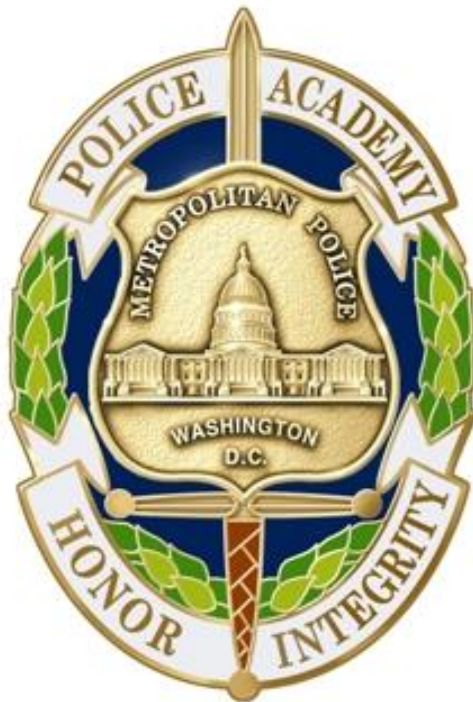


Metropolitan Police Academy



11.3 Juveniles

June 10, 2024

Introduction

As you learned in the prior lesson on youth (juveniles), there are extra steps set in place by law to ensure that they are protected throughout the legal process. Handling cases that involve juveniles require extra care, consideration, and documentation. Since juveniles are under the age of eighteen (18) and are, therefore, minors, the law sometimes attempts to steer them to a better path when they have committed minimal offenses or are engaging in disorderly behavior that does not cross the line into illegality. This is accomplished through diversion, a juvenile being arrested and released to their parents in an effort to prevent the creation of a criminal record, or through the counsel they receive from you as a patrol officer.

This lesson will teach you how to handle interactions with juveniles using departmental guidelines and policy as well as the expectations placed upon you by law. You will learn how to document interactions with juveniles, when you are required to make a report of notifications in the case of juveniles, how juvenile arrests are processed, and how they differ from those of adult arrestees.

11.3.1 Enforce Washington, DC's juvenile curfew

Within the District of Columbia, juveniles under seventeen (17) years of age are subject to a District-wide curfew. The Juvenile Curfew Act of 1995 states that persons under the age of seventeen (17) cannot remain in or on a street, park, or other outdoor public place, in a vehicle, or on the premises of any establishment within the District of Columbia during curfew hours. This also extends to visitors from outside the District of Columbia.

Between September and June, youths are subject to a curfew that begins on Sunday and lasts through Thursday from the hours of 2300 to 0600 the following day. On Friday and Saturday nights, juveniles are allowed an additional hour in to be outside in public space, and curfew does not go into effect until one (1) minute after midnight. During July and August, curfew does not go into effect until one (1) minute after midnight, all seven days of the week.

	September - June
Sun.	2300-0600
Mon.	2300-0600
Tues.	2300-0600
Wed.	2300-0600
Thur.	2300-0600
Fri.	0001-0600
Sat.	0001-0600

	July	August
Sun.	0001-0600	0001-0600
Mon.	0001-0600	0001-0600
Tues.	0001-0600	0001-0600

Wed.	0001-0600	0001-0600
Thur.	0001-0600	0001-0600
Fri.	0001-0600	0001-0600
Sat.	0001-0600	0001-0600

There are exceptions to the curfew law. Juveniles under the age of seventeen (17) are exempt from the curfew law if they are:

- Accompanied by a parent or guardian.
- Completing an errand at the direction of a parent or guardian, without detouring or stopping.
- Riding in a motor vehicle, bus, or train involved in interstate travel.
- Working or returning home from a job without detouring or stopping.
- Involved in an emergency.
- Standing on a sidewalk that adjoins their residence or the residence of a next-door neighbor.
- Attending “an official school, religious, or other recreational activity sponsored by the District of Columbia, a civic organization, or other similar” group that takes responsibility for the juvenile (this includes traveling to and from the activity).
- Exercising their First Amendment rights protected by the US Constitution, including the free exercise of speech or religion and the right of assembly.

When you encounter a juvenile under the age of seventeen (17) that you have reason to believe is in violation of the District-wide curfew law, you must initiate a stop of the juvenile to determine if they are in violation. Make sure you explain why they have been stopped, then conduct your investigation and gather information about the juvenile’s age, place of residence, and why they are out past curfew. When practical, members shall contact the juvenile’s parent or guardian to inform them of the juvenile’s status and offer them the opportunity to respond to the juvenile’s location.

If the juvenile is not in violation, then you must complete an incident report in RMS. Classify the incident report as a Juvenile Stop and document the stop according to the requirements in GO-OPS-304.10 (Field Contacts, Stops, and Protective Pat Downs).

If the juvenile is in violation, you have several options at your discretion for how to resolve the matter. These are some factors to take into consideration:

- How far the juvenile has deviated from the fastest path home.
- How long past the initiating time for curfew is it?
- The demeanor of the juvenile.
- Whether their explanation for the violation of curfew hours seems reasonable.

You may choose to drive the juvenile to their home. If the juvenile lives outside of the district you patrol, then your district watch commander must approve your leaving the district to drive the juvenile home. You can also transport the juvenile to your district station to be picked up by a parent or guardian unless they are under the age of thirteen (13). If that is the case, the juvenile is to be transported to the Child and Family Services Agency. In addition to the above options, starting September 1, 2023, D.C. implemented a Juvenile Curfew Enforcement Pilot where MPD Officers will bring juveniles in violation of curfew to the Department of Youth Rehabilitation Services (DYRS) instead of a District station. This new

program allows MPD officers to return to patrol more quickly during critical overnight hours and allows DYRS to connect with youth and families who may need services and support.

Upon releasing a juvenile to their parents, officers must complete a **Parent/Guardian Release form (PD 902)**.

Do not forget to run a WALES check on the juveniles you find to be breaking the curfew law to determine if the juvenile is wanted for an outstanding custody order and to ensure they are not a reported missing person. Officers must complete an incident report in RMS. Enter "Curfew" in the "Reason for the Stop" field (only if that was the initial reason) and document the stop according to the requirements in GO-OPS-304.10 (Field Contacts, Stops, and Protective Pat Downs). This form is automatically sent to the Youth and Family Service Division through RMS.

11.3.2 Enforce juvenile truancy

A part of your job as a police officer will be to assist in ensuring that all juveniles aged five (5) through seventeen (17) are present in school during school hours when school is in session. When a juvenile is not in school and their absence is not excused, the juvenile is known as being truant.

If truant from school and "unaccompanied by an adult having custodial right or lawful interest in the child," then the juvenile must present official documentation authorizing their current absence from school.

If a juvenile informs you that they are on lunch break, you should know that all DC public schools follow a closed campus policy during the lunch period. In other words, truancy enforcement is continuous throughout the entire school day.

Some students are required to travel between more than one school throughout the day, and they will only have an identification card for their primary school.

- If you are unable to verify that the juvenile whom you have stopped is truly in transit between schools and the juvenile is unable to be identified, then they will be transported to CFSA.
- If you are able to verify that the juvenile is in transit between schools (and therefore not truant), then you must complete an RMS Incident Report classify it as a **Juvenile Stop**.
- If you are able to confirm that the juvenile is a truant, transport them to school. You must complete an incident report in RMS. Enter "Truancy" in the "reason for the Stop" field (only if that was the initial reason), and document the stop according to the requirements set forth in GO-OPS-304.10 (Field Contacts, Stops, and Protective Pat Downs).
- If a juvenile claims to be been suspended from school you shall attempt to verify the suspension through school documents or by contacting the school and **complete an incident report in RMS. Enter "Truancy" in the "Reason for the Stop" field (only if that was the initial reason), and document the stop according to the requirements set forth in GO-OPS-304.10 (Field Contacts, Stops, and Protective Pat Downs).**

11.3.3 Differentiate absconders from fugitives from a parent

According to GO-OPS 305.01 (Interacting with Juveniles), if you are called to a location for the report of a juvenile who has absconded from a detention facility run by the Department of Youth Rehabilitation Services (e.g., a group home or shelter house), you shall immediately:

- Notify the Youth and Family Services Division by telephone and
- Transmit a lookout.

These juveniles will be considered absconders as they absconded from a detention facility to which they were remanded by a court order issued by a judge.

Absconders differ from juvenile who are the subject of a missing person report from an outside jurisdiction and are considered fugitives from parents. When you apprehend a juvenile who is wanted by another jurisdiction for whatever reason, whether they are fugitives, runaways, or absconders, notify YFSD and transport the juvenile to JPC. The Interstate Compact Act states that “...each state is responsible for the proper supervision or return of juveniles, delinquents and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and, in doing so, have left their state of residence.”

NOTE: If the youth does not fall under the provisions of the Interstate Compact Act, then they shall be detained as a “fugitive from justice.”

11.3.4 Apply department policy regarding the transport and housing of juveniles

Whenever you transport a juvenile, you must voice to the dispatcher that the individual who will be transported is a juvenile. Members must activate their BWC for the duration of the transport and document the start and end mileage of the transport by voicing the mileage and showing visuals of the dashboard. If you receive conflicting information regarding the age of the person in question, then you must proceed as if they are a juvenile until you are able to reasonably verify that they are an adult.

Male and female juveniles can *never* be transported in the same compartment of a transport vehicle, and juveniles must *never* be transported with an adult prisoner. You are to take whatever steps necessary to obtain additional transportation assistance to ensure you never transport a juvenile under prohibited circumstances.

When juveniles are placed under arrest, you will take them to the Juvenile Processing Center (JPC), as they cannot be in the same jail as adults and must be processed in a facility suited for juveniles. This “separation by sight and sound” is codified in federal law as the Juvenile Justice and Delinquency Prevention Act of 1974, which was updated in the year 2002, and also our own DC Code under the Comprehensive Youth Justice Amendment Act of 2016.

To protect youths from predatory behaviors, they are always separated from adults, whether during transportation or housing in a jail cell. Part of their processing is the determining of whether they will be released without being charged or detained and remanded to appear in court.

JPC members who transport at-risk juveniles to court while court is in session shall take the juvenile to the US Marshal's Service cellblock. The Marshal's representative will notify a Department of Youth and Rehabilitative Services (DYRS) member located in the at-risk room to respond and take custody of the juvenile.

Juveniles are housed in much the same way they are transported. Females and males are not to be housed in a shared cell, nor are they to be housed in a cell in which an adult prisoner is present.

11.3.5 Describe juvenile arrest procedures

MPD officers shall engage in developmentally appropriate communication when interacting with juveniles, deescalate situations whenever possible, and avoid making arrests based primarily on the juvenile's response to the stop itself. Whenever possible, members shall consider alternatives to formal arrest while considering the safety of the community, MPD members, and the juvenile involved in the incident. The arrest of a juvenile shall be limited to cases where members make all reasonable efforts to divert the juvenile from entry into the juvenile justice system while recognizing that certain crimes require taking juveniles into immediate custody. Members shall use their best judgment and discretion when arresting juveniles aged thirteen (13) to seventeen (17). When an officer has deemed it necessary to arrest a juvenile aged twelve (12) and under, he or she must, prior to making the arrest, get approval from the watch commander of the Youth and Family Services Division. Members shall NOT handcuff juveniles under the age of twelve (12) unless they present a danger to themselves or others. When possible, and in cases where there are no immediate public safety concerns, members shall prepare an affidavit for an arrest warrant or custody order in lieu of an on-scene arrest.

Terminology and Confidentiality

When dealing with juveniles, you will have to complete incident or offense reports that parallel those that must be completed when you encounter adults. Juveniles who commit crimes within the District of Columbia are not placed under arrest for criminal acts but for *delinquent acts*. When they are brought before a judge for an offense they committed, they will be found either *involved* or *not involved*.

When you compose your reports within the Mark43 report management system, it will ask if the subject of your report happens to be a juvenile. After you select that the person is a juvenile, it will redact the juvenile's name and use their initials instead, as the juvenile is afforded additional privacy within the legal system. This privacy is mandated by the DC Code, which prohibits MPD from releasing the identities of juveniles placed under arrest.

You must then construct a separate report in which your narrative will remain the same, but the juvenile will be known as a *respondent* and not a defendant. This report is completed in Mark43 just as you would complete an adult arrest report. It is known as the **Delinquency Report** and serves the same purpose as the Arrest Report.

When you arrest a juvenile, the process and course of paperwork taken is similar to that for an adult arrest, with the exception of the juvenile being processed within the Juvenile Processing Center and given a **Juvenile Arrest Number**.

If you take a juvenile into custody and they are released without being charged with an offense, then you must complete incident report in RMS. Classify the incident report as a Juvenile Stop.

NOTE: When you receive conflicting information with regards to whether the person is a juvenile or an adult, you *must* process the person as a juvenile until you are able to reasonably verify their age. This means that during the course of the arrest, the person must be transported and housed in accordance with **GO-OPS-305.01 (Interacting with Juveniles)** and taken to the Juvenile Processing Center.

It is also your responsibility to inform those at the Juvenile Processing Center and Youth and Family Services Division whether the juvenile should be classified as “**at-risk**.” If they are having suicidal tendencies, then you *must immediately notify* the watch commander of the facility in which the youth is being housed, as well as write “**Suicidal**” in bold letters across the top of the Delinquency Report and ensure that the juvenile is kept under direct and close observation.

Handcuffing

Members shall handcuff, search, and transport youths in accordance with **GO-PCA-502.01 (Transportation and Searches of Prisoners)**. Members *shall not* handcuff youths aged twelve (12) and under unless they present a danger to themselves or others. Members shall consider the severity of the offense and circumstances of the interaction when determining whether to handcuff juveniles aged thirteen (13) through seventeen (17). Members shall use their best judgment and discretion when arresting youths aged thirteen (13) to seventeen (17).

School-based Events

When responding to school-related incidents, you must include “school-based event” at the beginning of your internal narrative (PD 252) and select the “school-based event” checkbox in the Mark 43 report when completing your field report. School-based events include crimes involving schools, students, and school staff that occur on public, charter, or private school grounds or within close proximity or safe passage zones. These crimes can occur during the school day, immediately before or after school, or during school-related events.

When responding to school-based events, you must be aware that school principals (or their designees) are in charge of each school building:

- They should be informed of all police actions occurring at the school.
- If a bomb threat occurs, they make final decisions on whether to evacuate the school.
- In the limited cases where an arrest is necessary and authorized, members must work with them to remove a juvenile from the school with minimal to no disruption (e.g., open side doors and use back hallways).
- MPD officers shall have no involvement in school disciplinary actions and procedures.

Corporal Punishment

Corporal Punishment is defined as the use or attempted use of physical force upon or against a student, either intentionally or with reckless disregard for the student’s safety, as a punishment or discipline. When responding to an allegation of corporal punishment by school staff or security, members shall ensure that a supervisor has been requested and is present for the gathering of all the preliminary information. The supervisor will:

- Notify the YFSD watch commander to have a detective respond to the scene after a preliminary investigation was completed and it is determined that an offense occurred.
- Notify the SSD watch commander for guidance on handling the incident and make notifications to the necessary liaisons.

Arrest/Stops/Detentions

Remember to do the following when at a school:

- Take all reasonable steps to avoid disruption to the learning environment by conducting interviews in private areas and maintaining the confidentiality of the students involved. Before conducting an interview of a student who is a possible suspect, you must have the approval from any of the following people: Assistant Chief of ISB, Assistant Chief of YFEB, Commander of YFSD or Commander of CID.
- For school-based events, do *not* stop, detain, serve a custody order on, or arrest a juvenile unless:
 - An offense is a crime of violence as defined in DC Code § 23-1331(4).
 - An offense is an intrafamily offense requiring mandatory arrest.
 - Exigent circumstances exist.
- For non-school-based offenses, do NOT stop, detain, serve a custody order on, or arrest a juvenile unless exigent circumstances exist.
- Prior to arresting a juvenile under the age of twelve (12), contact the watch commander of the Youth and Family Services Division (YFSD) at (202) 437-8062 or (202) 576-6768 and be guided by their decision. The arrest of a juvenile under twelve (12) *must be* approved by the YFSD watch commander in all circumstances.
- Prior to stopping, serving a custody order on, or taking a juvenile into custody, consult with the School Safety Division (SSD) watch commander at (202) 438-1656 unless exigent circumstances exist.

11.3.6 Identify when a juvenile can be charged as an adult

Traffic Offenses

A juvenile who is either sixteen (16) or seventeen (17) years of age and charged with a traffic offense will be processed in the same manner as an adult, except that they will be handled as a juvenile for the purposes of transportation and housing. You need only complete the Offense Report and the Arrest/Prosecution Report in Mark43, just as you would for an adult arrest. This is *unless* the juvenile also committed a juvenile offense at the time of arrest. If that is the case, then one Arrest/Prosecution Report would detail the traffic offense they committed, and a separate Arrest/Prosecution Report would detail the separate juvenile offense.

Traffic offenses committed by 16- to 17-year-old offenders also must have adult arrest numbers generated.

Juveniles arrested for adult traffic charges shall be accepted by the JPC. The arresting member shall be responsible for processing the prisoner, securing the prisoner's property, and, when applicable, obtaining the citation dates.

Note: Document the stop on an incident report according to the requirements set forth in GO-OPS-304.10 (Field Contacts, Stops, and Protective Pat Downs).

Title 16 Offenses

Within the District of Columbia, there are instances other than traffic offenses when a juvenile may be charged as an adult: when a juvenile who is sixteen (16) or seventeen (17) years of age commits any of the following offenses:

- Murder
- First Degree Sexual Abuse
- Burglary I
- Armed Robbery
- Any offense committed in conjunction with the above-listed four offenses

For example, if you were to arrest a juvenile for an armed carjacking during which they also murdered the complainant to illegally gain possession of the vehicle, MPD would charge the youth with the lead charge, Murder. This Title 16 charge is referred to the USAO *immediately*.

A juvenile can also be charged as an adult if there is an arrest warrant for the juvenile in which they are charged as an adult.

Any juvenile you arrest, regardless of whether they are charged as an adult, shall be processed at the Juvenile Processing Center. As is the case for other felonies, the juvenile will be interviewed by a detective at JPC. You must complete all the paperwork that you would complete as if you arrested the juvenile for a non-Title 16 offense.

When you go to paper a juvenile for a Title 16 offense, you must first report to the US Attorney's Office and present the case for review. If the US Attorney's Office wishes to charge the juvenile as an adult, you must then call your element and ask them to generate an adult arrest number for the juvenile. If the US Attorney's Office declines to prosecute the youth as an adult, you must then report to the Juvenile Section of OAG to paper the case.

11.3.7 Differentiate juvenile court procedures from adult court procedures

Unlike cases that involve the arrests of adults, there are multiple options for how a juvenile case may be handled following an arrest:

- When you arrest a juvenile for an offense that is not a traffic offense or a Title 16 offense, they may be **diverted**. The Metropolitan Police Department (MPD) supports the use of diversion where appropriate based upon established criteria as a means of reducing youth populations within the criminal justice system and reducing future criminal behavior.
- Depending on the type of crime committed, the juveniles age, and the type of offense committed, it may mean that the juvenile is released into the custody of a parent or other legal guardian. You will still complete all of the necessary paperwork required following an arrest. The Juvenile Processing Center staff will make the determination of diversion. If diverted, the officer will be guided by the JPC staff as to what paperwork to complete.

NOTE: Diversions are not to be entered into Mark43 as arrests.

When a juvenile you have arrested has been ordered to appear in court, you are also responsible for appearing in court the next day. You should be mindful of the fact that juvenile cases are always papered

first. This means that if you find yourself having to paper multiple cases in one day, the juvenile case takes precedence over any of the other cases that you bring to the attorneys the following morning.

It is *your* responsibility to notify any and all witnesses and complainants who saw or were victims in an offense committed by a juvenile that they must appear for papering the next day so they may be interviewed by the OAG, but that they do not testify and are not needed at the probable cause hearing.

When you go to court for a juvenile, a judge will review the offense and decide if there is probable cause that the juvenile (the respondent) engaged in a delinquent act.

Summary

As you have learned, the ways in which the Department and the law expect you to handle juveniles differs greatly from adult interactions. The Department takes extra steps to ensure the safety of juveniles not transporting and housing them with adults. You now know there are instances when they will be charged as adults under Title 16. You have also learned how to document your encounters with juveniles, how MPD officers shall engage in developmentally appropriate communication when interacting with juveniles, shall deescalate situations whenever possible, and shall avoid making arrests based primarily upon the juvenile's response to the stop itself. You've discussed that, whenever possible, members shall consider alternatives to formal arrest while considering the safety of the community, MPD members, and the juvenile involved in the incident. In the event that it is necessary, you learned how to process arrests of juveniles and the possible options available to a juvenile post arrest. You also have a greater grasp of your duties as a police officer when it comes to your interactions with juveniles, as you are responsible for helping ensure that they attend school when legally mandated and are home during the curfew hours set within the District of Columbia.

REFERENCES

GO-OPS-304.10	Field Contacts, Stops, and Protective Pat Downs	09/01/2023
GO-OPS-305.01	Interacting with Juveniles	09/01/2023
GO-PCA-502.01	Transportation and Searches of Prisoners	03/28/2014
GO-PCA-701.01	Courts and Hearings	12/31/2008
Federal Law	Juvenile Justice and Delinquency Prevention Act of 2002	2002