

KANSAS CITY MISSOURI POLICE DEPARTMENT PROCEDURAL INSTRUCTION		DATE OF ISSUE 5/15/2023	EFFECTIVE DATE 5/15/2023	NO. 23-03
SUBJECT Juvenile Procedures			AMENDS	
REFERENCE Intranet Hyperlink for Juvenile Booking PI: Adult Missing Persons and Missing/Runaway Juveniles; Arrest Guidelines/Procedures; Detaining & Questioning and Search & Seizure Procedures; Intoxicated Driving Arrests; Court Procedures RSMo Section 211.072		RESCINDS PI: 14-14 DM: 18-11; 22-08		

***I. INTRODUCTION**

- A. This directive is for sworn members responsibilities when processing juveniles taken into police custody.
- B. Sworn members who take a juvenile offender into judicial custody, while on- or off-duty, are responsible for completing the juvenile booking process. The procedures outlined in this directive will be utilized to book juveniles on misdemeanor, traffic, or felony charges.

***II. TERMINOLOGY**

- A. **Certified Juvenile** - A juvenile under the age of 18 who has been certified to stand trial as an adult.
- B. **Deputy Juvenile Officer (DJO)** - An individual that is vested with all the power and authority of a sheriff to make arrests and perform other duties incident to their office. They investigate and furnish the juvenile court with information and assistance as the judge may require.
- C. **Incorrigible Juvenile** - A juvenile is considered incorrigible when they repeatedly or habitually disobey the direction of the juvenile's lawful parents, guardians, or legal custodians. When a juvenile refuses to accept these orders, this can cause significant problems for the juvenile, the guardians, and the environment in which the juvenile resides.
- D. **Judicial Custody** - Taking physical custody of a juvenile by a physician, law enforcement officer, or juvenile officer as provided by Missouri State Statute (RSMo), and the retention of physical custody of a juvenile in temporary protective custody, protective custody, or detention.
- E. **Juvenile** - A person under the age of 18.
- F. **Sent Direct** - Used to petition a request on a custodial arrest for a juvenile who is in-custody and transported to a detention center.
- G. **Status Offender** - Juveniles whose conduct would not be a crime if committed by an adult.

III. PROCEDURE

This directive is arranged in annexes for easy reference.

- Annex A** - General Procedures
- Annex B** - Status Offenders
- Annex C** - Traffic Violators
- Annex D** - Capias Warrants
- Annex E** - Kansas City Youth Court
- Annex F** - Missouri Division of Youth Services



Stacey Graves
Chief of Police

Adopted by the Board of Police Commissioners this 25 day of April, 2023.



Mark C. Tolbert
Board President

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GENERAL PROCEDURES

A. Apprehension of Juvenile Offenders

1. Probable cause must exist before a juvenile suspect is apprehended.
- *2. When a juvenile is apprehended for a crime, sworn members will contact the **appropriate investigative element**. If the investigative element determines the offense committed is a misdemeanor or equivalent to a city infraction, the sworn member will review the juvenile booking process within the “Juvenile Booking” link located on the Intranet main page.
- *3. A supervisor will be immediately notified when a juvenile is taken into judicial custody. The notification is to be documented in the narrative of the appropriate report.
4. When transporting a juvenile arrest, the juvenile will not be placed in any Department vehicle within sight or sound of an adult arrest regardless of the association to the adult.
- *5. Certified juveniles will be transported separate from adults and juveniles.
- *6. **No** juvenile will enter an adult detention unless a DJO files a motion requesting the juvenile be transferred to an adult detention. (RSMo. 211.072)
- *7. Sworn members will complete the juvenile booking process on certified juveniles with adult warrants issued within the State of Missouri.
- *8. **Taking mugshots and fingerprints of juveniles for misdemeanor crimes is prohibited** unless approved by a Missouri Family Court Commissioner.
- *9. An investigative member may submit a request through the Juvenile Court to have a juvenile offender’s mugshot and fingerprints taken on a misdemeanor offense. Entries are made into the electronic booking system by the Juvenile Court when an order is issued for mug and print.
- *10. Depending on the respective county’s protocols, the DJO may advise the member to transport the juvenile to the county juvenile detention center, or release the juvenile to the parent, guardian, or responsible adult.

11. If it is determined that the juvenile will not be held in a secure detention facility, the apprehending sworn member will contact the juvenile's parent, guardian, or responsible adult and request that they immediately respond to the scene to take custody of the juvenile.
12. On arrival of the parent, guardian, or responsible adult, the sworn member will provide them with a completed Juvenile Court Referral, Form 308 En/Sp/Vn P.D. (Form 308), and inform them of the crime committed by the juvenile.
 - a. To complete the Form 308, sworn members will enter the Case Report Number (CRN), offense, and apprehension date, and check the box next to the correct county juvenile court office where the offense occurred.
 - b. Sworn members will inform the parent, guardian, or responsible adult taking custody of the apprehended juvenile of the office that will handle the disposition of the case and whom all inquiries should be made through. The office is indicated on the Form 308.
 - c. Sworn members will include all parent, guardian, or responsible adult information in the appropriate report in the RMS, to include a current address, telephone number, cell phone number, work number and work address. The same information will be collected for whom the juvenile was released to and input into the electronic booking system.
- *13. The sworn member will provide the following information to the DJO.
 - a. The circumstances surrounding the apprehension.
 - b. Their intent to transport to the county juvenile detention center.
 - c. The juvenile offender's personal information.
 - d. Parent, guardian, or responsible adult contact information.
 - e. Any other information requested by the DJO.

B. Interviewing or Interrogating Juveniles

1. Cass, Clay, Jackson, and Platte County Family Courts will no longer accept statements made from juvenile suspects without a DJO present.

- *2. The following procedures are to be followed when contacting a DJO during normal and after business hours utilizing the Pocket Reference Book (Blue Book), Form 321 P.D.
- *a. Cass County Family Court
 - (1) All calls should go through the Family Court main business line available in the Blue Book.
 - (2) This number is answered 24hrs a day and the intake coordinator will assist with the availability of a DJO.
 - *b. Clay County Family Court
 - (1) All calls should go through the Family Court main business line available in the Blue Book.
 - (2) This number is answered 24hrs a day and the intake coordinator will assist with the availability of a DJO.
 - *c. Jackson County Family Court
 - (1) During normal business hours, refer to the Annex E entitled, "Kansas City Youth Court," for the phone number.
 - (2) After normal business hours, members should contact the Screening Office using the phone number in Annex E entitled, "Kansas City Youth Court."
 - *d. Platte County Family Court
 - (1) 0800hrs to 1700hrs, members should contact the Juvenile Court Services available in the Blue Book.
 - (2) After normal business hours, members should contact Communications available in the Blue Book.
3. The following guidelines will be followed regarding interviews and interrogations of juvenile suspects, regardless of their custody status at the time the interview/interrogation is completed.
- a. If a juvenile is identified as a suspect, all interviews must be conducted with a DJO and a parent/legal guardian or attorney present.

- b. If a juvenile suspect does not want to be interviewed, the parent/legal guardian cannot compel the juvenile suspect to participate in the interview or provide a statement.
 - c. If the juvenile suspect wants to be interviewed, but the parent/legal guardian does not want the juvenile suspect to be interviewed, the interview will be stopped.
 - d. It is the Department's responsibility to provide a translator for the juvenile suspect and parent/legal guardian, if required.
 - e. If there is any question regarding the mental status of a juvenile suspect or the parent/legal guardian, e.g., mentally handicapped, either the detective or DJO should contact the appropriate family court to determine if the interrogation should continue.
- *4. The following reference guides are located on the KCPD Intranet under the Juvenile Booking hyperlink and on the Information (I:) Drive under the Juvenile Booking Procedures folder.
- a. Juvenile Holding Guidelines Flowchart.
 - b. Patrol Reference Guide for Judicial Custody of Juvenile Offenders.
 - c. Training Guide Juvenile Booking.
- *5. If during juvenile booking, technical questions arise involving the equipment, sworn members are to contact the North Patrol Division or Central Patrol Division Desk Sergeant or the Help Desk.

STATUS OFFENDERS

A. Status Offenders

1. Categories of Status Offenders
 - a. The juvenile, while subject to compulsory school attendance, is repeatedly and without justification absent from school.
 - b. The juvenile disobeys the reasonable and lawful directions of their parents/guardian and is beyond their control.
 - c. The juvenile is habitually absent from their home without sufficient cause, justification, or parents/guardian permission.
 - d. The behavior or associations of the juvenile are otherwise injurious to their welfare or the welfare of others. This category includes, for example, self-mutilation, suicidal behavior and/or associating with non-familial adult felons.
 - e. Other offenses applicable only to juveniles, such as curfew violations.
2. When a sworn member comes into contact with a reported status offender:
 - a. The sworn member will determine if the juvenile's present behavior is within any of the above categories.
 - *b. If the sworn member determines the behavior is within any of the above categories, the sworn member will contact the appropriate facility and transport the juvenile as directed.
 - c. The parent/guardian must respond to the facility to sign them in.
3. In the absence of any **documented offense** or **injurious behavior** being displayed by the juvenile, the sworn member will not transport the juvenile. The sworn member will inform parents/guardians of their responsibility to seek assistance from the Family/Juvenile Court. Contact can be made with the Juvenile Unit to discuss the particular problem for referral information.

- *4. When encountering an incorrigible juvenile, sworn members can provide parents/guardians the Jackson County Prevention/Diversion phone number or one (1) of the three (3) other applicable counties Family Court phone numbers available in the Blue Book.

B. Truancy

- 1. Juveniles between the ages of seven (7) years old and 15 years old must regularly attend a day school not less than the entire term of the school.
- 2. Sworn members are authorized to apprehend a juvenile who is found to be truant from school.
- 3. Sworn members should first return the subject to school since that is the intent and purpose of the law.
- 4. The following procedures will be followed when taking a juvenile into custody for truancy:
 - a. No school will deny admittance to a student who meets the age and residency requirements for admittance to school unless appropriate procedures for suspension or expulsion have been complied with and the determination of guilt is made.
 - b. The sworn member will verify the student is, in fact, truant and not suspended or absent from school with parental consent. The sworn member will also verify the juvenile is not home-schooled. Juveniles who have a legitimate reason for being absent from school, or are verified as home-school students and are out in public attending to home-schooling functions, during what would be "normal" school days/hours, will be released.
 - c. For evidentiary purposes, verification of truancy will include; how truancy status was determined, who was contacted at the student's school, the number of days truant and, if possible, a reproduction of the student's absentee record. The principal, vice principal, or designee will be the complainant in these cases.
 - d. When the student is accepted by the appropriate school authorities or by their parent/guardian, the sworn member will complete the appropriate report.
 - e. If the appropriate school authorities refuse to accept the student back in school due to suspension or expulsion, the sworn member will contact the Juvenile Section for further instructions.

C. City-Wide Curfews for Persons Under 18 Years of Age (per Section 50-237)

1. "Curfews for persons under 16 years of age" will be "**between 10:00 p.m. on any day and 6:00 a.m. of the following day.**" This will be "from and including 12:01 a.m. on the Friday preceding Memorial Day each year through 12:00 midnight of the last Sunday of September of each year," "Unless accompanied by his or her parent, guardian or other adult person having the lawful care and custody of such person."
2. "Curfews for persons of 16 years of age and under 18 years of age" will be "**between 11:00 p.m. on any day and 6:00 a.m. of the following day.**" This will be "from and including 12:01 a.m. on the Friday preceding Memorial Day each year through 12:00 midnight of the last Sunday of September each year." "Unless accompanied by his or her parent, guardian or other adult person having the lawful care and custody of such person."
3. "Curfews for remainder of the year," "for any person under 18 years of age" will be "**between the hours of 11:00 p.m. on any day and 6:00 a.m. of the following day Sunday through Thursday or between the hours of 12:00 midnight and 6:00 a.m. of the following day on a Friday or a Saturday.**" "Unless accompanied by his or her parent, guardian or other adult person having the lawful care and custody of such person."

D. Entertainment Districts Extended Curfew for Persons Under 18 Years of Age (per Section 50-238)

1. "From and including 12:01 a.m. on the Friday preceding Memorial Day each year through 12:00 midnight of the last Sunday of September each year, it is unlawful within any Entertainment District for any person under 18 years of age" "to be at such places, **between the hours of 9:00 p.m. on any day and 6:00 a.m. of the following day.**" "Unless accompanied by his or her parent, guardian or other adult person having the lawful care and custody of such person."
2. "It shall be unlawful for the parent, guardian or other person having custody or control of any person under the age of 18 years to permit, or by insufficient control to allow, such person under the age of 18 years to be in or upon the defined Entertainment District between the hours of 9:00 p.m. and 6:00 a.m."

3. The following areas shall be considered Entertainment Districts to which this extended curfew for persons under 18 years of age applies:
 - a. 18th & Vine District Area;
17th Terrace to 19th Street, Woodland to the Paseo.
 - b. Central Business District Area of downtown Kansas City;
Missouri River to Pershing Road, Holmes to Broadway.
 - c. Country Club Plaza Area;
46th Terrace to Ward Parkway, J.C. Nichols Parkway to Jefferson.
 - d. Westport Shopping District Area;
39th Street to 43rd Street, Main Street to Southwest Trafficway.
 - e. Zona Rosa Shopping District Area.
Missouri Highway 152 to Barry Road, Interstate 29 to Northwest Prairie View Road, to Northwest 86th Terrace, to North Congress Avenue.

E. Person Detained for Curfew Violation

1. On Friday and Saturday from Memorial Day weekend until the last weekend of September, a location may be designated to detain curfew status offenders. Sworn members should use discretion when deciding to transport the status offender to this destination.
2. The detaining sworn member will contact the status offender's parent/guardian to respond to retrieve the status offender and complete a summons using the correct terminology.
3. When a status offender is transported to the designated location, the detaining sworn member will obtain a CRN.
4. In the event a responsible adult, other than the parent/guardian, arrives to retrieve the status offender, a warrant application will be completed for the parent/guardian.
5. The detaining sworn member will complete the appropriate report in RMS.

F. Summary of Federal Guidelines for the detainment of Juvenile Status Offenders:

1. Do not use a holding cell;
2. Do not cuff to a stationary object; may cuff to a non-stationary object (chair, table, themselves);
3. Do not lock in a room;
- *4. Do not allow sight or sound contact with adult arrests. Keep in mind an 18 year old sibling being arrested for a criminal offense is considered an adult;
5. Keep a custody log, including but not limited to, the member's name and serial number and detailing the time the juvenile was checked on, provided food or water, or allowed to use a restroom; and
6. Check frequently - recommend constant monitoring.

G. Certified Juvenile (RSMo. 211.072)

- *1. Once certified, the juvenile will be handled and incarcerated as a juvenile for any future felony or misdemeanor arrests, unless a DJO files a motion requesting the juvenile be transferred to an adult detention.
- *2. Certified juveniles will be handled and incarcerated in the juvenile detention area, separate from juveniles.
3. When a sworn member initiates a computer check, the dispatcher will notify the sworn member if the juvenile is a "Certified Juvenile."

TRAFFIC VIOLATORS

- *A. Juveniles Age 15 Years or Older
 - *1. Any juvenile who is at least 15 years old and is alleged to have violated a municipal traffic ordinance or a non-felony state traffic regulation, will be treated in court as an adult traffic violator. For further information refer to the written directive entitled, "Arrest Guidelines/Procedures."
 - *2. Traffic citations will be issued to juveniles who are 15 years old and older. A DJO has no jurisdiction over juveniles who are 15 and older who are issued traffic citations. They will not be transported to a detention facility and will be released at the scene.
 - *3. Court cases for juveniles issued traffic citations are automatically set via the electronic citation application. Sworn members will be notified through Department email of any required juvenile court appearances.
 - 4. Juveniles will be released on a signature bond.
 - a. Juveniles are not to be detained in a jail or other adult detention facilities where they will have any contact with adult prisoners. This provision includes total "sight and sound" separation.
 - b. At no time will the juvenile traffic violator be held in excess of six (6) hours.
- *B. For juveniles under age 15 years old, contact the Traffic Investigation Section for proper handling.
- *C. Juveniles with outstanding traffic warrants, which require the posting of bond, will not be transported to any Juvenile Detention Center. Contact the Traffic Investigation Section for proper handling.
- D. For procedures regarding juveniles driving under the influence, refer to the written directive entitled, "Intoxicated Driving Arrests."

CAPIAS WARRANTS

- A. Legal limitations and restrictions on apprehensions of juvenile capias warrant subjects are comparable to adult arrest warrants. For further information refer to the written directive entitled, "Arrest Guidelines/Procedures."
- *B. The apprehending sworn member will document the apprehension in the call notes and complete any forms provided by the DJO.
- C. Juveniles apprehended for a misdemeanor capias warrant will be transported as follows:
 - 1. Jackson County - Jackson County Family Court (JJC). Notify JJC before transporting.
 - *2. Clay and Platte County - Contact the Family/Juvenile Court prior to transporting.
 - 3. Cass County - South Patrol Division.
 - a. The apprehending sworn member will immediately contact the Cass County Juvenile Office to determine the location of the original capias warrant and obtain instructions for the completion of the return portion of the warrant.
 - b. The apprehending sworn member will also be advised of the appropriate detention facility where the juvenile will be taken.
- *D. Juveniles apprehended for a felony capias warrant, members will complete:
 - 1. All juvenile booking procedures prior to transporting to a county juvenile detention center (booking, mugshot and fingerprints, felony log book, etc).
 - 2. A Juvenile Apprehension report as a supplemental to the original offense report, or
 - 3. A Juvenile Apprehension report as an original case report for capias warrants issued for outside jurisdictions.

KANSAS CITY YOUTH COURT

- A. The Kansas City Youth Court (Youth Court) is sponsored and operated by a not-for-profit corporation and works in cooperation with the Jackson County Family Court and the Kansas City, Missouri Police Department (Department) in an effort to reduce juvenile delinquency in Kansas City.
- B. The purpose of the Youth Court is to positively impact the future behavior of youth up to and including 18 years of age, who are alleged to have committed a non-violent, first time minor law infraction within the city limits of Kansas City, Missouri without it causing a lasting permanent mark on their records.
- C. The Youth Court is comprised of students between the ages of 13 and 18 who live within the Kansas City area. The students will be trained to be judges, prosecutors, and defense attorneys.
- D. The sworn member has the authority to refer first-time minor offenses, or those which would normally be handled at the municipal level to Youth Court which may include, but are not limited to:
 - Stealing (Valued <\$750)
 - Trespass
 - Peace Disturbance
 - Marijuana Possession
 - Assault (No Injuries/Minor Injuries)
 - Property Damage (Valued <\$750)
 - Disorderly Conduct
 - Curfew Violations
- E. The member may contact the respective county DJO to determine the offender’s first-time status prior to a referral to Youth Court.
 - 1. Clay County Family Court [REDACTED]
 - 2. Jackson County Family Court [REDACTED]
Screening Office [REDACTED]
 - 3. Platte County Juvenile Office [REDACTED]
[REDACTED]
- F. If the offender is referred to Youth Court, the sworn member will complete the offense report and the Kansas City Youth Court Referral, Form 35 P.D. (Form 35 P.D.). The member **will not** complete the juvenile booking process.

- G. The sworn member will release the offender into the custody of the parent, guardian, or responsible adult, and inform them the Youth Court will contact them to provide further information. The member will provide the youth with the Kansas City Youth Court brochure, if available.
- H. The Form 35 P.D. will be scanned into Niche. The form will then be sent to the Special Victims Unit (SVU) Commander.
- I. The sworn member will notify the SVU Commander or designee that a referral has been completed.
 - 1. The SVU Commander or designee will forward the report to Youth Court.
 - 2. If the referral is not eligible for Youth Court, it will be referred to Family Court by the Youth Court Director.
- J. The member will follow the procedures for juvenile booking if the offender does not qualify for Youth Court.

MISSOURI DIVISION OF YOUTH SERVICES

- *A. When a sworn member receives a request from the Missouri Department of Social Services, Division of Youth Services, for the apprehension of a juvenile, the sworn member has the authority and responsibility to take the juvenile into custody.
 - 1. Juveniles detained in Jackson County for the Division of Youth Services will be transported to the Central Patrol Division and administratively processed by the arresting sworn member.
 - 2. Juveniles detained in Clay and Platte Counties will be transported to North Patrol Division or Central Patrol Division, where the Family/Juvenile Court will be contacted by the arresting sworn member.
 - 3. Juveniles detained in Cass County will be transported to South Patrol Division where the Juvenile Court will be contacted by the arresting sworn member.
- B. All members will cooperate with Missouri Division of Youth Services personnel in apprehending and detaining juveniles under their care and guidance.
- C. Information concerning detainment of a juvenile for the Division of Youth Services will be included in the appropriate report.
- D. For purposes of apprehending and detaining juveniles, Missouri Division of Youth Services is synonymous with the Missouri Department of Corrections on the adult side.