

KANSAS CITY, KANSAS POLICE GENERAL ORDER

SUBJECT: Juvenile Procedures

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REFERENCE: CALEA [Ch.44](#)

CROSS REFERENCE:

CONTENTS:

delinquency. In accordance with this, the Department has the responsibility to ensure conformity with the Code for Care of Children and the Kansas Juvenile Code as they pertain to law enforcement.

- E. All agency components and personnel are responsible for supporting the juvenile operations function.
- F. All juveniles suspected of new offenses will be issued a notice to appear and released or taken to JIAC for assessment. Officers will no longer take juveniles to JDC for detention; JIAC personnel will now decide whether a juvenile should be detained in JDC. Due to safety concerns, CINC juveniles and juveniles suspected of committing criminal offenses will be separated. Juvenile offenders will be taken to "JO JIAC" (Sally port) and children in need of care will be taken to "CINC JIAC" (upstairs during normal business hours). JO JIAC is located in the intake area of the Juvenile Detention Center and CINC JIAC is located in the Sheriff's Office.

- I. PURPOSE
- II. DEFINITIONS
- III. REPORTING
- IV. INTERACTION WITH OTHER AGENCIES
- V. CHILD IN NEED OF CARE PROCEDURES
- VI. JUVENILE VICTIMS OF HUMAN TRAFFICKING
- VII. RUNAWAYS
- VIII. JUVENILE OFFENDER PROCEDURES
- IX. JUVENILE TRAFFIC OFFENDERS
- X. JUVENILE INTERROGATIONS
- XI. RECORDS

II. DEFINITIONS

- A. Juvenile - a person ten (10) or more years of age but less than eighteen (18) years of age.
- B. Human Trafficking - "Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.
- C. Newborn Infant Protection Act - A parent or other person having lawful custody of an infant which is 45 days old or younger and which has not suffered bodily harm may surrender physical custody of the infant to any employee who is on duty at a police station, sheriff's office, law enforcement center, fire station, city or county health department or medical care facility. The employee shall take physical custody of the infant surrendered.
- D. Juvenile Offender 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 or who violates the provisions which prohibit purchase or consumption of alcoholic beverages (41-727), criminal possession of a firearm by a juvenile, and purchasing or holding interest in a pari-mutuel ticket (74-8810), but does not include:
 - 1. A person fourteen (14) or more years of age who commits a traffic offense in violation of Chapter 8 of the KSA or any Unified Government ordinance which relates to the regulation of traffic.
 - 2. A person sixteen (16) years of age or older who commits an offense against parks and wildlife (KSA Chapter 32).

I. PURPOSE

- A. To familiarize all Department personnel with the Department procedures which are formulated in accordance with the Kansas Code for Care of Children (KSA Ch.38 art.15) and the Kansas Juvenile Code (KSA Ch.38 art.16). This code prescribes relevant definitions and responsibilities and guides the procedures of all agencies and courts that have authority over children and juveniles.

The codes contain two basic concepts of juvenile related problems, they are:

1. Child in Need of Care (CINC).
2. The Juvenile Offender.

These two concepts are not exclusive of one another, as the definitions allow that Juvenile Offender could also be a Child in need of Care.

- B. To familiarize Department personnel with the procedures formulated in accordance with the Kansas Code for Commercial Sexual Exploitation of a Child (21-6422) and Human Trafficking/Aggravated Human Trafficking (21-5426).
- C. To familiarize Department personnel with the procedures formulated in accordance with the Kansas Code for the Newborn Infant Protection Act (38-2282a).
- D. On the authority of the Chief of Police, the Department is committed to the development and perpetuation of programs designed to prevent and control juvenile

3. A person under 18 years of age who previously has been:
 - a. Convicted as an adult under the Kansas code of criminal procedure;
 - b. Sentenced as an adult under the Kansas Code of Criminal Procedure following termination of status as an extended jurisdiction juvenile pursuant to KSA 38-2364, and amendments thereto; or
 - c. Convicted or sentenced as an adult in another state or foreign jurisdiction under substantially similar procedures described in 2009 Supp. KSA 38-2347, and amendments thereto, or because of attaining the age of majority designated in that state or jurisdiction.
- E. Parent - when used in relation to a juvenile or juvenile offender, includes a guardian and every person who is by law liable to maintain, care for, or support the juvenile.
- F. Child in Need of Care - a person less than eighteen (18) years of age who:
 1. 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 custodians;
 2. Is without the care or control for the child's physical, mental, or emotional health;
 3. Has been physically, mentally, or emotionally abused, neglected, or sexually abused;
 4. Has been placed for care or adoption in violation of law;
 5. Has been abandoned or does not have a known living parent;
 6. Is not attending school as required (KSA 72-977, 72-1111);
 7. Except in cases of a violation of the prohibitions against the purchase or consumption of alcoholic beverages, purchase of a pari-mutuel ticket or an interest in such ticket, purchase or attempt to purchase cigarettes or tobacco products, possession or attempt to possess cigarettes or tobacco products, does an act which, when committed by a person under eighteen (18) years of age, is prohibited by State law or Unified Government ordinance but which is not prohibited when done by an adult;
 8. Is less than ten (10) years of age and commits any act which if done by an adult would constitute the commission of a felony or misdemeanor;
 9. Is willfully and voluntarily absent from the child's home without the consent of the child's parent or other legal custodian;
 10. Is willfully and voluntarily absent at least a second time from the court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee; or
11. Has been residing in the same residence with a sibling or another child who has been physically, mentally, or emotionally abused or neglected, or sexually abused;
12. Is less than 10 years of age and commits the offense of criminal possession of a firearm by a juvenile; or
13. Has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve.
14. Has been subjected to an act which would constitute human trafficking or aggravated human trafficking or commercial sexual exploitation of a child or has committed an act which, if committed by an adult, would constitute selling sexual relations.
- G. Neglect means acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. Neglect may include, but shall not be limited to,
 1. Failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child;
 2. Failure to provide adequate supervision of a child or to remove a child from a situation which requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child; or
 3. Failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment of a child because of religious beliefs shall not for the reason be considered a negligent parent unless otherwise determined by the court.
- H. Physical, Mental, or Emotional Abuse - the infliction of physical, mental, or emotional harm or the causing any deterioration of a child and may include, but shall not be limited to, maltreatment, or exploiting a child to the extent that the child's health or emotional well-being is in danger.
 - I. Sexual Abuse - any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include allowing, permitting or encouraging a child to engage in prostitution or to be photographed, filmed or depicted in pornographic material.
- J. Shelter Facility - any public or private facility or home other than a juvenile detention facility that may be used in accordance with the Revised Kansas Code for Care of Children for the purpose of providing either temporary placement for the care of children in need of care prior to the issuance of a dispositional order or longer term care under a dispositional order.
- K. Juvenile Detention Facility – any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders which must not be a jail. The detention facility for this jurisdiction is located at 710 N. 7th, 573-2900.

- L. Relative - a person related by blood, marriage, or adoption, but when referring to a relative of a child's parent, does not include the child's other parent.
- M. Jail
 - 1. An adult jail or lockup; or
 - 2. A facility in the same building or on the same grounds as an adult jail or lockup, unless the facility meets all applicable standards and licensing requirements under law and there is:
 - a. Total separation of the juvenile and adult areas;
 - b. Total separation in all juvenile and adult programs; and
 - c. Separate juvenile and adult staff.
 - 3. No child under eighteen (18) years of age shall be detained or placed in any adult jail or lockup.

III. REPORTING

- A. A Case Report will be completed whenever:
 - 1. A child under the age of eighteen (18) is taken into custody as a child in need of care;
 - 2. A child under the age of eighteen (18) is the victim of criminal child neglect, or physical or sexual abuse
 - 3. A case supplement or incident supplement will be completed, documenting the facts of the case, anytime a juvenile crime occurs.
- B. Case Report "Complaint":
 - 1. Whenever an officer detains any juvenile and issues a Notice to Appear and such juvenile is not immediately taken to JIAC, the officer shall cause to be filed, without unnecessary delay, a case report ("complaint") with JIAC that states the offense for which the juvenile was detained. A copy shall also be provided to the district or county attorney. (K.S.A. 38-2330(g) (4)).
- C. A Case Report will be completed whenever:
 - 1. A child under the age of 18 years of age is taken into custody by an officer without a court order and is thereafter delivered to JO/CINC-JIAC. The application shall state:
 - a. The name and address of the child, if known.
 - b. The names and addresses of the child's parents or nearest relatives and persons with whom the child has been residing, if known, and
 - c. The officer's belief that the child is a child in need of care and that there are reasonable grounds to believe that the circumstances or condition of the child is such that the child would be harmed unless placed in the immediate custody of the shelter facility or other person.
 - 2. A child is not taken into custody after being reported a runaway
 - 3. When it is desired to record a contact only (non-custodial contact) with a child, e.g., a possible child

neglect situation which the officer feels DCF should investigate.

- D. An Offense/Incident Report:
 - 1. It makes no difference in reporting a crime that a suspect is a juvenile. An Arrest Report is not required when a juvenile is the suspect unless a juvenile is in custody for the offense.
 - 2. A juvenile can be the victim of any type of crime. There is no statute or regulation that prohibits a juvenile from initiating an Offense Report. If an officer has doubts about the juvenile's ability or accuracy when taking a report, he should contact his Supervisor.
- E. An officer shall take a child under 18 years of age into custody when:
 - 1. The officer has a court order commanding that the child be taken into custody as a child in need of care; or
 - 2. The officer has probable cause to believe that a court order commanding that the child be taken into custody as a child in need of care has been issued in this state or in another jurisdiction

IV. INTERACTION WITH OTHER AGENCIES

- A. The State DCF (Department for Children and Families) and law enforcement officers shall have the duty to receive and investigate reports of child abuse or neglect for the purposes of determining whether the report is valid and whether immediate action is required to protect the child from further abuse or neglect. If officers determine that no immediate action is necessary to protect the child but that a criminal prosecution should be considered, the officers shall make a report of the case.
- B. Joint Investigations - Investigations shall be conducted as a joint effort between DCF, the Department, any other appropriate law enforcement agencies, and the District Attorney's office, with a free exchange of information between them. If a statement of a suspect is obtained by the Department, a copy of the statement shall be provided to DCF upon request.
 - 1. The Department and DCF shall assist each other in taking action which is necessary to protect the child regardless of which agency conducts the initial investigation.
 - 2. Investigations will be coordinated by the District Attorney. If a dispute develops between agencies investigating a reported case of child abuse or neglect, the appropriate district attorney shall take charge of, direct, and coordinate the investigation (KSA 38-2226).
 - 3. Elementary and secondary schools, DCF, and the Department shall cooperate with each other in the investigation of reports of suspected child abuse or neglect. Administrators of elementary and secondary schools shall provide to officers and DCF employees access to a child on school premises determined by school personnel for the purpose of the investigation of a report of suspected child abuse or neglect.
 - 4. Investigations of child abuse or neglect in an institution operated by DCF shall be investigated by an agent under the direction of the Attorney General. In any other suspected child abuse or neglect of

persons by DCF employees shall be investigated by the Department under the direction of the District Attorney, and not by DCF.

5. Any investigation involving a facility subject to licensing or regulation by the Secretary of Health and Environment shall be promptly reported to the State Secretary of Health and Environment.

- C. Policy Development. Appropriate juvenile justice and services entities will be consulted periodically for review and comment concerning department policies and procedures relating to juveniles and juvenile investigations.

V. CHILD IN NEED OF CARE PROCEDURES

When a report to the Department indicates that a child may be harmed, the law enforcement agency shall promptly initiate an investigation. If the officer reasonably believes the child will be harmed, the officer shall remove the child from the location where the child is found (2006 Supp. KSA 38-2231).

- A. Officer's Responsibilities for taking a child under eighteen (18) years of age into custody as a CINC.

1. An officer will take the child into custody when the officer has a court order commanding the child to be taken into custody as a child in need of care.
2. An officer will take a child into custody when the officer has probable cause to believe that a court order commanding that the child be taken into custody as a child in need of care has been issued in this state or in another jurisdiction.
3. An officer will take a child into custody when the officer reasonably believes the child will be harmed if not immediately removed from the place or residence in which the child has been found.
4. An officer shall take a child into custody when the officer has probable cause to believe that the child is a missing person from another state and a verified missing person entry for such child can be found in the NCIC Missing Person System KSA 38-2231(b)(2).
5. A child taken into custody as a CINC without a court order shall be delivered to the custody of CINC JIAC. If after delivery of the child to CINC JIAC, the person in charge and the officer determine that the child will not remain at JIAC and if the child is presently alleged, but not yet adjudicated, as a CINC solely because he/she is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian or is willfully and voluntarily absent at least a second time from a court ordered or designated placement, without the consent of the person with whom the child is placed or the person in charge of the facility where the child was placed or such person's designee, the officer shall deliver the child to JO-JDC. KSA 38-2232.
 - a. An application for care by law enforcement officer form will be completed when a juvenile is taken into custody as a CINC, reference KSA 38-2232 (c-d). (Appendix A)
6. A child under ten (10) years of age who commits an act which would constitute a misdemeanor or felony if performed by an adult may be taken into custody as a child in need of care.

7. An officer shall take into custody a child 45 days old or younger, who has not suffered bodily harm, who has been surrendered to any employee who is on duty at a police station, sheriff's office, law enforcement center, fire station, city or county health department or medical care facility. Under these circumstances, no offense report will be generated for any type of abandonment. However, if the child is older than 45 days or has been harmed, the appropriate offense report(s) will be completed.

- a. The parent or other person voluntarily surrendering an infant shall not be required to reveal personally identifiable information, but may be offered the opportunity to provide information concerning the infant's familial or medical history. The personnel taking custody of the infant shall not reveal the name or other personally identifiable information of the person who delivered the infant, unless there is a reasonable suspicion the infant has been abused.
- b. An officer shall take custody of the infant as an abandoned child. The officer shall deliver the infant to any person, city or county agency, or medical care facility, designated by the secretary (KSA 38-2232 (d) to protect the physical health or safety of the infant. The facility or persons taking custody will be immune from liability for any injury to the infant that may result therefrom.
- c. Upon request, all medical records of the infant shall be made available to the department of social and rehabilitation services and given to the person awarded custody of the infant. The medical facility providing the records shall be immune from liability for such records release (KSA 3822-32 (e).

- B. Field Supervisor

1. A field supervisor will be notified and he or she will grant or deny approval for the release of a child in need of care to CINC JIAC or any other facility or person. A supervisor will notify the officer of granting his or her approval prior to releasing a child in need of care to such person or facility.
2. A field supervisor will be notified in any case where a juvenile is the victim of abuse or neglect, or where a child under ten years of age is involved in a serious criminal act.
3. A field supervisor will be contacted when an officer has probable cause to believe it is in the best interest of a child to immediately remove such child from the custody of his or her parents or legal guardians.
4. In certain cases, considering the totality of the circumstances, a supervisor may authorize minor deviation for reasons of practicality provided it is in the interest of the child and complies with all applicable statutes (e.g. a parent may be permitted to accept custody of a missing child when exceptional circumstances exist to permit the transfer.)

- C. Any child taken into custody as a CINC will be taken to and placed in the custody of CINC JIAC where a final disposition will be determined, with the following exceptions:

1. This does not apply to circumstances where the officer is reporting a contact only.
2. As outlined in section V A
3. Any abandoned infant taken into custody in accordance with V A 10, above, can only be placed in one of three locations:
 - a. CINC JIAC,
 - b. A hospital, or
 - c. Elsewhere at the direction of DCF.
4. In certain cases, considering the totality of the circumstances, a supervisor may authorize minor deviation for reasons of practicality provided it is in the interest of the child and complies with all applicable statutes (e.g. a parent may be permitted to accept custody of a missing child when exceptional circumstances exist to permit the transfer.)

D. Determination of Need to Take Custody of a Child.

1. Without a court order: In the supervisor's decision whether to immediately take a child into custody under the "probable cause" rule, it is understood that there will be differences in individual judgment of what is considered "probable cause" or "reasonable grounds." Reasonable differences in these judgments are expected and acceptable. If it is determined that probable cause exists and a child is to be taken into custody without a court order, the following considerations are suggested:
 - a. Be thoroughly familiar with all of the pertinent definitions of this General Order.
 - b. Do not hesitate to utilize and solicit facts and opinions from other accessible professionals, e.g. medical personnel, social workers.
 - c. Ask if the matter will wait until the alternate preferred process of a DCF investigation, and the District Attorney and Court can be placed into action. If the answer is "no," then you have an immediate need to take action.
 - d. If a child is taken into protective custody, pursuant to an officer's reasonable belief that the child will be harmed if not immediately removed from the place or residence in which the child has been found and the child is transported to Children's Mercy Hospital in Kansas City, Missouri or other hospital in the State of Missouri for medical treatment, the officer and/or the supervisor shall inform medical staff of the circumstances surrounding the determination that the child should be taken into custody as a CINC and the need for temporary court orders from the Jackson County Circuit Court pursuant to RSMo. 210.125. The officer then shall contact the law enforcement agency within the hospital's jurisdiction. In cases within the jurisdiction of the Kansas City, Missouri Police Department, contact should be made with the Crimes Against Children unit at 816-234-5150 or 816-234-5152. The officer shall not transport the child from Children's Mercy Hospital or any other hospital in the State of Missouri to JIAC, but rather must allow for the Missouri

Department of Social Services to transfer the CINC case to Kansas DCF.

2. With a court order: If the District Attorney's office and court is open and time exists to seek their services, then a verified application can be submitted and the Court may issue an Ex Parte Order of Protective Custody (KSA 38-2242).
 3. Regardless of whether a child is taken into custody immediately or later with a court order, any child abuse or neglect situation requires that the officer follow the proper investigation procedures of completing the necessary Offense Reports, Case Reports, and instructing the Crime Scene Investigation Unit to photograph and gather all pertinent evidence.
- E. The Case Report will serve as the application for admission.

Whenever a child under eighteen (18) years of age is taken into custody by an officer without a court order and is thereafter placed into the custody of a shelter facility or other person as authorized by the code, the officer must provide a written application to the facility or person which will take physical custody of the child and provide care and supervision to such child. The "Application for Admission" will be a completed Case Report, and will include:

1. The name and address of the child, if known;
2. The name and address of the child's parents or nearest relatives and persons with whom the child has been residing, if known;
3. The name, address, and phone number of the admission facility.
4. A narrative stating specifically the facts concerning the child which led the officer and supervisor to believe that the child in need of care was in "danger," and had to be taken into custody immediately.
 - a. Officers will indicate the name and title/relationship of the person accepting custody of the juvenile in the narrative.
5. When an officer determines that a child is a CINC, physical custody is transferred from the parent/guardian to the officer whether it occurs at a residence or at a medical facility. When the hospital, shelter, or foster home accepts the officer's Application for Admission (Case Report) the physical custody is transferred from the officer to that accepting person or agency. The officer retains legal custody.

VI. JUVENILE VICTIMS OF HUMAN TRAFFICKING

- A. A law enforcement officer who reasonably believes that a juvenile is a victim of commercial sexual exploitation, human trafficking or aggravated human trafficking (CSE/HT) must take the victim into police protective custody. KSA 38-2231(b)(3).
 1. The Department for Children and Families (DCF) must be notified as soon as practical in all cases where the officer reasonably believes the juvenile is a victim of CSE/HT crimes. (See contact information

in Appendix A) The DCF contact will initiate the response by their Rapid Response Team who will conduct an assessment of the juvenile. KSA 38-2232

2. Work with juvenile intake through your normal juvenile intake processes. They will help you work through the DCF/Intake process in all cases, even when the only reason for custody is the victimization of CSE/HT crimes. Ideally law enforcement officers, Juvenile Intake, and the DCF's Rapid Response Team will work together to determine the best placement option for the juvenile's overall circumstances. Under the law, absent a court order, the final placement decision rests with law enforcement.

3. Initiate collection of evidence and investigation of the related crimes including a Sexual Assault Nurse Exam and other medical examination of the victim as the case dictates.

B. When the juvenile is in police protective custody as a Human Trafficking/Commercial Sexual Exploitation (CSE/HT) victim and there is no existing court ordered custody, warrant, probation violation order, or new criminal offense accusation:

1. Work with Juvenile Intake and the DCF contact to determine proper placement of the juvenile. Law enforcement may take the juvenile to a licensed staff-secure facility if this is feasible and if space is available. KSA 38-2232(b)(2). Make clear arrangements with the DCF Rapid Response Team on where they will meet with the juvenile to conduct their assessment.
2. Law enforcement may not place the juvenile into a detention facility or other secure facility if the sole reason for custody is that the juvenile was a victim of CSE/HT crimes. KSA 38-2232(a)(4)

C. When the juvenile is in police protective custody as a Human Trafficking/Commercial Sexual Exploitation victim and there exists a court ordered custody, warrant, probation violation order, or new criminal offense accusation:

1. The normal Juvenile Intake procedure for your jurisdiction is followed on criminal offenses or other CINC issues. (Follow Section VII. Of this General Order, Juvenile Offender Procedures)
2. The priorities for placement decisions are: 1) Court orders; 2) DCF already has court ordered custody of the juvenile (DCF retains custody and placement decisions); 3) Criminal offender detention; and 4) CINC or Human Trafficking/Commercial Sexual Exploitation Victimization.
 - a. If priority 3 applies and the juvenile is not placed in a detention center as a public safety risk, DCF will retain custody and placement decisions.

VII. RUNAWAYS

- A. All runaways or missing persons from out of state must be taken to JIAC.

1. An officer may leave a runaway where he or she is found if the following are true:
 - a. It is in the juveniles best interest to stay there
 - b. There is no court order to the contrary
 - c. The runaway is from Kansas
 - d. The runaway does not have a missing person NCIC from the another state
2. If a runaway is allowed to remain where he or she is found, the officer must promptly notify DCF of the child's location and circumstances.
 - a. Officers will document the name and title/relationship in the narrative of who the juvenile is released to.

VIII. JUVENILE OFFENDER PROCEDURES

A. A juvenile offender may be taken into custody when:

1. Any offense has been or is being committed in the officer's view.
2. The officer has a warrant.
3. The officer has probable cause to believe that a warrant exists in this state or in another jurisdiction.
4. The officer has probable cause to believe that the juvenile is committing or has committed:
 - a. A felony; or
 - b. A misdemeanor, and
 - (1) The juvenile will not be apprehended or evidence will be lost if not taken into custody, or
 - (2) The juvenile may cause injury to self or another, or damage to property, or may be injured if not taken into custody.

B. Misdemeanor Juvenile Offender.

When a juvenile is taken into custody as a juvenile offender, the officer shall complete the necessary Offense Report(s), Arrest Report(s), etc., secure any evidence, and place the juvenile in the custody of JO-JIAC.

1. An officer who detains a juvenile for suspected criminal activity has three options under the statute:
 - a. Take the juvenile to JO-JIAC for assessment
 - b. Release the juvenile to a parent with a signed Notice to Appear, after approval from a supervisor
 - c. Release the juvenile with a signed Notice to Appear after approval from a supervisor
 - (1) The Notice to Appear form is only used for juvenile offenders who are detained and then released without going to JIAC.
2. If the officer takes the juvenile offender to JIAC for assessment, the officer must do two things: a.) Complete a case report and provide it to JIAC and the DA's Office and b.) Provide all possible information to the JIAC officer so that JIAC can

- complete accurate assessments. These assessments will determine whether the juvenile is detained or not.
3. If a juvenile offender is released to a parent, the officer must contact a supervisor for approval to determine if release to a parent is appropriate, and have the juvenile sign the Notice to Appear form that informs the juvenile that he or she must contact JIAC within 48 hours to schedule an assessment.
 - a. For each juvenile who is released to a parent, the officer will use two Notice to Appear forms. The officer will fully complete the first form, sign it, and have the juvenile and parent sign it. The officer will keep this copy to be provided to JIAC later. The officer will only fill out the gray highlighted portions of the second copy. The officer will give the second copy to the juvenile and parent.
 - (1) The date at the top of the NTA is to be used as the incident date, not for a court date. When charges are filed by the DA's Office, the Court schedules an arraignment hearing and the Juvenile Court Clerk's Office sends out Notice to Appear to the juvenile and parent(s).
 4. After taking the juvenile to JIAC or releasing the juvenile, the officer must provide a copy of the Case Report to JIAC and the DA's Office if there is probable cause to believe the juvenile committed an offense. The Case Report must contain the crime for which the officer detained the juvenile.
 5. Officers will contact their supervisor in determining if it is appropriate to release a juvenile to a parent or without a parent. A juvenile may be released to a parent *unless the officer has reasonable grounds to believe that releasing the juvenile would not be in the juvenile's best interests or would pose a risk to public safety or property.*
 - a. All juvenile offenders who reside out of state must be taken to JIAC and not released to a parent.
 - b. Supervisors should consider the following factors as weighing strongly in favor taking a juvenile to JIAC:
 - (1) Commission of a person felony
 - (2) Commission of a violent crime
 - (3) Possession of a firearm
 - (4) Eluding the police
 - (5) Gang involvement
 - (6) Suspected abuse
 - (7) Repeat offender
 - (8) Inability to locate parent/lack of prompt parent response
 - (9) Resistance or Obstruction
 - (10) Danger to self or others
 - (11) Warrants
 6. Fingerprints and Photographs shall be taken of any juvenile offenders when they are taken into custody for a class A or B misdemeanor or assault as defined by K.S.A. 21-3408 (K.S.A. 38-2313 effective March 29, 2007). This will be done by JIAC personnel.
 7. When the juvenile is transported to JO-JIAC, the officer must leave a copy of the completed Arrest Report. Included in the narrative of the Arrest Report will be a clear statement reflecting the reasons why the officer took the juvenile into custody. Officers will note the name of the staff member accepting custody in the narrative of the report.
 8. If the juvenile has been injured, appears highly intoxicated or under the influence of drugs, acts suicidal, or otherwise presents a serious health risk, the officer must obtain treatment or evaluation for the youth at KU Hospital prior to admission to JIAC.
- C. Felony Juvenile Offender.
- When a juvenile is taken into custody as a felony juvenile offender, the arresting officer(s) shall secure any evidence, complete the necessary offense reports, and make contact with the Field Supervisor. Juveniles taken into custody for a felony will be placed in the custody of JO-JIAC, where further custodial arrangements will be determined. (K.S.A. 38-2330)
1. In the event that the Supervisor determined that the charges are misdemeanor rather than felony, the officer(s) shall follow the misdemeanor procedures outlined in Section VI B of this order.
 2. The officer(s) will then turn the juvenile suspect(s) and all completed reports to the Investigations Bureau. The officer will note on the Arrest Report which Detective and the time and date that the juvenile was transferred.
 3. The Detective who receives the juvenile or is assigned this case shall then follow all the appropriate investigative procedures that are needed in this particular case, e.g., review of case, interviews, interrogations, lineups, etc., making all necessary arrangements. The Detective working the case shall make the necessary Investigative Report(s) indicating his or her findings and the custodial disposition of the juvenile.
 4. The district officer who transports to JIAC shall take the juvenile(s) and the completed Arrest Report(s). The officer will then leave a copy of the Arrest Report with the staff and turn the Arrest Report and all remaining reports into the Supervisor or to the Detective Bureau at the request of the assigned Detective.
 5. If a juvenile offender has been injured, appears under the influence of drugs or alcohol, or otherwise presents a serious health risk, the officer must obtain treatment or evaluation for the juvenile at a KU Hospital prior to admission to JIAC.
 6. Exception. In the event that a Detective is not available to handle the felony juvenile offender, the Field Supervisor will review the case in depth and instruct the officer on the disposition of the juvenile.
 7. Fingerprints and Photographs shall be taken of felony juvenile offenders when they are taken into custody (H.B. 2074 amending K.S.A. 38-2313 2007 legislative session) by JIAC.
- F. Psychiatric Patients. Patients of a psychiatric facility who are AWOL or escapees are not eligible for detention. In these instances the juvenile should be returned to the psychiatric facility. Officers must always obtain supervisory approval before transporting a juvenile to such a facility.
- G. Discretion. As with adult misdemeanor offenders and traffic violators, officers may exercise a certain degree of

discretion in determining the most beneficial way to deal with a misdemeanor offender or traffic violator. Non-hazardous traffic violations can be afforded the most discretion.

1. Release with no further action. Parental contact, warnings, and referrals may be utilized at the officer's discretion when dealing with some of the most minor violations in lieu of taking the juvenile into custody and referring the juvenile to formal legal proceedings.
2. Written citations can be issued for traffic violations, except DUI, in accordance with section VII of this order. The juvenile can be released once the citation is issued. Juveniles are not issued summonses for misdemeanors.
3. Juveniles taken into custody for misdemeanors or felonies will be transferred to JO-JIAC as soon as reasonably possible once an arrest report and any interrogation are completed. See sections VI B and C of this order.

IX. JUVENILE TRAFFIC OFFENDERS

- A. A juvenile traffic offender is anyone between fourteen (14) and seventeen (17) years of age who violates any of the ordinances regulating traffic. A juvenile traffic offender may be issued citations for appearances in municipal court.
- B. Persons between ten (10) and thirteen (13) years of age shall be handled as a misdemeanor juvenile offender. Persons under the age of ten (10) will always be handled as a Child in Need of Care.
- C. Juveniles with Traffic Warrants
 1. When officers locate a juvenile traffic offender with an outstanding Unified Government traffic warrant, the officer will take the juvenile into custody and transport him or her to JO JIAC for booking. Officers should issue all related traffic citations, complete all reports, and obtain supervisor approval before booking the juvenile.
- D. DUI Juvenile Traffic Offender.
 1. When processing a juvenile DUI offender, the same reports are necessary as for an adult DUI offender except that the Juvenile box will be marked on the Arrest Report.
 2. If breath is sampled for alcohol blood content, the juvenile will be processed in the intoxilyzer room at the Wyandotte County Detention Facility.
 3. The juvenile will be issued a uniform notice to appear using the Sheriff's tickets and using the applicable State DUI statute. All related traffic charges should also be included using the State Statutes.
 4. The court date must be on a Friday and should be at least fifteen (15) days from the date of arrest.
 5. A copy of all reports should be left at the County booking desk.
 6. If a juvenile DUI offender is highly intoxicated, on drugs, or presents a serious health risk, he or she should be handled as a child in need of care as well as a juvenile traffic offender and should be transported to KU hospital.

X. JUVENILE INTERROGATIONS

- A. Juveniles are entitled to the same representation rights as adults for interrogations, including the use of Miranda Warnings. For lengthy or extensive interrogations of juveniles fourteen years of age or older, investigators may request to have the parents or guardians of the juvenile present if the investigator believes it to be necessary or appropriate.
 1. A juvenile under fourteen years of age **must** be allowed to consult with a parent, guardian, or attorney prior to deciding to provide a statement.
- B. There will be no more than two investigators from this department participating in an interrogation of a juvenile. Other investigators or personnel may be present for observation only. The interrogation should be limited to a reasonable period of time.
- C. Personnel conducting a juvenile interrogation will explain to the juvenile any Department and Juvenile Justice System procedures that apply to the juvenile being interviewed.

XI. RECORDS

- A. All records of law enforcement agencies concerning a public offense committed or alleged to have been committed by a juvenile under fourteen (14) years of age shall be kept readily distinguishable from criminal and other records and shall not be disclosed to anyone except as authorized by statute (K.S.A. 38-2310).
- B. Records of violations, by persons fourteen (14) or more years of age, which are violations of traffic statutes or ordinances, will be subject to the same disclosure procedures as those of adults.
- C. All records of law enforcement agencies concerning a public offense committed or alleged to have been committed by a juvenile fourteen (14) or more years of age shall be subject to the same disclosure restrictions as the records of adults.
- D. When a juvenile is prosecuted as an adult, records pertaining to the particular incident will be subject to the same disclosure restrictions as the records of adults.

---APPENDIX A---

JUVENILE PLACEMENT FACILITIES and DCF 24/7 CONTACT INFORMATION

The following list of facilities is available for placement of police pickups.

1. Juvenile Intake and Assessment Center (CINC-JIAC)
710 North 7th Street
573-2839 and 573-2945 24 hour drop off
Kansas City, Kansas 66101
2. Juvenile Detention Center (JO-JDC)
710 N. 7th Street
573-2900 24 hour drop-off

Placement of certain misdemeanor and felony juvenile offenders, juveniles with warrants (city, state, or out of state), and juveniles that are confirmed runaways from another state.

3. **DCF 24/7 contact for the above requirements are:** *For the Kansas City and far eastern areas of the state, including the counties of Allen, Anderson, Atchison, Bourbon, Brown, Chautauqua, Cherokee, Coffey, Crawford, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Labette, Leavenworth, Linn, Marshall, Miami, Montgomery, Nemaha, Neosho, Osage, Pottawatomie, Shawnee, Wabaunsee, Wilson, Woodson, Wyandotte: Kaw Valley Center (KVC) 1-913-621-5753.*

For all other counties: St. Francis Community Services 1-888-732-4673