



General Order 44.2 - Juvenile Operations

PURPOSE: Define alternative enforcement methods for juveniles; describe juvenile offender diversion; describe release of juveniles or adjustment of juvenile cases by Sedgwick County Sheriff's Office; define juvenile investigative referrals; define juvenile protective custody; describe procedure for juveniles in custody; describe custodial interviews of juveniles; describe social service agencies that provide services to youth; describe the juvenile liaison program; describe the community recreational program; define procedures for juvenile fingerprints and photographs and juvenile records; and describe persons accountable for juvenile records.

DATE OF APPROVAL: 02/03/17

DATE OF ISSUE: 2/3/17

EFFECTIVE DATE: 2/3/17

REVIEW DATE: Annual

AMENDS: 44.2.4, 44.2.7

THIS ORDER CANCELS: 44.2 Approved 4/20/2010

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REVIEWED BY: Standard Review Committee

INDEX AS:

[44.2.1 Alternative Enforcement Methods](#)

[44.2.2 Juvenile Offender Diversion](#)

[44.2.3 Release of Juveniles or Adjustment of Juvenile Cases by Sedgwick County Sheriff's Office](#)

[44.2.4 Juvenile Investigative Referrals](#)

[44.2.5 In-School Contact with Pupils](#)

[44.2.6 Juvenile Protective Custody](#)

[44.2.7 Procedure for Juveniles in Custody](#)

[44.2.8 Custodial Interview of Juveniles](#)

[44.2.9 Social Service Agencies that provide Services to Youth](#)

[44.2.10 Juvenile Liaison Program](#)

[44.2.11 Community Recreational Program](#)

[44.2.12 Juvenile Fingerprints and Photographs](#)

[44.2.13 Juvenile Records](#)

[44.2.14 Persons Accountable for Juvenile Records](#)

[44.2.15 Drug Endangered Children](#)

DEFINITIONS:

- A. Juvenile: Any person under the age of eighteen (18).
- B. Drug Endangered Child: Any child under the age of 18 found in the environment of a clandestine laboratory which creates a hazardous environment for children. These environments result in abuse, life or health endangerment, or neglect perpetrated on a child as a result of illicit drug use, sales, or manufacturing.

44.2.1 ALTERNATIVE ENFORCEMENT METHODS

- A. When dealing with [juveniles](#), departmental personnel should always make use of the least coercive choice among reasonable alternatives consistent with preserving public safety, order, and individual liberty. Personnel have three (3) sets of alternatives from which to choose when dealing with juveniles:
 - 1. Divert the offender to a social service agency;
 - 2. Dispose of the case themselves; or
 - 3. In the case of serious or repeat offenders, refer the person to the Investigations Division.
- B. Sworn personnel are given the discretion to evaluate those situations involving juvenile offenders, examining the totality of circumstances, and if the situation arises, juvenile offenders may be released with no formal action.

44.2.2 JUVENILE OFFENDER DIVERSION

- A. Sedgwick County Sheriff's Office sworn personnel may use their discretion and the following guidelines when diverting juveniles from the formal justice process.
 - 1. Personnel are urged to review the totality of the circumstances before diverting a juvenile offender from the formal system.
 - 2. A sworn employee, in deciding whether or not to use diversion, must examine the following factors:
 - a. The nature of the offense;
 - * For example: status of offense -- unruly truant, runaway, or criminal trespass versus serious misdemeanor or felony.
 - b. Age of the juvenile offender;

- c. Whether or not the juvenile offender is known by prior law enforcement contact;
- d. Parental attitude; and
- e. Whether or not the juvenile is under the influence of alcohol or drugs.

B. Informal Diversion

- 1. If parents have a positive attitude about correcting the behavior of the juvenile, then counseling with the juvenile and parents to have the parents exercise the proper control and supervision may be appropriate.
- 2. In some instances, counseling the juvenile as to the consequences of his/her continued action is more effective.

C. Formal Diversion

- 1. The State of Kansas confers upon the court system the authority to administer formal diversion programs for juvenile offenders, who may be diverted at a later time from the process by the juvenile court.
- 2. The Kansas Social Rehabilitation Services may be used in some cases where parental supervision is a problem. This is done by filing a Child in Need of Care Petition with Juvenile Court ([K.S.A. 38-2232](#)).

44.2.3 RELEASE OF JUVENILES OR ADJUSTMENT OF JUVENILE CASES

- A. Apart from diverting juveniles from the formal juvenile process or referring them to a juvenile court, a wide range of alternative methods or remedies are available. Among these alternative methods are:
 - 1. In-custody warnings, where the juvenile is transported to the Sheriff's Office and released to the custody of the parents or guardian.
 - 2. The juvenile is taken home by the deputy/detective and consults with the parents regarding corrective action.
 - 3. The juvenile is held at the scene until the parent/ guardian arrives. The deputy/detective consults with the parent/guardian regarding corrective action.
 - 4. Informal referrals where the deputy/detective refers the parent/guardian and juvenile to counseling; such as counseling for drug or alcohol abuse or family counseling.
- B. When a deputy/detective elects to use an alternative method to deal with a juvenile, he/she should fill out the Kansas state offense report and the law enforcement arrest/custody report for juveniles. These reports should be handled as are other juvenile records.

44.2.4 JUVENILE INVESTIGATIVE REFERRALS

- A. (R) A law enforcement officer may take a juvenile into custody when:
- B. (R) Any offense has been or is being committed in the officer's view;
- C. (R) The officer has a warrant commanding that the juvenile be taken into custody.
- D. The officer has probable cause to believe that a warrant or order commanding that the juvenile be taken into custody has been issued in this state or in another jurisdiction for an act committed therein;
- E. (R) The officer has probable cause to believe that the juvenile is committing or has committed an act which, if committed by an adult would constitute:
 - 1. (R) A felony; or
 - 2. (R) A misdemeanor and:
 - a. (R) The juvenile will not be apprehended or evidence of the offense will be irretrievably lost unless the juvenile is immediately taken into custody; or
 - b. (R) The juvenile may cause injury to self or others or damage to property or may be injured unless immediately taken into custody.
- F. (R) The officer has probable cause to believe that the juvenile has violated an order for electronic monitoring as a term of probation; or
- G. (R) The officer receives a written statement pursuant to 'F' above: (Which is a written statement from a probation officer for a probation violation or conditional release violation.)
- H. (R) A juvenile taken into custody by a law enforcement officer or other person authorized pursuant to subsection (b) shall be brought without unnecessary delay to the custody of the juvenile's parent or other custodian, unless there are reasonable grounds to believe that such action would not be in the best interests of the child or would pose a risk to public safety or property.
- I. (R) If the juvenile cannot be delivered to the juvenile's parent or custodian, the officer may:
 - 1. (R) Issue a notice to appear pursuant to subsection (g); or
 - 2. (R) Contact or deliver the juvenile to an intake and assessment worker for completion of the intake and assessment process pursuant to K.S.A.75-7023, and amendments thereto.
- J. (R) It shall be the duty of the officer to furnish the county or district attorney and the juvenile intake and assessment worker if the officer has delivered the juvenile to the worker or issued a notice to appear consistent with subsection (g), with all of the

information in the officer's possession pertaining to the juvenile, the juvenile's parent or other persons interested in or likely to be interested in the juvenile and all other facts and circumstances which caused the juvenile to be arrested or taken into custody.

- K. **(R)** Whenever a person 18 years of age or more is taken into custody by a law enforcement officer for an alleged offense which was committed prior to the time the person reached the age of 18, the officer shall notify and refer the matter to the court for proceedings pursuant to this code, except that the provisions of this code relating to detention hearings shall not apply to that person. If such person is eligible for detention, and all suitable alternatives to detention have been exhausted, the person shall be detained in jail. Unless the law enforcement officer took the person into custody pursuant to a warrant issued by the court and the warrant specifies the amount of bond or indicates that the person may be released on personal recognizance, the person shall be taken before the court of the county where the alleged act took place or, at the request of the person, the person shall be taken, without delay, before the nearest court. The court shall fix the terms and conditions of an appearance bond upon which the person may be released from custody. The provisions of article 28 of chapter 22 of the Kansas Statutes Annotated and K.S.A. 22-2901, and amendments thereto, relating to appearance bonds and review of conditions and release shall be applicable to appearance bonds provided for in this section.
- L. **(R)** Whenever a law enforcement officer detains any juvenile and such juvenile is not immediately taken to juvenile intake and assessment services, the officer may serve upon such juvenile a written notice to appear. Such notice to appear shall contain the name and address of the juvenile detained, the crime charged and the location and phone number of the juvenile intake and assessment services office where the juvenile will need to appear with a parent or guardian.
- M. **(R)** The juvenile intake and assessment services office specified in such notice to appear must be contacted by the juvenile or a parent or guardian no more than 48 hours after such notice is given, excluding weekends and holidays.
- N. **(R)** The juvenile detained, in order to secure release as provided in this section, must give a written promise to call within the time specified by signing the written notice prepared by the officer. The original notice shall be retained by the officer and a copy shall be delivered to the juvenile detained and that juvenile's parent or guardian if such juvenile is under 18 years of age. The officer shall then release the juvenile.
- O. **(R)** The law enforcement officer shall cause to be filed, without unnecessary delay, a complaint with juvenile intake and assessment services in which a juvenile released pursuant to 'N' above is given notice to appear, charging the crime stated in such notice. A copy shall also be provided to the district or county attorney. If the juvenile released fails to contact juvenile intake and assessment services as required in the notice to appear, juvenile intake and assessment services shall notify the district or county attorney.
- P. **(R)** The notice to appear served pursuant to 'L' above and the complaint filed pursuant to 'O' may be provided to the juvenile in a single citation.
- Q. **(R)** All arrests of juveniles shall conform to General Order 1.2

44.2.5 IN-SCHOOL CONTACT WITH PUPILS

- A. Except when prohibited by exigent circumstances, this procedure shall be followed by deputies when contacting pupils (students):
 - 1. As victims, witnesses or suspects;
 - 2. During regular school hours;
 - 3. In any public or non-public (private, parochial, etc.) school;
 - 4. Which is an elementary or secondary (middle, junior high or high) school or equivalent.
- B. Upon arrival at the school, the deputy shall contact the school principal or administrator.
- C. The reason for contact shall be explained to the principal-administrator.
- D. The deputy shall provide the principal/administrator with a completed A contact with pupil card.
- E. School personnel will assist the deputy in locating the pupil and will attempt to notify (in most cases) the pupils parent or guardian.

44.2.6 JUVENILE PROTECTIVE CUSTODY

- A. Anytime a juvenile is a victim of abuse, neglect, or abandonment, deputies will use [K.S.A. 38-2232](#) to take a child in need of care into protective custody. After taking the child into protective custody, the deputy will follow [K.S.A. 38-2232](#) by taking the child to the Wichita Children's Home. The deputy will contact the parents or guardian of the juvenile as soon as is practical and notify them that the child has been placed in protective custody. The deputy will note the date, time, and location of the notification and include the information in his/her preliminary case report. The deputy shall process all reports, forwarding them to the Investigations Division. The assigned detective will furnish the district attorney's office with the reports for further action by the courts.

44.2.7 PROCEDURE FOR JUVENILE IN CUSTODY

- A. **(R)** It is the policy of the Sedgwick County Sheriff's Office that when a juvenile is taken into custody for any criminal/traffic offense, and the deputy will not issue the NTA listed in 44.2.4, the following procedure will be followed:
 - 1. Juveniles in need of emergency medical treatment will be taken to the approved medical facility prior to being taken to the Sedgwick County Sheriff's Office or J.I.A.C.
 - 2. Juveniles taken into custody as a runaway may be taken to Wichita Children's Home.
 - 3. Juveniles taken into custody as runaways shall be taken to the Wichita Children's Home if they are missing from an outside jurisdiction.

4. Juveniles who return on their own can be cleared out of NCIC and left with the parent(s) or guardian(s) at the request of the adult with a supervisor's approval.
5. Juveniles arrested for offenses including: homicide, rape, sexual assault, kidnapping, robbery, aggravated assault, theft, motor vehicle theft, burglary, arson, any felony charge, serious traffic charges, and warrants will be transported to the Juvenile Detention Facility (J.D.F.).
6. Juveniles arrested for offenses including: simple assault, forgery, fraud, miscellaneous offenses, traffic offenses, simple possession of marijuana, second and subsequent truancy offenses, and other misdemeanor charges will be transported to the J.I.A.C.
7. J.I.A.C. will advise the juveniles parent(s) or guardian(s) when a juvenile has been taken into custody.

44.2.8 CUSTODIAL INTERVIEW OF JUVENILE OFFENDERS

- A. When a juvenile offender has been arrested, the parent or guardian of the offender will be notified as soon as possible. The parents or guardian will be advised where the juvenile offender will be taken.
- B. The juvenile offender may be advised of the department's procedures for the handling of juvenile offenders.
- C. The juvenile offender must be advised of his/her constitutional rights prior to any interview taking place. There are factors that should be taken into consideration when determining that the juvenile offender is capable of understanding those rights. These factors are:
 1. Age of the juvenile offender;
 2. Education;
 3. Prior experience with law enforcement;
 4. Mental state of mind; and the
 5. Physical condition of the juvenile
 - a. Drugs,
 - b. Injuries,
 - c. Alcohol, or
 - d. Medication.
- D. A juvenile under 14 years of age must be given an opportunity to consult with his or her parent, guardian, or attorney as to whether he or she will waive his or her rights to an attorney and against self-incrimination. Both the parent and juvenile shall be advised of the juveniles right to an attorney and to remain silent. Absent such warning and consultation, a statement or confession cannot be used against the juvenile at a subsequent hearing or trial.

- E. Whenever possible, only one (1) deputy or detective will interview a juvenile offender and for only the length of time that is appropriate under the existing circumstances.
- F. After the interview, the parents or guardian of the juvenile offender will be informed as to the disposition of the juvenile.

44.2.9 SOCIAL SERVICES AGENCIES THAT PROVIDE SERVICES TO YOUTH

- A. The crime prevention/community liaison unit maintains and distributes a listing of social services agencies in the metro-plex area that provide services to the youths or their parents. The purpose of the listing is to make personnel aware of the alternatives and resources available to them when the decision to divert a juvenile is being or has been made.
- B. The list is updated periodically to keep personnel apprised of the current social services agencies that offer services to youths or their parents. ([See section 4.1.5.](#))

44.2.10 JUVENILE LIAISON PROGRAM

- A. As a method of juvenile education and delinquency prevention, the Sedgwick County Sheriff's Office provides a school liaison program to the primary schools through its Drug Abuse Resistance Education (D.A.R.E.) Program. This program is administered by the crime prevention/ community liaison unit and is updated on a regular basis.
- B. D.A.R.E. instructors provide a wide variety of services to local schools, including, but not limited to, the following:
 - 1. Drug education;
 - 2. Acting as a resource with respect to delinquency prevention;
 - 3. Providing guidance on ethical issues in a classroom situation;
 - 4. Providing individual counseling to students upon request; and
 - 5. Explaining the law enforcement role in society as well as providing information on a wide variety of police and community-related material.

44.2.11 COMMUNITY RECREATIONAL YOUTH PROGRAM

- A. The crime prevention/community liaison unit will assist any youth organization in developing recreational programs. After the program is established it will be the responsibility of that organization to manage it.

44.2.12 JUVENILE FINGERPRINTS AND PHOTOGRAPHS

- A. [K.S.A. 38-1518](#) of the Kansas Criminal Code outlines special considerations when dealing with photographs and fingerprints of juvenile suspects. The following rules will be followed by personnel of the Sedgwick County Sheriff's Office in order to assure compliance with the law:
 - 1. Collection
 - a. No juvenile shall be fingerprinted and/or photographed in the investigation of a crime without the consent of the court, with the following exceptions;

- Fingerprints and/or photographs of a juvenile may be taken when investigating the commission of an act that would be a felony if committed by an adult and if there is probable cause to believe that the juvenile may have been involved in the felonious act being investigated. K.S.A. 38-2313
 - Fingerprints and/or photographs of a juvenile may be taken if the juvenile was prosecuted as an adult by reason of subsection (b3) of K.S.A. 21-2501 and amendments thereto or convicted of aggravated juvenile delinquency as defined by K.S.A. 21-2501.
- b. Fingerprints and/or photographs of a juvenile shall be kept readily distinguishable from those of adults (K.S.A. 21-2501).

2. Retention and disposition

- a. Fingerprints and/or photographs of juveniles may be retained until the juvenile reaches eighteen (18) years of age or the juvenile court orders to expunge his/her records. The only exception will be when the juvenile has committed an act that if committed by an adult would constitute a violation of the following;
- [K.S.A. 21-3503](#) Indecent Liberties with a Child
 - [K.S.A. 21-3504](#) Aggravated Indecent Liberties with a Child
 - [K.S.A. 21-3506](#) Aggravated Criminal Sodomy
 - [K.S.A. 21-3510](#) Indecent Solicitation of a Child
 - [K.S.A. 21-3511](#) Aggravated Indecent Solicitation of a Child
 - [K.S.A. 21-3516](#) Sexual Exploitation of a Child
 - [K.S.A. 21-3603](#) Aggravated Incest
 - [K.S.A. 21-3608](#) Endangering of a Child
 - [K.S.A. 21-3609](#) Abuse of a Child
- K.S.A. 21-3523 Electronic Solicitation
- b. All records and reports concerning child abuse or neglect received by law enforcement agencies shall be kept separate from all other records and shall not be disclosed to anyone except per ([K.S.A. 38-1508](#)):
- The judge or his/her staff that have a proceeding before it;
 - Guardian AD LITEM and their attorneys;
 - The Department of Social Rehabilitation Services;
 - Officers of public institutions or agencies to whom custody of the child has been granted; and
 - Law enforcement, district attorneys, or their staff when necessary for the discharge of their duties.
- c. The records administrative officer has the responsibility of keeping the records of juvenile offenders updated and purged.

3. Use of juvenile fingerprints and photographs
 - a. Until the juvenile reaches eighteen (18) years of age or the court expunges his/her records, the fingerprints and/or photographs may be used and disseminated in the following manner:
 - As directed by the court;
 - To another juvenile justice agency as defined by [K.S.A. 38-1617](#), if it has a legitimate need; or
 - Used for the offense they were originally obtained.
 - b. Breath or urine samples may be taken from juvenile offenders when the deputy has probable cause to believe that the juvenile has been involved in the commission of driving under the influence.
 - c. When obtaining physical samples, such as hair, blood, nails, stomach contents, and handwriting, the deputy must obtain a consent to search or a court order from the juvenile court.

44.2.13 JUVENILE RECORDS

A. Collection

1. When a juvenile is picked up and placed in juvenile detention or released to the custody of a parent or a guardian, a law enforcement arrest/custody report shall be submitted. On missing persons and runaways, a missing person/runaway form and a missing person/runaway liability release form will be filled out in addition to the Kansas offense report.
2. Juvenile arrest and identification records shall be kept apart from those of adults.

B. Dissemination

1. Juvenile records are protected and are set apart from adult records by stamping them with the words "Juvenile Suspect" or "Juvenile Victim" in the case of investigative files or by typing the words "Confidential Juvenile" on the case jackets. The only persons to have access to the juvenile records are the clerical personnel in the records section and the administrative officer of the records section. Juvenile arrest information will be provided only to Sedgwick County Sheriff's Office deputies who require such information in the performance of their duties on a "need-to-know" basis. This information can be accessed by persons who are authorized to access such information.
2. Other agencies requesting juvenile arrest information shall be referred to the Investigations Division records administrative officer. This information will be disseminated per K.S.A. 38-2310 or upon court order. Offense reports concerning juvenile offenders will be maintained in the records section and are subject to the same dissemination requirements as the arrest records.

3. Under no circumstances will juvenile arrest and identification data be forwarded to the Sedgwick County detention facility where adult records and identification are kept.

C. Retention

1. Juvenile arrest records will be kept until the juvenile offender reaches the age of eighteen (18). Upon the eighteenth (18th) birthday those records will be destroyed.

D. Expungement

1. K.S.A. 38-2312 outlines the expungement of juvenile records. In addition to K.S.A. 38-2312, the following procedures will be used when the Sedgwick County Juvenile Court orders the expungement of a juvenile's record;
 - a. The record and other associated documents will be removed from the file and sealed in an envelope.
 - b. The outside of the envelope will contain the case number, the juvenile court case number, and the date of expungement (K.S.A. 38-2312).
 - c. Expunged records will not be opened or reviewed for any purpose without an order from the Sedgwick County Juvenile Court.

44.2.14 PERSONS ACCOUNTABLE FOR JUVENILE RECORDS

- A. Juvenile records are permitted to be accessed only by the records administrative officer. He/she is responsible for being familiar with and keeping juvenile records in accordance with K.S.A. 38-2310 and the Sedgwick County Sheriff's Office policy and procedure. Other personnel may be permitted access on a "need-to-know" basis with the records administrative officer's approval.

44.2.15 DRUG ENDANGERED CHILDREN

- A. Drug endangered children (DEC) require specific immediate medical assessment and treatment and investigation by SRS. To that end, children found in a hazardous environment shall be subjected to the following protocol as agreed upon by the Kansas Alliance for DEC.
 1. Should a child be in or around a clandestine laboratory site, the Clandestine Laboratory Enforcement Team Supervisor or designee will determine if the child(ren), who have occupied a clandestine laboratory site, or have at one time but not present upon law enforcement's arrival, should be placed in Police Protective Custody.
 2. Upon deciding that a child will be placed in protective custody, law enforcement will contact the Wichita Children's Home (WCH) to inform staff of the situation.
 3. Law enforcement will contact Wesley Medical Center to inform the staff that the child(ren) will be arriving for testing per the medical provider's DEC protocol. The Clandestine Laboratory Enforcement Team Supervisor or designee will

discuss with hospital personnel the type of lab found, the chemicals found in and around the lab site so that medical personnel can determine and implement the appropriate treatment.

4. Sheriff's deputies /detectives will transport the child(ren) to Wesley Medical Center unless emergency medical transport is necessary. If transported by EMS, EMS will follow their protocol as per the DEC MOU.
5. Law enforcement will investigate and secure evidence that will be beneficial to the investigation.
6. The sheriff's office may be notified to pick up evidence secured by the medical personnel and submit that evidence to the Sedgwick County Regional Forensic Center for examination.
7. Transporting law enforcement will complete the paperwork for the Wichita Children's Home. WCH personnel will respond to Wesley to pick up the child(ren).
8. Should the child(ren) have burns or another condition that requires transport to a Via Christi Medical Care Facility, the same procedure will apply.
9. Law enforcement will participate in a team meeting within 48 hours in regards to disposition of the children.
10. Law enforcement and the District Attorney's Office will review the case before the children are released from protective custody.
11. Interagency coordination is critical.