

HARRISON TOWNSHIP POLICE DEPARTMENT STANDARD OPERATING PROCEDURE		
SUBJECT: JUVENILE OFFENDERS		
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ACCREDITATION STANDARDS: 4.4.1, 4.4.2	BY THE ORDER OF: Chief of Police Thomas Mills	

PURPOSE: The purpose of this policy is to establish procedures for the juvenile function as well as to outline the responsibility of all agency personnel in relation to the juvenile function.

POLICY: It is the policy of the Harrison Township Police Department to be fully committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. It is also the policy of the Harrison Township Police Department that the responsibility for participating in or supporting the department's juvenile operations function is to be shared by all agency components and personnel.

It is also the policy of the Harrison Township Police Department to use the least restrictive alternative when disposing of cases involving juveniles, provided that the course of action will effectively deal with the youthful offender.

PROCEDURES:

I. DEFINITIONS

- A. Abused or neglected child means a child less than 18 years of age:
1. Whose parent or guardian inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ,
 2. Whose parent or guardian creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ,
 3. Whose parent or guardian commits or allows to be committed an act of sexual abuse against the child,
 4. Whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his/her parent or guardian to exercise a minimum degree of care:
 - a. In supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so, or
 - b. In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment, or by any other acts of a similarly serious nature requiring the aid of the court,
 5. Who has been willfully abandoned by his parent or guardian,
 6. Upon whom excessive physical restraint has been used under the circumstances, which do not indicate that the child's behavior is harmful to himself, others, or property,
 7. Who is in an institution and
 - a. Has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child's mental or physical well-being, or
 - b. Who has been willfully isolated from ordinary social contact under the circumstances, which indicate emotional or social deprivation.
- B. Adult means an individual 18 years of age or older.
- C. The curbside warning is an enforcement option best used when the offense or incident is of such a minor nature that it does not warrant custodial detention and a

verbal warning and advisement of the consequences of such action would suffice. No further action required aside from documentation (e.g., juvenile throwing stones, but not causing damage).

- D. Custody is defined as the state of being detained or held under guard/watch.
- E. Delinquency means the commission of an act by a juvenile, which if committed by an adult, would constitute:
 - 1. A Crime,
 - 2. A disorderly persons offense,
 - 3. A petty disorderly persons offense, or
 - 4. A violation of any other penal statute, ordinance, or regulation (see N.J.S.A. 2A:4A-23)
- F. To detain means any holding of a person in police custody, whether the pending court case or other disposition of charges filed or to be filed against the person, or under circumstances where the person is being held on account of a danger to the person's health or safety.
- G. Detention means a situation in which a person is being detained.
- H. Juvenile is an individual who is under the age of 18 years.
- I. Juvenile-Family Crisis means behavior, conduct or a condition of a juvenile, parent or guardian, or another family member, which presents or results in:
 - 1. A serious threat to the well-being and physical safety of a juvenile,
 - 2. A serious conflict between a parent or guardian and a juvenile regarding rules of conduct which has been manifested by repeated disregard for lawful parental authority by a juvenile or misuse of lawful parental authority by a parent or guardian,
 - 3. Unauthorized absence by a juvenile for more than 24 hours from his/her home,
 - 4. A pattern of unauthorized absences from school by a juvenile subject to compulsory education provision of Title 18A of the New Jersey State Statutes, or
 - 5. An act which if committed by an adult would constitute prostitution in violation of N.J.S.A. 2C:34-1 or any offense, which the juvenile alleges is related to the juvenile being a victim of human trafficking.
- J. Non-offender means a detained juvenile, other than one charged with an act of delinquency or a status offense.
- K. Parent or guardian means any natural parent, adoptive parent, resource family parent, stepparent, paramour of a parent, or any person, who has assumed

responsibility for the care, custody, or control of a child or upon whom there is a legal duty for such care.

1. Parent or guardian includes a teacher, employee, or volunteer, whether compensated or uncompensated, of an institution who is responsible for the child's welfare and any other staff person of an institution regardless of whether or not the person is responsible for the care or supervision of the child.
 2. Parent or guardian also includes a teaching staff member or another employee, whether compensated or uncompensated, of a day school as defined in N.J.S.A. 9:6-8.21.
- L. Non-secure custody means detention in conditions such that a juvenile is not being held in secure custody.
- M. Secure area means a building or an area within a building that restricts the mobility of an individual in custody through the use of hardware or architectural features.
- N. Secure custody means detention under conditions such that:
1. The individual is held in a secure room or cell or another secure area,
 2. The area where the individual is held is located within a larger secure perimeter,
 3. The individual is physically secured to a cuffing rail or other stationary object,
 4. The individual is held in conditions that violate the sight and sound restrictions of this policy,
 5. The individual is held in conditions that violate the supervision requirement of section VI of this general order.
- O. Short-term custody means except where delinquent conduct is alleged; a law enforcement officer may take any juvenile into short-term custody, not to exceed six hours, when:
1. There are reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and that immediate custody is necessary for the juvenile's protection,
 2. There are reasonable grounds to believe that the juvenile has left home and care of parents or guardian without their consent, or
 3. An agency legally charged with supervision of the juvenile has notified the law enforcement agency that the juvenile has run away from out-of-home placement; except where there are reasonable grounds to believe that the juvenile is an abused or neglected child within the meaning of N.J.S.A. 9:6-8.21 in which case the provisions of said law shall govern.
 4. The taking of a juvenile into custody shall not be construed as an arrest but shall be deemed a measure to protect the juvenile's health, morals, and

well-being. A juvenile taken into short-term custody shall not be detained in a detention facility or jail.

- P. Sight and sound separation mean the maintenance of physical separation between a juvenile and a securely held adult so that both sustained visual contact and direct and sustained oral communication between them is not possible.
- Q. A status offense is not a delinquency offense, but rather is conduct that if committed by an adult would not constitute an offense. Examples include runaways, truancy, or conflicts with parents. These offenses commonly occur as part of a Juvenile-Family Crisis pursuant to N.J.S.A. 2A:4A-22g.
- R. Status offender means a juvenile accused or charged with a status offense or a juvenile detained protectively because the juvenile's health or safety is in serious danger.
- S. Stationhouse Adjustment is an alternative method that law enforcement agencies may use to handle first-time juvenile offenders who have committed minor juvenile delinquency offenses within their jurisdiction in lieu of signing a juvenile delinquency complaint. The intent of the stationhouse adjustment program is to provide for immediate consequences, such as community service or restitution and a prompt and convenient resolution for the victim, while at the same time benefitting the Juvenile by avoiding the stigma of a formal juvenile delinquency record. In many instances, this early intervention will deter the youth from continuing their negative behavior and divert the youth from progressing further into the juvenile justice system.

II. ADMINISTRATION AND GENERAL RESPONSIBILITIES

- A. The Chief of Police shall designate a Juvenile Officer to have primary responsibility for juvenile charges and all juvenile post-arrest responsibilities.
 - 1. If the designated Juvenile Officer is on-duty when a juvenile is taken into custody, he/she will be notified as soon as possible. If he/she is not on-duty, the paperwork associated with the juvenile being taken into custody shall be forwarded to him/her for review as part of the departmental review process.
 - 2. Any juvenile arrest regarding a 1st or 2nd-degree crime requires immediate notification of the designated Juvenile Officer and Chief of Police through the chain of command (on-duty or off-duty) by the investigating officer.
 - 3. In the absence of the designated Juvenile Officer, the shift supervisor who reviews the arrest/paperwork of a juvenile taken into custody shall use this policy as a guide to determine which enforcement option is most appropriate.
 - 4. If there is no designated Juvenile Officer on duty when a juvenile is taken into custody, the shift supervisor will forward a copy of the report to the Juvenile Officer.
 - 5. The designated Juvenile Officer shall ensure that all aspects of this policy are followed.

- B. All organizational subcomponents and personnel share the responsibility for participating in and supporting the department's juvenile operations.

III. ENFORCEMENT ALTERNATIVES

- A. Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion in deciding appropriate action. Officers shall use the least coercive and most reasonable alternative to custody, consistent with preserving public safety, order and individual liberty if the juvenile has not engaged in the act of juvenile delinquency.
- B. Alternatives available include the following:
 - 1. Release with no further action or following informal counseling when no arrest has been made. Officers shall upon release turn the juvenile over to his/her parent or guardian,
 - 2. Informal referral to an appropriate community social service agency, and
 - 3. Limited custody and station house warning. The juvenile shall be held in non-secure custody until released to his/her parent(s) or guardian.
- C. In considering a course of action, the officer shall consider the nature of the offense, the age of the juvenile, the juvenile's prior contacts with the police, the availability of community-based rehabilitation programs, and, in some cases, the recommendation of the complainant or victim. Depending on the seriousness of the offense and the actual threat that the juvenile represents to him/herself or the community, these factors may include:
 - 1. The nature of the alleged offense. The officer shall determine whether the juvenile is alleged to have engaged in a family crisis matter or status offense. These matters are referred to the Gloucester County Juvenile Family Crisis Unit, who can then request that the Court Intake Services file a Crisis Petition to bring the juvenile to court. The more serious the offense, the greater the need to have the juvenile referred for more formal action, while relatively minor infractions may simply be referred to the juvenile's parents or guardians for appropriate action.
 - 2. The age and circumstances of the alleged offender have a bearing on just how effective less coercive remedies may be on the future conduct of the juvenile offender. Often an officer can determine if his/her intervention is sufficient to ensure that there is a reluctance of the juvenile to become involved at a future time.
 - 3. The alleged offender's record, if any. Despite the seriousness of the offense committed, patterns of aberrant behavior may signify that more formal action may be necessary, even though the offense itself was relatively minor.
 - 4. The availability of community-based rehabilitation programs. Depending upon what social services are available and how this agency accesses them should be part of the officer's consideration when making recommendations concerning the disposition of juvenile cases.

IV. TAKING JUVENILES INTO CUSTODY

- A. Pursuant to N.J.S.A. 2A:4A-31a, a juvenile may be taken into custody:
1. Pursuant to an order or warrant of any court having jurisdiction, or
 2. For delinquency, when there has been no process issued by a court, by a law enforcement officer, pursuant to the laws of arrest and Rules of Court.
- B. Pursuant to N.J.S.A. 2A:4A-31b, except where delinquent conduct is alleged, a juvenile may be taken into short-term custody by a law enforcement officer without an order from the court when:
1. The officer has reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and taking into immediate custody is necessary for his/her protection, or
 2. The officer has reasonable grounds to believe the juvenile has left home and care of his/her parents or guardian without the consent of such persons, or
 3. An agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from out of home placement provided, however, that in any case where the law enforcement officer believes that the child is an abused or neglected child as defined in N.J.S.A. 9:6-8.21, the officer shall handle the case pursuant to the procedure set forth in that act.
- C. The taking of a juvenile into custody shall not be construed as an arrest, but shall be deemed a measure to protect the health, morals, and well-being of the juvenile (N.J.S.A. 2A:4A-31c).
- D. Anytime a juvenile is taken into short-term custody or regular custody; the circumstances shall be documented in either a CAD entry (non-criminal offense) or an *Investigation Report* (criminal offense) along with all the action taken. Pursuant to N.J.S.A. 2A: 4A-33, any person taking a juvenile into custody shall immediately notify the parent/guardian that the juvenile has been taken into custody.
- E. Juveniles taken into custody are to be transported directly from the scene to the police department, home, other approved location, or another juvenile facility as directed. The only exception being when directed to do otherwise by an appropriate authority or circumstances require that the juvenile is transported to a medical facility for treatment.
- F. Upon taking a juvenile into custody, the detaining officer shall immediately notify the parents or guardians of the juvenile in accordance with N.J.A.C. 13:94-2.3:
1. That the juvenile is being detained,
 2. Where the juvenile is being held, and
 3. The reasons that the juvenile is being detained.

- G. Juveniles taken into custody may be handcuffed if it is believed the juvenile presents an immediate danger to self or another person or will attempt to run from custody. In all situations, an officer shall use discretion as to the need for handcuffs.
- H. All personnel shall ensure that a juvenile's Constitutional and civil rights are protected at all times.
- I. Except as may be necessary when incidental to initial processing, sight and sound separation shall be maintained at all times between a juvenile and an adult held in secure custody. This requirement applies equally with respect to non-offender juveniles, status offender juveniles, and juveniles detained for an act of delinquency (N.J.A.C. 13:94-2.1).
- J. When a juvenile, who is fourteen or older, is charged with a delinquency on the basis of an act which would be a crime if committed by an adult, the juvenile must be processed at the time of charging. All reasonable steps shall be taken to photograph and fingerprint the juvenile.
 - 1. Fourteen or older means that the juvenile was fourteen or older at the time the charged offense was committed.
 - 2. All reasonable steps shall include taking the juvenile into custody pursuant to law or having the juvenile voluntarily respond to headquarters.
 - 3. If a private citizen signs a delinquency complaint, the taking of fingerprints and photographs must wait until it is ordered by a judge.
- K. Fingerprints of a juvenile may be taken only in the following circumstances:
 - 1. Pursuant to N.J.S.A. 2A:4A-61a(1), where latent fingerprints are found during the investigation of an offense and a law enforcement officer has reason to believe that they are those of a juvenile, he may, with the consent of the court or juvenile and his parent or guardian fingerprint the juvenile for the purpose of comparison with the latent fingerprints. Fingerprint records taken pursuant to this paragraph may be retained by the department or agency taking them and shall be destroyed when the purpose for the taking of fingerprints has been fulfilled.
 - 2. Pursuant to N.J.S.A. 2A:4A-61a(3), where a juvenile 14 years of age or older is charged with delinquency on the basis of an act which, if committed by an adult, would constitute a crime, fingerprint records were taken pursuant to this paragraph may be retained by a law enforcement agency for criminal identification purposes.
- L. No juvenile under the age of 14 shall be fingerprinted or photographed for criminal identification purposes without the consent of the court or the juvenile and his parent or guardian (N.J.S.A. 2A:4A-61b).
- M. If the juvenile is fingerprinted and their case is adjudicated outside of the court system and ultimately dismissed and or resolved. In these cases, the New Jersey State Police (NJSP) Biometric Identification Unit shall be notified, so that the charge information can be removed from the juvenile's CCH.

1. NJSP's Hamilton Station's latent hours are 7:00 A.M. to 2:30 P.M., Monday through Friday, by appointment only or you may call them at (609) 584-5000 Ext. 5144.

V. ASSESSING THE JUVENILE FOR SIGNS OF HARM

- A. Officers taking custody of a juvenile for any reason shall ascertain the condition of the juvenile to determine if the juvenile has been harmed or injured in any way or is in danger of being harmed or injured. This action shall be documented in the *Juvenile Report*.
 1. If the juvenile requires immediate emergency services, such as medical or psychiatric care, the officer shall contact the Juvenile-Family Crisis Intervention Unit (FICU), at 877-652-7624, for authorization to transport to a hospital for a mental health assessment when the parent/guardian cannot consent.
 2. Any emergent medical conditions shall be treated immediately at an appropriate medical facility. Officers will assist the hospital staff, as needed, in locating and contacting the juvenile's parents and/or guardians for authorization of treatment.
- B. Protective custody is a device to be used in crisis situations. It does not apply to a juvenile taken into custody on delinquency matters. An officer who determines there is an emergent need to take a juvenile into protective custody to protect the child from suspected abuse or neglect shall immediately inform his/her shift supervisor before taking any such action (absent exigent circumstances).
- C. Once taken into custody, the New Jersey Department of Children and Families, Division of Child Protection and Permanency (DCP&P) must be immediately notified. DCP&P staff will direct where the officer should take the juvenile.
- D. DCP&P must be contacted at their consolidated statewide child abuse Hotline **1-877- NJ ABUSE** (877-652-2873). The Child Abuse Hotline receives all reports of child abuse and neglect 24-hours a day, 7-days a week. The hotline shall be immediately notified when any of the following is suspected:
 1. Abuse or neglect by a parent, guardian or other person having custody or control.
 2. The child has been exposed to any indecent, immoral or unlawful act that may tend to debauch, endanger or degrade the morals of the child, or is suspected of having been subjected to an act of sexual abuse.
 3. The child has been employed in an occupation, which would be injurious to his/her health, dangerous to his/her life, contrary to the law of this State or in such a manner to be dangerous to the morals of the child.
 4. The child is a runaway from another state.

VI. HOLDING JUVENILES IN SECURE CUSTODY AND SIX-HOUR TIME RESTRICTIONS

- A. Pursuant to N.J.A.C.13:94-2.2(a) (2013) a juvenile held in secure custody shall be placed only in a holding room, cell or other designated area that has been

determined by the New Jersey Juvenile Justice Commission to conform to prevailing safety standards for the detention of juveniles.

The Harrison Township Police Department does not have a room authorized by the New Jersey Juvenile Justice Commission for the routine secure holding of a juvenile detainee. All juvenile detainees shall be held in the Processing Room and personally supervised, face to face, by a sworn officer at all times while they are in custody.

- B. Only in extraordinary situations involving juvenile delinquents who are assaultive, disruptive, unmanageable, or charged with a serious violent crime, shall the juvenile be held securely in an adult cell (N.J.A.C. 13:94-2.4).
 - 1. If detention of a juvenile in the Processing Room is not possible or practical, the adult cell shall be the last resort. If a juvenile is placed in a secure adult cell, continuous face-to-face supervision is required.
 - 2. Audio/video monitoring systems shall not be used as a substitute for required continuous face-to-face supervision of juveniles held in an adult cell.
 - 3. When a juvenile is placed into an adult cell, it shall be documented in accordance with the Temporary Detention policy.
- C. Status-offenders and non-offenders shall not be held in secure custody. N.J.A.C. 13:94-2.2(b) (2013). Examples include, but are not limited to:
 - 1. Runaway
 - 2. Incurigible
 - 3. Curfew Violators
 - 4. Underage Possession/Consumption Alcohol or Tobacco
 - 5. Missing Person
 - 6. Protective Custody
 - 7. Truancy
- D. Status-offenders, non-offenders, and juveniles held on a charge of delinquency but not being held in secure custody, shall not be held in custody for more than six hours. N.J.A.C. 13:94-2.2(c) (2013)
- E. A juvenile held on a charge of delinquency may be held in secure custody, provided that such secure custody may not exceed six (6) hours commencing from the time the juvenile was placed in secure custody. N.J.A.C. 13:94-2.2(d) (2013)
 - 1. The six-hour restriction set forth in this section shall not apply to the holding of a juvenile in a judicial facility in connection with a court appearance.
- F. A detained juvenile, other than a juvenile detained in a secure holding room or cell, shall not be left unattended at any time. N.J.A.C. 13:94-2.5(d) (2013). A juvenile

shall be kept separate from a securely held adult by sight and sound. "Sight and sound separation" means the maintenance of physical separation between a juvenile and a securely held adult so that both sustained visual contact and direct and sustained oral communication between them is not possible. N.J.A.C. 13:94-1.2 (2013)

- G. The supervisor of the officer conducting a juvenile arrest or detention shall ensure proper supervision for all detained juveniles in accordance with department policy.

VII. Adjudication Options

- A. The following reports should be completed when a juvenile is taken into custody:

1. *Arrest Report*,
2. *Investigation Report* (when required),
3. *Juvenile Complaint* (when required),
4. *Stationhouse Adjustment* (when applicable), and
5. CAD entries with notes for curbside warnings.

- B. The following options are available when dealing with juvenile offenders:

1. Curbside Warning.
 - a. A juvenile is involved in a street encounter with law enforcement and is warned to stop any offending activity or to leave the area. The juvenile is not taken to the police department or any other custodial or law enforcement facility because the offense does not rise to the level of an arrest situation. Curbside warnings would be appropriate for minor activity such as snowball throwing, cursing or abusive language, curfew violations, or disturbing the peace. While stopped, the juvenile is counseled as to the consequences of his/her actions.
 - b. Upon completion of counseling, the officer may elect to either transport the juvenile home or direct him/her to return home on his/her own. Such action should only be taken when the officer reasonably believes the juvenile will return home and will be able to do so in a safe manner.
 - c. In instances where curbside warnings are deemed appropriate, the investigating officer will complete or verify completion of a CAD entry ensuring that the name of the juvenile is entered. No other action will take place. The officer handling this type of incident will forward a copy of the CAD entry to the designated Juvenile Officer.
2. Stationhouse Adjustment.
 - a. All law enforcement agencies having patrol jurisdiction within the State of New Jersey shall make stationhouse adjustments available as a method of handling minor juvenile delinquency offenses within

its jurisdiction regardless of the availability of resources. Ordinance violations, petty disorderly person offenses, and disorderly person offenses shall be considered for stationhouse adjustment. Fourth-degree offenses may also be considered for stationhouse adjustment if the juvenile has no prior record that is known to the agency.

- 1). Station house adjustments are not appropriate for the below-listed offenses:
 - a). Offenses involving the use or possession of a controlled dangerous substance or drug paraphernalia as defined under Chapters 35 or 36 of the Criminal Code shall not be adjusted without permission of the Gloucester County Prosecutor's Office.
 - b). Bias offenses shall not be adjusted without permission of the Gloucester County Prosecutor's Office.
 - c). Sexual Offenses shall not be adjusted without permission of the Gloucester County Prosecutor's Office.
 - d). Offenses resulting in serious and/or significant bodily injuries shall not be adjusted without permission of the Gloucester County Prosecutor's Office.
 - e). Third-degree offenses shall not be adjusted without permission of the Gloucester County Prosecutor's Office.
 - f). Offenses shall not be adjusted if the law enforcement agency is aware that the juvenile has other charges already pending before the court.
 - g). Offenses shall not be adjusted when the juvenile is currently on probation, parole, home detention or other court-ordered disposition.
 - h). 1st and 2nd-degree offenses shall not be adjusted.
- b. The juvenile shall be taken into custody and transported to headquarters. See "**Holding Juveniles in Custody and Six-Hour Restrictions**" section of this policy for custodial limitations.
- c. Pursuant to the New Jersey Attorney General's Law Enforcement Directive 2008-2, a parent or legal guardian/caregiver will be contacted and advised as to why the juvenile is in custody. The parent, guardian/caregiver or their designee shall be required to respond to the police department. The parent, guardian/caregiver or their designee must be present at headquarters for the stationhouse adjustment to be conducted.

- d. When considering the appropriateness of conducting a stationhouse adjustment, the following factors shall be considered:
 - 1). The age of the offender. Younger offenders, particularly those who may be less able to understand the consequences of their actions, may be more appropriate for stationhouse adjustment. However, no juvenile offender is automatically excluded due to age.
 - 2). Officers shall consider any record of prior juvenile complaints or stationhouse adjustments. Juveniles with a prior serious offense, or more than two minor offenses, should ordinarily not receive a stationhouse adjustment.
 - 3). Officers shall consider the cooperation and attitude of all parties (juvenile, parents, guardians/caregivers, or designee and victim).
- e. The juvenile shall be advised of the consequences of future delinquent activity. They shall be read the information contained within the contents of the *Stationhouse Adjustment Warning Form*. The parent, guardian/caregiver or their designee shall also be provided with a copy of the warning.
- f. If there is a known victim of the alleged offense, the victim must be notified and agree to the process. Where appropriate, victims should be informed that this process is a more efficient and expeditious process that enables a matter to be resolved locally.
 - 1). A stationhouse adjustment may proceed without the active participation of a victim but shall not proceed over the objection of the victim.
 - 2). A victim who objects to a stationhouse adjustment should be permitted to sign a juvenile delinquency complaint unless the complaint is clearly frivolous or lacking probable cause, in which case a complaint should not be accepted by the law enforcement agency.
- g. The juvenile shall agree not to offend again and the juvenile and his or her parent, guardian/caregiver or designee shall be informed that a subsequent offense, or failure to comply with the terms of the stationhouse adjustment agreement, may result in the filing of a juvenile delinquency complaint for the offense.
- h. The officer responsible for conducting the Stationhouse adjustment shall complete a *Stationhouse Adjustment Agreement Form*, which must be signed by the juvenile and a parent, guardian/caregiver or designee.
 - 1). Examples of stationhouse adjustment techniques:
 - a). Letter of apology,

- b). Essays on a criminal justice topic,
- c). Requesting parent or guardian/caregiver to require juvenile to perform additional household jobs,
- d). The performance of community service by the juvenile through various local organizations, or the juvenile's church or temple. An example would include feeding the homeless,
- e). Juvenile agreement to make restitution in appropriate cases - this option requires officer follow-up. The restitution should be simple and short-term, agreed upon by the juvenile and the victim, and paid directly to the victim. Law enforcement should not be involved in collecting restitution, or
- f). Copies of the agreement shall be maintained in the case file and provided to the juvenile and to the parent, guardian/caregiver or designee.

(Note: there is no requirement that the juvenile or parent receive a copy of the agreement.)

- i. Any time that a stationhouse adjustment is utilized by an officer, there shall be a clear record of the action. Listed below are some, but not all documents required.
 - 1). CAD entry. This shall include all information required for an accurate record of the incident names of juvenile(s), the victim(s), parent(s) or guardian(s). Description of the incident as well as a description of the agreed upon stationhouse adjustment techniques.
 - 2). Stationhouse Adjustment Agreement
 - 3). Stationhouse Adjustment Warning
 - 4). Statements
- j. The designated Juvenile Officer shall maintain the records of all stationhouse adjustments. He/she will submit a quarterly report to the Chief of Police, through the chain of command, detailing incidents during that quarter. This report will also be forwarded to the Gloucester County Prosecutor's Office. Only report those stationhouse adjustments that were completed, either successfully or unsuccessfully. Do not list any stationhouse adjustments as 'pending.'
 - 1). Information reported shall be recorded on the *Stationhouse Adjustment Quarterly Report*. There shall not be any names of juvenile offenders on this report. The only information identified shall be as listed below:

- a). Age at time of the offense,
 - b). Ethnicity (as reported by the juvenile),
 - c). Gender,
 - d). Prior contacts indicate 'Y' or 'N',
 - e). Statutory citation (for the most serious offense adjusted),
 - f). The outcome, indicate numerical code, and
 - g). If no stationhouse is conducted, indicate the reason why utilizing the numerical outcome code
- 2). Quarterly Reports are to be submitted by the 15th day of the month following the close of each quarter.
- a). April 15 (first quarter),
 - b). July 15 (second quarter),
 - c). October 15 (third quarter), and
 - d). January 15 (fourth quarter)
- 3). Quarterly reports shall be maintained for five years.
3. Juvenile complaints with custody
- a. The juvenile is taken into custody and transported to the police department. See the **"Holding Juveniles in Custody and Six-Hour Restrictions"** section of this policy for custodial limitations.
 - b. As soon as practicable, the officer taking the juvenile into custody shall notify the parents, or the juvenile's legal guardian if any, that the juvenile has been taken into custody and provide the reasons for custody (N.J.S.A. 2A:4A-33 and N.J.A.C. 13:94-2.3(a)). The parent or guardian of the juvenile shall be required to respond to the police department or if not able to shall designate an appropriate adult to respond for him/her.
 - c. A juvenile, who has been charged with an act of delinquency, shall be released pending the disposition of a case, if any, to any person or agency upon assurance being received that such person will accept responsibility for the juvenile and bring the juvenile before the court as ordered (N.J.S.A. 2A:4A-34).
 - d. The investigating officer may seek to place the juvenile in detention, after hours, with the permission of the on-call court intake service worker. The Juvenile Detention Center will contact the on-call court intake service worker. The on-call person will contact the officer

and determine if the juvenile fits the criteria for detention utilizing the risk screening tool and the information provided by the police officer who is making the request. The juvenile may not score for detention but may score for electronic monitoring instead. There are only two criteria for placing a juvenile into juvenile detention.

1. Pursuant to N.J.S.A. 2A:4A-34c(1), detention is necessary to secure the presence of the juvenile at the next hearing as evidenced by a demonstrable record of recent willful failure to appear at juvenile court proceedings or to remain where placed by the court or the court intake service or the juvenile is subject to a current warrant for failure to appear at court proceedings which is active at the time of arrest, or
 2. Pursuant to N.J.S.A. 2A:4A-34c(2), the physical safety of persons or property of the community would be seriously threatened if the juvenile were not detained and the juvenile is charged with an offense which, if committed by an adult, would constitute a crime of the first or second degree and in some exceptional cases, a third-degree offense.
- e. If the juvenile scores for detention on the risk screening tool, the original juvenile delinquency complaint must accompany the juvenile to the Juvenile Detention Center.
 - f. When a juvenile complaint has been initiated, and continued detention is not warranted, the juvenile may be released to a parent, guardian or custodian (N.J.S.A. 2A:4A-34d).
 - g. The investigating officer should prepare the juvenile complaint and forward it to the shift supervisor for his/her review.
 - h. The parent or guardian of the juvenile is to be served with the copy of the complaint either in person or via mail.
4. Juvenile complaints without custody
 - a. The investigating officer will prepare the juvenile complaint.
 - b. The parent or guardian of the juvenile and the juvenile shall be served with a copy of the complaint either in person or via U.S. mail. They will receive notice from the Gloucester County Superior Court, Family Part as to the date that the juvenile and the parent/guardian must appear to answer for the charges.
 5. Issuance of Uniform Traffic Tickets
 - a. There are only a few exceptions, which allow an officer to issue a uniform traffic ticket instead of taking a juvenile into custody. N.J.S.A. 2A:4A-23 specifically excludes violations of Chapters 3, 4, 6, and 8 of Title 39 as delinquent conduct. Therefore, any such motor vehicle violation alleged against a juvenile of any age is to be heard in Municipal Court. Officers may issue a uniform traffic ticket

to a juvenile for a violation. Officers may arrest a juvenile for those violations, which would warrant the arrest of an adult.

- 1). If a juvenile delinquency case and a uniform traffic ticket are signed at the same time, the motor vehicle case will be held in abeyance until completion of the juvenile matter. A copy of the uniform traffic ticket should be attached to the discovery on the juvenile delinquency matter and submitted to the Juvenile Court.
- b. Where a uniform traffic ticket has been issued to a juvenile under age to obtain a permit lawfully, the issuing officer shall ensure that the juvenile's parent or guardian is notified. For minor offenses, this notification can be made by telephone.

VIII. REFERRAL TO THE JUVENILE JUSTICE SYSTEM

- A. In those cases where an alleged juvenile offender has been involved in serious criminal conduct or repeated violations, officers should, as a matter of course, refer the case to the juvenile justice system (sign a Juvenile Delinquency Complaint), unless there are specific mitigating circumstances to recommend otherwise. In general, delinquent acts requiring referral to the juvenile justice system would include:
 1. All delinquent acts that if committed by an adult, would be an indictable offense (first through fourth-degree crimes),
 2. All delinquent acts involving weapons,
 3. All serious gang-related delinquent acts,
 4. All delinquent acts committed by juveniles on probation, parole, home detention or suspended sentence,
 5. Acts committed by juveniles who have been identified as an Impact Offender, or who have charges pending or have a history of repeated delinquent acts,
 6. Juveniles, who have been selected to participate in a diversion program, but refuse to participate,
 7. In those cases where it has been determined that parental supervision is not effective,
 8. In those cases where it has been determined that the juvenile offender represents a threat to him/herself or the community if released,
 9. Any act that is committed by a juvenile where there is sufficient probable cause to believe that the juvenile has committed an act of delinquency that would constitute a violation of any offense defined in Chapter 35 or 36 of Title 2C ("The Comprehensive Drug Reform Act"), as required by Directive 5.7 of the Statewide Action Plan for Narcotics Enforcement. Where a juvenile is taken into custody for an act of delinquency involving a violation

of any offense defined in Chapter 35 or 36 of Title 2C, a complaint alleging delinquency shall be filed, and

10. Violations of underage possession and/or consumption of alcoholic beverages. These types of incidents should be considered for a stationhouse adjustment if no previous record.

IX. RELEASE OF A JUVENILE ON OWN RECOGNIZANCE (ROR)

- A. All releases (ROR) of a juvenile detained will be in accordance with N.J.S.A. 2A:4A-35.
- B. A juvenile charged with delinquency may be released by either the police or court level on his own recognizance (ROR) if all of the following circumstances have been met:
 1. The nature of the offense charged is not such that a danger to the community would exist if the juvenile were released,
 2. There is no parent, guardian or another appropriate adult custodian to whom the juvenile could be released, and all reasonable measures have been exhausted by either police or court personnel to locate and contact any such person,
 3. The juvenile is at least 14 years of age,
 4. The identity and address of the juvenile are verified through a positive form of identification, and
 5. Reasonable certainty exists on the part of the releasing authority that upon release, the juvenile will return to school or home safely and will appear at his/her hearing.
- C. The releasing officer will obtain a signed *Juvenile Release Form*.

X. CUSTODIAL INTERVIEWS OF JUVENILES

- A. Advisement/Protection of Constitutional Rights:
 1. Juveniles taken into custody are to be immediately advised of the reason for custody and their constitutional rights if subjected to custodial interrogation, prior to questioning.
- B. Juveniles have the right to counsel at every stage of the juvenile process. Before interviewing a juvenile concerning a criminal investigation, officers must first contact the parents or guardians of the juvenile and request that they respond to police headquarters. The investigating officer shall then give Miranda Rights to the juvenile in the presence of his/her parents. The officer shall not question or take statements from juveniles without the parent's permission. If the parents cannot be reached after a reasonable amount of time, then another responsible adult family member may take their place.
- C. Although the parent or legal guardian may elect not to be present for the interview, they and the juvenile must be advised of their right to confer privately before

questioning and the parent's right to be readmitted to the interview or to stop the interview at any time.

- D. Should a parent or legal guardian choose not to be present, they are to complete and sign the bottom portion of the Rights form. The advising officer and a witness will also sign the form. When a juvenile is under the age of 14, a parent's absence will render the statement inadmissible as a matter of law unless the parent or guardian is genuinely unavailable.
- E. Before any questioning, the officer conducting the interview must clearly explain to the juvenile and parent or legal guardian, if they choose to be present, the department's interview procedures and policies regarding juvenile offenders. They shall also be advised of any possible action that may be taken within the juvenile justice system and procedures within the system.
- F. No more than two officers may be involved in the interviewing of a juvenile at any one time. Although there may be instances where other officers become involved in the interview, only two officers may actively conduct the interview.
- G. Juveniles shall have reasonable access to toilets and water or other beverages while being interviewed. Juveniles will be given an opportunity to eat if an interview extends through a normal meal period.
- H. A spontaneous confession by the juvenile is acceptable. However, the officer is not to further question the juvenile until he/she has given the juvenile his/her Miranda Rights in the presence of the parents/guardians.
- I. Interviews with juveniles shall not extend over periods of time that could be considered unreasonable, excessive, or coercive.
- J. Interviewers shall give consideration to the age, mental capability, and apparent emotional stability of the juvenile when determining the length of the interview.
- K. Any questions regarding the questioning or interrogation of a juvenile should be directed to the Gloucester County Prosecutor's Office.
- L. When a juvenile complaint is initiated, and a judicially approved arrest warrant is obtained, the juvenile may only waive his/her Miranda Rights in the presence of and after consultation with their attorney. This requirement applies to adults as well, if they were a juvenile at the time of the offense, or when the arrest warrant was obtained (reference State of New Jersey In the Interest of P.M.P. 200 N.J. 166 (2009)).
- M. Mandatory Electronic Recordation of Interviews/Interrogations of Juveniles (Reference New Jersey Court Rules R. 3:17).
 - 1. All custodial interrogations of juveniles conducted in a place of detention must be electronically recorded when the juvenile is suspected of committing one of the following:
 - a. A crime of the 1st degree,
 - b. A crime of the 2nd degree,

- c. A crime of the 3rd degree,
 - d. 4th-degree criminal sexual contact, or
 - e. Any attempt or conspiracy to commit such crimes.
- 2. A complete electronic recordation of interview/interrogations should also take place for all other 4th degree crimes, if possible.
- 3. At any time if the officers leave the room during the interview and the juvenile remains in the room with his/her parent, the audio portion of the electronic recording device must be turned off until the officers re-enter the room.

XI. POLICE OPERATIONS ON SCHOOL PROPERTY

- A. All police operations conducted near or on any school grounds will be conducted in accordance with the [*Uniform State Memorandum of Agreement between Education and Law Enforcement Officials*](#). The designated Juvenile Officer shall ensure that the most recent copy of this agreement is on file.