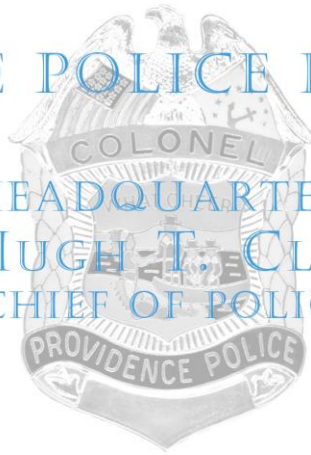


# PROVIDENCE POLICE DEPARTMENT

HEADQUARTERS  
COLONEL HUGH T. CLEMENTS, JR.  
CHIEF OF POLICE



TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	370.01	1/25/2021	1/27/2021
SUBJECT TITLE		PREVIOUSLY ISSUED DATES	
Juvenile Operations		9/1/2019; 3/28/2014	
REFERENCE		RE-EVALUATION DATE	
CALEA 1.2.5; 44.1.1, 44.2.1- 44.2.3		9/12/2023	
SUBJECT AREA		DISTRIBUTION	
Law Enforcement Operations		All Sworn Personnel	

## PURPOSE

The purpose of this policy is to provide procedures to be followed by all personnel regarding the handling of juveniles who come under the jurisdiction of the Providence Police Department, and to define the responsibilities of the Youth Services Bureau (YSB).

In accordance with the Juvenile Justice and Delinquency Prevention Act of 2002 and Title 14, Chapter 1 of the Rhode Island General Laws, the following guidelines and procedures have been established regarding the handling of juveniles by members of the Providence Police Department.

## POLICY

The Providence Police Department and its members are committed to the creation of new programs and the support of existing programs that are designed to foster positive interaction with the youth of the City while aiming to reduce juvenile delinquency.

All sworn members of the Providence Police Department are encouraged to be involved within the Providence community, and to support and participate in programs that enhance the positive development of young people.

The Department will develop and/or participate in initiatives that are designed to prevent and control juvenile delinquency, and will coordinate such initiatives with other agencies and the community.

All sworn members of the Department are encouraged to familiarize themselves with juvenile issues and problems, as well as established programs and resources geared toward effecting positive changes in juvenile offenders.

It is the responsibility of all agency members to support the Department's juvenile delinquency prevention efforts and to use the least coercive methods available, as deemed appropriate based upon a totality of the circumstances, when dealing with juvenile offenders.

## **DISCUSSION**

For the purpose of this General Order, the following definitions shall apply:

Juvenile: A person under eighteen (18) years of age. However, a person is considered eighteen (18) years of age twenty-four (24) hours prior to his/her 18<sup>th</sup> birthday.

Delinquent: A juvenile offender who has committed any offense which, if committed by an adult, would constitute a felony.

Wayward - Misdemeanor Offender: A juvenile who has committed any act, which, if committed by an adult, would constitute a misdemeanor offense.

Wayward - Status Offender: A juvenile who has committed any offense, which, if committed by an adult, would not constitute a misdemeanor or felony offense. Status Offenses include:

- Truancy
- Runaway
- Sexting
- Violations of Curfews
- Wayward/Disobedient Child
- Possession of spray paint
- Possession of ammunition
- Possession of fireworks
- Possession of mace
- Possession of Powdered Caffeine
- Underage possession and/or consumption of tobacco
- Underage alcohol offenses
- Possession of marijuana under 1 ounce
- 1st refusal of breathalyzer
- No License/Never Applied
- Operating on a Suspended License

Any status offender who fails to appear in Family Court is still considered a status offender, despite the issuance of a bench warrant.

Status offenders shall not be transported to Central Station unless exigent circumstances exist.

Respondent: The term used to identify a juvenile offender.

Non-Offender: A juvenile to whom any of the following descriptions apply:

1. An unmarried child who is found to be abused, neglected, or in imminent danger of abuse or neglect.
2. An unmarried child who is found to be abandoned.

3. An unmarried child who is in need of medical, mental health, or chemical dependency treatment which the parent(s), legal guardian(s) or primary caretaker(s) cannot provide.
4. An unmarried child who has been sexually abused by a parent, guardian, or other member of the household.
5. An unmarried child whose parent, guardian, or primary caretaker desires to be relieved of the care and custody of the child for good cause.
6. A juvenile taken into custody for questioning purposes.

Secure Custody: Confinement of a juvenile in a Department-authorized physically restrictive, secured area within the Department; normally the PPD juvenile cellblock.

\*NOTE: Per the Juvenile Justice Delinquency Prevention Act (JJDP), any juvenile held in secure custody must either be released or transferred after a maximum of six (6) hours. The six (6) hour time limit starts when the juvenile is placed into secure custody. The time does not stop if the juvenile is removed and then placed back into secure custody.

Non-Secure Custody: Placement of a juvenile in an unlocked room or multi-purpose area, including but not limited to a lobby, office, interview room, or conference room, which is not set aside or used as a secured area; providing that the juvenile is not physically secured to any stationary object or fixture.

\*NOTE: All juveniles in non-secure custody must be kept in constant visual contact by a sworn member of the Providence Police Department for the duration of custody, unless exigent circumstances dictate otherwise.

## **PROCEDURE**

### **I. YOUTH SERVICES BUREAU (YSB)**

- A. The Investigative Division incorporates a juvenile component, identified as the Youth Services Bureau (YSB), which is responsible for making all referrals to court or recommending/implementing diversionary alternatives.
- B. YSB serves as the liaison between the Department and other agencies and components of the juvenile justice system.
- C. YSB duties include, but are not limited to:
  1. Effecting the arrest of respondents when arrest is necessary.
  2. Immediately reviewing every case in which a custodial arrest has been made.
  3. Making decisions regarding the summoning and/or releasing of respondents.
  4. Coordinating and preparing cases for Family Court.

5. Making referrals to the City of Providence Juvenile Hearing Board when the offender is a city resident.
6. Prosecuting adults in child abuse, neglect, and abandonment cases.
7. Acting as a liaison between the Department and other agencies working to investigate, deter, and prevent child abuse or neglect.
8. Making recommendations to appropriate counseling or other human resource agencies when either requested or as appropriate.
9. Coordinating efforts with both government and private agencies to develop and implement programs to control and prevent juvenile delinquency.
10. Maintaining juvenile records and updating the status of respondent arrests and dispositions.
11. Coordinating efforts with other elements of the Juvenile Justice System and encouraging review and comment in regards to the Department's case handling, and considering suggestions to revise and improve correctional efforts when beneficial or necessary.
12. Preparing an annual written report which analyzes all juvenile enforcement activity and prevention programs, to be forwarded to the Commanding Officer of the Investigative Division and the Chief of Police.

## **II. OPERATIONS AND PROCEDURES**

- A. A juvenile may be taken into custody whenever any of the following elements are present:
  1. An order of the Family Court with the exception of a Status Offense.
  2. There is probable cause to believe that the juvenile has committed acts which fall within the delinquency jurisdiction of the Family Court and it is determined that issuance of a summons or citation would not adequately:
    - a. Protect the jurisdiction or process of the Family Court;
    - b. Protect the juvenile if harm has already occurred or from an imminent threat of serious bodily harm; or
    - c. Reduce the risk of the juvenile inflicting serious bodily harm on others or committing serious property offenses prior to adjudication.

3. The officer believes that the juvenile has committed or is committing a wayward offense.
  4. The juvenile fails to cooperate or to positively respond to police intervention and direction.
  5. The juvenile's parent(s) or guardian(s) have failed to provide appropriate control or supervision.
- B. In making the determination to take or retain custody of a juvenile, officers must consider:
1. The nature and seriousness of the offense.
  2. The juvenile's record, previous contacts, and/or warnings.
  3. The age and circumstances of the juvenile.
  4. The availability of non-custodial alternatives, including the presence of a parent or guardian willing to provide supervision and care of the juvenile and to assure his/her compliance with a summons or citation.
  5. Any outstanding capias or history of willful failures to appear in court.
- C. Officers dealing with respondents will use the least coercive among reasonable alternatives to detention in accordance with the following provisions:
1. Outright release with no further action – A respondent may be released to the custody of a parent or guardian with no further action when ALL of the following elements are present:
    - a. The offense is a status offense, a non-offense, or a petty misdemeanor.
    - b. The complainant does not wish to pursue formal charges.
    - c. The respondent's parents or guardian has been made aware of the detention and agrees to the respondent's release, and;
    - d. The detaining officer has the approval of a supervisor.
  2. Released pending further action – A respondent may be released at the scene to a parent or guardian, or transported home to a parent or guardian, pending further action and later petitioned to appear in Family Court when ALL of the following elements are present:
    - a. The offense is a status offense or petty misdemeanor.
    - b. The respondent is a first-time offender.

- c. The respondent's parents or guardian has been made aware of the charge(s), agrees to the release, and made aware of pending further action.
- d. The officer has gathered and verified all of the pertinent information, name, address, date of birth, and contact numbers for both the respondent and the parent or guardian.
- e. The officer has the approval of a supervisor.

NOTE: It shall be the responsibility of a YSB Detective to review cases involving juveniles released pending further investigation and determine if the juvenile should be petitioned to Family Court or referred to the Providence JHB. It is the responsibility of the YSB Detective to notify the parent or guardian with the outcome of the investigation and the action being taken.

- D. Custodial Arrest/referral to Family Court – A respondent shall be taken into custody and transported to Central Station when ANY ONE of the following is present:
  - 1. An order of the Family Court, providing that order is not the result of a status offense.
  - 2. When there is probable cause to believe the respondent has committed a delinquent act, or;
  - 3. When there is probable cause to believe the respondent has committed a wayward act and it is determined that release pending further action would impede the investigation; and would not adequately:
    - a. Protect the community or process of the Family Court.
    - b. Protect the respondent if harm has already occurred or from an imminent threat of serious bodily harm; or
    - c. Reduce the risk of the respondent inflicting serious bodily harm on others or committing serious property offenses prior to adjudication.
    - d. The respondent's parent(s) or guardian(s) have failed to provide appropriate control or supervision.
  - 4. In making the determination to take or retain custody of a respondent, officers must consider:
    - a. The nature and seriousness of the offense.
    - b. The respondent's record, previous contacts, and/or warnings, if known.
    - c. The age and circumstances of the respondent.

- d. The availability of non-custodial alternatives, including the presence of a parent, guardian, or other suitable person able and willing to provide supervision and care for the respondent, as well as assure future appearances in Family Court.
  - e. The respondent's record of willful failures to appear in Family Court after having been petitioned, if known.
- E. If it is decided to take the respondent into custody:
- a. Prior to any questioning, respondents will be read their Miranda Rights by the detaining member or an appointed interpreter, if a language barrier exists, in order to ensure that the constitutional rights of the respondent are protected. No questions will be asked of the respondent until the respondent is properly represented by a parent, guardian or legal counsel.
  - b. The respondent will be restrained as appropriate and immediately transported to Central Station.

### **III. CUSTODY METHODS AND CONSIDERATIONS**

#### **A. Criminal offenders - violent or major offenses.**

1. A respondent should be held in secure custody and then either transported to Family Court as soon as practical or a Family Court Judge called for an emergency hold, for the following offenses:
  - a. Arson - 1st and 2nd degree.
  - b. ADW - Resulting in serious bodily injury.
  - c. Assault on a person over 60 - Resulting in injury.
  - d. Breaking & Entering of Occupied dwelling in day or nighttime.
  - e. Burglary.
  - f. Child Molestation - 1st Degree.
  - g. Escape from the Rhode Island Training School.
  - h. Felony Assault - Resulting in serious bodily injury.
  - i. Murder - And any other related crime including assault with intent to commit murder.
  - j. Narcotics - Delivery or possession with intent to deliver or large amounts if just for possession.

- k. Reckless Driving - Death or serious bodily injury
  - l. Robbery - 1st Degree and armed and assault with intent to commit robbery.
  - m. Sexual Assault - 1st Degree.
  - n. Stalking - 2nd charge.
  - o. Weapons - All loaded firearms, especially on school grounds, and explosives.
  - p. Kidnapping.
  - q. Auto Theft / Carjacking.
  - r. Family Court Capias/Warrant.
- B. Criminal Offenders - felonies not listed above and misdemeanors.
- 1. A respondent should be held in secure custody when charged with an offense which would be a criminal act if committed by an adult.
- C. Respondents held for Family Court will be transferred for a hearing as soon as practical. If court is not in session, authorization will be obtained from the on-call Family Court Judge and the respondent will be transferred, without delay, to the R.I.T.S.Y.
- \*NOTE: Respondents may not be held in custody for any more than six (6) hours without the expressed authorization of a Family Court Judge. The six (6) hour time limit begins when the juvenile is first placed in secure custody.
- D. Status Offenders.
- 1. Unless exigent circumstances can be articulated, no respondent who has committed a status offense shall be transported to the Youth Services Bureau.
  - 2. If a respondent who has committed a status offense under exigent circumstance is transported to Central Station, that respondent must remain under constant visual contact and shall be released to a parent, guardian, or DCYF pending further action; provided the respondent is not in need of medical treatment or requesting protective custody.
  - 1. A respondent who has committed a status offense may not be held for more than twenty-four (24) hours at the police station while awaiting:
    - a. Parents or guardians, or a transfer to an alternative temporary placement facility, if the public safety is not threatened and the juvenile's appearance in court is assured, and the respondent is neither in need of medical treatment nor requesting protective custody; or



- b. An order by a Family Court judge.
  2. Under no circumstances shall a respondent who has committed a status offense be held in secure custody/secured to a fixed object.
- E. Traffic Offenders.
  1. Respondents who have been issued an operator's license and who commit misdemeanor traffic offenses fall under the jurisdiction of the Family Court. Examples of how these incidents shall be handled are as follows:
    - a. Operating with a Suspended License: The officer shall collect the respondent's information that would be necessary to complete a summons. Additional information such as the name(s) and contact information of the respondent's parent(s)/guardian(s) shall also be collected. YSB shall be notified, and the aforementioned collected information entered into a field report and forwarded to YSB. Unless otherwise instructed, the respondent shall be released on-scene to the respondent's parent(s)/guardian(s). YSB shall complete any petitions/arrest paperwork.
    - b. Reckless Driving: The officer shall notify YSB of the incident, bring the respondent to Central Station, and turn the respondent over to a YSB detective. The officer shall complete a field report and turn the case over to YSB. YSB shall complete any petitions/arrest paperwork.
    - c. DUI (RIGL §31-27-2) or DUI refusal (RIGL §31-27-2.5): The officer shall ensure that all on-scene procedures pertaining to DUI/DUI refusals are completed; notify YSB of the incident; and bring the respondent to the hospital for a medical evaluation/treatment. The officer shall complete a field report and turn the case over to YSB. YSB shall complete any petitions/arrest paperwork.
  2. Respondents who have been issued an operator's license and who commit non-criminal offenses such as speeding, restricted license violations, etc. fall under the jurisdiction of the RI Traffic Tribunal and should be summonsed by the on-scene officer. The following information should be notated on the back of the summons:
    - a. Names of respondent's parent(s)/guardian(s).
    - b. Home phone number.
    - c. The respondent's school and grade.

\*NOTE: The issuing officer or a YSB detective may choose to notify the parent(s), especially if the respondent's driving habits are apparently endangering himself/herself or others.

3. Respondents who have never been issued an operator's license and who commit ANY traffic offense fall under the jurisdiction of the RI Traffic Tribunal. The officer shall collect the respondent's information that would be necessary to complete a summons. Additional information such as the name(s) and contact information of the respondent's parent(s)/guardian(s) shall also be collected. YSB shall be notified, and the aforementioned collected information entered into a field report and forwarded to YSB. Unless otherwise instructed, the respondent shall be released on-scene to the respondent's parent(s)/guardian(s). YSB shall complete any petitions/arrest paperwork.

F. Non-Offenders/Protective Custody

1. Any juvenile taken into custody for a non-offense or for his/her own protection shall remain in constant visual contact while being detained in a non-secure detention area until released. Consistent with RIGL §40-11-5 entitled, "Protective Custody by Physician or Law Enforcement Officer," an officer may take a juvenile into protective custody without the consent of the parents, or others exercising control over the juvenile, and detain the juvenile for up to forty-eight (48) hours when certain conditions exist. Protective custody considerations may arise when:
  - a. There is probable cause to believe that, by reason of abuse or neglect there exists an imminent danger to the juvenile's life or physical safety.
  - b. The juvenile's parent(s) or guardian(s) have been arrested, leaving no suitable person(s) to take temporary care of the juvenile.
  - c. The juvenile is lost and his/her welfare is threatened due to the loss of adult protection and supervision.
2. Reports of child abuse, neglect, or abandonment will be investigated by YSB. DCYF will be notified of such cases in accordance with law or when necessary in the course of the investigation (RIGL §40-11-3).
3. Any child that apparently has been abused can be checked by a licensed physician, in accordance with state statute, who may invoke a 72-hour emergency hold to protect the child under a hearing can be held. (RIGL §40-11-5(a)).
4. DCYF shall be immediately notified when a juvenile is taken into custody for a non-offense or for his/her own protection. The juvenile shall be released to DCYF, who shall be responsible for the juvenile's care.
5. Every reasonable effort shall be made to notify the parent(s), guardian(s), or other person(s) exercising control of the juvenile of the juvenile's placement with DCYF.

- G. An incident and/or arrest report must be generated for all juveniles detained at police headquarters, regardless of arrest status or protective custody reason, and must include the following information:
  - a. Case number.
  - b. Age and sex of juvenile.
  - c. Specific charge or reason detained.
  - d. Custody area (secure or non-secure).
  - e. Length of detention time.
  - f. Parent or agency juvenile is released to.
  - g. Name and DOB of parent(s) or guardian.
- H. Parent(s) or guardian will be notified as soon as possible when a juvenile is taken into custody.
- I. A YSB detective or supervisor will be notified whenever a juvenile is brought into headquarters on a non-voluntary basis.
- J. All juveniles will be afforded due process.
- K. All officers will ensure that the constitutional rights of the juvenile are protected.
- L. Juveniles taken into custody, for any reason, shall be visually and physically isolated from adult offenders at all times

#### **IV. INTERVIEW / INTERROGATION / FORMAL STATEMENTS**

- A. Interviews and formal statements pertaining to juveniles shall be conducted by sworn Investigative Division detectives only.
- B. Prior to any custodial interrogation of a juvenile, the Investigative Division detective will await the arrival of the juvenile's parents or guardian. Upon their arrival, the juvenile and the parents or guardian shall be read the Miranda Rights. After having been read the Miranda Rights, the juvenile and the parents or guardian shall sign the Miranda Rights form, ensuring the admissibility of any statements made by the juvenile.
  - 1. If at any time during the questioning the juvenile, parent(s), or guardian requests to invoke any of their Miranda Rights, the rights will be afforded.
- C. No questioning will take place, nor will formal oral or written statements be elicited, unless the juvenile's parent(s), guardian, or legal counsel is present.

1. Exceptions may occur primarily based upon the totality of the circumstances and the juvenile's capability to knowingly waive his/her right to consult with his/her parent(s), guardian(s), or legal counsel.
- D. Interrogation of a juvenile will be limited in duration to generally less than two (2) hours. Exceptions may occur, as the scope of the investigation may require.
  1. The juvenile will be provided water and use of a restroom upon request.
  2. There will be no more than two (2) sworn officers conducting the interrogation, unless circumstances require an additional officer be present.
- E. Explanation of the department's juvenile procedures as well as the State of Rhode Island's Juvenile Justice System will be given to the juvenile being interviewed so that a full understanding of the process is clear.

## **V. PROCESSING OF JUVENILES**

- A. All respondents arrested for delinquent or wayward (misdemeanor) offenses will be fingerprinted and photographed for identification purposes.
- B. Status offenders, non-offenders, and juveniles taken into custody for their own protection shall not be photographed and fingerprinted. However, this provision shall not preclude an officer from obtaining photographs of a juvenile to aid in the investigation of neglect, abuse, or any crime in which a juvenile is believed to be a victim.
- C. Investigative photographs or fingerprints of a juvenile may be necessary and may be taken of the suspect juvenile in regards to a particular incident under the following circumstances:
  1. As provided by RIGL Title 11, Chapter 11-37.1, *The Sexual Offender Registration and Community Notification Act*.
  2. Per order of the appropriate Court, or;
  3. The parents/guardian and juvenile consent to fingerprints and photographs being taken.
- D. Fingerprints, photographs, and other forms of identification, such as hair, blood, urine, nails, breath, handwriting samples, or stomach contents retained by the Department shall be maintained in accordance with the following principles and limits:
  1. They must be protected from unauthorized access, disclosure, or dissemination;
  2. They must be kept separate from adult records, and;

3. They shall be expunged only when ordered so by a court decree.
- E. Juvenile photograph(s) shall not be used as part of a "photo array" in the investigation of a known-adult suspect.

**VI. PROVIDENCE POLICE EXPLORER PROGRAM (POST #209)**

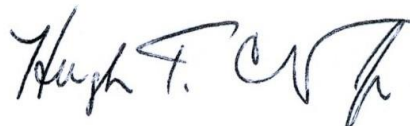
- A. This program is for boys and girls between the ages of fourteen (14) and twenty (20) who are enrolled in school and who want to either learn more about or pursue a career in law enforcement.
- B. Program participants must maintain a "C" average in school to remain in the program.
- C. Program participants learn policies and procedures for law enforcement.
- D. The program provides career orientation experiences, leadership opportunities, and community service activities.
- E. The primary goals of the program are to help young adults choose a career path within law enforcement and to challenge them to become responsible citizens within their communities.
- F. Program participants have the ability to achieve rank amongst their peers.
- G. Program participants attend meetings once per week for three (3) hours, September through June.
- H. This program is affiliated with the Learning for Life Program of the Boy Scouts of America.
- I. Program participants compete in annual State and National Competitions.
- J. Once a participant has completed one (1) full year in the program and has reached a minimum age of sixteen (16), he/she may ride along with police officers in accordance with Department Rules and Regulations and Ride-Along Program restrictions and procedures.
- K. This program is managed by police officers and volunteers from the community.

**APPROVED:**



STEVEN M. PARÉ  
COMMISSIONER  
DEPARTMENT OF PUBLIC SAFETY

**APPROVED:**



HUGH T. CLEMENTS, JR.  
COLONEL  
CHIEF OF POLICE