

determine if the juvenile is alleged to have been harmed or may be in danger of harm. If it is determined that the juvenile is in need of medical attention or other such assistance, arrangements shall be made for same. Apprehended juveniles will be transported without delay to the station or the Family Court detention facility, unless the juvenile is in need of emergency medical treatment.

2. Officer shall make a determination whether the juvenile is alleged to have committed a felony, misdemeanor, or status offense and follow the appropriate corresponding procedures as outlined in this General Order.
3. It is imperative that all officers dealing with juvenile offenders ensure that the constitutional rights of all juveniles are protected. Officers dealing with juvenile offenders shall use the least coercive of all reasonable alternatives consistent with preserving public safety, order and individual liberty.
4. Whenever a juvenile is taken into custody, the officer shall notify the juvenile's parent or guardian as soon as is practical.

B. Felony Offenses: When an officer takes a juvenile into custody for a FELONY, whether released into a parent's custody or placed in the detention facilities of the St. Louis County Family Court, the following procedures shall be followed.

1. The investigating officer shall complete all reports to be forwarded to the Family Court. All juveniles taken into custody and charged with a Felony shall be fingerprinted and photographed. Prior to this procedure, the processing officer shall inspect the booking area to ensure that it is free of ALL adult prisoners. NO juvenile is to be brought to the booking area if an adult is present. The juvenile can then be escorted into the booking area. In the event adult prisoners are housed for an extended period of time when a juvenile needs to be processed, processing may be completed in another secure area of the police station.
2. Juveniles must be photographed using a Department digital camera; the EPIC Booking System cannot be used. The investigating officer photographing the juvenile will take a frontal and right profile shot. The photo memory card shall be placed in an envelope and dropped in the evidence locker mail slot. The Division of Criminal Investigations is responsible for filing the photographs and securing them separately from adult records. No personally owned devices will be used to photograph juveniles.

The officer shall then take the juvenile's fingerprint impressions utilizing the Livescan system. All pedigree information on the cards shall also be completed and both the officer and the juvenile shall sign and date both sets of cards generated by the Livescan computer. Both cards will be forwarded with the report through the chain of command. The Division of Records will forward the fingerprint cards to the St. Louis County Family Court. In the event the Livescan computer is down or adult prisoners are housed during the booking process, juvenile fingerprints may be taken using an elimination fingerprint kit and juvenile Fingerprint Cards. Juvenile Fingerprint Cards are blue printing on a

white card starting with the numerical beginning with a "JV" and are stored in the booking room.

3. Use of Juvenile Fingerprints and Photographs. Photographs of juveniles arrested for felonies shall be maintained by the Police Department. The use of these records for photograph identification or line-ups still requires the permission of the Family Court. All requests must be made by the investigating officer following Family Court procedures. Any questions reference to the procedures may be directed toward the Family Court Detention Supervisor.

C. Misdemeanor Charges

1. When a juvenile is charged with one or more misdemeanor offenses and no felony offenses, the juvenile may be held in a juvenile holding cell, Cell #2, awaiting the arrival of a parent or other responsible adult. The law states that, "A juvenile charged with a crime can be placed in a locked area for a maximum of six (6) hours for processing purposes." Under no circumstances shall a juvenile be held in our custody in excess of six hours. However, supervisory approval shall be required to hold a juvenile in excess of two (2) hours. Sight and sound separation from all adult detainees must be maintained at all times that the juvenile is in our holding cells.
2. The juvenile's property should be taken from him and stored, just as would be done in the case of an adult prisoner. The prisoner activity log shall be completed with the juveniles property listed in the remarks section. The activity log will be kept with the juvenile's property. Upon release, the releasing officer shall obtain a signed acknowledgement of returned property. The activity log will be forwarded with the original report.
3. It is also important to note that juveniles being held in Cell #2 shall not be allowed to have items in the cells with them that would be prohibited for adult prisoners. **IT IS ESSENTIAL THAT COMMUNICATIONS PERSONNEL BE NOTIFIED WHEN A JUVENILE IS HELD IN THE DESIGNATED CELL IN ORDER TO ASSURE THAT THE CELLS ARE BEING MONITORED PROPERLY!!**

Officers should not place any item with the name of a juvenile(s) held in Cell #2 on the cell door. Instead, they should write the word "JUVENILE" in bold capital letters and attach it to the cell door in place of the usual booking sheet.

D. Status Offenses (Runaways, Minors in Possession of Alcohol or Tobacco, Curfew, Truancy)

Under no circumstances can a juvenile being charged with a status offense be held "securely" for any length of time in a locked area. They may never be handcuffed to a stationary object such as a handcuff bolt, desk, etc. In cases where a status offense is the only charge levied against a juvenile, the juvenile shall be released to a parent or a responsible adult. This can be done by transporting the juvenile to the location of the adult, requesting that the adult respond to the location of the juvenile or by transporting

the juvenile to the station to await the arrival of the adult. In status offense cases where the juvenile is transported to the station, a member of the police department must stay with the juvenile while awaiting the arrival of a parent or responsible adult. In such cases, the juvenile shall not be placed in locked room or handcuffed to a stationary object such as a handcuff bolt, desk, etc.

E. Juvenile Traffic Offenses

1. The Family Court does not have jurisdiction over non-felony violations of state or municipal traffic regulations committed by juveniles who are 15 years of age or older per Section 211.031 of the Revised Statutes of Missouri. Consequently, a juvenile who is 15 years of age or older is subject to the same system of justice applicable to adult operators of motor vehicles and may be issued citations, arrested, photographed and fingerprinted pursuant to usual adult booking procedures without securing the prior consent of the Family Court.
2. Traffic violations that constitute felonies and involve juveniles who are 15 years of age or older are to be referred to the Family Court in the same fashion as any other Felony offense. The police officer must therefore decide if the following offense would constitute a felony under the circumstances:

a. Driving While Intoxicated

The employment of a Standard Field Sobriety Test is permitted for a driver of any age.

1. If upon conducting a DOR and Criminal History check through REJIS, as well as a Triple I and DWITS check through MULES, you determine that the juvenile driver has two or more prior convictions and/or arrests (disposition unknown) for DWI or BAC; or
2. Two or more Pleas resulting in S.I.S.; or
3. One or more convictions for intoxication related Involuntary Manslaughter, Assault Second Degree or Assault Second Degree on a Law Enforcement Officer, or the Juvenile is in custody for any felony charge,

Then the matter is to be referred to the St. Louis County Family Court. The policies as documented in the Law Enforcement Juvenile Justice Guide (BPD Manual #21) are to be followed.

b. Felony Driving While Intoxicated

In felony cases involving juveniles who are 15 years of age or older, but younger than seventeen years of age and have been taken into custody for Driving While Intoxicated alcohol/controlled substance, the following procedures should be followed:

1. The arresting officer will advise the driver of the Missouri Implied Consent Law for each test administered, reading directly from the Alcohol Influence Report (AIR).
2. If the driver consents to take the test then the officer will contact the St. Louis County Family Court. The officer will advise the court of the circumstances which led to the driver being taken into custody, as well as the test(s) being requested.
3. If the Family Court does not grant permission for the test, this does not constitute a "Refusal" on the part of the juvenile. If the Family Court does grant permission, then the testing procedure outlined in General Order 21-04 (Driving While Intoxicated) are to be followed.
4. The booking procedures for juvenile felony offenses, as outlined in subsection B. on page 4 of this General Order should be followed.

c. Leaving the Scene of an Accident

If the driver is involved in an accident that results in property damage in an amount less than one thousand dollars, a leaving the scene offense constitutes a misdemeanor and the driver should be processed as an adult. However, if the property damage exceeds one thousand dollars or if personal injury is involved, the offense becomes a felony and must be referred to the Family Court.

3. Any traffic violation committed by an individual under the age of 15 years of age must be referred to the Family Court regardless of whether or not the offense constitutes a felony.

F. Bench Warrants

A bench warrant issued by the adult traffic court for the apprehension of a juvenile who is 15 years of age or older will not be addressed by the Family Court. Questions regarding police handling of bench warrants should be directed to the Court that issued the warrant. However, Section 221.044 of the Revised Missouri Statutes prohibits the detention of juvenile traffic offenders who are 15 years of age or older in an adult jail or other adult detention facility. A traffic court judge may request the Family Court to order commitment of such offenders; however, it is highly unlikely that the request will be honored and should be addressed by the Municipal Judge or the Presiding Judge of the Juvenile Division of the Family Court.

G. Interrogation of Juveniles

All interrogation of juvenile suspects, whether custodial or not, shall include all of the following procedures:

1. No juvenile will be questioned about their possible involvement in a crime unless a Deputy Juvenile Officer from the Family Court is present and explains the juvenile's rights and the Family Court procedures prior to questioning.
2. A parent or legal guardian is present when rights are read.

3. The entire referral process and interview does not exceed two hours without supervisory approval. No more than two officers shall interrogate a juvenile at any time.

H. Non-Felony Custodial issues

1. Officers shall use the least coercive among reasonable alternatives when dealing with juvenile offenders. Juveniles taken into custody for violations other than a FELONY may be released under the following circumstances:
 - a. At the scene if it is determined that there is no criminal culpability on the part of the juvenile.
 - b. To a parent or custodian at the scene.
 - c. To a parent or custodian at police headquarters.
 - d. To a parent or custodian at the child's residence.
2. In the event no such responsible adult or custodian is available, the juvenile shall be transported to the juvenile detention facility. Under no circumstances shall a juvenile remain at police headquarters longer than two hours without supervisory approval.

I. Juvenile Referrals

1. Based on circumstances of the offense, the investigating officer, with the supervisor's approval will have discretion as to whether the juvenile will be released at the scene, taken into custody and released at the station, or taken to detention. He will also determine whether an interview is warranted at that time.
2. A copy of the investigating officer's completed report will be forwarded to the Juvenile Detective, who will determine the disposition of the case and whether the juvenile will be referred to the Family Court.

J. Non-Violator Juveniles in Custody

1. When a non-violator juvenile comes under the care and/or custody of the police department as in the arrest of an accompanying parent or adult or in a protective custody situation, every effort shall be made to avoid bringing the juvenile to police headquarters. The officer shall make every reasonable effort in arranging for the juvenile to be turned over to the custody of a responsible adult, upon agreement by the parent or person having original custody. If necessary, the non-violator juvenile may be brought to the police station and depending on the age of the juvenile and the anticipated length of detainment of the arrested parent or custodian of the child, may remain at the police building, but only upon approval of the on-duty supervisor.

2. If it appears that the arrested person having custody of the child is going to be detained for a period of time (and is unable to post bond, etc.) and that the officer has been unable, after a reasonable effort to locate a responsible adult to whom the child may be turned over, then the Juvenile Detention Center, (314) 615-2996, shall be contacted for disposition of the juvenile.

K. Use of Physical Restraints

The arresting officer taking custody of a juvenile may, at his discretion, (unless directed otherwise by a supervisor), apply the necessary restraints including handcuffs and/or leg irons, to assure the safety of the officer and the juvenile being taken into custody.

V. RECORDS

- A. Approved original Juvenile reports, with all attachments, will be forwarded to the supervisor of the Division of Criminal Investigations. That supervisor will be responsible for the secure storage of those records, separate from all adult records, and will control the access to those records on a need-to-know basis.
- B. All Juvenile status and misdemeanor reports are securely destroyed when the juvenile turns 18 years of age. All felony reports are securely destroyed when the juvenile turns 19 years of age.
- C. Expungement of Juvenile records will be handled as outlined in GO 32-01.

BY ORDER OF: Chief Steven Schicker 2/9/15
Steven Schicker, Chief of Police Date

ATTESTED BY: Robert Kuntz 2/20/15
Robert Kuntz, City Administrator Date

cc: City Attorney

MPCCF REFERENCE

21.2, 25.1, 25.9