



Carrboro Police Department

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I. PURPOSE

The purpose of this policy is to ensure officers with the Carrboro Police Department are in compliance with NC General Statutes while addressing the needs of juveniles and their families.

II. DEFINITIONS

- A. Juvenile: A person who has not reached their 18th birthday.
- B. Delinquent Juvenile: A person between the ages of 6 and 17, who commits a crime or infraction under North Carolina State statute (including motor vehicle laws) or local ordinance.
- C. Undisciplined Juvenile: A juvenile between 6 and 17 years of age, who is one of the following:
 - 1. Regularly disobedient to and beyond the disciplinary control of his parent, guardian, or custodian; or,
 - 2. Regularly found in places where it is unlawful for a juvenile to be; or,
 - 3. Has run away from home for twenty-four hours or more; or,
 - 4. Unlawfully absent from school and less than 16 years of age.
- D. Status Offenses: Acts which are criminal only when committed by a juvenile, including runaway, curfew violation, and truancy.
- E. Abused Juvenile: A juvenile whose parent, guardian, custodian, or caretaker does any of the following:



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1. Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means;
 2. Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means;
 3. Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or devices to modify behavior;
 4. Commits or encourages the commission of a sexual act on the juvenile, including but not limited to rape, violations of obscenity laws, taking indecent liberties, or promoting prostitution of a juvenile;
 5. Creates or allows to be created serious emotional damage to the juvenile; serious emotional damage is evidence by a juvenile's severe anxiety, depression, withdrawal, or aggressive behavior towards himself or others;
 6. Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the juvenile; or,
 7. Commits or allows to be committed an offense under G.S. 14-43.11 (human trafficking), G.S. 14-43.12 (involuntary servitude), or G.S. 14-43.13 (sexual servitude) against the child.
- F. **Neglected Juvenile:** A juvenile less than 18 years of age who:
1. Does not receive proper care, remedial care, supervision, or discipline from a parent, guardian, custodian, or caretaker; or,
 2. Has been abandoned; or,
 3. Has not been provided necessary medical care; or,
 4. Lives in an environment that is injurious to his welfare; or,
 5. Has been placed for care or adoption in violation of the law.



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- G. **Temporary Custody:** The taking of physical custody and providing personal care and supervision of a juvenile until a secure or non-secure custody order can be obtained, or until released into the custody of a parent or guardian.
- H. **Non-secure Custody:** Ordered by the Court. Placement is with the Department of Social Services or a facility named in the court order.
- I. **Secure Custody:** Ordered by the Court and detention must be in a detention facility approved by North Carolina Department of Juvenile Justice.
- J. **Juvenile Complaint:** A pleading of abuse, neglect, dependency, or delinquency requesting the Juvenile Court to hear the matter. Filing a complaint does not necessarily mean the case will go to court. A juvenile court intake counselor will meet with the juvenile and his parents. Except for serious felony charges, it is at the discretion of the Office of Juvenile Justice to devise a diversion plan instead of a court trial.
- K. **Juvenile Petition:** A juvenile complaint once an intake counselor has approved it for Court.

III. **ROLE OF LAW ENFORCEMENT OFFICER WITH JUVENILES COMMITTING DELINQUENT ACTS**

- A. **Filing a Juvenile Complaint:**
 1. The officer completes the complaint, which must include the juvenile’s name, address, parent or guardian contact information, witness information, and the facts of the crime.
 2. The officer must sign the complaint and swear in front of a magistrate, Juvenile Clerk of Courts, Clerk in the Office of Juvenile Justice, or notary that the information is accurate.
 3. The original complaint, along with copies of statements, photographs, and other documents related to the case are taken to the Office of Juvenile Justice.

NOTE: An investigator can assist with the process.



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- B. An Arrest Report/Juvenile Custody form will be completed when the circumstances are such that if the juvenile were an adult, an arrest would be reported. This applies if the juvenile is cited or summoned to Juvenile Court as well.
- C. An officer may take temporary custody of a juvenile under any of the following circumstances:
1. A secure or non-secure custody order has been issued by a Judge, even if the order is not in the possession of the officer and has not been executed.
 2. The officer witnessed the juvenile committing a crime.
 3. The officer has probable cause to believe that the juvenile has committed a felony.
 4. The officer has probable cause to believe that the juvenile has committed a misdemeanor and unless immediately taken into custody:
 - a. Will not be apprehended later; or,
 - b. May cause physical injury to himself or others, or damage property.
 5. The juvenile has committed either shoplifting (G.S. 14-72.1) or impaired driving (G.S. 20-138.1 and G.S. 20-138.2).
 6. The officer has reasonable grounds to believe that the juvenile is undisciplined.
 7. The officer has reasonable grounds to believe that the juvenile is abused, neglected, or dependent and that the juvenile would be injured or could not be taken into custody if it were first necessary to obtain a secure custody order.



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- 8. The officer has reasonable grounds to believe that the juvenile is an absconder from a State training school or detention facility.

- D. Status offenders, juveniles involuntarily committed, and juveniles determined to be abused, neglected, or undisciplined will not be placed in a secure setting, in an adult jail, or secure areas in the Police Department.

- E. After a Juvenile is Taken into Temporary Custody:
 - 1. The officer **must** notify the juvenile’s parent, guardian, custodian, or caretaker that the juvenile has been taken into temporary custody and advise that person of their right to be present with the juvenile.

 - NOTE: Inability to contact the parent, guardian, custodian, or caretaker is not grounds for the release of the juvenile.**

 - 2. The officer will hand deliver a parent notification form or ensure that is mailed, even if telephone contact was made.

 - 3. The juvenile will be released to the parent, guardian, custodian or caretaker if the officer decides that continued custody is not needed.

 - 4. In cases of abused or neglected juveniles, the officer or an investigator will communicate with the Department of Social Services, who shall consider a pre-hearing diversion. If the decision is made to file a juvenile complaint, the Department of Social Services will contact a District Court Judge.

 - 5. A juvenile taken into temporary custody shall not be held for more than 12 hours, or for more than 24 hours if any of the 12 hours falls on a Saturday, Sunday, or legal holiday.

- F. Further Investigation
 - 1. **Juvenile Miranda Rights:** If the juvenile is taken into custody for a delinquent act and further investigation is needed, the officer will read the



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juvenile his Juvenile Miranda Rights waiver form. The juvenile should sign the Miranda Rights waiver form.

- a. If the juvenile is 15 years old or younger, a parent, custodian, guardian or attorney must be present.
- b. If the juvenile is 16 or older, he has the right to have a parent, custodian, guardian or attorney present before making a statement. They may waive that right.

2. **Obtaining a Statement:** When possible, have the juvenile write a statement as to what happened. The juvenile and his parent should sign the statement. The officer should note the date and time and sign as a witness.

NOTE: Even if the juvenile is not in custody, it is good practice to have him sign a Miranda Rights waiver form before issuing a statement. If the juvenile does not sign a waiver, the officer must document that the juvenile was told that he was not under arrest and free to leave at any time, and that they agreed to talk.

G. Fingerprinting and Photographing Juveniles

The officer shall fingerprint and photograph a juvenile who is in custody when:

1. The Juvenile was at least 10 years old when the crime was committed; **and,**
2. A complaint has been prepared for filing as a petition; **and,**
3. The crime is a non-divertible offense as set forth in G.S. 7B-1701;
 - a. Murder
 - b. Rape
 - c. Sex Offense
 - d. Crime Against Nature
 - e. First Degree Burglary
 - f. Arson



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- g. Any violation of Article 5, Chapter 90 that would constitute a felony if committed by an adult.
- h. Any felony which involves the willful infliction of serious bodily injury upon another or which was committed by use of a deadly weapon.

H. Secure Custody

If after further investigation, it is determined that the juvenile needs to be placed in secure custody, the following steps should be taken:

1. Contact a Juvenile Court Counselor who will prepare a Secure Custody Order.
2. Prepare the juvenile complaint and have it verified before a magistrate, clerk, or notary.
3. Copies of the original Juvenile Complaint and Secure Custody Order will be given to the officer, the juvenile, the family, and the detention center. The Juvenile Court Intake Counselor will file the originals with the Clerk of Courts.
4. The officer will transport the juvenile to the facility.
5. Delinquent offenders (under 18) that are taken into the secure part of the police department must be recorded on the Secure Juvenile Holding Log.
6. Juveniles may not be held in the secure area for longer than 6 hours before and 6 hours after a court appearance, or 6 hours for processing purposes.
7. All juveniles that are held securely must be separate from sight and sound of adult offenders.

IV. ROLE OF LAW ENFORCEMENT OFFICER IN RESPONDING TO JUVENILE AS VICTIM OF ABUSE



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- A. If an officer suspects that a juvenile is abused, neglected, or dependent, or a juvenile has died as the result of maltreatment, the officer shall report the case to the Department of Social Services in the county where the juvenile resides or is found.

- B. The investigation of a sexual assault of a juvenile should be handled by an Investigator with specific training on the topic and with the following considerations:
 - 1. If the alleged perpetrator is a family member, the Department of Social Services must be notified. A joint plan should be developed for gathering evidence and statements, as well as interviewing the child victim, the non-offending parent/custodian, and the suspect.

 - 2. If the sexual abuse occurred within the last 72 hours or if the child has injuries, a physical exam should be done as soon as possible by the Center for Child and Family Health or the UNC Hospitals Beacon Program.

 - 3. Photographs should be taken with sensitivity and consent of the child or parent/custodian. Photographs are evidence and not attached to the Incident/Investigation Report.

 - 4. If a child is interviewed by police department personnel only, that interview should be videotaped.

 - 5. Blind reports cannot be taken if the victim is 15 years old or younger. If the victim is 16 or 17 years old, a blind report can be taken with the consent of parent/custodian.