officer or the officer's supervisor is required to notify the school administration in writing within five days of the arrest.

Documentation of all contact with the school administration shall be made within the case, arrest, juvenile contact report or supplement report.

Procedures for Processing Juveniles for Identification

N.C.G.S 7B-2102 establishes the provisions when a law enforcement officer may photograph and fingerprint a juvenile. Any fingerprints and photographs taken pursuant to the statute shall be maintained separately from any juvenile record. Destruction of all fingerprints and photographs will be done in accordance with statutory requirements.

Juvenile Records

Records pertaining to arrest and identification of juveniles shall be maintained separate from those of adults. Disposition and expungement of juvenile records will be in accordance with applicable North Carolina General Statutes. The Information Services Supervisor shall oversee the expungement of juvenile records. When a juvenile offender reaches the age of 16, the juvenile can petition the court to purge the juvenile's records. Juvenile Records may be viewed by law enforcement officers on an authorized, need-to-know basis only after approval by the Criminal Investigations Bureau Commander. An individual juvenile's record will only be open to inspection by prosecutors, court counselors, the juvenile, the parent, guardian or custodian.

Pursuant North Carolina General Statute 7B-3100 a standing order provides for the sharing of information with regard to abused, neglected, and dependent children in certain situations. Any information shared pursuant to this statute shall remain confidential and shall only be shared and used as provided for in the statute. Agency names for Pitt County designated as authorized to share information are as follows:

- District 3 Department of Public Safety Division of Juvenile Justice
- Office of the District Attorney
- Office of Guardian Ad Litem Services of the Administrative Office of the Courts
- Pitt County Department of Social Services

- East Carolina Behavioral Health, LME
- Pitt County Public Health Center
- Pitt County Board of Education
- Pitt County Sheriff's Office
- North Carolina State Highway Patrol
- State Bureau of Investigation
- Ayden Police Department
- Bethel Police Department
- Farmville Police Department
- Greenville Police Department
- Grifton Police Department
- Winterville Police Department

44.2.3 PROCEDURES FOR CUSTODIAL INTERVIEWS

CALEA Standard: 44.2.3

Police officers interviewing a juvenile shall ensure that the parents or guardians of the juvenile are notified of the reason for the interview. All Departmental and juvenile justice system procedures must be explained to the juvenile, juvenile's parent, custodian or guardian at the time of the interview.

Prior to questioning, police officers interviewing a juvenile under 18 years of age shall ensure that the juvenile, along with his/her parent, guardian and custodian is advised of his/her Miranda rights and statutory rights in accordance with N.C.G.S. 7B-2101. If the juvenile is less than sixteen (16) years of age, the juvenile must have a parent, guardian, custodian, or lawyer with them during questioning. The parent, guardian or custodian may not waive any right, on behalf of the juvenile. All interviews, the administration of Miranda rights and subsequent waiver or exercise of one's rights shall be documented utilizing the interview room video equipment or a body-worn camera. If no equipment is available, officers must document in their case report the reason why no video was utilized.

It is preferred that juveniles sixteen (16) years old and older waive the right to have a parent, guardian or lawyer present.

Interviews of juveniles:

- Are limited in duration to no more than two hours at any one session
- Involve no more than two police officers in the actual interview of a juvenile
- Be conducted in a reasonable manner and not cause undue stress for the juvenile
- Shall be recorded on video with corresponding audio. However, at a minimum, an audio recording shall be done as required in NCGS 15A-211 (d)

Exceptions to the two-hour limitation for interviews may be made at the discretion of the Criminal Investigations Bureau Supervisor.

With regards to the multidisciplinary team approach to interviews conducted in cooperation with the TEDI-BEAR Project, interviews with juveniles may extend the two-hour limitation at the agreement and discretion of the Greenville Police Detective and the clinician involved in the interview.

44.2.4 SCHOOL LIAISON PROGRAM

CALEA Standard: 44.2.4

The Greenville Police Department will establish and maintain a school liaison program through the use of the School Resource Officers, officers assigned to the Adopt-A-School Program and the truancy prevention program. Some of the responsibilities within certain 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

ADOPT-A-SCHOOL PROGRAM

The purpose of the Department's Adopt-A-School Program is to establish consistent interaction between police officers appointed as liaisons and with the students and staff of the City's elementary schools. The Department provides daily School Resource Officers to middle and high schools; however, it is important to recognize the increasing need for developing relationships with children early on before they have succumbed to negative pressure and influences. This interaction aids both the school and the Department in addressing societal problems such as drug, crime, gang, and violent influences that are consistently targeting younger children who are more susceptible.

Appointment of Adopt-A-School Liaisons

Any employee who desires to be a liaison or is recommended must be at the rank of Corporal or below. In the event an employee expresses a desire to be a liaison or is recommended, the employee's supervisor shall:

- Confirm the employee accepts the responsibilities and commitments
- Prepare a memorandum of interest or recommendation to the Chief of Police
- Submit the memorandum to the Chief of Police through the chain of command

Adopt-A-School Program Coordinator

The Coordinator shall be responsible for:

1. Maintaining a current list of elementary schools (public, private and charter).
2. Maintaining ongoing communication and support to liaisons.
3. Collecting liaison monthly reports and other communications from school liaisons.
4. Furnishing copies of three monthly reports each quarter to the Accreditation Manager
5. Compiling collected information into a monthly Adopt-A-School Report.
6. Submitting the compilation of the Adopt-A-School Reports to Command Staff and the Accreditation Manager monthly.
7. Annually reviewing benefits and requirements of the program.

It is the responsibility of Bureau Commanders to remain informed and aware of all liaison activities within their command. The Bureau Commanders shall forward all requests for law enforcement activity to the appropriate liaison to afford them the opportunity to participate with their assigned school.

Also, supervisors who complete an annual performance evaluation of a liaison, should record on the annual Performance Evaluation under "Other performance factors" any liaison activities.

Liaison Requirements

It is the primary responsibility of the liaisons to visit the school assigned at least twice a month, assist with requests, or create a learning opportunity through a reading or other program. Upon appointment as an Adopt-A-School Liaison, the employee shall be responsible at a minimum, for submitting a monthly report during the designated 'in-session' school calendar months, participating in projects and activities, encouraging academic success and mentoring students on how to be good citizens. The Liaison shall be proactive and provide timely responses to requests from their assigned school.

Immediately upon appointment the following shall be done:

- Make contact with the Principal or Assistant Principal
- Promote the program
- Provide contact information
- Clarify the school's understanding of the program and willing participation
- Notify the Principal or Assistant Principal that school visits shall be twice monthly at a minimum and at other times as mutually agreed upon.

At the conclusion of a school visit the Liaison shall:

- Submit for payroll purposes, an overtime card describing attendance at the specific special event, for any attendance that occurred outside of the Liaison's normal working hours
- Forward in writing, any recommendations or issues outside the scope of the Liaison to the appropriate bureau commander
- Ensure the Command Staff is advised of any special events occurring at the school
- Facilitate any special requests for a guest speaker from the Department
- Compile a monthly report, for those months that the designated school is in session according to the County School calendar, that includes a brief synopsis of each school visit
- Submit each report via email to the Adopt-a-School Program Coordinator by the last day of the month
- Provide suggestions for improvement to the program to the Adopt-a-School Coordinator

The Monthly Adopt-A-School Report is designed to measure the benefits and success of the program and therefore a consistent format is vital. For this reason, each monthly report shall be formatted as follows:

- Total number of compiled hours spent for all Adopt-a-School functions.
- Total number of school concerns addressed during the month by liaisons.
- Specific concerns expressed by the school.
- Recommended solutions and/or action taken as reported by the liaisons.
- Descriptions of potential problems bearing on law enforcement activities.
- An outline of any special presentations conducted.

Each report should be forwarded to the Coordinator. In the event a liaison fails to submit a monthly report; their Bureau Commander or supervisor shall be notified by the Coordinator.

School Representative Responsibilities

For this program to be successful, it is crucial that the individual schools share responsibilities of the program with their assigned officer. For this reason, it is expected that each school will:

- Use their assigned liaison as the point of contact for all non-emergency issues involving the police department.
- Report safety issues/concerns that are not an immediate threat to their assigned liaison. (If an immediate threat/concern the representative should contact the Department directly)
- Actively partner with their liaison to promote the program throughout the school.
- Work with local businesses to facilitate programs that the Liaison can promote or participate in
- Notify their liaison of any change in leadership
- Ensure the liaison has current contact information for both the Principal and Assistant Principal.

TRUANCY PREVENTION PROGRAM

The Greenville Police Department and the Pitt County Schools have partnered to address truancy in public schools through the Greenville Police Department Truancy Prevention Program. The program will provide officers with an additional resource to address juvenile related problems during school hours and provide department employees with the appropriate procedures to be used when observing a possible truant juvenile or responding to a truancy call for service.

Goals

It is important that youth who fail to show up for school or leave early are made aware that there are repercussions for such behavior and the Department's goals are to:

- Return out of school youth found skipping to school.
- Enforce the compulsory school attendance law.
- Reduce the dropout rate.
- Reduce child victimization and crime committed by school age children.

Responsibilities of Responding Officers

- When an officer observes a possible truant, or responds to a truancy call for service, the officer should conduct a voluntary field interview with the juvenile and complete a field interview report. The contact must be voluntary, unless the officer has reasonable suspicion to believe the juvenile is truant. The officer must structure the contact in such a manner that a reasonable juvenile would feel free to leave and/or refuse to answer the officer's questions.
- If the juvenile walks away during the contact, the officer can lawfully walk along with the juvenile and continue the interview. If the juvenile is detained due to criminal involvement in addition to truancy, the officer shall complete a juvenile contact report. In that circumstance, the field interview report is not necessary.
- Officers should use discretion when considering whether to pursue a fleeing juvenile suspected only of truancy. Officers should not use force that may result in injury to the juvenile.
- The officer should question the juvenile about his/her absence from school. The officer may briefly detain the juvenile if there is reasonable suspicion to believe he/she is truant. The officer can contact, or have Communications contact, the Pitt County Schools administrative office to determine a student's current enrollment status including which school the student attends, if the student is truant, suspended, or expelled. Daily records concerning attendance are generally available after 10:00 am each day. Alternately, if the officer determines through the interview that the student attends, or is truant from, a specific school, the officer may contact the school directly. In the event a juvenile is detained and the officer is unable to contact the Pitt County Schools office and is unable to determine the student's school or enrollment status, the officer will contact the juvenile's parent or guardian to determine the juvenile's current status to determine the appropriate course of action.
- If the officer has probable cause to believe that the student is truant, the officer will take the juvenile to the school in which the juvenile is enrolled. The officer or Communications will notify the school that the officer is enroute with the truant student. The officer will take the student to the principal's office where the school administrative staff will take responsibility for the truant student. In those circumstances in which the student is violent or abusive, the officer or a School Resource Officer may need to stand by or take additional action.
- The officer's action will be documented on either the field interview report or, if criminal involvement, an incident report.
- If, based on the circumstances and the officer's observations, the officer believes that the parent(s) of the child have been criminally negligent; an incident report shall be completed to document the incident and/or the filing of criminal charges.