

RENO POLICE DEPARTMENT GENERAL ORDER

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Approving Deputy Chief: Mac Venzon		
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General Order Title: JUVENILE PROCEDURES		

POLICY

The Reno Police Department has a commitment to effective juvenile procedures. This function involves many tasks including enforcement of State and local laws with respect to juveniles, both as victims and offenders. Additionally, there is a need to foster activities that prevent and control juvenile delinquency. Due to their complexity, guidelines are also provided to assist officers in resolving child-custody cases.

The responsibility for handling juvenile-related matters, both criminal and non-criminal, is the duty of sworn personnel within the Department. It is the responsibility of all sworn personnel to understand what authority they have when dealing with juveniles and their related problems, and what responsibilities they share in dealing with issues involving juveniles.

PROCEDURES

To best preserve public safety, order, and individual liberty, juvenile offenders may be dealt with in a variety of ways. Juvenile offenders will be dealt with in the least forceful manner possible while keeping the safety of the public in mind.

Juvenile Custody for Juvenile's Protection/Self-Preservation (*Child placement*)

The act of taking a juvenile into custody for the protection or self-preservation of the juvenile is made based upon guidelines stated in NRS 432B. No officer will take a juvenile into "protective custody" for any reason other than those authorized by NRS 432B.

1. Based on NRS 432B, a juvenile may be taken into custody if it is shown that the juvenile has been the victim of abuse or neglect. The officer will need to make an assessment of the safety of each juvenile within the residence to determine if placement is necessary for the protection of each child or is required by law, *e.g.*, when one parent is killed in an act of domestic violence. Placement of the child is at the discretion of Washoe County Social Services. Per Social Services, custody will last only as long as necessary for placement.

2. The following are required steps for child placement:
 - A supervisor will be immediately notified of the placement.
 - The officer will obtain all biographical and personal information for the child including a list of local relatives, by blood or marriage within the third degree of consanguinity, with whom placement may be possible.
 - The officer will immediately report biographical information to the on-call social worker for Washoe County Social Services.
 - Criminal records of any potential relative will also be checked prior to speaking with the social worker to aid in the decision as to where to place the child.
 - Upon receipt of the above biographical information, Washoe County Social Services will check their records and make a request for the child to be placed with one of the relatives if suitable.
 - The officer will then visit the suggested location and contact the assigned social worker upon arrival and report on the condition of and suitability for the child to remain at that location.
 - The officer will have the final decision as to the child's placement, as he/she will be the last responsible party for the child before placement, unless:
 - Social Services is on scene and taking custody of the child at that time, or
 - A physician or other qualified medical personnel desire the admittance of the child to a medical facility.
3. In cases where conflicts arise between social services and officers, officers may still act within the boundaries of the law to protect the child, including placement. Conflicts and actions taken will be clearly noted in the officer's report.
4. Placement with a relative will be made in lieu of institutional placement, per federal law, unless circumstances exist that lead the officer to believe that the relative or the relative's environment is not a safe and suitable place for the child to remain. The officer will clearly and completely document, in the written report, where the child was placed, with whom, and why.
5. A juvenile may be taken into custody for self-preservation using the same guidelines used for adults. The child's parent or guardian will be immediately notified and the child returned to the parent's custody if the parent is proven to be a suitable supervisor for the child and capable of providing a suitable environment.

Juvenile Custody for Status Offenses or Criminal Act

1. A juvenile may be detained for a status offense, ie: Incurrigible, CHINS, curfew, runaway. The detention will last for only the time necessary to return the juvenile to his home, to MaGee Center, or to the Jan Evans Juvenile Detention Center. Truants during the day may be turned over to School Truancy officer or may be taken to the Children's Cabinet. In all cases, officers will check to see if the juvenile is currently on probation and if so, notification will be made to juvenile probation by the Jan Evans (faculty?) Facility, who might request that the child be taken to the Jan Evans Detention Center. In cases of detentions, officers

will complete a report to document actions taken. If Jan Evans advises the Juvenile is not on probation or electronic monitoring, the parents can be referred to the MaGee Website or given their phone number for referral.

2. In cases where a court order is held by a law enforcement agency because of a juvenile's history, the offender will then be delivered to the Jan Evans Juvenile Detection Center. All out of state runaways will be transported to Jan Evans for detention, not the Kids Kottage.
3. In cases where a criminal warrant has been issued, the procedure for taking a juvenile into custody is the same as the procedure for adults.
4. Officers who take a juvenile into custody for the purpose of confinement will, at minimum, comply with the following standards to ensure the appropriate processing of the juvenile:
 - Prior to taking a juvenile into custody with the intent of confinement, consideration should be given to the age of the offender and the responsibility of the Department during this critical period.
 - The offender will be taken to the Juvenile Detention Center as soon as practicable, unless he/she is in need of emergency medical treatment. The offender will immediately be taken to a hospital or medical clinic, as authorized by established procedures, if needed.
 - The Juvenile Detention Center is responsible for notifying the parents of a juvenile that the juvenile has been taken into custody. If the Juvenile Detention Center is unable to notify the parents then they will notify the Reno Police Department, who will use whatever means appropriate to notify the parents. If the parent or guardian cannot be contacted, documentation of efforts made to contact them will be included in a report or the call history.
 - A juvenile offender will not be transported with adult offenders unless circumstances exist that prevent the juvenile from being transported independently from adult offenders.
 - Male and female juveniles will not be transported together unless they were involved in the same incident and independent transportation is not available.
 - Rules governing search of juveniles, both male and female, are no different than those established for searching male and female adult prisoners.

Juvenile Interviews

The rules governing custodial interviews of juveniles differ in one respect from those for adult interrogations. Depending on the circumstances of the offense and the attitude of the juvenile offender and his parent or guardian, the officer conducting the interview with the juvenile offender may confer with the parent or guardian separately or may confer with the juvenile and parent together. With that exception, interviews will follow the same guidelines, case law, and statutory and federal law as adult interviews.

If Miranda applies, then, beyond the Miranda warning, the juvenile will be further informed that he/she may have a parent or guardian present during the interview.

Disposition of Juvenile Offenders/Cases

Offenders and cases may be dealt with using one of the following options:

- Released without further action, if a misdemeanor;
- Simple resolution by the Reno Police Department alone, with mutually-agreed-upon supervision by family, or mutual agreement for a resolution with the victim party, if a misdemeanor;
- Mutually-agreed-upon extended counseling or diversion by an outside agency on a voluntary basis, if a misdemeanor; or
- Arrest, citation, or referral to Juvenile Court or the Washoe County District Attorney's Office.

The following are possible disposition options. Any disposition taken will be documented in a report. The report will track the offender's history and may provide documentation needed for an offender to appear in Juvenile Court through commission of repeated trivial offenses.

1. Department personnel will consider several factors in making their decision to counsel, divert, or arrest a juvenile offender. Factors to consider include the nature of the offense, the age and circumstances affecting the alleged offender, the alleged offender's record, if any, the potential for re-offense or threat to the public and the availability of community-based rehabilitation programs. No felony may be disposed of without arrest or referral to Juvenile Court or the Washoe County District Attorney's Office. Juveniles with a history of offenses, whether misdemeanors or felonies, will be referred for disposition to Juvenile Court or to the Washoe County District Attorney's Office. When the victim has agreed not to prosecute, offenders who commit trivial misdemeanor offenses that are not repetitive in nature can be disposed of by counseling, parental control, or diversion.
2. When dealing with simple crimes, such as those that fit the guidelines for diversion mentioned above, the officer should solicit recommendations from the victim and include those recommendations in the incident report. If a victim should request that charges not be filed, those recommendations will appear in the report and may influence the officer's decision, but not necessarily dictate the final decision.
3. In the incident report, the disposing officer will include arrangements for compensation by the offending juvenile or the juvenile's parents; however, the officer will not take part in enforcement of the arrangements. Participation in compensation arrangements must be voluntary on the part of the juvenile and their parent or guardian. In every case where there is probable cause on the juvenile, but compensation is not agreed upon, a referral is sent to Jan Evans Center.
4. Outright release with no further action can be used in cases where the child was in need of supervision. The officer can take the child to the Children's Cabinet, or to the parents for discipline or control. A referral card is completed for the Children's Cabinet. If a juvenile is caught skipping school, the juvenile will be taken back to school and turned over to the school's truancy authority.
5. Simple contact by the Department alone, with mutually-agreed-upon supervision by the family, may be used in cases where small children have been involved in neighborhood problems or minor crimes, such as trespass and destruction of property. The family and the

juvenile will be advised of future consequences if the delinquent behavior continues.

6. Officers will arrest a juvenile when a valid arrest warrant has been issued for him/her by a juvenile court and said warrant and extradition, if applicable, has been confirmed. The same procedures will be followed for juvenile arrest warrants that are followed for adult arrest warrants.
7. A juvenile offender can receive a Citation in Lieu of Arrest. Nevada statutes provide for the release of a juvenile offender by traffic citation when the offender has violated traffic laws of the State of Nevada. When a juvenile commits a nonviolent misdemeanor and one of the possible alternatives is release, the officer has the option of issuing a misdemeanor citation. This form of release is to be used only in nonviolent misdemeanors, and must consider the seriousness of the offense and the offender's past involvement in delinquent acts, the potential for immediate danger to others, and the use of drugs or alcohol by the juvenile at the time the act was committed.

Processing by the Juvenile Justice System

1. NRS 62H.010 provides the specific criteria for fingerprinting and photographing juveniles as well as the regulations for dissemination and retention of fingerprints and photographs.
2. The collection and retention of other forms of evidence from juveniles, such as hair, blood, urine, nail scrapings, breath samples, stomach content samples, saliva, or any other type of bodily fluid or secretion, are performed under the same criteria as adult suspects, with two exceptions. Under the Nevada Implied Consent Law, NRS 484C.150(8), reasonable efforts must be made by the officer to contact a juvenile's parent prior to any testing being performed. Parental contact is also required under NRS 441A.320 prior to any testing being performed on persons, including juveniles, who are arrested for certain sexual offenses.

Familiarity with NRS Governing Juveniles

Officers handling juvenile matters will be knowledgeable in the Nevada Revised Statutes governing juveniles. Rules and procedures for the collection, dissemination, and retention of agency records pertaining to juveniles include the following:

- NRS 62H.010 governs the disposition of fingerprint records with regard to juvenile offenders and the separation of adult and juvenile arrest records.
- NRS 62H.030 and 62H.040 set forth statutory requirements for maintenance and inspection of juvenile offender records.
- NRS 62H.020 regarding the prohibition of publication or broadcast of name or race of child and nature of charges.

The Records Section Director will ensure that all records are maintained and distributed in accordance with existing Nevada Statutes.