

TOPEKA POLICE DEPARTMENT



1858

TPD POLICY JUVENILES 4.14

- ▣ Kansas Juvenile Justice Code – KSA 38-2301 & 38-2330
- ▣ "Juvenile offender" is defined by KSA 38-2302 as a person who commits an offense while 10 or more years of age but less than 18 years of age which if committed by an adult would constitute the commission of a felony or misdemeanor
- ▣ State law mandates law enforcement to investigate cases of serious injury, death or sexual abuse of children
- ▣ A juvenile who is taken into custody shall be brought without unnecessary delay to the parent, guardian or custodian.....
 - ▣ Unless there are reasonable grounds to believe that such an action would not be in the best interests of the child
 - ▣ Or would pose a risk to public safety

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- Environmental needs assessment required as to welfare of juveniles
 - Examples : lack of food, water, heat, unsanitary living conditions
 - Can result in Police Protective Custody based on articulable & documented facts
- Status Offenses
 - Officers should use discretion in determining whether to charge a juvenile with a status offense.
 - A status offense is a non-criminal misdemeanor that would not be a crime if committed by an adult

Example: Possession of Alcohol or Tobacco

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- ▣ Officers shall make reasonable efforts to notify the parent, guardian or custodian of any youth under the age of 18 who is:
 - ▣ Taken into custody, regardless of age;
 - ▣ Subject to any enforcement action;
 - ▣ Detained for a significant period of time; or
 - ▣ Interviewed as a criminal suspect.
- ▣ A child ,under the age of 14, must have parent or guardian present before being interviewed or read their Miranda warning.
- ▣ Officers shall document the notification and response on the appropriate report

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- ▣ Enforcement Alternatives
 - Required to use the least coercive option among reasonable alternatives when dealing with juveniles
 - Release without further action
 - Informal counseling to youth of future consequences of action(s)
 - Informal referral to available community service agencies
 - Informal counseling of parents/guardians

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- ▣ Enforcement Options continued.....
 - Limited custody & official warning
 - ▣ Example: Reported runaway in custody until released to parent
 - Issuance of summons or complaint
 - ▣ Example: Possession of Tobacco citation
 - Referral to juvenile court via District Attorney's Office criminal complaint process
 - ▣ Arrest under non secure custody
 - ▣ Arrest under secure custody

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- Secure custody/detention is a condition in which a juvenile is physically detained or confined in a locked room or cell that is designated, set aside, or used for the specific purpose of securely detaining persons who are in law enforcement custody.
- Transportation of a juvenile in a caged vehicle is not considered secure custody.

All fingerprints and photographs of juveniles (14 and under) (taken into custody for criminal offenses) shall be maintained at the Juvenile Department of Corrections.

- All Juvenile records (14 and under) shall be maintained separate from adult records within the Topeka Police Department Records Unit and are subject to controlled dissemination as provided by law.

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- A juvenile under 14 years of age must be given the opportunity to consult with parent, guardian, or attorney as to whether to waive juvenile's rights to an attorney and against self-incrimination.
- In the absence of a parent or guardian, juveniles 14 and over, may be questioned and provide statements if reasonable assurances can be made that the juvenile fully understands his/her constitutional rights.

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- ▣ Legally the officer has authority to take a child into custody when the officer has reasonable grounds to believe the child is in danger.
- ▣ Officers articulate these grounds based on their observations, interviews & evidence collected.
- ▣ Parents do not have the right to refuse officers' access to any child allegedly abused.
- ▣ If the officer has probable cause to believe a child is in imminent danger, the officer may enter the home to check on the child's welfare.

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- ▣ CIB or DCF may interview school age victims in school where appropriate.

- ▣ **"Child In Need of Care"** means a person less than 18 years of age at the time of filing of the petition or issuance of an ex parte protective custody order pursuant to K.S.A. 38-2242, and amendments thereto, who:
 - Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child's parents or other custodian;
 - Is without the care or control necessary for the child's physical, mental or emotional health;
 - has been physically, mentally or emotionally abused or neglected or sexually abused;
 - has been placed for care or adoption in violation of law;
 - has been abandoned or does not have a known living parent;
 - is not attending school as required

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- TPD is committed to developing and implementing programs designed to prevent and control juvenile delinquency.
 - School Resource & TCALC Officers,
 - Explorer Post
 - OK Program
 - Three Shields Boxing Academy
 - Boys & Girls Club Summer Leadership Program and Chess Team

