

TITLE: JUVENILE MATTERS

CODIFIED: 46.1

EFFECTIVE: 07/23/04

RESCINDS/AMENDS: P 8.1

PAGES: 6

PURPOSE

The purpose of this directive is to establish procedures and guidelines for the handling of reported juvenile matters and delineate responsibilities within the Department.

DISCUSSION

Ensuring victims are afforded all the juvenile system has to offer and that juvenile offenders are dealt with in the least coercive among reasonable alternatives, consistent with conserving public safety, order and individual liberty.

POLICY

It is the policy of the Santa Fe Police Department to enforce the law with respect to juvenile offenders, respond to the needs of juvenile victims, act as a resource for public and private schools, develop proactive methods for prevention of delinquency, and utilize the least coercive means available for dealing with youthful offenders.

In addition, it is the policy that all Department components and personnel share in the responsibility of participating in and supporting the Department's juvenile operations function within each District.

PROCEDURE

JUVENILE OFFENDERS

46.1.01 Officers contacting juveniles for delinquent acts (criminal offenses), status offenses, and complaints should use the least coercive among

reasonable alternatives to achieve a disposition of the matter, consistent with preserving public safety, order and individual liberty.

46.1.02 Referral to Juvenile Probation and Parole

- A. If there is probable cause to believe that a juvenile has committed a delinquent act or status offense, and the case is referred to Juvenile Probation and Parole without an arrest taking place, a copy of the report shall be sent to the Juvenile Services Unit with a notation on the top "Juvenile Probation".
- B. In this case, the officer must also enter the proper code in block (67) of the Offense/Incident report form to indicate referral.
- C. All pertinent information should be included in the report and the investigation should be complete. In the event that completion of the investigation was not possible, the case may be referred to Special Investigations Section for the necessary follow-up.

46.1.03 Juvenile Arrests

- A. To initiate legal proceedings by affecting an arrest, you must contact a Juvenile Probation and Parole Officer, at their office during regular business hours, or **by calling the on-call Juvenile Probation Officer when the arrest is made after hours.**
- B. *Listings of pertinent on-call Juvenile Probation and Parole Officers along with all telephone numbers will be updated on a regular schedule by the Juvenile Services Unit personnel and placed in the communications center.*
- C. When approval for detention has been received from a JPPO and a juvenile is placed in detention, copies of the complete report with probable cause statement shall be forwarded to the Juvenile Services Unit and to juvenile probation and parole with a notation on top stating "JPPO ARREST".
- D. In cases involving felony offenses and juvenile offenders, the cases shall be referred to the Juvenile Probation and Parole as JPO is mandated by law to work with the District Attorney's office on all felony offenses.

E. Once a request for detention has been approved and the juvenile has been accepted at the Detention Center, the arresting officer shall complete a statement of probable cause.

1. Two copies of the statement will be left at the Detention facility and a third copy shall be forwarded to the Records Section with the arrest report.
2. One copy will be provided to the Juvenile Services Unit with copies of the arrest report and probable cause statement.
3. The original probable cause statement will be routed to the District attorney Liaison for filing.

F. Procedures for proper notification are as follows:

1. On arrests made Monday through Friday, 8:00 a.m. to 9:00 p.m., the arresting officer will personally telephone the office of the Children's Court to make notification before the end of shift.
2. On arrests made between 9:00 p.m. And 8:00 a.m., Monday through Friday, the arresting officer's commander will assure that a copy of the report and statement of probable cause are left in the DA Liaison basket in the Detective Division. The Lieutenant or his/ her designee will be responsible for retrieving the reports and making the notification.
3. After 9:00 p.m. on Friday and on weekends/holidays, the Graveyard Commanders shall deposit copies of all Juvenile Arrests (to include the statement of Probable Cause) in the DA Liaison basket in the Investigations Division.
4. The Day Shift Commander shall be responsible for obtaining the copies of the reports and contacting the Children's Court Judge by telephone no later than 10:00 a.m. on Saturday, Sunday, and all legal holidays.

G. Referral to the Children Youth and Family Department

1. When a case is referred to the Children Youth and Family Department, a copy of the

complete report shall be routed to the Juvenile Services Unit Commander with a notation on the top stating, "CYFD".

2. In addition, the officer shall notify CYFD immediately of the incident, by telephoning the Statewide Central Intake at 1-800-797-3260, before the end of the officer's shift. A notation on the original police report will be made that the case has been referred to CYFD.

H. Referral to Outside Mediation or Counseling

1. Referrals for temporary or prolonged treatment and/or counseling shall only be made through the Juvenile Services Unit and parents should be referred to the Unit commander if this alternative is to be utilized.
2. Referrals may be suggested if personnel are asked for advice in dealing with Juvenile Offenders.

I. Officers will take the alleged juvenile offenders into temporary custody for referral to Juvenile Probation and Parole, or arrest, under the following circumstances:

1. When the delinquent act committed by the juvenile would be a felony if committed by an adult.
2. All delinquent acts involving weapons.
3. All serious gang-related delinquent acts (gang related crimes may be defined as follows):
 - a. Crimes committed by gang members to benefit the gang.
 - b. Crimes committed by gang members at the direction of the gang.
 - c. Crimes committed by gang members while representing the gang, or whose criminal acts are intended to promote or further the advancement of the gang.
4. All delinquent acts involving aggravated assault and battery.

5. All delinquent acts committed by juveniles on probation or parole or by those with a case pending.
 6. All repeated delinquent acts, which have occurred within the preceding 12 months.
 7. Any juveniles, who have been selected for a diversion program, but have refused to participate.
 8. Cases in which it has been determined that parental supervision is not effective.
 9. When a warrant has been issued.
 10. When the delinquent act committed by the juvenile would be a misdemeanor if committed by an adult. (Refer to the next section of this directive for further guidance)
 11. Driving a motor vehicle when the operator's license is revoked.
 12. Driving a motor vehicle while under the influence of intoxicating liquor or drugs (refer to Directive 67.1 for further direction).
- K. Guidelines to be followed when taking a juvenile into temporary custody:**
1. When taken into temporary custody, the officer will bring the juvenile offender to the Police Department without unnecessary delay, unless the juvenile is in need of emergency medical treatment.
 2. The juvenile will not be detained any longer than is reasonably necessary to obtain the required information for an offense report, verification of information, records check, and possible processing at the Juvenile Detention Facility. If there is an expected delay before the parent or guardian of the Juvenile can report to the station to retrieve the juvenile, the officer can transport the juvenile to the Juvenile Drop-Off Center housed at the Juvenile Detention Center. The parent or guardian can retrieve the juvenile from the Juvenile Drop-Off Center.
3. The juvenile's parent or guardian will be notified and advised of their child's custody and charges being filed against the offender.
- L. Non-custodial Interviews of juveniles:**
1. Juvenile will be advised of their rights as per Miranda in a modified version:
 - a. Right to remain silent
 - b. Right to an attorney
- M. Custodial Interviews of Juveniles**
1. Juveniles will be advised of their rights, per Miranda, before any questioning is conducted about a specific crime.
 2. Officers shall familiarize themselves with New Mexico State Law regarding custodial interviews of juveniles under the New Mexico Children's Code, Basic Rights, under New Mexico State Statute 32A-2-14.
 3. Officers conducting custodial interviews of juveniles shall remain cognizant as to the duration of the interview, and number of officers present during the interview, consistent with the seriousness of the allegations and the circumstances surrounding the case.
 4. All reasonable attempts will be made to notify the parent or guardian of the arrest and have them present during any custodial interviews.
 5. Officers will explain to the juvenile and parent or guardian what procedures they can expect while going through the juvenile justice system.
- N. Contacting Students at School (Suspects)**
1. When a student is suspected of committing a crime and an interview is necessary, the officer will follow the below described procedure:
 - a. Contact the Juvenile Unit Sergeant.
 - b. A Juvenile Detective will contact the school principal who will, at the detective's request, contact the student's parents.

- c. The detective and a school official must be present during the interview.
 - d. The interview will be conducted in a private and secure location.
- O.** When a student is a witness to a crime or related matter and an interview is necessary, the officer will follow the below described procedure:
- 1. Contact the Juvenile Unit Sergeant, or a Juvenile Detective.
 - 2. The Juvenile Detective will contact the school principal who will, at the detective's request, contact the student's parents.
 - 3. The School Detective and a school official must be present during the interview.
 - 4. The interview will be conducted in a private and secure location.
- P.** Citations Issued to Juveniles
- 1. Juveniles may be issued citations for state or municipal traffic violations.

- a. Citations will be sent to the appropriate court (Municipal or Magistrate) in all cases except felonies listed in the Motor Vehicle Code, Driving Under the Influence of Intoxicating Liquor or Drugs; leaving the scene of an accident involving damage, injury, or death; reckless driving; or driving under a suspended license.
- b. Citations involving the above-listed exceptions shall be sent to the Juvenile Probation and Parole Office for disposition. In the event that a citation is issued for one of the exceptions, then all additional citations shall be routed as well.
- c. Parents will be notified by Juvenile Probation and Parole of the date and time of the scheduled hearing on the citation(s).

- 2. At no time will a juvenile be issued a non-traffic misdemeanor citation.

Q. Counsel and Release

- 1. Officers have a wide range of discretion involving juvenile misdemeanor cases. Additional alternative remedies that can be used by Officers involved in juvenile misdemeanor cases to divert offenders from the court system are as follows:

WARNINGS

- a. If, after a review of the allegations, the Officer feels justice would best be served by a warning, the Officer will warn the juvenile and release him/her to the parent, guardian or relative and document the information in a report.

INFORMAL REFERRALS

- a. If in the opinion of the Officer, the juvenile is in need of services that could best be provided by agencies other than the court system, the juvenile and parent/guardian shall be referred to that social service agency.

JUVENILES AS VICTIMS

46.1.04 In cases of known or suspected child abuse or neglect resulting in bodily injury, officers will determine the seriousness of such injuries and arrange for medical aid when necessary.

A. Officer Responsibility

- 1. Pursuant to New Mexico Children's Code, law enforcement officers who reasonably believe that a child has been abused or neglected may take or cause to be taken photographs of the area of trauma visible on the child. If medically indicated, such persons may have x-rays of the child taken.
- 2. In cases of sexual abuse, measures should be taken to ensure medical aid to include a standard sexual assault examination through the Sexual Assault Nurse Examiner (SANE). An examination should be completed in cases where there is information of a sexual assault.
- 3. When a child sex abuse victim and a suspect are living together, officers should ensure

that the child victim and suspect are separated, pending investigation.

4. Officers shall gather all evidence, including all written reports and statements from those persons required to report known or suspected cases pursuant to the New Mexico State Statutes, Children's Code.
5. A child should be taken into temporary protective custody if the child's surroundings endanger the child. The officer shall notify the Children Youth and Family Department to arrange for placement if the child is taken into protective custody. Custody of the child shall be immediately relinquished to CYFD. The officer will not find placement for the child although the officer can assist CYFD with pertinent information on placement, (Background, III, NCIC).
6. Even if a child is determined not to be in danger, officers will complete an offense report and refer the "open case" to the Special Investigations Section. The offense report will be completed as fully and as accurately as possible, to include:
 - a. Name, address, age, sex and race of child.
 - b. Name, address of person responsible for causing injuries.
 - c. Nature and extent of injuries, including evidence of previous cases involving victim and/or suspect.
 - d. Names and conditions of all other children in the residence.
 - e. Name and address of the reporting party.
 - f. Names of all adult persons living in the home.
 - g. The names and addresses of both parents and/or guardians if different from those listed above.
7. In all cases of suspected abuse or neglect the investigating officer shall contact the CYF Department immediately.

- a. Immediately in this case requires contact prior to the end of the officer's shift and can be accomplished through the 24 hour CYFD contact number.

- b. In addition, the written report will be forwarded to CYFD within 48 hours, as per New Mexico State Statute.

B. Protective Custody

1. Pursuant to New Mexico State Statutes a child may be taken into temporary protective custody by a law enforcement officer without order by the court when:

- a. The child is lost, abandoned, seriously endangered, or seriously endangers others, and the immediate custody of the child appears necessary to protect the child from him/her self or others.

- b. Reasonable grounds exist to believe that the child has run away from the parents, guardian or legal custodian.

- c. The juvenile court may issue written or verbal temporary protective custody orders to law enforcement officers if the circumstances or conditions of a child are such that continuing in his place of residence would present a danger to the child's life or health in the reasonably foreseeable future.

C. Notification to the Criminal Investigations Section

1. Immediate notification to the Criminal Investigations Division should be made in the following incidents:

- a. All children's deaths except for those resulting from traffic crashes.

- b. Any sexual offenses committed against a juvenile.

- c. Cases of child abuse where serious bodily injury is present or hospitalization is required.

2. During normal duty hours, notification will be made to the Criminal Investigations Division Commander or Juvenile Services

Unit Sergeant. During off duty hours, notification will be made to the on duty shift commander who will then notify the Criminal Investigations Division on call Detective Sergeant.

D. Mandatory Notification to CYF Department

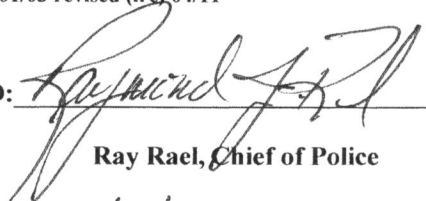
1. Officers investigating cases of child abuse or neglect shall contact the Juvenile Services Unit Sergeant and the Children, Youth and Family Department, Social Services Division, when there is evidence of:

- a. Injury resulting in death.
- b. Past or current sexual abuse, incest, molestation, sexual exploitation or prostitution.
- c. Known or suspected physical abuse, including bruising, broken bones, burns or serious bodily injury.
- d. Cases where a child exhibits a condition of failure to thrive.
- e. Cases where a child's environment is injurious to his/her health and safety.
- f. Cases where abandonment occurs.
- g. Any potential injurious or unsafe situation as based on the officer's observations and/or investigation.

4. Regional Emergency Communications Center Dispatch Services

B. In addition, the Children, Youth, and Family Department for Santa Fe County and the State of New Mexico, can assist in finding alternative placements for children in need of supervision, those whose parents can no longer control them, children who are lost, victims of child neglect or abuse, and victims of sexual assaults. Parents may also be referred to these agencies for counseling assistance.

Drafted (awm) 01/03 revised (lrc) 04/11

APPROVED: 
Ray Rael, Chief of Police

DATE: 6/8/2011

LISTING OF AGENCIES PROVIDING SERVICES TO YOUTHS

46.1.05 The Santa Fe Police Department shall maintain an active list of agencies which provide various services for juveniles and their families.

- A. The following components shall maintain lists in addition to the referral manual assigned to all uniformed officers:
 - 1. Special Investigations Section
 - 2. District Attorneys Office (Victim/Witness Coordinator)
 - 3. Crime Prevention/Public Information