City of Carroll

Brad Burke, Chief of Police **Police Department**

112 E. 5th Street Carroll, Iowa 51401-2799 (712) 792-3536 FAX: (712) 792-8088

MEMO TO: Mike Pogge-Weaver, City Manager MPW

FROM: Brad Burke, Chief of Police BB

DATE: February 22, 2017

SUBJECT: Juvenile Procedure Policy

Last week the police department had an audit by the Department of Criminal Investigation (DCI). This audit looks into the record keeping of arrests for municipal and county law enforcement, as well as the court system. While the audit for the Carroll Police Department went well, we are now required to have a policy in place on how to deal with juvenile offenders. This is a new requirement from the DCI since our last audit which took place five years ago.

Attached to this memo is a policy which has been created to deal with juvenile offenders. Most of the points in this policy are pulled directly from state law and deal with record keeping, fingerprinting procedure, and taking into custody of juveniles.

RECOMMENDATION: Council consideration and approval of the addition of a juvenile procedure policy for the Carroll Police Department.

RESOLUTION

WHEREAS: The City Council of Carroll, Iowa meeting in regular session on the 27th day of February, 2017 has adopted this Resolution, and;

WHEREAS: The City Council supports a policy for the Carroll Police Department regarding juvenile procedure.

WHEREAS: The City Council recognizes that this policy is required by the Iowa Division of Criminal Investigations.

THEREFORE: BE IT RESOLVED, that the City of Carroll, by this Resolution of the City Council, approves the Juvenile Procedure policy for the Carroll Police Department.

CITY OF CARROLL, IOWA

_____
Eric Jensen, Mayor

ATTEST: _____
Laura Schaefer, City Clerk

	Effective Date	Number
Subject **Juvenile Procedures**		
Reference	Special Instructions	
Distribution	Re-evaluation Date	No. Pages 3

I. **PURPOSE:** To recognize the police role regarding juveniles in the criminal justice system.

II. **POLICY:** Guidelines for charging and fingerprinting juveniles (anyone under the age of 18 years).

A. Officers shall intervene in situations where a person, under the age of 18 years, commits a delinquent act pursuant to the laws relating to arrest.

B. Officers will use all reasonable efforts to keep the juvenile safe while investigating the delinquent act. Physical restraints may be used if the juvenile physically resists, threatens physical violence, is being detained for alleged delinquent violence against another person, or when the juvenile presents a risk of injury to themselves or others.

C. Officers will complete reports which will be forwarded to the Juvenile Court Officer.

Definitions.

1. **Juvenile** – A person under eighteen (18) years of age. The terms juvenile, youth, and child are used interchangeably.

2. **Custody** – Legal or physical control of a person; legal, supervisory or physical responsibility for a person.

3. **Intake** – The point at which a juvenile offender enters the juvenile justice system. The intake process may be initiated upon request of a law enforcement agency, but is generally supervised by a probation agency or juvenile court.

III. **PROCEDURE:**

A. **Operations.** Officers dealing with juveniles shall use the least coercive of reasonable alternatives available, consistent with preserving public safety, order, and individual liberty. Officers may deal with juvenile offenders by outright release with no further action, by issuance of citations, or by referral to Juvenile Court Service.

B. **Handling.** Juvenile offenders will be referred to the juvenile justice system pursuant to state statute. The Code of Iowa, section 232.8 describes proper juvenile processing.

C. **Custody.**

a. The Code of Iowa, section 232.19 states:

A child may be taken into custody:

i. By order of the court.
ii. For a delinquent act pursuant to the laws relating to arrest.
iii. By a peace officer for the purpose to reunite a child with the child's family or removing the child to a shelter care facility when the peace officer has reasonable grounds to believe the child has run away from the child's parents, guardian, or custodian.
iv. By a peace officer, juvenile court officer, or juvenile parole officer when the officer has reasonable grounds to believe the child has committed a material violation of a dispositional order.

b. When a child is taken into custody, the person taking the child into custody shall notify the child's parent, guardian, or custodian as soon as possible.

c. A juvenile may also be taken into custody for protective purposes, pursuant to the Code of Iowa, sections 232.78 and 232.79, if it appears a child's immediate removal is necessary to avoid imminent danger to the child's life or health.

d. In the event a child is abused, injured, or neglected by a parent, guardian, or caretaker, officers shall notify the Department of Human Services to report the incident.

e. Whenever a child is taken into custody and is going to be cited or arrested for a serious misdemeanor or greater offense, the officer shall transport to the Carroll County Jail for fingerprinting.

D. **Custodial Interrogation**

a. Miranda Warning should be given to a juvenile if they are a suspect in a criminal investigation, is in custody, and prior to interrogation. Juvenile forms should be used and a parent, guardian, or custodian has legal right to be present during any interrogation or interview.

E. **Processing Juveniles**

The Code of Iowa, section 232.148 states:

a. Except as provided in this section, a child shall not be fingerprinted or photographed by a criminal or juvenile justice agency after the child is taken into custody.

b. Fingerprints of a child who has been taken into custody shall be taken and filed by a criminal or juvenile justice agency investigating the commission of a public offense other than a simple misdemeanor. In addition, photographs of a child who has been taken into custody may be taken and filed by a criminal or juvenile justice agency investigating the commission of a public offense other

than a simple misdemeanor. The criminal or juvenile justice agency shall forward the fingerprints to the department of public safety for inclusion in the automated fingerprint identification system and may also retain a copy of the fingerprint card for comparison with latent fingerprints and the identification of repeat offenders.

c. If a peace officer has reasonable grounds to believe that latent fingerprints found during the investigation of the commission of a public offense are those of a particular child, fingerprints of the child may be taken for immediate comparison with the latent fingerprints regardless of the nature of the offense. If the comparison is negative the fingerprint card and other copies of the fingerprints taken shall be immediately destroyed. If the comparison is positive, the fingerprint card and other copies of the fingerprints taken shall be delivered to the division of criminal investigation of the department of public safety in the manner and on the forms prescribed by the commissioner of public safety within two working days after the fingerprints are taken. After notification by the child or the child's representative that the child has not had a delinquency petition filed against the child or has not entered into an informal adjustment agreement, the fingerprint card and copies of the fingerprints shall be immediately destroyed.

d. Fingerprint and photograph files of children may be inspected by peace officers when necessary for the discharge of their official duties. The juvenile court may authorize other inspections of such files in individual cases upon a showing that inspection is necessary in the public interest.

e. Fingerprints and photographs of a child shall be removed from the file and destroyed upon notification by the child's guardian ad litem or legal counsel to the department of public safety that either of the following situations apply:

    i. A petition alleging the child to be delinquent is not filed and the child has not entered into an informal adjustment, admitting involvement in a delinquent act alleged in the complaint.
    ii. After a petition is filed, the petition is dismissed or the proceedings are suspended and the child has not entered into a consent decree and has not been adjudicated delinquent on the basis of a delinquent act other than one alleged in the petition in question, or the child has not been placed on youthful offender status.