

East Haven Police Department 	Type of Directive: Policies & Procedures	No. 505.5
	Subject/Title: Juvenile Offenders	Issue Date: April 25, 2023
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	Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually
References/Attachments: Policies and Procedures #: 439 Connecticut General Statutes § 46b-120, 46b-133	Rescinds: 505.4	Amends: N/A

I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department (EHPD) regarding the handling of juvenile offenders.

II. POLICY

- A. It is the policy of the East Haven Police Department that its personnel shall display sensitivity and respect the rights of all juveniles with whom they come in contact with through enforcement and/or the provision of services.

III. DEFINITIONS

- A. Delinquent Under Sixteen (16): A person may be convicted as "delinquent" who has, while under sixteen (16) years of age, committed any of the following acts.
 - 1. Violated any federal or state law, except section § 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a.
 - 2. Violated a municipal or local ordinance, except an ordinance regulating behavior of a child in a family with service needs.
 - 3. Willfully failed to appear in response to a summons under section 46b-133 or at any other court hearing in a delinquency proceeding of which the child had notice.
 - 4. Violated any order of the Superior Court in a delinquency proceeding, except as provided in section § 46b-148.

5. Violated conditions of probation in a delinquency proceeding as ordered by the court;
- B. Delinquent Age Sixteen (16) or Seventeen (17): A person may be convicted as "delinquent" who has, while sixteen (16) or seventeen (17) years of age, violated any federal or state law, other than any of the following.
 1. An infraction, other than possession of drug paraphernalia for use with under $\frac{1}{2}$ ounce of marijuana.
 2. A violation, other than the possession of under $\frac{1}{2}$ ounce of marijuana,
 3. A motor vehicle offense or violation under Title 14,
 4. A violation of a municipal or local ordinance, or
 5. A violation of section § 51-164r, 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a;
- C. Age Sixteen (16) or Younger: A person may be convicted as "delinquent" who has while 16 years of age or younger committed any of the following acts.
 1. Willfully failed to appear in response to a summons under section § 46b-133 or at any other court hearing in a delinquency proceeding of which the child had notice,
 2. Violated any order of the Superior Court in a delinquency proceeding, except as provided in section § 46b-148, or
 3. Violated conditions of probation in a delinquency proceeding as ordered by the court.
- D. Juvenile or Child: A person under eighteen (18) years of age who has not been legally emancipated and who was not younger than ten (10) years of age at the time of the alleged commission of a delinquent act as defined in Connecticut General Statute § 46b-120.

IV. GENERAL GUIDELINES AND CONSIDERATIONS

- A. The Department recognizes that effective police response to incidents involving juveniles requires sensitivity, judgment and discretion on the part of officers. Effective response requires an awareness and understanding of the specific needs of those juveniles. It involves an ability to collaborate with other agencies providing services for young persons, as well as knowledge of the law as it relates to juvenile matters. The manner that members of the Department interact with juveniles may well impact the future of these young people throughout their lives and their impressions regarding police.
- B. The Department has adopted this policy and these procedures from the most recent model statewide policy as published in the Report of the Juvenile Justice Advisory Committee, State of Connecticut Office of Policy and Management, November 2011.

V. PROCEDURES

- A. A detective and/or officer may be assigned the following responsibilities in regards to juvenile matters.
 - 1. Screen reports involving police contact with juveniles.
 - 2. Make/review Department referrals of juveniles to court.
 - 3. Make/review decisions to divert juveniles from the court.
 - 4. Maintain liaison with the Superior Court, Juvenile Matters; the Department of Children and Families; schools; and other agencies serving juveniles.
 - 5. Assist fellow officers with juvenile matters and juvenile crime information.
 - 6. Design and implement programs intended to prevent and control delinquent and criminal behavior by juveniles.
 - 7. Maintain an updated list of social service agencies and community professionals serving juveniles and their families, including local juvenile review boards where they exist.

- B. Factors to Consider in Handling Juvenile Offenders
 - 1. Sworn personnel have a number of legal and appropriate options available when responding to incidents involving juveniles and therefore have considerable discretion in handling juveniles. When appropriate, officers should use the least coercive option when dealing with a juvenile offender; in choosing which option(s) to employ, officers should consider the following.
 - a. The nature of the alleged offense and the juvenile's role in it.
 - b. The age of the juvenile.
 - c. Past police involvement with the juvenile.
 - d. Possibility of gang affiliation.
 - e. The attitude of the juvenile and parents toward the offense and receptivity of a referral for treatment or rehabilitation.
 - f. Family, school and community adjustment of the juvenile.
 - g. The availability of community-based programs for the juvenile.
 - h. The likelihood that an alternative referral will prevent further delinquent behavior.
 - i. The impact on the victim.
 - j. Recommendations, if any, of other agencies or professionals involved with the juvenile.

- k. Public safety.
- C. Factors never to be considered when handling juveniles.
 - 1. Officers should be careful to eliminate any consideration of the following factors in their decision-making.
 - a. Race, ethnicity, gender, economic status, gender identity, creed, and/or religion of the juvenile and/or his/her family.
- D. Incidents involving juveniles may be documented with completion of an incident report including the actions of the officer and the race/ethnicity and other demographic information for the juvenile(s) involved.
- E. Officers Handling Juvenile Offenders
 - 1. Officers who respond to situations involving juveniles shall display sensitivity and respect the rights of all juveniles with whom they come in contact, through enforcement, protection and/or the provision of services.
 - a. Officers shall determine whether the juvenile was involved in a criminal or non-criminal offense.
 - b. Officers shall ensure the constitutional rights of juveniles are protected.
 - c. Officers shall determine whether the juvenile has been harmed or is in danger of being harmed when applicable.
 - 2. Enforcement Options
 - a. Verbal warning.
 - 1) When feasible, release the juvenile to a parent, legal guardian, or other responsible adult with no further police action taken.
 - b. Conference with the juvenile, parents, teachers and/or others.
 - c. Referral to Juvenile Review Board and/or community agencies.
 - 1) This option uses community resources as an early course of action in handling juvenile delinquency by providing alternatives to court for juveniles who have committed minor criminal violations. Officers may refer to a specific agency or, if available, to the Juvenile Review Board (JRB) which coordinates the provision of services with schools and community agencies in accordance with Policies and Procedures # 439 – Juvenile Review Board.
 - d. Referral to Court
 - 1) The juvenile court that has jurisdiction over the case is the juvenile court that serves the juvenile's town of residence, which may not be the court serving the location where the crime was committed.

- 2) An out-of-state juvenile charged with committing a delinquent act in Connecticut, if not placed in a juvenile detention center, should be referred to the juvenile court serving the city/town where the act occurred.
- 3) Prepare Juvenile Summons and Complaint/Promise to Appear
 - a) Except for juveniles who are taken to juvenile detention facilities, include a court date from the list of available dates.
 - b) For courts outside of the district where the offense occurred, either the court or a police department located within a town served by that court should be contacted to ascertain what days of the week that court hears delinquency cases. This date shall not be more than five (5) business days from the date of the arrest unless the juvenile was arrested for a domestic violence offense, theft of motor vehicle offence, or firearms-relate offense. In said cases, the juvenile shall be given the next available court date.
- 4) Serve Juvenile Summons and Complaint/Promise to Appear
 - a) Except for juveniles who are taken to juvenile detention facilities, officers must serve, either upon release or upon a later decision to refer to court, the Juvenile Summons and Complaint/Promise to Appear on the juvenile and parent/guardian or any other suitable person or agency.
 - b) Since this is the only notice of the court appearance the family will receive, the Notice of Court Appearance portion of the form must be filled out completely and reviewed with the juvenile and family.
 - c) The parent/guardian or other person to whom the juvenile is being released must sign the Promise to Appear portion of the form. If they refuse to sign, the officer should note such refusal on the form and in the police report along with the name of the person to whom the juvenile was released.
 - d) Unless personally known to the officer, the identity of the parent/guardian or other person to whom the juvenile is being released should be verified and the source of that verification should be included in the police report, regardless of whether they sign the Promise to Appear or not. Whenever a juvenile is released to a person other than the juvenile's parent or guardian, the officer should make a follow up call or visit to make certain that the parent or guardian is aware of the incident and the scheduled court date.
 - e) If the person to whom the juvenile is being released is unwilling or unable to provide adequate proof of identity, the juvenile should not be released to that person and Department of Children and Families (DCF) should be contacted; or the juvenile should be considered for admission to a juvenile detention center; or released on their own.

- 5) Forward Juvenile Summons and Complaint/Promise to Appear to court
 - a) The Juvenile Summons and Complaint/Promise to Appear, along with the complete police report (including prosecutor's report), should be sent to the appropriate court as soon as possible so the case can be prepared for the date when the juvenile and the family will appear as summoned. The police report should be signed and sworn in the event the prosecutor elects to request detention of the juvenile at some point prior to conviction.

F. Notice to Parents

1. The arresting officer shall notify the parents or guardian of the juvenile as soon as feasible of any arrest of a juvenile.

G. Notice to Superintendent of Schools

1. Whenever any person age seven (7) to twenty-one (21) and enrolled in school is arrested for committing a felony, a class A misdemeanor or a violation of C.G.S. 53-206c that prohibits the sale, carrying and brandishing of a facsimile firearm, the arresting officer shall notify the superintendent of schools for the school district in which the person resides or attends of the identity of the person and the alleged offense. Such notification must be made by the end of the next weekday following the arrest.
2. Written notification to the superintendent must be made within seventy-two (72) hours of the arrest and include a brief description of the incident (Form NX-1 in LEAS).

H. Release from Police Custody

1. Release of a juvenile to a parent, guardian or other suitable person or agency may be appropriate in any of the following circumstances.
 - a. Release would not constitute a serious threat to the juvenile or a member of the public.
 - b. The juvenile is likely to appear in court.
 - c. The parent, guardian, or other suitable person or agency appears to be responsible, willing and capable of managing the juvenile.
 - d. Officers may release the juvenile to the custody of a parent, guardian or other suitable person or agency. The police officer should notify the parent/legal guardian of the nature of the charges, and the planned course of action by police, particularly when release is to someone other than a parent.
 - e. In certain situations, with supervisory approval, it may be appropriate to release a juvenile to his/her own custody.
 - f. The notice and copy may be provided by first class mail with return receipt. All efforts to provide such notice and copy should be documented in writing.

- g. When making the decision to release a juvenile to his/her own custody, consideration must be given to the issues of the juvenile's safety and the police department's liability.
- h. Officers should be careful to eliminate any consideration of the following factors when making the release decision.
 - 1) Race, ethnicity, gender, economic status, gender identity, creed, and/or religion of the juvenile and/or his/her family.

I. Detention of a juvenile in a juvenile detention facility may be appropriate in any of the following circumstances.

- 1. Probable cause to believe that the juvenile will pose a risk to public safety if released to the community prior to the court hearing or disposition.
- 2. A need to hold the juvenile in order to ensure the juvenile's appearance before the court, as demonstrated by the juvenile's previous failure to respond to the court process; or to hold the juvenile for another jurisdiction.
- 3. An out of state juvenile, who is not charged with any delinquent acts in Connecticut, is located in Connecticut and it is determined that they are wanted for a delinquent act in another state and that state is willing to extradite them back to their home state.
- 4. Regardless of the seriousness of the charge, the juvenile detention facility will only accept a juvenile who is the subject of one or more of the following.
 - a. An arrest warrant authorizing detention.
 - b. A Take into Custody Order.
 - c. An Order to Detain, an order by the court for the juvenile to be held in detention.
- 5. Juveniles being brought to an intake facility shall be done without delay unless an exceptional circumstance arises.

J. Medical Care and Mental Health Services

- 1. Emergency Mobile Psychiatric Services may be contacted by calling 211 and selecting option one (1) in cases involving behavioral or mental health related incidents.
- 2. Officers should request an ambulance for juveniles who are in need of immediate medical attention. If possible, notify a parent or guardian prior to transport.

K. Procedures for Admission to Juvenile Detention Facilities

- 1. The criteria for admission to juvenile detention facilities are as follows.
 - a. The juvenile is the subject of an outstanding arrest warrant or other court order to take such juvenile into custody OR the juvenile is the subject of an Order to Detain signed by a judge.

2. Obtaining an Order to Detain, if necessary
 - a. The police may obtain an Order to Detain (JD-JM-190) from any Superior Court Judge at any time of the day or night.
 - 1) The form is available on PRAWN or on the Internet at: "<https://www.jud.ct.gov/webforms/forms/JM190.pdf>".
3. An Order to Detain will only be signed if the judge reviewing the request finds the following.
 - a. Probable cause to believe that the juvenile has committed a delinquent act, and there is no less restrictive alternative available, and at least one of the following pertains.
 - 1) There is probable cause to believe the juvenile will pose a risk to public safety if released to the community prior to the court hearing or disposition (i.e. serious juvenile offense);
 - 2) There is a need to hold the juvenile to ensure the juvenile's appearance before the court, as demonstrated by the juvenile's previous failure to respond to the court process;
 - 3) A need to hold the juvenile for another jurisdiction; OR
 - 4) A finding by the court that the juvenile has violated one or more of the conditions of a suspended detention order.
4. In the case of a juvenile charged with a crime for whom a request for an Order to Detain is denied, but the juvenile cannot be released to a parent or guardian or some other suitable person or agency or a parent or guardian cannot be reached, a suitable person or agency cannot be identified, or the parent or guardian, agency or shelter refuses to take the juvenile, the officer must notify the DCF at 1-800-842-2288 and seek their assistance to place the juvenile into a Department of Children and Families facility or other suitable placement.
5. Duties prior to transfer to detention.
 - a. Officers should ascertain that the juvenile is not in need of immediate medical attention.
 - b. Officers should contact the detention facility to notify them that a juvenile is being transported to the facility.
 - c. The officer should notify the parent/legal guardian of the whereabouts of the juvenile, the nature of the charges, and the planned course of action. The officer's efforts to notify the parent/legal guardian, whether successful or not, should be noted in the officer's report.

- d. The juvenile should be thoroughly searched for weapons, drugs, contraband and/or other items that may have evidentiary value or could endanger the staff or residents at the detention facility.
- e. The officer should attach the Juvenile Summons and Complaint/Promise to Appear to the police report setting out the alleged conduct of the juvenile, and bring it with the juvenile to the juvenile detention facility. The Notice of Court Appearance and Promise to Appear sections of the form should be left blank. The police report must be signed and sworn.

L. Detention of Juvenile Arrestees Within the Department

- 1. Separation of juveniles from adult offenders.
 - a. Juveniles may only be held in secure areas within the police facility that are used exclusively for juveniles or where no adult prisoners are present. Such secure areas may include the following.
 - 1) Cells.
 - 2) Lockable rooms (exit restricted) – whether locked or not.
 - b. No juveniles shall be placed in circumstances where they could have contact with adult offenders within the police station.
 - 2) Contact is defined as sight and sound contact or, in other words, where normal conversation can take place or overheard.
 - c. Separation must be complete. Haphazard or accidental contact is not permitted.
 - d. Any juvenile held in a secure area that is not used exclusively for juveniles shall be held in an area that is separate and apart from any adult detainee.
 - e. Juveniles shall be monitored at all times while being detained.
 - f. Juveniles may be held in appropriate secure areas for a maximum of six (6) hours. The six-hour (6) period begins when the juvenile enters the secure area and does not end until the juvenile leaves the police station.
 - 1) The time frame of six (6) hours is to allow for the limited purposes of identification, processing, interrogation, transfer to juvenile detention facilities or release to parents.
 - g. A juvenile may only be held for a maximum of eight (8) hours when:
 - 1) An officer has submitted an Order to Detain affidavit and the judge has not yet ruled on the affidavit, OR
 - 2) An officer has been unable to contact the juvenile's parent or guardian.
 - h. If a juvenile arrestee is held for more than six (6) hours, the reason(s) as to why shall be documented in an incident report by an officer.

- i. Whenever any person under the age of eighteen (18) years is held in a secure area, it must be logged in the juvenile logbook. The following information must be included.
 - 1) Name of juvenile.
 - 2) Birth date.
 - 3) Gender.
 - 4) Race/ethnicity.
 - 5) Most serious offense.
 - 6) Secure area in which he/she is held.
 - 7) Date and time into the secure area.
 - 8) Date and time out of the police station.
 - 9) Person or agency to which he/she is released.
 - 10) Name of processing officer.
 - 11) Signature of supervisor.

VI. PROCEDURES - Investigations

- A. Custodial and Non-custodial Interview and Interrogation of a Juvenile as a Suspect During an Investigation
 1. Notification of Rights – for juveniles under the age of sixteen (16).
 - a. A parent or legal guardian must be physically present during any interviews or questioning of the juvenile in custody.
 - b. The parent/legal guardian and juvenile must both be advised of the juvenile's rights.
 - c. A written waiver form shall be executed by the juvenile and parent/legal guardian.
 - d. If any of the above requirements are not met, questioning about the alleged offenses may not occur.
 - e. For juveniles under the age of sixteen (16), it is a **requirement for admissibility** that a parent or guardian be physically present with the juvenile during the interview. It is not a right that may be waived even by agreement of the juvenile and parent/guardian.

- f. Notification of Rights – for juveniles age sixteen (16) or seventeen (17), the officer must make a reasonable effort to contact a parent or guardian.
- g. The juvenile must be advised of his/her rights including the following.
 - 1) The right to contact a parent or guardian and to have them present during any interview.
 - 2) The right to retain counsel or, if unable to afford counsel, to have counsel appointed on their behalf.
 - 3) The right to remain silent and to refuse to make any statement.
 - 4) That any statement made by the juvenile may be used against them in court.
- h. If the juvenile waives any of these rights, the court will determine the admissibility of any admission, confession, or statement by considering the totality of the circumstances at the time of the making of the admission, confession or statement including the following.
 - 1) The age, experience, education, background, and intelligence of the juvenile.
 - 2) The capacity of the juvenile to understand the advice concerning rights and warnings given, the nature of the privilege against self-incrimination, and the consequences of waiving such rights and privilege.
 - 3) The opportunity the juvenile had to speak with a parent, guardian or some other suitable individual prior to or while making such admission, confession, or statements.
 - 4) The circumstances surrounding the making of the admission, confession, or statement, including, but not limited to the following.
 - a) When and where the admission, confession or statement was made.
 - b) The reasonableness of proceeding, or the need to proceed, without a parent or guardian present.
 - c) The reasonableness of efforts by the police or Juvenile Court official to attempt to contact a parent or guardian.
 - 5) A written waiver form should be executed by the juvenile and parent/legal guardian.
 - 6) The above requirements do not apply to interviews with juveniles who are victims and/or witnesses. However, if during the interview the juvenile makes any incriminating remark, that remark will likely not be admissible in court against the juvenile unless a parent/legal guardian was present and both the juvenile and parent/legal guardian were previously advised of the juvenile's rights.

2. Need to re-advise.
 - a. If there is a gap of time between the advisement of rights and the taking of a statement, the court will consider various factors when determining if the juvenile and parent need to be advised again before the statement is taken. The factors include.
 - 1) The length of time that has passed between the initial warnings and the subsequent interrogation.
 - 2) Whether the warnings and interrogation occurred in the same location.
 - 3) Whether the officers who gave the warnings were the same as those who conducted the subsequent interview.
 - 4) Whether the subsequent interview concerned the same or new offenses and facts.
 - 5) The physical settings of the advisement and interviews.
 - 6) Whether the officer reminded the juvenile of his rights before resuming questioning.
 - 7) Whether the juvenile confirmed that he/she understood their rights or manifested an awareness of their rights.
 - 8) The apparent mental and emotional state of the juvenile.
 - 9) The juvenile's age, experience, education, background, and intelligence.
 - 10) Whether the juvenile has the capacity to understand the warnings given, the nature of their right to not incriminate themselves, and the consequences of waiving those rights.
 - b. If there is any doubt, the officer should re-advise the juvenile and parent of their rights.
3. Personnel shall not use threats, abusive language, profanity or other vulgarities when questioning a juvenile.
4. The duration of the interview shall be as brief as possible to obtain the required information and, unless there are exceptional circumstances, the number of officers shall be limited to two (2) at any one time. Exceptional circumstances shall be reviewed at a supervisory level. Interviewers will take into consideration the juvenile's and parent/guardian's personal needs (bathroom, water, etc.) and be conducted in a manner consistent with the juvenile's age, maturity, level of educational achievement and experience.

B. Photographs, Physical Descriptions and Fingerprints Requirement.

1. Any juvenile charged with a crime may be required to submit to the taking of his/her photograph, physical description and fingerprints.
2. All identification materials should be labeled “juvenile” and be kept separate from adult identification materials.

C. Working With Victims

1. Officers should ensure that victim information is complete and accurate and includes the victim's full name, address and contact information.
2. Victims should be advised as to which court location the juvenile summons will be sent (as venue is determined by where a juvenile resides).
3. Victims may also be referred to the Office of Victim Services at 800-822-8428.
4. Confidentiality statutes preclude personnel from sharing juvenile information with the victim with the exception of the following (Connecticut General Statute § 46b-124).
 - a. The name and address of the juvenile.
 - b. The name and address of the juvenile's parents or guardian.
 - c. Any charges pending against the juvenile at the time that the victim requests such information that relate to such delinquent act.
 - d. Information pertaining to the disposition of the matter that relates to such delinquent act.
 - e. Any order entered by the court pertaining to the victim, including, but not limited to, any order of no contact between the juvenile and the victim.
5. If the victim, or a representative of the victim such as a lawyer, investigator, insurance company, etc., requests information about a crime committed by a juvenile, the police should provide the requesting party with the officer's name, police case number and the telephone number of the juvenile court where the case was sent. They can then contact the court with this information and the court shall provide whatever information they may be entitled to receive.

D. Confidentiality of Juvenile Records

1. Records of juvenile matters are confidential and may be inspected or disclosed only upon an order of the court and/or an exception as defined in State and/or Federal law.
2. Records and identification materials on juveniles shall be clearly labeled “Juvenile.”
3. Juvenile records shall be kept separate from adult records.

- a. If a juvenile is apprehended in connection with the arrest of an adult, the report must be clearly identified as a juvenile record and identifying information on the juvenile removed from the adult record.
- 5. Exceptions to general confidentiality.
 - a. Records may be disclosed to and between individuals and agencies, and the employees of such agencies, involved in the delinquency proceedings or in providing services directly to the juvenile. Such agencies may include the following.
 - 1) Law enforcement officials.
 - 2) State and federal prosecutors.
 - 3) School officials.
 - 4) Adult and juvenile court officials.
 - 5) DCF.
 - 6) A court appointed victim's advocate.
 - 7) The Office of Adult Probation.
 - 8) The Office of the Bail Commission.
 - 9) The Board of Parole.
 - 10) Agencies under contract with the Court Support Services Division, Judicial Branch.
 - 11) An attorney for the juvenile and his/her parent/guardian.
 - b. Officers shall be very careful when releasing information about juveniles and should do so only when satisfied regarding the identity, relationship and authority to receive information provided by the person making a request. When unsure about releasing juvenile information, inquiries should be referred to the juvenile court where the matter is being heard.
 - c. Disclosure at school expulsion hearings.
 - 1) With permission from the Chief of Police and the State Attorney's Office, officers may testify on an arrest at an expulsion hearing if requested to do so by the local or regional board of education, the impartial hearing board, the principal of the school, the student or his/her parent/guardian.
 - 2) Officers who testify or provide information at such expulsion hearings should prepare for such testimony as they would prepare for a trial and answer any questions asked with specificity and accuracy to avoid giving any testimony

which later could be used to discredit or impeach them at a subsequent trial in the juvenile or adult criminal court. Officers should also be careful that they do not compromise the integrity or chain of custody of any physical evidence they provide.

- d. Special disclosure exceptions for the public.
 - 1) The Department may disclose to the public the name, photograph and custody status of any juvenile arrested for the commission of a capital felony or class A felony.
- 6. Information concerning a juvenile who has escaped from a detention facility or from a facility to which he/she has been committed by the court or for whom an arrest warrant has been issued for the commission of a felony may be disclosed by law enforcement officials.