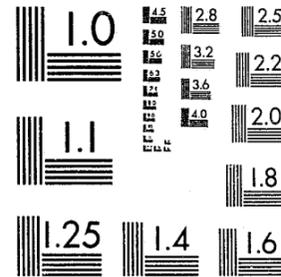


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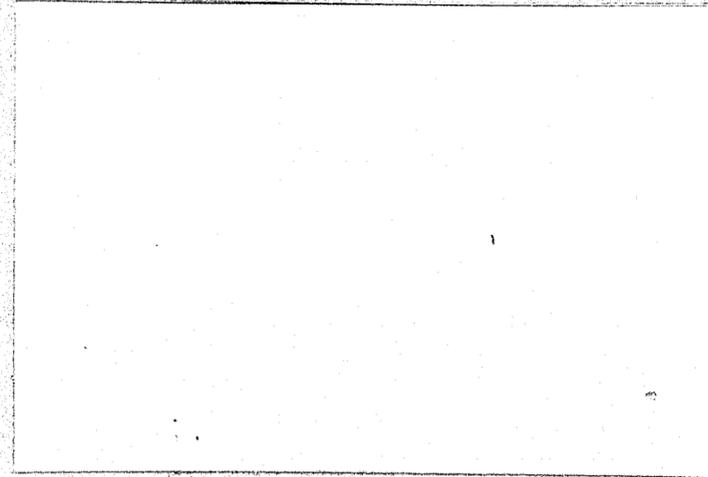
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POLICE PROCEDURES FOR HANDLING
JUVENILES

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STAMFORD POLICE DEPARTMENT
STAMFORD, CONNECTICUT

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PREFACE

This volume of legal guidelines on the handling of children is intended to assist patrol and Youth Bureau officers of the Stamford Police Department. These procedures should be followed by all officers of the Stamford Police Department although it is the responsibility of the Youth Bureau to follow up on the investigation of cases involving children and to make referrals, when appropriate, to the Superior Court: Juvenile Matters.

These guidelines were prepared by the staff of the Center for Criminal Justice of the Boston University School of Law under the direction of Carol Rosensweig and Roger D. Purdy. Research for this volume was funded by Grant JN-AX-0008 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Assistance, United States Department of Justice. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official policies of the U.S. Department of Justice.

INTRODUCTION

The Stamford Police Department authorizes patrol and Youth Bureau officers to use the least restrictive or least coercive alternative, when appropriate, in dealing with children. This policy of employing only as much coercive action as the situation requires may influence your decision whether to intervene or the course of action you will take when you do intervene. As you read further in the manual, you should note that each section discusses the least restrictive or least coercive option for that kind of contact with children, and the situations in which you should exercise that option. For example, there may be circumstances in which a child has committed a minor offense, but detaining the child and referring him or her to Superior Court: Juvenile Matters is not appropriate. After considering the age of the child, the seriousness of the offense, the role of the child (observer or participant), and the child's previous contact with the police, you may decide a reprimand or warning will be sufficient. You may also advise the child, or his or her parent, to seek treatment or counseling. You cannot force anyone to accept treatment, and should not threaten arrest if the child or the parent does not choose to follow your advice. Instead of detaining the child you may also request in your report that a Youth Bureau officer refer the child to Superior Court: Juvenile Matters. Even if you believe arrest and referral to court are necessary, remember that Superior Court: Juvenile Matters may handle the case nonjudicially and place the child in a treatment program.

In some circumstances treating a child as a member of a Family With Service Needs (FWSN) or putting the child under protective custody will be the most most appropriate action. (See PART NINE: FWSN and PART SEVEN: PROTECTIVE CUSTODY.)

Beyond what is minimally required by a particular statute, you should choose among options available, keeping in mind the goal of achieving desired results through use of the least restrictive or least coercive alternative.

PART ONE: DEFINITIONS

100. Child:
Any person under sixteen years of age. (C.G.S. §46b-120)
101. Youth:
Any person sixteen to eighteen years of age. (C.G.S. §46b-120)
102. Felony:
Any offense for which a person may be sentenced to a term of imprisonment in excess of one year. (C.G.S. §53a-25(a))
103. Misdemeanor:
An offense for which a person may be sentenced to a term of imprisonment of not more than one year. (C.G.S. §53a-26(a))
104. FWSN-Child:
A child may be found to be a member of a family with service needs who (a) has without just cause run away from his or her parental home or other properly authorized and lawful place of abode; (b) is beyond the control of his or her parent, parents, guardian, or other custodian; (c) has engaged in indecent or immoral conduct; or (d) has been habitually truant or who, while in school has been continuously and overtly defiant of school rules and regulations. (C.G.S. §46b-120)
105. Delinquent:
A child may be found delinquent (1) who has violated any federal or state law or municipal or local ordinance, other than an ordinance regulating behavior of a child in a family with service needs or (2) who has violated any order of the superior court except any such order entered in a manner relating to a family with service needs (C.G.S. §46b-120 et seq.) (See FWSN-Child, above.)

106. Youthful Offender:

A youth who has committed a crime or crimes that are not Class A felonies, who has not previously been convicted of a felony or adjudicated a youthful offender, and who is adjudged a youthful offender (C.G.S. §54-76b).

PART TWO: STOP, THRESHOLD INQUIRY AND FRISK

200. Introduction

A "stop" on the street, in a car or in a public place such as a park or playground is one of the most common kinds of contact you will have with children. You may make a stop when you have a "reasonable suspicion" (as discussed below) which is less than the "probable cause" you need for an arrest. Therefore, you can stop a person in many situations as an investigative tool or to prevent delinquent behavior. Nevertheless, a stop is an infringement on personal liberty controlled by the Constitution; it is a seizure to which Fourth Amendment restrictions apply. Therefore, you must be very careful to make sure you have facts sufficient to justify a stop, and that you conduct the stop in a reasonable manner. When you are dealing with a child you should be especially careful, because the child's age, size, strength and maturity may be weighed in determining the reasonableness of a stop and frisk. The fact that the person you stop is a child may also affect decisions regarding the reasonableness of your suspicions, the reasonableness of the method used to detain, whether your threshold questioning was actually custodial interrogation, and the validity of any consent given.

201. When to Conduct a Stop and Threshold Inquiry

You may stop a child and engage the child in a threshold inquiry whenever you have a "reasonable suspicion" that the child has engaged in, is engaging in, or is about to engage in delinquent behavior. You may stop a child on the street, in a store, or in any place you have a right to be as long as you have such reasonable suspicion. Reasonable suspicion exists when you, as a knowledgeable, trained, and cautious officer using good common sense and

drawing upon your own personal observations, knowledge and experience, reach a reasonable conclusion that the child has committed delinquent acts, is now committing delinquent acts, or is about to do so. Your conclusion may be based upon any behavior you observe, any reliable report you receive, your past experience in detecting delinquency, and any other observable facts. An anonymous tip, a report from a very young child or information from a questionable source should be corroborated by information from a better source or your own observations.

You should stop and question a child if you have reasonable suspicion as discussed above and you feel that a stop and threshold inquiry will serve to:

1. develop further evidence or information useful in establishing probable cause for an arrest at the present or a later time, or to clear the child;
2. obtain information (usually relating to identity, address, etc.) that will enable you or another person to file a delinquent or FWSN complaint;
3. gather information about the child and the alleged delinquent act to further your interrogation; or
4. prevent commission of a delinquent act or acts.

Examples

1. It is 10:30 P.M. You are in plain clothes in an unmarked car near the train station, the scene of a recent number of handbag snatches. The streets are deserted. You pass by two teenagers you do not recognize standing

in a hotel doorway. You suspect the teenagers may be waiting for a victim. You decide to observe them for a while to see whether anything happens. You observe them for 15 minutes and notice them walking up and down the street and watching the hotel exit. When a couple comes out of the door, the youths confer but do not go toward the couple. You may now choose to exercise your power to stop and detain them for investigative questioning.

2. While driving on an overpass, you observe two youths walking down the side of the road. They are carrying large objects that look like rocks, and seem to be intoxicated. Recently, there have been problems with youths drinking in the woods nearby and throwing rocks at the cars below the overpass. You have a reasonable suspicion to stop them and conduct a threshold inquiry.

202. Conducting a Stop

A court is likely to view most children as easy to persuade or coerce, and not as a serious threat to you or others. Therefore, when conducting a stop you should try to be as non-coercive as possible, to avoid use of physical and verbal force, and to detain the child for as short a time as possible.

When you stop a child you should request the child to stay and answer a few questions. You should state you are a police officer and show identification as soon as possible, unless your uniform makes your status clear. This should help obtain cooperation and will avoid the appearance of coercive subterfuge. If the child asks whether he or she is under arrest, you should

answer no, but that you would like to ask a few questions. You should then complete your threshold inquiry as quickly as possible. A polite and non-threatening manner is most likely to obtain a child's cooperation without risk of harm.

It is best to avoid use of any physical restraint or force beyond the initial command or request that the person stop or come over to you. If you reasonably suspect delinquent behavior, you may use reasonable force to keep a child who refuses to stay. Reasonable force is the minimum necessary to ensure that the child remains. For example, you may state your authority and command the child to remain, or you may stand in such a way as to block the child's exit.

You should usually stop and interview a child where you find the child. You may ask the child to accompany you to the cruiser while you check identification, call the station, or call the child's parents or guardian. If the scene of the stop presents a danger to you or the child because of a hostile crowd or dangerous environment, you may choose to move the child a short distance to a safe place.

Once you have stopped the child, you may conduct a frisk or quick pat down search if you have reason to suspect the child may have a concealed weapon. (See Section 204.)

EXAMPLE

You are on patrol in the early hours of the morning. While walking by the train station, the scene of a recent series of muggings, you see a youth running from the station. You stop him and ask what he is doing. Suddenly a large group

of youths surrounds you and starts jeering. You decide that you cannot continue questioning the suspect there without provoking further hostility. You request that he walk down the street with you so that you may ask him a few questions. In order that the moving of the suspect is not viewed later as an arrest, you should make it clear to him that he is not under arrest and that you merely want to ask him a few questions.

203. Conducting a Threshold Inquiry

Once you have stopped the child, you may ask a few questions to elicit the child's identity and explain the child's actions. First, you should ask the child's name and address. You may ask for identification cards to confirm identity. You may also ask for the parent/guardian's name and phone number to check the child's identity and to allow you to follow up your investigation. Keep in mind that the child is not obligated to answer your questions.

You may ask questions about the child's behavior, and specifically about that behavior that caused you to stop the child. Your questioning should be limited to only very preliminary investigative questions. If the suspected delinquent behavior is close in time to the stop, you might ask where the child is going or from where the child has just come. If the suspected delinquency occurred in the more distant past, your questions should be more general. You should avoid accusing the child of delinquent acts. You should also keep in mind that important and incriminating statements made in the parent's absence will be inadmissible and may taint evidence obtained later. Therefore you should not conduct extended questioning or ask questions likely to elicit

confessions or incriminating statements.

Your threshold inquiry should last only a few minutes, just long enough to ask a few questions designed to establish identity and explain actions. If your suspicions are not lessened by the child's answers or actions, you may continue the questioning for a few minutes longer. You may not search the child for identification cards, and you may not arrest a child on the street for merely failing to answer or cooperate. If you stop a youth operating a motor vehicle without identification, proceed as if he or she were an adult. If you later discover that the driver is a child, refer the case to a Youth Bureau officer. (See PART FIVE: ARREST.)

Try to avoid questions that focus on the child as a suspect, questions that suggest the child is a suspect, questions designed to obtain a confession, or almost anything beyond the initial threshold questions described above. This will minimize the possibility that at a later date a court will view your questioning as interrogation which requires Miranda warnings. If the overall circumstances suggest a lengthy, coercive detention, a court may also view your questioning as an arrest. Therefore, you should release the child after the initial questions unless you have obtained probable cause to arrest. If you do have probable cause, you may arrest the child in accordance with proper procedure. (See PART FIVE: ARREST.) If you have established that the child is a FWSN-child, you should treat the child accordingly. (See PART NINE: FWSN.)

Example

While on patrol on Main Street, you are approached by an unknown woman who says she just saw three boys trying to break into a blue Volkswagen parked on the corner. You

find the VW with the children around the driver's door. One is pushing the vent window with his fist. You have reasonable suspicion to believe that they may be trying to break into the car. You may conduct a threshold inquiry to determine whether the car belongs to any of them.

204. Frisk

If you reasonably suspect a child is carrying a weapon, you may conduct a limited pat-down search to protect yourself. You may also look in the nearby area from which the child could easily reach and obtain a weapon. If you stop a child in a car, you may quickly look in that part of the car the child could easily and quickly reach, but again you must reasonably suspect the existence of a weapon.

A frisk is only allowed as a quick check for weapons where you reasonably suspect their existence. You should not frisk a child to search for evidence to use against the child in delinquency proceedings, or to seize drugs or contraband.

In most situations where you contact a child you will not suspect weapons, so you should remain cautious but conduct your questions without a frisk. If possible, you should avoid frisking a child because a court may view it as coercive. You should be especially wary frisking very young children or children of the opposite sex. However, in some circumstances specific facts may lead you to believe the child may be armed and dangerous. In those circumstances, you should frisk the child to protect yourself, the child, and others.

Reasonable suspicion to frisk may arise at any point during a stop and may be based on the following facts:

1. The suspected offense and resulting likelihood of the child having a weapon-- are you investigating a reported incident in progress involving the use of weapons? Are you investigating a recent incident involving a concealed weapon that you suspect the child may still be carrying?
2. The child's appearance -- is there a bulge in the child's clothes? Does the child appear to be concealing an object that could be a weapon?
3. The child's actions and words -- does the child act threatening in such a way that your experience suggests that the child may have a weapon? As you approached, did the child move as if to hide a weapon?
4. The child's record or reputation -- does the child have a history of armed assaults, using weapons in resisting arrest, or attacking police officers? Have you known the child to carry weapons in the past?
5. Time, place, and other circumstances -- is the area dark or isolated? Are there a number of persons present posing a serious threat to your safety? These factors may not alone justify a frisk in a situation where the suspected delinquency did not involve weapons.
6. The child's companions -- do you reasonably suspect other children or adults present of carrying a weapon or of having transferred a weapon to the suspected child?

If you do decide you must frisk a child, you should normally limit your frisk to a pat down of the child's outer clothing. However, you may open an

unusually heavy coat or other garment if you cannot feel a possible weapon from outside. You should use sufficient care and strength to allow you to detect any weapons concealed beneath the clothing. If you feel an object you reasonably believe to be a weapon, you may reach into that pocket or area to remove the object. If you have information or have made observations that lead you to reasonably believe a weapon is concealed in a particular spot, you may immediately check that spot before patting down the child. If you seize an item, you should return it to the child unless you arrest the child, or unless the item is contraband.

If the child is carrying a purse, knapsack, bag, or other such item that you reasonably believe could be used as a weapon you may place it out of the child's reach during the stop. You should not open or search the item unless you reasonably suspect it may contain a weapon that the child could reach and use against you or others in the area. If you suspect the existence of such a weapon, you may use the least intrusive means possible to determine whether the item contains a weapon. Patting or squeezing the exterior is preferred, but if that would not reveal whether a weapon were inside, you may open the item and look inside for a weapon. Your search is limited to checking for a weapon; you may not open closed containers too small to hold a weapon.

Examples

1. You see a youth who matches the description of a suspect wanted for an assault with a dangerous weapon that took place that morning. You stop him, explain that he is not under arrest, and ask for identification. The youth seems very nervous and you believe he has a weapon,

probably in his pocket. You pat him down but do not detect the presence of a weapon. You may ask the youth to remove his bulky ski parka so that you can pat down his inner clothing. If you still do not detect the weapon, you cannot search any further.

2. You are questioning a suspect you found emerging from a commercial building at night. The youth becomes hostile and makes verbal threats against you. You frisk him and detect no concealed weapons, but you are concerned that his knapsack may contain a weapon. You do not want to merely place the knapsack out of his reach for the duration of the stop and then return it, because his threats make you believe that it might contain a weapon. You decide to pat down the knapsack, which represents the least intrusive means of conducting an examination. The pat down reveals soft contents that feel like clothing. Since there is no reason to believe a weapon is concealed there, you return the knapsack to the youth without opening it.

205. Consent

Normally when you exercise your stop power you may briefly detain the child at the location of the stop. You should not on your own extend the length of detention or move the suspect because a court may view this as an arrest on less than probable cause. However, the child may voluntarily agree to remain with you beyond the short period of time necessary for you to conduct your threshold investigation or voluntarily agree to accompany you elsewhere (e.g.,

to a cruiser or back to a victim for identification). However, the child still remains free to leave at any time unless probable cause to arrest develops.

You must be very careful when you operate under the assumption that a child has given consent, as a court will look at such consent very carefully. You should always tell the child, in language the child can understand, that he or she has the right to withhold consent. You should not suggest it would be in the child's best interests to cooperate. Even with these precautions, a court may later find that the child could not or did not give valid consent. Try to avoid situations where consent is needed, but where it is needed, try to obtain consent of the child's parents or guardian.

Example

You see a girl run out from a department store where there has been a rash of shopliftings. She is carrying a large, full shopping bag. Upon spotting your cruiser, she drops the bag on the sidewalk and starts walking. You pull up next to her and tell her you would like to ask her a few questions. She gives you her name, but refuses to tell you where she is going. You inform her that she is not under arrest and again ask where she is going. If she still refuses to answer your questions, you should either detain her or give her full Miranda warnings if you believe you have probable cause to make an arrest.

PART THREE: QUESTIONING A CHILD

300. Interrogation

Any questioning initiated by a law enforcement officer may be considered an interrogation. Connecticut law regarding questioning of children is quite strict. You must be very careful to seek parental cooperation, and give warnings to both the parent/guardian and child whenever you believe your questioning may lead to statements that you may wish to use against the child at a later date. Because questioning children requires experience and expertise, if possible, all such questioning should be conducted by Youth Bureau officers.

The required warnings are: a) that the child may retain counsel, and if the child and parents are unable to afford counsel, that counsel will be appointed for the child; b) that the child may refuse to answer any questions; and c) that any statements made by the child may be used against the child in any delinquency proceedings. The timing of the warning and waiver of rights are discussed below.

301. Questioning a Stopped Child

Questioning a child may take a variety of forms. You may carry out a "threshold inquiry" when you have stopped a child you reasonably suspect of engaging in delinquent activity. (See PART TWO.) Even though no warnings are initially necessary, a court may later exclude any statements for lack of parental presence. As soon as it appears the child may make statements that you may wish to use as evidence against that child, or if it appears your detention may become custodial, you should stop the discussion until a parent/guardian is present and the proper warnings have been given to the parent/guardian and child.

Example

Recent reports have identified the shopping mall as the scene of a number of drug deals involving local youths. While assigned to patrol in the mall, you notice two boys and an adult exchanging money and a small plastic bag. As you approach them, they split up and run away through the crowd. You chase one youngster who escapes into a store, but do not apprehend him. A half-hour later you apprehend one of the boys at the other end of the mall. Your suspect is nervous and reluctant to talk, but you would like to ask him direct questions about what you observed. Before asking any questions, you tell him he is not under arrest and that he does not have to answer your questions. After several answers lead you to believe that he will soon make an incriminating statement, you place the child under arrest, and explain his rights. You must wait until the parent or guardian is present at the station before questioning further.

302. Interviewing a Child Witness or Informant

Situations may arise where you wish to interview a child who you do not suspect of delinquency, but who may be able to provide you with information helpful in your investigation of another person. Since you will not use the child's statement against that child, warnings and parental presence are not required by law. Nevertheless, you should seriously consider whether a parent/guardian's presence might be helpful in obtaining the cooperation of the child. In addition, the parent/guardian's presence may help protect you from any alle-

gations of coercion, intimidation, or other misconduct.

If you decide to interview such a child, you should politely and clearly explain that you do not suspect the child of any wrongdoing, but that you wish to ask a few questions to further your investigation. You should ask the child to cooperate, and, if practical, you should also seek consent from a parent/guardian. If the child is very young, he or she is likely to be frightened, and to ensure that the consent is voluntary you should involve a parent/guardian.

You should at all times remain sensitive to the child's emotional immaturity. This factor may color the truthfulness of answers you obtain, and may make the child more vulnerable to emotional trauma from police interrogation.

If at any time during your questioning, it appears you may obtain a confession or other statement you may wish to use against the child you are questioning, you should cease questioning until you have a parent/guardian present and have given warnings as described above. (See Section 300.)

Example

You have placed under arrest an adult who you have observed handing glassine bags containing a powder-like substance to a young male. You observed several other youths hanging around in the immediate vicinity talking to the adult just prior to the transaction. You would like to question these youths concerning the scope of this alleged drug activity; you want to do this back at the station because of the number of people involved. You request that the youths accompany you there, explaining that they are not under arrest but that you just

want to ask them a few questions. They consent and willingly get into your patrol car. Before questioning them at the station, it is a good idea to remind them that they are not under arrest and are free to leave at any time. This reminder will help prevent a court from viewing the situation as custodial and possibly an arrest.

303. Questioning A Child Suspected of Delinquent Behavior

Connecticut law specifically prohibits use against a child of statements made by the child unless the child's parent/guardian is present and warnings are given to both the parent and child. Therefore, before questioning a child you suspect of delinquent activity, you should notify the child's parents and seek their presence for the interrogation. You should warn both the parent and child of the child's rights, in language both the parent and child will understand. (The rights are listed in Section 300.)

304. Assertion of Right to Counsel or Right to Remain Silent

If at any time during the questioning the parent or child asserts the right to have counsel present, you must let the child exercise that right before you proceed with your questions. This means you must stop questioning the child until counsel is obtained. The child need not clarify any previous statements. Because courts have included in their definitions of interrogation a variety of forms of police activity that elicited confessions or statements, you should also avoid any comments, questions, or discussions with the parents, other officers, or anyone else, if the child is likely to overhear and may be led to make a confession or other harmful statement. In addition, once the parent or child has asserted the right to counsel,

you must wait for the appearance of counsel, and may not re-approach the parent or child to seek a waiver of right to counsel. If the parent and child later approach you and express a desire to continue the interview without counsel, you should be very careful to ensure that their waiver is completely voluntary, and not suggested in any way by your actions. Even though the parent and child now wish to continue interrogation without counsel, it is best to have their counsel present if possible.

Similarly, if the child or parent asserts the child's right to remain silent, that right must be respected. Again, you should be careful not to coerce or intimidate a waiver of this right, as that may endanger admissibility of any statement made.

305. Waiver of Rights

The parent and child may waive the rights to remain silent and to counsel, and consent to interrogation. However, such consent may be closely scrutinized by a court to ensure that the consent was knowingly, voluntarily, and intelligently made with an awareness of the circumstances and possible consequences. The court will examine all of the circumstances surrounding such consent and waiver to determine voluntariness.

A court may consider factors such as the following to determine the voluntariness of consent and waiver:

1. Form of Warnings Given. The court may look closely at how you explained the rights to the parent and child. While a parent may understand the standard Miranda warning and an additional explanation of the possible use of statements in delinquency proceedings, you may have to give a child a simpler, easier-to-understand explanation of the possible consequence of making a statement, of the advantages of having a lawyer,

etc.

2. Age of the Child. This factor can carry considerable weight in determining the ability of the child to make an intelligent waiver.
3. Education .
4. Knowledge of the Substance of the Charge. Again, a parent may be able to understand the idea behind delinquency proceedings, and the nature of a particular charge, but further explanation may be needed so that the child can understand of what wrongdoing he or she is suspected.
5. Whether Counsel is Obtained, and the Relationship Between the Parent and Child. If legal counsel is obtained, a court is likely to find the waiver and consent valid. If only parental advice is available, a court may consider the possibility of a conflict between the interests of the parent and child, and whether the parents seemed capable of giving sound advice. For example, if the parent has initiated the delinquency complaint, or has made statements suggesting that he or she is not interested in protecting the child's interests, a court may find the child's waiver and consent invalid because the parent's interest conflicts with that of the child.
6. When Questioning Occurred. A court may consider whether the interrogation occurred at day or at night, or before or after charges were formally made.
7. Place of Questioning. The court may consider where the interrogation was conducted. Some children may be intimidated by being questioned in the stationhouse or in a cruiser. For those children, questioning in the home or in a neutral site may be better.
8. Method of Questioning. How the officer conducts the questioning

may be very important. Any threats or a show of force will be looked upon with disfavor by a reviewing court.

9. Length of Questioning.

10. Any Request for Counsel or Refusal to Answer Questions.

PART FOUR: WARRANTLESS SEARCHES

400. Preference for Warrants

If you acquire information that you believe creates probable cause to conduct a search, you should obtain a search warrant. Courts have consistently stated the importance of giving an independent magistrate the opportunity to review the facts that a police officer already knows in order to ensure that these facts justify an intrusion into the suspect's privacy. To encourage the use of warrants, the U.S. Supreme Court has stated first, that the courts should read warrants and affidavits in a commonsense non-technical way, and second, that warrantless searches will be much more closely scrutinized by the courts than will searches for which there is a warrant. Moreover, a search warrant will usually permit a far more extensive search than would be the case if a search were permitted only as one of the exceptions to the Constitution's warrant requirement. What all this means to you is that if you take the time to get a warrant, your search is much more likely to stand up in court.

401. When a Warrantless Search is Permissible

The exceptions to the constitutional rule that permit a warrantless search include search incident to arrest, search incident to a stop (i.e. a frisk), consent, plain view, exigent circumstances and hot pursuit. Searches incident to a stop are discussed in this section only as they relate to motor vehicle searches (which may also be allowed under other exceptions). Children are entitled to the same procedural protections under these exceptions as are adults.

402. Consent Searches

Consent to search an area, whether the area is in a building, on pri-

vately owned land or in a motor vehicle, is unnecessary when a search is authorized under any other exception. Consent should be used only as a last resort because it is often subject to question after the fact. Courts tend to be especially careful in scrutinizing consent given by a child. If you have sufficient probable cause to get a search warrant, it is preferable to make the search under that authority rather than to base it on the child's consent.

Consent is a question of voluntariness taking into account all surrounding circumstances. Courts are stricter when considering the possible consent of a child to a search because of the presumption against the ability of a child to knowingly and intelligently waive constitutional rights. For this reason you should always try to obtain the parents' consent to any search and to inform them of the rights of the child. Parental involvement will be taken into account as part of the surrounding circumstances, even if the parents do not actually consent to the search. You should tell the child from whom consent is sought that any evidence found may be used against him or her and that he or she has the right to withhold consent. You should make sure the child actually understands this warning. Other factors (besides youth, knowledge of consequences, and parental involvement) that may be used to attack or support the voluntary nature of the consent include:

1. lack of education or fluency in English;
2. below average intelligence;
3. repeated or prolonged questioning; and
4. physical or mental stress.

Generally, if the area you wish to search is in a building or on private land, you must obtain consent from whomever has control over that area. You can probably obtain consent from a parent to search a minor

child's room, but you should try to obtain the child's consent also. However, the parent might not be able to give valid consent to search, for example, a locked footlocker belonging to the child. Consent for this could only come from the child. Nor can the parents give consent to search a minor's room when the child pays rent for it.

Examples

1. A reliable informant has just told you that he knows Susie Smith is planning to sell a large quantity of marijuana hidden in her bedroom. The informant knows the transaction is to take place that day, but does not know where or when. You believe that there is no time to obtain a search warrant because, if you do not go to her house immediately, she may leave with the drugs. You go to her house where her parents answer the door and tell you she has not returned from school. You inform them of your suspicions and your desire to search her room. They consent to the search. In the search you find no drugs but you do find a padlocked wooden box under her bed. Even if her parents consent to this search, you should either a) have your partner remain with the box while you obtain a search warrant or b) wait for the minor to return and request her consent.

2. In the course of investigating a series of housebreaks, you go to the home of a fifteen year-old suspect to question her. You believe she is hiding goods that her boyfriend has

stolen, and you would like to search her room for those goods. Her parents are not home, and the girl does not speak English. You should obtain a search warrant.

3. While investigating a series of housebreaks, you go to the home of a fourteen year-old suspect to question her. This time the suspect is not home, but her parents are. They are horrified by your story and agree to let you search their daughter's room. In the girl's room you notice a locked jewelry box. Some of the items stolen were pieces of jewelry. However, because the box is locked, you must obtain a warrant or the girl's consent.

You may search a motor vehicle without a warrant if you have obtain the voluntary consent of (in order of preference):

1. the registered owner; or
2. a person who you have reason to believe is authorized by the registered owner to use the vehicle (for example, a family member in possession of the keys); or
3. the driver.

A person's consent is not valid if it is obtained in the presence of an individual who objects to the search and who is granted a higher priority in the above list of preferences. That is, consent from the driver is no good if the registered owner is sitting in the back seat and objects to the search. On the other hand, the registered owner could validly consent to a search of the vehicle even if the non-owner driver objects.

As discussed above, you should always try to obtain the consent of a child's parents before a search, and consent of the child should be relied upon only as a last resort.

Example

On routine patrol, at about 2:40 A.M., you stop an automobile that has one headlight and the license plate light burnt out. Six teenagers are in the car. Only passenger Pat is able to produce identification. He also has the registration for the youths belonging to his brother. Because of the smoky condition inside of the car, you suspect that these youths have been involved in illegal activity and wish to search the car. Because the only arrest you can make is on the traffic charges against the driver, if you want to search the vehicle you must obtain consent from Pat. However, to protect yourself, you may frisk 1) any occupant you reasonably believe has a weapon and 2) areas of the car from which they could easily take weapons. If Pat does not give his consent you cannot detain the vehicle any longer.

403. Vehicle Stop and Frisk

Vehicle stop and frisk is one of the most common situations in which you will encounter youths. You may stop any vehicle for investigation whenever you have reasonable suspicion to believe that the driver has violated a traffic regulation, the vehicle is stolen or being operated without authority, or that

the vehicle or its occupants are, have been, or are about to be involved in a criminal offense. You may not detain the vehicle or its occupants any longer than necessary to ascertain whether a crime or traffic violation has been committed, unless you make an arrest or issue a citation. You may not make random stops of cars without reasonable suspicion.

Whenever you have stopped a vehicle or whenever you make this type of contact with an occupied vehicle that is not moving, and you have reason to suspect that any occupants of the vehicle are armed, you may require them to leave the vehicle and submit to a frisk for weapons. For the same reason before allowing the occupants to re-enter the vehicle you may inspect those parts of the car within their reach that could contain weapons. If there are articles such as pocketbooks or briefcases in the car, you should pat them if that would reveal a weapon; only if this would not be sufficient may you open the article.

A locked, closed or sealed container may not be opened without a search warrant. (For a more detailed discussion See PART TWO: STOP AND FRISK.)

404. Plain View

The plain view exception allows into evidence objects inadvertently seen by an officer who has a right to be in that location. For example, you may seize contraband or evidence in plain view while you are executing a valid search warrant, during a search to secure premises, while in hot pursuit of a suspect, etc. If you are outside a vehicle (either on routine patrol or because you have legally stopped it and are questioning the driver), anything you happen to observe in, on, or connected to it may be considered as evidence for probable cause to arrest the occupants, search the vehicle subject to limitations discussed in the incident to arrest or exigent circumstances sections, or seize

the observed item. This includes anything you observe with the use of the flashlight. If the car is occupied, you must have reasonable suspicion of illegal activity to justify the intrusion before the plain view doctrine will be applicable. If the car is unoccupied, it might be helpful to have justification (e.g., a parking violation or missing license plates) for looking in the car, but it may not be necessary.

Examples

1. While placing a parking violation tag under the wiper of a vehicle, you observe what appears to be the edge of a plastic bag partly under the seat. After looking at it for a moment, you see seeds, leaves and twigs giving you probable cause to conclude that it contains marijuana. You have probable cause to search the car to determine whether the bag contains contraband.
2. While patrolling a shopping center, you receive a report from dispatch that one of the store managers has observed two girls conceal clothing on their persons. You see two girls run from the store and enter a car parked directly outside. You approach the vehicle to ask why they were running from the store. The report from the manager and the flight of the two girls gives you the necessary justification required by the plain view doctrine for looking in an occupied car. You observe on the back seat a label maker and hundreds of blank price tags marked with the name of one of the stores in the shopping center.

You see no sign of any clothing. The presence of the label maker and blank store price tags, in addition to the surrounding circumstances, furnish probable cause to search the vehicle for stolen clothing.

405. Searches Incident to Arrest

In general, the law allows you to make a search of an arrestee and of the area within his or her reach for weapons and for evidence that might be destroyed. Once you make an arrest you may make a full search of the person and the clothing for weapons, as opposed to a limited search authorized under the stop and frisk power. You may also make a protective sweep for persons on private premises in the course of a search incident to arrest. If you are arresting a person in a motor vehicle, you may order other occupants out of the vehicle to be frisked for weapons if you have reason to suspect that they might be carrying weapons; if your suspicion continues after the frisk, you may assure yourself that the passenger area of the car does not contain weapons that might be used to assault you before you allow them to re-enter the vehicle.

Incident to arrest, you may conduct a contemporaneous search of the passenger compartment of the vehicle, and containers found therein. You may not, however, search closed containers found in the trunk of the car.

Examples

1. On patrol you observe a person, apparently 14 or 15 years old, driving a later model car. Suspecting unauthorized use or driving without a license, you stop the vehicle to verify the license and registration. His actions give you rea-

son to suspect that he may be armed. You may order him out of the car and frisk him for weapons before asking him to produce his driver's license and vehicle registration certificate. After the frisk procedure he produces a valid license and registration but is angry and hostile. Before you let him back into the car, you may examine any area of the car within his reach that could contain a weapon. These areas include: an unlocked glove compartment; console between bucket seats; above the sun visors; beneath the seat; and under items on the seat. You may also inspect readily opened containers such as bags, purses, packages, or briefcases within his reach that may contain a weapon. If you can determine whether a container, such as a paper bag, has a weapon inside by feeling it without opening it, you should do so. You may not go into an area like the trunk or locked briefcase, since it is not readily accessible, unless the suspect attempts to open it in a manner causing reasonable suspicion that he might be seeking a weapon.

2. On routine patrol you observe an automobile driving erratically on High Ridge Road. After observing the vehicle run a red light, you stop the vehicle. It is driven by a teenager and there are four passengers. When the driver is unable to produce a valid license, you order him out of the car and place him under arrest.

Your pat down for weapons uncovers a pocket knife. The passengers are hostile and verbally abusive, and you suspect they may be carrying dangerous weapons. You may order them out of the car and frisk them for weapons. However, since there is no other evidence associated with the crime (no license) for which the driver was arrested, your search of the vehicle and passengers must be limited to places where you reasonably expect to find weapons within their reach.

406. Exigent Circumstances

In some situations you may not need a warrant to stop and search a vehicle capable of being moved when you have probable cause to believe that evidence of a crime is contained within it. This is because the mobility and accessibility of the vehicle raise the possibility that the vehicle will not be there or the evidence in it will be destroyed or removed before you can return with a warrant. These exigent circumstances do not eliminate the need for probable cause.

When probable cause does exist, the following are some situations that would justify a warrantless search:

1. the vehicle is moving;
2. the vehicle has recently been moving;
3. you have reason to believe that persons known or unknown may move the vehicle;
4. the possibility exists that an alerted criminal will use the

vehicle to flee;

5. it is impractical to post a detail to guard the vehicle pending your return with a warrant;
6. the possibility exists that time or the elements might destroy the evidence;
7. it is an emergency situation in which a vehicle must be searched to save life, prevent injury to others, or prevent serious damage to property.

Example

You were informed, by a reliable informant, that a known narcotics dealer was observed near Rippowam High School on several occasions during the past month taking small quantities of a white powder in glassine bags from the trunk of his car and giving them to students. A short time after receiving this information, you see the dealer in his car approaching the baseball field. You now have probable cause to believe there are drugs in his car, and you may search it. You do not need a warrant because the vehicle might still be moved or the narcotics removed from it.

In the following situations a warrant is necessary to search the vehicle:

1. the evidence sought has not been tampered with for a significant length of time and there is no reason to believe it will be destroyed while a warrant is being sought;
2. it is necessary to seize the whole vehicle and you know where it may be found;

3. the vehicle is not capable of being moved.

Remember that you should search only the parts of the vehicle in which the items might reasonably be found. If it is impractical to search immediately at the scene, you should have the vehicle towed to allow a search later.

(Note that any movement of the car by you will probably eliminate the exigent circumstances and make it necessary to obtain a warrant.)

Locked suitcases, briefcases, tool boxes and the like may be seized from the vehicle as part of these probable cause searches. However, a warrant is almost always necessary before the containers can be opened. Although the practical value of this delay may seem slight, courts are strict about this requirement.

PART FIVE: ARREST

500. Definition of an Arrest

Although there is no exact formula for determining when an arrest has occurred, generally a legal arrest is any situation where:

1. You detain a person by force, by verbal commands, or by creating circumstances that implicitly make clear to the person that he or she is not free to leave; and
2. You detain the person for a longer period of time than the brief period needed to conduct an initial investigation following a stop; or you take any action that exceeds the stop power and is usually associated with arrest; and
3. You have enough information to give you probable cause to believe that the person has committed an offense for which you have the power to arrest.

It is important to know when an arrest takes place and the requirements for a legal arrest. Not all arrests are legal, that is, in accordance with the Constitution and existing laws. Any situation where the first two factors are present, but not the third, is an illegal arrest. An illegal arrest will not prevent prosecution of the arrested person, but the court will probably not admit any physical evidence or statements obtained as a result of the arrest.

501. Difference Between Arrest and Stop

Although both an arrest and a stop involve restricting a person's

movement, there are three factors that distinguish an arrest from a stop: the amount of information you have about the person, your purpose in detaining the person, and the degree to which you interfere with the person's liberty (e.g., detaining the person for a long time, moving the person from the stop site, etc.).

When you stop a child, you have a reasonable suspicion that the child has been involved or is about to become involved in delinquent activity. Your purpose in conducting a stop is to allay that suspicion or to gain more information to establish probable cause for an arrest, an arrest warrant, a search warrant, or a delinquency complaint by questioning the child. If you believe the child is about to become involved in delinquent activity in the immediate future, your purpose may also be to prevent that child from committing such action. After you question the child for a short time and you determine there is no probable cause to arrest him or her, you should release that child.

In contrast, when you arrest a child you should have enough information to give you probable cause to believe the child has committed a delinquent act. Your purpose in arresting a child is to detain that child and to charge him or her with being a delinquent child. You also take the child to the Youth Bureau for booking and possible prearrest detention.

Example

While on patrol on Main Street, you are approached by an unknown woman who says she just saw three boys trying to break into a blue Volkswagon parked on the corner. You find the VW with the children around the driver's door. One is pushing the vent window with his fist. You have reasonable suspicion to believe that they may

be trying to break into the car. You may conduct a threshold inquiry to determine whether the car belongs to any of them. None of the boys can produce any evidence of ownership. As you are talking to them, a woman comes out of a store, walks up to the car and says, "This is my car. What's going on?" You now have probable cause to arrest.

502. Definition of Probable Cause

Probable cause is defined as whether, at the moment of arrest, you know facts and circumstances that would warrant a prudent person's believing that a child had committed or was committing a delinquent act. You must have specific information to believe that it is more likely than not that the child committed a delinquent act. If the legality of the arrest is challenged in court, a judge will review the information you had at the time to determine whether it was sufficient to give you probable cause to arrest. Therefore, you must be able to articulate specific and objective factors upon which you relied to determine that the child more likely than not committed an act of delinquency. Probable cause does not require that you have evidence sufficient to adjudicate the child a delinquent, but it does involve more than a reasonable suspicion that the child engaged in a delinquent act.

503. Factors Relevant in Establishing Probable Cause

In determining whether you have probable cause to arrest, you may rely

the sources of information listed below. The significance of the sources will vary depending upon the circumstances of each case. (See Section 513; When Arrest is Permissible or Mandated.) While one source may provide you with strong enough information to supply probable cause, in most situations you should have a combination of information from two or more following sources:

1. Your personal direct observations, including those made of the suspect and the scene of the criminal or delinquent act, as well as your past experience as a police officer in evaluating such observations.
2. Information received from other police officers based on their observations, collective knowledge within the Department, or radio broadcasts from the dispatcher.
3. Information supplied by the victims and witnesses of the crime or delinquent act.
4. Information supplied by an informant. This information must be corroborated and supported by evidence that the informant can be trusted. The trustworthiness of the informant may be established by showing that he or she has given good information on past occasions. The accuracy of the information may be substantiated by further investigation producing additional corroborating information. Sufficiently detailed information that indicates the informant had firsthand knowledge of the information may establish its accuracy.
5. You may consider the suspect's responses in evaluating probable cause (in order of significance):
 - a. incriminating statements;

- b. contradictory statements; and
- c. evasive answers.

Neither contradictory statements nor evasive answers are sufficient by themselves to supply probable cause.

In addition, the following factors may be considered in determining whether there is probable cause to arrest a suspect. These are the least significant of any factors mentioned and do not, by themselves, establish probable cause.

6. The flight of a suspect upon your approach.
7. Your knowledge of a suspect's prior record of delinquency.

Examples

1. Late one night, while in plain clothes, you walk past a movie theatre and, upon hearing the screams of an elderly woman, you turn and see two youths. One of them is carrying a purse under his arm and is running into the alley near the theatre. The elderly woman points towards them and shouts, "Those two just stole my purse!" Based on your observations of the scene, and the information supplied by the victim, you have probable cause to arrest the youths seen running into the alley.
2. You hear on your radio that youths have just vandalized the neighborhood grammar school. At the scene, you find broken glass and beer bottles strewn

about the parking lot. You then notice Vinnie Martine, who you know has a record of B & E's, running from the scene. However, you have no description nor any witnesses to identify the youths involved in the incident. You do not have probable cause to arrest Vinnie based solely on Vinnie's actions (running from the scene) and your knowledge of Vinnie's delinquency record.

3. Susan Prattle, a highly reliable informant, tells you that Jack McNally is the heroin dealer you have been looking for. She says that Jack went to New York yesterday and will be returning tomorrow afternoon to Stamford with five ounces of heroin. She also describes the clothes Jack was wearing when he left. You decide to apply for a warrant for Jack's arrest. To establish the credibility of the information you received from Susan, state that in the past Susan has given you reliable information that led to arrests you may establish the accuracy of the information by indicating the detail Susan gave you.

4. You are dispatched to the Alternative High School to respond to a call from the principal about a fight at the bus stop. When you arrive you see three girls pushing and shoving one another. One girl is bleeding from a wound on her arm and a small knife is on the ground near her feet. All three girls tell different stories about

who started the fight and who owns the knife. You have probable cause to arrest all the girls for breach of the peace and assault and battery with a deadly weapon. You call for an ambulance. If possible a female officer should transport the two unharmed girls to the Youth Bureau while you accompany the injured girl in the ambulance. All participants should be referred by the Youth Bureau to Superior Court: Juvenile Matters.

5. You stop a car traveling on Hillandale Avenue because the left taillight is not working. When you ask for a license and registration, you discover that the driver and both passengers are only fifteen. You arrest the driver for use without authority and driving without a license. You also arrest both passengers for use without authority and transport them to the station.

504. Arrests for Nondelinquent Misbehavior

Children may also be taken into custody by processes other than arrest for alleged delinquent acts, such as under the authority of the Family With Service Needs Act (see Section Nine) or in situations that might endanger their welfare. In such situations, you may take the child into custody without having probable cause to arrest.

505. When Arrest is Permissible and/or Mandated

You may arrest a child in circumstances in which you can arrest an adult in enforcing federal, state, and local laws defining criminal and traffic offenses. (In addition, you may also intervene and take children into custody under the provisions of the Family With Service Needs Act.) It is important to note that where you have the authority to arrest you may, instead, choose to refer the child to Superior Court: Juvenile Matters.

In determining whether to take a child into custody immediately or whether to obtain an order from the court and then arrest the child, these factors should be considered:

- a. whether a complaint has already been filed in court;
- b. the seriousness of the alleged offense;
- c. the role of the child in that alleged offense;
- d. the nature and numbers of contacts the child has had with the juvenile justice system and the results of those contacts;
- e. the child's age and maturity;
- f. the availability of appropriate persons or services outside the juvenile justice system to respond to the child's needs; and
- g. whether custody under the FWSN Act is appropriate (see INTRODUCTION and PART NINE).

506. Arrest with a Warrant

You have the power to arrest a child for whom a valid court order has been issued, if you have actual knowledge that the order is in full force and effect.

507. Arrest without a Warrant

You may arrest a child in your jurisdiction without a warrant, provided that the child is apprehended in the act or on speedy information or in other situations where the use of such process seems imperative.

508. Speedy Information

You may arrest without a warrant based on speedy information regardless of whether the offense is a felony or misdemeanor. An arrest based on speedy information will protect you from liability. The determination of whether to arrest on the basis of speedy information consists of answering two questions.

1. Do you have speedy information?

Speedy information exists when the child could be taken or apprehended in the act or when, promptly after the commission of a delinquent act, you have received information, which you have reasonable grounds to accept as true, that a particular person is connected with or implicated in the commission of the offense. You may not arrest for a past offense based on newly acquired information without obtaining a warrant, but you may still initiate the referral process.

2. Was there justification for accepting the information as accurate and acting upon it?

These factors tend to establish such justification:

- information from a reasonable, reliable source;
- personal observation; and
- specific information.

You are not required to inquire into the authenticity of the information or to act at your peril. However, you must have a reasonable ground for accepting the information as accurate. The requirement of reasonable grounds is less stringent than that of probable cause.

509. Situations Outside of the Power to Arrest

As a general rule, when you encounter a situation involving a delinquent act where you do not have the power to arrest, you may attempt to ascertain the identity of the alleged delinquent to seek a complaint. If a victim or witness is involved, you should inform the person of the procedure for filing a complaint against a child in the Superior Court: Juvenile Matters. A Youth Bureau officer may also choose to file a complaint when an arrest was not made. Although legally any police officer may refer a child to the Superior Court: Juvenile Matters, it is the policy of the Stamford Police Department that only Youth Bureau officers process such referrals. When a patrol officer believes that a referral to court is warranted, the officer should fill out an incident report and direct it to the attention of the Youth Bureau.

There may be times, such as in domestic disputes, when it is appropriate to suggest options other than the formal judicial process that are available to the parties such as consulting a professional counseling service. If the activity falls under one of the categories covered by the FWSN Act, you

may choose to handle the case as outlined in Section Nine.

Whenever a contact is made with a child engaged in any of these types of misbehavior an incident report should be filed with the Youth Bureau. Officers should fill out completely and accurately that section of the incident report that describes the sex, race and age of the child.

510. Arrest on Private Property

In a case where you have the power to arrest someone, you may have to determine whether you may enter property to make that arrest. Because a police officer's entry into private premises is an intrusion into a place where people have a greater expectation of privacy than on the street, your power to arrest in such places is restricted by the Fourth Amendment.

When law enforcement officials enter private property that is not open to the public to make an arrest, courts assessing the legality of that entry will make a distinction between property in which the suspect lives and property in which the suspect may be found but which is owned by a third person. To enter private property in which the suspect lives, the general rule is that an arrest warrant is required (absent consent by someone with authority or exigent circumstances such as an emergency that would justify a warrantless entry). (See PART FOUR: WARRANTLESS SEARCHES). An arrest warrant for the suspect does not, however, give you authority to enter private property in which you believe the suspect may be found, but which is owned or occupied by a third person. In this situation, where you do not have that third person's consent and exigent circumstances do not exist, the third person's constitutionally recognized privacy interest in his or her

home requires that you obtain a search warrant before entering that property to search for and apprehend the suspect.

If an area is privately owned, but is open to the public, such as a retail store, you may exercise your power to arrest without meeting further requirements.

A child can give consent to enter a home. However, a court will look more favorably upon an entry based on the consent of the owner or of the child's parent or guardian. While it is unlikely to occur frequently, if the child has a room separate from the family for which the child pays rent or is otherwise "not under the parent or guardian's roof," the owner cannot consent to an entry or search of the child's room. If no parent or owner is present, you should explain to the child that you would like to enter the house and inform the child that he or she does not have to admit you. When possible, a written waiver should be obtained.

Example

You answer a call about a fist fight in a pool hall.

When you arrive the manager describes the incident:

Bobby Brown attacked Darryle Saunders with a cue stick and severely injured him after Bobby lost a game to Darryle. Another witness tells you that she too saw the incident, and that Bobby's girlfriend drove him away. You go to their apartment and Bobby's girlfriend answers the door. She lives in the apartment with Bobby, and has the capacity to consent to your entry to arrest Bobby. You explain that you want to talk

to Bobby, but she makes it clear that she does not want to let you in. You may not enter without a search warrant.

511. Procedures to be Followed After Arrest

After a child has been arrested for delinquent conduct, you should take the following steps at the scene of the arrest:

1. Inform the child of your authority and of the charge for which he or she has been arrested.
2. Ascertain the name and age of the child.
3. Pat down the child for weapons.
4. Handcuff the child when necessary for the child's or your safety or to prevent the child from escaping. This should be done regardless of the child's age or sex, but taking into account the offense, the child's conduct or behavior and the circumstances surrounding the arrest.
5. If the child is sick or injured, inform the dispatcher of this condition, request an ambulance, and administer appropriate first aid. You must wait for the ambulance to arrive before leaving the scene and one officer must accompany the child in the ambulance.
6. While you are not required to have a parent or guardian present at arrest, if you question the child or take any statement from a child in custody, the child's

statements will be inadmissible unless you have a parent present and give appropriate warnings.

7. You may choose to search the child for weapons or other evidence. (See PART FOUR: WARRANTLESS SEARCHES, Section 405.).
8. You should note the precise time when you take the child into custody and record that information on the incident report you file. If it appears that physical evidence at the scene will be important in determining the facts, you should take precautions to secure and protect the scene of the incident.

You should fill out a complete incident report on the incident, and forward a copy to the Youth Bureau.

As soon as possible, the arresting officer or a Youth Bureau officer should contact a parent or guardian and notify him or her of the arrest, the charges, and that the child is being held in custody. It is the policy of the Stamford Police Department to arrange for release of the child to a parent or guardian if possible unless there is a significant risk of harm to the child or to the community or there are other reasons that make detention imperative.

The factors to be considered in deciding whether to detain include determining whether there is a) a strong probability that the child will run away; b) a strong probability that the child will commit or attempt to commit other offenses injurious to him or herself or to the community before court disposition; c) reasonable cause to believe that the child's

continued residence in his or her home pending disposition will not safeguard the best interests of the child and the community because of the serious and dangerous nature of the act; d) a need to hold the child for another jurisdiction; or e) a need to hold the child to ensure his or her appearance before the court, in view of his or her previous failure to respond to the court process. Another factor to be considered is the willingness of parents to take back their child.

You may also seek to have a parent or guardian come to headquarters so you may question the child. Statements or confessions obtained from a child will not be admissible against that child unless a parent or guardian is present. (See PART THREE: INTERROGATION.)

You may hold the child at the station until you can arrange release to the parents or other disposition. (See PART SIX: DETENTION.)

Patrol officers and Youth Bureau officers should not take responsibility for formally screening juveniles who have committed minor delinquent behavior or for referring them to youth-serving agencies. Officers may suggest to children and their parents or guardians that they contact an agency for assistance. Officers should not contact an agency without the knowledge and approval of the child and the parents or guardian. (For nondelinquent behavior See PART NINE: FWSN.)

PART SIX: DETENTION

600. Introduction

Detention refers to the holding of a child in a lockup, police station, or house of detention between arrest and initial court action. There is a general presumption against such detention; you may do so only in certain circumstances and when certain procedures are followed. It is important to remember that these procedures pertain to police detention, not court authorized detention. AT NO TIME may the child be detained with adults in the police station or town lockup. The following procedures for detaining children refer only to alleged delinquents; procedures for the detention of FWSN's are discussed in PART NINE.

601. Procedures

After arresting a child, you should determine the child's age and then follow post-arrest procedure as described in PART FIVE: ARREST. You should return with the child to the station and, after contacting the Youth Bureau, book the child. In most situations children in custody should be handcuffed, regardless of their age or sex. There should always be two officers present when a child is transported to the station. If possible, a female officer should transport a female child who has been taken into custody. If you are a patrol officer, you should try to arrange to have a Youth Bureau officer take custody of the child. If that is impossible, you may seek to release or to detain the child considering the factors discussed below.

You should attempt to contact the parent or guardian as soon as possible, notify that person that his or her child has been arrested and is in custody,

and discuss the handling of the case. If you wish to interrogate the child, a parent or guardian should be present to ensure that any statements made by the child may be admissible in court. (See PART FOUR: INTERROGATION.)

Stamford Police Department policy expresses a preference for releasing an arrested child to the custody of a parent or guardian if that can be arranged. Alternatively, you may call a probation officer and seek to have the child released to the custody of the probation officer, or any other officer appointed for juvenile matters. (The juvenile detention center will not accept a child without a referral.)

You may consider the following factors in deciding whether you should release or detain the child:

1. the likelihood that the child will run away before appearing in court;
2. the likelihood that the child will commit or attempt to commit offenses injurious to him or herself or to the community before appearing in court;
3. whether the alleged delinquent acts create a reasonable cause to believe the child's continued residence in the home will not safeguard the best interests of the child and community;
4. the likelihood that the child will fail to appear for court (taking into account whether the child has failed to so appear before); and
5. whether another jurisdiction seeks custody of the child for charges pending there.

If you decide not to detain the child, you should seek to release him or her to a parent, guardian or probation officer as soon as possible. You should not detain the child at the station any longer than necessary to complete processing. When you release the child, you should record the time the child was held in custody and obtain a release/receipt form signed by the person taking custody.

If you believe a longer period of detention is required, and court is in session, you should bring the child before the court for arraignment. You may then apply to the court to have the court extend the detention period. If court is not in session, you should arrange to turn over the child to a detention center until a court appearance is possible.

You may hold the child at the station if no other suitable arrangement can be made. You may only detain the child in an area where no adults are or will be held. Therefore, you may use the holding tank if no adults are being held there or are going to be held there. If it seems safe to do so, you may keep the child in the Youth Bureau. You should arrange to have a person of the same sex search the child for his or her own protection before you place him or her in detention.

When you have arranged for the child's custody or release, you should fill out a complete incident report, including a description of the incident, relevant details describing the child, a record of the time the child was taken into custody, how long he or she was held, to whom the child was released, etc. When you turn this report over to the shift commander, you should note that this incident should be brought to the attention of the Youth Bureau.

Examples

1. You are investigating a homicide in which five people, including several juveniles, jumped out of a car to rob a pedestrian who died in the ensuing struggle. On Sunday morning the car is found abandoned on Arch Street. You know that fifteen year old Gerry, when on furlough from Long Lane School, stays with her aunt on Arch Street. Suspecting that Gerry might know something about the crime, you call into the station only to discover that she has escaped from Long Lane School. At 5:30 P.M. Sunday, you arrest Gerry at her aunt's home. The aunt refuses to accompany you to the station, but you obtain her signature on a consent form authorizing questioning of Gerry. Because it is a weekend night and juvenile court offices are not open, it may not be possible to turn over Gerry immediately to a probation officer after booking. This is not an appropriate situation for release to a family member because legally Gerry is already in the state's custody. Therefore, while she is processed you should call the juvenile detention center and make arrangements for her admittance as soon as you complete your questioning. You should also call Long Lane School to verify that the child is an escapee and to inform the school that she is in custody.

2. You are on night duty at a local discount store when you arrest Pat, a fourteen-year old, for shoplifting. Pat is brought to the station and booked. Both Pat's parents arrive at the station within fifteen minutes of your phone call. They are very upset and angry with their child. Because the parents promise Pat will appear in court and because of the non-violent nature of the offense, you release Pat to the parents. You note that fact and the time of the release in your report.

PART SEVEN: PROTECTIVE CUSTODY

700. Authorization

Protective custody may be an alternative to arrest or it may be the only course of action open to you. For instance, public intoxication is not a crime, but you may take an intoxicated child into protective custody. However, drinking in public is an offense, so in some situations you may have the option of arresting the child or taking him or her into protective custody.

In Connecticut you are authorized to bring a person who appears to be incapacitated by alcohol to a medical facility. There is no specific statutory authorization, but it is safe to assume you may bring a child directly to his or her home. This is not an arrest and there is no reason for you to bring the child to the stationhouse. You may take reasonable steps to protect yourself, i.e. a limited frisk for weapons. If the child refuses to identify him or herself, you may search him or her for some sort of identification so that you can notify the parents, if necessary. Any items seized other than contraband must be returned to the child.

701. Procedures

At the medical facility the doctor will determine if the child is indeed incapacitated and requires inpatient treatment. You should wait for this initial determination; if the facility does not feel detention is necessary you should take the child home. If the facility feels inpatient treatment is advisable, you must notify the parents as soon as possible, as they must consent to any further treatment. You do not need to do anything more once the parents have been notified.

Your incident report should record that you took the child into protective custody, the time of custody and to which facility he or she was taken. If the child was admitted to the facility, you should also note when the parents were notified and the time of admittance.

PART EIGHT: SCHOOLS

800. Entering School Grounds

There are two situations in which you may need to enter public school grounds: when called in by the school officials and when your own investigation leads you there. In the first instance, you should respond to a call from school officials in the same way you would to any citizen complaint or offer of information. In the second instance, you should try to avoid carrying your own investigation onto school property and, especially, into the school building. The appearance of uniformed police officers will disrupt normal school routine and may frighten younger children.

There may be times, however, when you feel it is necessary to conduct investigation in the school. This could be because of an emergency or the time element, or because the evidence itself is in the school. The child with whom you wish to speak could be in danger or could be a danger to other students. You might need information in a hurry to stop an activity before it gets out of hand. If the evidence is in the school, there is a possibility that it may be destroyed. You must balance these factors with the potential disruption of the educational process and your ability to conduct the investigation elsewhere before deciding whether to enter the school. (Searches, interrogations, and arrests in the school are discussed below.)

In all situations you should inform school officials of your presence, and inquire how to conduct your business with a minimal effect on school routine and in the least coercive manner possible.

Examples

1. You have received a call from the Stamford High principal who has learned from a reliable student

source that there will be a fight that afternoon in the school parking lot between two students armed with knives. Because of the potentially dangerous situation, you will want to talk to the students and try to prevent the incident. However, you should try to do so between class periods to minimize classroom disruption.

2. Various merchants in the "Superblock" have complained that two youngsters routinely shoplift from their stores. Through investigation you have come to believe that they are students at Dolan Middle School. Because there is no danger to any student and no danger that the evidence will suddenly disappear, you should wait to talk to the children at home with their parents present.

801. Interrogation

If you wish to question a student at school, you should ask permission from school officials. You should also contact the child's parents to ask their permission and to request that a least one parent be present during the questioning. If you wish to use the statements against the child in any later proceedings a parent/guardian must be present. (See PART THREE: INTERROGATION.)

The constitutional protection against self-incrimination is fully applicable; therefore you must follow the procedures described in PART THREE:

INTERROGATION. The school environment, from which the student is not truly free to leave, may make a court less inclined to find any waiver of rights voluntary.

802. Searches

The preference for a warrant extends to the school situation. Therefore, you should not treat a search on school grounds any differently from a search off school grounds. You should use caution before granting a request by school officials for assistance in conducting a search, since courts look to the initial purpose of such searches when ruling on the constitutionality of the involvement of the police. When the primary purpose is to search for evidence of illegal acts, rather than to maintain school safety or preserve the educational environment, courts tend to require the same justification as they would for any other warrantless search. Therefore, you should be able to justify a search to gather evidence for a delinquency or criminal prosecution under one of the traditional warrantless search exceptions before you accede to a request for assistance by school officials.

You should avoid conducting mass searches of students and lockers. If the school conducts such a search, you may not be able to use any evidence that is found. You should continue your investigation until you can focus suspicion on individual students or lockers. (See also PART FOUR: WARRANTLESS SEARCHES.)

Example

A biology teacher at Westhill High has reported to the principal that she saw Wendy take a small baggie filled with marijuana out of her purse and

put it in her locker. The principal relays this information to you adding that other teachers have reported incidents to him in the past involving Wendy and drugs, and that he is sure some of her friends also have marijuana in their lockers. You should obtain a warrant before searching any lockers.

903. Arrest

You should try not to arrest a student at school as part of an ongoing investigation. This might be disruptive and upsetting to other students. If it is appropriate to arrest a child at the school, you should do so as unobtrusively as possible. For example, it may be appropriate for you to request that a school official call a child to the office where you can place the child under arrest. (See PART FIVE: ARREST.)

PART NINE: FAMILY WITH SERVICE NEEDS (FWSN)

900. A Child as a Member of a Family with Service Needs

The Family With Service Needs Act (Conn. Gen. Stat. 46b-149) affects police powers and duties regarding children who engage in certain types of behavior or commit certain acts that would not be considered a crime if committed by an adult. If a child commits an act that would be a crime if committed by an adult, that child may still be handled as a delinquent. However, if a child's actions fall within one or more of the following categories, the Family With Service Needs Act applies. The powers and duties of the police to act in a matter involving a Family With Service Needs child are determined by the manner in which the police became involved and the type of misbehavior in which the child allegedly engaged.

Example

You are assigned to locate Harry Bean, a runaway. After taking the relevant information from his parents, you drive to a friend's house where his parents say he may be. When you arrive at the house, you notice the lights are all off, and the house appears empty. When you walk around to the back of the house, you see Harry sitting inside the screened porch in the dark. He says he is waiting for his friend's family to return. Although this may be technically a trespass, you decide to treat Harry as a FWSN-child (a runaway), at least until you contact his friend's family to see whether they wish to seek

a trespass complaint. You immediately notify the Beans to tell them you have located Harry and to discuss how to handle the case.

901. Runaway

A runaway is a child who has without just cause run away from his or her parental home or other properly authorized and lawful place of abode. Therefore, this would include a child who has, without authority, left his or her parent's home, foster home, guardian's home, boarding house, camp, or other place where the child is living, even temporarily, with parental or legal authority. If you receive a report that the child has run away, you should proceed as in Section 913. You may also treat as a runaway a child you observe and reasonably believe is a runaway.

A "reasonable belief" that an observed child is a runaway, which authorizes you to treat the child as a runaway, should be based on more than a hunch: you should have concrete facts that you can later explain if a court requires you to justify your action. Typical facts that you should consider in deciding whether an observed child is a runaway might include:

- a. the child's age;
- b. whether the location is appropriate for a child of that age;
- c. whether it is appropriate for a child of that age to be out at that time;
- d. anything unusual or inappropriate about the child's clothing or appearance that may suggest he or she has run away and not had parental supervision recently (e.g., light clothing in cold weather, dirty or torn dress clothes being worn at play, etc.);

- e. anything unusual in the child's behavior or demeanor that suggests he or she may be "on the run" (e.g. appears to be lost or has no place to go, flees from police car, etc.); and
- f. other factors which in your experience as an officer handling children suggest the child is a runaway.

The more you rely on these observations, the more likely any action you take to handle the child as a runaway will be justifiable.

Example

While on patrol at about 11:30 P.M. you see a girl who appears to be about 10, sitting in an alley off Spring Street. She is dressed in a light sun dress, although it has cooled off to less than 60 degrees since sundown. When you stop your car to speak to her, she jumps up and runs down the alley. You suspect she is a runaway so you pursue her. She stops at the end of the alley, and you catch up with her. You ask her name, and what she is doing out so late. She says her name is Suzy Marshall, but won't say where she is from or what she is doing. You say you want to help her, and ask her to accompany you back to the car, where you call the dispatcher to have someone check to see if anyone has reported a girl missing, or if a Marshall family lives in the neighborhood. While you wait for the dispatcher to call back, you talk to Suzy, and finally learn she has run away from her home in another part of town.

You call the dispatcher again and have him call the Marshalls. There is no one home, so you bring Suzy back to the station. You carefully record the precise time you took Suzy into custody. At the station you turn her over to the Youth Bureau and advise the Youth Bureau officer of the recorded time Suzy was taken into custody. The officer will take Suzy's story, and try to contact her parents or a close relative to have them pick her up. Failing that, the Youth Bureau officer will seek an agency to take her for the night until the parents or relatives can be contacted.

902. A Child Beyond the Control of the Parent, Parents, Guardian, or Other Custodian

This category may include a child who consistently refuses to obey the reasonable commands of his or her parents, guardian, or custodian. It is most appropriate that a petition alleging incorrigible behavior be initiated by the parents or guardian. You may note that a child refusing to obey his or her parent/guardian may, in many cases, also be committing delinquent acts. Consistent with the Department's policy, you should weigh the circumstances carefully before deciding whether to treat the child as a FWSN-child or as a delinquent. You should also consider that the child may be treated as both a delinquent and a FWSN-child.

The strongest case for treating a child as a FWSN-child in this category is when there appears to be a pattern of continual or repeated defiance

of parental commands. The statute does not specifically require habitual or repeated behavior, but traditionally the court does. Before deciding that an instance of misbehavior renders the child a FWSN-child of this type, you must be satisfied that this is a serious incident, that it is more than a mere disagreement, that the child is truly beyond control and not merely temporarily upset, and that the person making the claim has legal authority to exert control over the child.

Example

You answer a call at Hope Street to investigate a report of a child beyond parental control. When you arrive, Mr. Black and his grandson Henry are arguing loudly on the porch. You try to intervene and quiet the parties. When you begin to take information from Mr. Black, however, Henry screams that his grandfather is a liar, hits Mr. Black repeatedly in the chest, knocking him down. Because of the seriousness of the battery, you decide it is inappropriate to treat Henry as a FWSN-child, so you arrest Henry as a delinquent. You also file an incident report with the Youth Bureau.

903. A Child Who Has Engaged in Indecent or Immoral Conduct

This category includes children engaging in activity contrary to public morality, or endangering their own health and welfare. Where the activity is also delinquent, you must decide, based on the seriousness of the situation, the history of the child, etc., whether to treat the

child as a FWSN-child or a delinquent.

Included in this category might be children alleged to be taking drugs, engaging in sexual activity or habitually engaging in other behavior posing a serious threat to their moral welfare and offending public decency.

The procedures for handling a child in this category are identical to those described in the section describing procedures for handling a child beyond the control of the parent or guardian. (See Section 917.)

Example

While assigned to the Youth Bureau, you receive a report from Mrs. Prout claiming that she suspects her 14-year old foster child, Sabrina, is developing a sexual relationship with her boyfriend, Tom. Since this may be a FWSN-child case, you take the relevant information, and learn that Sabrina is at the Prout home now. While there may be delinquent behavior involved, the alleged activity is minor and consensual, and you decide that voluntary counseling would be best if it can be arranged.

Therefore you talk to Sabrina, Mrs. Prout, Tom, and Tom's parents to try to arrange suitable counseling. You also explain their right to file complaints under the FWSN Act, and what that action would involve.

904. A Child Who is Habitually Truant or Who, While in School, has been Continuously and Overtly Defiant of School Rules and Regulations

This category includes children who repeatedly and willfully absent themselves from school, or who flagrantly and repeatedly violate school rules. A single incident is not sufficient to place a child in this category; a history of incidents is necessary. Therefore, when you receive a report, you should check the name of the child for previous incidents on record. If you intend to claim that the child is habitually truant, the child's school attendance record will provide the necessary information. If the claim is that the child defies school rules and regulations, school records and past reports to the police should be checked to determine if there is, in fact, a pattern of defiance.

Again, the child's acts may include delinquency. This does not mean the child cannot be a FWSN-child as well. The decision to treat the child as a delinquent or as a FWSN-child should be guided by the same principles as in other categories.

Example

While on duty during the day, you are assigned to handle a call from the attendance officer of the Burdick School. The attendance officer, Ms. Shumway, explains she has been reviewing her absentee records and found that the Gallagher children have missed over half of the last term's school days. She says, and your check confirms, that she has complained about the children's truancy before, and a Youth Bureau officer

talked to the family on at least two occasions.

Ms. Shumway wants something done, but you believe further talk on your part would be fruitless. Therefore, you advise her to consult with the principal regarding the school's filing a complaint that would allege the Gallaghers are a family with service needs.

905. Initiation of Police Involvement under the Family With Service Needs Act

The police may become involved in a Family With Service Needs case in a variety of ways, and appropriate handling depends partly on the way in which the involvement began. The way in which police involvement may be initiated may be classified as follows:

906. A Report by a Parent or Guardian

Parents or guardians may call, or report in person, and allege their child has behaved in such a way that the child should be considered a member of a family with service needs. If the report is phoned in, the call should be immediately transferred to the Youth Bureau; if the parent or guardian reports in person, the person should be directed to a Youth Bureau officer. If no Youth Bureau officer is available, the responding officer should record the relevant information. As soon as possible, the case should be turned over to a Youth Bureau officer.

907. A Report by a Person Other than a Parent or Guardian

A person other than a parent or guardian may call, or report in person, alleging a child has behaved in such a way that the child should be considered a member of a family with service needs. This type of report should also be referred immediately to the Youth Bureau.

908. Observation of a Child Who May Be a FWSN-Child

An officer may encounter a child on the street who the officer believes to be a member of a family with service needs. Here, too, the Youth Bureau should be contacted as soon as possible.

909. Powers and Duties of Police Officers

Under the FWSN Act the powers and duties of police officers to act under the FWSN Act are, in part, dependent upon how their involvement was initiated. (See Sections 910 and 911.)

910. Report by a Parent or Guardian

When a report is received from a parent or guardian, all the powers and duties granted under the Family with Service Needs Act take effect. The officer assigned should decide in which category or categories the child belongs and act accordingly, as described below. If the child is a runaway, regardless of whether he or she may also fit another category, the officer should handle the case as a runaway initially. Once the child is located, other categories into which the child may fall may be considered in deciding what disposition is appropriate.

Example

You receive a call, transferred to the Youth Bureau, from an upset parent, Joshua Adams. Mr. Adams says that he can't control his 13-year old child, Pat, and you had better come right away. You try to take the relevant information, but Mr. Adams is too upset and there is too much yelling going on in the house, so you drive out to the Adams' home. Mr. Adams meets you in the driveway and says Pat is a "sloppy, good-for-nothing hippie, and that kid is driving me crazy playing that guitar all day and night." You enter the house and try to calm Mr. Adams, Pat, and the rest of the family. As the family's stories emerge, it seems there is a pattern of squabbling, but counseling may help. You advise them of possible agencies where they may receive counseling, and suggest to Mr. Adams that he file a complaint with the Superior Court: Juvenile Matters if he believes official assistance in resolving his differences with Pat may be beneficial. You explain that this does not involve criminal or delinquent charges, but may help them obtain appropriate services.

911. Report by a Person Other than a Parent or Guardian

The Family With Service Needs Act grants very little power to the police in this situation. The only specific authority an officer may exercise in response to such a report is to file a complaint with Superior Court. However, because a Youth Bureau officer is a specialist, it is most appropriate that any complaint be filed by such an officer.

Upon receiving a report from someone other than a parent or guardian, a police officer should investigate that report. If the investigation leads to an observation of a child the officer reasonably believes is a runaway, the officer may treat the child as such. (See Section 913.) The officer may also contact the child's parent or guardian. If the parent or guardian confirms the reporter's allegations, that confirmation may be considered a report from a parent or guardian and the officer may proceed as described above.

Example

You receive a call, transferred to the Youth Bureau, from Dr. Smith, an upset neighbor of the Adams'. Dr. Smith says music is playing next door at all hours, and the Adams parents cannot control their child, Pat. Because this is a call from someone other than a parent or guardian, you have little power under the FWSN Act. You decide to go to the Adams' house to investigate. You arrive and observe conditions as described by Dr. Smith, but no laws appear to be broken. Therefore you cannot bring delinquency charges. Instead,

you advise family members they may file a complaint under the FWSN Act to seek help in resolving their differences. When problems continue for a few weeks, and no complaint is filed, you decide to file your own FWSN complaint to try to help the family.

912. Police Observation of a Child Believed to be a Runaway

If an officer observes a child the officer reasonably believes to be a runaway, the officer may treat the child as such. (See Section 913.) If an officer observes a child the officer reasonably believes is a FWSN-child, for reasons other than being a runaway, the officer should try to contact the child's parent or guardian and obtain from the parent or guardian a confirmation that the child is a FWSN-child. If such a confirmation is received, the officer may proceed as described in Section 912 above. A patrol officer who cannot contact the parent or guardian, or does not receive a confirmation that the child is a FWSN-child, may refer a serial report to the Youth Bureau; a Youth Bureau officer may file a complaint.

913. Taking a Report About a Runaway

When any person reports that a child under his or her care has run away, that person should be referred to the Youth Bureau if possible. If no Youth Bureau officer is available, the desk officer should assign another officer to the case. If you (a patrol officer) observe a child you reasonably believe to be a runaway, you should contact the Youth Bureau if possible.

914. Taking Information About a Runaway

As the officer assigned to the case, you should obtain from the complaining person, and record, in addition to standard information, on a (incident-serial) report form, the following:

- a. whether the child may have committed any delinquent act (e.g., stolen credit cards, taken a car without permission or without a license, etc.);
- b. under what circumstances, and when, the child left;
- c. whether the child has run away before;
- d. what friends or relatives may be contacted, and whether they have already been contacted;
- e. whether the child requires routine medical attention or medication (e.g., insulin for diabetes, medication for epilepsy, etc.), or has any other condition that may be important for handling the child (e.g., diagnosed psychological problems, hemophilia, etc.);
- f. a complete description of the child, the child's name and age, the clothes he or she was last seen wearing, the direction he or she was heading, etc.; and
- g. any other information the complainant may offer that may help an officer locate and deal with the child in an appropriate manner.

915. Attempting to Locate the Runaway

If a parent or guardian reports facts indicating that his or her child has run away, the police officer must promptly attempt to locate the child.

What steps are appropriate will depend on the officer's judgment as to whether the child is likely to be in danger, or at a high risk to his or her health or well being, and what actions will locate the child. The facts of each case will determine what actions are appropriate, but the following is a partial list of possible actions an officer might take. Those at the beginning of the list will be appropriate in most cases; those toward the end of the list may be appropriate in cases where you think the child may be in danger or at risk due to the child's age, physical or mental health, statements made prior to leaving, length of time absent, or other factors.

1. Contact, by phone or in person, any of the child's relatives or friends with whom the officer suspects the child may have made or will make contact.
2. Check, by phone or in person, places to which the child has run before or where the child often "hangs out."
3. Check any other places where runaways or other youths similar to the runaway are often found.
4. Search the neighborhood where the child was last seen.
5. Question neighbors or other persons located near where the child was last seen.
6. If there is reason to believe the child has left Stamford, or if the child remains absent more than 48 hours after the initial report, put out a teletype.

Examples

1. While you are on assignment to the Youth Bureau, Mrs. Dean reports to you that her daughter, Robin, has run away

after a fight at home. You know that Robin, a healthy, robust 15-year old, frequently leaves the house after domestic squabbles, and stays with an uncle for a day or two until things cool down. You take down all the relevant information from Mrs. Dean. Then making a note of each call, you phone Robin's friends. The uncle isn't home, and others haven't seen Robin today, but will call if Robin shows up. Mrs. Dean said Robin had only been gone for two or three hours, so you think it is likely Robin will still turn up at one of the places you have called. Therefore, you take no further action at this time. After a few more hours you will call these places again, and if Robin still isn't located, you will consider further action.

2. Mr. Hood, appears, at the station, claiming his son, Bob, has run away. The desk sergeant, unable to contact a Youth Bureau officer, assigns you to the case. Mr. Hood explains that he had had an argument with Bob over his latest girlfriend. Bob, age 14, has been undergoing treatment for severe depression and has suicidal tendencies. You decide that Bob may be in danger of hurting himself or getting into more serious trouble. You take down the appropriate

information from Mr. Hood. Then you call the patrol car for the neighborhood where Bob was last seen and request that the officer assigned to that section keep an eye out for the child. You call the friends and relatives Mr. Hood has identified for you, but still haven't located the child. You then go in person to the girlfriend's house and learn that he had been there, but left, crying and behaving erratically. At this point, you request assistance from the desk sergeant, who authorizes you to continue your search, and notifies other cars in the area.

916. Action After Locating a Runaway

Once you have located a runaway, the law requires you to immediately contact the parents and report the child's location. If you are a patrol officer, you should call the dispatcher to give the relevant information for relay. If you are a Youth Bureau officer, you should call the parents, advise them of the child's location, and discuss how the child can be handled. If you are on the street, you should remain with the child while the call is made, but you should not use physical force to detain the child unless it is absolutely necessary.

If the child engages in delinquent behavior of such a nature that you would normally make an arrest or seek a complaint, you may do so when that appears to be the most appropriate action. The child may be treated as a FWSN-child as well as a delinquent child in certain situations.

In discussing options with the parent or guardian, and in considering the disposition of the case, you should weigh the risks the child faces against the benefits the child may realize from your choosing one or more of the following options:

1. You may take the child back to the Department for a parent, guardian, close relative or friend to pick up. This is the preferred option in most cases. When no one can pick up the child, you may choose to take the child directly to the home of a parent, guardian, relative or friend, but it is preferable to have the person come to the station where you may discuss the child's problems outside of the home.

2. You may advise the parent/guardian or the child or both that he or she may file a complaint with the Superior Court: Juvenile Matters alleging that the family is a family with service needs; this may help the family resolve its problems or obtain appropriate services.

3. If the child is from out of town, you should take the child to the Department where the parents, or police officers from the child's home town may pick him or her up. If the child is from out of state, you may take him or her to Mead Hall, Bridgeport Detention, where he or she will be detained until a suitable disposition is found under the Interstate Compact on Juveniles.

4. If the parents cannot be contacted or other immediate solutions appear inappropriate and the child is in an at-risk situation, you may detain the child in protective custody for up to six hours until you can determine the most suitable action. If you are on patrol or have other duties, you should turn over the child to the Youth Bureau officer as soon

as possible. You should be careful to record the exact time at which you take the child into custody and be certain that neither you nor anyone in the Department detains the child past the six-hour limit mandated by law. (See Section 928.) If the child being detained is capable of understanding, that child should be told under what authority he or she is being held.

5. You may transport or refer the child to a public or private agency serving children, with or without consent of the child. You should bring the child to the Department first in order to notify the agency and determine if space is available. This is the appropriate response if you think the child is not safe left on the streets, and you feel that the child should not, cannot, or refuses to be taken home, or that the child is in need of treatment that can be administered by the agency. You may take the child to the agency even if the child says he or she will refuse the agency's services. However, because the agency cannot hold the child if the child or the parent/guardian refuses services, it is preferred policy to seek the cooperation of all parties.

6. You may file a complaint alleging the child is a member of a family with service needs with the Superior Court: Juvenile Matters. Generally, a Youth Bureau officer should file such a complaint.

7. You may decide to leave the child where he or she is after notifying the parent/guardian of that location. This response is not preferred in most situations. You should only consider it where the child is clearly not at risk, not in need of treatment, and the child and parent/guardian agree that this is an acceptable solution and it appears more harm than good will

follow from attempting to remove the child to his or her home, the home of a relative, an agency, or the station.

8. If the parent or guardian refuses to allow the child to return home and denies permission for the child to be placed in a shelter and receive agency services, you should contact DCYS to discuss the possibility of treating the child as "homeless."

Whatever option you decide to take, you should record your decisions and reasons for acting as you did. If you take the child into custody, you should record the time you did so, and should obtain a signed receipt/release form from the person to whom you release custody whether it be a parent, guardian, or an agency official.

Example

You, an officer assigned to the Youth Bureau, have received a report from Mr. Tanner that his son Billy ran away. You drive to McDonald's where Mr. Tanner said Billy often meets his friends. Billy is there by the door. You call Billy over and tell him his father called. He explains that he ran out "because I can't take the old fool anymore." You ask Billy to wait while you call in and he agrees. You call the sergeant to notify Mr. Tanner that you have located Billy and will take him back to the station where he can pick him up. Billy agrees to come with you to the station, where you

meet Mr. Tanner, have him sign a release/receipt form and turn Billy over to him. Because there is a history of disciplinary problems with Billy, you also file a complaint with the Superior Court: Juvenile Matters, giving Billy's name, age, residence, parent(s) name and residence, and explaining Billy's history, his family situation, and the most recent incident.

917. Observing A Child Beyond the Control of the Parent or Guardian or Child Who has Engaged in Indecent or Immoral Conduct

Your powers and duties under the Family With Service Needs Act vary according to the manner in which you become involved with the case. Any call or in person report regarding a child who may fit one of these categories should be transferred to the Youth Bureau, if possible. If no Youth Bureau officer is available and the case requires immediate attention, the dispatcher will assign another officer. If you have not received a call or report, but see a child you believe to be beyond the control of the parent/guardian or who has engaged in indecent or immoral conduct, the only action you may take under the FWSN Act is to file a complaint, which should only be done by a Youth Bureau officer. If the child has engaged in delinquent behavior of such a nature that you would usually make an arrest or seek a complaint, you may do so when that appears to be the most appropriate action.

918. Taking Information

If you are assigned to handle a report of a child beyond the control of the parent/guardian or who has engaged in indecent or immoral conduct, you should obtain, and record, from the reporting person, in addition to standard information on a serial report form, any information that may help locate the child and determine the most appropriate response. (Remember that if the child has also run away, you may treat the child as a runaway. (See Section 920.) Such information should include:

1. The child's name, age, residence, and description (including the clothes he or she was last seen wearing).
2. Whether the child is at home now; if not, where he or she was last seen, in what direction he or she may have been heading, what friends or relatives he or she may be visiting, etc.
3. What incidents and facts regarding the child's conduct led the parent or guardian to call and the information upon which you are basing your decision that the child is a member of a family with service needs.
4. Any information regarding a medical or psychological condition of the child that requires care or attention, or which may be important in handling the child.
5. Whether the parent/guardian desires treatment for the child (i.e. referral to an agency) or another disposition.

919. Locating the Child and Notifying the Parent or Guardian

If you have received a report from a parent or guardian of a child who is a member of a family with service needs, including a child beyond the control of the parents, the law imposes two duties upon you: you must immediately attempt to locate the child and you must notify the parent or guardian of the child's location if you successfully locate the child. If the child is reported to be at home, then these aspects of your duties will be discharged. If the parent or guardian reports the child is not at home and the parent or guardian does not know where the child is, you should attempt to locate the child, and notify the parent/guardian, as you would a runaway.

If the parent or guardian reports that the child is not at home, but that he or she might know where the child is, you should attempt to verify that the child is where he or she was reported to be, and confirm to the parent or guardian that you have located the child.

920. Handling a Child Beyond the Control of the Parent or Guardian or Who has Engaged in Indecent or Immoral Conduct at Home

Where a parent or guardian reports that a child in an above-mentioned category is still at home, the parent or guardian should be told to contact a Youth Bureau officer to arrange a suitable disposition unless there appears to be an immediate danger of serious harm to the child or to others. If there is danger of serious harm, an officer (preferably a Youth Bureau officer) should be assigned to handle the situation as a regular call for service.

If you are a Youth Bureau officer, you will have several options when

a parent or guardian reports to you that a child is at home but beyond his or her control or that the child has engaged in indecent or immoral conduct. You should choose among the following:

1. Talk to the family and try to arrange an appropriate form of short or long term counseling or treatment to which all parties will agree. You may advise the parent/guardian and child that either of them may file a complaint with the Superior Court: Juvenile Matters alleging the child is a member of a family with service needs. This may help the family solve its problems or obtain appropriate services.

2. You may transport the child to a public or private agency serving children, with or without the consent of the child. You should bring the child to the department initially, in order to notify the agency and determine if there is an available place for the child. You may take the child to the agency against the child's wishes. However, because the agency cannot detain the child if the child or parent/guardian refuses its services, it is preferred policy to seek the cooperation of all the parties.

3. If the parties need to be separated a short time to "cool down," you may transport the child to the home of another parent, guardian, or close relative or to the Youth Bureau while you continue to try to arrange counseling. If you take the child to the Youth Bureau, or anywhere outside the home, you should note the exact time at which you take the child into custody, and make sure that neither you nor any other officer retains custody over the child for more than six hours. When you release the child, you should obtain a signed release/receipt form from the person to whom you release the child. (See Section 907: Taking the Child into Custody.)

Although you have responded to a report of a FWSN-child, if the child has engaged in delinquent behavior of such a nature that you would usually make an arrest or seek a complaint, you may do so if that appears to be the most appropriate action.

4. If the parent or guardian refuses to allow the child to remain in the home and denies permission for the child to be placed in a shelter and receive agency services, you should contact DCYS to discuss the possibility of treating the child as "homeless."

5. You may file a complaint with the Superior Court:Juvenile Matters alleging the child is a member of a family with service needs. (See Section 928.)

6. You may call the Regional Shelter Program Coordinator (24 hour availability).

921. Handling a Child Beyond the Control of His or Her Parent or Guardian
Not at Home

Once you have located a child who has been reported to you as beyond the control of his or her parent or guardian, or as having engaged in indecent or immoral conduct, you should notify the parents or guardian. If there is no risk that the child will leave and the child is not in any danger, you should not use any physical force to detain him or her. However, if the child appears to be at risk or likely to attempt to escape, you may place the child in the patrol car or keep the child with you while you call the dispatcher and the dispatcher phones the parent or guardian to confirm the identification and ascertain the parent/guardian's wishes. Although you have responded to

a report of a FWSN-child, if the child has engaged in delinquent behavior of such a nature that you would usually make an arrest or seek a complaint, you may do so if that appears to be the most appropriate action.

Once the parents are contacted, you have several options:

1. If the parent/guardian wishes that the child be returned home, and it appears safe to return the child, you may take the child to the station and notify the parent/guardian to pick up the child there, or you may transport the child to the home.

2. You may advise the parent/guardian and the child that either of them may file a complaint with the Superior Court:Juvenile Matters alleging the child is a member of a family with service needs. This may help the family solve its problems or obtain appropriate services.

3. If there appears to be good reason for not taking the child home (e.g., a serious threat of physical harm, the child's refusal to return home, or other problems at home), you may transport the child to the house of a close relative who has agreed to take the child.

4. If you feel the child may benefit from immediate counseling or treatment, and the child and parent/guardian are likely to cooperate in allowing the child to receive such treatment, or you are unable to arrange to return the child home within a reasonable time, you may refer the child to a public or private agency offering treatment for children. To do this, you should return to the station and call the agency to determine whether space is available and to notify the agency that you are bringing the child in or referring the child. You, or the parent/guardian, should then transport the child to the agency. You should be careful to record the time you initially

detained the child, and be sure that you do not retain custody of the child for longer than six hours. When you release the child to the agency or the parent/guardian, you should obtain a release/receipt signed by the person to whom the child is released.

You may transport the child to a public agency or private agency serving children with or without the consent of the child. Because the agency cannot hold the child if the child or parent/guardian refuses service, it is preferred policy to seek the cooperation of all parties.

5. You may suggest that the family seek short or long term counseling or treatment to resolve its problems.

6. You may detain the child at the station for up to six hours while you try to arrange a suitable disposition. However, you should try to arrange a disposition as soon as possible, as you will have to release the child after six hours have elapsed. When you release the child, you should note the time and obtain a release/receipt form from the person to whom you release the child (or from the child if he or she is released on his or her own).

7. If the parent or guardian refuses to allow the child to return home and denies permission for the child to be placed in a shelter and receive agency services, you should call DCYS to discuss the possibility of treating the child as "homeless."

8. Regardless of what other action you may take, you may file a complaint with the Superior Court: Juvenile Matters alleging the child is a member of a family with service needs. (See Section 928.)

Example

Walter Hendricks appears at the station and says he has given up trying to control 15-year old Fran. You are on duty in the Youth Bureau and take Mr. Hendrick's story. It comes out that Fran left the house early in the morning, saying, "I'm not coming back." Initially, you decide to treat the case as a runaway. Once you find Fran, you call Mr. Hendrick's to discuss disposition. Mr. Hendrick says he will not let the child back in the house. You then discuss placing Fran in a shelter but Mr. Hendrick says he won't allow that either, adding, "The kid wants to live on the streets, so let the kid try." Despite repeated efforts on your part to arrange shelter, Mr. Hendrick says he will just take Fran out of the shelter and let the child run, so you call DCYS to discuss treating Fran as a homeless child.

922. Habitual Truant or Child Continuously and Overtly Defiant of School Authority: Observing the Child, Transferring Call or Responding to School Report

Any call, or in person report, regarding a child who is habitually truant or continuously and overtly defiant of school authority should be transferred to the Youth Bureau, if possible. This type of report must be documented. If no Youth Bureau officer is available and the case requires immediate attention, the desk officer should assign another officer to the

case. If you have not received a call, but see a child you believe to fit this category, the FWSN Act authorizes the police to file a complaint; it is the policy of the Stamford Police Department that only Youth Bureau officers file such complaints. If you receive a report from a person alleging a child is habitually truant or continuously and overtly defiant of school authority, the reporting person should be told to contact the Youth Bureau. A Youth Bureau officer should assist the school official in filing a complaint. You are under no obligation to attempt to locate the subject of a FWSN report by a person other than a parent or guardian. If the child has engaged in delinquent behavior of such a nature that you would usually make an arrest or seek a complaint, you may do so if that appears to be the most appropriate action.

923. Taking Information

If you are assigned to handle a report by a parent or guardian of a child who is habitually truant or continuously and overtly defiant of school authority, you should obtain and record, in addition to the standard information required in a serial report, any information that may help locate the child and determine the most appropriate police response. (Remember if the child has also run away, you may treat the child as a runaway.) Such information should include:

1. the child's name, age, residence, and description (including the clothes he or she was last seen wearing);
2. whether the child is at home now; if not, where he or she was last seen, in what direction he or she may have been heading, what friends or

relatives he or she may be visiting, etc.;

3. what incidents and facts regarding the child's conduct led the parent or guardian to call;
4. any information regarding any medical or psychological condition of the child that requires care or attention, or that may be important in handling the child; and
5. whether the parent or guardian desires treatment for the child (i.e. referral to an agency) or any other disposition.

924. Locating the Child and Notifying the Parent or Guardian

If you have received a report from a parent or guardian alleging a child is a member of a family with service needs because that child is habitually truant or continuously and overtly defiant of school authority, the law imposes two duties upon you: you must immediately attempt to locate the child and you must notify the parent or guardian of the child's location if you successfully locate the child. If the child is reported to be at home, then these aspects of your duties will be discharged. If the parent or guardian reports the child is not at home and the parent or guardian does not know where the child is, you should attempt to locate the child and notify the parent/guardian as you would in the case of a runaway.

If the parent or guardian reports that the child is not at home, but that he or she might know where the child is, you should attempt to verify that the child is where he or she was reported to be, and confirm to the parent or guardian that you have located the child.

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925. Handling of Habitual Truant or Child Continuously and Overtly Defiant of School Authority When Child is at Home

When a parent or guardian reports that his or her child is a habitual truant or is continuously and overtly defiant of school authorities, and such child is at home, the reporting person should be told to contact a Youth Bureau officer and work directly with that officer to arrange a suitable disposition. This kind of report should be documented by school officials.

As a Youth Bureau officer, you will have the following options in handling the case:

1. Talk to the family and try to arrange an appropriate form of short or long term counseling or treatment to which the parent or guardian and child agree. You may advise the parent/guardian and child that either of them may file a complaint with the Superior Court:Juvenile Matters alleging the child is a member of a family with service needs. This may help the family solve its problems or obtain appropriate services. It may be appropriate to suggest that the parent or guardian contact the school in which the child is enrolled to confirm the allegations of the child's misbehavior.

2. You may file a complaint with the Superior Court:Juvenile Matters alleging the child is a member of a family with service needs.

3. If the parent or guardian alleges the child is beyond his or her control, you may treat the child as a child beyond the control of the parent or guardian.

926. Handling of Habitual Truant or Child Continuously and Overtly Defiant of School Authority When Child is not at Home

Once you have located a child who has been reported to you by a parent or guardian as being habitually truant or continuously and overtly defiant of school authorities, you should notify the parent or guardian of the child's location. If there is no risk that the child will leave and the child is not in any danger, you should not use any physical force to detain him or her. However, if the child appears to be at risk or likely to attempt to escape, you may place the child in the patrol car or keep the child with you while you call the dispatcher and the dispatcher phones the parent or guardian to confirm the identification and ascertain the parent/guardian's wishes. Once the parents are contacted, you have several options;

1. If the parent or guardian wishes the child to be returned home, and it appears safe to return the child, you may take the child to the station and notify the parent or guardian to pick up the child there, or you may transport the child to the home.

2. If there appears to be good reason for not taking the child home (e.g., a serious threat of physical harm, the child's refusal to return home, or other problems at home), you may transport the child to the home of a close relative who has agreed to take the child.

3. If you believe the child may benefit from immediate counseling or treatment, and the child and parent/guardian are likely to cooperate in allowing the child to receive such treatment, or you are unable to arrange to return the child home within a reasonable time, you may refer the child to a public or private agency offering treatment for children. To do this,

you should return with the child to the station and call the agency to determine if space is available and to notify the agency that you are bringing the child in or referring the child. You, or the parent/guardian, should then transport the child to the agency. Because the agency cannot detain the child if the child or parent/guardian refuses its services, it is preferred policy to seek the cooperation of all parties. You should be careful to record the time you initially detain the child, and be sure you do not retain custody for longer than six hours. When you release the child to the agency or the parent/guardian you should obtain a release/receipt signed by the person to whom the child is released.

4. You may suggest the family seek short or long term counseling or treatment to resolve its problems. You may advise the parent/guardian and child that either of them may bring a complaint alleging the child is a member of a family with service needs as this may help the family obtain appropriate services. It may also be appropriate to suggest to the parent or guardian that he or she contact the child's school to seek confirmation of the allegations that the child has misbehaved (e.g., the school will have official attendance records).

5. You may detain the child at the station for up to six hours while you try to arrange a suitable disposition. However, you should try to obtain a disposition as soon as possible as you will have to release the child after six hours have elapsed. When you release the child you should note the time and obtain a release/receipt form from the person to whom you release the child (or from the child if he or she is released in his or her own custody).

6. Regardless of what other action you take, you may file a complaint with the Superior Court: Juvenile Matters alleging the family is a family with service needs.

Example

Jack Longin calls to report that his 14-year old daughter, Celeste, has been reported truant from school for the tenth time in two months. As this is a report from a parent alleging that a child is a FWSN-child, you take down relevant information, and (as required by law) attempt to locate Celeste. You find her hanging out at McDonald's with some older friends. You call Mr. Longin (as is also required by law) to tell him you've located Celeste. You discuss different types of counseling Mr. Longin might arrange for Celeste. You also explain that a complaint alleging the Longin family is a family with service needs might help get Celeste into a service program, but that in truancy cases it is best to have the school file the complaint. Therefore, you tell Mr. Longin that if the voluntary counseling fails, and he wishes to seek a FWSN complaint, he should ask the school to file it; if the school refuses, he can file his own complaint or call you again.

927. Filing a Complaint

Under the Family With Service Needs Act, any police officer may file

a complaint with the court to have the court determine if a child is a member of a family with service needs. The policy of the Stamford Police Department is that such a complaint should only be filed by a Youth Bureau officer. Therefore, if any officer believes a child's family may be a family with service needs, the officer should report this belief to the Youth Bureau, setting forth the facts upon which this belief is based.

As a Youth Bureau officer, you may file a complaint with the Superior Court in Stamford. The court will then refer the complaint to a probation officer. If the probation officer determines that the allegations in the complaint are not true, or that the family does not meet the definition of a family with service needs, the probation officer will inform you of that finding in writing. If the probation officer does not file a petition, he or she will notify you of the decision not to file a petition. You may choose to discuss with the probation officer why the petition was not filed and what action would now be appropriate. If you are still not satisfied with the probation officer's refusal to file a petition, you, as the complainant, may then file a petition alleging the family is a family with service needs. This petition should set forth: (a) the facts that lead you to conclude the child is a member of a family with service needs; (b) the name, date of birth, sex, and residence of the child; and (c) the name and residence of the child's parent or guardian. Petitions should only be filed in rare instances as the probation officer has already determined there are insufficient facts to find the child is a member of a family with service needs and it is unlikely a petition will succeed.

928. Taking the Child into Custody

If at all possible, you should arrange to have a Youth Bureau officer take the child into custody, if that action becomes necessary. Only in rare circumstances will it be necessary for a patrol officer to take custody of a child without assistance of a Youth Bureau officer. Where a patrol officer does take custody, he or she should turn over the child to a Youth Bureau officer as soon as possible after returning to the station.

You may use reasonable force to take the child into custody, which may include touching the child, or placing the child in the cruiser. If the child becomes assaultive, this may become a delinquent act and should be handled accordingly. However, if the only misbehavior involved falls within the FWSN Act, you should not use handcuffs or excessive physical force. Under no circumstances should you draw a weapon when handling a child as a FWSN-child.

You should note the precise time when you take the child into custody. You should advise the child you are taking him or her into custody as a member of a family with service needs, under authority granted by law. You should briefly explain the nature of the allegations (e.g., that the child is a runaway, or the child is beyond parental control, etc.). You should explain that this is not a criminal nor a delinquency charge, and that the child is not under arrest, but that you have the right to take the child into custody and will try to find a reasonable resolution to the problem. You should also tell the child that he or she can only be held in custody for a maximum of six hours.

You should not search the child; a frisk or pat down is only appropriate if you reasonably suspect the child has weapons. This is unlikely if you are handling the child as a FWSN-child.

At the station, you may retain custody of the child by keeping him or her with you at your desk if the child cooperates. If not, you should place the child in custody. You may take away instruments with which the child may hurt himself or herself, but you should not search the child unless you are treating the child as a delinquent.

If you are able to contact the child's parents, you should inform them that you can only hold the child in custody for a maximum of six hours, that you may prefer to release the child to their custody immediately, and you should discuss dispositions. If the parents do not pick up the child and you take the child to an agency, the child (and if possible the parents) should be told that the child or parents may refuse treatment and remove the child at any time.

At the end of the six hours you must release the child. At this point you should again try to contact the parents and inform them you are releasing the child. You should explain to the child that he or she is being released from custody. You may advise the child of agencies that may provide services, but you must be certain the child understands that he or she is under no obligation to accept such services; they are voluntary. You should note the precise time of release and try to obtain a signed release/receipt form from the child.

PART TEN: CHILD ABUSE AND NEGLECT

1000. Mandated Reporters

Connecticut law requires certain professionals who see families in relation to performing their duties to report suspected cases of child abuse and neglect. Conn. Gen. Stat. (Section 17-38a). As a police officer, you are mandated to make a report to the Department of Children and Youth Services (DCYS) if, during the course of your law enforcement activities, you receive information or observe behavior that leads you to a reasonable suspicion that a child under the age of 18 has been abused, neglected, or sexually molested. Failure to report abuse or neglect could subject you to a fine of up to \$500. Section 17-38a(b).

1001. Identifying Abused or Neglected Children

Abuse is defined as physical injuries inflicted upon a child by a person responsible for his or her health, welfare, or care; a child who is in a condition that is the result of maltreatment, such as malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment or cruel punishment, is said to be abused. Section 17-38a(b). Some indicators of physical abuse are: multiple or unexplained injuries, burns, belt marks; an unusually passive, suspicious, or frightened child; parental refusal to get treatment for a child; past family history of physical abuse; parents who are defensive or hostile when questioned about a child's condition.

Neglect is defined as abandonment or denial of proper care and attention to a child's physical, educational, emotional, or moral well-being. Section 17-53. Some indicators of neglect are: poor personal hygiene, a child

being left without supervision for long periods of time, a child being abandoned; inadequate or inappropriate clothing; inadequate shelter; poor environment, including parental discord, mental illness, alcoholism, drug addiction, criminal activity. The presence of some of these factors may lead you to suspect child abuse or neglect.

Examples

1. One Friday afternoon, you are dispatched to a family dispute. When you arrive at the house, you find that the husband and wife have been drinking and fighting all day. You notice broken dishes are strewn around the living room; the wife has bruises on her face. You see a small child crouched in the corner of the room; his face is bruised and there are belt marks on his arms and back. You immediately call the local office of DCYS to report the case.
2. Your 10-year old daughter invites a classmate over for dinner. During dinner, you notice that your daughter's friend is coughing uncontrollably, looks feverish, and is complaining about a headache. When you ask how long she has felt this way, she tells you, "since school started this year, but my parents won't take me to the doctor." It is now early March. You suspect that the parents are failing to provide medical care for the

child but you are not required to report this since you are not seeing the child in your official capacity. You may choose to report the case to DCYS.

3. You are patrolling a neighborhood around 11:00 P.M. and see a small girl running down the street toward the bus stop. You approach her and notice that she is very dirty and unkempt. When you ask what she is doing out so late by herself, she tells you that she often goes out at night to ride the buses around the city. She mentions that her mother is never home at night and that there are no other adults or older children at home. You suspect that the mother is neglecting to provide supervision and report to the Care-Line since it is after DCYS office hours.
4. You are called to the scene of a B & E in progress. Upon arrival at the scene, you apprehend a boy who tells you that this is his parents' house. He tells you that they have been arguing with him lately about the fact that he isn't "pulling his own weight" around the house and they finally locked him out. He also tells you that they have refused

to let him eat there for the past two weeks because he wasn't bringing in any money. He is now trying to get in to the house to claim his belongings. You suspect that the parents are neglecting to provide proper care for the boy but you find out that he is 18-years old. You are not required to report the suspected neglect because the boy is not a "child" protected by Connecticut law. It may be appropriate to determine whether there are younger children in the family who would be statutorily protected.

1002. Procedures for Reporting Abuse and Neglect

Once you have a reasonable basis for suspecting abuse or neglect, you should immediately contact your DCYS Protective Services Regional Office at 348-5865, -5866, or -5867. You must then file a written report within 72 hours with the Regional Office at 1642 Bedford Street in Stamford. A special form, CYS-0136, is provided for filing the report and should be used.

If you want to report a case after DCYS office hours, i.e., nights, weekends, or holidays, you can call the Care-Line, a 24-hour hotline, at 1-800-842-2288. The Care-Line staff will directly contact emergency DCYS staff in your Region if necessary. Reporting child abuse or neglect to the appropriate agency is crucial because, otherwise, the child and the family may not receive the help they need. When you, in good faith, report a suspected case of abuse or neglect, you will be immune from civil or criminal liability. Section 17-38a(h).

1003. Assisting Protective Service Workers

You may also be asked to assist a Protective Services worker in an interview of a potentially violent client, or to provide protection to a worker who is attempting to effect immediate removal of a child who is in imminent danger. Section 17-38a(e).

RELEASE/RECEIPT
(to parent/guardian)

Date _____

I, _____ of _____, do hereby and by this instrument release _____ Police Officer of the City of _____ from any and all claims I may have in the premises and more especially on account of the taking into custody by the said _____ at _____ (time) on _____ (date) which occurred because _____.

I, _____, do hereby and by this instrument state that _____ Police Officer released into the custody of _____ one _____, a minor, at _____ (time) on _____ (date).

Witness my hand this _____ day of _____ in the year _____.

Address: _____

Witness _____

RELEASE/RECEIPT
(to agency)

Date _____

I, _____ of _____ (agency and position), do hereby and by the instrument state that _____ Police Officer of the City of _____ released into the custody of _____ (name and agency) one _____, a minor, at _____ (time) on _____ (date). The taking into custody by the said _____ on _____ occurred, because _____.

Witness my hand this _____ day of _____ in the year _____.

Address: _____

Witness _____

END