


MONTCLAIR POLICE DEPARTMENT POLICY & PROCEDURES		
SUBJECT: JUVENILE OFFENDERS		
EFFECTIVE DATE: 9/12/2016	NUMBER OF PAGES: 17	
ACCREDITATION STANDARDS: 4.4.1, 4.4.2	BY THE ORDER OF: Chief of Police Todd M. Conforti	

PURPOSE: The purpose of this general order is to establish procedures for the juvenile function as well as to outline the responsibility of all agency personnel in relation to the juvenile function.

POLICY: It is the policy of the Montclair Police Department to be fully committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. It is also the policy of the Montclair Police Department that the responsibility for participating in or supporting the department's juvenile operations function is to be shared by all agency components and personnel.

PROCEDURES:

I. Definitions

- A. Abused or neglected child means a child less than 18 years of age:
1. Whose parent or guardian inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;
 2. Whose parent or guardian creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;
 3. Whose parent or guardian commits or allows to be committed an act of sexual abuse against the child;
 4. Whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his/her parent or guardian to exercise a minimum degree of care:
 - a. In supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so; or
 - b. In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment; or by any other acts of a similarly serious nature requiring the aid of the court;
 5. Who has been willfully abandoned by his parent or guardian;
 6. Upon whom excessive physical restraint has been used under circumstances, which do not indicate that the child's behavior is harmful to himself, others, or property;
 7. Who is in an institution and
 - a. Has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child's mental or physical well-being; or
 - b. Who has been willfully isolated from ordinary social contact under circumstances, which indicate emotional or social deprivation.
- B. Adult means an individual 18 years of age or older.

- C. Curbside warning is an enforcement option used when the offense or incident is of such a minor nature that it does not warrant custodial detention and a verbal warning and advisement of the consequences of such action would suffice. No further action required aside from documentation (e.g., juvenile throwing stones, but not causing damage).
- D. Delinquency means the commission of an act by a juvenile, which if committed by an adult, would constitute:
1. A crime;
 2. A disorderly persons offense;
 3. A petty disorderly persons offense; or
 4. A violation of any other penal statute, ordinance, or regulation (see N.J.S.A. 2A: 4A-23).
- E. Detain means any holding of a person in police custody, whether pending court or other disposition of charges filed or to be filed against the person, or under circumstances where the person is being held on account of a serious danger to the person's health or safety.
- F. Detention means a situation in which a person is being detained.
- G. Juvenile is an individual who has not attained his/her eighteenth birthday.
- H. Juvenile-Family Crisis means behavior, conduct or a condition of a juvenile, parent or guardian, or other family member, which presents or results in:
1. A serious threat to the well-being and physical safety of a juvenile;
 2. A serious conflict between a parent or guardian and a juvenile regarding rules of conduct which has been manifested by repeated disregard for lawful parental authority by a juvenile or misuse of lawful parental authority by a parent or guardian;
 3. Unauthorized absence by a juvenile for more than 24 hours from his/her home;
 4. A pattern of unauthorized absences from school by a juvenile subject to compulsory education provision of Title 18A of the New Jersey State Statutes, or
 5. An act which if committed by an adult would constitute prostitution in violation of N.J.S.A. 2C: 34-1 or any offense, which the juvenile alleges is related to the juvenile being a victim of human trafficking.
- I. Non-offender means a detained juvenile, other than one charged with an act of delinquency or a status offense.

- J. Non-secure custody means detention in conditions such that a juvenile is not being held in secure custody.
- K. Secure area means a building or an area within a building that restricts the mobility of an individual in custody through the use of hardware or architectural features.
- L. Secure custody means detention in conditions such that:
1. The individual is held in a secure room or cell or other secure area;
 2. The area where the individual is held is located within a larger secure perimeter;
 3. The individual is physically secured to a cuffing rail or other stationary object;
 4. The individual is held in conditions that violate the sight and sound restrictions subsection;
 5. The individual is held in conditions that violate the supervision requirement.
- M. Short-term custody means except where delinquent conduct is alleged, a law enforcement officer may take any juvenile into short-term custody, not to exceed six hours, when:
1. There are reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and that immediate custody is necessary for the juvenile's protection;
 2. There are reasonable grounds to believe that the juvenile has left the home and care of parents or guardian without their consent; or
 3. An agency legally charged with supervision of the juvenile has notified the law enforcement agency that the juvenile has run away from out-of-home placement; except where there are reasonable grounds to believe that the juvenile is an abused or neglected child within the meaning of N.J.S.A. 9:6-8.21 in which case the provisions of said law shall govern.
- N. Sight and sound separation means the maintenance of physical separation between a juvenile and a securely held adult so that both sustained visual contact and direct and sustained oral communication between them is not possible.
- O. Status offense means conduct that if committed by an adult would not constitute a crime. Examples include runaways, truancy, or conflicts with parents.
- P. Status offender means a juvenile accused or charged with a status offense or a juvenile detained protectively because the juvenile's health or safety is in serious danger.
- Q. Stationhouse adjustment is an offense that is minor in nature, however, custodial detention is justified. A parent or legal guardian must be contacted. Ordinance violations, petty disorderly person offenses, and disorderly person offenses shall be considered for stationhouse adjustment. Fourth degree offenses may also be

considered for stationhouse adjustment if the juvenile has no prior record that is known to the agency.

II. Administration

- A. The Chief of Police shall designate Juvenile Detectives or officers to have primary responsibility for juvenile operations.
 - 1. If a Juvenile Detective is on duty when a juvenile is taken into custody, the Juvenile Detective will be notified as soon as possible.
 - 2. Any juvenile investigation regarding a 1st or 2nd degree crime requires immediate notification of the Juvenile Commander and Chief of Police through the chain of command (on-duty or off-duty) by the investigating officer.
 - 3. If there is no Juvenile Detective on duty when a juvenile is taken into custody, the shift supervisor will forward a copy of the report to the Juvenile Aid Bureau.

III. Enforcement Alternatives

- A. Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion in deciding appropriate action. Officers shall use the least coercive and most reasonable alternative to custody, consistent with preserving public safety, order and individual liberty if the juvenile has not engaged in an act of juvenile delinquency.
- B. Alternatives available include the following:
 - 1. Release with no further action or following informal counseling when no arrest has been made. Officers shall upon release turn the juvenile over to his/her parent or guardian;
 - 2. Informal referral to an appropriate community social service agency;
 - 3. Limited custody and station house warning. The juvenile shall be held in non-secure custody until released to his/her parent(s) or guardian;
- C. In considering a course of action, the officer shall consider the nature of the offense, the age of the juvenile, the juvenile's prior contacts with the police, the availability of community-based rehabilitation programs, and, in some cases, the recommendation of the complainant or victim. .

IV. Taking Juveniles into Custody

- A. Pursuant to N.J.S.A. 2A: 4A-31a, a juvenile may be taken into custody:

1. Pursuant to an order or warrant of any court having jurisdiction; or
 2. For delinquency, when there has been no process issued by a court, by a law enforcement officer, pursuant to the laws of arrest and Rules of Court.
- B. Pursuant to N.J.S.A. 2A: 4A-31b, except where delinquent conduct is alleged, a juvenile may be taken into short-term custody by a law enforcement officer without order from the court when:
1. The officer has reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and taking into immediate custody is necessary for his/her protection; or
 2. The officer has reasonable grounds to believe the juvenile has left the home and care of his/her parents or guardian without consent of such persons; or
 3. An agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from out of home placement provided, however, that in any case where the law enforcement officer believes that the child is an abused or neglected child as defined in N.J.S.A. 9:6-8.21, the officer shall handle the case pursuant to the procedure set forth in that act.
- C. The taking of a juvenile into custody shall be deemed a measure to protect the health, morals and well-being of the juvenile. N.J.S.A. 2A: 4A-31c
- D. Any time a juvenile is taken into short term custody or regular custody the circumstances shall be documented in either a CAD entry (non-criminal offense) or an *Investigation Report* (criminal offense) along with all the action taken. Pursuant to N.J.S.A. 2A: 4A-33, any person taking a juvenile into custody shall immediately notify the parent/guardian that the juvenile has been taken into custody.
- E. Juveniles taken into custody are to be transported directly from the scene to the police department, home, other approved location, or other juvenile facility as directed. The only exception being when directed to do otherwise by an appropriate authority or circumstances require that the juvenile be transported to a medical facility for treatment.
- F. A parent or legal guardian must be contacted as soon as possible once a juvenile in custody has been positively identified. They are to be advised of the reason for custody, the custody status and estimated time and conditions of release. They are also to be advised of any additional investigative procedures that may be taken.
- G. In all situations, an officer shall use discretion as to the need for handcuffs.
- H. All personnel shall ensure that a juvenile's Constitutional and civil rights are protected at all times.
- I. Except as may be necessary when incidental to initial processing, sight and sound separation shall be maintained at all times between a juvenile and an adult held in secure custody. This requirement applies equally with respect to non-offender

juveniles, status offender juveniles and juveniles detained for an act of delinquency.

J. Fingerprints and Photographing

1. When a juvenile, who is fourteen or older, is charged with an offense that would be a crime if committed by an adult, all reasonable steps shall be taken to photograph and fingerprint the juvenile.
 - a. "Fourteen or older" means that the juvenile was fourteen or older at the time the charged offense was committed.
 - b. "All reasonable steps" shall include taking the juvenile into custody pursuant to law, or having the juvenile voluntarily respond to headquarters.
 - c. If a private citizen signs a delinquency complaint, the taking of fingerprints and photographs must wait until it is ordered by a judge.
2. Photographs will only be taken on juveniles fourteen years of age or older who have committed an indictable offense.
3. Juveniles charged with delinquency who are under the age of fourteen at the time of the crime may not be fingerprinted. These juveniles may only have their fingerprints taken at the time they are adjudicated delinquent for an act which, if committed by an adult, would constitute a crime. Juveniles who are charged with disorderly person's offenses or petty disorderly person's offenses may not be fingerprinted or photographed at all.
4. Fingerprints and photographs may be taken of juveniles of any age for criminal identification purposes, with the consent of the court, or of the juvenile and parent or guardian. Such prints, when taken, shall be destroyed when the purpose for the taking of the fingerprints is fulfilled.

V. Assessing the Juvenile for Signs of Harm

- A. Officers taking custody of a juvenile for any reason shall ascertain the condition of the juvenile to determine if the juvenile has been harmed or injured in any way or is in danger of being harmed or injured. This action shall be documented in the *Incident Report*.
 1. If the juvenile requires immediate emergency services, such as medical or psychiatric care, the officer shall contact the Juvenile-Family Crisis Intervention Unit (FICU), at 877-652-7624, for authorization to transport to a hospital for a mental health assessment when the parent/guardian cannot consent.
 2. Any emergent medical conditions shall be treated immediately at an appropriate medical facility. Officers will assist the hospital staff, as needed, in locating and contacting the juvenile's parents and/or guardians for authorization of treatment.

- B. Protective custody is a device to be used in crisis situations. It does not apply to a juvenile taken into custody on delinquency matters. An officer who determines there is an emergent need to take a juvenile into protective custody in order to protect the child from suspected abuse or neglect shall immediately inform his/her supervisor prior to taking any such action (absent exigent circumstances). Once taken into custody, the New Jersey Department of Children and Families, Division of Child Protection and Permanency (DCP&P) must be immediately notified. DCP&P staff will direct where officer should take the juvenile.
- C. DCP&P (**1-877- NJ ABUSE** (877-652-2873)) shall be immediately notified when any of the following is suspected:
 - 1. Abuse or neglect by a parent, guardian or other person having custody or control.
 - 2. The child has been exposed to any indecent, immoral or unlawful act that may tend to debauch, endanger or degrade the morals of the child, or is suspected of having been subjected to an act of sexual abuse.
 - 3. The child has been employed in an occupation, which would be injurious to his/her health, dangerous to his/her life, contrary to the law of this State or in such a manner to be dangerous to the morals of the child.
 - 4. The child is a runaway from another state.

VI. Holding Juveniles in Custody and Six-Hour Restrictions

- A. Status-offenders and non-offenders shall not be held in secure custody.
- B. Status-offenders, non-offenders and juveniles held on a charge of delinquency but not being held in secure custody, shall not be held in custody for more than six hours.
- C. A police officer shall, at all times, remain with the juvenile until released from custody.
- D. In the event of an extraordinary circumstance, a supervisor may determine that a juvenile should be held in secure custody.
- E. Audio/video monitoring systems shall not be used as a substitute for required continuous face-to-face supervision of juveniles.
- F. The desk supervisor shall ensure that the *Juvenile Admissions Log* is updated with the following information concerning each detained juvenile:
 - 1. Name;
 - 2. Date of birth;
 - 3. Gender;
 - 4. Race/ethnicity;

5. The charges or other circumstances in connection with which the juvenile is being held;
 6. The date and time of admission into the facility;
 7. The date and time of release from the facility;
 8. If the juvenile is held beyond six hours in the facility;
 9. Whether the sight and sound separation has been maintained; and
 10. Information sufficient to enable the reader to determine whether the juvenile was held in secure or non-secure custody.
- G. A separate secure custody log (i.e. *Record of Confinement*) shall be maintained for each juvenile held in a secure custody (e.g., holding room or cell). The secure custody log shall be kept or posted in close proximity to the secure holding room or cell, and shall contain the following information:
1. The name or initials of the juvenile;
 2. The cell or room number;
 3. The date and time the juvenile was placed in the cell or room;
 4. The date and time of release from the cell or room; and
 5. A record of each inspection of the juvenile.
 - a. Each inspection shall be recorded, showing the date and time, describing the general condition of the juvenile, and shall be initialed by the inspecting officer.
 - b. Inspections shall be made not less frequently than every 15 minutes.
- H. If a detained juvenile exhibits any of the following behaviors, continuous face-to-face visual supervision is required:
1. Appears intoxicated;
 2. Appears to be under the influence of drugs;
 3. Shows signs of emotional disturbance or risk of self-injury; or
 4. Is detained in a room/area in which there is a suicide or safety hazard.

VII. Adjudication Options

- A. The following reports will be completed when a juvenile is taken into custody:

1. *Arrest Report*,
 2. *Investigation Report* (when required);
 3. *Juvenile Complaint* (when required);
 4. *Stationhouse Adjustment* (when applicable); and
 5. CAD entries with notes for curbside warnings.
- B. The following options are available when dealing with juvenile offenders:
1. Curbside Warning.
 - a. The juvenile is not taken to the police department or any other custodial or law enforcement facility because the offense does not rise to the level of an arrest situation. While stopped, the juvenile is counseled as to the consequences of his/her actions.
 - b. Upon completion of counseling, an officer may elect to either transport the juvenile home or direct him/her to return home on his/her own. Such action should only be taken when the officer reasonably believes the juvenile will return home and will be able to do so in a safe manner.
 - c. In instances where curbside warnings are deemed appropriate, the investigating officer will complete or verify completion of a CAD entry ensuring that the name of the juvenile is entered. No other action will take place. The officer handling this type of incident will forward a copy of the CAD entry to the Juvenile Officer.
 2. Stationhouse Adjustment.
 - a. The juvenile shall be taken into custody and transported to headquarters.
 - b. A parent or legal guardian/caregiver will be contacted and advised as to why the juvenile is in custody. The parent, guardian/caregiver or their designee shall be required to respond to the police department. The parent, guardian/caregiver or their designee must be present at headquarters in order for the stationhouse adjustment to be conducted.
 - c. When considering the appropriateness of conducting a stationhouse adjustment, the following factors shall be considered:
 1. The age of the offender. Younger offenders, particularly those who may be less able to understand the consequences of their actions, may be more appropriate for stationhouse adjustment. However, no juvenile offender is automatically excluded due to age.

2. Officers shall consider any record of prior juvenile complaints or stationhouse adjustments. Juveniles with a prior serious offense, or more than two minor offenses, should ordinarily not receive a stationhouse adjustment.
 3. Officers shall consider the cooperation and attitude of all parties (juvenile, parents, guardians/caregivers, or designee and victim).
- d. The juvenile shall be advised of the consequences of future delinquent activity. They shall be read the information contained within the contents of the *Stationhouse Adjustment Warning Form*. The parent, guardian/caregiver or their designee shall also be provided with a copy of the warning.
- e. If there is a known victim of the alleged offense, the victim must be notified and agree to the process. Where appropriate, victims should be informed that this process is a more efficient and expeditious process that enables a matter to be resolved locally.
1. A stationhouse adjustment may proceed without the active participation of a victim, but shall not proceed over the objection of the victim.
 2. A victim who objects to a stationhouse adjustment should be permitted to sign a juvenile delinquency complaint, unless the complaint is clearly frivolous or lacking probable cause, in which case a complaint should not be accepted by the law enforcement agency.
- f. The juvenile shall agree not to offend again and the juvenile and his or her parent, guardian/caregiver or designee shall be informed that a subsequent offense, or failure to comply with the terms of the stationhouse adjustment agreement, may result in the filing of a juvenile delinquency complaint for the offense.
- g. The officer shall complete a *Stationhouse Adjustment Agreement Form*, which must be signed by the juvenile and a parent, guardian/caregiver or designee.
1. Examples of stationhouse adjustment techniques:
 - a. Letter of apology.
 - b. Essays on a criminal justice topic.
 - c. Requesting parent or guardian/caregiver to require juvenile to perform additional household jobs.
 - d. Performance of community service by the juvenile through various local organizations.

- e. Juvenile agreement to make restitution in appropriate cases - this option requires officer follow-up. The restitution should be simple and short term, agreed upon by the juvenile and the victim, and paid directly to the victim. Law enforcement should not be involved in collecting restitution.
 - f. Copies of the agreement shall be maintained in the case file and provided to the juvenile and to the parent, guardian/caregiver or designee.
- h. Any time that a stationhouse adjustment is utilized by officers, there shall be a clear record of the action. Listed below are some, but not all documents required.
- 1. CAD entry. This shall include all information required for an accurate record of the incident-names of juvenile(s), victim(s), parent(s) or guardian(s). Description of incident as well as a description of the agreed upon stationhouse adjustment techniques.
 - 2. Stationhouse Adjustment Agreement.
 - 3. Stationhouse Adjustment Warning.
 - 4. Statements.
- i. The Juvenile Officer shall maintain the records of all stationhouse adjustments. The Juvenile Officer will submit a quarterly report to the Chief of Police, through the chain of command, detailing incidents during that quarter. This report will also be forwarded to the Essex County Prosecutor's Office..
- 1. Information reported shall be recorded on the *Stationhouse Adjustment Quarterly Report*. There shall not be any names of juvenile offenders on this report. The only information identified shall be as listed below:
 - a. Age at time of offense.
 - b. Ethnicity (as reported by the juvenile).
 - c. Gender.
 - d. Prior contacts, indicate 'Y' or 'N'.
 - e. Statutory citation (for the most serious offense adjusted).
 - f. Outcome, indicate numerical code.
 - g. If no stationhouse is conducted, indicate the reason why.

2. Quarterly Reports are to be submitted no later than:
 - a. April 15 (first quarter).
 - b. July 15 (second quarter).
 - c. October 15 (third quarter).
 - d. January 15 (fourth quarter).
 3. Quarterly reports shall be maintained for five years.
3. Juvenile complaints with custody
- a. The juvenile is taken into custody and transported to the police department.
 - b. The police officer shall immediately notify the parents or legal guardian and provide the reasons for custody. The parent or guardian of the juvenile shall be required to respond to the police department.
 - c. A juvenile that has been taken into custody may be released to a responsible person or agency except in the following circumstances. If one of these circumstances exist, contact must then be made with the on-call Juvenile Intake Unit and they will determine if the juvenile will be further detained at the Juvenile Detention Center:
 1. Detention is necessary to secure the presence of the juvenile at the next hearing or likelihood exists that the juvenile will not appear at the next court hearing, or
 2. The release of the juvenile will adversely affect the health, safety, or welfare of the juvenile, or
 3. The juvenile is charged with an offense which, if committed by an adult, would constitute a crime of the first or second degree and in some exceptional cases, a third degree offense.
 - d. The original juvenile delinquency complaint must accompany the juvenile to the Juvenile Detention Center.
 - e. When a juvenile complaint has been initiated and continued detention is not warranted, the juvenile may be released to a parent, guardian or custodian.
 - f. The investigating officer should prepare the juvenile complaint and forward it to the shift supervisor for his/her review.

- g. The parent or guardian of the juvenile is to be served with the copy of the complaint either in person or via mail.
- 4. Juvenile complaints without custody
 - a. The investigating officer will prepare the juvenile complaint.
 - b. The parent or guardian of the juvenile, and the juvenile, shall be served with a copy of the complaint either in person or via mail. They will receive notice from the Superior Court-Family Part as to the date that the juvenile and the parent/guardian must appear to answer for the charges.
 - 5. Issuance of Uniform Traffic Tickets
 - a. There are only a few exceptions, which allow an officer to issue a uniform traffic ticket in lieu of taking a juvenile into custody. N.J.S.A. 2A: 4A-23 specifically excludes violations of Chapters 3, 4, 6, and 8 of Title 39 as delinquent conduct. Therefore, any such motor vehicle violation alleged against a juvenile of any age is to be heard in Municipal Court. Officers may issue a uniform traffic ticket to a juvenile for a violation. Officers may arrest a juvenile for those violations, which would warrant the arrest of an adult.
 - b. Where a uniform traffic ticket has been issued to a juvenile under the age to lawfully obtain a permit, the issuing officer shall ensure that the juvenile's parent or guardian is notified. For minor offenses, this notification can be made by telephone.

VIII. Referral to the Juvenile Justice System

- A. In those cases where an alleged juvenile offender has been involved in serious criminal conduct or repeated violations, officers should, as a matter of course, refer the case to the juvenile justice system (sign a Juvenile Delinquency Complaint), unless there are specific mitigating circumstances to recommend otherwise. In general, delinquent acts requiring referral to the juvenile justice system would include:
 - 1. All delinquent acts that if committed by an adult, would be an indictable offense (first through fourth degree crimes).
 - 2. All delinquent acts involving weapons.
 - 3. All serious gang-related delinquent acts.
 - 4. All delinquent acts committed by juveniles on probation, parole, home detention or suspended sentence.
 - 5. Acts committed by juveniles who have been identified as an Impact Offender, or who have charges pending or have a history of repeated delinquent acts.

6. Juveniles, who have been selected to participate in a diversion program, but refuse to participate.
7. In those cases where it has been determined that parental supervision is not effective.
8. In those cases where it has been determined that the juvenile offender represents a threat to him/herself or the community if released.
9. Any act that is committed by a juvenile where there is sufficient probable cause to believe that the juvenile has committed an act of delinquency that would constitute a violation of any offense defined in Chapter 35 or 36 of Title 2C ("The Comprehensive Drug Reform Act"), as required by Directive 5.7 of the Statewide Action Plan for Narcotics Enforcement. Where a juvenile is taken into custody for an act of delinquency involving a violation of any offense defined in Chapter 35 or 36 of Title 2C, a complaint alleging delinquency shall be filed.
10. Violations of underage possession and/or consumption of alcoholic beverages.

IX. Release of a Juvenile on Own Recognizance (ROR)

- A. All releases (ROR) of a juvenile detained will be in accordance with N.J.S.A. 2A:4A-35.
- B. A juvenile charged with delinquency may be released at either the police or court level on his own recognizance (ROR) if all of the following circumstances have been met:
 1. The nature of the offense charged is not such that a danger to the community would exist if the juvenile were released;
 2. There is no parent, guardian or other appropriate adult custodian to whom the juvenile could be released and all reasonable measures have been exhausted by either police or court personnel to locate and contact any such person;
 3. The juvenile is at least 14 years of age;
 4. The identity and address of the juvenile are verified through a positive form of identification; and
 5. Reasonable certainty exists on the part of the releasing authority that upon release, the juvenile will return to school or home safely and will appear at his/her hearing.
- C. The releasing officer will obtain a signed *Juvenile Release Form*.

I. Custodial Interviews of Juveniles

- A. Juveniles have the right to counsel at every stage of the juvenile process. Prior to interviewing a juvenile concerning a criminal investigation, officers must first contact the parents or guardians of the juvenile and request that they respond to police headquarters. The investigating officer shall then give Miranda Rights to the juvenile in the presence of his/her parents. The officer shall not question or take statements from juveniles without the parent's permission. If the parents cannot be reached after a reasonable amount of time, then another responsible adult family member may take their place.
- B. Although the parent or legal guardian may elect not to be present for the interview, they and the juvenile must be advised of their right to confer privately prior to questioning and the parent's right to be readmitted to the interview or to stop the interview at anytime.
- C. Should a parent or legal guardian choose not to be present, they are to complete and sign the bottom portion of the Rights form. The advising officer and a witness will also sign the form.
- D. Prior to any questioning, the officer conducting the interview must clearly explain to the juvenile and parent or legal guardian, if they choose to be present, the department's interview procedures and policies regarding juvenile offenders. They shall also be advised of any possible action that may be taken within the juvenile justice system and procedures within the system.
- E. No more than two officers may be involved in the interviewing of a juvenile at any one time. Although there may be instances where other officers become involved in the interview, only two officers may actively conduct the interview.
- F. Juveniles shall have reasonable access to toilets and water or other beverages while being interviewed. Juveniles will be given an opportunity to eat if an interview extends through a normal meal period.
- G. A spontaneous confession by the juvenile is acceptable. However, the officer is not to further question the juvenile until he/she has given the juvenile his/her Miranda Rights in the presence of the parents/guardians.
- H. Interviews with juveniles shall not extend over periods of time that could be considered unreasonable, excessive, or coercive.
- I. Interviewers shall give consideration to the age, mental capability, and apparent emotional stability of the juvenile when determining the length of the interview.
- J. Any questions regarding the questioning or interrogation of a juvenile should be directed to the County Prosecutors Office.
- K. When a juvenile complaint is initiated and a judicially approved arrest warrant is obtained, the juvenile may only waive his/her Miranda Rights in the presence of and after consultation with their attorney. This requirement applies to adults as well, if they were a juvenile at the time of the offense, or when the arrest warrant was obtained (reference State of New Jersey In the Interest of P.M.P. 200 N.J. 166 (2009)).

- L. Mandatory Electronic Recordation of Interviews/Interrogations of Juveniles (Reference New Jersey Court Rules R. 3:17).
 - 1. All custodial interrogations of juveniles conducted in a place of detention must be electronically recorded when the juvenile is suspected of committing one of the following:
 - a. A crime of the 1st degree;
 - b. A crime of the 2nd degree;
 - c. A crime of the 3rd degree;
 - d. 4th degree criminal sexual contact; or
 - e. Any attempt or conspiracy to commit such crimes.
 - 2. A complete electronic recordation of interview/interrogations should also take place for all other 4th degree crimes, if possible.
 - 3. At any time if the officers leave the room during the interview and the juvenile remains in the room with his/her parent, the audio portion of the electronic recording device must be turned off until the officers re-enter the room.

II. Police Operations on School Property

- A. All police operations conducted near or on any school grounds will be conducted in accordance with the *Uniform State Memorandum of Agreement between Education and Law Enforcement Officials*. The Juvenile Officer shall ensure that the most recent copy of this agreement is on file.