



Lansing Police Department Manual

600.18 – COMPLAINTS INVOLVING JUVENILES

Operational Procedure

Effective Date: 06/01/2005

Rescinds: 02/2001

PURPOSE

The purpose of this procedure is to establish guidelines for investigating complaints involving juveniles.

LEGAL AUTHORITY - TAKING JUVENILES INTO POLICE CUSTODY

[MCL 712A\(14\)](#) provides the legal authority by which a police officer may take a juvenile into custody.

DETENTION AND CUSTODY OF JUVENILES

- Conditions under which a police officer may take a juvenile into custody without a court order are:
 - A violation of any law or ordinance.
 - When circumstances exist which would make the arrest lawful if the juvenile were an adult.
 - When the juvenile is a confirmed runaway (RAW) or the officer reasonably believes the juvenile is evading the person or proper authority having legal custody.
 - The conditions or surroundings under which the child is found are such as to endanger his/her health, morals, or welfare.
 - The officer continues a lawful arrest made by a private citizen.
- Conditions required for immediate lodging in a detention or other facility are:
 - The juvenile's home or personal situation is such that if the child were not removed there exists the probability of harm through neglect, abuse, abandonment, or any situation which would otherwise endanger the child.
 - The juvenile is accused of one or more offense(s) that are so serious that release would constitute a reasonable and articulable threat to the public safety.
 - A Juvenile Apprehension Order or other court order exists. Operational Procedure [500.7 Juvenile Apprehension Orders](#).
- Immediate detention is not necessary when:
 - The juvenile has been involved in a less serious offense for which release would not likely endanger public safety.
 - A parent, guardian, or custodian is capable of controlling the juvenile and agrees to do so.
- If the juvenile is not detained:
 - A parent, guardian or custodian must be notified as soon as possible of the violation, time of arrest, and where they should take charge of the juvenile.
 - Officers shall prepare an incident report to seek charges or issue an appearance citation.

42 • Appearance citations

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- 44 ○ An appearance citation may be written utilizing an Uniform Law Citation when a juvenile is
- 45 apprehended in violation of state law, status offenses, or city ordinances that do not normally
- 46 require lodging. When issuing an appearance citation, officers must obtain a ~~NRF~~-complaint
- 47 number; utilizing the appropriate file code and enter both numbers on the citation.
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49 • Misdemeanors on school property

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- 51 ○ [MCL 764.15\(n\)](#) provides warrantless arrest authority for offenses committed on school property. “The
- 52 peace officer has reasonable cause to believe a misdemeanor has taken place or is taking place
- 53 on school property and reasonable cause to believe the person committed or is committing the
- 54 violation; regardless of whether the violation was committed in the peace officer’s presence.”
- 55 ○ [MCL 333.7410](#) defines “school property” as a building, playing field, or property used for school
- 56 purposes to impart instruction to children in grades kindergarten through 12, when provided by a
- 57 public, private, denominational, or parochial school, except those buildings used primarily for adult
- 58 education or college extension courses.
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60 **STATUS OFFENSES**

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62 Status offenses are those offenses which would not be considered a crime if the juvenile were an adult.

63 Juveniles accused of status offenses cannot be held in a locked holding area. Status offenses include:

64 Juvenile Runaway; Curfew violations; Truancy; Tobacco Law violations; and Possessing or Consuming

65 Alcohol as outlined in (See lines 222-243).

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67 **DETENTION PROCEDURES: ARRESTING OFFICER RESPONSIBILITIES**

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- 69 • No juvenile taken into custody shall be held in any detention facility unless completely isolated
 - 70 from any verbal, visual, or physical contact with any adult prisoner.
 - 71 • Juveniles may be held at Lansing Police Department (LPD) detention for **no more than six hours**
 - 72 from the time of booking. **No exceptions.**
 - 73 • Juveniles apprehended for status offenses may not be held in a locked holding area. The juvenile
 - 74 holding area door to the detention area must be unlocked.
 - 75 • The personnel at the Ingham County Youth Center will make all decisions as to whether or not the
 - 76 juvenile will be detained at their facility. Youth Center personnel will determine if an alternate
 - 77 place of detention is to be used.
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 - 79 ○ When contacting the Youth Center to request detention, the officer will need the juvenile’s
 - 80 complete name, date-of-birth, address, name of parents, a description of the current charges,
 - 81 information about the juvenile’s past criminal record, and why the officer believes the juvenile
 - 82 should be detained.
 - 83 ○ Notification of parent, guardian, or custodian
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 - 85 ▪ The parent, guardian, or custodian shall be notified as soon as possible that the juvenile is
 - 86 in custody, the reason, and where the child is being held.
 - 87 ▪ The officer shall notify the parent, guardian, or custodian that a preliminary hearing will be
 - 88 held; including the date, time, and location of the hearing. In the event that the hearing time
 - 89 and/or date is changed, the assigned investigator shall so advise the parent, guardian, or
 - 90 custodian.
 - 91 ▪ The notification of a parent, guardian, or custodian shall be included in the officer’s report.

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- Search of in-custody juveniles
 - Juveniles shall be searched prior to being transported to a detention facility. Any property that is not seized as contraband or evidence shall be turned over to the receiving person at the detention facility. Refer to Operational Procedure [500.4 Detention of Adults/Juveniles](#), for additional guidelines.
 - Intake procedure at Youth Center
 - Officers should call the Youth Center before transporting the arrestee to coordinate admission and ensure proper paperwork is available.
 - Officers shall remain at the Youth Center during the intake process until released by the Intake Officer.
 - Officers shall be required to sign the *Intake Form* as the conveyor of the juvenile.
 - Officers are relieved of their responsibility for the juvenile when they have:
 - Specifically charged the juvenile with a criminal or status offense, and
 - contacted a parent, legal guardian, or other acceptable adult to pick up the juvenile, and
 - notified Detention personnel of the name of the person who will pick up the juvenile, or
 - made arrangements for lodging and transportation to the Youth Center, or
 - made arrangements for eventual release within six (6) hours.

NOTE: Officers are not authorized to leave their arrest until the arrangements in (See lines 107-117) have been made or the Precinct command has taken responsibility to complete the arrangements.
 - Incident Reports
 - Incident reports shall be prepared in compliance with the provisions established in Operational Procedure [600.1 Incident Reports](#).
 - Juveniles Requiring Medical Attention
 - If a juvenile appears ill, under the influence of alcohol or drugs, or otherwise in need of medical attention, the officer shall transport the juvenile to the hospital for appropriate treatment prior to transport to the detention facility. The Youth Center will not accept juveniles requiring medical treatment. Refer to Operational Procedure [500.2 Arrest Management](#), for additional guidelines relating to juveniles requiring medical attention.
 - If it becomes apparent to Youth Center personnel that the juvenile requires medical attention and the officer has already left, the Youth Center will contact the Communications Center to have the transporting officer return and transport the juvenile to a hospital.

135 CURFEW VIOLATIONS

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- Curfew. City Ordinance 650.01.
 - No person 12 years old or under shall be upon or in any public street, highway, alley, park, vacant lot or other public place between 10:00 pm and 6:00 am of the following day, subject to the exceptions set forth (See lines 145-173).
 - No person 13 through 16 years old shall be upon or in any public street, highway, alley, park, vacant lot or other public place between 12:00 midnight and 6:00 am, subject to the exceptions set forth (See lines 145-173).

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- o Exceptions
 - Where the minor is accompanied by a parent or guardian or some adult over 21 years of age delegated by the parent or guardian to accompany the minor child for a designated period of time and for a specific purpose within a specified area.
 - Where the minor is on the sidewalk of his/her residence or on the sidewalk of either next door neighbor, so long as the neighbor does not object to the minor's presence on his/her sidewalk.
 - Where the minor is returning home by a direct route from and within thirty minutes of the termination of a school activity or an activity of a religious organization or other volunteer association, provided that prior notice of such activity and the place and probable time of termination of such activity have been provided, in writing, to the Chief of Police.
 - Where the minor is a resident of another city or a resident of the City of Lansing and is in a motor vehicle with parental consent and is traveling through the City or the City is the origin or destination of interstate travel.
 - Where the minor is engaged in the course of lawful employment or for a period of one-half hour before to one-half hour after work, while traveling a direct route between such place of employment and his/her residence.
 - Where the minor has in his/her possession a permit issued by the Chief of Police upon application by the parent or legal guardian of such minor. The application for such a permit shall be in writing and shall:
 - State the name and age of such minor.
 - State the point of origin and destination and approximate time of each.
 - Describe the height, weight, sex, color of eyes and other distinguishing physical characteristics of the minor; and explain the necessity which requires such minor to remain upon or in the public streets, highways, alleys, parks, vacant lots or other unsupervised public areas after the applicable curfew. Such permit shall only be valid for one twenty-four (24) hour period.
 - o Parental Responsibility. [Lansing City Ordinance 650.05](#).
 - This ordinance requires that parents exercise reasonable control over their minor children where failure to do so results in the child committing any criminal act, or allowing or encouraging any minor to commit any criminal act. [Lansing City Ordinance 650.05\(b\)](#) applies this ordinance to the curfew ordinance and states that the curfew violation itself is prima-facie evidence that the minor's parent allowed or encouraged the minor to violate this section.
 - A written incident report utilizing file code 3805, Contributing to the Neglect or Delinquency of a Minor, is required for violations of the Parental Responsibility ordinance.
 - Disposition of Curfew Violator
 - o Issue an appearance citation citing [Lansing City Ordinance 650.01](#), Curfew, and initiate a complaint number utilizing file code 5313, Juvenile Curfew.
 - o The juvenile may be brought to headquarters and the parent, guardian, or custodian summoned to pick up the juvenile.
 - o The juvenile may be transported home to be released to a parent, guardian, or custodian.

194 RUNAWAY JUVENILES

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196 Refer to Operational Procedure [600.13 Missing Persons/Runaways/Unidentified Persons](#).

197 **INTOXICATION AND ALCOHOL VIOLATIONS INVOLVING JUVENILES**

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- Incapacitated Juveniles Operational Procedure [600.14 Incapacitated Persons](#).
- Intoxicated Juveniles
 - When an officer has contact with an intoxicated juvenile, the officer may:
 - Reprimand and release to a parent, guardian, or custodian.
 - Reprimand and release to a parent, guardian, or custodian and issue an appearance citation.
 - Require that the juvenile submit to a Preliminary Breath Test (PBT) and take appropriate action as delineated in (See lines 221-271).
 - It is imperative that the officer monitor the juvenile and be mindful of changes in levels of consciousness, signs of delirium, or any other factors, information or changes which may indicate a serious drug interaction, overdose, or any other condition which requires immediate medical attention.
 - If, in the officer's reasonable opinion, the juvenile needs medical attention and the parent/guardian is unwilling to seek that attention, the juvenile should be placed in protective custody and transported to a hospital, in compliance with Operational Procedure [600.14 Incapacitated Persons](#). The officer shall initiate an incident report utilizing file code 3806, Child Neglect, and the Family Independence Agency must be contacted immediately. (Refer to Operational Procedure [600.19 Child Abuse and Neglect](#)).
- Liquor law violations by persons under 21 years of age. [MCL 436.1703](#).
 - This statute applies to minors who purchase or attempt to purchase, consume or attempt to consume, and possess or attempt to possess alcoholic liquor. These violations are all misdemeanors and the statute contains progressive penalties for subsequent violations which include fines, community service, substance abuse screening and/or treatment, and mandatory driver's license suspensions.
 - PBT - A peace officer who has reasonable cause to believe a minor [defined in this act as any person under 21 years of age] has consumed alcoholic liquor may require the person to submit to a preliminary chemical breath analysis. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor. A minor who refuses to submit to a preliminary chemical breath test analysis as required in this subsection is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$100.00. [MCL 436.1703](#).
 - There is no specified minimum blood alcohol level required to substantiate a Minor In Possession (MIP) charge.
 - PBT results which show any blood alcohol level is sufficient to charge with MIP.
 - Minors who refuse to take the PBT should be issued a civil infraction citation for PBT Refusal/ MIP under [MCL 436.1703\(5\)](#).
 - Juveniles 16 years of age and younger and minors 17 to 20 years of age who are in violation of [MCL 436.1703](#) (possess, consume, or purchase or attempt to possess, consume, or purchase) should be issued an appearance citation for MIP citing [MCL 436.1703\(1\)](#). A complaint number shall be obtained utilizing file code 4199, Minor in Possession/Transporting Alcohol.

- 249 ○ Notification of Parent or Guardian - When an officer determines that a person less than 18
250 years of age, who is not emancipated, allegedly consumed, possessed or purchased or
251 attempted to consume, possess, or purchase alcoholic liquor, the officer **must notify a parent,**
252 custodian, or guardian as to the nature of the violation.
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- 254 ▪ This section is contingent on the officer being able to ascertain the name of the parent,
255 guardian, or custodian. The statute requires that this notice shall be made within 48 hours
256 of the time of the violation.
- 257 ▪ Notice can be made in person, by telephone, by first class mail, or any other reasonable
258 method calculated to give prompt actual notice.
- 259 ▪ If the person is less than 17 years of age and is arrested, then the parent or guardian
260 **must** be notified immediately.
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- 262 ○ Exceptions - This statute does delineate certain exceptions; including possession during
263 working hours in the course of employment (i.e., waitress serving alcohol, busboy clearing
264 tables, etc.), consumption during and as a necessary part of an educational course,
265 consumption of sacramental wine in religious services, and persons participating in
266 undercover operations.
- 267 ○ OUIL Zero Tolerance - Under [MCL 257.625\(6\)](#) a person under 21 cannot operate a vehicle with
268 any blood alcohol content Operational Procedure [500.10 OUIL](#).
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270 **NOTE:** Furnishing Alcohol to Minors violations require a written report utilizing file code 4198,
271 Furnishing Alcohol to Minors. This law refers to private parties and is not intended for use when
272 dealing with bars, restaurants, or stores that sell alcohol to underage customers.
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274 TRUANCY

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- 276 • Truancy violators should be issued an appearance citation citing [MCL 712A](#). A complaint number
277 must be initiated utilizing file code 7399, Juvenile Truancy.
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- 279 ○ The juvenile must be under 16 years of age.
- 280 ○ The ordinance applies to both enrolled and non-enrolled students. Lansing School District
281 Department of Public Safety will assist in determining if a juvenile is enrolled and at which
282 school.
- 283 ○ Students who are home-schooled are exempt.
- 284 ○ Officers may charge any truant student, regardless of the jurisdiction in which they are enrolled
285 in school.
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- 287 • Disposition
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- 289 ○ After issuing an appearance citation, the officer may choose to transport the juvenile to the
290 appropriate school and turn the student over to school security or the child may be released to a
291 parent, guardian, or custodian.
- 292 ○ Violent, disorderly, or combative students should be taken to the LPD Detention Unit prior to
293 being released to parents. These juveniles should be charged with any applicable additional
294 offenses.
- 295 ○ The parent or guardian must be contacted, advised of the charges and instructed to take
296 custody of their child at the LPD Detention Unit.
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298 **TOBACCO VIOLATIONS**

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- Youth Tobacco Act. [MCL 722.642.](#)
- A person under 18 years of age shall not possess or smoke cigarettes or cigars; or possess or chew, suck, or inhale chewing tobacco or tobacco snuff; or possess or use tobacco in any other form, on a public highway, street, alley, park, or other lands used for public purposes, or in a public place of business or amusement. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense.
- **NOTE:** In most cases, violations of this section should be written on an appearance citation and a complaint number shall be initiated utilizing the file code 5593, Violation of Smoking Laws.
- Furnishing Tobacco to Minors. [MCL 722.641.](#)
- A person shall not sell, give, or furnish any cigarette, cigar, chewing tobacco, tobacco snuff, or tobacco in any other form to a person under 18 years of age. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense. Violators of this section may be issued an appearance citation. A complaint number shall be initiated utilizing 5593, Violation of Smoking Laws.
- Smoking in Public Places. [City of Lansing Codified Ordinance 650.02.](#)
- No person under eighteen years of age who smokes or uses cigarettes in any form shall do so on a public highway, street, alley, park or other land used for public purposes, or in a public place of business or amusement. Any person who violates this section may be arrested by an officer of the law who observes the offense. Violations of this section may be written on an appearance citation and a complaint number shall be initiated utilizing file code 5593, Violation of Smoking Laws.
- Distribution of Cigarettes. [City of Lansing Codified Ordinance 650.03.](#)
- No person shall sell, give or in any way furnish cigarettes in any form to a person under eighteen years of age. Violations of this section may be written on an appearance citation. A complaint number shall be initiated utilizing file code 5593, Violation of Smoking Laws.
- Disposition of persons arrested
- Officers shall issue appearance citations for tobacco violations and initiate a complaint number utilizing file code 5593, Violation of Smoking Laws.
- The juvenile may be transported to the LPD Detention Unit. The parent or guardian must be contacted, advised of the charges and instructed to take custody of their child at the LPD Detention Unit.

341 **INCORRIGIBILITY**

- Officers may be requested to assist a parent or guardian who is experiencing severe disciplinary problems with their child. At times, gang involvement and/or criminal activity (i.e. drug use, retail fraud, status offenses, violent acts, etc.) may be suspected but sufficient evidence to initiate a criminal complaint may be lacking. Additionally, the parent may not be able to control their child; having exhausted all other means and resources to effect positive change. In these cases, the officer should initiate a written incident report utilizing file code 9104, Juvenile Incurrigibility.

349 **NOTE:** It is important that the officer remain sensitive to the needs and frustration of parents
350 experiencing incorrigibility problems. The officer should assist the parent in locating other community
351 resources such as counseling services, substance abuse treatment centers, and other youth and
352 family services.
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354 **INTERVIEWS AT SCHOOL**

- 355 • LPD will adhere to the below listed policy of the Lansing Board of Education for police officer
356 interviews of students:
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 - 358 ○ LPD Officers should not interview a student unless a school representative is present. The
359 exception to this policy is when the officer notifies school personnel that they are investigating
360 an abuse or neglect situation and the officer intends to interview the victim. In these situations
361 a school representative should not be present during the interview.
 - 362 ○ Law enforcement officers are permitted, by law, to remove students from public schools
363 without the presentation of a warrant.
 - 364 ○ By law, school authorities must allow police officers access to a child without parental
365 consent.
 - 366 ○ If the student is injured or if the officer believes that the student is in need of medical attention,
367 the student shall be transported directly to the hospital. In most cases, the parent will need to
368 respond to the hospital.
 - 369 ○ The officer should interview the victim's teachers, school counselors, principal or any other
370 school personnel who may have information relating to abuse or neglect situations.
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