

**Oakland County Sheriff's Office**  
**General Order # 4.3**



<b>SUBJECT:</b> Procedure for Juvenile Offenders		<b>NUMBER:</b> 4.3
<b>EFFECTIVE DATE:</b> 07/28/2023 <b>REVIEW DATE:</b> Annually	<b>MACP Standard Impact:</b> 4.4.1	
<b>REPLACES AND RESCINDS:</b> N/A	<b>DISTRIBUTION:</b> All Personnel	<b>NUMBER OF PAGES:</b> 6

This order replaces and rescinds all previously issued orders, procedures, rules and regulations, notices and/or practices in conflict with this General Order.

**I. PURPOSE**

The purpose of this general order is to establish policies for Sheriff's Office personnel when in contact with juvenile suspects or offenders. This order complies with the Federal Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974, and the Michigan Juvenile Code.

**II. POLICY**

It is the policy of the Sheriff's Office to follow applicable law regarding contact with and arrest of juveniles.

**III. DEFINITIONS (MACP Standards 4.4.1 a)**

- A. Status Offender- A person under the age of 18 who commits an act that is against the law only because of the status of the perpetrator as a minor.
- B. Criminal Offender- A person who commits a violation of Michigan law or local ordinance whether as a minor (under age 18) or as an adult (18 or older)
- C. Juvenile- A person under the age of 18.
- D. Juvenile Delinquency – The habitual committing of criminal acts or offenses, including incorrigibility and status offenses, by a person below the age of 18.
- E. Securely Detained/Confined – When a juvenile is placed in an unlocked room located within a larger secured perimeter, a holding cell locked or unlocked, interview room, office or other multipurpose room with a door that can be locked from the outside (whether or not the door is actually locked) or when a juvenile is locked in a jail, lockup or other confined space or handcuffed to a rail or secured object that limits voluntary movement.

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**IV. PROCEDURES**

- A. Deputies are reminded that the same standards of proof are required for a juvenile petition to be authorized as for a warrant to be issued for an adult. In each case, the elements of the offense shall be met and the investigation shall be complete and thorough. **(MACP Standards 4.4.1 e)**
- B. Petitions shall be filed whenever a juvenile is found to be in violation of a state law or local ordinance. Deputies have the discretion to complete a Youth Assistance Form and Diversion Agreement Form in lieu of a petition that will mandate a juvenile's appearance at Youth Assistance. A juvenile must meet the following criteria before Youth Assistance can be used in lieu of a petition: **(MACP Standards 4.4.1 j)**
1. A juvenile up to age 18, who is an Oakland County resident or who goes to school in Oakland County
  2. The juvenile must not have an adjudicated criminal record. The investigating deputy shall check the Computerized Criminal History (CCH) under a "C" code, the Holmes Youthful Trainee Act (HYTA) and the Drug Diversionary Act (Act 7411) to assure that no history exists.
  3. The juvenile must not have a prior criminal case that was already diverted to Youth Assistance.
  4. The juvenile must not have committed any of the crimes listed on the Non-Divertible Offense list:
    - a. 750.82 Felonious Assault
    - b. 750.83 Assault with Intent to Murder
    - c. 750.84 Assault with Intent to do Great Bodily Harm Less Than Murder
    - d. 750.86 Assault with Intent to Maim
    - e. 750.87 Assault with Intent to Commit a Felony
    - f. 50.88 Assault with Intent to Rob While Unarmed
    - g. 50.89 Assault with Intent to Rob While Armed
    - h. 750.316 First-Degree Murder
    - i. 750.317 Second-Degree Murder
    - j. 50.321 Manslaughter
    - k. 750.349 Kidnapping
    - l. 750.350 Kidnapping a Child Under 14 years of age.
    - m. 750.387 Mayhem
    - n. 750.520b First-Degree Criminal Sexual Conduct
    - o. 750.520c Second-Degree Criminal Sexual Conduct
    - p. 750.520d Third-Degree Criminal Sexual Conduct
    - q. 750.520e Fourth-Degree Criminal Sexual Conduct
    - r. 750.520f Criminal Sexual Conduct – Second Offense
    - s. 750.520g Assault with Intent to Commit Criminal Sexual Conduct
    - t. 750.529 Robbery - Armed
    - u. 750.530 Robbery - Unarmed
  5. If the juvenile currently has a case pending in Probate Court but has not yet been adjudicated, the deputy may still use Youth Assistance for the new offense.

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6. Deputies shall interview the parent/guardian of the juvenile under investigation to assure that all requirements for Youth Assistance are met. The deputy in charge of the case shall have the option of diverting a case to Youth Assistance if, in the opinion of that person, the interests of the youth and the community will be best served.
- C. Processing of Juveniles (MACP Standards 4.4.1 c)
1. No juvenile shall be processed in a "warn and release" situation.
  2. Juvenile offenders will be processed at a later date by personnel of the Oakland County Probate Court.
  3. If the true identity of the juvenile cannot be verified to the satisfaction of the arresting deputy, the juvenile may be processed under "Subject ID Send" in the Livescan system for identification purposes only. A picture of the juvenile may also be taken and submitted with the case file for identification purposes.
- D. Transportation and Detainment of Juveniles (MACP Standards 4.4.1 f)
1. Transportation of Juveniles
    - a. The same rules shall be followed with respect to handcuffing and transportation of juvenile suspects as with adult suspects. Juvenile status offenders shall not be handcuffed except where required for officer safety. Deputies shall ensure sight and sound separation of juvenile suspects from adult suspects during all periods of detention, including transport.
  2. Status Offenders
    - a. Juvenile status offenders shall only be held in an unlocked multipurpose area such as a lobby or an office. The area cannot be open to the public during the time the juvenile is present. Deputies shall refrain from placing them in Sheriff's Office work areas such as the briefing room, report-writing room or other areas where employees are at work. **(MACP Standards 4.4.1 b)**
    - b. Juvenile status offenders may not be handcuffed to a cuffing rail or stationary object. Juveniles may be handcuffed for safety reasons, as long as it is not to a secured object or in a secured room. **(MACP Standards 4.4.1 b)**
    - c. Juvenile status offenders shall be held only long enough to complete identification, investigation and processing and then must be released to parents, guardians or other responsible adults or transferred to an alternative juvenile facility or court. **(MACP Standards 4.4.1 i)**
    - d. Juvenile status offenders must be under continuous visual supervision and shall not be allowed to be within sight or sound of adult detainees. Video cameras shall not be used to substitute for actual visual supervision.
  3. Criminal Offenders **(MACP Standards 4.4.1 d)**
    - a. Juveniles charged with criminal offenses may be securely detained in an adult jail or lockup only under the following exceptional circumstances: **(MACP Standards 4.4.1 b)**
      - i. Juvenile criminal offenders may be held for up to 6 hours to allow time for identification, investigation, processing, release to parents or transfer to a juvenile facility or court. **(MACP Standards 4.4.1 i)**. The 6-hour period begins when the juvenile is first placed in a locked setting. This does not include locked squad cars, being merely handcuffed at the wrist or secured in an unlocked area or room.

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- ii. Juvenile criminal offenders waived to adult court may be detained because they are no longer under the jurisdiction of the JJDPA.
        - iii. Juvenile criminal offenders must never be allowed within sight or sound of adult detainees.
4. Juvenile Detention Log and Reporting (**MACP Standards 4.4.1 j**)
  - a. All juveniles charged with a criminal offense and detained or confined as defined in this Order shall be listed on the Juvenile Detention Log available at each Oakland County Sheriff's Office facility where juveniles are or may be interviewed.
  - b. Deputies shall record the appropriate information on the log with the time the juvenile entered the detention or confinement area as defined in this order.
  - c. The time the juvenile is removed from the secured area shall be recorded on the log. Juveniles shall not be held for more than 6 hours.
  - d. Juvenile Detention Logs will be maintained and recorded for each calendar month of the year.
  - e. The Substation Commander or his/her designee will forward the completed Juvenile Detention Log for each month to the Captain of the Technology, Information and Innovation Division.
  - f. The Captain of the Technology, Information and Innovation Division or his/her designee shall compile the total statistics related to juvenile detentions by the Oakland County Sheriff's Office and forward that information to the appropriate agency as required by the JJDPA and Michigan Committee on Juvenile Justice (MCJJ).
- E. Constitutional Rights – Interview and Interrogation (**MACP Standards 4.4.1 e**)
  1. Juvenile suspects are entitled to the same Constitutional rights as adults, including the right against self-incrimination. They are entitled to the Miranda warnings. The form currently authorized by the Sheriff's Office shall be used. The parent or guardian must be present during the reading of the rights. BOTH the juvenile and the juvenile's parent or guardian MUST waive the juvenile's rights for the juvenile to be legally questioned.
- F. Parental Notification (**MACP Standards 4.4.1 g**)
  1. A juvenile's parent or guardian shall be notified as soon as possible when a juvenile is taken into police custody. The time and date of the notification, as well as the name, address and telephone number of the person notified shall be entered into the report by the investigating deputy or a supplementary report shall be completed if the notification is made by another Sheriff's Office employee.
- G. Release of Juveniles (**MACP Standards 4.4.1 h**)
  1. When a juvenile is taken into custody and not subsequently lodged at Children's Village, every effort shall be made to release the juvenile to his/her parent or guardian. In situations where the juvenile's parent or guardian cannot or will not pick up the child, Children's Village shall be contacted. Children's Village may authorize the release of the juvenile to another responsible adult. In situations where no responsible adult, defined as a person approved by the Children's Village intake referee, can be located, Children's Village must accept the juvenile. After normal business hours, the telephone number for the on-duty intake referee can be obtained from Oakland County Sheriff's Emergency Communications and Operations Division.
  2. When a juvenile is lodged in Children's Village, the case file shall be completed before the reporting deputy completes his or her tour of duty.

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H. School Incidents

1. In accordance with PA 102 of 1999, the School District will notify law enforcement within 72 hours when a student commits an offense for which students can be expelled, and any other offense that a reasonable law enforcement deputy believes needs to be reported. These matters will be referred to the Detective Bureau or a supervisor to determine the necessity of case assignment.
2. Offenses that need to be reported include any offense that law enforcement and the school district agree are of a serious nature and could affect the safety of the school. If the incident involves persons of school age, deputies must ascertain which school district they attend. A juvenile's school district shall be noted in the appropriate section of the CLEMIS "Persons" page. Non-juveniles (persons over 18) who are still in school shall have the school district information placed in the "comments" section of the "Persons" page of the CLEMIS incident report. These offenses include, but are not limited to:
  - a. Armed student or hostage situation
  - b. Weapons on school property (including busses)
  - c. Death or homicide
  - d. Drive-by shooting
  - e. Physical assaults or fights if:
    - i. the victim and/or suspect is injured.
    - ii. the victim is a staff member.
    - iii. the suspect used a weapon during the assault.
  - f. Bomb threats
  - g. Explosion
  - h. Arson
  - i. Sexual assault (CSC)
  - j. Robbery or extortion within the code of conduct guidelines
  - k. Unauthorized removal of student
  - l. Suicide attempt
  - m. Larceny or theft over \$100
  - n. Intruders which are defined as any person not authorized by school staff to be on school property.
  - o. Illegal drug use or overdose
  - p. Drug possession or sale
  - q. Vandalism or MDOP over \$100
  - r. Minor in possession (MIP) of alcohol or tobacco (per current order – second offense)
  - s. Bus incident or accident
3. The Sheriff's Office will notify the school district within 72 hours of any incidents occurring outside of the school if they may affect the school environment, unless to make such notification would hinder an ongoing investigation. Incidents that will be reported include:
  - a. any of the above incidents involving a student or staff member, or a family member of a student or staff member, if it may affect the school or carry over into the school.
  - b. any incidents occurring on school grounds or in the vicinity of a school building if it may affect the school or carry over into the school.
  - c. larcenies from private individuals occurring on school grounds.
  - d. missing or runaway juveniles (students) that have not returned by the start of school.

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4. Procedures for reporting incidents
  - a. For the School Districts
    - i. The schools will report all emergencies and in-progress incidents by immediately contacting the Emergency Communications and Operations Division, which will dispatch a deputy.
    - ii. Non-emergency and non-in-progress incidents may be reported to the School Resource Deputy if available, or to the Emergency Communications and Operations Division.
    - iii. Incidents occurring outside the duty hours of the School Resource Deputy may be reported by contacting the Emergency Communications and Operations Division, which will dispatch a deputy.
  - b. For the Sheriff's Office
    - i. Incidents involving students will be reported to the School Resource Deputy or to the principal of the involved school directly by the Detective Bureau.



**ISSUED BY:** Sheriff Michael J. Bouchard