

Metropolitan Police Academy



11.3 Juveniles

Introduction

As you learned in the prior lesson on youth (juveniles), there are extra steps that have been set in place by law to ensure that they are protected throughout the entirety of the legal processes. Handling cases that involve youth requires extra care, consideration, and documentation. As juveniles are under the age of eighteen (18) and are therefore minors, the law at times 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, when a juvenile is arrested and released to his or her 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 the ways in which to handle youth interactions using departmental guidelines and policy as well as the expectations placed upon you by law. You will learn the ways in which to document interactions with youth, when you are required to make a report of notifications in the case of youth, and how juvenile arrests are processed and the ways in which 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 the months of 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 which they can be outside in public space, and curfew does not go into effect until one (1) minute after midnight. During the months of 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. Youths 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 detour or stop.
- Riding in a motor vehicle, bus, or train involved in interstate travel.
- Working or returning home from a job, without detour or stop.
- 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 youth (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 youth 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 youth in order to determine if he or she is in violation. Make sure that you explain why he or she has been stopped, then conduct your investigation and gather information about the minor’s age, place of residence and why he or she is 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 minor is *not* in violation, then you must complete a **Juvenile Incident Report (PD 379 C)** and check the Non-Criminal Contact Box which will then be forwarded to the Youth and Family Services Division by the watch commander.

If the *minor 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 youth has deviated from the fastest path home.
- How long past the initiating time for curfew it is.
- The demeanor of the youth.
- Whether his or her explanation for the violation of curfew hours seems reasonable.

You may choose to drive the youth to his or her home. If the minor lives outside of the district you patrol, then your district watch commander must approve your leaving the district in order to drive the youth home. You can also transport the minor to your district station to be picked up by a parent or guardian unless he or she is under the age of thirteen (13). If that is the case, the youth is to be transported to the Child and Family Services Agency.

Upon releasing a youth to his or her parents, officers must complete a **Parent/Guardian Release form (PD 902)**.

Do not forget to run a WALES check on the youths you find to be breaking the curfew law to determine if the youth is wanted for an outstanding custody order and to ensure he or she is not a reported missing person. Officers must complete a **Juvenile Incident Report (PD 379 C)** and check the Curfew Violation Box, if it has been determined that the minor is breaking curfew.

11.3.2 Enforce juvenile truancy

A part of your job as a police officer will be ensuring that all youths aged five (5) through seventeen (17) are present in school during school hours when school is in session. When a child is not in school and his or her absence is not excused, the minor is known as being truant. Only the accrual of ten (10) unexcused full school day absences are required to be counted. DC law requires education institutions to notify OSSE of the 10th unexcused absence of any minor student.

Every youth enrolled in a DC public secondary school, middle school, or high school has been issued an identification card that he or she is required to carry during school hours, between 0930 and 1400. When you conduct a stop of a youth that you believe to be truant, he or she must have identification on his or person so that you may verify who the minor is and from which school he or she is currently truant.

If truant from school and “unaccompanied by an adult having custodial right or lawful interest in the child,” then the youth must present official documentation authorizing his or her current absence from school.

If a student informs you that he or she is 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 entirety of the school day.

There are students who 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 youth whom you have stopped is truly in transit between schools and the youth is unable to be identified, then he or she will be transported to CFSA.
- If you are able to verify that the youth is in transit between schools (and therefore not truant), then you must complete a **Juvenile Contact Report**.
- If you are able to confirm that the youth is a truant, transport him or her to school. You must complete a **Truancy Report (PD 379-T)** to document the truancy.
- If a youth has been suspended from school but you cannot verify the suspension during your initial stop, transport the youth to an SAS center and complete a **Truancy Report (PD 379-T)**.

11.3.3 Differentiate juvenile fugitives from fugitives from a parent

If you are called to a location for the report of a youth who has absconded from a detention facility run by the Department of Youth Rehabilitation Services (e.g., a receiving home or halfway house) you shall immediately per **GO 305.01**:

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

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

Youth fugitives are different from youths who are the subject of a missing person report from an outside jurisdiction and considered **Fugitive from Parents**. When you apprehend a youth 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 he or she 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 youth. If you receive conflicting information regarding the age of the person in question, then you must proceed as if he or she is a youth until you are able to reasonably verify that he or she is an adult.

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

When youths 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 minors. 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.

In order 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 determination of whether they will be released without being charged or detained and remanded to appear in court. The determination is recorded on the **Notification Card (Delinquency Processing Report 379D)**.

JPC members who transport at risk youth to court while court is in session shall take the youth 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 youth.

Youths 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 upon 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. 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 youths, you will have to complete incident or offense forms that parallel those that must be completed when you encounter adults. Youths who commit crimes within the District of Columbia are not placed under arrest for criminal acts, but *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 writing system, it will ask if the subject of your report happens to be a youth. After you make the selection that the person is a youth, it will then redact the youth's name and use his or her initials instead, as the minor is afforded additional privacy within the legal system. This privacy is mandated by DC Code which prohibits MPD from releasing the identities of youths placed under arrest.

You must then construct a separate report in which your narrative will remain the same, but the youth 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 it serves the same purpose as the Arrest report.

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

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

If you take a youth into custody and he or she is released without being charged with an offense, then you must complete a **Juvenile Contact form (PD 379-C)**.

It is also your responsibility to inform those at the Juvenile Processing Center and Youth Division whether the youth should be classified an "**at-risk child**." If he or she has 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 youth is kept under direct and close observation.

Handcuffing

Members shall handcuff, search, and transport youths in accordance with **GO 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**” in 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 youth from the school with minimum to no disruption (e.g., open side doors, 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, after gathering all the preliminary information you must:

- Notify the YFSD watch commander to have a detective respond to the scene.
- Notify the SSD watch commander for guidance on handling the incident. He or she will make notifications to the necessary liaisons.

Arrest/Stops/Detentions

Remember to do the following:

- Take all reasonable steps to avoid disruption to the learning environment by conducting interviews in private areas and maintain the confidentiality of the students involved.
- For school-based events, do *not* stop, detain, serve a custody order on, or arrest a youth 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 youth unless exigent circumstances exist.
- Prior to arresting a youth 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 his or her decision. The arrest of a youth 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 youth 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 youth 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 he or she will be handled as a youth 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 minor 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 he or she 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.

Youths 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.

Title 16 Offenses

Within the District of Columbia, there are instances other than traffic offenses when a youth may be charged as an adult: when a youth 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 youth for an armed carjacking during which he or she also murdered the complainant in order 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 youth can also be charged as an adult if there is an arrest warrant for the youth in which he or she is charged as an adult.

Any youth you arrest, regardless of whether he or she is charged as an adult, shall be processed at the Juvenile Processing Center. As is the case for other felonies, the youth will be interviewed by a detective at JPC. You must complete all the paperwork that you would complete as if you arrested the youth for a non-Title 16 offense. When you go to paper your case at court, you must appear not only in the Juvenile Section at court, but also at the US Attorney's Office.

When you go to paper a youth 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 youth, you must then call your element and ask them to generate an adult arrest number for your youth. If the US Attorney's Office declines to prosecute the youth as an adult, you must then report to the 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 youth for an offense that is not a traffic offense or a Title 16 offense, he or she 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 juvenile’s history for committing offenses, his or her age, and the type of offense committed, it may mean that the youth 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.

When a youth whom 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 witness and complainants who saw or were victims in an offense committed by a youth 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 youth, a judge will review the offense and decide if there is probable cause that the youth (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 youths differs greatly from adult interactions. The department takes extra steps to ensure the safety of youths 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 youths, 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 youth post arrest. You also have a greater grasp of the duties bestowed upon you as a police officer when it comes to your interactions with youths, 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 305.01	Interacting with Juveniles	01/28/2020
GO 702.01	Arrest Warrants	07/13/2022
Federal Law	Juvenile Justice and Delinquency Prevention Act of 2002	2002

GO 701.01
GO 502.01

Courts and Hearings
Transportation and Searches of Prisoners

12/31/2008
03/28/2014