

# OGDEN CITY POLICE

## Office of the Chief

### Policy No: 36

Subject Juveniles	Effective Date December 19, 2022
Department Police	Replaces Policy Dated November 18, 2020
Division All Police Personnel	Review Date November 2024
Authorized Signature 	

**NOTE: This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.**

#### I. PURPOSE

The purpose of this policy is to provide guidelines for officers when dealing with juveniles in enforcement and custody situations.

#### II. POLICY

The policy of the Ogden Police Department is to prevent and control juvenile delinquency through the use of applicable laws and systems. The police department expects its officers to handle juvenile offenders (those less than 18 years of age) within the dictates of Utah State Law. This policy includes the identification, apprehension, and conviction of juveniles charged with crimes.

#### III. PROCEDURE

Specific circumstances under which officers are allowed by law to take a juvenile into custody are outlined in Utah Code 80-6-201. Essentially, the law allows officers to apprehend juveniles under rules similar to those for adults, with the additional provision for school truancy, where a child is seriously endangered by his surroundings or a runaway.

- A. Informal handling of juvenile offenders means releasing the juvenile to a parent, guardian, or responsible adult family member with a citation,

summons, or warning. Generally, minor offenses can be handled in this manner. Informal handling will most often be appropriate when a juvenile is discovered to have committed an infraction or misdemeanor offense. The officer must decide on this course of action at the scene. In making the decision to handle informally, the officer should consider the following:

1. Seriousness of offense.
2. Prior record of child.
3. Age of youth.
4. Cooperation and attitude of all parties (child, parent, victim) and the possibility of the offense being repeated.
5. Degree of wrongful intent, violence, premeditation, knowledge of violation.
6. Likelihood that the child or parent can be successfully referred to a helping agency.

If a citation or summons is issued, the officer will take reasonable steps to ensure the juvenile's parents or guardians are notified. The citation or summons should indicate, at a minimum, the following:

1. Nature and severity of the offense(s) charged.
2. The date on which the offense(s) allegedly occurred.
3. The appropriate court to which the juvenile should appear.

B. Formal handling occurs when a juvenile is taken before the Juvenile Court or a detention center for disposition of the complaint. Generally speaking, formal handling occurs when the juvenile is apprehended committing an offense that if he were an adult would be a violation of city, state, or federal laws or if the child is at risk in his surroundings. The following situations require formal handling of the juvenile:

1. Delinquent acts involving weapons;
2. Delinquent acts involving aggravated assault;

3. Delinquent acts committed by juveniles under probation or parole or with a case pending.
4. Delinquent acts that are repeated.
5. When the police arrive at the scene of domestic violence and discover a child a risk.

C. A child may be taken into custody by a peace officer if:

1. There is a legal detention order.
2. The child is alleged to be in need of services because the child is seriously endangered in his surroundings or if the child seriously endangers others and immediate removal appears to be necessary for his protection or the protection of others.
3. Custody is necessary to ensure the child's appearance in court.
4. In the presence of the officer, the child has violated a state, federal, local law, or municipal ordinance.
5. The officer has reasonable grounds to believe the child has committed an act that if committed by an adult could be a felony.
6. The officer has reasonable grounds to believe the child is an escapee from jail, detention center, court-placed residential family, or residential treatment facility.
7. The officer has reasonable grounds to believe the child has run away or escaped from his parents, guardian, or custodian.
8. There is reason to believe the child is subject to the state compulsory education law and that the child is absent from school without legitimate or valid excuse.

D. If an officer or other person takes a child into temporary custody, he will without unnecessary delay notify the parents, guardian, or custodian. The child will then be released to the care of his parent or other responsible adult, unless his immediate welfare or the protection of the community requires his detention.

1. A child may not be held in temporary custody by law enforcement any longer than is reasonably necessary to obtain the name, age, residence, and other necessary information and to contact the

parents, guardian, or custodian. If the child is not then released, he will be taken to the place of detention or shelter without unnecessary delay. If the arresting officer has reason to believe the child (1) has been injured, or (2) is under the influence of drugs and/or alcohol, the officer shall ensure the child is assessed by medical personnel prior to transport.

2. The person who takes a child to a detention or shelter facility will promptly file with the detention or shelter facility a written report on a form provided by the division stating the details of the presently alleged offense, the facts which bring the child within the jurisdiction of the Juvenile Court, and the reason the child was not released by law enforcement.

E. The following rules govern the questioning of juveniles:

1. A juvenile cannot be compelled to answer any question, which may tend to incriminate the juvenile. Officers cannot provide false information about evidence that is reasonably likely to elicit an incriminating response, nor can they make unauthorized statements about leniency for the offense being investigated. Juveniles are entitled to the full Miranda Warnings. Custodial Interrogations shall be in compliance with UCA 80-6-206, to include the parent or friendly adult notification/waiver requirements.
2. The rules governing searches, frisks or pat-downs, reasonable suspicion, and probable cause all apply to juveniles.
3. Informed questioning will not be unnecessarily prolonged.
4. No person other than a probation officer or a staff member of a detention facility is permitted to interview a minor under 14 years of age held in the facility without the minor's parent, guardian, or custodian present, unless the parent of the minor has signed a written waiver after being advised of the minor's rights under URJP Rule 26 and Utah Code 80-6-206.
5. No person other than a probation officer or a staff member of a detention facility will be permitted to interview a minor 14 years of age or older in a detention facility without the consent of the minor and the minor's parent, guardian, or custodian after first advising said minor of constitutional rights as described in URJP Rule 26 and Utah Code 80-6-206 and such rights have been intelligently waived by the minor.

6. If the parent, guardian, or custodian is not available, consent of the court will be obtained before interviewing a minor in a detention facility.

F. The following rules govern fingerprinting and photographs of children:

1. Photographs may be taken of a child 14 years of age or older who is taken into custody for the alleged commission of an offense that would also be an offense if the child were 18 years of age or older.
2. Fingerprints will be taken of a child 14 years of age or older who is taken into custody for the alleged commission of an offense that would be a felony if the child were 18 years of age or older. Fingerprints will be forwarded to the Bureau of Criminal Identification and stored by electronic medium.
3. Photographing or fingerprinting a minor under the age of 14 who is taken into custody for the alleged commission of an offense that would be a felony if committed by an adult is permitted only upon such terms as the court orders.

G. The following rules govern dissemination and retention of fingerprints and photographs:

1. Photographs may not be distributed or disbursed to individuals or agencies other than state or local law enforcement agencies, the judiciary, and the Division of Juvenile Justice Services (in accordance with UCA 80-6-608 and only when a minor 14 years of age or older is charged with an offense which would be a felony if committed by an adult).
2. Fingerprints may not be distributed or disbursed to individuals or agencies other than state or local law enforcement agencies, the judiciary, the Division of Juvenile Justice Services, and agencies participating in the Western Identification Network (in accordance with UCA 80-6-608).
3. Juvenile records will be retained unless a court order authorizing expungement is received. When a minor's juvenile record is expunged, all photographs and other records as ordered will upon court order be destroyed by the law enforcement agency. Fingerprint records will not be destroyed.

4. The Police Records Supervisor will be accountable for the collection, dissemination, and retention of the juvenile records.

H. Records:

1. Access to juvenile court records is restricted pursuant to Utah Court Rule 4-202.03. Unless otherwise directed by the City Attorney's Office, records pertaining to incidents involving juveniles are not considered public records pursuant to the Utah Government Records Access and Management Act section 63G-2-201(3)(b).