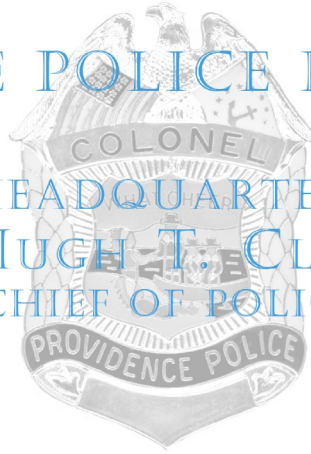


PROVIDENCE POLICE DEPARTMENT

HEADQUARTERS

COLONEL HUGH T. CLEMENTS, JR.
CHIEF OF POLICE



TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	370.01	3/28/2014	3/30/2014
SUBJECT TITLE		PREVIOUSLY ISSUED DATES	
Juvenile Operations			
REFERENCE		RE-EVALUATION DATE	
CALEA 1.2.5(b)(c); 44.1.1, 44.2.1- 44.2.3		3/28/2017	
SUBJECT AREA		DISTRIBUTION	
Law Enforcement Operations		All Sworn Personnel	

PURPOSE

The purpose of this policy is to provide procedures to be followed by all personnel regarding the handling of juveniles who come under the jurisdiction of the Providence Police Department, and to define the responsibilities of the Youth Services Bureau (YSB).

POLICY

In accordance with the Juvenile Justice and Delinquency Prevention Act of 2002 and Title 14, Chapter 1 of the Rhode Island General Laws, the following guidelines and procedures have been established regarding the handling of juveniles by members of the Providence Police Department.

The Providence Police Department and its members are committed to the creation of new programs and the support of existing programs that are designed to foster positive interaction with the youth of the City while aiming to reduce juvenile delinquency.

It is the responsibility of all agency members to support the Department's juvenile delinquency prevention efforts and to use the least coercive methods available, as deemed appropriate based upon a totality of the circumstances, when dealing with juvenile offenders.

DISCUSSION

For the purpose of this General Order, the following definitions shall apply:

Juvenile: A person under eighteen (18) years of age. A juvenile becomes an adult at midnight, the night before his/her 18th birth date.

Delinquent: A juvenile offender who has committed any offense which, if committed by an adult, would constitute a felony.

Wayward - Misdemeanor Offender: A juvenile who has committed any act, which, if committed by an adult, would constitute a misdemeanor offense.

Wayward - Status Offender: A juvenile who has committed any offense, which, if committed by an adult, would not constitute a misdemeanor or felony offense. Status Offenses include:

1. Truancy from school (if under the age of 16).
2. Running away from home.
3. Violation of curfew.
4. Disobedient/out of control.

*NOTE: A juvenile accused of possession or consumption of tobacco products or the commission of underage alcohol offenses (in a case that would not be a criminal offense if the offender were an adult) should be considered and handled as a status offender.

A first offense for refusal to take a breathalyzer test is a civil offense in Rhode Island and therefore does not justify secure detention.

Any status offender who fails to appear in Family Court is still considered a status offender, despite the issuance of a bench warrant.

Status offenders shall not be placed into secure custody.

Non-Offender: A juvenile to whom any of the following descriptions apply:

1. An unmarried child who is found to be abused, neglected, or in imminent danger of abuse or neglect.
2. An unmarried child who is found to be abandoned.
3. An unmarried child who is in need of medical, mental health, or chemical dependency treatment which the parent(s), legal guardian(s) or primary caretaker(s) cannot provide.
4. An unmarried child who has been sexually abused by a parent, guardian, or other member of the household.

5. An unmarried child whose parent, guardian, or primary caretaker desires to be relieved of the care and custody of the child for good cause.
6. A juvenile taken into custody for questioning purposes.

Secure Custody: Confinement of a juvenile in a Department-authorized physically restrictive, secured area within the Department; normally the PPD juvenile cellblock.

*NOTE: Per Section (223)(a)(13) of the Juvenile Justice Delinquency Prevention Act, an accused criminal-type juvenile offender must be either released or transferred after a maximum of six (6) hours in secure custody.

Non-Secure Custody: Placement of a juvenile in an unlocked room or multi-purpose area, including but not limited to a lobby, office, interview room, or conference room, which is not set aside or used as a secured area; providing that the juvenile is not physically secured to any stationary object or fixture.

*NOTE: All juveniles in non-secure custody must be kept in constant visual contact by a YSB detective for the duration of custody, unless exigent circumstances dictate otherwise.

PROCEDURE

I. GENERAL

- A. All sworn members of the Providence Police Department are encouraged to be involved within the Providence community and to support and participate in programs that enhance the positive development of young people.
- B. The Department will develop and/or participate in initiatives that are designed to prevent and control juvenile delinquency, and will coordinate such initiatives with other agencies and the community.
- C. All sworn members of the Department are encouraged to familiarize themselves with juvenile issues and problems, as well as established programs and resources geared toward effecting positive changes in juvenile offenders.

II. YOUTH SERVICES BUREAU (YSB)

- A. The Investigative Division incorporates a juvenile component, identified as the Youth Services Bureau (YSB), which is responsible for making all referrals to court or recommending/implementing diversionary alternatives.
- B. YSB serves as the liaison between the Department and other agencies and components of the juvenile justice system.
- C. YSB duties include, but are not limited to:

1. Effecting the arrest of juveniles when arrest is necessary.
2. Immediately reviewing every case in which a custodial arrest has been made.
3. Making decisions regarding the summoning and/or releasing of juvenile offenders.
4. Coordinating and preparing cases for Family Court.
5. Making referrals to the City of Providence Juvenile Hearing Board when the offender is a city resident.
6. Prosecuting adults in child abuse, neglect, and abandonment cases.
7. Acting as a liaison between the Department and other agencies working to investigate, deter, and prevent child abuse or neglect.
8. Making recommendations to appropriate counseling or other human resource agencies when either requested or as appropriate.
9. Coordinating efforts with both government and private agencies to develop and implement programs to control and prevent juvenile delinquency.
10. Maintaining juvenile records and updating the status of juvenile arrests and dispositions.
11. Coordinating efforts with other elements of the Juvenile Justice System and encouraging review and comment in regards to the Department's case handling, and considering suggestions to revise and improve correctional efforts when beneficial or necessary.
12. Preparing an annual written report which analyzes all juvenile enforcement activity and prevention programs, to be forwarded to the Commanding Officer of the Investigative Division and the Chief of Police.

III. ENFORCEMENT METHODS AND CONSIDERATIONS

- A. A juvenile may be taken into custody whenever any of the following elements are present:
 1. An order of the Family Court.

2. There is probable cause to believe that the juvenile has committed acts which fall within the delinquency jurisdiction of the Family Court and it is determined that issuance of a summons or citation would not adequately:
 - a. Protect the jurisdiction or process of the Family Court;
 - b. Protect the juvenile if harm has already occurred or from an imminent threat of serious bodily harm; or
 - c. Reduce the risk of the juvenile inflicting serious bodily harm on others or committing serious property offenses prior to adjudication.
 3. The officer believes that the juvenile is wayward.
 4. The juvenile fails to cooperate or to positively respond to police intervention and direction.
 5. The juvenile's parent(s) or guardian(s) have failed to provide appropriate control or supervision.
- B. In making the determination to take or retain custody of a juvenile offender, officers must consider:
1. The nature and seriousness of the offense.
 2. The juvenile's record, previous contacts, and/or warnings.
 3. The age and circumstances of the juvenile.
 4. The availability of non-custodial alternatives, including the presence of a parent or guardian willing to provide supervision and care of the juvenile and to assure his/her compliance with a summons or citation.
 5. Any outstanding capias or history of willful failures to appear in court.
- C. If it is decided to take the juvenile into custody:
- a. Prior to any questioning, criminal delinquent juveniles will be read their Miranda Rights by the detaining member or an appointed interpreter, if a language barrier exists, in order to ensure that the constitutional rights of the juvenile are protected. No questions will be asked of the juvenile until the juvenile is properly represented by a parent, guardian or legal counsel.

- b. The juvenile will be restrained as appropriate and immediately transported to Central Station.
- D. YSB officers dealing with juvenile offenders shall utilize the following guidelines in order to determine the least coercive, most reasonable methods available when handling cases involving juveniles.
 - 1. A juvenile offender may be released to the custody of a parent or guardian without being formally charged when the following elements are present:
 - a. The offense is a status offense, a non-offense, or a petty misdemeanor.
 - b. The complainant provides a written statement that formal charges will not be pursued.
 - c. The juvenile's parent(s) or guardian has been made aware of the juvenile's detention and agrees to the release.
 - d. Appropriate supervisory approval.
 - 2. The juvenile offender may be charged by, summonsed by, and released by YSB, when all of the following elements are present:
 - a. The offense is a status offense or a petty misdemeanor.
 - b. The juvenile is a first-time offender.
 - c. The juvenile's parent(s) or guardian has been made aware of the charge(s) and agrees to the release.
 - d. The officer has gathered and verified all of the pertinent information, including the suspect's name, date of birth, address, contact number(s), and the parents' name(s) dates of birth, and contact information.
 - e. Appropriate supervisory approval.
 - 3. Referral of alleged juvenile offenders to Family Court should be restricted to cases involving wayward juveniles who have not responded to counseling or who have engaged in serious criminal conduct or repeated criminal violations such as, but not limited to, the following:
 - a. Felony Violations.
 - b. All delinquent acts involving weapons.

- c. Serious gang related delinquent acts.
- d. Delinquent acts involving aggravated assault and battery.
- e. Delinquent acts committed by juveniles on probation or parole, or who have a case pending.

IV. CUSTODY METHODS AND CONSIDERATIONS

A. Criminal offenders - violent or major offenses.

1. A juvenile should be held in secure custody and then either transported to Family Court as soon as practical or a Family Court Judge called for an emergency hold, for the following offenses:
 - a. Arson - 1st and 2nd degree.
 - b. ADW - Resulting in serious bodily injury.
 - c. Assault on a person over 60 - Resulting in injury.
 - d. Breaking & Entering of Occupied dwelling in day or nighttime.
 - e. Burglary.
 - f. Child Molestation - 1st Degree.
 - g. Escape from the Rhode Island Training School.
 - h. Felony Assault - Resulting in serious bodily injury.
 - i. Murder - And any other related crime including assault with intent to commit murder.
 - j. Narcotics - Delivery or possession with intent to deliver or large amounts if just for possession.
 - k. Reckless Driving - Death or serious bodily injury
 - l. Robbery - 1st Degree and armed and assault with intent to commit robbery.
 - m. Sexual Assault - 1st Degree.
 - n. Stalking - 2nd charge.
 - o. Weapons - All loaded firearms, especially on school grounds, and explosives.

- p. Kidnapping.
 - q. Auto Theft / Carjacking.
 - r. Family Court Capias/Warrant.
- B. Criminal Offenders - felonies not listed above and misdemeanors.
- 1. A juvenile should be held in secure custody when charged with an offense which would be a criminal act if committed by an adult.
- C. Juveniles held for Family Court (i.e., criminal offenders) will be transferred for a hearing as soon as practical. If court is not in session, authorization will be obtained from the on-call Family Court Judge and the juvenile will be transferred, without delay, to the R.I.T.S.Y.
- *NOTE: Juveniles may not be held in custody for any more than six (6) hours without the expressed authorization of a Family Court Judge. The six (6) hour time limit begins when the juvenile is first placed in secure custody.
- D. Status Offenders.
- 1. A juvenile status offender may not be held for more than twenty-four (24) hours at the police station while awaiting:
 - a. Parents or guardians, or a transfer to an alternative temporary placement facility, if the public safety is not threatened and the juvenile's appearance in court is assured, and the juvenile is neither in need of medical treatment nor requesting protective custody; or
 - b. An order by a Family Court judge.
 - 2. Under no circumstances will a status offender be held in secure custody or secured to a fixed object.
- E. Traffic Offenders.
- 1. Juveniles charged with misdemeanor traffic violations which are under the jurisdiction of the District Court for adults should be transported to headquarters and transferred to YSB for release.
 - a. The juvenile should be issued an arrest number, summonsed, and transferred to YSB for release.
 - 2. Rhode Island Traffic Tribunal (RITT) offenses should contain the following information on the back of the citation:

- a. Parent(s) name(s).
- b. Home phone number.
- c. The juvenile's school and grade.

*NOTE: The issuing officer or a YSB detective may choose to notify the parent(s), especially if the juvenile's driving habits are apparently endangering himself/herself or others.

3. All traffic offenders under 16 years of age come under the jurisdiction of the Family Court, regardless of the offense. They must be issued a Universal Summons violation, issued an arrest number, and released to the parent or guardian. The officer will complete an arrest report which will be forwarded to the YSB. The YSB will be responsible for any court summons issued to the juvenile.

F. Non-Offenders/Protective Custody

1. A juvenile who is in police custody for his/her own protection or for other non-offense reasons, while awaiting transfer to a social service/treatment center or released to parent(s) or guardian, may be placed in non-secure custody only. Police can invoke a 48-hour hold (RIGL 40-11-5(c)). Every reasonable effort will be made to notify the parent(s), guardian, or other person(s) exercising temporary or permanent control over the child of the placement.

Protective custody considerations may arise when:

- a. A juvenile is alleged to have been harmed or to be in danger of harm, officers may take the child into protective custody without the consent of parent(s), guardian, or others exercising temporary or permanent control over the child (RIGL 40-11-5).
- b. There is probable cause to believe that, by reason of abuse or neglect, there exists an imminent danger to the child's life or physical safety.
- c. A child's parent(s) or guardian has been arrested.
- d. The child has become lost accidentally and as a result the child's welfare is threatened due to loss of adult protection and supervision.

2. Reports of child abuse, neglect, or abandonment will be investigated by YSB. DCYF will be notified of such cases in accordance with law or when necessary in the course of the investigation (RIGL 40-11-3)
 3. Any child that apparently has been abused can be checked by a licensed physician, in accordance with state statute, who may invoke a 72 hour emergency hold to protect the child under a hearing can be held. (RIGL 40-11-5(a))
- G. An incident and/or arrest report must be generated for all juveniles detained at police headquarters, regardless of arrest status or protective custody reason, and must include the following information:
- a. Case number.
 - b. Age and sex of juvenile.
 - c. Specific charge or reason detained.
 - d. Custody area (secure or non-secure).
 - e. Length of detention time.
 - f. Parent or agency juvenile is released to.
 - g. Name and DOB of parent(s) or guardian.
- H. Parent(s) or guardian will be notified as soon as possible when a juvenile is taken into custody.
- I. A YSB detective or supervisor will be notified whenever a juvenile is brought into headquarters on a non-voluntary basis.
- J. All juveniles will be afforded due process.
- K. All officers will ensure that the constitutional rights of the juvenile are protected.

V. INTERVIEW / INTERROGATION / FORMAL STATEMENTS

- A. Interviews and formal statements pertaining to juveniles shall be conducted by sworn Investigative Division detectives only.
- B. Upon their arrival, both the juvenile and the parent/guardian will be read the Miranda Rights and asked to physically sign or initial each Miranda Right. This will alleviate any question as to whether or not the juvenile and his/her parent(s)/guardian were advised of these Rights prior to questioning, thus ensuring the admissibility of any statements made by

the juvenile.

1. If at any time during the questioning the juvenile, parent(s), or guardian requests to invoke any of their Miranda Rights, the rights will be afforded.
- C. No questioning will take place, nor will formal oral or written statements be elicited, unless the juvenile's parent(s), guardian, or legal counsel is present.
1. Exceptions may occur primarily based upon the totality of the circumstances and the juvenile's capability to knowingly waive his/her right to consult with his/her parent(s) or guardian.
- D. Interrogation of a juvenile will be limited in duration to generally less than two (2) hours. Exceptions may occur, as the scope of the investigation may require.
1. The juvenile will be provided water and use of a restroom upon request.
 2. There will be no more than two (2) sworn officers conducting the interrogation, unless officer safety issues dictate otherwise.
- E. Explanation of the department's juvenile procedures as well as the State of Rhode Island's Juvenile Justice System will be given to the juvenile being interviewed so that a full understanding of the process is clear.

VI. PROCESSING OF JUVENILES

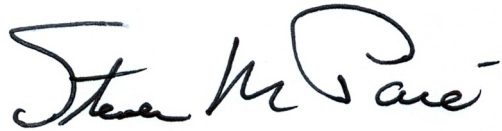
- A. All juveniles arrested for delinquent or wayward (misdemeanor) offenses will be fingerprinted and photographed for identification purposes.
- B. Status offenders and non-offenders will not be photographed and fingerprinted.
- C. Investigative photographs or fingerprints of a juvenile may be necessary and may be taken of the suspect juvenile in regards to a particular incident under the following circumstances:
 1. It is ordered by the Court.
 2. Parent(s) and juvenile consent and waive rights in accordance with law and in writing in a manner as required for interrogations in this policy.

VII. PROVIDENCE POLICE EXPLORER PROGRAM (POST #209)

- A. This program is for boys and girls between the ages of fourteen (14) and twenty (20) who are enrolled in school and who want to either learn more about or pursue a career in law enforcement.
- B. Program participants must maintain a “C” average in school to remain in the program.
- C. Program participants learn policies and procedures for law enforcement.
- D. The program provides career orientation experiences, leadership opportunities, and community service activities.
- E. The primary goals of the program are to help young adults choose a career path within law enforcement and to challenge them to become responsible citizens within their communities.
- F. Program participants have the ability to achieve rank amongst their peers.
- G. Program participants attend meetings once per week for three (3) hours, September through June.
- H. This program is affiliated with the Learning for Life Program of the Boy Scouts of America.
- I. Program participants compete in annual State and National Competitions.
- J. Once a participant has completed one (1) full year in the program and has reached a minimum age of sixteen (16), he/she may ride along with police officers in accordance with Department Rules and Regulations and Ride-Along Program restrictions and procedures.
- K. This program is managed by police officers and volunteers from the community.

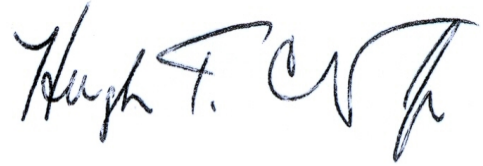
NOTE: This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven,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

APPROVED:



STEVEN M. PARÉ
COMMISSIONER
DEPARTMENT OF PUBLIC SAFETY

APPROVED:



HUGH T. CLEMENTS, JR.
COLONEL
CHIEF OF POLICE