



DETROIT POLICE DEPARTMENT MANUAL

Series 200 Operations	Effective Date <i>TBD</i>	Review Date <i>Three Years</i>	Directive Number 203.5
Chapter 203 - Criminal Investigations			
Reviewing Office Investigation Operations			<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Revised <i>Revisions in italics</i>
References MLEAC 4.4.1 Juvenile Delinquency			

JUVENILES AND SCHOOL INCIDENTS

203.5 - 1 PURPOSE

To establish procedures for the interview, custody, detention and release of juveniles.

203.5-2 POLICY

It is the policy of the Detroit Police Department to have a vast range of alternatives when interacting with juvenile offenders. Whenever feasible, members must utilize the least coercive amongst these alternatives, which include, but are not limited to, the following:

- Outright release to a parent, legal guardian, or other responsible adult with no further action
- Referral to juvenile court
- Lodging at the Juvenile Detention Facility

203.5-3 PROCEDURES

Juvenile offenders are afforded the same constitutional rights as an adult. As such, members are responsible for protecting these rights as provided by the department procedures.

203.5-4 Definition

- A. Juvenile- According to Michigan Law, is any person under 18 years of age. [MLEAC 4.4.1 a]
- B. Child Victims of Abuse and Neglect – A child that comes into contact with law enforcement officials or the juvenile justice system because of actions or inactions taken against them by another adult or juvenile. They are involved in the system because of their need for protection and they are classified as non-offenders. It should be noted that under the Child Protection Law a “Child” means a person under 18 years of age. MCL 722.622 Sec. 2(e).
- C. Status Offense – Is any violation of Michigan or local law which is specifically applicable only to juveniles and would not be a crime if committed by an adult. Examples include, but are not limited to: Curfew Violations; Runaways; and Truants.

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203.5-5 Legal Authority

Authority for taking a juvenile offender into custody is provided by MCL712A.14, which gives law enforcement members authority to take into custody a juvenile who is found violating the law.

203.5-5.1 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

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- Any other offense arising out of the same transaction as a specified juvenile violation, if the juvenile is charged with a specified juvenile violation.

203.5-6 Detention of Juveniles

Members 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. *[MLEAC 4.4.1 b]*

If a parent or legal guardian appears on the scene of a juvenile detention and expresses a desire to accompany the juvenile and the law enforcement members to the precinct, 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 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. *[MLEAC 4.4.1 i]*

203.5-6.1 Release of Juveniles Detained *[MLEAC 4.4.1 h]*

In the event the situation warrants the release of the juvenile, the officer in charge of the precinct 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 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,

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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 desk shall be responsible for notifying Child Abuse and be guided by their advice.

203.5-7 Notification of Parent or Guardian [MLEAC 4.4.1 g]

Whenever a juvenile is detained or taken into protective custody, it shall be the responsibility of the officer in charge of the precinct 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.

203.5-8 Fingerprinting an Photographing [MLEAC 4.4.1 c]

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.) Effective on Platoon One, October 21, 2022, all juveniles **seventeen (17) years** of age or younger, who are detained for a felony or a misdemeanor violation of state law where the maximum possible penalty exceeds 92 days imprisonment, shall be fingerprinted via live scan and have their DNA collected. This process will be conducted in the lobby of the Detroit Detention Center (DDC). Upon detaining a juvenile for the above described offenses, the juvenile shall immediately be transported to the DDC for live scan and DNA collection. The process is as follows:

- An **Arrest Report** shall be immediately completed and submitted in MOBLAN.
- The conveying scout will contact the DDC staff on **DPD03 ZONE D**, notifying DDC staff of the incoming juvenile. The conveying scout will verify that the front lobby and intake area are clear of any citizen(s) or adult detainee(s) prior to the juvenile's entrance to the DDC. The juvenile shall have no contact with adult detainees, and must be kept out of sight and sound of any adult detainee at all times.
- One member will enter the DDC and provide the probable cause statement to the officer in charge (OIC) of the DDC desk, who will confirm whether or not probable

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cause exists to detain the juvenile. If the detaining unit is a one person unit, the probable cause statement will be offered upon entry to the DDC.

- The detained juvenile shall remain handcuffed to the rear and escorted into the front entrance doors of Building 100 of the DDC. **DO NOT ENTER THE SALLYPORT WITH ANY JUVENILE.**
- The conveying officer shall complete a custodial search inside the DDC lobby prior to the removal of the handcuffs for processing.
- At no time shall the juvenile be left unattended while at the DDC. The conveying member(s) are responsible for remaining with the juvenile at all times.
- Once processing is complete, conveying members can transport the juvenile back to their command for additional paperwork and notifications to parents and Wayne County Youth Home (WCYH). Before exiting the DDC, members must ensure the lobby is clear of any citizen(s) and the juvenile has no contact with any adult detainee(s).
- Detaining members are still responsible for completion of the required Incident Report and JC-01/JC-02, if being admitted to the WCYH. If the juvenile is not being admitted to the WCYH, he/she will be released to a parent or guardian from the detaining members command.

Once the juvenile is processed through Live Scan, their information is sent directly to the Wayne County Youth Home.

203.5-9 Youth Home [MLEAC 4.4.1]

203.5-9.1 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 member detaining the juvenile 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). [MLEAC 4.4.1]

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Generally, the detaining member shall prepare the complaint form for petition; the officer in charge of the precinct desk shall ensure the form is prepared and all appropriate spaces are completed.

203.5-9.2 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.

203.5-9.3 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.

203.5-10 Interviewing Juveniles [MLEAC 4.4.1]

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, educational background, mental capacity, prior experience in the criminal, 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.

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Members 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 member involved shall inform the school officials that the juvenile is being removed.

203.5-11 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.")

203.5-12 Tickets

203.5-12.1 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 in which the violation occurred. The juvenile shall be processed in accordance with the procedures governing school incidents in this policy.

203.5-12.2 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

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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.

203.5-13 Misdemeanor Violations and Misdemeanor Traffic Offenses

203.5-13.1 Juveniles and OWI or OWPD (Operating with the Presence of Drugs)

With respect to the taking of chemical tests, prior to administering a chemical test, members shall make a reasonable effort to contact a parent or legal guardian. (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.

203.5-14 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 in which the violation occurred. The officer in charge of the precinct 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 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 members in compliance with admissions procedures to the Wayne County Youth Home have already completed it.

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.

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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 desk or officer in charge of the investigative entity with jurisdiction, such release shall be made in accordance with juvenile release procedures.

203.5-15 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 member'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 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 p.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.

203.5-16 Releasing Names of Juveniles

Complainants who request the names of juvenile offenders shall be directed to make such requests in writing to the commanding officer of the precinct or the

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commanding officer of the investigative entity with jurisdiction. If the request appears to be legitimate, the citizen may be furnished with the requested information.

203.5-17 School Incidents

Detroit Public Schools Community District Department of Public Safety (DPSCD PS) shall investigate fraud, burglaries, larcenies and assault and battery occurring on DPSCD PS' immediate school buildings and grounds. DPSCD PS shall not investigate any Part One Crime and Missing Persons. It shall be the responsibility of DPSCD PS in matters involving Part One Crime and Missing Persons to immediately notify DPD, pursuant to Article D. 3 above, and all such investigations shall be conducted by DPD.

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. At the request of DPSCD PS, based on factors such as the presence of loitering or other criminal activity, DPD may coordinate visits with DPSCD PS that may encompass, but are not limited to, the following:

- Entering into DPSCD
- Signing in at DPSCD
- Patrolling parking lots and other parts of DPSCD's property
- Engaging loiterers
- Working with DPSCD employees for the purpose of furthering law enforcement efforts

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 desk at the concerned precinct station, who shall determine the appropriate action. DPSCD PS will be the primary responder for any call for service at:

- DPSCD owned schools, buildings and property
- Involving DPSCD students and/or staff that occurred on DPSCD owned schools, buildings and property.

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If DPD receives a call for service at DPSCD schools, buildings and property or involving DPSCD students and/or staff. DPD will notify DPSCD PS immediately by calling DPSCD PS Command Center in accordance with current protocols, guidelines and practices in place between DPSCD PS and DPD. In the event that DPSCD PS is not available to respond to a call, DPD may, depending upon the nature of the availability, depending upon the nature of the call availability, make a car available to respond. Irrespective of whether DPD or DPSCD PS is the primary responder, the primary responder shall notify Communications at DPSCD PS of the disposition of the call. Absent exigent or extenuating circumstances, DPD will not enter DPSCD property without first notifying DPSCD PS.

203.5-17.1 Police Shootings

DPSCD PS and DPD shall jointly investigate DPSCD PS shootings that occur on DPSCD property and all shootings which involve DPSCD Police Members that occur anywhere within the city of Detroit where DPD and DPSCD PS have concurrent jurisdiction. DPD shootings that occur on DPSCD property shall be investigated by the Michigan State Police (MSP) lead Homicide Task Force as established by a separate agreement with MSP.

203.5-17.2 Homicide Investigations

DPD shall investigate homicides occurring on DPSCD property and DPSCD will assist.

203.5-17.3 Critical or Active Shooter Incidents

DPD will command these scenes and a DPD Command Level Officer will serve as the "Incident Commander." DPSCD PS and DPD will coordinate efforts to respond to any critical or active shooter incidents on DPSCD property or a DPSCD or DPSCD-sponsored activity.

Related Documents:

Complaint-Request-for-Action-Delinquency-Proceedings-JC01

Complaint-Request-for-Action-Child-Protective-Proceeding-JC02

Confidential-Identification-of-Complainant-and-Witnesses-MJC02A

Constitutional Rights Certificate of Notification (DPD342B)