

HONOLULU POLICE DEPARTMENT

POLICY LAW ENFORCEMENT OPERATIONS

June 2, 2017

Policy Number 4.33

HANDLING JUVENILES

POLICY

- I. The Honolulu Police Department (HPD) is committed to perpetuating programs designed to prevent and control juvenile delinquency, abuse, and neglect and to encourage the rehabilitation of delinquent juveniles.
- II. When it is appropriate to do so in handling juvenile offenders, officers shall use the least coercive action among reasonable alternatives while preserving public safety, order, and individual liberty.

PROCEDURE

I. DEFINITIONS

Booking report: An arrest report in the Case Report System (CRS) used to record the arrest of a suspect.

Criminal act/offense: Any act that is classified as a petty misdemeanor, misdemeanor, or felony.

Protective custody: Legal status of a youth whose physical custody is retained by a police officer.

Secure detention: Physical confinement in a locked room or cell or being handcuffed to a stationary object. Includes facilities with construction fixtures designed to physically restrict the movements and activities of juveniles held in lawful custody in such a facility.

Serious juvenile offender (SJO): A juvenile who has been arrested and charged for five or more class B or C felonies or at least one class A felony.

Status offender: A youth under the age of 18 who commits an act that, if committed by an adult, would not constitute a crime. Includes (but is not limited to): runaway, truancy, curfew, beyond parental control, and injurious behavior/incorrigible. Exception: curfew applies to a youth under the age of 16.

II. POLICE JURISDICTION

- A. Youths under the age of 18 who are alleged to have committed an act that constitutes an offense or attempted offense against any federal, state, or local law/ordinance.
- B. Status offenders.
- C. Youths in need of protective custody.
- D. Youths who commit offenses on military bases--only if assistance is requested by the military authorities. See section XI below.

III. PROTECTIVE CUSTODY INVOLVING MINORS

- A. If a youth is found to be neglected, abused, and/or abandoned, the police officer shall:
 - 1. Verify the youth's identity;
 - 2. Determine that the youth is a victim as well as a minor (under the age of 18);
 - 3. Complete a police report; and
 - 4. Obtain a State of Hawaii Department of Human Services Protective Custody Form from the assigned Child Welfare Services Unit (CWSU) worker and document the details of the case.
- B. The officer and CWSU worker shall each sign the form after it is completed. The officer shall attach the form to the police report.
- C. The officer shall take the youth into protective custody but shall not initiate any booking.

- D. The officer shall immediately release the youth to the CWSU with a copy of the completed reports.

IV. APPREHENSION

- A. A police officer may take a youth into custody when there are reasonable grounds to believe that the youth has committed an act that puts him or her in one of the categories listed in section II above. Alternatives to apprehension may be used if appropriate (see section V).
- B. A police officer may take a youth into custody when there are reasonable grounds to believe that the youth has violated a court order, probation, or protective supervision.
- C. A police officer may take a youth to a police station for questioning and investigation when there are reasonable grounds to do so. When doing so, the officer shall transport the youth without delay to the station.

7-9-2018

- D. In incidents where a juvenile is positively identified as a suspect in a documented crime, the complainant desires prosecution, and there is probable cause, the juvenile shall be arrested. Criminal cases involving juvenile offenders shall not be referred to the prosecutor's office in lieu of an arrest with the exception of section V of this directive.

E. APPREHENSION IN THE EDUCATIONAL SETTING

A police officer shall be sensitive to the age of the youth and the circumstances surrounding the incident when faced with an apprehension situation on school grounds (or in the educational setting) during school hours.

- 1. The officer shall consider any and all information given to them by educational professionals, teachers, or mental health providers about any disabling conditions and behavioral disabilities before determining whether a youth will be apprehended.

2. The officer's supervisor shall be consulted and briefed on any facts and circumstances before an apprehension is made.

3. The officer shall ensure and document that every effort is made to notify the youth's parents or guardian before a youth is apprehended unless mitigating circumstances make it impracticable to do so.

7-9-2018

F. If a youth is ill or seems mentally disturbed, refer to section IX of this directive.

V. ALTERNATIVES TO APPREHENSION

A. A police officer dealing with juveniles in an enforcement capacity shall exercise reasonable discretion with regard to appropriate actions. Alternatives to apprehension that may be considered by the officer include the following:

- 1. Releasing the juvenile with no further action;
- 2. Verbally warning the juvenile;
- 3. Counseling the juvenile regarding the consequences of his or her actions;
- 4. Consulting with and arranging for corrective actions by a parent or guardian;
- 5. Dropping charges at the request of the complainant; or

7-9-2018

6. Issuing citations for firework and park closure violations.

B. In incidents where property damage or personal injury is not involved but intervention is necessary to avoid future delinquent actions and the youth has had no prior enforcement contact with the police, it may be appropriate to consider (1) release without further action or following informal counseling or (2) referral to parents.

VI. ARREST PROCESS (BOOKING)

- A. Regardless of the offender's age at the time of arrest, if the offense was committed when the arrestee was under the age of 18 and there is no waiver from the Family Court, he or she shall be processed as a juvenile. In all cases, the constitutional rights of a juvenile shall be protected.
- B. A youth who is waived by the Family Court to the Circuit Court shall be processed as:
 - 1. A juvenile, if the offense was committed before the date of the waiver; or
 - 2. An adult, if the offense was committed on or after the date of the waiver.
- C. The arresting officer shall notify a parent or guardian of any arrest, including all field arrest processes.
- D. No adult arrestee or detainee may be within sight or sound of a juvenile at any time.
- E. An electronic Booking Report, HPD-525 form, shall be completed for all arrests. The HPD-525 form shall not be used as the key report.
- F. A juvenile offender who has committed a criminal offense and is 12 years or older shall be fingerprinted and photographed in compliance with sections 571-74 and 571-84 of the Hawaii Revised Statutes. Juvenile offender fingerprints shall be sent to the Identification Section of the Records and Identification Division.

Note: A status offender shall not be fingerprinted or photographed.
- G. A computer inquiry shall be made for any outstanding warrants and letters of apprehension/detention and to determine disposition based on the juvenile's history.

- H. Evidence shall be processed in the same manner as in an adult case.
- I. For juvenile arrests, original supplemental documents and/or attachments shall be scanned and uploaded to the CRS, in accordance with Policy 8.06, POLICE REPORTS. After the documents and/or attachments have been scanned and uploaded to the CRS, the originals shall be forwarded to the Records and Identification Division.
- J. Supervisors approving juvenile arrest reports shall mark the case as "inactive" in order for notification to be sent to the Community Affairs Division.

VII. DISPOSITION OF JUVENILES

- A. Refer to Attachment 1 for the summary table of juvenile dispositions.
- B. A status offender shall not be held in secure detention and shall be released immediately after processing to a parent, guardian, responsible adult, or an approved juvenile facility.
- C. A nonstatus offender may be held in secure detention in the juvenile section of the station at which he or she was processed until released to a parent, guardian, or responsible adult.

1. Juvenile Secure Detention Log

- a. A juvenile secure detention log sheet shall be completed for each offender held in secure detention.
- b. The condition of each juvenile detainee held in secure detention shall be checked at ten-minute intervals, and his or her condition shall be documented on the juvenile secure detention log.
- c. The completed juvenile secure detention log shall be forwarded with the arrest report to the Records and Identification Division.

2. Secure detention in a police facility is prohibited:
 - a. For status offenders;
 - b. Within sight and sound of an adult detainee;
 - c. If it is being used as a punitive measure;
 - d. If it is for the convenience of the investigator; and
 - e. For longer than six hours. The six hours shall begin upon a juvenile's entrance into the sally port or any other area restricted from the public (e.g., parking lot) and end when the person is transported to a juvenile detention facility or released to a parent or guardian.

D. Confinement in Adult Detention Block

No juvenile detainee may be confined in an adult detention block unless the Family Court has waived jurisdiction over the juvenile.

E. Juvenile Offenders Who Cannot Be Detained at the Kapolei Juvenile Detention Facility

1. A youth under the age of 12, except under section VII F 1 below.
2. A parolee, furlougee, or escapee from the Hawaii Youth Correctional Facility. (Detention shall be in the juvenile section of the police detention block until a Hawaii Youth Correctional Facility official claims custody.)
3. A neglected, abused, abandoned, and emotionally disturbed youth.
4. A status offender, except under section VII F 4 below.

F. Juvenile Offenders Who Can Be Detained at the Kapolei Juvenile Detention Facility

1. An offender who is less than 12 years of age, if there is authorization from a Family Court judge.
2. One who is classified as an SJO.
3. One who is arrested and charged with a criminal offense. All appropriate paperwork and required medical clearances for any apparent injuries or illness shall accompany the offender.
4. A status or criminal offender, if there is a letter on file from the court or probation officer that authorizes apprehension/detention.

G. Transportation to Juvenile Service Provider Facility

After the juvenile is processed, a transporting officer from the district where the arrest was made, shall take the juvenile and the necessary paperwork to the appropriate juvenile service provider facility.

VIII. INVESTIGATION OF CRIMINAL OFFENSES

A. Petty Misdemeanors and Misdemeanors

Any required investigation shall be conducted by the appropriate patrol district.

B. Nondrug Felony Offenses

The arresting officer shall refer all nondrug felony cases to the appropriate investigative element.

C. Felony Drug Offenses

The arresting officer shall refer all drug-related felony cases to the Narcotics/Vice Division.

D. Investigative Reports

At the conclusion of the criminal investigation, copies of the Booking Report and accompanying reports shall be distributed according to the summary table of juvenile dispositions in Attachment 1.

IX. SPECIAL CIRCUMSTANCES

A. Ill or Injured Youth

1. Refer to the section on minors in Policy 4.22, MH-1: APPLICATION FOR EMERGENCY EXAMINATION AND HOSPITALIZATION.
2. The youth's parent or guardian shall be contacted immediately.
3. No officer shall sign any admittance or other hospital document that may place financial responsibility on the HPD or the city.

B. Field Arrest Processing of Juveniles

A field arrest process may be performed under the circumstances listed below, provided that there is no outstanding warrant or letter of apprehension or detention on file.

1. When a truant returns to school on his or her own. A police officer shall contact a parent or guardian; or
2. When a runaway returns home on his or her own.

X. WARRANTS

A. Family Court

An arrest warrant may be issued by a Family Court judge for a juvenile who is in violation of any provision of the Family Court.

B. District Court

1. Service shall be completed for any arrest warrant issued by a District Court. If it is later determined that the arrestee is a juvenile:
 - a. The case shall be deleted from the Central Receiving Division's (CRD) district court calendar; and
 - b. No bail shall be required. The juvenile shall also be released to a parent, guardian, or responsible adult and the case shall be forwarded to the Family Court or prosecutor.

The juvenile may be detained at the Kapolei Juvenile Detention Facility if a parent or guardian declines custody or cannot be located.

2. If a juvenile offender fails to respond to a traffic citation or a penal summons, a District Court judge may issue a bench warrant of arrest and set bail.
 - a. The juvenile shall be arrested and processed for contempt.
 - b. The juvenile shall be released only to a parent, guardian, or responsible adult or shall be transported to the Kapolei Juvenile Detention Facility.
 - c. If the juvenile is transported to the Kapolei Juvenile Detention Facility, the parent or guardian must pay the bail at the CRD, obtain a receipt, and then accept custody of the juvenile at the Kapolei Juvenile Detention Facility.

XI. ARRESTS FOR OFFENSES OCCURRING ON MILITARY INSTALLATIONS

Offenses that occur on military installations may be investigated by the military. The military has the first right of refusal concerning investigations involving juvenile offenders on military installations. In cases where military authorities wish to refer juvenile offenders to the HPD for investigation and disposition, the responding officer shall handle the investigation in accordance with this directive.

How cases are handled will depend on the seriousness of the offense and the need to have the juvenile charged immediately. In those cases, the HPD will provide assistance to military authorities.

In other cases, military authorities may wish only to determine if a juvenile in their custody is wanted by civil authorities. If a juvenile in military custody is wanted by civil authorities, the HPD will provide assistance.

XII. CONFIDENTIALITY

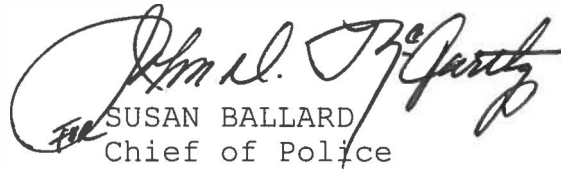
- A. HPD personnel shall not release the name of any juvenile who has been apprehended or taken into protective custody unless so ordered by a Family Court judge.
- B. Fingerprints, photographs, and criminal history files of juvenile offenders shall be maintained in a file that is separate from the adult file to ensure security and confidentiality.

7-9-2018

June 2, 2017

Policy Number 4.33
Page 12

Only authorized law enforcement personnel may have access to these files and only after following proper procedures.



SUSAN BALLARD
Chief of Police

7-9-2018

Attachment

Post on bulletin board for one week

Policy first issued September 7, 1995

SUMMARY TABLE OF DISPOSITIONS FOR ARRESTED JUVENILES

OFFENSES	Arrest
STATUS OFFENSES	
Runaway	B
Truancy	C
Beyond Control	B
Injurious Behavior	B
Curfew	B
MISDEMEANOR	
Theft	A*
Assault	A*
Criminal Property Damage	A*
Abuse of Household Member	A
Terroristic Threatening 2	A*
Educational Neglect	B
Prohibitions	A*
Detrimental Drugs 3	A*
All Others	A*
FELONY	
Nondrug Related	D
Drug Related	E
ALL TRAFFIC	A
JUVENILE VICTIM (abused or neglected minor)	G

CODE DISPOSITION

- A Referral to Prosecutor's Office
 B Referral to Family Court
 C Referral to Attorney General's Office
 D Referral to Criminal Investigation Division or
 Narcotics/Vice Division, as applicable
 E Referral to Narcotics/Vice Division
 F Referral to Child Protective Services
 * If the juvenile does not give a statement or denies
 the charges, the case shall be referred to the
 Prosecutor's Office.