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<b>Handling of Juveniles</b>		



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## I. Introduction

- A. The Division is committed to the development and continuance of programs designed to prevent and control juvenile delinquency, and it encourages review and comment regarding the development of policies and procedures relating to juveniles by other elements of the juvenile justice system.
- B. Ohio Revised Code (ORC) prohibits a juvenile taken into custody from being placed in a detention facility unless:
  1. The child needs protection from immediate or threatened physical or emotional harm.
  2. The child may flee or be removed from the jurisdiction of the court.
  3. The child has no parent, guardian, legal custodian, or other person able to provide supervision, care, and return him or her to the court when required.
  4. An order for placement of the child in detention or shelter care has been made by the court.
  5. The child is a danger or threat to one or more other persons and is charged with violating a section of the ORC that may be violated by an adult.

## II. Definitions

### A. Delinquent Juvenile

A juvenile charged with an offense that would be illegal if an adult committed the same act, except for a juvenile traffic offender.

### B. Unruly Juvenile

A juvenile charged with an offense that is applicable only to a child.

Note: Refer to ORC Section 2151.011(B)(6) for the definition of “child” as it relates to unruly juveniles.

### C. Secure Holding

A juvenile physically detained in a locked room **or** cell, or handcuffed to a stationary object and not free to leave the building.

### D. Non-Secure Holding

A juvenile physically placed in an unlocked room or handcuffed to himself or herself, but not to a stationary object. A juvenile may be in custody, but he or she is free to leave the building.

#### E. Status Offense

An offense that would not be a crime if committed by an adult (for example, curfew).

#### F. Juvenile Processing

1. Fingerprinting and/or photographing the juvenile in a secure area of the facility.
2. Interrogating the juvenile; contacting the juvenile's parent, guardian, or other legal custodian arranging for placement of the juvenile; or arranging for the transfer of or transferring the juvenile while holding the juvenile in a non-secure area of the facility.

### III. Policy Statements

A. Juveniles who are not being arrested or returned to a parent, guardian, or other legal custodian and who do not meet the specifications for safekeeping as outlined in ORC 2151.31 (A)(3) shall be released.

B. The name(s) and personal information of those reporting child abuse or neglect are confidential and shall not be recorded on public documents. Such information shall be relayed in a confidential manner to either the appropriate children services agency or the appropriate Special Victims Bureau unit.

#### C. Curfew Violations

1. Sworn personnel may issue a warning to a juvenile who reasonably appears to have a legitimate purpose or reason for being out late at night. Sworn personnel shall enforce curfew laws when it reasonably appears that a juvenile is engaging in harmful or disruptive activities.
2. Sworn personnel should attempt to return curfew violators home or contact a parent, guardian, or other legal custodian to pick them up. Sworn personnel should contact their sergeant for approval before taking a child home who lives off the precinct.

#### D. Enforcement Options

1. Unless otherwise directed by a supervisor, sworn personnel should take the lowest level of appropriate enforcement action available from reasonable alternatives allowed by law. Factors to consider include the nature and circumstances of the offense, the age of the offender, the offender's record, and the likelihood of recurrence.
2. Enforcement actions include the following:
  - a. Issue a Warning

The juvenile should be transported home and the parent, guardian, or other legal custodian advised of the nature of the offense and of agencies available to provide counseling or other assistance.

b. File a Summons

If a summons is issued in Franklin County for a juvenile not in custody, the Franklin County Juvenile Court may order the subject to report to the Division's Identification (ID) Unit to be processed.

c. File a Warrant

d. Arrest

Immediate arrest should be restricted to those cases involving serious criminal conduct or repeated criminal violations. These include felonies, delinquent acts involving weapons, serious gang-related delinquent acts, delinquent acts committed by juveniles on probation or parole or those with a case pending, and repeated delinquent acts within the preceding 12 months.

E. Interrogation of Juveniles

1. The length and manner of the interrogation shall be limited based upon the subject's age and mental and physical condition.
2. The number of interrogators present shall be kept to a minimum.
3. The purpose of the interrogation and, when appropriate, the subsequent arrest process shall be explained to the subject.
4. Custodial Interrogations
  - a. If a criminal complaint has been filed against a juvenile, prior to Mirandized questioning about the charge, sworn personnel shall:
    - (1) Notify and consult the juvenile's parent(s) and allow the juvenile to consult an attorney.
      - (a) If a parent cannot be contacted despite multiple attempts, the juvenile must be offered the opportunity to contact an attorney for himself or herself.
      - (b) The juvenile must consult with an attorney and/or his or her parent(s) in order to waive his or her right to counsel.
      - (c) An attorney is not required to be physically present during interrogation if the juvenile has consulted with the attorney prior to the commencement of the questioning.
    - (2) Not question the juvenile if neither the parent(s) nor an attorney can be notified and consulted.
  - b. If a criminal complaint has been filed against a juvenile, and the subject of the questioning is not related to the filed charge, sworn personnel shall:
    - (1) Mirandize the juvenile prior to questioning.
    - (2) Not question the juvenile about the filed charge.

- c. If a criminal complaint has not been filed against a juvenile, sworn personnel shall:
- (1) Consider the juvenile's age, intelligence, experience, background, education, and prior contact with the criminal justice system, as well as the duration and conditions of the detention, when determining whether the juvenile is "in custody"; understands his or her rights; and willingly, knowingly, and voluntarily waives his or her rights after being Mirandized.
  - (2) Notify and consult the juvenile's parent(s) prior to any questioning when the juvenile's custodial status and/or waiver of rights are in question.

#### F. Transporting Juveniles

1. Juveniles shall not be transported with an adult.
2. Juveniles taken into custody for safekeeping shall not be transported with any person under arrest.
3. Division personnel shall transport juveniles in a child restraint system or booster seat, when required, in the "soft" rear seat of a lieutenant's vehicle or unmarked vehicle. When circumstances dictate, Division personnel may request the appropriate children services agency to perform the transport.
4. Division personnel shall contact the Juvenile Detention Center prior to transport to determine to which facility the juvenile shall be taken.

Note: If the transport is to the Juvenile Detention Center or a medical facility, the juvenile is not eligible for the Juvenile Diversion Program. If directed to take the juvenile to the Reception Center/The Village Network, screen the juvenile for possible entry into the Juvenile Diversion Program.

#### G. Processing Juveniles

1. Time constraints
  - a. Juveniles alleged to have committed a felony may be held for processing purposes for a period not to exceed six hours to include time spent at police headquarters.
  - b. Juveniles alleged to have committed a misdemeanor, or alleged to be a delinquent child for violating a court order regarding the child's adjudication as an unruly child for being a habitual truant, to be an unruly child, or to be a juvenile traffic offender, may be held for processing purposes for a period not to exceed three hours to include time spent at police headquarters.
  - c. Juveniles alleged to be a status offender shall not be placed in a secure holding for processing purposes.

Note: Processing does not include transporting to a truancy center or guard duty at a medical facility.

2. Manner of detention during processing
  - a. Sworn personnel shall visually supervise juveniles at all times during detention.
  - b. Juveniles shall not be handcuffed or otherwise physically secured to a stationary object during the detention. This prohibition does not apply to PTV transports or processing in the ID Unit or BAC room.
  - c. Juveniles shall remain beyond the range of touch, sight, and sound of all adult detainees at all times during the detention. This does not include incidental passing during active transport or deliberate yelling, screaming, or other loud disruptive behavior.
  - d. Sworn personnel shall complete the Juvenile Holding Log, form I-20.164, when juveniles are secured in a fifth or sixth floor interview room or processed in the BAC room.

### 3. Juvenile Holding Log

- a. The Juvenile Holding Log shall be maintained inside Division interview rooms and the BAC room.
- b. Sworn personnel shall complete the Juvenile Holding Log as appropriate.

#### c. Fifth and Sixth Floor Interview Rooms

- (1) The Major Crimes Bureau Investigative/Support Section Lieutenant shall disseminate and collect blank and completed Juvenile Holding Logs on a monthly basis.
- (2) Investigative Duty Desk personnel shall maintain additional blank Juvenile Holding Logs.
- (3) Investigative Duty Desk personnel should be contacted for any problems with the Juvenile Holding Logs and equipment.

#### d. BAC Room

- (1) Headquarters Operations Section personnel shall provide and maintain the Juvenile Holding Logs each month.
- (2) Headquarters Operations Section personnel should be contacted for any problems with the Juvenile Holding Logs and equipment.
- (3) At the beginning of each month, Headquarters Operations Section personnel shall forward the previous month's completed Juvenile Holding Logs to the Major Crimes Bureau Investigative/Support Section Lieutenant.

- e. The Major Crimes Bureau Investigative/Support Section Lieutenant shall forward the completed Juvenile Holding Logs to the Ohio Department of Youth Services each quarter.

### H. Welfare of Juveniles

1. Sworn personnel have an obligation to provide for the safety and well-being of juveniles encountered.

2. Sworn personnel shall notify the appropriate county's children services agency and complete the appropriate electronic report when receiving a report concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child.
3. Juveniles taken into custody should be immediately evaluated for emergency medical care and appropriate action should be taken. Juveniles who appear to be injured or under the influence of alcohol and/or drugs may be released to a responsible parent, guardian, or other legal custodian when the juvenile's health and safety is not in jeopardy and the parent, guardian, or other legal custodian assumes responsibility for any necessary care. If there is any doubt, obtain the necessary medical attention for the juvenile prior to release. The juvenile must be evaluated at a medical facility before being taken to a detention facility if the juvenile is injured or under the influence of alcohol and/or drugs.
4. Sworn personnel shall take juveniles who are in immediate danger of harm from their surroundings or suspected of being at risk in their home environment into custody for safekeeping.
  - a. Sworn personnel who determine a juvenile is at risk or endangered in his or her home environment should evaluate if probable cause exists to file a criminal charge. If probable cause exists, sworn personnel should summons or arrest the parent or guardian.

Note: When officers remove a juvenile because of physical dangers in the home, the charge of child endangering/neglect is appropriate in many cases. In Franklin County, charges filed pursuant to ORC 2919.22(B) (1) shall be filed in juvenile court even though the defendant is an adult.

- b. If no charges are filed, sworn personnel shall notify the Special Victims Bureau by completing the appropriate electronic report when transporting juveniles to a county's children services agency for safekeeping due to being at risk in their home environment.
- c. Franklin County Children Services will only take juveniles that meet the safekeeping criteria outlined in ORC 2151.31, that is, that there are reasonable grounds to believe that the juvenile is in immediate danger from his or her surroundings and that the juvenile's removal is necessary to prevent immediate or threatened physical or emotional harm.
- d. For safekeeping of juveniles in Delaware or Fairfield County, sworn personnel shall contact the appropriate children services agency during regular business hours. If after hours, contact the appropriate sheriff's office and request the on-call case worker be notified.
- e. Juveniles being taken into custody for safekeeping for any reason other than for being at risk in their home environment shall be:
  - (1) Returned to a parent, guardian, or other legal custodian, provided this does not present a danger to the juvenile. The person taking custody shall be advised of the circumstances of the incident.

- (2) Transported to the appropriate county's children services agency if a parent, guardian, or other legal custodian cannot be located or is being arrested.
- (3) Released to relatives or neighbors with the permission of a parent, guardian, or other legal custodian. Sworn personnel shall make a reasonable determination that the person giving permission is not under the influence of alcohol or drugs at the time permission is given and shall determine through the appropriate county's children services agency that the individual to be given temporary custody is not a state-registered child abuse offender.

#### **IV. Procedures**

##### **A. Juveniles in Custody/Detained**

1. Conduct a warrant and missing check through LEADS/NCIC and the Records Unit.
2. Notify the parent, guardian, or other legal custodian. If a parent, guardian, or other legal custodian cannot be located, advise the agency to whom the child is released so that notification attempts can continue.

##### **B. Filing a Summons**

1. Forward a completed Arrest Information, form U-10.100; a completed juvenile criminal complaint form; and a signed probable cause affidavit to the Juvenile Court Liaison Officer. Refer to the "Administering Oaths" directive.
2. Do not assign a court date. The Juvenile Court Liaison Officer shall assign a court date and make notifications.
3. In the City of Columbus but in an adjacent county, contact the on-duty prosecutor for further procedures.

##### **C. Requesting a Warrant on File (WOF)**

1. During normal business hours, report to the appropriate Juvenile Court and advise why a warrant should be issued instead of a summons.
  - a. If a warrant is issued, send a copy of the completed Arrest Information form with "WOF" printed across the top to the Juvenile Court Liaison Officer.
  - b. If a warrant is not issued, follow the procedures for the issuance of a summons.
2. During non-business hours, or if a warrant does not need to be issued immediately, forward to the Juvenile Court Liaison Officer a completed Arrest Information form, a completed juvenile criminal complaint form, a signed probable cause affidavit, and a note explaining why:
  - a. A warrant should be issued instead of a summons for non-domestic violence complaints; or

- b. A summons should be issued for a domestic violence complaint instead of a warrant.

Note: The preferred course of action for domestic violence complaints is the issuance of a warrant. The Juvenile Court Liaison Officer shall attempt to obtain a warrant on the next business day.

3. In emergency situations during non-business hours, contact the appropriate juvenile court judge or juvenile court administrator at home to approve the issuance of a warrant. Telephone numbers may be obtained from the appropriate detention center.

#### D. Arrest of Delinquent Juveniles

1. Process juveniles arrested for felonies through the appropriate investigative unit and the ID Unit. Obtain a completed BCI Form 2-71, including an Incident Tracking Number (ITN), before transporting to the detention facility.
2. Process juveniles arrested for a misdemeanor offense of violence through the ID Unit. Obtain a completed BCI Form 2-71, including an ITN, before transporting to the detention facility. With the exception of minor misdemeanors, traffic offenses, and status offenders, juveniles arrested for other misdemeanors may be processed through the ID Unit.
3. Process juveniles arrested for OVI at police headquarters prior to transporting them to the detention facility or releasing them to a parent, guardian, or other legal custodian. Do not process juveniles with an adult offender.
4. Prior to transport, contact the Franklin County Juvenile Detention Center for an assessment. The detention center will determine to which facility the arrested juvenile will be taken.
5. Juvenile Diversion Program (JDP)
  - a. If directed to transport to the Reception Center or The Village Network, screen the juvenile for possible entry in the JDP based on the following criteria:
    - (1) The charges are misdemeanors;
    - (2) The juvenile has no previous felony adjudications;
    - (3) The juvenile is not charged with a Domestic Violence offense, status offense, or traffic charge (including DUI and No Ops);
    - (4) The juvenile has no active warrants; and
    - (5) The juvenile resides within Franklin County.
  - b. If eligible for the JDP, contact the Police Initiated Diversion Specialist (PID) for assistance upon entry into the Reception Center/The Village Network.
  - c. Provide the necessary paperwork and information to the PID.
  - d. If not eligible for the JDP, follow the procedures as normal.

6. For arrests within the City of Columbus, but in an adjacent county:
  - a. In Delaware County, call **(740)** 833-2600 during normal business hours (8:30 a.m.–4:30 p.m.). If after hours, call the on-call number **(740)** 272-0956.
  - b. In Fairfield County, call **(740)** 652-7460 during normal business hours (8:00 a.m.–4:00 p.m.). If after hours, call the on-call numbers **(740)** 503-2716 or **(740)** 503-3030.
7. Provide the detention facility with a completed:
  - a. Arrest Information form,
  - b. Juvenile criminal complaint form,
  - c. Probable cause affidavit,
  - d. BCI Form 2-71, and
  - e. Original traffic citation.
- E. Arrest of Unruly Juveniles
  1. If a parent, guardian, or other legal custodian can be contacted, transport an unruly juvenile home and advise of the circumstances of the incident.
  2. If unable to locate a parent, guardian, or other legal custodian, and safekeeping applies, transport the juvenile with a completed Arrest Information form to the appropriate detention facility or refer to Section IV,D,6.
- F. School Truants
  1. Document each encounter with a truant student by completing an electronic report. File charges when a student is picked up three times for truancy. Arresting officers shall forward the charges to the Court of Domestic Relations (CDR).
  2. During school days, truant students should be transported to an authorized truancy center, school, or home with a completed Arrest Information form.
    - a. If the truant student has warrants and the warrant criteria is met, transport the truant to CDR.
    - b. Complete the Arrest Information form and provide it to truancy center personnel in all transport situations.
    - c. The truancy center is the preferred transport location.
  3. Home-schooled students or any other charter school students who would otherwise attend a Columbus public school are required to carry a letter from the Pupil Services Office confirming their status when appearing in public during normal school hours. Confirm the home-schooled status of juveniles by contacting the administrative office of the applicable district.
- G. Curfew Violation
  1. Complete an electronic report.
  2. Issue a summons if the juvenile appears to be engaging in harmful or disruptive behavior.

3. Attempt to return the juvenile to his or her home, or contact a parent, guardian, or other legal custodian.
4. Transport the juvenile to the appropriate county's children services agency if the juvenile cannot be returned home or if a parent, guardian, or other legal custodian is not available. Note in the report that the juvenile was transported to the appropriate county's children services agency.

Note: For Delaware and Fairfield Counties, refer to Section III,H,4,d.

#### H. Safekeeping at a County's Children Services Center

1. Complete the following:
  - a. The appropriate county's Children Services form, if applicable;
  - b. The appropriate electronic report; **and**
  - c. **An Arrest Information form that includes the following:**
    - (1) **All required information that would be included when completing an arrest;**
    - (2) **"Safekeeping" listed as the charge description;**
    - (3) **All applicable information in the Juvenile Section of the form, including the name and contact information for the parents/legal guardians;**
    - (4) **Name and contact information of all witnesses; and**
    - (5) **A Statement of Fact that includes a description of events, reason for safekeeping and/or arrest, and efforts made to contact the parents/legal guardians.**
2. Contact Records Unit to email or fax the electronic report to the appropriate county's Children Services Center.

#### I. Lost, Abandoned, or Recovered Missing Juveniles

1. Refer to the "Missing Persons" directive.
2. Return the juvenile to the care of a parent, guardian, or other legal custodian whenever possible.
3. If a parent, guardian, or other legal custodian cannot be located, refer to Section III,H.
4. Transport lost, abandoned, or recovered missing juveniles to the appropriate county's children services agency as outlined in Section III,H,4,c or d.

#### J. Abused or Neglected Juveniles

1. Evaluate the need for emergency medical care and take appropriate action.
2. Notify the Homicide Unit if the abuse or neglect results in the death of a juvenile.
3. Notify the Physical Child Abuse Unit when physical abuse or neglect within the home environment results in serious injury.

4. When physical abuse or neglect within the home environment results in an injury that does not constitute serious physical harm, personnel should file misdemeanor charges of domestic violence and assault and/or child endangering/neglect if the probable cause exists to support those charges.
5. Notify the Sexual Assault Unit of reported sexual abuse.
6. Unless the appropriate county's children services agency caseworker is present, transport abused or neglected juveniles not in need of immediate medical care to the appropriate county's children services agency.
7. Complete the appropriate paperwork listed in Section IV,H, and ensure the report narrative details the reason(s) for taking the juvenile into custody/safekeeping.

K. Juveniles Requiring Non-Emergency Medical Care

1. Call Nationwide Children's Hospital at **(614)** 722-6868 in advance of the transport and provide hospital personnel with the juvenile's medical status.
2. Enter through the "Squad Entrance," which is located east of the regular emergency room entrance.

Note: Family members should enter through the regular entrance.

L. Civilians Filing Charges Against Juveniles

1. Direct citizens wishing to file misdemeanor charges to the appropriate juvenile court intake facility during normal business hours.
2. Direct citizens wishing to file felony charges to the Investigative Duty Desk.