

**MOBILE POLICE DEPARTMENT  
MOBILE, ALABAMA**

**GENERAL ORDER #44  
09/01/2014  
SUBJECT: JUVENILE OPERATIONS**

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**44.1.1 JUVENILE DELINQUENCY PROGRAM COMMITMENT**

The Mobile Police Department is committed to development, implementation, and perpetuation of programs that are directed toward the prevention and identification of juvenile delinquency. While recognizing that the enforcement of laws with respect to juveniles is an important objective, it is equally important for the department to engage in activities and programs designed to prevent and identify juvenile delinquency.

Law enforcement agencies have a special responsibility to ensure community youth are treated fairly, sensitively, and with regard to the special considerations provided through the juvenile justice system. This agency is committed to the juvenile delinquency prevention program currently established, and the department will continue to be proactive in this area. The responsibility for participating in and supporting the juvenile function is shared by all agency personnel.

**44.1.3 ANNUAL EVALUATION OF JUVENILE PROGRAMS**

The Criminal Investigation Section Commander, in coordination with The Special Victims Unit Commander, and the Office of Strategic Initiatives Commander will annually review the effectiveness of juvenile enforcement and prevention programs under their command and submit a written report of their findings to the *\*Chief of Operations* for discussion and review.

After a thorough evaluation of each program, a decision should be made whether a specific program should function as is, be modified, or be discontinued. Recommendations will be made to the Chief of Police for final approval. After final approval, a copy of the evaluation shall be forwarded to the *\*Accreditation Detail*.

**44.2.1 ARREST AND DETENTION OF MINORS**

Section 12-15-1, Juvenile Proceedings section of the Alabama State Code, defines a juvenile (minor) as “a person who has not attained the age of 18 years of age.”

A. Diversion of Juveniles:

Diversion of juveniles, other than warn and release, is decided by the juvenile justice system with input from the officers and agencies involved. In making recommendations to the juvenile court division regarding diversion of juveniles, officers will consider the following factors:

1. The nature of the alleged offense.
2. The age and circumstances of the alleged offender and victim.
3. The alleged offender's record.
4. The availability of community-based rehabilitation programs.

**B. Citations for Juveniles:**

Code of Alabama Title 12-15-53 Issuance and service of summonses generally; endorsements upon summonses; waiver of service of summonses:

“A. After a petition alleging delinquency, in need of supervision, or dependency has been filed, the court shall direct the issuance of summonses, one to be directed to the child if the child is 12 or more years of age, another to the parents, guardian, or other custodian and others to such person as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to answer or testify as to the allegations of the petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons.”

Traffic citations issued to minors 15 years of age or younger may be submitted to the court at either the City of Mobile magistrate's office or to Intake at the Strickland Youth Center.

**C. Booking Procedures and Places of Detention: Booking procedures are as follows:**

1. A juvenile offender, when arrested, will be booked at the James T. Strickland Youth Center, in accordance with MO-2010-06, except for situations described below in Section D.
2. All minors arrested for D.U.I. will be transported to the Youth Center and booked.
3. A juvenile arrested on a criminal charge, who is also charged with a traffic offense, will be booked at the Youth Center. All charges will be adjudicated by the Juvenile Court.

**D. Status Offenders:**

A status offender is “a minor who is classified as a runaway, a curfew violator, safekeeping, or a child in need of supervision (CHINS).” Status offenders shall not be placed in a holding cell, locked in an interview room, or cuffed to a stationary object.

Detention procedures are as follows:

1. All curfew violators are processed \*in accordance with MO-2014-24 Juvenile Curfew.
2. All other status offenders (other than \*curfew violators) who are 13 years of age and older will be taken to the Crisis Intervention Center. \*The Crisis Intervention Center is staffed from 8:00 a.m. till 5:00 p.m., Monday through Friday and is located in the back portion of the square brick building located at the entrance to the Strickland Youth Center campus. If an officer has to transport a status offender between the hours of 1700 and 0800, the officer should place the juvenile in the Strickland Youth Center except for a curfew violator.
3. For any status offender (other than a curfew violator) who is 12 years of age or younger, the officer shall notify the Youth Services Unit who will arrange for care of the child through the Alabama Department of Human Resources.

E. Reporting of Secure Custody

Federal law requires quarterly reporting of all juveniles placed in secure custody by our agency. This does not apply to juveniles who have been turned over to Strickland Youth Center or another agency. Secure custody, as defined by the Juvenile Justice Delinquency and Prevention Act, consists of any one of three things:

1. Being placed in a holding cell,
2. Being locked in an interview room, or
3. Being cuffed to a stationary object (e.g. cuffing bench/rail/rings).

All personnel shall avoid placing juveniles in secure custody unless absolutely necessary. Juveniles may not be held in secure custody any longer than six hours.

All juveniles who are placed in secure custody shall be reported to the officers Precinct or Section Commander *\*after each incident*. The Precinct or Section Commander shall report the following information to the *\*Lieutenant of the Special Victims Unit*.

1. Name, DOB, sex and race of the juvenile
2. Reason for detention
3. Date and time placed in secure custody
4. Date and time released from secure custody
5. Placement after release

The *\*Lieutenant of the Special Victims Unit* shall be responsible for completing the Juvenile Secure Custody Quarterly Report (See Appendix A) and submitting the report to the responsible agency.

#### 44.2.2 TAKING CUSTODY OF JUVENILES

Code of Alabama Title 12-15-125 Taking into custody of children generally.

A child may be taken into custody:

1. Pursuant to an order of the court under sections 12-15-122 and 12-15-126.
2. For a delinquent act pursuant to the laws of arrest.
3. By a law enforcement officer having reasonable grounds to believe that the child has run away from a detention or residential shelter or other care facility.
4. By a law enforcement officer having reasonable grounds to believe that a child is suffering from illness or injury or is in immediate danger from the child's surroundings and such action is necessary for the protection of the health and safety of such child.
5. By a law enforcement officer who has reasonable grounds to believe that a child has run away from his parents, guardian, or other custodian.
6. By a law enforcement officer who has reasonable grounds to believe that a child has no parent, guardian, or other suitable person willing and able to provide supervision and care for such child.
7. By a probation officer pursuant to section 12-15-107.
8. By a law enforcement officer pursuant to an order of the court directing that a child be taken into custody pending hearing on allegations that the child is suffering from illness or injury or is in immediate danger from his surroundings and ordering that the child's immediate removal from such surroundings is necessary for the protection of the health and safety of such child. (Act 2008-277).

#### A. REFERRAL OF JUVENILE OFFENDERS TO INTAKE

A member taking a juvenile into custody, with all reasonable speed and without first taking the juvenile elsewhere shall:

1. If the juvenile is not being taken directly to the intake facility, contact the juvenile's parent, guardian, or other custodian.
2. Forthwith deliver the juvenile to a medical facility if the juvenile is believed to suffer from a serious physical condition or illness which requires prompt treatment and, upon delivery, shall promptly contact a juvenile intake officer. Immediately upon being notified by the person taking the juvenile into custody, the intake officer shall determine if such juvenile should be released, detained, or brought before the court.
3. Bring the juvenile immediately before the juvenile court or promptly contact a juvenile court intake officer.
4. Bring the juvenile who is suspected of committing a delinquent act before the court where the delinquent act occurred, if it was an act over which that court has concurrent jurisdiction.

Alabama Law authorizes police officers in specific instances to remove children from their home and place them in protective custody where a situation exists which is likely to endanger the health or safety of the child.

Alabama Law also authorizes police officers to place children in police custody when they exhibit certain behaviors such as intoxication or delinquency and their presence in the community would endanger their health or welfare or the welfare of others. When taking a juvenile into custody, the officer shall assure that the juvenile's constitutional rights are protected. These rights include the juvenile Miranda warning.

Additionally, juveniles charged with an act of delinquency may be photographed and fingerprinted but only at the direction of an investigator. Juveniles in custody for any other reason may not be photographed or fingerprinted without the consent of the court. Photographs and fingerprints of minors will be stored in a manner consistent with section 12 of the Alabama Code.

#### B. REPORTING OF CHILD ABUSE CASES

In cases of suspected child abuse, a supervisor of the *\*Special Victims Unit* will be contacted. He will assign an investigator to respond to the scene who will evaluate the circumstances and contact other agencies as necessary for the care and well-being of the child. A report of the incident will be provided to the responding *\*Special Victims* personnel.

#### 44.2.3 MIRANDA WARNINGS, INTERROGATING AND QUESTIONING

Rule 11 of the Alabama Rules of Juvenile Procedure establishes the rights of the child. When the child is taken into custody, he must be informed of the following rights by the person taking him into custody prior to questioning or interrogation.

1. That he has the right to counsel.
2. That if he is unable to pay a lawyer and if his parents or guardians have not provided a lawyer one can be provided at no charge.
3. That he is not required to say anything and that anything he says may be used against him.
4. If his counsel, parent, or guardian is not present, that he has a right to communicate with them, and that, if necessary, reasonable means will be provided for him to do so.

Any statement of a juvenile taken without the above Miranda warning will not be admissible in court.

Should a juvenile waive his rights to an attorney and to communicate to his parents or guardian, officers must determine whether the juvenile, by himself, is competent to waive the Miranda rights.

Juveniles that are taken into custody should not be interrogated for unreasonable amounts of time. Breaks should be provided at reasonable intervals in extended interrogations. The number of officers and/or investigators directly involved in interrogating the juvenile should be limited only to those necessary and to those directly involved in the interrogation.

#### 44.2.4 YOUTH RELATIONS PROGRAM

The Mobile Police Department *\*Special Victims Unit* works in conjunction with the Mobile County School Board Resource Officer Program as liaison with the school system.

Resource Officers are plain-clothes law enforcement officers employed by the Mobile County School Board. Each officer is responsible for several schools in his assigned area.

The liaison officer for the Police Department is responsible for the following:

1. Acting as a resource with respect to delinquency.
2. Providing guidance on ethical issues in a classroom setting.
3. Providing individual counseling to students.
4. Explaining the law enforcement role in society.

By order of:

A handwritten signature in black ink, appearing to read "Lawrence L. Battiste, IV". The signature is written in a cursive style with a large initial "L".

Lawrence L. Battiste, IV  
Chief of Police

### JUVENILE SECURE QUARTERLY CUSTODY REPORT

Facility: Mobile Police Department  
 Date Covered: 1/1/17-3/31/17 4/1/17-6/30/17 7/1/17-9/30/17 10/1/17-12/31/17  
 Person Completing Report: \_\_\_\_\_ Phone: \_\_\_\_\_

Caution: This form must be signed certifying the accuracy of the information provided

Facility Director's Signature: \_\_\_\_\_ Date: \_\_\_\_\_ E-mail: \_\_\_\_\_

Name	DOB	Sex	Race	Reason for Detention/ Charges	Date & Time Admitted into secure custody	Date & Time Released from secure custody	Release Placement

Forward quarterly to [juvenilemonitoring@alacoop.gov](mailto:juvenilemonitoring@alacoop.gov) or fax to 256.762.2298