

A. **PURPOSE.** The Grand Rapids Police Department recognizes the impact of its involvement with youth. While youth are afforded the same constitutional protections as adults, the Grand Rapids Police Department acknowledges and appreciates the need for additional protective measures while encountering youth.

**B. GOALS**

1. To recognize that youth are still in the stage of developing and learning and may have already experienced trauma that is shaping their behavioral response.
2. To recognize that the law has historically reflected that youth characteristically lack the capacity to exercise mature judgment and possess an incomplete ability to understand the world around them.
3. To recognize that the formal juvenile justice process should be avoided, unless clearly indicated by the youth's behaviors and unless alternatives do not exist.
4. To provide guidance on additional measures when interacting with youth and juveniles.

**C. DEFINITIONS**

1. "Youth" means an individual under the age of eighteen (18).
2. "Juvenile" means a youth under the age of seventeen (17) who is accused of violating a law or ordinance or of committing a status offense. MCL 712A.1; 764.27. "Juvenile" does not include a youth that is seventeen (17) years old.
3. "Juvenile status offender" means a juvenile that is alleged to fall within the jurisdiction of the Family Division of circuit court as a runaway, incorrigible, truant, wayward minor, or for violations of the curfew ordinance. MCL 712A.2 and MCL 764.27.

**D. GENERAL PROCEDURES FOR INTERACTING WITH YOUTH**

1. Officers shall take the following factors, if known, into consideration when interacting with youth, including but not limited to:
  - a. Nature of the complaint or contact, including probability of

- possessing a weapon;
  - b. Age, intelligence, mental capacity, and physical condition;
  - c. Prior contacts/history with officers;
  - d. Likelihood to comply with parental control;
  - e. Cooperation and attitude of all parties and the likelihood of the offense being repeated; and
  - f. Likelihood that the youth can be successfully referred to a supporting social service agency.
2. All youth are to be treated fairly regardless of race, gender, sexual orientation, ethnic and religious background, or any other specified characteristic in accordance with the Impartial Policing Policy, MOP 8-15.

#### E. FIELD INTERROGATIONS AND PRELIMINARY INVESTIGATIONS INVOLVING YOUTH

1. In addition to the requirements of MOP 8-1 (Field Interrogations) and 8-2 (Preliminary Investigation) the following procedures shall apply when interacting with youth during Field Interrogations and Preliminary Investigations.
2. Officers are encouraged to initiate contacts with youth in the community in order to conduct positive, non-enforcement interactions and gain knowledge of their patrol districts and the community.
  - a. Communication with a youth should begin with a contact, unless an officer concludes that an arrest should be made or that a stop is justifiable and appropriate.
  - b. Since a contact is not a stop or an arrest, and youth contacted may be innocent of wrongdoing of any kind, officers should take special care to act in a restrained and courteous manner.
3. *Notification.* If during a Field Interrogation or Preliminary Investigation a youth has been patted down, searched or handcuffed, officers shall notify the youth's parent or guardian as soon as reasonably practical. The notification may be either in person or by telephone and shall be documented in the incident report, along with the identity of the parent

or guardian who was notified. If the officer is unable to notify a parent or guardian, every attempt shall be documented in the field interrogation or incident report.

4. *Handcuffs*. When safe, under the totality of the circumstances, officers shall consider a youth's age, whether known or objectively apparent to a reasonable officer, when determining whether or not to apply handcuffs or restraints. While there is no set age, the Supreme Court indicated, in *JDB v North Carolina*, that officers must realize a 7-year-old is not a 13-year-old and neither is an adult.
  - a. Handcuffs shall only be used for as long as reasonably necessary. Officers shall remove handcuffs as soon as reasonable to do so.
  - b. Officers shall notify a supervisor, as soon as reasonable to do so, when a youth under thirteen (13) has been handcuffed. Notification shall be documented in the accompanying report.
  - c. The supervisor shall respond to the scene when possible. If it would extend the duration of the stop beyond a reasonable length of time, the officer shall release the youth and review the incident with the supervisor as soon as practical.
5. When safe, under the totality of the circumstances, officers shall consider a youth's age, whether known or objectively apparent to a reasonable officer, when determining whether to confine a youth in the back of a police cruiser. All confinement of youth in a police cruiser must be reasonable and within the scope of the incident, or as necessary to transport the youth.
6. Officers shall not draw and display a firearm on a youth unless the officer has a fear for the safety of the officer or the safety of others.
7. *Youth Supervision*. If, during a preliminary investigation, it is determined that a youth is not a suspect, all efforts should be made to ensure the youth is not left unattended for the remainder of the incident. These efforts shall be documented in the incident report and may include, but are not limited to:
  - a. Placing the youth(s) with a non-offending parent or guardian;
  - b. Utilizing appropriate resources, such as Children's Protective Services (CPS) or the Domestic Assault Response Team (DART); or

- c. Assigning an officer to the youth(s), when reasonable and practical.

## F. YOUTH CONSENT

1. Youth may consent to a contact, search, questioning, or other police interaction if consent is free and voluntarily given. It is the officer's responsibility to establish the presence of consent in all circumstances.
  - a. Recognize that personal characteristics of youth are factors that can affect the voluntariness of consent including but not limited to:
    - (1) age, intelligence, level of education,
    - (2) prior contacts/history with officers, and
    - (3) awareness of right to refuse or revoke consent.
2. If an officer knows a youth's age at the time of an interview, or the youth's age is objectively apparent to a reasonable officer, the officer shall evaluate the effect of the youth's age for the determination whether the youth is in custody for purposes of providing *Miranda* warnings.
3. When a report is required, officers shall articulate the facts and circumstances that caused the officer to determine that a youth consented to a particular police interaction.

## G. INTERACTING WITH JUVENILE OFFENDERS

1. When interacting with juvenile offenders, officers should consider a wide range of alternatives and select the most reasonable, and least restrictive, alternative consistent with public safety, officer safety, maintenance of public order, department policy and the rights of the juvenile, including, but not limited to:
  - a. Warning, with no enforcement action taken;
  - b. Refer the youth and parent/guardian to a Diversion Program (i.e. The Bridge, HQ, etc.);
  - c. Citation (Municipal Civil Infractions and Traffic Citations);
  - d. Referral to family court in lieu of a custodial arrest; or

- e. Custodial arrest with lodging at Kent County Juvenile Detention.

## H. ARREST OF JUVENILE OFFENDERS

1. Juveniles under the age of ten (10) years old are presumed incompetent to stand trial. MCL 330.2062. For juveniles under the age of ten (10), officers must consult with a prosecutor before an arrest is made or petition is filed unless the circumstances surrounding the incident are particularly heinous (e.g., violent felony).
2. Juveniles ten (10) years of age and older but less than seventeen (17) years of age who have been arrested by a member of the Grand Rapids Police Department **shall be processed** at the Kent County Correctional Facility when:
  - a. Arrested for a felony or for a misdemeanor for which the maximum possible penalty exceeds 92 days imprisonment or a fine of one thousand dollars (\$1000) or both;
  - b. At the request of the arresting officer or investigating officer; or
  - c. At the request of a supervisory officer.
3. Officers shall not issue appearance tickets to juveniles, 16 years and younger.
4. Youth seventeen (17) years of age but less than eighteen (18) who have been arrested shall be processed according to adult arrest procedures in MOP 10-5.
5. All arrested juveniles shall be handcuffed behind their back. The exceptions to this rule are:
  - a. When the subject has an injury that does not permit his/her arms to move behind the back.
  - b. When, at the officer's discretion, the subject's age, physical condition, or physical limitations indicate an appropriate change in this procedure.
  - c. When the subject is a juvenile status offender and is compliant to the officer's directions.
6. All arrested juveniles shall be searched for weapons and contraband prior

to transporting.

7. If a juvenile is processed at the Kent County Correctional Facility, he or she shall immediately:
  - a. Be released to an appropriate responsible adult.
  - b. Be taken to and lodged at the Kent County Juvenile Detention Center.
  - c. Be taken to Kids First or another appropriate shelter.
8. Reports shall detail the names of parents/guardians along with their contact information and attempts to contact them. When a juvenile is released to an appropriate responsible adult, that person's information shall be listed in the "parties involved" section of the report.

#### I. JUVENILE POST-ARREST MEDICAL SCREENING REQUIREMENT

1. Any juvenile arrestee for whom admission is being sought to Kent County Juvenile Court detention facilities must be examined at and cleared by a medical care facility prior to admission to detention if:
  - a. Reasonable cause exists to question the arrestee's physical condition.
  - b. A physical condition exists that may be related to medical circumstances, alcohol ingestion, drug involvement, etc.
2. Examination for medical safety of a juvenile arrestee must be made if the juvenile has been using alcohol or drugs and any of the following symptoms are exhibited:
  - a. Speech is incoherent or slurred;
  - b. Difficulty with standing or walking (staggering);
  - c. Shaking, spasms, convulsions, passed out, stupor, dilated pupils, pallor;
  - d. Violent, very aggressive toward others;
  - e. Suicide attempts or threats;
  - f. Inability to comprehend or respond; or

- g. Having hallucinations or delusions.
3. In these circumstances, a statement must be obtained from the examining medical care facility which indicates that the juvenile may be safely cared for in a non-medical facility. This statement must then be presented at the detention facility for admission.
  4. Officers requesting detention of juveniles who require medical screening, shall:
    - a. Notify their supervisor.
    - b. Attempt to determine what substance was taken and how much of it was taken.
    - c. Contact the parents of the juvenile, requesting them to meet the officer at a local hospital to sign approval for medical examination.
    - d. Release the juvenile to the parents after the examination unless there is cause other than intoxication to request detention.
    - e. Transport the juvenile to the detention facility for admission, submitting the medical approval statement, if there is cause for detention or if the parents refuse custody.
  5. If parents of the juvenile cannot be contacted or refuse to authorize a medical examination, the arresting officer shall, in addition to the steps in subsection I.4:
    - a. Transport the arrestee to Juvenile Detention admissions, complete the admission form and obtain a court authorization for medical examination as appropriate from the Juvenile Court Supervisor.
    - b. Transport the juvenile to a medical care facility for the medical examination. (The City of Grand Rapids will not accept responsibility for the costs associated with such medical examinations. Medical facility personnel should be advised that the juvenile's parents/guardian are the appropriate responsible party.)
    - c. Return to Juvenile Detention after the examination for admissions, along with the medical examination certificate. Juvenile Court employees will continue efforts to contact the parents. If the parents are contacted by them in time, the provision is subsection I.4.d. may apply.