

10.0 JUVENILE OPERATIONS

Generally, Everett Police officers will receive and investigate any complaint or alleged criminal law violation involving juveniles in the same manner as an adult criminal case. Any exceptions to this general rule will be noted either in this Chapter or in the Department Policy Manual.

At the conclusion of the criminal investigation, the juvenile case report will be reviewed by the officer's supervisor and will then be referred to the proper juvenile justice court authority or its subdivision.

Generally, the Special Assault Unit investigates:

- Felony assaults with juvenile victim under 13 years of age
- Sex crimes with juvenile victim under 18 years of age (rape, molestation, sexual misconduct with a minor, indecent liberties, voyeurism)
- Child pornography crimes
- Kidnapping or Unlawful Imprisonment with juvenile victim under 18 years of age
- Reckless endangerment (with significant injury) or criminal mistreatment with juvenile victim under 18 years of age
- Missing persons cases (suspicious circumstances) with juvenile under 18 years of age

Generally, the Major Crimes Unit will investigate:

- All homicides or suspicious deaths, adult or juvenile victim
- All assaults with significant injury (likely to cause death), adult or juvenile victim
- Felony assault with juvenile victim 13 years of age or older
- All robberies, adult or juvenile victim
- All felony harassments or stalking, adult or juvenile victim

~~The Special Assault Unit will investigate crimes where children under the age of 18 years of age are the victims. The crimes against Persons Unit will investigate any crime where the suspect is a juvenile over the age of 12 years of age.~~

Non-criminal juvenile matters will be investigated and dealt with in the same dedicated manner as criminal investigations. Juveniles found to have committed status offenses (an offense that would not be considered criminal if committed by an adult), will be released pursuant to Procedure 10.02.

It is the policy of this department to use various social service agencies in dealing with juveniles when it is appropriate to do so.

The Everett Police Department encourages review and comment by all of the elements of the juvenile justice system in the development and implementation of the department's policies and procedures, with respect to dealing with juveniles.

10.01 USE OF FORCE WITH JUVENILES

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Response to crimes involving juveniles will not differ from that for an adult offender. Only that force necessary to overcome resistance or take control shall be used.

Officers will follow all use of force guidelines and policies with respect to providing or obtaining appropriate medical aid for juveniles, following the use of any force, either lethal or less than lethal. Medical attention will be provided any time that a juvenile complains of injury following the use of force.

Appropriate medical attention may include, but is not limited to:

- Flushing of eyes after OC applications.
- Evaluation by Everett Fire Department medics.
- First aid applications.
- Medical attention per Taser Applications Policy

10.02 JUVENILE RELEASE

When dealing with a juvenile offender, officers of this department must determine the seriousness of the offense and consider the welfare of the juvenile. This will assist in determining whether to make a custodial arrest, issue a citation/summons, or release the juvenile.

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Juvenile offenders must meet specific "intake requirements" in order to be booked into the youth facility. In most cases, release of the juvenile will result following an investigation.

The preferred release is to the parent or guardian of the juvenile. If in the event that the parent/guardian cannot ~~is not immediately respond available~~ or cannot be located immediately, the ~~youth~~ juvenile will be ~~taken~~ transported to the police station ~~to~~ await pending the arrival ~~a~~ of the parent/guardian.

If ~~no~~ the parent/guardian ~~is available~~ cannot be located or respond, the ~~youth~~ juvenile may be released to a ~~some~~ other responsible adult or relative, be placed in detention, or released pending later notification to the parent/guardian ~~or other responsible adult at the officer's discretion. The officer will attempt parental notification. If the officer is unsuccessful, notification will be made by the juvenile court system.~~

If a responsible adult cannot be contacted, the juvenile should be asked if he/she would accept services from Child Protective Services (CPS).

~~S.H.O.C.A.P. juveniles will be booked at the youth facility.~~

10.03 JUVENILE REFERRAL

Where there is probable cause to believe a juvenile has committed a felony, the investigating officer will submit reports that articulate all the facts and elements that support the charge. The detective supervisor will ensure that the case is complete, and then forward the case to the Snohomish County Prosecutor's Office for disposition.

All misdemeanor cases shall will be submitted to the Snohomish County Prosecutor's Office for disposition, after being reviewed by a the investigations supervisor.

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10.04 JUVENILE REPORTS – When Arrested or Charged with a Crime:

Reports are will be required for any arrest of a juvenile. All referrals to the juvenile court require a report.

- In all cases when a referral is made, the ~~“Prosecutor's Fact Sheet”~~ Superform is required with a synopsis of the event resulting in the charge. All ~~“Juvenile Referral” forms~~ The Superform must accompany the officer's Incident Report.
- Citations for misdemeanor offenses are **not** given to juveniles.

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If a runaway from home, or child in danger is taken to ~~CRC~~ or the local DCFS office or other appropriate facility, the officer's report must be provided to ~~CRC~~ or the local DCFS that office agency **within 24 hours**. The report must detail the reasons the officer took the child into custody.

If abuse or neglect is suspected, the officer's report **shall be made immediately** to the Department of Social and Health Services (DSHS) per **RCW 13.32A.050**.

If an officer is detailed to take a report in which a reported runaway has returned home, or has been located, the officer must correctly clear the report by one of the following methods:

- (1) If the returning juvenile was reported as an Everett Runaway, then the officer **must use the original Everett case number**.
- (2) If the juvenile was picked up and is a reported runaway from a jurisdiction other than the City of Everett, **a new case number must be used**.

10.05 JUVENILE TRAFFIC OFFENDERS are treated in the same manner as adults.

- Traffic infractions and criminal traffic citations may be issued to any juvenile, **age 16 or older** in the same manner as an adult and may be filed in Everett Municipal Court.

- **Under 16** years old, an infraction is prepared and a referral is attached. **Do not** give a copy of the infraction to the juvenile. The court will contact the juvenile and/or his/her parents.
- **RCW 13.40.250** provides for limits on the monetary penalties imposed on a juvenile. It also provides a diversion program for juveniles to enter into a community service agreement. The court directs those provisions.

All reports will contain the elements of the charged offense in the same manner as reports filed against adults.

- The report should clearly describe the events leading to the referred charge.
- Reports lacking the elements of the offense may be dismissed in court.

10.06 JUVENILE PROTECTIVE CUSTODY

Refer to Section 21.

10.07 JUVENILE RUNAWAY

Refer to Section 21.

10.08 JUVENILE RUNAWAY HARBORING

If an officer has reasonable suspicion that a runaway is being harbored in violation of **RCW 13.32A.080**, the officer may take the child into custody and follow the procedures as outlined in ~~WHAT TO DO WITH THE CHILD~~

10.09 JUVENILE WARRANT ARREST

If a child is in custody pursuant to an arrest warrant being issued by the court, the officer will take the child to Denny Youth Center.

10.10 JUVENILE OFFICER LIABILITY

A law enforcement officer acting in good faith pursuant to Chapter 13.32A RCW (Family Reconciliation Act) is immune from civil or criminal liability for such action.

~~Civil and criminal immunity is granted to an officer acting in good faith in:~~

- ~~Failing to take a child into custody~~
- ~~Taking a child into custody~~
- ~~Taking a child to a CRC, or~~

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- Releasing a child to a person at the request of a parent (RCW 13.32A.070)

A "Child Custody Transfer" form must be completed whenever law enforcement transfers custody of a child to another agency. The DSHS social worker will have copies of this report for law enforcement to sign off on.

10.11 JUVENILE RIGHTS

When arrested/taken into custody

- When a juvenile is arrested and/or taken into custody, that juvenile must immediately be advised of their right to an attorney whether there is questioning or not (See Washington State Court Rule CrR3.1),
 - Before any in-custody interrogation, the juvenile must be advised of his/her Constitutional Rights immediately, using the same rights card or form as for an adult and including the additional juvenile warning. Additionally the juvenile rights warning will be included in the warning. See also the next section, "in custody questioning".
 - In addition to the interview or interrogation, and in addition to the juvenile being advised of his/her rights, the officer will explain the Juvenile Justice System to the juvenile in a concise manner.
 - Upon taking a juvenile suspect under the age of 16 into custody (other than protective custody), officers will make a reasonable attempt to contact the notify a parents or guardians of that the juveniles incident to their arrest is being held in custody. During the notification, the officer will offer an explanation as to the impending procedures and processes of the juvenile(s) in custody. Officers will document the attempts they make to contact a parent or guardian.
 - If the juvenile expresses fear or distress about contact with his/her parents and requests that the contact not occur, the juvenile's wishes should be taken into account. The officer should attempt to determine if the fear or distress is valid and make a determination if notification should be made to Child Protective Services.
 - and prior to any interrogation, taking into consideration, the appropriateness of conferring with the juvenile's parents or guardian. If there is any doubt, a supervisor will be consulted. Officers will make every effort to ensure that the duration of any juvenile interrogation is reasonable, taking into consideration the age of the juvenile, the location of the interrogation and the gravity and / or scope of the investigation.
 - The number of officers questioning a juvenile offender or suspect will be minimized according to the situation at hand, taking into consideration the age of the juvenile, the location of the interview and the gravity and / or scope of the investigation.

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- ***If a juvenile in custody is injured or is experiencing another medical problem while in our care, treatment will take precedent over the investigation.***

In-Custody Questioning

If officers are found to have coerced a confession or to have violated the right against self-incrimination in any other way, and the confession is used in any criminal proceeding (including an affidavit of probable cause or a bail hearing), the interrogating officer is exposed to federal civil rights liability. As such, the following procedures are to be carefully followed and documented:

- A juvenile suspect in custody will be advised of his/her constitutional rights using the same rights card or form as an adult, including the additional juvenile warning. The juvenile will not be interrogated unless the juvenile has voluntarily waived his/her rights.
- In addition, the officer should try to elicit statements that show that the juvenile understands what Miranda warnings actually mean. "Do you understand" "Yes I do" and a signature may not be enough to show a valid waiver when the subject is a juvenile.
- If a juvenile suspect asks to consult his or her parents either before or during questioning, the interview will be terminated until such consultation has occurred.
- If parents are present at the time of the juvenile's arrest or prior to the beginning of the interview process, they will be allowed to consult with their child unless they are also suspects in the same incident or are witnesses to the incident.
- If parents arrive after the interview has begun and request contact with the juvenile suspect, the request will be granted at the next logical break in the interview process unless the parents are also suspects in the same incident or are witness to the incident.
- The following circumstances of the interrogation will be considered and documented:
 - o Length of the questioning;
 - o Location & setting of the interrogation;
 - o Number of officers present;
 - o Suspect's age, maturity level and education;
 - o Suspect's physical/mental condition; and
 - o Whether or not the suspect has been arrested before.

In-School Interviews (child suspect or child victim/witness)

When interviewing juveniles at school, the circumstances of the interview *might* lead a court to consider a child suspect, victim or witness "seized." The key test is

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whether a reasonable person in the child's circumstances would have felt free to leave or otherwise decline the officer's request and terminate the interview.

- In making the determination of "seizure," a reviewing court will consider the totality of the circumstances. In particular, officers will be aware of and document the following circumstances of an in-school interview:
 - Length of the interview
 - Who initiated the interview
 - Number of interview participants and their roles
 - Whether third parties (such as school employees) were present and the child's relationship to the third parties (e.g. a trusted counselor or teacher)
 - The attire of the investigators, including whether a firearm was present or visible
 - Language and tone of the investigator/interviewer
 - How aggressive or confrontational the questioning, and where the participants are seated
 - Physical contact between the investigator and the person being interviewed
 - The location and setting of the interview (e.g. if the interview is in the principal's office with a shut door, there will be a strong presumption toward the child being "seized")
- Make it very clear to the child that he or she does not have to be interviewed at school and can end the interview and leave at any time.
- Elicit statements from the child that show he/she understands the above
- Document the interview in detail, especially the above circumstances
- Record the interview if possible, as it safeguards the officer from a situation where an apparently compliant child later testifies that he/she felt trapped and intimidated. When the interview is taped, the nature, tone and content of the interview can be fully reviewed in court. If recording is not practical, the documentation of the interview should include a near verbatim summary of the questions asked and the responses by the child.
- If an interview is recorded, handwritten notes should be used to help prepare the report and then destroyed. If an interview is not recorded, handwritten notes should be kept long enough to prepare a detailed incident report, then destroyed.
- If an officer believes that circumstances are such that an in-school interview will be considered a seizure, the officer must ensure that (1) there is PC for the seizure, and (2) there is either a court order/warrant allowing the interview

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or an exception to the warrant requirement such as consent or exigent circumstances.

Consent: If parents are cooperative, obtain consent prior to the in-school interview of a child of any age and document the consent in a report. If parents are not cooperative and the child is 12 years or older, consent to the interview may be obtained directly from the child, being mindful of the maturity level of the child and any other special considerations such as their level of intellectual functioning. Officers should not seek consent directly from a child who is younger than 12 years of age.

Exigent Circumstances:

If there is no consent and circumstances make obtaining a warrant unreasonable, an officer may seize a child for interviewing without a warrant only if he/she reasonably believes that exigent circumstances exist, such as medical issues that need to be addressed immediately, credible information that the child is or will be in danger of harm if the interview is not immediately completed, access by the suspect to the child, prior injuries, and/or concerning behavior by or to the child.

If relying on "exigent circumstances," the interview should be conducted with urgency and before the child returns home to either the alleged abuser or the perceived threat.

Officers should document in their report why they believed it was imperative to interview the child without obtaining court authorization or consent. The report should also reference whether a decision was made, following the interview, to place the child into protective custody, and if so, why or why not.

Search Warrant:

If there is no consent and no exigent circumstances, obtain a search warrant or other court order allowing for the seizure of a child for an in-school interview. Contact a deputy prosecutor if desiring an Inquiry Court proceeding in lieu of a warrant.

10.12 JUVENILE AGENCIES

The Snohomish County Volunteers of America publishes a directory for all social and health services available in Snohomish County. This directory has a section dealing with youth services. The ~~Crimes Against Children~~ Special Assault Unit sergeant will maintain the resource material and see that all detectives have access to the information.

Patrol officers can receive information on services provided by DSHS at 425-339-3900 for all juvenile-related issues (425-339-4000 for welfare-related issues), or Care Crisis

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at 1-800-584-3578. Other service numbers can be found on the Everett Police Department's phone list.

10.13 JUVENILE ARREST AUTHORITY (RCW 13.32A.050)

The law enforcement officers shall take a child into custody:

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- * If a law enforcement agency has been informed by the parent of the child that the child is absent from parental custody without consent; or
- * If the law enforcement officer reasonably believes, considering the child's age, the location and the time of day, that the child is in circumstances which constitute a danger to the child's safety; or
- * If an agency legally charged with the supervision of the child has notified a law enforcement agency that the child has run away from placement; or
- * If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to RCW Chapter 13.32A (Becca Bill); or 13.34 RCW (dependency actions), or that the court has issued an order for law enforcement pick-up of the child under either of those chapters.

~~Officers of this department will always make an attempt to notify parents or guardians of juveniles in custody whenever possible. The officer should advise the parent or guardian of the process and procedures involving the child.~~

An officer may take a juvenile into custody when the officer has probable cause to believe the following:

- * The juvenile committed a felony offense; or
- * The juvenile is a threat to community safety; or
- * The juvenile has violated a condition of release or probation; or
- * The juvenile is a fugitive from justice; or
- * A warrant exists for the juvenile's arrest.
- ~~* The juvenile is classified as a Serious Habitual Offender or a Targeted Offender and has committed a criminal act.~~

When arresting a Juvenile, refer also to Section 10.11 of this manual (Juvenile Rights)

A "Child Custody Transfer" form must be completed whenever law enforcement transfers custody of a child to another agency. The DSHS social worker will have copies of this report for law enforcement to sign.

10.14 JUVENILE BOOKING

Officers transporting juveniles for booking shall do so without delay, unless the juvenile requires emergency medical treatment.

Officers shall comply with all booking requirements established by Denny Youth Center.

Juveniles being detained by officers must meet DYC booking detention criteria.

Upon arrest of a juvenile, it is advised that the officer call either **(425) 388-3706** or **(425) 388-3705** and speak with a classification officer or the shift supervisor. This consultation prior to transport will determine if your arrestee meets admission criteria.

If the arrestee meets the "mandatory to hold" status, no risk assessment is required. "Mandatory to hold" criteria includes the following:

- (a) Court Order to detain
- (b) Parole Suspension
- (c) Any A or B Felony Offense
- ~~(d) S.H.O.C.A.P.~~
- ~~(e)~~(d) -Superior or District Court Warrant
- ~~(f)~~(e) Material Witness
- ~~(g)~~(f) Act of Domestic Violence (DV), over 16 years of age
(this could be any of the associated crimes of Domestic Violence, i.e. Burglary, Criminal Mischief, etc.)
- ~~(h)~~(g) John/Jane Doe (Unknown suspect)
- ~~(i)~~(h) Residential Burglary (where the living area of the residence was entered)
- ~~(j)~~(i) Assault 4 (must meet DV criteria and reside in the same residence)
- ~~(k)~~(j) Violation of personal Recognizance—recognizance Order order on a B+ or above felony.

If the arrestee does not meet the "mandatory to hold" criteria, a risk assessment completed by a classification officer or shift supervisor is required. This will determine, through a point system, the need for detention based on risk factors. A total of 12 points or higher results in detention; less than 12 points results in release.

10.15 JUVENILE FINGERPRINTS AND PHOTOGRAPHS

Officers shall photograph and fingerprint all juveniles arrested for a felony or gross misdemeanor pursuant to **RCW 43.43.735**. Exceptions are when:

- * The ~~Exceptions are for~~ offender is arrested for a gross misdemeanor but not booked into the Denny Youth Center; or
- * The offender is taken directly to the Denny Youth Center, in which case the Juvenile Court administrator is "authorized," but not required, to fingerprint or

photograph juvenile offenders admitted to the youth facility.

* Fingerprint cards and equipment are available through the Records Section.

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* Red 10 print cards shall be used with the Everett Police Department WASIS identifier number, WA0310300.

10.16 JUVENILE RECORDS

The Records ~~Division~~Unit is responsible for the collection, retention, dissemination and destruction of the records of juveniles processed by this agency pursuant to **R.C.W. 13.50**.

Whenever a court order is received by the Department that requires expungement, sealing or destruction of a juvenile record is received, the support servicesRecords Unit manager will examine the records in question. The entire record of the portion referred to in the order will be sealed or destroyed as required by the court order.

All juvenile records are purged from the files when the juvenile reaches the age of eighteen. The purged files are identified as "purged" and are stored in the archives per the State Records Retention Schedule. Regarding the Records Retention Schedule, purged juvenile records are destroyed when the juvenile named in the record turns twenty-three years of age.

Access to juvenile records is restricted to a need-to-know basis only. Information will only be released to criminal justice agencies that are authorized under state law to receive juvenile arrest information. Information pertaining to the name, address, date-of-birth, telephone number, and parents name is released to the victims who are eligible to received such information for the purpose of restitution. Juveniles who are arrested, and their parents are permitted access to their own record upon demand to verify that record.

The ~~Support Services~~Records Unit Manager is accountable for the collection, dissemination and retention of juvenile records.

The ~~support services~~Records Unit manager is responsible to ensure that practices and policies are established and followed pursuant to **R.C.W. 13.50**

10.17 PLACING OF JUVENILES IN ADULT JAIL

Per federal guidelines, the Everett Police Department's Secure Waiting Area and secure interview rooms are deemed to be adult jails. State law (RCW 13.04.116) specifies that generally, juveniles accused of a delinquent offenseunder the age of 18 who have not been transferred previously to adult court may not be confined in a jail or holding facility for adults. There is an exception where the juvenile may be held in an secure location, other than a juvenile detention, adult facility for not longer more than than six hours, and

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pursuant to a lawful detention in the course of an investigation, provided that the confinement is separate from the sight and sound of adult inmates. For the sake of these guidelines, a juvenile is defined as an individual under the age of 18 and who has not been transferred previously to adult court.

Juveniles held pursuant to a status offense, including those returned on a court order for contempt, cannot be held in a secure location. Minors in possession of alcohol are considered status offenders according to federal regulations, despite being delinquent under Washington Law. (A status offender is defined as "a juvenile who has been charged with or adjudicated for conduct that would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult", e.g., truants, curfew violators, runaways, and minors in possession of alcohol or tobacco products.)

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Temporary Custody (The Six-Hour Rule)

As noted above, upon taking a juvenile into custody, a law enforcement officer may deliver the juvenile, for temporary custody, to an adult jail or other detention facility intended or used for the detention of adults. This "temporary custody" may not exceed a period of six hours and may only be for the purpose of fingerprinting or photographing the juvenile or to await transportation to an appropriate facility.

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Federal compliance specialists have recently clarified provisions regarding the six-hour hold allowance. If a juvenile is not placed back in a secure area of the jail or lockup after the interview process is over, being interviewed, and the interview has been conducted in a non-secure area, the interview time would not be included in the six-hour period, and the only time counted against the six-hour period would be the time the juvenile was actually held securely in the jail secure area. It is only if the juvenile is returned to secure custody status that the six-hour period would be considered continuous. The fact that the building where the interview may be conducted is located outside of the jail facility does not "stop the clock" on the six-hour time period.

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Sight and Sound Separation

Juveniles legally held in an adult jail or secure waiting area must be separated by sight and sound and have no regular contact with incarcerated adults.

Supervision and monitoring of juveniles shall include physical observation and documented checks at intervals of 15 minutes and less than 15 minutes if the juvenile appears depressed.

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Under no circumstances shall a juvenile be placed in the same cell as an adult.

Reporting of Juveniles Held on On-Site Monitoring

Federal regulations require that all police agencies must be monitored with regard to holding juveniles. A Juvenile Data Collection Form will be filled out for any juveniles

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