

**Introduced by: Council Present**

**AN ORDINANCE FOR THE BERKELEY POLICE DEPARTMENT GENERAL ORDER #51 "JUVENILE OPERATIONS" POLICY**

**WHEREAS**, The City of Berkeley hereby finds and declares this ordinance is necessary, appropriate, and in the best interest of the City of Berkeley, Missouri, in accordance to the CALEA standards.

**Now, Therefore, Be it ordained by the City Council of the City of Berkeley, Missouri**, as follows:

**Section 1** The City of Berkeley, Missouri, Council hereby adopts the attached Juvenile Operations Policy in compliance the CALEA standards.

**Section 2** The attached agreement is hereby incorporated herein and made a part of this ordinance, as if fully set out herein.

**Section 3** This Ordinance shall be in full force and effect from and after its passage.

1st Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2017

2nd Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2017

3rd Reading, PASSED and APPROVED, this day of 2017

\_\_\_\_\_  
Theodore Hoskins, Mayor


ATTEST:

\_\_\_\_\_  
Deanna L. Jones, City Clerk

\_\_\_\_\_  
Approved As To Form:  
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Kirkland	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mathison	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman-at-Large McDaniel	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___

	<b>BERKELEY POLICE DEPARTMENT GENERAL ORDER</b>	<b>GENERAL ORDERS: 51</b>
<b>JUVENILE OPERATIONS</b>		
ISSUE DATE: 7/27/17	EFFECTIVE DATE: 9/18/2017	DISTRIBUTION: ALL PERSONNEL
		RESCINDS: ALL PREVIOUS VERSIONS
ACCREDITATION STANDARDS: CALEA 44.1.1, 44.2.1, 44.2.2, 44.2.3		NUMBER OF PAGES: 12

**PURPOSE:** This procedure shall establish uniform policy, procedures and guidelines for the handling of juveniles in custody or under the temporary care of members of this Department. The policies and procedures governing contact with juveniles shall be reviewed every three years or as new legislation is passed. In addition, at the time of revision, this procedure shall be forwarded to the St. Louis County Family Court for review and comment.

**POLICY:** The Berkeley Police Department is committed to the enforcement of laws as they pertain to juvenile offenders. The Department is equally committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. It shall be the responsibility of each organizational component to support and participate in this Department's ongoing juvenile operations/functions. The Department cooperates with area schools for safety/security presentations and surveys. Officers regularly attend school sponsored events to interact with the students and faculty. All enforcement and prevention programs that relate to juveniles shall be reviewed annually by the Police Juvenile Officer. At least annually the Investigations Division Commander with the assistance of the Police Juvenile Officer, shall forward a written evaluation to the Chief of Police. This evaluation shall consider both the quantitative and qualitative elements of each program, and shall lend itself to decisions regarding whether a specific program shall continue to function as is, be modified, or be discontinued [CALEA 44.1.1].

**DEFINITIONS:**

*Certification* - The process of transferring a child from the jurisdiction of the Juvenile Court to the Adult Court for prosecution and sentencing under general law.

*Child* - Any person under seventeen years of age and also, any person over seventeen but not yet eighteen years of age alleged to have committed a status offense (RSMO 211.021).

*Children's Division* - Missouri Division of Social Services- Children's Division, formerly referred to as the Division of Family Services (DFS).

*Deputy Juvenile Officer (DJO)* - An employee of the Chief Juvenile Officer of the St. Louis County Family Court. A DJO is required to be present to explain the juvenile's rights and the Family Court procedures prior to any questioning of a juvenile suspected of a crime or status offense.

*Family Court* - The St. Louis County Court having jurisdiction over all cases involving juvenile offenders and child abuse and neglect; it is located at 501 S. Brentwood within the same building as the Juvenile Detention Center .

*Juvenile* - A person younger than 17 years of age.

*Juvenile Detention Center* - St. Louis County Juvenile Detention Center located at 501 S. Brentwood within the same building as the Family Court and serving as the confinement facility for juvenile offenders.

*School Resource Officer* - A commissioned Police Officer designated by the Chief of Police as a Juvenile Officer.

*Responsible Adult* - A person 21 years of age or older, who, in the judgment of the Police Officer, would be responsible for the custody of a juvenile subject. This could include a relative, guardian or close personal adult friend.

*Serious Felony* - Murder, manslaughter, felonious assault, kidnapping, rape, robbery, and any armed criminal action, or possession of a controlled substance in an amount considered a felony.

*Status Offense* - Violations that apply only to juveniles, and are not crimes if committed by adults. Examples of such offenses include truancy, curfew, incorrigible, runaway and possession of alcohol or tobacco products. For further information see Section RSMO. 211.021.

*Under Supervision* - A person over 16 years of age shall remain under the supervision of the Family Court until the age of 21. If a person under the supervision of the court commits another offense after reaching his/her 17th birthday then, he/she is then charged as an adult regarding the new offense.

## **PROCEDURES:**

### STATE LAW REGARDING JUVENILE

- A. Missouri State Statutes (Chapter 211.061) states: "When a child is taken into custody with or without a warrant for an offense, the child, together with any information concerning the child and the personal property found in the child's possession, shall be taken immediately and directly before the Juvenile Court or delivered to the Juvenile Officer or a person acting for him." Officers shall strictly adhere to the law when handling serious offenses and take the child to the Family Court or DJO.
- B. Less serious violations may be brought directly to the Berkeley Police Department, but only under the guidelines listed in this procedure. All Officers shall familiarize themselves with, and carry out their activities within the constraints of the laws of the State of Missouri and the policies of the St. Louis County Family Court as they apply to the handling of juveniles.
- C. For questions regarding juvenile procedures, Officers shall refer to the Department's Juvenile Procedure reference manual located in the sergeant's office. If the question is not satisfactorily answered, questions shall be directed to the Juvenile Detention Supervisor or the Legal Department of the Family Court.

**PROCEDURES FOR CUSTODY [CALEA 44.2.2]**

- A. When taking a juvenile into custody, an Officer shall take all necessary steps to determine if the juvenile is alleged to have been harmed or shall be in danger of harm. Medical assistance shall be summoned if it is determined that the juvenile needs medical attention. [CALEA 44.2.2 b]
- B. Officers shall make a determination of whether the juvenile is alleged to have committed a felony, misdemeanor, or status offense and follow the appropriate procedure outlined in this procedure. [CALEA 44.2.2 a]
- C. It is imperative that all Officers dealing with juvenile offenders ensure that the constitutional rights of all juveniles are protected. [CALEA 44.2.2 c]
- D. Whenever a juvenile is taken into custody, the Officer shall notify the juvenile's parent or responsible adult as soon as practical. [CALEA 44.2.2 e]
- E. In all cases of a juvenile taken into custody and moved from that location, a report is required. For a Status Offense, the St. Louis County Family Court's "Notification That Juvenile Was Taken into Custody and Released" form may be used as the report; a stand- alone report.
- F. For all matters referred to St. Louis County Family Court wherein a CARE report is written, the "Notification That Juvenile Was Taken into Custody and Released" form shall not be completed.
- G. When a CARE report is completed involving a juvenile suspect(s), the Officer shall complete all the boxes within the "Suspect" portion of the CARE report.
- H. When taking a juvenile into custody and transporting to the Berkeley Police Department, all efforts will be made to keep the juvenile's identity confidential. Juveniles will not enter through the adult processing area. Juveniles will enter through an alternate door for processing. If the juvenile needs emergency medical attention, EMT will be contacted prior to being transported to the Berkeley Police Department. [CALEA 44.2.2 d]

**CONDITIONS OF CUSTODY AT POLICE DEPARTMENT**

- A. There shall be no adult detainees in the booking area when a juvenile is present. If a juvenile is to be held, no adult detainees shall be placed in the cell that a juvenile may occupy. A "JUVENILE" sign shall be placed on the cell door and Officers shall post a notice on the outer doors of the jail advising that a juvenile is present.
- B. Sight and sound separation from all adult detainees must be maintained at all times while the juvenile is in the booking area and cell area. The Officer shall notify the dispatcher and the Watch Commander when a juvenile is held in the booking or cell area in order to assure the sight and sound separation is being maintained.

- C. Custody of a juvenile shall not exceed two hours at the Berkeley Police Department unless approved by a supervisor. Under no circumstances shall a juvenile be held in excess of six hours at the Berkeley Police Department.
- D. Juveniles shall not be allowed to have items with them while they are being detained that would be prohibited for adult prisoners. The juvenile's property shall be itemized on the "Prisoner Activity Log" so that upon release, the releasing Officer can obtain a signed acknowledgement of returned property. The completed juvenile "Prisoner Activity Log" forms shall be forwarded to the Police Juvenile Officer for confidential filing.

### **NON-FELONY CUSTODIAL OFFENSES**

- A. When a juvenile is being investigated for a violation, the Officer shall use the least coercive among reasonable custody alternatives. Juveniles taken into custody for violations other than a Felony may be referred to Juvenile Court and shall be released under the following circumstances:
  - 1. At the scene if it is determined that there is no criminal culpability on the part of the juvenile.
  - 2. To a parent or responsible adult at the scene over the age of 21.
  - 3. To a parent or custodian at the Berkeley Police Department. No juvenile shall be held at the Department longer than two hours without the permission of the Watch Commander; and in no case shall it exceed six hours.
  - 4. To a parent or custodian at the child's residence.
  - 5. In the event no such parent or responsible adult is available, the juvenile shall be transported to the Juvenile Detention Center.

### **FELONY OFFENSES**

- A. All juveniles taken into custody and charged with a felony shall first be brought to the Police Department for processing without delay. After the juvenile is processed, the Watch Commander shall decide whether the juvenile shall be conveyed to Juvenile Detention Center or released to a parent/guardian [CALEA 44.2.2 d].
- B. Prior to bringing a juvenile into the sally port and booking area, the conveying Officer shall inspect the area to ensure that it is free of all adult prisoners. No juvenile is to be brought into either area if an adult prisoner is present.
- C. The processing Officer shall complete the juvenile entry log. This information must be complete; including the times the juvenile entered and exited the booking area.
- D. Photographs and Fingerprints
  - 1. All juveniles taken into custody and charged with a felony shall be fingerprinted and photographed. Because juvenile records must be kept separate from adult records, the LEWEB, IRIS or other electronic booking system shall not be used. Juveniles shall be photographed using a digital camera. The juvenile shall hold

the juvenile photograph board (stored in the cabinet in the fingerprinting area). The board shall display the juvenile's arrest number and the date the photos were taken. The Officer photographing the juvenile shall take a frontal and a right profile shot. Photographs shall be forwarded to the Evidence Technician, where they shall be filed and stored on a secure computer drive which is only accessible by limited authorized personnel and is separate from adult records.

2. Fingerprints shall be taken on paper cards; LIVESCAN shall not be used. The Officer shall roll two sets of fingerprints, using cards provided by the Missouri State Highway Patrol that are clearly marked "Juvenile." The Officer and the juvenile shall sign and date both sets of cards. A photocopy of a blank juvenile fingerprint card shall be used to record the pedigree information that the Records Clerk shall later type onto the cards. Both State cards in their entirety shall be forwarded to the Record Room. The Records Clerk is responsible for forwarding these cards to the St. Louis County Fingerprint Unit. The St. Louis County Fingerprint Unit assigns their own "LID/Juvenile AFIS" number and forwards one set of fingerprints to the Central Repository (Missouri State Highway Patrol).
  3. The second set of fingerprints shall be maintained by the St. Louis County Fingerprint Unit for insertion into AFIS (Automated Fingerprint Identification System) for storage and comparisons. In the event of an AFIS match, the Fingerprint Unit shall contact the Berkeley Police Department and provide the name and AFIS / LID number of the juvenile matching the fingerprint. The investigating Officer will be responsible for contacting the St. Louis County Family Court to confirm the identity of the juvenile in question.
  4. Fingerprints and photographs of juveniles shall be kept confidential, and only open for inspection or disclosure when directed by Court order.
- E. Field Testing of Drugs – If a juvenile is being charged with a drug offense the investigating Officer shall perform a field test of the suspected controlled substance before the juvenile may be admitted to Juvenile Detention. Officers shall either field test the suspected drug at the station prior to transporting the juvenile or take the sample with the juvenile and conduct the field test upon arrival at Juvenile Detention. Field test kits are available at Juvenile Detention. Results of the field test shall be documented in the narrative of the report.
- F. When charging a juvenile with an open container violation, the Officer shall take photographs of the alcoholic container, regardless if sealed or not. If the suspected container of alcohol, found in the possession of the juvenile is not sealed, the Officer shall maintain the container for laboratory testing.

### **CONVEYANCE TO JUVENILE DETENTION**

- A. Upon photographing and fingerprinting any juvenile taken into custody for a "Serious Felony" shall be conveyed to the Juvenile Detention Center. The Officer shall notify the juvenile's parents and arrange for them to meet the Officer at the Juvenile Detention Center. If the felony is less than those defined as serious felony, the Watch Commander has the discretion of releasing the juvenile from the Station to a parent/responsible adult.

- B. Juveniles conveyed to the Juvenile Detention Center for a felony offense require supporting documents to be completed in order for the Detention Center to retain them in custody. The conveying Officer shall complete the Initial Detention Admission form (IDA) and an Affidavit at the Detention Center. There the forms are available electronically and guidance in completing the forms can be provided by the Detention supervisor. The conveying Officer shall be prepared to articulate the facts which connect the juvenile to the offense. If sufficient information to file a petition is not received at the time, the Juvenile Detention Center shall be unable to admit the juvenile, the juvenile legal proceedings shall be delayed, and the Police Officer may be advised to release the juvenile to the parent/responsible adult.
- C. If the juvenile is taken into custody for an offense for which a CARE report has already been written, then a copy of the completed and approved CARE report and all attachments shall accompany the juvenile to the Juvenile Detention Center. If the Police report has not yet been completed, the completed and approved report shall be forwarded to Family Court within 24 hours of admission if continued detention is required.
- D. When notified by Family Court that a juvenile has been certified as an adult, a Berkeley Officer shall respond to the Juvenile Detention Center to pick up the juvenile and the certification papers; then transfer the juvenile to St. Louis County Intake. The Officer shall proceed to the Prosecuting Attorney's office and apply for an in-custody warrant.

#### **MISDEMEANOR CHARGES**

- A. Juveniles taken into custody for misdemeanor charge(s) shall be conveyed to the Station and held in the booking cage until released to a parent/responsible adult. Such holding shall not exceed two hours without the permission of the Watch Commander and in no case shall custody exceed six hours [CALEA 44.2.1 a].
- B. The processing Officer shall complete an entry on the "Juvenile Custody Log" This information must be complete; including the times the juvenile entered and exited the booking area.
- C. Generally, juveniles shall not be taken from their homes for misdemeanors as long as a parent or responsible adult over the age of 21 is present at the residence, unless the situation is such that not taking the juvenile into custody would cause a hazard to the health and welfare of the juvenile. If needed, the Officer shall arrange to interview the child with his / her parent / guardian at a later date.
- D. If a juvenile must be taken from his / her residence, all attempts shall be made to locate the juvenile's parent or a responsible adult over the age of 21. If one cannot be located within four hours, the juvenile shall be conveyed to the Juvenile Detention Center for safekeeping and an "Initial Detention Admission" form shall be completed.

#### **TRANSPORTING JUVENILES**

- A. Juveniles taken into custody by another jurisdiction on a Berkeley charge shall not be picked up by a Berkeley Officer. That jurisdiction shall be advised to take the juvenile to the Juvenile Detention Center in their jurisdiction. Interviews shall be conducted at the Juvenile Detention Center of the jurisdiction where the juvenile was taken into custody.

- B. Juveniles taken into custody by Berkeley Police for another jurisdiction shall be conveyed to St. Louis County Juvenile Detention. The Officer taking the juvenile into custody shall ask the dispatcher to make notification to the jurisdiction where the "wanted" originated. The Officer shall transport the juvenile directly to Juvenile Detention. Upon arrival at the Detention Center the Officer shall complete a "Taken into Custody and Released" form and have it signed by the Detention Supervisor.

## **INVESTIGATION INVOLVING JUVENILES**

### **A. Fingerprinting**

1. Any Officer wanting to fingerprint a juvenile for a non-felony offense must request the Family Court's permission by completing an affidavit. The affidavit form may be requested and returned in person at the Juvenile Detention Center; or requested and returned by fax. The Juvenile Detention Center fax is (314) 615-4469.
2. If a Court Order is granted, a copy of the Court Order and any special instructions shall be submitted as a part of the Officer's CARE report. The Officer shall then update the "Juvenile Custody Log" to indicate that the juvenile was finger printed.

### **B. Photographs**

1. An officer wanting to photograph a juvenile for a non-felony offense must first contact the Detention Center Supervisor for approval at (314) 615-2996. If permission is granted, the Detention Supervisor shall impose conditions and give specific directions regarding the disposition or destruction of the photographs.
2. The Officer must indicate in the report the name and title of the juvenile authority granting permission to photograph the juvenile. The Officer shall update the "Juvenile Custody Log" to indicate that the juvenile's photo was taken.

### **C. Juvenile Line-ups**

1. Physical Line-ups - A request to conduct a physical line-up of a juvenile must be directed through the Juvenile Detention Supervisor, who shall request permission through the Family Court subject to the following conditions:
  - a. There is probable cause to believe the juvenile did commit the offense.
  - b. The Officer has questioned or attempted to question the juvenile prior to any request for a line-up.
  - c. The Officer is responsible for getting the victim to the Juvenile Detention Center on the appointed date.
  - d. The Family Court shall provide the other persons needed for physical line-ups.
  - e. Photographs shall be taken of the line up with a copy made for Family Court.



- D. Photo Line-ups - Prior to conducting a photo lineup, all requests shall be made in writing by the investigating Officer following Family Court procedures. There must be probable cause to believe that the juvenile did commit the offense and the Officer must have questioned or attempted to question the juvenile prior to any request for a line-up.
1. The use of Berkeley Police Department juvenile mug shots for photograph identification or line-ups requires the permission of the Family Court. Any questions regarding the procedures shall be directed to the Family Court Detention Supervisor at (314) 615-2996.
  2. Viewing of a yearbook or a public record photograph containing at least six individuals of similar age and physical characteristics does not constitute a photo line-up and therefore does not require permission from the Juvenile Detention Supervisor.

#### **INTERVIEW / INTERROGATION OF JUVENILES**

- A. General questioning of a juvenile witness about an incident is a reasonable part of the law enforcement process and does not include the prerequisite of Miranda rights or the presence of a parent or legal guardian [CALEA 44.2.3 b].
- B. If during the course of an interview it becomes apparent, or the Officer finds cause to believe the juvenile committed an offense or was a party to the offense, questioning must cease and the juvenile must be advised of his/her rights subject to the following conditions: [CALEA 44.2.3 a]
1. No juvenile shall be questioned about their possible involvement in a crime unless a Deputy Juvenile Officer (DJO) from the Family Court is present to explain the juvenile's rights and the Family Court procedures prior to questioning: A parent or legal guardian must be present when rights are read. If one of the juvenile's parents is the victim of the crime, he/she shall not be present during the interview. The juvenile's other parent shall serve as a witness during the interview. If the victim parent is the only one available, he/she shall choose a responsible adult to serve in his/her place as a witness during the interview.
  2. Generally, the interview/interrogation shall be conducted at the Juvenile Detention Center; however, the interview shall take place at the Police Department if arrangements are made with the DJO assigned to Berkeley. The DJO usually schedules the interview between the hours of 8:30 am and 4:30 pm, Monday through Friday. If the juvenile is interviewed at the Berkeley Police Department, a statement of rights and waiver form issued by Family Court must be used and a parent must be present.
  3. No more than two Officers shall interrogate a juvenile at any time, and the duration of the interview shall be limited to a time reasonable to the age as well as the physical and emotional condition of the child. Officers also have to take into consideration intelligence, educational background, mental capacity and other factors related to the juveniles physical condition.

4. When a juvenile is in our custody at the Berkeley Police Department, arrangements must be made for the juvenile to have access to bathroom facilities and offered food & water. If the juvenile refused, officers must make a notation in their police report indicating the juvenile refused.

**STATUS OFFENSES** [CALEA 44.2.1 b]

- A. Under no circumstances may a juvenile charged with a status offense be held "securely" for any length of time in a locked area, and they shall never be handcuffed to a stationary object such as a handcuff bolt, desk, etc.
- B. If a status offense is the only charge levied against a juvenile, the Officer shall complete the Taken into Custody and Released Form and the juvenile shall be released to a parent or a responsible adult. This can be done by:
  1. Transporting the juvenile to the location of the adult, or
  2. Requesting that the adult respond to the location of the juvenile, or
  3. Transporting the juvenile to the Station to await the arrival of the adult. In such cases the juvenile may not be held in the booking area, booking cage, cell or any other area within the Police Department which does not allow free exit. Officers shall consider using the Police Department lobby, a meeting room, etc.

**PARENTS REFUSING CUSTODY** [CALEA 44.2.1 c]

- A. If the juvenile's parents refuse custody, the Officer who took the juvenile into custody must call the Detention Supervisor at (314) 615-2996 for instructions. The Detention Supervisor shall advise the Officer to:
  1. Bring the juvenile to the Juvenile Detention Center , or
  2. Take the juvenile to an alternate detention facility, or
  3. Call Youth Emergency Services at (314)727-6294.
- B. If the juvenile is to be brought to the Juvenile Detention Center or an alternate detention facility, the Detention Supervisor shall advise the Officer what documents shall need to be brought or completed upon arrival. Generally, the transporting Officer shall be asked to complete an "Initial Detention Admission" (IDA) form and an Affidavit.
- C. If available, a copy of the completed and approved police report shall be brought to either the Juvenile Detention Center or alternative detention facility at the time the juvenile is admitted. If the Police report has not yet been completed, the Officer who brings the juvenile to either the Juvenile Detention Center or alternate detention facility shall supply sufficient information to file a petition. If sufficient information is not provided at the time (either in the form of a Police report or IDA and supplemental form), the Officer may be advised to release the juvenile to a responsible adult.

**TRAFFIC OFFENSES****A. Felony Traffic Offenses**

1. Traffic violations that constitute felonies committed by juveniles are to be referred to Family Court.
2. Any juvenile (15 years of age or older) in violation of both a felony traffic violation and a non-felony traffic violation shall be cited separately into the appropriate Court for each offense, Family Court for the felony offense and Municipal or State Court for the traffic violation. Juveniles younger than 15 years of age shall be referred to Family Court for all charges.  
[CALEA 44.2.1 d]

**B. Juveniles 15 years of Age or Older**

1. The Family Court does not have jurisdiction over non-felony traffic violations committed by juveniles who are 15 years of age or older (RSMO 211.031). Consequently, a juvenile who is 15 years of age or older is subject to the same system of justice applicable to adult operators of motor vehicles. The juvenile shall be issued a traffic summons for Berkeley Municipal Court and advised that he/she must bring a parent to the Court appearance.
2. Juveniles who are 15 years of age or older and are arrested for a misdemeanor traffic violation (such as a non-felony DWI) shall be photographed pursuant to usual adult booking procedures without permission of the Family Court, but they shall not be fingerprinted. The mandated sight and sound separation from adult prisoners still applies. The Officer shall obtain a juvenile in-custody log number, as well as an adult arrest number. The adult arrest number shall be annotated in the narrative portion of the CARE report. The Officer shall attempt to complete the AIR form the same way the AIR form is completed for adult offenders, as no DJO is required for Miranda in this particular situation. Holding time shall not exceed two hours without approval the Watch Commander and under no circumstances shall custody at the Berkeley Police Department exceed six hours.

**C. Juveniles Less than 15 Years of Age**

1. Family Court has jurisdiction over any traffic violations committed by juveniles less than 15 years of age. Traffic tickets referred to Family Court must include at least one parent's name and phone number. "Municipal Division" shall be marked through and "Juvenile Division" shall be written on the ticket. In the lower portion of the ticket, write "to be notified" in the blocks pertaining to the Court date and time. Mark through the Berkeley Municipal Court address and enter 501 S. Brentwood, Clayton, MO 63105.
2. If the traffic violation would not require a custodial arrest if committed by an adult, then the juvenile shall be issued a traffic ticket (MUCS) and released. The welfare of the juvenile must be a key consideration in releasing him/her.

3. If the traffic violation would require a custodial arrest if committed by an adult, then the juvenile shall be taken into custody and processed as a juvenile misdemeanor charge. This includes being issued a traffic ticket (MUCS), completing the Juvenile Custody Log, releasing to a parent or responsible adult and completing a "Taken into Custody and Released" form.

### **BENCH WARRANT / TRAFFIC WARRANTS**

- A. If there is a request by a Municipal Judge to hold a traffic offender who is 15 years of age or older, the Judge shall contact the Director of the Legal Department at 314-615-2953. Questions regarding Police handling of bench warrants shall be directed to the Court that issued the warrant. However, Section 221.044 of the Revised Missouri Statutes prohibits the detention of juvenile traffic offenders who are under the age of 17 in a jail or other adult detention facility.
- B. A Traffic Court Judge shall request the Family Court to order commitment of such offenders.

### **DISCRETION**

If not otherwise prohibited in this procedure, certain circumstances shall warrant the use of discretion. The investigating Officer, with the supervisor's approval, shall make a decision as to whether the juvenile shall be released at the scene, taken into custody and released at the station, or taken to the Juvenile Detention Center. The supervisor' also determine whether an interview is warranted at that time.

### **JUVENILE REPORT / DEPARTMENT JUVENILE OFFICER RESPONSIBILITY**

- A. All records of juvenile arrests or other involvements are considered confidential and shall not be released to the public without authorization from the Family Court. All paperwork involving juveniles shall have the red "JUVENILE" stamp placed on the face sheets.
- B. A copy of the investigating Officer's completed CARE report shall be forwarded to the Police Juvenile Officer, who shall determine the disposition of the case and whether the juvenile shall be referred to the Family Court based on such factors as the nature of the offense, juvenile's age and circumstances, the juveniles record, availability of community based rehabilitation programs and recommendation from the complainant or victim.
- C. The Juvenile Custody Log shall be audited and replaced as needed by the Police Juvenile Officer and maintained in the juvenile files. The information on the Log is used to complete the semiannual Juvenile Holding Survey as required by the State of Missouri Department of Public Safety. The semi-annual report is due by the 30 of January and July and may be found on the Missouri Department of Public Safety's website.

<b>DRAFTED BY:</b> Eye-Liza Conner	<b>DATE:</b> 7/21/17
<b>BY ORDER OF:</b> <b>ART JACKSON</b> <b>INTERIM CHIEF OF POLICE</b>	<b>DATE:</b> 7/25/17
<b>APPROVED BY:</b> Public Safety Committee	<b>DATE:</b> 7/27/17
<b>APPROVED BY:</b> Berkeley City Council	<b>DATE:</b> 9/18/17