



Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

Policy # 121B

Effective Date 08/23/2018

Policy Name Juvenile Arrest and Detention

Approved Date 08/22/2018

Approved by *Wendell Franklin, Chief of Police*

Previous Date 03/30/2015

PURPOSE OF CHANGE:

To update policy format.

POLICY:

When coming into contact with juvenile offenders, Tulsa Police officers shall use the least coercive option among reasonable alternatives that are consistent with state and federal law, when applicable. These alternatives include release to a parent, legal guardian or other responsible adult without further enforcement action, citation and/or referral to juvenile court or another agency/service for potential diversion alternatives.

Unless emergency medical or psychiatric treatment is needed, juveniles in custody will be transported to and processed at the Community Intervention Center (CIC) without delay. If a parent is on scene and the juvenile is not detention eligible, they may be released to the parent. However, the officer must complete the Promise To Appear form.

State Law Title 10A, O.S. section 2-2-301 (A) states that "No information gained by a custodial interrogation of a youthful offender under sixteen (16) years of age or a child nor any evidence subsequently obtained as a result of such interrogation shall be admissible into evidence against the youthful offender or child unless the custodial interrogation about any alleged offense by any law enforcement officer or investigative agency, or employee of the court, or employee of the Office of Juvenile Affairs is done in the presence of the parents, guardian, attorney, adult relative, adult caretaker, or legal custodian of the youthful offender or child."

SUMMARY: Procedures for the arrest and detention of juveniles.

APPLIES TO: All police personnel

DEFINITIONS:

COMMUNITY INTERVENTION CENTER (CIC) – a 24-hour juvenile booking and processing and intervention center for youths arrested or cited for criminal code violations other than youthful offender crimes and other excepted criminal code violations. The CIC is located at 600 Civic Center on the first floor of the police courts building.

PROCEDURES:

A. GUIDELINES FOR DETENTION ELIGIBILITY

1. The Juvenile Bureau of the District Court (JBDC) has guidelines that establish circumstances under which juveniles can be detained in a secure facility in accordance with state statutes.
2. All those in the categories listed below are eligible for detention in the Juvenile Detention Center regardless of the juvenile's current status with the Juvenile Court. They include:
 - a. Youthful Offender Crimes where minimum age requirements are not met.

- b. Non-Youthful Offender felonies of an assaultive nature (e.g., assault and battery with a dangerous weapon, first degree burglary, robbery by force or fear).
 - c. Any drug charge that involves possession with intent, trafficking or distribution.
3. Juveniles who are currently active with the Juvenile Court may also be admitted to detention for felony property crimes according to the following criteria:
 - a. Juveniles who are wards of the Office of Juvenile Affairs (OJA).
 - b. Juveniles who are currently on probation.
 - c. Juveniles who are currently active with an intake counselor (at the request of arresting officers).
 4. Juveniles who are arrested on a warrant authorizing detention will be eligible regardless of their status with the Juvenile Court.
 5. Juveniles charged with a property crime and not currently active with the Juvenile Court are not eligible for placement in the Detention Center.
 6. Juveniles are usually not considered for detention when arrested on a misdemeanor Assault and Battery charge unless the victim requires medical attention, and then only as a last resort.
 7. Juveniles who are arrested on a deprived warrant (in Tulsa County the warrant will begin with “JVD”) cannot be admitted to the Detention Center. This also applies to any out-of-state deprived warrants. Juveniles arrested on deprived warrants should be placed in the Laura Dester Shelter.

B. JUVENILES – ARRESTED OR CITED

1. Juveniles arrested for criminal code violations, other than youthful offender crimes, may be transported to the Community Intervention Center for processing.
2. When officers issue citations to juveniles for crimes that do not require a parent/guardian to pick up the juvenile, officers may release to parent/guardian, cite and transport home, cite and release, or transport to CIC. (e.g. minor in possession of alcohol, possession of tobacco etc.).
3. It is recommended that juveniles cited for curfew violation be released to a parent or guardian. If release to a parent or guardian is impractical due to inability to contact a parent/guardian, inability of parent/guardian to respond in a timely manner, TPD call load, etc., juveniles may be cited and transported home, cited and transported to CIC, or cited and released.
4. It is recommended that juveniles cited for petit larceny from retailer/wholesaler be released to a parent or guardian. If a parent or guardian cannot be contacted or cannot respond in a timely manner, juveniles may be cited and transported home or transported to CIC.
5. CIC will not accept the following juveniles for admission:
 - a. Those who are classified as youthful offenders.
 - b. Those who exhibit continuous out-of-control violent and destructive behavior that could cause injury to self or others.
 - c. Those who have only committed traffic violations.
 - d. Those who are sick, injured, or require medical treatment. These juveniles will be admitted only after medical examination and with a written medical release.
 - e. Those who are extremely intoxicated to the point they are not coherent, or they cannot respond to questions or directions.
 - f. Those who need shelter but have not been charged with a crime.

- g. Those who are illegal aliens but have not been charged with a crime.
- 6. Juveniles under the age of 12 years old will require a supervisor's authorization prior to being admitted to CIC.
- 7. Officers are encouraged to contact the CIC at [REDACTED] prior to their arrival.
- 8. Officers will continue to contact JBDC prior to arrival at CIC to determine if the juvenile can be held in the Juvenile Detention Center according to detention criteria. If the juvenile is detention eligible, the arresting officer will transport to CIC for booking and processing. The arresting officer is then responsible for transporting the juvenile to the Juvenile Detention Center (JBDC). CIC personnel will consult with JOLTS to determine if the juvenile has prior arrests, is on probation, or in DHS custody. Note this information on the *Arrest and Booking (A&B) Data Sheet*.
- 9. If a juvenile is arrested on a combination of criminal and traffic charges, the detention criteria for the criminal charges will apply.
- 10. The Juvenile Detention Center will notify the parent or guardian of any juvenile being placed in detention as soon as reasonably possible.
- 11. The CIC will notify the parent or guardian of any juvenile being admitted to the CIC as soon as reasonably possible.
- 12. CIC personnel will contact a parent or guardian to pick up juveniles who are arrested or cited for violations of the criminal code and are not detention eligible.

C. WAGONER/OSAGE COUNTY JUVENILE ARRESTS

- 1. When juveniles are arrested within Wagoner or Osage County for criminal offenses that would otherwise be eligible for detention, officers must contact a Wagoner or Osage County judge (see Policy 120A Attachment, *Domestic Violence/Protective Orders – Attachment*, for contact numbers). The judge will determine whether to detain the juvenile in the Wagoner or Osage County Jail.
- 2. If the judge orders that the juvenile be detained in a secure facility, transport and book the juvenile into the Wagoner or Osage County Jail. Document the judge's decision in the *Incident Report* as well as in the *Arrest and Booking Data Sheet*.
- 3. If the judge does not order that the juvenile be detained, release the juvenile to their parent/legal guardian or a responsible adult. Document the judge's decision in the *Incident Report*.
- 4. Prior to release or detention, obtain fingerprint impressions from the juvenile on three "ten-print" cards. This can be done at Detective Division if the uniform division does not have a printing station or cards. Use the RED cards for criminal charges. Complete the required arrest information on the cards, mark them "JUVENILE," and forward them to the Fingerprint Examiner at the Lab via Interoffice Mail.

REGULATIONS: None

REFERENCES:

10A O.S. 2-2-301(A)
74 O.S. 150.2-150.12
114C, *Juvenile Violators*
116C, *Emotionally Disturbed Juveniles*
116C Att., *Emotionally Disturbed Juveniles - Attachment*
120A Att., *Domestic Violence/Protective Orders - Attachment*

121A, *Juvenile Escapee from Institutional Placement*
121B Att., *Juvenile Arrest and Detention - Attachment*
121C, *Youthful Offenders*
122A, *Missing Person/Runaway*
141, *Wagoner/Osage County Arrests and Prisoner Transports*