

DAYTON POLICE DEPARTMENT  
GENERAL ORDER  
JUVENILES



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Rev. 4/17

**POLICY STATEMENT**

The Dayton Police Department is committed to the development and perpetuation of programs designed to prevent and control delinquent juvenile behavior. This policy provides officers with guidelines to help ensure the safety and welfare of youths, promote prevention and diversion of juvenile delinquency, restore community harmony and foster cooperation with the youth and youth services agencies.

**I. DISPOSITION ALTERNATIVES**

- A. **Verbal Counseling** by an officer to a juvenile with the parent/guardian present can be an effective method to control adverse behavior where a minor violation has been committed. When exercising this option, officers will complete an FIC through MIS or the MDC and note the circumstances and action taken.

The **Juvenile – Curfew Card (CUR)** Field Interview card exists in MIS to document contacts specifically related to curfew violations. Other contacts with juveniles (warnings, transports, etc.) should be entered under the more appropriate FIC type. This will organize the contact data correctly. The age and date of birth information can be used to filter the age of the contacted individuals. It is not correct to use the CUR card only because the subject is a juvenile.

- B. **Summons Procedure** can be implemented in situations where custody is unwarranted but the nature of the violation needs a referral to Juvenile Justice Center. Presently, the Juvenile Justice Center recognizes the following forms:

1. Minor Misdemeanor Citation (Criminal)

- Minor Misdemeanor Summons are TBN.

2. Traffic Citation

- All hearings for traffic violations are at 1730 hours, there are no morning hearings, the 3<sup>rd</sup> Wednesday following the violation.
- Juveniles must appear in court, they may not pay through the mail, do not advise a juvenile to call FCC to see about paying the fine to avoid an appearance. All citations receive an order-in date, even if the juvenile is from out of county or state.
- The phone numbers for Juvenile Justice Center for traffic violations are 937-496-7900.

- C. **Custodial Arrest/Detention** may be necessary when juveniles are involved in more serious crimes.

**II. ARREST PROCEDURES**

A. Arrest without Detention

The juvenile may be taken to their residence and contact made with the parent/guardian or with supervisory approval, the juvenile can be transported to the division office so that contact and arrangements can be made to release the juvenile to the parent/guardian.

B. Arrest with Detention

If release to the parent/guardian is **not** an option, then transport the juvenile to the division office (with supervisory approval) and contact the Juvenile Justice Center Admissions Office to get approval for detention at FCC. Notify the parent/guardian that the juvenile has been taken into custody as soon as practical.



- If the juvenile is on home detention, the Admissions Office should be advised of this fact when the officer calls.

C. Department of Youth Services Juvenile Holding Log

Anytime the Dayton Police Department detains a juvenile at any police facility, the officer detaining a juvenile will complete a juvenile FI record and accurately enter all of the required information on the Juvenile Holding Log "JHL". The officer or detective that ultimately transports or releases the juvenile will be required to complete this entry. The Department of Youth Services divides detainment status into two classifications, secure and non-secure.

- Secure is defined as being physically detained in a locked room, cell, or handcuffed to a stationary object and they are not free to leave. This situation would apply to when we question juveniles in an interview room that is locked.
- Non-secure is defined as a juvenile in custody but not in a secure area and can "technically" leave the building. They may be handcuffed but not to a stationary object or a locked room. This would apply to curfew sweeps, removing a juvenile to Division Headquarters to sit in the roll call room, etc.

### III. JUVENILE JUSTICE CENTER'S DETENTION POLICY

- A. The Juvenile Justice Center Admissions Officer will decide whether a juvenile will be detained for an offense (usually a crime of violence). Telephone the Admissions Officer at [REDACTED] prior to transporting a juvenile to JJC.

1. **If detention admission has been refused and the police officer believes strongly that the juvenile should be detained he/she should contact their supervisor for a review of the situation.** If the supervisor agrees, the Admissions Officer will be re-contacted. The Admissions Officer will either authorize detention or immediately refer the matter to the Juvenile Justice Center Legal Director or Judge. If detention is still refused, the name of the person refusing the admission will be included in the officer's report.
2. The Juvenile Justice Center Admissions Office may make a referral to Daybreak ([REDACTED]) rather than detention at FCC.
  - a. Daybreak was initially established as a shelter facility for runaway youth and they will continue that function. In addition, when shelter care is authorized by an Intake or Admissions Officer of the Juvenile Justice Center for other alleged unruly children, Daybreak will accept the juvenile pending further court action.
  - b. An Intake or Admissions Officer of the court must first authorize placement of alleged unruly children in Daybreak. Therefore, law enforcement officers are not to take a juvenile directly to Daybreak until such authorization is obtained. Permission for taking a juvenile to Daybreak must be obtained by the parent or guardian.

- B. Detention of Juveniles under the Influence of Drugs/Alcohol when Parents/Guardian are Not Available.

1. The Juvenile Detention Center will not accept juveniles in this state until medical personnel conduct a medical examination.
2. Hospitals will not examine juveniles without permission from parents/guardian or authorization from Juvenile Justice Center. If a parent/guardian cannot be contacted to grant consent, the following process will be followed:
  - a. Respond to Admissions Office with juvenile and stand by.
  - b. The Admissions Office will contact a Judge/Magistrate and explain the situation.
  - c. A Juvenile Justice Center Order authorizing medical examination and/or treatment will be completed for the Judge's/Magistrate's signature.



- d. After normal business hours the Court Order will be taken to the Judge/Magistrate for signature.
  - e. After treatment the officer will return to the Detention Center with the juvenile.
- C. Release to Parent/Guardian
1. Release juveniles to their parent/guardian, except when detention is necessary.
  2. If juveniles are arrested for felony crimes and they are not placed in detention:
    - a. The juvenile and parent/guardian are ordered into the Detective Section the next day.
    - b. If the next day is a weekend or a holiday, order appearance on Monday at 0900 hours.
  3. There is no order-in if there is no arrest.

#### IV. PROCEDURES IN MONTGOMERY COUNTY JUVENILE JUSTICE CENTER DETENTION CENTER

##### Weapons Check

- A. Entering via the Sallyport
- All juveniles must be handcuffed behind their backs.
  - Have juveniles enter the Secure Area.
  - Secure all weapons.
  - After disarming, enter the Security Area to process the juvenile.
- B. Exiting via the Sallyport
- All juveniles must be handcuffed behind their backs.
  - Exit through the Security Door and retrieve your weapons.
  - Juveniles exit through the Security Door only after the officers are rearmed.

#### V. TRANSPORTING JUVENILES

- A. Arrested juveniles 14 or older may be transported by squadrol.
- B. Never transport juvenile prisoners with adult prisoners, unless the juvenile was arrested with the adult.
- C. Before transporting juveniles, notify the Regional Dispatch Center (RDC) of the intent to transport and give the location where the transport will start from, the mileage on the vehicle, the destination and upon arrival at the final destination, the final mileage on the vehicle.

#### VI. JUDICIAL REQUIREMENTS FOR INTERVIEWING JUVENILE SUSPECTS

- A. When a juvenile is to be interviewed as a felony or misdemeanor suspect, the juvenile must be advised of his/her Miranda warnings beforehand. The pre-interview form, A-710-2, is used to notify the juvenile and his/her parent/guardian of the juvenile's rights. The reverse of this form is also completed. The form documents that a waiver of rights was voluntarily given.
1. Officers planning an interview will confer with the parent/guardian and explain departmental procedures and the juvenile justice system to them and the offender. Juveniles 14 years old and above can be Mirandized without parental notification.
  2. If the juvenile felony suspect is to be held in detention, the reverse side of the Pre-Interview Form is completed by the officer/detective and signed by the parent/guardian (except as noted above). This is necessary so future interviews by follow-up investigators can be conducted without re-contacting the



- parent/guardian. Completed consent forms are forwarded to the Investigations Division to be routed to the appropriate investigator.
- If a juvenile refuses to sign the Pre-Interview Form, the signature of the parent/guardian does not give an officer/detective legal authority to continue the interview. A parent/guardian cannot legally waive a child's constitutional rights.
3. If a juvenile, after being advised of his/her constitutional rights, is willing to sign the waiver, but his/her parent/guardian is unwilling, no interview may occur (except as noted above).
  4. If both the parent/guardian and the juvenile agree to sign the waiver, they are to sign in each other's presence whenever possible.
  5. Interviews of juveniles must be kept to a reasonable time frame. Generally, no more than two officers/detectives should question a juvenile at any one time.
  6. If a juvenile is from a distant city or his/her parent/guardian cannot be located, an officer/detective may proceed to question the juvenile, after the following conditions have been met:
    - a. The officer/detective can demonstrate by the total facts and circumstances that questioning is necessary and important to the investigation.
    - b. A diligent effort has been made to contact the parent/guardian. (This effort must be documented in the arrest report by listing the entire process followed, including phone numbers called and the name and addresses of persons contacted.)
    - c. The juvenile is willing to voluntarily sign the Pre-Interview Form and waive his constitutional rights after he/she has been properly advised of them.

## VII. FINGERPRINTS / PHOTOGRAPHS AND IDENTIFICATION EVIDENCE

- A. Upon arrest of a felony charge a juvenile will be transported to the B of I office to be fingerprinted by B. of I. personnel. If B. of I. is unavailable, officers are to contact the Montgomery County Jail to see if they are available to fingerprint the juvenile prior to booking. If a juvenile is combative or not being co-operative, book the juvenile instead of bringing them to the B. of I. or the Montgomery County Jail.
  1. The B. of I. personnel will then forward the fingerprints to MVRCL and the officer will receive a paper to provide to the Juvenile Justice Center. The arresting officer or detective will then transport the juvenile to J.J.C. Any photographs taken will be given to the requesting officer/detective. Case detectives needing fingerprints or photographs of a juvenile booked without being fingerprinted or photographed are required to obtain the necessary prior approval for the request from the Juvenile Justice Center, obtain the release of the juvenile from the JCC, bring the juvenile to B. of I. for the fingerprints or photographs, and then return the juvenile to the JCC.
  2. All officers/detectives will note in their arrest report that the juvenile was fingerprinted and/or photographed.
  3. Officers or Detectives who transport a juvenile to be fingerprinted will obtain the Incident Tracking Number from the fingerprint card. This number must be placed in the narrative of all DIBRS reports related to the juvenile's arrest. This number notifies the court that the suspect has already been printed and prevents the suspect from being reprinted unnecessarily.
  4. Some juvenile offense situations, misdemeanor and felony, require prior Juvenile Justice Center approval for fingerprints or photographs. A parent or guardian cannot authorize the fingerprints or photographs. Some situations have requirements or restrictions on Court notification, retention and storage, and who has physical possession of the prints or photos. For specific details on fingerprinting and photographing juveniles, refer to O.R.C. 2151.313. Misuse of a juvenile's fingerprints or photographs can have criminal penalties



- B. During the course of an investigation the officer/detective may find it necessary to obtain other forms of identification pertaining to the juvenile, i.e. hair, blood, urine, nails, handwriting, etc.
- The officer/detective handling the investigation involving juveniles will ensure that all forms of identification pertaining to the juvenile be either destroyed or forwarded to the Juvenile Justice Center at the conclusion of the case.
- C. Fingerprints and photographs of juvenile suspects/detainees may not be released to anyone except law enforcement officers of this State or a subdivision of this State and to the Court.
- D. Criminal penalties are provided for anyone who violates the provisions of this section.

### VIII. JUVENILE CURFEW

- A. Nighttime curfew R.C.G.O. 137.10 - It is unlawful for any person under the age of 18 to loiter, loaf, or idle on or about any public street, avenue, alley, park, or other public place in the city of Dayton between the hours of 11:00 P.M. and 5:00 A.M. except under the following conditions:
1. He or she is accompanied by his or her parent, legal guardian, or an adult person having the legal care, custody, and control of his or her person;
  2. He or she is accompanied by an adult person having the permission of one of the persons mentioned in subsection (B)(1) hereof; or
  3. He or she is going directly to or from any lawful activity, entertainment, or employment with knowledge and consent of the parent, guardian, or adult person having the legal care, custody, and control of his or her person.
- B. Daytime curfew R.C.G.O. 137.13 - No child between the age of six and 17, inclusive, who is required to be in attendance at either a public, chartered or private school or an alternative placement program, or who is under suspension or expulsion from a public, chartered or private school or an alternative placement program, shall be on or about any public place or commercial premises within the city between the hours of 8:00 a.m. and 2:00 p.m. on a regular school day. Evidence that such a child was on or about any public place or commercial premises between the hours of 8:00 a.m. and 2:00 p.m. on a regular school day constitutes prima facie evidence of a violation of this section; however, the following are affirmative defenses:
1. The child has written proof from school authorities excusing the child from school attendance at that particular time.
  2. The child is accompanied by a parent, guardian or adult having legal care, custody or control of the child.
  3. At the time the child was found at a place other than in school, the child was not required by law to be in school for reasons other than being suspended or expelled.
  4. The child is employed pursuant to an age and schooling certificate during actual working hours or is traveling directly to or from such job site.
  5. The child is responding to an emergency involving the risk of serious physical harm to a person.
- C. Procedures for Curfew Enforcement
1. Advise the juvenile of the Curfew Ordinance and consequences of the violation.
  2. Verify the identity of the offender.
  3. Check records for warrants and/or broadcasts on the offender.



4. Attempt to contact the parent/guardian by transporting the juvenile home. If no contact can be made, transport the juvenile to the Division Headquarters (with the approval of a Supervisor) and attempt to contact the parent/guardian to pick up the juvenile. Juveniles living in communities adjacent to the city of Dayton may be transported home provided time and distance permit.
  - If reasonable attempts to contact the parent/guardian are unsuccessful, contact the Admissions Office at the Juvenile Justice Center, who will decide what disposition to pursue.
5. When the parent/guardian is contacted, advise the parent of the Curfew Ordinance and the Dayton Police Department policy. Inform them of their responsibilities to control such violations. After reviewing the circumstances with the parent/guardian and after taking into consideration the facts surrounding the incident, the officer can use discretion in the issuance of citations.

#### D. Minor Misdemeanor Citations

Violations of R.C.G.O. 137.10 (Curfew) and 137.13 (School Attendance), are a minor misdemeanor. When arrests are made the Minor Misdemeanor citation will be used.

1. Cite only the "custodial" parent, or adult having primary responsibility for the juvenile at the time of the violation. If it can be proven more than one (1) adult had primary responsibility for the juvenile, then that adult will also be cited.
2. If the custodial parent, or adult having primary responsibility for the juvenile cannot be located, but their social security number and date of birth can be determined, the Request for Summons process will be used.
3. If the custodial parent, or adult having primary responsibility for the juvenile cannot be located and their social security number and date of birth cannot be determined, complete a D.I.B.R.S. report charging violation of R.C.G.O. 137.10 section(s) A,B,C, or D or R.C.G.O. 137.13 section(s) A,B,C, or D, whichever section is appropriate.
4. When completing the M.M. citation, the charge wording should be "Violation of Curfew Ordinance, R.C.G.O. 137.10, Section A, B, C, D" or "Violation of School Attendance Ordinance, or R.C.G.O. 137.13 section(s) A,B,C, or D."
5. When citing juveniles, the age range is 8 to 17 years of age when using the M.M. citation. If the child is 7 years old or younger, police officers should always consider the circumstances surrounding each incident.
6. When issuing a M.M. citation to a juvenile, print "TBN" (to be notified) in the order-in date portion of the form.

### IX. TOBACCO VIOLATIONS

Tobacco Court will be held only one time per month. Cite all future tobacco violations as follows:

1. All tobacco violation hearings will be scheduled by the Montgomery County Juvenile Justice Center and they will notify the offender of the hearing time.
2. The Tobacco Court phone number is 937-224-8047.

### X. RESPONSE TO SCHOOL PROBLEMS

#### A. Calls from Schools

1. Schools will notify local police agencies whenever the following incidents occur:
  - Bomb threats
  - Crimes of violence
  - Sexual assaults



- Child endangerment/neglect
  - Actual, indications or threats of major disturbances
  - Student or school staff requests for police response
  - Weapons and/or drugs brought onto school property
2. School security personnel are vested with all powers of authority except investigatory rights. Therefore, if security personnel have arrested an individual, the responding officer need only to transport the suspect and complete the D.I.B.R.S. report, arrest report, and any necessary supplementary reports.
- B. Trespassing
1. Usually, when school officials request police assistance to handle trespassers, an arrest has already taken place by school security personnel. Notify the RDC and inform them that an arrest has already taken place and then remove the violator.
  2. When school security personnel have not arrested an adult violator, and police response is requested, the final disposition is to be determined by both the responding officer and the school officials. Take whatever action is necessary to eliminate the problem, i.e. summons, arrest, etc.