

CHAPTER 44
JUVENILE OPERATIONS

DISCUSSION: The Hattiesburg Police Department is responsible for providing a variety of services, many of which have a major impact in the community. One of the more important services performed are that of its operational programs which is designed to prevent and control juvenile delinquency within the community. The Hattiesburg Police Department has made a commitment to develop and implement these operational programs, which are available to schools and community groups. The Hattiesburg Police Department has a variety of programs emphasizing juvenile activities. The Community Relations Department includes, but is not limited to, Crime Prevention programs for drug awareness, child safety, bicycle safety, and sexual assault awareness and Dare Program. A specialized Community Policing unit (N.E.T.) concentrates on area gang related activities. A specialized investigator is assigned to the Detective Division with primary responsibility being to handle crimes committed against children. The coordination of delinquent complaints involving juveniles is directed by the Juvenile Services Coordinator with an emphasis placed on the SAFE POLICY Program. Juveniles involved in the commission of delinquent acts require specially trained officers who have a good understanding of the youth related problems of today. Therefore, when dealing with juveniles, law enforcement officers should always make use of the less restrictive alternatives consistent with the preservation of public safety, order, and individual liberty. All officers trained by the Hattiesburg Police Academy will be trained in juvenile laws and procedures in order to support the juvenile operations functions. Each member of the department will be responsible for supporting and participating in the juvenile operations function.

44.1 ADMINISTRATION

44.1.1 Duties and Responsibilities of the Youth Services Coordinator

- A. The Youth Services Coordinator Component is contained within the Detective Division. The Youth Services Coordinator will be responsible for the program which exchanges juvenile related information between Law Enforcement, Youth Court, Social Services Agencies, and the School System. The goal of this program is to help control juvenile delinquency through communication by the agencies that serve the youth of our community. Information exchanged will be governed by the SAFE-POLICY Program.
- B. The Youth Services Coordinator shall be responsible for routing the paperwork of investigations and other juvenile related crimes reported to the Hattiesburg Police Department to the proper Youth Court Jurisdiction. The Coordinator will then disperse and assign the incoming reports to the proper Youth Court Counselor. Also included are crimes committed against any child. A child is defined by law as any person under the age of eighteen.
- C. The Youth Services Coordinator will assist Youth Court Designees in obtaining follow-up reports needed for preparation of juvenile Court hearings. The Coordinator will also

assist Youth Court Authorities with the routing of custody and detention orders to Hattiesburg Police Officers. The Coordinator will assist the Youth Court in notifying Police Officers of Court Hearings involving juveniles.

- D. It will be the Youth Services Coordinator's responsibility to be available to assist officers or other members of this Department on matters concerning investigations, procedures, or laws concerning juveniles.
- E. The Youth Services Coordinator will be responsible for establishing a liaison with local schools and social service agencies, and will be required to assist and review any matter of concern.
- F. The Youth Services Coordinator will maintain liaison with all agencies not previously mentioned that work with the Hattiesburg Police Department concerning juvenile matters, such as
 - 1. The District Attorney's Office
 - 2. Sexual Assault Crisis Center
 - 3. Mental Health Agencies
 - 4. Other Divisions of the Youth Court
- G. The Youth Services Coordinator will maintain and coordinate an update on Juvenile Serious Habitual Offenders. Coordination will be emphasized between Youth Court, Law Enforcement Officers and the School System.
- H. The Youth Services Coordinator will assist other Police Personnel and agencies in assessing, collecting, and coordinating information concerning juvenile gang activity.
- I. The Youth Services Coordinator will be responsible for coordinating training of each officer of this department on the juvenile laws of the State of Mississippi and insuring that each officer is equipped with the knowledge to handle juvenile complaints, either criminal or non-criminal in nature. The responsibility for the enforcement of laws regarding juveniles rests with all members of the Hattiesburg Police Department.
- J. It will be the responsibility of the Youth Services Coordinator to periodically review Department activities to insure legal standards are met concerning confidentiality laws concerning juveniles.
- K. The Youth Services Coordinator will participate in joint juvenile operations with other law enforcement agencies and Department Bureaus, Divisions and Sections, if so required.
- L. The Youth Services Coordinator will be responsible for assisting officers with problems that might arise involving investigations of missing, exploited, or runaway

children.

- M. The Youth Services Coordinator will provide, at the end of each year, a report of his/her activities regarding assignment of cases, operational programs intact, training completed, and activity summary.
- N. The Youth Services Coordinator shall perform such other duties as may be assigned by the Chief of Police.
- O. The Youth Services Coordinator shall maintain the following skills, knowledge or abilities:
 - 1. Juvenile legal considerations and laws
 - 2. Routing procedures and preparation of police documents
 - 3. Police Manual updates
 - 4. Public/Human relations
 - 5. Public speaking skills
 - 6. Police juvenile training
 - 7. Juvenile Court procedures and detention policy
 - 8. Basic computer skills.

44.1.2 Annual Evaluation of all Juvenile Programs

- A. A quantitative and qualitative annual evaluation of all Departmental Juvenile Programs will be conducted by the Youth Services Coordinator each calendar year in conjunction with budget preparation.
- B. A determination will be made by the Youth Services Coordinator as to what programs need to be modified, discontinued, or implemented to meet the changing needs of the community. The Youth Court Services Coordinator will interview members of the Forrest and Lamar County Youth Courts, Hattiesburg Public Schools, Department of Human Services and local mental health agencies to determine if revisions, deletions or additions need to occur in policies of programs.
- C. On determining the juvenile program needs to be modified the Youth Services Coordinator will submit the proposed changes in writing to the Detective Division Commander.

44.1.3 Definitions

- A. Juvenile - Anyone under the age of eighteen (18).
- B. Delinquent Child - This is a child who has reached his tenth (10th) birthday and has committed an act which would be a crime if committed by an adult.

- C. Child in Need of Supervision (CHINS) - This is a child between the ages of seven (7) and eighteen (18) who needs treatment or rehabilitation for various reasons such as disobedience to parents, truancy or running away from home.
- D. Abused Child - This is a child who has been mistreated or injured either physically, mentally, emotionally, or sexually by the people who are responsible for his/her well being.
- E. Child in Need of Special Care - This is a child with a mental or physical illness who needs special care that is not needed by normal children who come before the Youth Court.
- F. Neglected Child - This is a child whose parent(s) or guardians have failed or refused to care for him/her in a responsible manner.
- G. Dependent Child - This is any child who is not a child in need of supervision, a delinquent child, an abused child, or a neglected child. The child has been voluntarily placed in the custody of the Department of Public Welfare by his/he parents, guardian, or custodian.
- H. Adjudicated Child - This is a juvenile that has been disposed by the court to have committed a crime that would also be a crime if committed by an adult.

44.2 OPERATIONS

44.2.1 Disposition of Youthful Offenders

Any officer of this department who takes a minor child into custody for any reason shall determine if the juvenile has been harmed or is in danger of harm and use the least restrictive alternative available when considering the disposition of said minor. The following is a list of dispositions available to the officer. Arrest and release procedures for juveniles are contained in AOM Chapter 1.

- A. Any officer of this Department who takes a juvenile into custody may counsel and release that minor for an offense. This is called outright release with no further action. A copy of a field contact report and/or incident report with a warned and disposition may be forwarded to the designated Youth Court Jurisdiction.
- B. An officer taking a juvenile into custody will complete a custody arrest report. If the officer does not feel that the situation merits detention and the appropriate Youth Court Authority agrees the minor may be released to a parent or other responsible adult. The arrest report will then be routed to the Youth Court where the minor will be notified of a scheduled intake date.
- C. An officer arresting a juvenile for offenses such as violent crimes or felonies feels such situation calls for detention of the minor, the Youth Court Judge or his

designee shall be contacted for authorization.

- D. The arresting officer will then be responsible for contacting a parent or guardian to advise of the arrest and detention.
- E. MS Code 43-21-301 through 309 and the Guide to Mississippi Youth Court gives the Youth Court Judge or his designee sole authority in custody/detention decisions involving juveniles. The Hattiesburg Police Department operates within the venue of two (2) separate Youth Court jurisdictions with different court procedures. Therefore, arrested juveniles shall be transported to the Police Station immediately unless emergency medical treatment or other valid reasons require otherwise. The presiding Youth Court shall be contacted, unless standing orders are in effect, as to release or detention. Upon receipt of a detention order the officer shall complete the necessary paper work, any required notification and immediately transport the juvenile to the designated holding facility.

44.2.3 Status Offenses and CHINS (Children in need of Supervision)

- A. A youth may be brought before the jurisdictional Youth Court by committing a Status Offense. A Status Offense is defined as non-criminal misbehavior, which would not be criminal by an adult (ie. truancy, runaway, incorrigible, curfew, possessing or drinking of alcohol beverages). The behavior is an offense only because of the minor's status as a minor.
- B. A Status Offender may be a child in need of supervision (CHINS). This refers to a child who has reached his seventh (7th) birthday and is in need of treatment or rehabilitation. The following conditions apply:
 - 1. Is habitually disobedient of reasonable and lawful commands of his parents, guardian, or custodian and is ungovernable.
 - 2. While being required to attend school, willfully and habitually violates the rules thereof or willfully and habitually absents him/her self.
 - 3. Runs away from home without good cause.
 - 4. Has committed a delinquent act.
- C. When a juvenile commits a Status Offense, the officer shall notify the parents, Department of Human Services, legal guardian, responsible adult, or other agency after taking the juvenile into custody for notification and release purposes.
- D. Status Offenders may not be placed in secure custody, handcuffed to a stationary object or cuffing rail, placed in a holding cell or placed in a locked room under any circumstances.
- E. Status Offenders shall be placed in a non-secure area, (ie. the lobby, an office, interview room, or general purpose room) until release arrangements can be made and the juvenile leaves the facility.

- F. If no responsible adult or agency can be contacted within twenty four (24) hours, the juvenile will be taken to the designated juvenile shelter facility. Prior approval will be made with the Youth Court Designee. Arrangements for the release of the juvenile will then become the responsibility of the Youth Court Counselor.
- G. Juveniles in non-secure custody must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he or she is in non-secure custody.

44.2.4 Interrogation of Juveniles

- A. A child taken into custody shall immediately be informed of:
 - 1. The reason for his custody by the arresting officer.
 - 2. The time within which review of the custody shall be held by the appropriate Youth Court.
 - 3. His rights, including his right to counsel by the arresting officer.
 - 4. Rules and regulations of the place at which he is held by the detention facility.
 - 5. Time and place of the detention hearing when so scheduled by the appropriate Youth Court.
- B. When a juvenile is taken into custody, the juvenile may immediately telephone his parent, guardian, or custodian; his counsel; and personnel of the youth court. Therefore, he shall be allowed to telephone his counselor any personnel of the youth court at reasonable intervals. Unless the judge or his designee finds that it is against the best interest of the child, he may telephone his parent, guardian at reasonable intervals.
- C. A child can not be interrogated or interviewed while in detention or shelter facilities unless so ordered by the Youth Court Judge or his Designee.
- D. A child can not be questioned about possible crimes unless his/her parents or guardian ad litem or attorney is present or consents to the questioning.
- E. When obtaining a written statement from a juvenile suspect, the child's parent, attorney, or guardian ad litem must be present. (This does not apply when the child is a witness to a crime and is not under suspicion or arrest.)
- F. The agency and juvenile justice system procedures shall be explained to juveniles being interrogated.
- G. The duration of the interrogation will vary from case to case. However, questioning shall not last for more than two hours in any one session and no more than three sessions in any 24 hour period. Sessions must be separated by a minimum of 15 minutes. Several factors need to be kept in mind when dealing with juvenile offenders to include:

1. Physical/mental disability
2. Use of drugs and/or alcohol
3. Emotional conditions
4. Age
5. Education
6. Time of day

The interrogating officer is encouraged to offer the juvenile supervised breaks to obtain refreshments or use the toilet facilities in an effort to make the juvenile as comfortable as possible and encourage cooperation. Once the interrogating officer determines no further useful information is being obtained or the juvenile becomes irritated or uncooperative, the interrogation will cease.

- H. Only one (1) officer should conduct the interrogation, however, an officer with more expertise, if the situation merits may take control of the interrogation.

44.2.5 Non Custodial Interrogation

- A. IAW section 43-21-305 of the Mississippi Code of 1972 as annotated, a law enforcement officer may stop any child abroad in a public place whom the officer has probable cause to believe is within the original jurisdiction of the Youth Court and may question the child as to his/her name, address, and explanation of presence.
- B. If a child fails to comply with the officers questioning, the child is to be brought to the Hattiesburg Police Department and the appropriate Youth Court agent notified.
- C. If a child is stopped by an officer for whatever reason and an arrest is not effected, the officer may fill out a Field Contact Report (FCR) on the subject documenting his/her whereabouts at the time listed. This will be left up to the discretion of the individual officer.
- D. If an officer has doubt as to the positive identification of a juvenile the officer may take a photograph of the juvenile for identification and crime analysis purposes. The photograph and FCR will be forwarded to the Crime Analysis Unit and stored IAW Department policy.

44.2.6 Maintenance of Juvenile Records

All law enforcement records pertaining to juveniles will be filed and maintained IAW with the Mississippi Youth Court Act MS 43-21-255 and AOM Chapter 82