



SPECIAL ORDER

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SUBJECT
JUVENILES AND SCHOOL INCIDENTS POLICY

REVISIONS Revisions are italicized	RESCINDS Department Manual Directive 203.5, JUVENILES AND SCHOOL INCIDENTS	EXPIRATION DATE 12/16/2023	DISTRIBUTION A
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Policy

The investigation and detention of juvenile offenders will be performed in compliance with applicable local, state, and federal laws, unless otherwise prescribed herein, *and* shall be assigned in a manner consistent with the assignments of responsibility for offenses committed by adults.

Definition

A juvenile is any person under 18 years of age.

Gang Related Offenses

The investigative entity with jurisdiction shall be responsible for the prosecution of all juveniles arrested for, and charged in Probate Court, with gang related offenses with the exception of those arrested for homicide and/or sex crimes. In addition, they shall investigate and prosecute all adults arrested for gang related offenses with the exception of those arrested for homicide and/or sex crimes.

The investigative entity with jurisdiction *may* obtain a verbal request from the Chief of the Juvenile Wayne County Probation Officer in all cases involving juveniles of waivable age (14 years and above and when there is a specified offense), where the investigation determines that sufficient evidence and probable cause exist to support a felony charge and which are gang related. In all felony cases that are gang related where a waiver is not requested because of the juvenile's age, or the waiver request has been denied, *the investigative entity with jurisdiction* shall file a petition for an official Juvenile Court hearing.

Whenever any juvenile is arrested for a gang related activity, the officer in charge of the precinct station desk shall notify the Gang Intelligence Surveillance Transit Team, which for the purposes of this policy will be referred to as the Gang Intelligence Team. The Gang Intelligence Team shall be responsible for determining whether they will investigate and prosecute the case as gang related or whether it will be investigated and prosecuted by the command having jurisdiction.

The officer in charge of the precinct station desk shall *inform the Gang Intelligence Team of all incident reports, including incident report numbers, submitted to the desk relating to gang activities; gang information; or gang arrests, at the time of the incident occurrence or immediately upon completion of the incident report. The Gang Intelligence Team shall also be informed of all Official Complaint Records and provided with the necessary*

information regarding Official Complaint Records. These notifications can be made via department phone or by emailing gangintel@detroitmi.gov.

Under no circumstances shall any member of this department, except those members assigned to the Gang Intelligence Team, affix language indicating that an individual was arrested for a gang related offense, to documents prepared for presentation to Probate Court, i.e., application for petition, or waiver. Such indications shall be the sole prerogative of the Gang Intelligence Team.

Specified Juvenile Violations

The specified juvenile violations, as enumerated in MCL 712A.2(a)(1)(A)-(I), MCL 600.606(2)(a)-(i), MCL 764.1f(2)(a)-(i), and MCR 6.903(H)(1)-(19), are as follows:

- First-degree arson, MCL 750.72;
- Assault with intent to commit murder, MCL 750.83;
- Assault with intent to maim, MCL 750.86;
- Assault with intent to rob while armed, MCL 750.89;
- Attempted murder, MCL 750.91;
- First-degree murder, MCL 750.316;
- Second-degree murder, MCL 750.317;
- Kidnapping, MCL 750.349;
- First-degree criminal sexual conduct, MCL 750.520b;
- Armed robbery, MCL 750.529;
- Carjacking, MCL 750.529a;
- Robbery of a bank, safe, or vault, MCL 750.531;
- Assault with intent to do great bodily harm or assault by strangulation or suffocation, MCL 750.84, if armed with a dangerous weapon;
- First-degree home invasion, MCL 750.110a(2); if armed with a dangerous weapon;
- Escape or attempted escape from a medium- or high-security facility operated by the Department of Human Services (DHS) or a county juvenile agency, or from a high-security facility operated by a private agency under contract with the DHS or a county juvenile agency, MCL 750.186a;
- *Possession of a controlled substance classified in schedule 1 or 2 that is a narcotic drug or a drug described in section 7214(a)(iv) [of MCL], and that is an amount of 1,000 grams or more of any mixture containing that substance, MCL 333.7403(2)(a)(i);*
- An attempt, MCL 750.92, to commit any of the above crimes;
- Conspiracy, MCL 750.157a, to commit any of the above crimes;
- Solicitation, MCL 750.157b, to commit any of the above crimes;
- Any lesser-included offense of a specified juvenile violation, if the juvenile is charged with a specified juvenile violation; and
- Any other offense arising out of the same transaction as a specified juvenile violation, if the juvenile is charged with a specified juvenile violation.

Detention of Juveniles

Officers may take a juvenile into custody without a court order where the juvenile is found to be violating any law or ordinance, or where the child is found in surroundings, which endanger the juvenile's health or welfare.

When a juvenile is taken into custody, the officer shall immediately attempt to notify the parent, guardian, or custodian of the juvenile. In addition, juveniles shall not be detained, transported, or incarcerated with persons 18 years of age or older. Juveniles will not be held in any detention facility unless the juvenile is completely isolated to prevent verbal, visual, or physical contact with any adult prisoner. When a juvenile is taken into custody, *an incident* report shall be prepared detailing the reason for detention.

If a parent or legal guardian appears on the scene of a juvenile detention and expresses a desire to accompany the juvenile and the officers to the station, the request shall be given every consideration when circumstances permit. However, the extension of this courtesy shall be governed by the facts of the immediate situation.

Juveniles in the company of an adult who has been arrested, may be released at the scene provided the juveniles are not involved in any criminality, are not wanted on other charges, would not be in violation of a curfew ordinance if released, and are within reasonable proximity of *their* home. Otherwise, the juveniles shall be conveyed home or to the precinct station where notification of a parent or legal guardian will be made to provide a proper escort for the juvenile.

Juveniles shall not be detained in custody in excess of six (6) hours. It shall be the responsibility of the officer in charge of the precinct station desk to ensure compliance.

Release of Juveniles Detained

In the event the situation warrants the release of the juvenile, the officer in charge of the precinct station desk will be responsible for *ensuring that the Wayne County Youth Home has been notified and that there are no outstanding court orders pending for the juvenile*. However, if unusual circumstances exist, as determined by the officer in charge of the precinct station desk, juveniles detained for misdemeanor offenses or ordinance violations may be released to a parent or legal guardian prior to obtaining a clearance.

The parent, legal guardian, or custodian, shall be advised that a driver's license or two (2) other pieces of identification will be required *to properly identify the individual*. If this identification is unavailable, an adult licensed driver shall verify the identity of the parent, legal guardian, or custodian. An appropriate entry shall be recorded in the precinct desk blotter.

At all times upon a detention of a juvenile, the supervisor shall make an appropriate entry in the precinct desk blotter.

When a parent, legal guardian, or custodian, cannot be contacted to take custody of the juvenile within two (2) hours, the officer in charge of the precinct station desk shall be responsible for notifying Child Abuse and be guided by their advice.

Notification of Parent or Guardian

Whenever a juvenile is detained or taken into protective custody, it shall be the responsibility of the officer in charge of the precinct station desk to *ensure that the parent or legal guardian is immediately notified.*

When a juvenile is to be sent to a detention facility for admission, it shall be the responsibility of the admissions officer at the youth home to notify the parent or legal guardian of the admission and preliminary hearing.

Fingerprinting and Photographing

As an aid in arriving at an identification, all juveniles *ten (10) years of age and older, detained for a juvenile offense - other than a juvenile offense for which the maximum possible penalty does not exceed 92 days imprisonment, or a fine of \$1,000, or both -* shall be processed through Live Scan. (*Refer to MCL 28.243.*) Once the juvenile is processed through Live Scan, *their* information is sent directly to the Wayne County Youth Home.

Youth Home

Admission to a Detention Facility

In order to admit a juvenile, age *seventeen (17) or under*, to the Wayne County Youth Home, Detroit Receiving Hospital, Children's Hospital, or any other detention facility, the Wayne County Youth Home intake officer must be notified. The intake officer will advise the inquiring officer of the proper facility.

A JC-01 ("*Complaint – Request For Action, Delinquency Proceedings*") and Witness List ("*Confidential Identification of Complainant and Witnesses*" - MJC-02A) must be prepared and submitted upon admission. It is the responsibility of the investigative entity with jurisdiction to provide ALL investigative documents to the Wayne County Prosecutor's Office Juvenile Division. This shall include all investigative work completed (e.g.; witness statements, canvass results, video, and line-ups).

A statement shall be taken immediately from the complaining witness and submitted to the Wayne County Youth Home. Generally, the investigative entity with jurisdiction shall prepare the complaint form for petition; however, if the investigative entity with jurisdiction is unavailable, the officer in charge of the precinct station desk shall ensure the form is prepared and all appropriate spaces are completed.

The officer in charge of the case shall contact the investigative entity with jurisdiction the morning following the apprehension to determine if the juvenile was actually admitted to the Wayne County Youth Home.

Temporary Release

Any member desiring the temporary release of a juvenile from the Wayne County Youth Home for appearance in any court as a witness or defendant must present a subpoena or writ to the Wayne County Youth Home before the juvenile will be released. The officer to whom the juvenile is released is responsible for returning the juvenile to the Wayne County Youth Home immediately after the court appearance or for notifying the Wayne County Youth Home if the juvenile is not being promptly returned for any reason. A Writ is required when a juvenile is waived and must appear in court, *which the officer will obtain from the court requesting the Writ.*

Taken into Protective Custody

In the event a juvenile is merely taken into protective custody, the juvenile shall be released only to a parent, legal guardian, or custodian, except under unusual circumstances. When a parent, legal guardian, or custodian is not available, the juvenile may be released to an adult brother, sister, or close relative. The person to whom the juvenile is released shall be required to produce identification and an appropriate entry shall be made in the precinct desk blotter.

Interviewing Juveniles

A member wishing to interview and question a juvenile with respect to the juvenile's part in the commission of a crime should, if feasible, do so in the presence of *their* parent or legal guardian. *The juvenile's parent or legal guardian* must be advised by the interviewing officer regarding the juvenile's constitutional protections. If a juvenile's parent or legal guardian is present, members must ensure that *all parties* clearly and unmistakably understand the procedures, and the parent's and juvenile's signatures must be affixed to the Constitutional Rights Certificate of Notification (DPD342B).

A court will examine the "totality" of the circumstances, e.g., juvenile's age, education, circumstances, etc., in determining whether the admission or confession *was/is* admissible in the absence of the presence of a parent or legal guardian. Members must be mindful that Miranda is applicable to juveniles.

If the juvenile, the juvenile's parent, or legal guardian, indicate in any manner that the juvenile wishes to remain silent, questioning must cease. However, questioning may be conducted with the permission of the juvenile's attorney whether or not the parent or legal guardian is present.

Officers may also interview juveniles with respect to *the juvenile's* part in the commission of a crime who are in attendance at school, provided they do so in accordance with the above procedures. If it is necessary to remove a juvenile from school, the officer involved shall inform the school officials that the juvenile is being removed.

Live Lineups

All *live lineups* of juveniles shall be arranged by the officer in charge of the case in conjunction with the Wayne County Youth Home and shall occur at the Wayne County Youth Home. All additional *live lineup* procedures shall apply as delineated for adults. (Refer to DPD Manual Directive 203.11 "Eyewitness Identification and Lineups.")

Tickets

Miscellaneous Ordinance Violations

Unless otherwise specified in department procedures, juveniles observed in violation of miscellaneous city ordinances need not be detained but may be issued a Miscellaneous Ordinance Violation Notice and released to appear. When this is done, the words "Juvenile" and "To Be Notified" boxes shall be checked on the Ordinance Violation Notice, and the Juvenile Court will make the notification regarding a hearing date.

Ordinance violation notices shall not be issued for violations of the following miscellaneous ordinances:

- Knife ordinance(s)
- Firearm ordinance(s)
- City school ordinance(s)
- Destruction of city property (buses)

All juveniles observed violating these miscellaneous ordinances should be detained and conveyed to the precinct station in which the violation occurred. The juvenile shall be processed in accordance with the procedures governing school incidents in this chapter.

Civil Infractions

In civil infraction cases, juveniles are processed in the same manner as adults. A juvenile observed in violation of a city ordinance or state law which is a civil infraction shall not be detained. The juvenile shall be issued a violation notice for the civil infraction and released at the scene, provided the juvenile is not involved in any criminality; is not wanted on other criminal charges; and would not be in violation of a curfew ordinance if released. When the juvenile is issued a violation notice, the word "JUVENILE" shall be written in the "Remarks" section on the bottom portion of the Uniform Law Citation.

Misdemeanor Violations and Misdemeanor Traffic Offenses

Juveniles observed committing a misdemeanor should be detained and conveyed to the precinct station in which the misdemeanor occurred. The officer in charge of the precinct station desk shall *have* an investigation conducted to determine the sufficiency of the evidence to support further detention. The officer in charge of the case conducting the investigation shall obtain information of prior records, if any, from the admissions officer at the Wayne County Youth Home.

The officer in charge of the precinct station desk will determine whether the juvenile should be warned and released; released pending further investigation; issued a violation notice; and/or sent to the Wayne County Youth Home. In aggravated incidents, the investigative entity with jurisdiction may make application for a petition to be filed for an official Juvenile Court hearing and make recommendation to the officer in charge of the precinct station desk as to the release or detention of the juvenile in the Wayne County Youth Home.

If records indicate it is a second or subsequent detention, the parent or legal guardian may be issued an Ordinance Violation Notice for violation of the parental responsibility ordinance, provided sufficient proof of prior knowledge exists. If records reflect it is a third or subsequent detention, the investigative entity with jurisdiction shall file an application for an official Juvenile Court hearing.

Conveyance to Station - No Operator's License

When a juvenile is found driving without a valid operator's license, the juvenile shall be taken to the precinct station desk where the officer in charge of the precinct station desk will give the juvenile an opportunity to contact any party who may be in a position to bring the juvenile's license to the station.

If a valid license is produced, no violation notice shall be issued for failing to have a valid license in immediate possession. The juvenile may then be released in accordance with juvenile release procedures.

If a valid license cannot be produced, the officer in charge of the precinct station desk shall direct the apprehending officer to issue the juvenile the misdemeanor copy of a Uniform Law Citation for not having a valid license in immediate possession. The juvenile may be released in accordance with juvenile release procedures.

Juveniles and OWI or OWPD (Operating with the Presence of Drugs)

Juveniles are subject to the same rights and obligations as adults with respect to the taking of chemical tests. Therefore, the same procedures shall be followed. (*Refer to Directive 204.3 Operating While Intoxicated.*) Juveniles found to be operating a vehicle under the influence of alcohol and/or controlled substance shall be processed in accordance with juvenile misdemeanor arrest procedures.

Felony Violations

If there is probable cause to believe a juvenile has committed a felony, the juvenile shall be detained and conveyed to the precinct station in which the violation occurred. The officer in charge of the precinct station desk shall *have* the circumstances of the detention investigated to determine the sufficiency of evidence to support further detention. The officer in charge of the precinct station desk shall *have* the admissions officer of the Wayne County Youth Home contacted, as they will determine whether the juvenile will be admitted.

An application for a petition for an official Juvenile Court hearing will be filed in all felony cases where evidence of probable cause exists and shall be prepared by investigative

entity with jurisdiction unless the arresting officers in compliance with admissions procedures to the Wayne County Youth Home have already completed it.

If the juvenile is admitted for further detention, this detention time is not the same as the six (6) hours DPD custody time and is not inconsistent with the six (6) hour rule.

A waiver of jurisdiction from Juvenile Court to 3rd Circuit Court *may* be obtained if a juvenile fourteen (14) to *seventeen* (17) years of age is arrested for *the following*:

- Murder
- Robbery
- Home Invasion I
- Any Sex Crime; or
- Any act of violence, which, if committed by an adult, would constitute a felony.

Sufficient evidence of probable cause *must exist* to support the charge with the existence of *evidence or information disclosed from subsequent investigation to warrant* submission of the waiver request.

When the results of the initial investigation do not warrant a charge being lodged against the juvenile, or if the juvenile is to be released pending further actions on order of the officer in charge of the precinct station desk or officer in charge of the investigative entity with jurisdiction, such release shall be made in accordance with juvenile release procedures.

Violations of Curfew

Juveniles observed in violation of the curfew ordinance shall be stopped and investigated.

Discretion should be used in cases, where in the officer's judgment, it is a bona fide emergency or when the individual is within sight of the individual's residence or other location where the individual is visiting, provided the individual can be released to a parent, legal guardian, or custodian at that address.

Juveniles detained for violation of the curfew ordinance shall be conveyed to the precinct station where *they* shall be issued a Miscellaneous Ordinance Violation. The juvenile may be released in accordance with juvenile release procedures.

Section 29-3-11 of the City Code for Curfew Laws *states* it is unlawful for a minor to be on a public street, sidewalk, playground, vacant lot, or other unsupervised public place, during the following restricted times:

1. For minors age fifteen (15) years and under:
 - a. During standard time: from 8:00 p.m. through 6:00 a.m.; and
 - b. During daylight savings time: from 10:00 p.m. through 6:00 a.m.
2. For minors ages sixteen (16) and seventeen (17) years:
 - a. During standard time: from 10:00 p.m. through 6:00 a.m., except Fridays

and Saturdays: from 11:00 p.m. through 6:00 a.m.; and
b. During daylight saving time: from 11:00 a.m. through 6:00 a.m.

Section 29-3-12 of the City Code for Curfew Laws states it shall be unlawful for a minor to be in an arcade, bowling alley, restaurant, theater, or other place of amusement or entertainment during the curfew periods as defined in section 29-3-11 of this Code.

Releasing Names of Juveniles

Michigan State Law provides that any person may recover up to \$1,500 in a civil action against the parents of an un-emancipated minor who has willfully or maliciously destroyed property, or who has willfully or maliciously caused bodily harm or injury to a person.

Complainants who request the names of juvenile offenders shall be directed to make such requests in writing to the commanding officer of the precinct station or the commanding officer of the investigative entity with jurisdiction. If the request appears to be legitimate, the citizen may be furnished with the requested information.

School Incidents

The precinct station is responsible for handling and investigating school incidents occurring at any school within their jurisdiction. Each precinct station shall be responsible for working with the Security Section of the Board of Education and for notifying the proper commands within the department regarding school incidents that occur within their precinct.

A school incident that requires immediate police assistance (*i.e.*, outsiders inside the school, a disturbance in progress, arrests or detentions that are inevitable, *etc.*) is classified as an emergency school incident. Emergency school incidents will be handled by personnel who are dispatched to the scene. The *precinct Ceasefire Team and the Gang Intelligence Team* shall be notified of any arrests and detentions made regarding firearm offenses occurring in and around public and private schools in the city of Detroit.

Rumor-type incident information coming to the attention of the Board of Education will be reported directly to the officer in charge of the precinct station desk at the concerned precinct station, who shall determine the appropriate action.

Department personnel responding to or otherwise receiving information relative to school incidents of any nature, *which are* occurring in and/or around public or private schools in the city of Detroit, shall communicate all available details to *the precinct Ceasefire Team and to the Gang Intelligence Team* as soon as possible. The name of the *members contacted* shall be noted *in the incident report, and appropriate entries concerning the school incident* shall be made in the precinct station's desk blotter.

School Incidents Reported by Citizens

Department personnel receiving a telephone call from a citizen concerning an emergency situation as described above shall accept the information and then immediately contact the emergency service operator for police service.

When department personnel not assigned to the concerned precinct station receive a request from a citizen concerning a rumored or potential school incident, *they* shall transfer the call to the concerned precinct station. When an emergency service operator receives a call from a citizen concerning a rumored or potential school incident, the caller shall be given the telephone number of the concerned precinct station and told to call that precinct station, since the emergency service operator cannot transfer calls.

Calls received at the concerned precinct station from citizens reporting a rumored or potential school incident will be handled by the officer in charge of the precinct station desk, who shall obtain all of the pertinent information from the citizen and shall then contact the principal or assistant principal of the concerned school by telephone to ascertain whether police service is actually needed. It will be the responsibility of the officer in charge of the precinct station desk to evaluate the situation and determine the best course of action to follow.

If circumstances necessitate, the officer in charge of the precinct station desk shall notify the officer in charge of the precinct station or the designated ranking officer that handles school situations, of the information received and the action taken. The officer in charge of the precinct station desk shall also make the appropriate entry in the desk blotter.

School Incidents Reported by Employees of the Board of Education

In emergency situations, the principal or assistant principal shall call the emergency service operator and request immediate police service.

The officer in charge of the precinct station desk shall inform the officer in charge of the precinct of all calls received from Board of Education personnel regarding such rumored or potential incidents, and of any police action authorized. The officer in charge of the precinct station desk shall also make the appropriate entry in the precinct desk blotter.

Violations of City Ordinances on School Property

If feasible, a school official shall be notified before an individual is removed from the interior of any school building. If a juvenile is apprehended outside of the building such notification is not needed. Officers making arrests for violations of city school ordinances shall convey the defendant to the concerned precinct station.

Officers acting on a school complaint must endorse, as a complainant, a school official or teacher who has personal knowledge of the incident. An officer may be a complainant only if the officer witnesses the violation.

When an adult is to be charged under a city school ordinance, the specific act of the violation shall be used. General terms, such as creating an improper diversion, etc., shall be avoided.

Non-Criminal Incidents

Officers shall complete a "Youth Protection Incident Reporting" Form (DPD 753) when non-criminal incidents occur. This form shall properly indicate the details specific to the incident and be given to the officer's supervisor and the school administrator(s) of the youth involved in the incident. Supervisors and school administrator(s) shall be the

repositories of this form. For criminal incidents, complete a DPD incident report. (Refer to Training Directive #22-01 Training for Youth-Related Interactions.)

Updates to the Department Manual are forthcoming.

JAMES E. WHITE
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