



Tulsa Police Department

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Policy # 121C

Policy Name Youthful Offenders

Approved by Wendell Franklin, Chief of Police

Effective Date 07/09/2009

Approved Date 07/09/2009

Previous Date 09/12/2008

PURPOSE OF CHANGE:

To update policy format.

POLICY:

The Tulsa Police Department will conduct juvenile arrests, detentions, and interrogations in accordance with the *Youthful Offender Act*, 10 O.S. 7306-2.1. Juveniles 13, 14, 15, 16, or 17 years of age who are arrested for murder in the first degree will be charged as adults. Youthful Offenders will subsequently be treated as adults if they are certified as an adult or sentenced to the same sentence that would be given an adult under the same circumstances. Otherwise, they will be treated as Youthful Offenders until they reach the age of 18. Any person charged with violating any other state law or municipal ordinance not covered in the Youthful Offender Act will be charged as a juvenile and will be handled in accordance with policies 121B, *Juvenile Arrest and Detention*, and 114C, *Juvenile Violators*.

The duration of interviews that officers and/or detectives conduct will be of a reasonable length, taking into consideration the age and psychological state of the juvenile. The investigating officer/detective will fully explain applicable Department and/or juvenile criminal justice procedures.

SUMMARY: Procedures for the arrest, detention, and interrogation of Youthful Offenders.

APPLIES TO: All police personnel

DEFINITIONS:

YOUTHFUL OFFENDER –

1. Any person 13, 14, 15, 16, or 17 years of age who is charged with murder in the first degree and certified as a Youthful Offender by the court.
2. Any person who is 15, 16, or 17 years of age and is charged with:
 - a. Murder in the second degree.
 - b. Kidnapping for the purpose of extortion.
 - c. Manslaughter in the first degree.
 - d. Robbery with a dangerous weapon or attempt thereof.
 - e. Robbery with a firearm or attempt thereof.
 - f. Rape in the first degree or attempt thereof.
 - g. Rape by instrumentation or attempt thereof.
 - h. Forcible sodomy.
 - i. Lewd molestation.
 - j. Arson in the first degree or attempt thereof.
 - k. Shooting with intent to kill.
 - l. Discharging a firearm or crossbow or other weapon from a vehicle pursuant to 21 O.S. 652 (B).

3. Any person 16 or 17 years of age who is charged with:
 - a. Burglary in the first degree or attempted burglary in the first degree.
 - b. Aggravated assault and battery of a police officer.
 - c. Intimidating a witness.
 - d. Trafficking in or manufacturing illegal drugs.
 - e. Assault or assault and battery with a deadly weapon.
 - f. Maiming.
 - g. Rape in the second degree.
 - h. Use of a firearm while in the commission of a felony.
 - i. Residential burglary in the second degree after two or more adjudications as a delinquent for committing burglary in the first degree or residential burglary in the second degree.

PROCEDURES:

1. If an officer arrests a person as a Youthful Offender, the officer will use the same intake and booking procedures as those used for adult felony arrests. Notify booking personnel that the subject is a Youthful Offender and qualifies for admittance in the adult detention facility.
2. The following interrogation procedures apply when an officer arrests a Youthful Offender:
 - a. If a person (16) years of age or older is charged with a youthful offender crime, the interrogation procedures are the same as for an adult. The presence of a parent or guardian is not required. The interrogation must conform with all requirements for the interrogation of an adult.
 - b. If a person under (16) years of age is charged with a youthful offender crime, a parent, guardian, attorney, adult relative, adult caretaker, or legal custodian must be present during the custodial interrogation.
 - c. If a person is under (18) years of age and their crime is not a youthful offender crime, a parent, guardian, attorney, adult relative, adult caretaker, or legal custodian must be present during the custodial interrogation.

REGULATIONS: None

REFERENCES:

10A O.S. 2-2-301
10 O.S. 7306-2.1
114C, *Juvenile Violators*
121B, *Juvenile Arrest and Detention*
CALEA 44.2.1, 44.2.2, 44.2.3