

# CAMDEN COUNTY POLICE DEPARTMENT



**VOLUME: 3**

**CHAPTER: 14**

**# OF PAGES: 19**

**SUBJECT: JUVENILE OFFENDERS**

**EFFECTIVE DATE:**

**March 22, 2015**

**ACCREDITATION STANDARDS:**

44.1.1, 44.2.1, 44.2.2  
82.1.2

**REVISION DATE**

**PAGE #**

**BY THE ORDER OF:**

**Chief John S. Thomson**

**SUPERSEDES ORDER #:**

**PURPOSE:** The purpose of this policy is to establish procedures for the juvenile function, as well as to outline the responsibility of all agency personnel in relation to the juvenile function.

**POLICY:** This directive shall apply to all personnel. It is the policy of the Camden County Police Department that the department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. This goes beyond enforcing the law. The responsibility for participating in a /or supporting the juvenile operations functions shall be shared by all department components and personnel. When dealing with juveniles, officers should always make use of the last coercive reasonable alternative as long as it is consistent with preserving public safety, order, and individual liberty. Therefore, the functions of the Juvenile Division shall include: designing and implementing programs intended to prevent and control delinquent and criminal behavior by youths; follow-up processing of youth arrests; coordinating or preparing court cases in which a juvenile offender is involved; and diverting juvenile offenders out of the juvenile justice system and adjusting cases.

## PROCEDURES

### I. Definitions.

- A. Abused or neglected child means a child less than 18 years of age:
1. Whose parent or guardian inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;
  2. Whose parent or guardian creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;
  3. Whose parent or guardian commits or allows to be committed an act of sexual abuse against the child;
  4. Whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his/her parent or guardian to exercise a minimum degree of care:
    - a. In supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so; or
    - b. In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment; or by any other acts of a similarly serious nature requiring the aid of the court;
  5. Who has been willfully abandoned by his parent or guardian;
  6. Upon whom excessive physical restraint has been used under circumstances, which do not indicate that the child's behavior is harmful to himself, others, or property;
  7. Who is in an institution and
    - a. Has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child's mental or physical well-being; or
    - b. Who has been willfully isolated from ordinary social contact under circumstances, which indicate emotional or social deprivation.
- B. Adult means an individual 18 years of age or older.
- C. Curbside warning is an enforcement option best used when the offense or incident is of such a minor nature that it does not warrant custodial detention and a verbal warning and advisement of the consequences of such action would suffice. No

further action required aside from documentation (e.g., juvenile throwing stones, but not causing damage).

- D. Custody is defined as the state of being detained or held under guard/watch.
- E. Delinquency means the commission of an act by a juvenile, which if committed by an adult, would constitute:
  - 1. A crime;
  - 2. A disorderly persons offense;
  - 3. A petty disorderly persons offense; or
  - 4. A violation of any other penal statute, ordinance, or regulation (see N.J.S.A. 2A: 4A-23).
- F. Detain means any holding of a person in police custody, whether pending court or other disposition of charges filed or to be filed against the person, or under circumstances where the person is being held on account of a serious danger to the person's health or safety.
- G. Detention means a situation in which a person is being detained.
- H. Juvenile is an individual who is under the age of 18 years.
- I. Juvenile-Family Crisis means behavior, conduct or a condition of a juvenile, parent or guardian, or other family member, which presents or results in:
  - 1. A serious threat to the well-being and physical safety of a juvenile;
  - 2. A serious conflict between a parent or guardian and a juvenile regarding rules of conduct which has been manifested by repeated disregard for lawful parental authority by a juvenile or misuse of lawful parental authority by a parent or guardian;
  - 3. Unauthorized absence by a juvenile for more than 24 hours from his/her home;
  - 4. A pattern of unauthorized absences from school by a juvenile subject to compulsory education provision of Title 18A of the New Jersey State Statutes, or
  - 5. An act which if committed by an adult would constitute prostitution in violation of N.J.S.A. 2C: 34-1 or any offense, which the juvenile alleges is related to the juvenile being a victim of human trafficking.
- J. Non-offender means a detained juvenile, other than one charged with an act of delinquency or a status offense.
- K. Parent or guardian means any natural parent, adoptive parent, resource family parent, stepparent, paramour of a parent, or any person, who has assumed responsibility for the care, custody, or control of a child or upon whom there is a legal duty for such care.

1. Parent or guardian includes a teacher, employee, or volunteer, whether compensated or uncompensated, of an institution who is responsible for the child's welfare and any other staff person of an institution regardless of whether or not the person is responsible for the care or supervision of the child.
  2. Parent or guardian also includes a teaching staff member or other employee, whether compensated or uncompensated, of a day school as defined in N.J.S.A. 9: 6-8.21.
- L. Non-secure custody means detention in conditions such that a juvenile is not being held in secure custody.
- M. Secure area means a building or an area within a building that restricts the mobility of an individual in custody through the use of hardware or architectural features.
- N. Secure custody means detention in conditions such that:
1. The individual is held in a secure room or cell or other secure area;
  2. The area where the individual is held is located within a larger secure perimeter;
  3. The individual is physically secured to a cuffing rail or other stationary object;
  4. The individual is held in conditions that violate the sight and sound restrictions subsection IV.I of this policy;
  5. The individual is held in conditions that violate the supervision requirement of section VI of this policy.
- O. Short-term custody means except where delinquent conduct is alleged, a law enforcement officer may take any juvenile into short-term custody, not to exceed six hours, when:
1. There are reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and that immediate custody is necessary for the juvenile's protection;
  2. There are reasonable grounds to believe that the juvenile has left the home and care of parents or guardian without their consent; or
  3. An agency legally charged with supervision of the juvenile has notified the law enforcement agency that the juvenile has run away from out-of-home placement; except where there are reasonable grounds to believe that the juvenile is an abused or neglected child within the meaning of N.J.S.A. 9:6-8.21 in which case the provisions of said law shall govern.
  4. The taking of a juvenile into custody shall not be construed as an arrest but shall be deemed a measure to protect the juvenile's health, morals and wellbeing. A juvenile taken into short-term custody shall not be detained in a detention facility or jail.
- P. Sight and sound separation means the maintenance of physical separation between a juvenile and a securely held adult so that both sustained visual contact and direct and sustained oral communication between them is not possible.

- Q. Status offense is not a delinquency offense, but rather is conduct that if committed by an adult would not constitute an offense. Examples include runaways, truancy, or conflicts with parents. These offenses commonly occur as part of a Juvenile-Family Crisis pursuant to N.J.S.A. 2A: 4A-22g.
- R. Status offender means a juvenile accused or charged with a status offense or a juvenile detained protectively because the juvenile's health or safety is in serious danger.
- S. Stationhouse adjustment is an alternative method that law enforcement agencies may use to handle first-time juvenile offenders who have committed minor juvenile delinquency offenses within their jurisdiction in lieu of signing a juvenile delinquency complaint. The intent of the stationhouse adjustment program is to provide for immediate consequences, such as community service or restitution and a prompt and convenient resolution for the victim, while at the same time benefitting the juvenile by avoiding the stigma of a formal juvenile delinquency record. In many instances, this early intervention will deter the youth from continuing their negative behavior and divert the youth from progressing further into the juvenile justice system.

## II. Taking Juveniles into Custody.

- A. Pursuant to N.J.S.A. 2A:4A-31, a juvenile may be taken into custody:
  - 1. Pursuant to an order or warrant of any court having jurisdiction; or
  - 2. For delinquency, by a law enforcement officer, pursuant to the laws of arrest and Rules of Court.
- B. Except where delinquent conduct is alleged, a juvenile may be taken into short-term custody by a law enforcement officer without order from the court when:
  - 1. The officer has reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and taking into immediate custody is necessary for his/her protection; or
  - 2. The officer has reasonable grounds to believe the juvenile has left the home and care of his/her parents or guardian without consent of such persons; or
  - 3. An agency legally charged with the supervision of a child has notified that the child has run away from out of home placement, provided, however, that in any case where the law enforcement officer believes that the child is an "abused or neglected child" as defined in section 1 of P. L. 1974, c119 (C 9:6-8.21), the officer shall handle the case pursuant to the procedure set forth in that act.
- C. The taking of a juvenile into custody shall be deemed a measure to protect the health, morals and well-being of the juvenile.
- D. The following offenses should result in the filing of a juvenile delinquency complaint. Station house adjustments are not appropriate for the below listed offenses:

1. Offenses involving the use or possession of a controlled dangerous substance or drug paraphernalia as defined under Chapters 35 or 36 of the Criminal Code shall not be adjusted without permission from the Camden County Prosecutor's Office.
  2. Bias offenses shall not be adjusted without the permission of the Camden County Prosecutor's Office.
  3. Sexual Offenses shall not be adjusted without the permission of the Camden County Prosecutor's Office.
  4. Offenses resulting in serious and/or significant bodily injuries shall not be adjusted without permission of the Camden County Prosecutor's Office.
  5. Third degree offenses shall not be adjusted without the permission of the Camden County Prosecutor's Office.
  6. Offenses shall not be adjusted if the law enforcement agency is aware that the juvenile has other charges already pending before the court.
  7. Offenses shall not be adjusted when the juvenile is currently on probation, parole, home detention or other court ordered disposition.
- E. Offenses that may result in the taking of the juvenile into custody but may result in either the signing of a juvenile complaint or a stationhouse adjustment. The officer should consider these types of offenses to be first addressed by the use of a stationhouse adjustment.
1. Ordinance violations
    - a. Including offenses that if committed by an adult would not be a violation (status offenses).
  2. Petty disorderly persons offense
    - a. Including offenses that if committed by an adult would not be a violation (status offenses).
  3. Disorderly persons offense
    - a. Including offenses that if committed by an adult would not be a violation.
  4. 4th degree offenses
    - a. May be considered for stationhouse adjustment if the juvenile has no prior record that is known to the law enforcement agency.
- F. **Advisement of Constitutional Rights:** juveniles taken into custody are to be immediately advised of the reason for custody and their constitutional rights if they are subject to custodial interrogation.
- G. Juveniles taken into custody are to be transported directly from the scene to the police department juvenile bureau or other juvenile facility as directed. The only exception being when directed to do otherwise by an appropriate authority or circumstances require that the juvenile be transported to a medical facility for

treatment. Juvenile offenders shall not be escorted through sally port or temporary detained in the same area with adults.

- H. **Notification of Parents:** a parent or legal guardian must be contacted as soon as possible once a juvenile in custody has been positively identified. They are to be advised of the reason for custody, the custody status and estimated time and conditions of release. They are also to be advised of any additional investigative procedures that may be taken.

### III. **Juvenile Officers.**

- A. The Chief of Police will designate one or more officers as Juvenile Officers.
- B. Juvenile Officers will be responsible for reviewing all cases where a juvenile is taken into custody by this agency.
- C. The Juvenile Officer who reviews the arrest of a juvenile shall, using this policy as a guide, determine which enforcement option is most appropriate.
- D. The Juvenile Officer shall ensure that all aspects of this policy are followed.

### IV. **Notification of the Juvenile Officer.**

- A. If a Juvenile Officer is on duty when a juvenile is taken into custody, the Juvenile Officer will be notified as soon as possible.
- B. If there is no Juvenile Officer on duty when a juvenile is taken into custody, the officer will forward a copy of the report to the Juvenile Officer.
- C. Any juvenile investigation regarding a 1st or 2nd degree crime requires the immediate notification of the Juvenile Officer (on-duty or off-duty) by the investigating officer.

### V. **Assessing the Juvenile for Signs of Harm.**

- A. Officers taking custody of a juvenile for any reason shall ascertain the condition of the juvenile to determine if the juvenile has been harmed or injured in any way or is in danger of being harmed or injured. This action shall be documented in the *Juvenile Report*.
  - 1. If the juvenile requires immediate emergency services, such as medical or psychiatric care, the officer shall contact the Juvenile-Family Crisis Intervention Unit (FICU), at 877-652-7624, for authorization to transport to a hospital for a mental health assessment when the parent/guardian cannot consent.
  - 2. Any emergent medical conditions shall be treated immediately at an appropriate medical facility. Officers will assist the hospital staff, as needed, in locating and contacting the juvenile's parents and/or guardians for authorization of treatment.
- B. Protective custody is a device to be used in crisis situations. It does not apply to a juvenile taken into custody on delinquency matters. An officer who determines

there is an emergent need to take a juvenile into protective custody in order to protect the child from suspected abuse or neglect shall immediately inform his/her supervisor prior to taking any such action (absent exigent circumstances).

- C. Once taken into custody, the New Jersey Department of Children and Families, Division of Child Protection and Permanency (DCP&P) must be immediately notified. DCP&P staff will direct where officer should take the juvenile.
- D. DCP&P must be contacted at their consolidated statewide child abuse Hotline **1-877- NJ ABUSE** (877-652-2873). The Child Abuse Hotline receives all reports of child abuse and neglect 24-hours a day, 7-days a week. The hotline shall be immediately notified when any of the following is suspected:
  - 1. Abuse or neglect by a parent, guardian or other person having custody or control.
  - 2. The child has been exposed to any indecent, immoral or unlawful act that may tend to debauch, endanger or degrade the morals of the child, or is suspected of having been subjected to an act of sexual abuse.
  - 3. The child has been employed in an occupation, which would be injurious to his/her health, dangerous to his/her life, contrary to the law of this State or in such a manner to be dangerous to the morals of the child.
  - 4. The child is a runaway from another state.

#### **VI. Holding Juveniles in Custody and Six-Hour Restrictions.**

- A. Status-offenders and non-offenders shall not be held in secure custody.
- B. Status-offenders, non-offenders and juveniles held on a charge of delinquency but not being held in secure custody, shall not be held in custody for more than six hours.
- C. Ordinarily, custody at the police department shall be maintained in a non-secure detention location. A police officer shall, at all times, remain with the juvenile until released from custody.
- D. In the event of an extraordinary circumstance, the shift supervisor may determine that a juvenile should be held in secure custody. For the purpose of this section, an extraordinary circumstance is one in which secure custody is:
  - 1. Necessary for the safety and security of either the juvenile or others, including facility staff and the public; or
  - 2. Necessary for the safe and secure operation of the facility.
    - a. Any such decision to place the juvenile in secure custody shall be only to the extent and duration as is required to address the specific extraordinary circumstances.
    - b. Such circumstances shall be thoroughly explained in the *Investigation Report*.



- c. The report shall be endorsed by the Watch Commander and shall be maintained on file as part of the *Juvenile Admissions Log*.
- E. The Watch Commander shall ensure supervision for all detained juveniles. The level of supervision shall be that necessary to ensure the safety and wellbeing of the juvenile, staff and the public at large.
- F. Audio/video monitoring systems shall not be used as a substitute for required continuous face-to-face supervision of juveniles.
- G. The Watch Commander shall ensure that the *Juvenile Admissions Log* is updated with the following information concerning each detained juvenile:
  - 1. Name;
  - 2. Date of birth;
  - 3. Gender;
  - 4. Race/ethnicity;
  - 5. The charges or other circumstances in connection with which the juvenile is being held;
  - 6. The date and time of admission into the facility;
  - 7. The date and time of release from the facility;
  - 8. If the juvenile is held beyond six hours in the facility;
  - 9. Whether the sight and sound separation has been maintained; and
  - 10. Information sufficient to enable the reader to determine whether the juvenile was held in secure or non-secure custody.
- H. A separate secure custody log (i.e. *Record of Confinement*) shall be maintained for each juvenile held in a secure custody (e.g., holding room or cell). The secure custody log shall be kept or posted in close proximity to the secure holding room or cell, and shall contain the following information:
  - 1. The name of the juvenile;
  - 2. The cell or room number;
  - 3. The date and time the juvenile was placed in the cell or room;
  - 4. The date and time of release from the cell or room; and
  - 5. A record of each inspection of the juvenile.
    - a. Each inspection shall be recorded, showing the date and time, describing the general condition of the juvenile, and shall be initialed by the inspecting officer.
    - b. Inspections shall be made not less frequently than every 15 minutes.

- I. If a detained juvenile exhibits any of the following behaviors, continuous face-to-face visual supervision is required:
  1. Appears intoxicated;
  2. Appears to be under the influence of drugs;
  3. Shows signs of emotional disturbance or risk of self-injury; or
  4. Is detained in a room/area in which there is a suicide or safety hazard.

## **VII. Adjudication Options.**

- A. The following reports will be completed when a juvenile is taken into custody:
  1. *Arrest Report*;
  2. *Investigation Report* (when required);
  3. *Juvenile Complaint* (when required);
  4. *Stationhouse Adjustment* (when applicable); and
  5. CAD entries with notes for curbside warnings.
- B. The following options are available when dealing with juvenile offenders:
  1. Curbside Warning (outright release with no further action)
    - a. Juvenile is detained but is not taken to the police department or any other custodial or law enforcement facility because the offense does not rise to the level of an arrest situation. While detained, juvenile is counseled as to the consequences of his/her actions.
    - b. Upon completion of counseling, officer may elect to either transport the juvenile home or direct him/her to return home on his/her own. Such action should only be taken when the officer reasonably believes the juvenile will return home and will be able to do so in a safe manner.
    - c. In instances where curbside warnings are deemed appropriate, the investigating officer will complete or verify completion of a CAD entry ensuring that the name of the juvenile is entered. No other action will take place. The officer handling this type of incident will forward a copy of the CAD entry to the Juvenile Officer in addition to completing an field contact card.
  2. Stationhouse Adjustment.
    - a. The juvenile is taken into custody and transported to the police department.
      1. Custody at the police department shall be maintained in a non-secure detention location.

2. A police officer shall, at all times, remain with the juvenile until released from custody.
- b. A parent or legal guardian/caregiver will be contacted and advised as to why the juvenile is in custody. The parent, guardian/caregiver or their designee shall be required to respond to the police department.
    1. The parent, guardian/caregiver or their designee is required to respond to the police department if the officer is considering conducting a stationhouse adjustment.
  - c. When considering the appropriateness of conducting a stationhouse adjustment, the following factors shall be considered:
    1. The age of the offender. Younger offenders, particularly those who may be less able to understand the consequences of their actions, may be more appropriate for stationhouse adjustment. However, no juvenile offender is automatically excluded due to age.
    2. Officers shall consider any record of prior juvenile complaints or stationhouse adjustments. Juveniles with a prior serious offense, or more than two minor offenses, should ordinarily not receive a stationhouse adjustment.
    3. Officers shall consider the cooperation and attitude of all parties (juvenile, parents, guardians/caregivers, or designee and victim).
  - d. The juvenile shall be advised of the consequences of future delinquent activity. They shall be read the information contained within the contents of the Stationhouse Adjustment Warning Form. The parent, guardian/caregiver or their designee shall also be provided with a copy of the warning.
  - e. If there is a known victim of the alleged offense, the victim must be notified and agree to the process. Where appropriate, victims should be informed that this process is a more efficient and expeditious process that enables a matter to be resolved locally.
    1. A stationhouse adjustment may proceed without the active participation of a victim, but is not permitted when the victim objects.
    2. A victim who objects to a stationhouse adjustment should be permitted to sign a juvenile delinquency complaint, unless the complaint is clearly frivolous or lacking probable cause, in which case the officer has the discretion pursuant to N.J.S.A. 2B:12-21(b) to refuse to accept the complaint.
  - f. The juvenile shall agree not to offend again and the juvenile and his or her parent, guardian/caregiver or designee shall be informed that a subsequent offense or failure to comply with the terms of the

stationhouse adjustment agreement may result in the filing of a juvenile delinquency complaint for the offense.

- g. The officer shall complete a Stationhouse Adjustment Agreement Form, which must be signed by the juvenile and a parent, guardian/caregiver or designee.
  - 1. Examples of stationhouse adjustment techniques:
    - a. Letter of apology.
    - b. Essays on a criminal justice topic.
    - c. Requesting parent or guardian/caregiver to require juvenile to perform additional household jobs.
    - d. Juvenile agreement to make restitution in appropriate cases - this option requires officer follow-up. The restitution should be simple and short term to avoid long term involvement by the Police department.
    - e. Copies of the agreement shall be maintained in the case file and provided to the juvenile and to the parent, guardian/caregiver or designee.
- h. Any time that a stationhouse adjustment is utilized by officers, there shall be a clear record of the action. Listed below are some, but not all documents required.
  - 1. CAD entry. This shall include all information required for an accurate record of the incident-names of juvenile(s), victim(s), parent(s) or guardian(s). Description of incident as well as a description of the agreed upon stationhouse adjustment techniques.
  - 2. Stationhouse Adjustment Agreement.
  - 3. Stationhouse Adjustment Warning.
  - 4. Miscellaneous Reports.
    - a) Incident report.
    - b) Field Contact Card.
- i. The police department shall maintain the records of all stationhouse adjustments. The Juvenile Officer will submit a quarterly report to the Chief of Police detailing incidents during that quarter. This report will also be forwarded to the Camden County Prosecutor's Office.
  - 1. Information reported shall be recorded on the Stationhouse Adjustment Quarterly Report. There shall not be any names of juvenile offenders on this report. The only information identified shall be as listed below:

- a. Age at time of offense.
    - b. Race (as reported by the juvenile).
    - c. Gender.
    - d. Alleged offense.
    - e. Outcome.
    - f. If no stationhouse is conducted, identify the reason why.
  2. Quarterly Reports are to be submitted no later than the dates indicated below:
    - a. April 15 (first quarter).
    - b. July 15 (second quarter).
    - c. October 15 (third quarter).
    - d. January 15 (fourth quarter).
  3. Quarterly Reports will be completed by the Juvenile Officer and forwarded to the Chief of Police via the chain of command and the Camden County Prosecutors Office. Quarterly reports will be maintained by this police department for five years.
3. Juvenile Complaints with Custody (referral to juvenile court)
- a. The juvenile is taken into custody and transported to the police department.
    1. Custody at the police department shall be maintained in a non-secure detention location.
    2. A police officer shall at all times remain with the juvenile until released from custody.
  - b. A parent or legal guardian/caregiver will be contacted and advised as to why the juvenile is in custody. The parent, guardian/caregiver or their designee shall be required to respond to the police department.
  - c. Under no circumstances will any juvenile taken into short-term custody for a juvenile family crisis be held more than six hours, and a juvenile taken into short-term custody will not be detained in a detention facility or jail.
  - d. A juvenile that has been taken into custody may be released to a responsible person or agency except in the following circumstances. If one of these circumstances exists, contact must then be made with the on-call Juvenile Intake Unit and they will

determine if the juvenile will be further detained at the Youth Detention Center:

1. The release of the juvenile will adversely affect the health, safety or welfare of the juvenile.
  2. The juvenile was charged with an offense of the first or second degree.
  3. Detention is necessary to secure the presence of the juvenile at the next hearing or likelihood exists that the juvenile will not appear at the next court hearing.
- e. When a Juvenile Complaint has been initiated and continued detention is not warranted, the juvenile may be released to a parent, guardian/caretaker or a designee.
1. The parents will be advised of the pending complaint.
  2. All related reports and the original juvenile complaint shall be forwarded by the Records Bureau to the appropriate juvenile court once the case has been reviewed by the Juvenile Officer.
- f. The investigating officer will prepare the Juvenile complaint and the original complaint will be forwarded to the Juvenile Officer. The Juvenile Officer will review the original juvenile complaint before it is forwarded to juvenile court.
4. Juvenile Complaints without Custody.
- a. The investigating officer will prepare the Juvenile Complaint and the original complaint will be forwarded to the Juvenile Officer. The Juvenile Officer will review the original juvenile complaint before it is forwarded to juvenile court.
  - b. Notice to the parent(s) or guardian/caregiver must be made explaining the pending complaints within (72) hours of complaint initiation and that they will receive these complaints from the Superior Court-Family Part once they have been processed.
5. Issuance of Written Traffic Citations.
- a. There are only a few exceptions which allow an officer to issue a citation or summons in lieu of taking a juvenile into custody. Most of these exceptions pertain to motor vehicle laws. N.J.S.A. 2A:4A-23 specifically excludes violations of chapters 3, 4, 6, and 8 of Title 39 as delinquent conduct. Therefore, any such motor vehicle violation alleged against a juvenile of any age can be heard in Municipal Court. All officers may issue a motor vehicle summons to the juvenile for a violation. Officers may arrest a juvenile for those violations which would warrant the arrest of an adult.
  - b. Notification to Parent/Guardian: Where a motor vehicle summons has been issued to a juvenile under the age to lawfully obtain a permit, the issuing officer shall ensure that the juvenile's parent or

guardian is notified. For minor offenses, this notification can be made by telephone.

### **VIII. Referral to the Juvenile Justice System.**

- A. In those cases where an alleged juvenile offender has been involved in serious criminal conduct or repeated violations, officers should, as a matter of course, refer the case to the juvenile justice system (sign a Complaint of Juvenile Delinquency), unless there are specific mitigating circumstance to recommend otherwise. In general, delinquent acts requiring referral to the juvenile justice system would include:
1. All delinquent acts that if committed by an adult, would be an indictable offense (first through fourth degree crimes).
  2. All delinquent acts involving weapons.
  3. All serious gang-related delinquent acts.
  4. All delinquent acts committed by juveniles on probation, parole, home detention or suspended sentence.
  5. Acts committed by juveniles who have been identified as an Impact Offender, or who have charges pending or have a history of repeated delinquent acts.
  6. Juveniles, who have been selected to participate in a diversion program, but refuse to participate.
  7. In those cases where it has been determined that parental supervision is not effective.
  8. In those cases where it has been determined that the juvenile offender represents a threat to him/herself or the community if released.
  9. Any act that is committed by a juvenile where there is sufficient probable cause to believe that the juvenile has committed an act of delinquency that would constitute a violation of any offense defined in Chapter 35 or 36 of Title 2C ("The Comprehensive Drug Reform Act"), as required by Directive 5.7 of the Statewide Action Plan for Narcotics Enforcement. Where a juvenile is taken into custody for an act of delinquency involving a violation of any offense defined in Chapter 35 or 36 of Title 2C, a complaint alleging delinquency shall be filed.
  10. Violations of underage possession and/or consumption of alcoholic beverages.

### **IX. Considering Alternative Options.**

- A. Officers are in the best position to evaluate the circumstances surrounding the commission of a delinquent act by a juvenile. The stability of the home, peer pressure, the nature of the offense, the age of the offender, their prior record, the availability of community based rehabilitation programs, the likelihood that the juvenile will commit further acts and the victim's recommendations, are all factors

that the officer must consider when referring alleged juvenile offenders to formal legal proceedings. The following criteria should be utilized in determining which would be the best approach in terms of handling a juvenile offender. Depending upon the seriousness of the offense and the actual threat that the juvenile represents to him/herself or the community, these factors may include:

1. The nature of the alleged offense. The officer shall determine whether the juvenile is alleged to have engaged in noncriminal misbehavior (a status offense). The more serious the offense, the greater the need to have the juvenile referred for more formal action, while relatively minor infractions may simply be referred to the juvenile's parents or guardians for appropriate action.
2. The age and circumstances of the alleged offender have a bearing on just how effective less coercive remedies may have on future conduct of the juvenile offender. Often an officer is able to determine if his/her intervention is sufficient to ensure that there is a reluctance of the juvenile to become involved at a future time.
3. The alleged offender's record, if any. Despite the seriousness of the offense committed, patterns of aberrant behavior may signify that more formal action may be necessary, even though the offense itself was relatively minor.
4. The availability of community based rehabilitation programs. Depending upon what social services are available and how they are accessed by this department should be part of the officer's consideration when making recommendations concerning the disposition of juvenile cases.
5. When considering diversion, other factors to consider may also include the following:
  - a. The juvenile is cooperative and admits to the offense.
  - b. The juvenile has an attitude conducive to rehabilitation.
  - c. The extent of the juveniles' involvement in the offense.
  - d. The attitude of the parents or legal guardian is positive and supportive.
  - e. The wishes of the victim and/or complainant in the case.

## **X. Fingerprinting and Photographing.**

- A. When a juvenile who is fourteen or older is charged with an offense that would be a crime if committed by an adult, all reasonable steps shall be taken to photograph and fingerprint the Juvenile. This includes those times when a delinquency complaint is signed by a private citizen.
  1. "Fourteen or older" means that the juvenile was fourteen or older at the time the charged offense was committed.
  2. "All reasonable steps" shall include taking the juvenile into custody pursuant to law, or having the juvenile voluntarily respond to headquarters.



- B. Photographs will only be taken on juveniles fourteen years of age or older who have committed an indictable offense.
- C. Juveniles charged with delinquency who are under the age of fourteen at the time of the crime may not be fingerprinted. These juveniles may only have their fingerprints taken at the time they are adjudicated delinquent for an act which, if committed by an adult, would constitute a crime. Juveniles who are charged with disorderly person's offenses or petty disorderly person's offenses may not be fingerprinted or photographed at all.
- D. Fingerprints and photographs may be taken of juveniles of any age for criminal identification purposes, with the consent of the court, or of the juvenile and parent or guardian. Such prints, when taken, shall be destroyed when the purpose for the taking of the fingerprints is fulfilled.

#### **XI. Custodial Interviews of Juveniles.**

- A. Juveniles have the right to counsel at every stage of the juvenile process. Prior to interviewing a juvenile concerning a criminal investigation, officers must first contact the parents or guardians of the juvenile and request that they respond to police headquarters. The investigating officer shall then give Miranda Rights to the juvenile in the presence of his/her parents. The officer shall not question or take statements from juveniles without the parent's permission. If the parents cannot be reached after a reasonable amount of time, then another responsible adult family member may take their place.
- B. Although the parent or legal guardian may elect not to be present for the interview, they and the juvenile must be advised of their right to confer privately prior to questioning and the parent's right to be readmitted to the interview or to stop the interview at anytime.
- C. Should a parent or legal guardian choose not to be present, they are to complete and sign the bottom portion of the Rights form. The advising officer and a witness will also sign the form.
- D. If a parent or legal guardian chooses not to be present and refuses or is unable to respond to the location of the interview, the rights form may be faxed to them as long as prior to faxing the advising officer reads the form to them via telephone and reasonably believes that they understand its contents. The interview is not to be conducted until the signed form is returned. If necessary, the form may also be hand carried to the parent or legal guardian if authorized by the supervisor in charge of the investigation. If a parent or legal guardian refuses to sign the form, no interview is to be conducted unless authorized by a supervisor.
- E. Prior to any questioning, the officer conducting the interview must clearly explain to the juvenile and parent or legal guardian, if they choose to be present, the department's interview procedures and policies regarding juvenile offenders. They shall also be advised of any possible action that may be taken within the juvenile justice system and procedures within the system.
- F. No more than two officers may be involved in the interviewing of a juvenile at any one time. Although there may be instances where other officers become involved in the interview, only two officers may actively conduct the interview. Other officers

may be present as witnesses only, if approved by the officers conducting the interview and their supervisor.

- G. No juvenile shall be interviewed in excess of one continuous hour without a break of at least (10) minutes. After each break, the interview may be resumed for another hour until such a time as the juvenile or parent invokes the right to counsel or silence, or further interviewing would be fruitless, or the purpose of the interview has been accomplished. Juveniles should not be questioned longer than four (4) hours unless authorized by the Camden County Prosecutor's Office.
- H. Juveniles shall have reasonable access to toilets and water or other beverages while being interviewed. Juveniles will be given an opportunity to eat if an interview extends through a normal meal period.
- I. Situations involving school interviews or other third party interviews, where a school official or other non-law enforcement officer conducts the interview and the officer stands by in silence, are prohibited. This type of interrogation should only be conducted after the juvenile and his/her parents have been notified of their rights and where the parents or guardians are present.
- J. A spontaneous confession by the juvenile is acceptable. However, the officer is not to further question the juvenile until he/she has given the juvenile his/her Miranda Rights in the presence of the parents/guardians.
- K. When juvenile complaint is initiated and a judicially approved arrest warrant is obtained the juvenile may only waive their Miranda Rights in the presence of and after consultation with their attorney. This requirement applies to adults as well if they were a juvenile at the time of the offense or when the arrest warrant was obtained (reference State of New Jersey In the Interest of P.M.P. A-63-08).

## **XII. Police Operations on School Property.**

- A. All police operations conducted near or on any school grounds will be conducted in accordance with the "Uniform State Memorandum of Agreement between Education and Law Enforcement Officials." A copy of this document is filed with this policy. It will be the responsibility of the juvenile officer to make sure the most recent copy of this agreement is on file with this policy.

## **XIII. Juvenile Records.**

- A. The Records and Identification section shall maintain a separate file for juvenile and adult criminal history records either through electronic or paper means. Investigation and arrest reports involving a juvenile will be specially marked to indicate such. This is done automatically by the department's electronic records management system.
- B. Juveniles shall be identified by having their fingerprints and photograph taken as outlined in section X of this policy. These records will only be released under a court order or discovery. They shall be retained either in the juvenile case file or electronically by the case number.
  - 1. Records and Identification personnel shall be accountable for the collection, maintenance, dissemination and retention of juvenile records,

fingerprints, booking reports and photographs in accordance with New Jersey state law.

- C. All electronic records pertaining to juvenile shall be stored in the department's electronic records management system which has protected access by a username and password. Further user role defined access restrictions are imposed so that only personnel with a need to see all parts of a juvenile record may view. All paper file are securely stored in the Juvenile Division either in a locked desk (detective's use) or in a locked filing cabinet (division storage). Archived juvenile paper based records shall be stored securely in one of the two authorized repositories.
- D. Juvenile records are not purged from the department's records system (electronic or paper), as they are maintained as records for law enforcement needs. Once a juvenile reaches the age of 18, record dissemination is only authorized to criminal justice agencies, barring a court order. Exceptions to this rule will be the dissemination of traffic offenses (i.e. Reckless, DUI, etc.) as the courts routinely request this information. The records of all juveniles remanded as adults will be treated as adult records.
- E. Upon receipt of a court order outlining the exact offense record that is to be expunged, all information identifying that juvenile shall promptly be removed from department records and segregated in a separate file for expunged juvenile records.