

# WOFLEBORO POLICE DEPARTMENT

## SOP 4.24

**Date Issued: 12/27/2019**

**Review Date: 03/05/2021**

[Note: This written directive is for the internal governance of the Wolfeboro Police Department and, as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.]

**By Order of:**  
**Dean J. Rondeau, Chief of Police**

### JUVENILES

**Policy** To protect and secure the health and welfare of children from neglect and abuse by parents and adults.  
Committed to the development and perpetuation of programs designed to prevent juvenile delinquency.

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**Purpose** The purpose of this directive is to cover the:

Contacts/Neglect	Protective custody
Chins	Definitions
Arrests	Procedures
General Guidelines	Custody
Interrogations	

**Definitions** *Abused:* Any child that has been sexually molested, sexually exploited, intentionally physically injured, psychologically injured so that the said child exhibits symptoms of emotional problems generally recognized to result from consistent mistreatment or neglect, or physically injured by other than accidental means.

*Abandoned:* Any child that has been left by their parent, guardian, or custodian, without provision for their care, supervision, or financial support, although financially able to provide such support.

*Neglected:* Any child that has been abandoned by their parents, guardian, or custodian, or who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for their physical, mental or emotional health, when it is established that their health has suffered or is very likely to suffer serious impairment; or whose parents, guardian, or custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity.

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**Delinquent:** Any child that has committed an offense before reaching the age of 17 years that would be a felony or misdemeanor under the criminal code of this State if committed by an adult, and is expressly found to be in need of:

- Counseling.
- Supervision.
- Treatment.
- Rehabilitation as a consequence thereof.

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**Guidance**

The Wolfeboro Police Department encourages other elements of the juvenile justice system to review and comment on established SOP. As new revisions are made, the department will solicit guidance from these same agencies.

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**Procedures**

All sworn members are responsible for the investigation of crimes involving juveniles.  
Investigations will be referred to the Juvenile/SRO for assistance.  
All juvenile cases shall be referred to the Sgt./Prosecutor for court and final disposition.

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**General  
Guidelines**

Officers dealing with juvenile offenders shall use the least coercive of all reasonable alternatives available based upon:

- The nature and classification of the criminal act.
- The past history.
- The family environment.

Alternatives available:

1	Warnings Verbal or written
2	May counsel and release Release to parent or legal guardian Juvenile report required
3	Recommend that the juvenile be placed in the Courts Diversion Program
4	Issuance of a citation for offenses where jurisdiction falls in adult court jurisdiction for juvenile offenders
5	Custody and release, pending Juvenile charges Must release to parent or Guardian

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**Court  
Referrals**

Will be based on the seriousness of the crime and the history of the subject  
The following juvenile incidents will be referred to Juvenile Court, unless circumstances are justified to handle in another approved manner.

1	Crime that would be a felony if committed by adult
2	Dangerous weapon offense
3	Gang related offense

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4	Aggravated assault
5	Is on Parole or Conditional Release
6	Has a case pending in Court
7	Second offense within a year
8	Refuses to participate in a Court Diversion Program
9	Has been terminated from a Diversion Program

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**Custody**

Juveniles will be transported to Wolfeboro Police Department without delay, unless they need emergency medical treatment.

Parents or Guardians of the juvenile must be notified as soon as possible

Officers shall follow the directives given in:

- RSA 169-B Delinquent Children.
- RSA 169-C Child Protection Act.
- RSA 169-D Children in Need of Services.
- RSA 169-E Missing Children.
- NH Attorney General Manual.

Officers must follow the guidelines of the SOP's on Prisoner Processing  
No Juvenile will be processed in the same room as an adult prisoner and shall be kept separated by sight and sound from such prisoners (RSA 169B-C-D)  
All juveniles will be in continuous control or supervision while in custody  
No juvenile will be held over 2 hours, without authorization from a supervisor or Court.

**Interrogation**

Prior to. Juvenile Miranda Warning are required to be read

They shall also be advised regarding the state law regarding the Juvenile Justice System and Departmental Policies.

The constitutional rights of subjects will be observed at all times and questioning will be done after an written affirmative response. (see SOP's Interviews)

Parents will be afforded the opportunity to confer with their child and juveniles will be afforded this same right.

Members shall explain the Juvenile process and the Law to the parents  
Whenever possible, the juvenile parents' or guardians' consent should be given.

This does not exclude interrogations made without a parent or guardians' consent.

During the interrogation.

No more than two officers should be present:

- 2 hours is the limit, unless authorized by a supervisor.
- Taking into consideration the full cooperation of the subject.

**Contact**

**Neglect Cases**

Members shall be alert in observing signs of abuse or neglect in all contacts

Where conditions are found to exist, which will affect the physical, psychological emotion or moral development of a child.

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The appropriate actions should be taken based on the incident and can include the following:

- Contacting a supervisor.
  - Notifying DCYF.
  - Making a referral to available social service agencies.
  - Directing, counseling and referring parents to the appropriate agency.
  - Taking immediate protective custody of the minor.
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**Protective  
custody**

Minors found to be in imminent danger may be immediately taken into protective custody (RSA 169-C)

Once a minor is taken into protective custody

- A supervisor shall be notified of the incident.
  - DCYF will be contacted immediately.
  - Court is notified, and approval will be sought for emergency placement.
  - Member will complete a thorough and detailed report.
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**CHINS**

RSA 169-D provides for dealing with juveniles as Status Offenders

The following are status offenses:

- Habitually truant from school.
- Habitually runs away from home.
- Violations of the state criminal codes.
- Offenses if committed by a person (16) years of age or older would be a violation of the motor vehicle law.
- If juvenile is expressly found to be in need of care, guidance, counseling, discipline, supervision, treatment or rehabilitation.

Officers who are charging a juvenile with status offenses are to follow all the guidelines of the Juvenile SOP's and must file a CHINS Petition with the court.

The Family Court guidelines recommend that treatment or counseling shall be sought in most cases prior to being brought to the attention of the court

Members will cooperate with the following agencies in order to document a Child in Need of Services

- DCYF.
  - Schools.
  - Any agency recognized by the Court.
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**Youth  
Programs**

The SRO shall participate in a community recreational programs which at a minimum will include:

- Traffic and Bike Safety.
- Drug and alcohol awareness.

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**Responsibilities**

<b>Member</b>	<b>Responsibilities</b>
School Resource Officer	Participate in community recreational programs Acting as a resource with respect to delinquency prevention Providing guidance on ethical issues in class Providing individual counseling and/or mentoring to students Explaining the law enforcement role in society
Juvenile Officer	Utilized in the investigation of crimes that require specialized training or skills/knowledge Shall be responsible for follow-up investigations on all juveniles
Prosecutor	Oversee and/or handle juvenile cases in the court