


# PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

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|  | <b>SUBJECT:</b>                                     | <b>POLICY NUMBER</b><br>1001        |
|   | <b>ARREST &amp; RELEASE (JUVENILE PROCEDURES)</b>   | <b>ISSUE DATE</b><br>02/19/2008     |
|   | <b>CHAPTER: ARREST PROCEDURES</b>                   | <b>EFFECTIVE DATE</b><br>02/19/2008 |
|   | <b>ISSUED By:</b><br>Chief of Police John E. Howell | <b>TOTAL PAGES</b><br>11            |

## I. PURPOSE

The purpose of this order is to establish the procedures by which members of the Department manage juveniles (whether criminal, traffic or status offenders) with whom they come in contact.

## II. JUVENILES CHARGED WITH CRIMINAL OFFENSES

### A. TAKING INTO CUSTODY

When any juvenile is taken into custody, with or without a warrant, the arresting officer shall immediately make every possible effort to notify the custodial parent, a guardian or custodian of the juvenile's location.

### B. MISDEMEANOR OFFENSES

When a juvenile is arrested for a misdemeanor criminal offense without a warrant, the officer shall have the discretion, pursuant to the Arkansas Rules of Criminal Procedure and the juvenile code, to decide whether to take the juvenile into custody or issue a citation and release the juvenile to a parent or guardian.

**1. ARREST WITHOUT A WARRANT**

The juvenile may be taken into custody if the officer has reasonable cause to believe the juvenile has committed a traffic offense involving: (a) death or physical injury to a person, (b) damage to property, or, (c) driving a vehicle while under the influence of any intoxicating liquor or drugs. The officer may also have discretion to take the juvenile into custody without a warrant if the officer has reasonable cause to believe that the juvenile has committed any violation of law in the officer's presence; the officer has reasonable cause to believe the juvenile has committed acts which constitute a crime under the laws of the State of Arkansas and which constitute domestic abuse as defined by law against a family or household member and which occurred within four (4) hours preceding the arrest if no physical injury was involved or twelve (12) hours preceding the arrest if physical injury, as defined in A.C.A. 5-1-102, was involved; or the officer is otherwise authorized by law.

**2. RELEASE ON CITATION**

If the juvenile is released on citation, the juvenile and the parent or guardian must sign the ticket. The officer should advise the parties to contact juvenile court for a court date. If released on citation, the officer shall notify the juvenile intake officer within twenty-four (24) hours so that a petition of delinquency may be filed by the city attorney.

**C. DETENTION HEARING DATE AND TIME/OFFICER RESPONSIBILITY**

Under Arkansas law, when a juvenile is taken into custody, a detention hearing must be held within seventy (72) hours after the juvenile is taken into custody, or, if the seventy (72) hours ends on a Saturday, Sunday or holiday, on the next business day. When a juvenile is taken into custody, the arresting officer shall be responsible for obtaining a court date and time to appear for that juvenile's detention hearing. The Juvenile Court is responsible for issuing a court date and time for a detention hearing. Failure to contact juvenile intake and obtain a court date and time to reappear for the detention hearing will be treated the same as failure to appear for court.

**1. WEEKENDS AND HOLIDAYS**

It is the arresting officer's responsibility to contact the juvenile intake officer and obtain the court date and time for the detention hearing if an arrest is made after juvenile intake closes on Friday and before it reopens next for regular business. The arresting officer shall contact juvenile intake at 8:30 a.m. Monday, or the first regular business day thereafter if Monday is a holiday, to obtain the court date and time.

### **3. REGULAR BUSINESS HOURS**

If an arrest is made during regular business hours, the arresting officer shall obtain a court date and time when the juvenile is presented to the detention center.

### **4. AFTER-HOUR ARRESTS**

For after-hour arrests made during weekdays, the arresting officer shall contact the on-call intake officer during the booking procedure at the detention center to obtain a court date and time for the detention hearing

## **D. REPORTS**

The arresting officer will write an information report to attach to the citation. If the arresting officer fails to turn in the needed report, the supervisor in charge of the officer shall take steps for progressive discipline.

At the end of the shift, the arresting officer shall deposit in the juvenile turn-in box in the muster room the following:

1. Information report
2. Criminal Citation
3. Arrest Disposition Report (ADR), if juvenile was transported to juvenile detention center

## **III. FELONY OFFENSES**

### **A. PROBABLE CAUSE FELONY ARREST**

A juvenile arrested on a probable cause felony offense shall be issued a criminal citation whether continued in custody or released.

1. If arrested during detective office hours, the officer will transport the juvenile to the detective office for investigation of the incident. If after hours, the shift supervisor will be contacted for approval of a detective call-out. The arresting officer will write a report and the detective will make a copy of it. If the arresting officer fails to turn in the needed report, progressive discipline steps shall be taken by the supervisor in charge of the officer.
2. Juveniles arrested for a felony shall be processed by the detective working the case in the following manner:
  - a. Computer generated or digital image photograph
  - b. Two Red Fingerprint Cards and Palm Prints
  - c. An Arkansas Arrest/Disposition Report Form (ADR) will be filled out when transported to the juvenile detention center.

3. At the end of the shift the officer will place the following in the juvenile turn-in box in the muster room.
  - a. Arkansas Arrest/Disposition Report Form
  - b. Criminal Citation
  - c. Report
  
4. An officer arresting a juvenile on a probable cause felony, other than those listed in Section 5 below, may:
  - a. Take the juvenile to detention and notify the custodial parent or guardian as provided in Section II-A, above. The intake officer shall be notified immediately to make a detention decision. The Juvenile Court is responsible for issuing a court date and time for a detention hearing. The arresting officer shall be responsible for obtaining a court date and time to appear for that juvenile's detention hearing. Failure to contact juvenile intake officer and obtain a court date and time to reappear for the detention hearing will be treated the same as failure to appear for court.
  - b. Issue a citation for the juvenile and his or her parents to appear for a first appearance before the court and release the juvenile. Within twenty-four (24) hours, the arresting officer must notify the juvenile intake officer and the prosecuting attorney so that a petition of delinquency may be filed; or
  - c. Return the juvenile to his or her home.
  
5. An officer arresting a juvenile for the following offenses shall take the juvenile to the juvenile detention center. Detention is mandatory.
  - a. Unlawful Possession of a Handgun, A.C.A. § 5-73-119(a)(1)(A).
  - b. Possession of a Handgun on School Property, A.C.A. § 5-73-119(a)(2)(A)
  - c. Unlawful Discharge of a Firearm from a Vehicle, A.C.A. § 5-74-107
  - d. Any felony committed while armed with a firearm; or
  - e. Criminal Use of a Prohibited Weapon, A.C.A. § 5-73-104

#### IV. JUVENILES CHARGED WITH TRAFFIC OFFENSES

##### A. TRAFFIC OFFENSES

1. When a juvenile is issued a traffic citation, the officer will assign the juvenile a District Court date two weeks from date of arrest at 9:00 a.m., and note on the citation that **they must appear in court with a parent**. If the arrest occurs on a Saturday or Sunday, the court date will be two weeks from the following Monday. If the court date falls on a holiday, the court date should be set for the next working day **following the holiday**. The juvenile will then be allowed to sign the citation.
2. At the end of the shift, the traffic citation will be put in the traffic turn-in box in the muster room.

##### B. D.U.I. CITATION UNDER 21 (LESS THAN .08 BUT GREATER THAN 0.02%)

1. A juvenile arrested for D.U.I. will require a traffic citation and a report to be written. If the arresting officer fails to turn in the needed report, progressive discipline steps shall be taken by the supervisor in charge of the officer.
2. The officer taking a juvenile into custody will advise the juvenile of his "Miranda Rights." The officer will perform any needed field sobriety tests that are deemed necessary to support the probable cause for the arrest.
3. The juvenile will be transported to Central Station to be given a breathalyzer test. Prior to administering the test, the officer will fill out a D.U.I. Rights form and shall have available, if needed, an Observation form. The officer shall take the juvenile's drivers license and give him a drivers license receipt, **not** the Official Driver License Receipt and Notice of Suspension/Revocation of Driving Privileges.
4. The officer will assign a District Court date two weeks from date of arrest at 9:00 a.m., and will have the discretion as to whether or not to transport the juvenile to the juvenile detention center or release the juvenile to a responsible adult by having the adult sign a Responsibility Slip. If the juvenile is transported to the juvenile detention center, the arresting officer will make every possible effort to notify a custodial parent, guardian or custodian of the juvenile's location. If the arrest occurs on a Saturday or Sunday, the court date will be two weeks from the following Monday. If the court date falls on a holiday, the officer shall set the court date for the next working day **following the holiday**.
5. The officer shall obtain a copy of the juvenile's driver record from MECA.

6. At the end of the shift, the officer will place the following in the traffic turn-in box in the muster room:

- a) Traffic citation
- b) Report
- c) D.U.I. Rights/Observation Form
- d) Drivers License Record
- e) Drivers License
- f) Drivers License Receipt
- g) Pink Copy of Breathalyzer Test Ticket
- h) Responsibility Slip (If released)
- i) Arrest Disposition Form

**C. D.W.I.**

1. A juvenile arrested for D.W.I. will require a traffic citation and a report to be written. The officer will advise the juvenile of his/her "Miranda Rights." The officer will perform any needed field sobriety tests that are deemed necessary to support the probable cause for the arrest. The juvenile will be transported to Central Station to be given a breathalyzer test if he has failed the field sobriety test or other tests and is arrested. The officer will fill out a D.W.I. Rights form and have available, if needed, an Observation Form. The officer shall complete a Notice to Driver Slip, Official Driver License Receipt and Notice of Suspension/Revocation of Driving Privileges License receipt (both sides). The officer shall pick up a copy of the juvenile's driver record from M.E.C.A. The officer will take the juvenile's driver's license and give him the two (2) pink sheets of Official Drivers License Receipt and Notice of Suspension/Revocation of Driving Privileges and Notice To Driver Slip. The arresting officer will have the discretion as to whether to transport the juvenile to the juvenile detention center or release the juvenile to a parent or guardian. An Arkansas Arrest/Disposition Report will be completed. The traffic citation and Arkansas Arrest/Disposition Report will have a District Court date two weeks from date of arrest at 9:00 a.m. If the arrest occurs on a Saturday or Sunday, the court date will be two weeks from the following Monday. If the court date falls on a holiday, the officer should set the court date for the next working day. At the end of the shift, the officer will place in the turn-in drawer in the muster room the following:

- a) Traffic Citation
- b) Report
- c) D.W.I. Rights/Observation Form
- d) Drivers License Record
- e) Drivers License
- f) Notice To Driver Slip
- g) Official Driver License Receipt and Notice of Suspension/Revocation of Driving Privileges
- h) Pink Copy of Breathalyzer Ticket (should be one complete ticket yellow, white & pink- and a copy should be left with the B.A.C. machine)
- i) Arkansas Arrest/Disposition Report

#### IV. WARRANTS

##### A. LOCAL MISDEMEANOR WARRANTS

1. If a juvenile is arrested on a local misdemeanor warrant it shall require that the original warrant be filled out and turned in at the traffic office and put in the warrant served box. A copy of the warrant will be faxed to the juvenile detention center once the appropriate information has been filled out on the warrant, if the juvenile is going to be transported to the facility. Note on all warrants the court date given and advise MECA that the warrant has been served, so it can be removed from the computer. The faxing officer will obtain the name of the operator and payroll number and write both on the warrant. The faxing officer shall also write his/her payroll number and name on the warrant. The payroll number and name should be written in a manner where they can be read by anyone needing the information. If the warrant is for a criminal charge, no court date will be given. If the arrest is made during normal working hours, the juvenile should be taken before the Court issuing the warrant for further disposition. If the juvenile is arrested on a misdemeanor traffic offense warrant during regular business hours, the proper division court should be contacted to see if the appropriate Judge can see the arrestee at the time of arrest. If the arrestee can be seen the juvenile will be transported to the proper court not the holding cell area. The arrestee may be turned over to one of the transporting officers to wait their turn to see the Judge whenever possible. If taken into custody after hours, weekends or holidays, the juvenile should be transported to the juvenile detention center for processing. If the warrant is a traffic charge, the arresting officer will issue a District Court date two weeks from the date of arrest at 9:00 a.m. If the arrest occurs on a Saturday or Sunday, the court date will be two weeks from the following Monday. If the court date falls on a holiday, the officer shall set the court date for the next working day.
2. At the end of the shift, the officer will place in the turn-in drawer in the muster room the following:
  - a) Copy of Warrant
  - b) Arrest Disposition Report, if transported to JJC
  - c) Promise to Appear (if applies)
  - d) Information Report entered into computer system

**B. JEFFERSON COUNTY FELONY WARRANTS**

1. If a juvenile is arrested on a Jefferson County felony warrant, it shall require the original warrant and a report. The warrant will be brought by a Jefferson County Deputy.
2. The officer shall transport the juvenile to the juvenile detention center for processing
3. The officer shall complete an Arkansas Arrest/Disposition Report and leave it and the original warrant with the juvenile detention center.
4. At the end of the shift, the officer will place in the turn-in drawer in the muster room the following:
  - a) Photo copy of the Warrant
  - b) Information report
  - c) Photo copy of the Arkansas Arrest/Disposition Report

**C. OUT OF TOWN FELONY WARRANTS**

1. If a juvenile is arrested on an out of town felony warrant, it shall require two (2) copies of the A.C.I.C. hit and faxed warrant, the hit confirmation, any further communications from the entering agency and a report.
2. The officer shall transport the juvenile to the juvenile detention center for processing.
3. The officer shall complete an Arkansas Arrest/Disposition Report and leave a copy of it, and a copy of the faxed warrant and the A.C.I.C. information with the juvenile detention center.
4. At the end of the shift, the officer will place in the turn-in drawer in the muster room the following:
  - a) A.C.I.C. Hit and Copy of the Warrant
  - b) Hit Confirmation
  - c) Any Other Communications from the Entering Agency
  - d) Report
  - e) Arkansas Arrest/Disposition Report



**D. OUT OF STATE FELONY WARRANTS**

1. If a juvenile is arrested on an out of state felony warrant, it shall require two (2) copies of the N.C.I.C. hit or warrant (all efforts will be made to obtain a copy of the warrant), the hit confirmation, any further communications from the entering agency and a report.
2. The officer shall transport the juvenile to the juvenile detention center for processing.
3. The officer shall complete an Arkansas Arrest/Disposition Report and leave a copy of it and the N.C.I.C. information with the jail.
4. At the end of the shift, the officer will place in the turn-in drawer in the muster room the following:
  - a) N.C.I.C. Hit or Copy of the Warrant
  - b) Hit Confirmation
  - c) Any Other Communications from the Entering Agency
  - d) Report
  - e) Arkansas Arrest/Disposition Report

**III. JUVENILES CHARGED WITH DRUG OFFENSES**

**A. MISDEMEANOR DRUG OFFENSES**

1. When a juvenile is arrested on a misdemeanor drug offense, the officer will issue a citation and write a report. If the arresting officer fails to turn in the needed report, progressive discipline steps shall be taken by the supervisor in charge of the officer.
2. If a vice and narcotics officer is in-service they will be contacted to determine if there is a need to interview the juvenile. If a vice and narcotics officer is not available, do not call one out. The shift supervisor will advise what actions to take. Juvenile Court will be responsible for issuing a court date and time. The provisions of Section II-D, above, regarding court dates and failure to appear for court shall apply.
3. When a juvenile is arrested for a misdemeanor drug offense, the officer issuing a criminal citation will have the discretion to decide whether to transport the juvenile to the juvenile detention center or have the juvenile and parent or guardian to sign the ticket. If the juvenile is released to a parent or guardian, the juvenile and a parent or guardian will sign the ticket; with the understanding that the parent or guardian must appear in Juvenile Court with the juvenile. If the juvenile is transported to the juvenile detention center, a parent or guardian will be notified of the arrest as provided in Section II-A, above.

4. At the end of the shift, the officer will place in the juvenile turn-in drawer in the muster room the following:
  - a) Citation
  - b) Report
  - c) ADR if transported to J.J.C.

**B. FELONY DRUG OFFENSES**

1. When a juvenile is arrested on a felony drug offense, the officer will write a citation and a report and follow the procedures outlined in Section II-B, Felony Offenses, as directed by the vice and narcotics officer. If the arresting officer fails to turn in the needed report, progressive discipline steps shall be taken by the supervisor in charge of the officer.
2. The officer will contact a supervisor for approval of a vice and narcotics officer call out.
3. At the end of the shift, the officer will place in the juvenile turn-in drawer in the muster room the following:
  - a) Copy of Citation Marked Felony
  - b) Report
  - c) ADR if transported to J.J.C.

**IV. CURFEW VIOLATION**

This violation is against the parent or guardian and not the juvenile. Officers will only use restraints on the juvenile if he/she has indicated by words or actions the potential for violence. When enforcing the curfew, officers must be aware of the excused conditions in the ordinance. Officers will use discretion and common sense in enforcing this ordinance.

**V. OFFICER'S RESPONSIBILITY**

1. The officer will write the juvenile a "curfew violation citation", a report, and release the juvenile to a parent, guardian or responsible adult. If the arresting officer fails to turn in the needed report, progressive discipline steps shall be taken by the supervisor in charge of the officer.
2. The officer will obtain information concerning the parent or guardian of the juvenile and record it on the citation.
3. The juvenile and the person the juvenile is released to will sign the citation and will be given the yellow copy. (NO COURT DATE)
4. If the person the juvenile is released to is not the parent or guardian, this person's name, address, and phone number will be noted in the information report.

5. The officer will document the circumstances surrounding the apprehension and release on the information report, attach the white copy of the citation to the report, and turn the report in to the Administrative Service Division.

**VI. ADMINISTRATIVE SERVICE DIVISION RESPONSIBILITY**

1. The Administrative Service Division will maintain a file on all curfew citations issued.
2. The Administrative Service Division will generate a letter to the person named as the parent or guardian warning them a second offense may result in a fine of up to \$500.00.
3. After a second or subsequent offense by the same juvenile, the Administrative Service Division will forward a copy of the information to the City Attorney for issuance of a criminal summons for the parent or guardian.