



Sioux Falls Police Department

Partnering with the community to serve, protect, and promote quality of life!

Policy: Juvenile Investigations	Related Policies:	Section #: 800 Juveniles
		Policy #: 801
		Effective: 1/2022
		Page 1 of 9
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference: South Dakota Codified Law (SDCL) 26-11-5.1; 32-23-21		
Sensitivity Level: ☒ Public ☐ Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy is created to provide direction to members of the Sioux Falls Police Department when dealing with juveniles.

2. Policy:

- 2.1. All juveniles are subject to the applicable special laws and ordinances in addition to most of those for all citizens. The additional avenues for police action in these cases are for the purpose of protection and rehabilitation of the juveniles. The critical influence of the police in these cases requires that each officer recognize the basic purpose of the distinction in deciding their course of action with juveniles.

3. Definitions:

- 3.1. **Juvenile** – A juvenile is defined as any person who is under 18 years of age.

4. Procedure:

4.1. Special Considerations

- 4.1.1. For the most part, officers need to contact the parent or guardian of a juvenile prior to interviewing/interrogating the juvenile.

- 4.1.1.1. Exceptions include the need for expediency during an initial investigative interview and during the investigation of reported abuse or neglect as provided in SDCL 26-8A-9.
 - 4.1.2. Normally, all use of police authority with juveniles shall be the subject of a Case Report.
 - 4.1.2.1. If the incident is one where no Case Report is necessary, officers may use their judgment on whether or not the case may be disposed of informally.
 - 4.1.3. No restrictive action should be taken against any juvenile that would not also be taken against an adult under the same circumstances, except where the situation is defined as a condition of delinquency, need of supervision, dependency, or neglect.
 - 4.1.4. Once restrictive action is taken, it should conform to the special standards established by Juvenile Detention Alternatives Initiative and the Juvenile Code.
 - 4.1.5. Only children 10 through 17 years of age may be considered a delinquent.
 - 4.1.6. Any child may be in need of supervision or in a status of dependency or neglect.
- 4.2. Juvenile Offenses and Court Referral
 - 4.2.1. Referral to Juvenile Court:
 - 4.2.1.1. The Circuit Court (Juvenile Court) has exclusive jurisdiction in all juvenile cases except those listed under "Referral to Magistrate Court."
 - 4.2.1.2. Criminal complaints and traffic cases will be investigated and the youth petitioned if warranted.
 - 4.2.1.3. Records will print each juvenile arrest report and deliver them to the State's Attorney office by 8:30 AM each day.
 - 4.2.1.4. The juvenile and parents or guardian should be advised of the need for an accompanying parent at the hearings.
 - 4.2.2. Referral to Magistrate Court:
 - 4.2.2.1. Traffic offenses will be cited into Magistrate Court unless the offense is a felony. Felonies are petitioned into Juvenile Court.
 - 4.2.2.1.1. Generally, class two misdemeanors require only a citation.

- 4.2.2.1.2. Class one misdemeanors including, but not limited to, State Reckless Driving, Eluding and Driving While Revoked require a citation and a Juvenile Arrest Report.
- 4.2.2.1.3. When a juvenile has been taken into custody for eluding, reckless driving, or driving while revoked, the officer will transport the juvenile to the Reception Center for temporary hold until the parents are contacted.
- 4.2.2.1.4. The offenses listed above are the most common Class I misdemeanors that will be dealt with. Other similar Class I misdemeanors would be dealt with in the same fashion.
- 4.2.2.2. Municipal traffic ordinances that fall within the same classification as a Class II misdemeanor or petty offense may be cited into Magistrate Court.
- 4.2.2.3. The court time for these offenses is 0900, Monday through Friday.

4.3. Tobacco Violations

- 4.3.1. Tobacco violations in Minnehaha County are a mandatory court appearance. Minnehaha County juvenile tobacco violations will be cited into Juvenile Court on the first Tuesday of every month at 1330 hours, or the second Tuesday if the first is a holiday.
- 4.3.2. Tobacco violations in Lincoln County may be given a POA. The court date for juvenile tobacco violations in Lincoln County is every Wednesday at 1330.

4.4. Juvenile Cited Violations

- 4.4.1. For the offenses listed in this section, ONLY hand-written citations may be used.
- 4.4.2. Juvenile cited violations include the following offenses:
 - 4.4.2.1. Underage Purchase, Possession or Consumption of Alcohol
 - 4.4.2.2. Petty Theft (M2)-Amount \$400.00 or less
 - 4.4.2.3. Intentional Damage to Property (M2)-Amount \$400.00 or less
 - 4.4.2.4. Truancy
- 4.4.3. When officers encounter or respond to calls involving juvenile cited violations a citation indicating a mandatory court appearance in Juvenile Court along with a case report and a juvenile arrest report will be completed.

- 4.4.4. Court dates for underage, petty theft and vandalism will be set for the third Tuesday of the month at 0900 hours.
- 4.4.5. Truancy citations will be issued through the School Resource Officers and the date and time will be set at the discretion of the State's Attorney's Office.
- 4.4.6. If the next available court date is five days or less from the date of the offense, the officer will list the following month's court date.
- 4.4.7. Officers will check the juvenile citation box at the top of the ticket as well as the juvenile notification box (marked with a "j") at the bottom of the ticket.
- 4.4.8. Underage Purchase, Possession or Consumption
 - 4.4.8.1. In the case of a juvenile who is under the influence of alcohol officers will attempt to contact a parent or guardian to turn the juvenile over to them. Should the officers be unable to reach an adult who is able to take responsibility, the juvenile shall be taken to the Reception Center for eventual release to a parent or guardian.
 - 4.4.8.2. In the case of a juvenile who has purchased or is in possession of alcohol, but is not under the influence, officers will attempt to contact a parent or guardian. If the officers are unable to reach a responsible adult, the juvenile will be released with the offender's copy of the citation.
- 4.4.9. Petty Theft (M2), Intentional Damage (M2) and Truancy
 - 4.4.9.1. In the case of a juvenile who is suspected of committing petty theft, intentional damage to property or of being truant the officers will attempt to contact a parent or guardian. If the officers are unable to reach a responsible adult, the juvenile will be released with the offender's copy of the citation.
- 4.4.10. In those cases where an officer has probable cause to believe a juvenile has committed multiple offenses that include non-citable offenses, the officer will still complete the citations as described above. Additionally, officers will list the non-citable offenses in the case report and on the arrest report. Intakes should be conducted as indicated elsewhere in this policy.
- 4.4.11. As noted above, officers are required to attempt to contact parents or guardians when issuing a juvenile citation. Details of these efforts must be included in the case narrative.
 - 4.4.11.1. If a parent is contacted, the officer will check the parent/guardian box on the citation and list the name of the person contacted.

- 4.4.11.2. If the officer is unable to contact a parent/guardian, the officer will leave the box unchecked.
- 4.5. If the offense is a Class II misdemeanor that did not occur in the officer's presence, the officer will make all reasonable attempts to encourage the complainant to make a citizen's arrest.
- 4.5.1. If a citizen's arrest is not made, the officer will obtain all necessary information for a Case Report that will be followed up on later. A Juvenile Arrest Report will also be completed.
- 4.6. When evidence is left at the scene; i.e., a driver's license or I.D. card, the item should be confiscated and tagged as evidence. Evidence information must also be included in the Case Report.
- 4.7. Juvenile Zero Tolerance
- 4.7.1. South Dakota Codified Law 32-23-21 states that drivers under the age of 21 cannot operate a motor vehicle while having .02% or higher blood alcohol content or after having consumed marijuana or any controlled drug or substance for as long as physical evidence of the consumption remains in the driver's body.
- 4.7.2. If an officer stops a vehicle and encounters a juvenile driver who has been drinking and/or has been using marijuana or another illegal substance, but feels that it does not constitute Driving While Intoxicated, the officer should investigate the juvenile for a violation of the state Zero Tolerance law through the use of Standardized Field Sobriety Tests. Zero Tolerance should only be used if the subject does not meet the criteria for a DWI arrest, but has been consuming alcohol or other drugs.
- 4.7.3. If a "Zero Tolerance" arrest is made, read the "Zero Tolerance" Advisement form to the juvenile.
- 4.7.3.1. Every attempt should be made to contact the juvenile's parents to acquire consent for the chemical test. If a parent or guardian cannot be reached, the officer may use the juvenile's consent to obtain the test.
- 4.7.3.2. If the officer suspects the juvenile to have consumed marijuana or other drug, and consent is obtained, a urine sample needs to be taken from the juvenile.
- 4.7.3.3. If the juvenile refuses the tests, the refusal form should be completed.
- 4.7.3.4. Place the blood/urine sample into evidence at the LEC.
- 4.7.4. Transport the juvenile to the Reception Center for release to parent or guardian.

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- 4.7.5. Complete a Case Report and Juvenile Arrest Report. These reports should include charges for underage consumption and/or ingesting when appropriate.

4.8. Student Reporting

- 4.8.1. South Dakota Codified Law 26-11-5.1 states: Provision for notice to school officials and parent or guardian by law enforcement agency where student suspected of violating state drug or alcohol laws or of threatening violence. Notwithstanding any other provision of law, a law enforcement agency may provide notice of an incident within its jurisdiction to public or nonpublic school officials and to the parent or guardian of a school student if the incident is one in which the agency has probable cause to believe the school student has violated any provision of state law involving alcohol, illegal drugs, firearms, or bomb threats, or has made any threat of violence relating to any school or its students, employees, or property. However, if there is a prolonged criminal investigation and revealing information would jeopardize a successful conclusion to the case, the law enforcement agency may provide the notice at some later appropriate time. The notice shall be in writing.

- 4.8.2. The procedure the Sioux Falls Police Department will utilize is as follows:

- 4.8.2.1. Officer observes violation.
- 4.8.2.2. If the person is under 18, complete a Case Report and Juvenile Arrest Report. You must ask if the person is a student within the state of South Dakota. If the person is a student, write the school name in the appropriate section of the Juvenile Arrest Report.
- 4.8.2.3. If the person is 18 years old, but under 21 years of age, issue a citation to the person. You must ask if the person is a student within the state of South Dakota. If the person is a student, write "Student" and the name of the school the person attends directly beneath the space for the SDCL or Ordinance Number on the citation.

- 4.8.3. The information will be compiled by both the Records Section and the Narcotics Unit and forwarded to a School Resource Sergeant.

- 4.8.3.1. There it will be broken down into specific school lists and given to the School Resource Officers for distribution to the Sioux Falls schools on a weekly basis.
- 4.8.3.2. A School Resource Sergeant will also compile a list of the drug and alcohol violations that occurred with other South Dakota school students outside Sioux Falls, and mail those lists to the appropriate schools.

4.9. Juvenile DWI

- 4.9.1. When a juvenile is taken into custody for DWI, the procedure will be the same as for adults up to the point after the blood test is administered. The officer will read the DWI Advisement Form to the juvenile and make every effort to contact the juvenile's parents to obtain their consent for a blood test, in addition to the consent of the arrested juvenile. If the child denies consent to a blood draw or the parents cannot be reached, or they refuse to allow their child to submit to a chemical test of the blood, urine or other bodily substance, a telephonic search warrant will be obtained and the juvenile will be taken to Sanford Hospital for the chemical test.
- 4.9.2. If consent for a blood test is obtained from both the arrested juvenile and a parent or guardian, the test will be administered at either Sanford Hospital or Avera McKennan Hospital.
 - 4.9.2.1. **Juveniles should not be taken to the Minnehaha County Jail to have a chemical test administered.**
- 4.9.3. Once the test is given, the officer will transport the juvenile to the Reception Center for temporary hold until parents are contacted. Officers should ensure there are no pending cases that would place the juvenile in secure detention.
- 4.9.4. A citation, Case Report, Juvenile Arrest Report and the DWI forms will be turned in.

4.10. Lodging a Juvenile Offender

- 4.10.1. When an officer intends to lodge a juvenile at the Reception Center the officer need only contact the intake officer to determine if there are pending cases that would place the juvenile in secure detention. A Risk Assessment Inventory need not be completed. If an officer believes the juvenile should be lodged in secure detention or needs to take a juvenile into temporary custody, the officer must contact an Intake Officer at the JDC prior to taking the juvenile into custody.
- 4.10.2. When a juvenile is to be lodged, officers will conduct a thorough pat down search of the juvenile.
 - 4.10.2.1. Officers that are the same sex as the juvenile offender will be utilized for the pat down search whenever possible.
- 4.10.3. Any weapons, contraband, or evidence found during the search will be processed as any other evidence, including completing the necessary reports.
- 4.10.4. Whenever a Juvenile Arrest Report is made, officers must also make a Case Report. The reports should be completed as a priority.

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4.10.5. Juveniles who commit serious crimes may be tried as an adult.

4.10.6. If a law enforcement officer intends to conduct a **custodial interrogation** about a crime, the juvenile should be read the Miranda Warning and informed of the possibility of going to adult court.

4.10.6.1. **A parent or guardian must also be given the opportunity to be present during the interrogation.**

4.11. Intake Officers

4.11.1. Intake Officers are designated as a judge of the circuit court or the court's designee who may not be a court services officer, law enforcement officer, or a prosecuting attorney.

4.11.2. In **Minnehaha County**, the Intake Officers are:

4.11.2.1. Designated full-time employees of the JDC.

4.11.2.2. All Minnehaha County Circuit Court Judges.

4.11.2.3. The Magistrate Court Judges.

4.11.2.4. The order in which they are listed above is also the order in which they would be called.

4.11.3. In **Lincoln County**, the Intake Officers are:

4.11.3.1. Designated full-time employees of the JDC.

4.11.3.2. Lincoln County Circuit Court Judge. The names and numbers will be on file with Metro Communications.

4.11.3.3. The order in which they are listed above is also the order in which they will be called.

4.11.4. Intake Officers will use the Risk Assessment Inventory to make the ultimate decision on placing a juvenile in a shelter, detention or otherwise.

4.11.5. The Juvenile Detention Alternatives Initiative and the Juvenile Code have set forth restrictions and guidelines that the Intake Officer must follow when deciding whether or not a juvenile will be lodged in a shelter or detention facility and also where a child would be placed.

4.11.6. When a law enforcement officer decides a child should be placed in a shelter or detention facility, they should first contact an Intake Officer by telephone.

- 4.11.7. Once the officer has contacted the Intake Officer, the law enforcement officer will be administered an oath and will be asked specific questions regarding the circumstances surrounding the juvenile in custody.
- 4.11.8. Based on the information gathered, the Intake Officer will make a determination as to whether the juvenile will be taken to a shelter or detention facility.
- 4.11.9. Since the Intake Officer's decision will be based on the information they receive from the officer, it is important for the officer to gather all the pertinent information **prior** to calling.



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Policy: Curfew Investigations	Related Policies:	Section #: 800 Juveniles
		Policy #: 802
		Effective: 4/2022
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<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference: Sioux Falls City Ordinance Chapter 134		
Sensitivity Level: ☒ Public ☐ Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy is created to aid members of the Sioux Falls Police Department during the investigation of curfew violations.

2. Policy:

- 2.1. Since crimes of vandalism and littering are often associated with children who are unattended and out late at night, the Sioux Falls Police Department will investigate calls for service in which children under 18 years of age are unattended on the streets of Sioux Falls past curfew.

3. Procedure:

- 3.1. Whenever a juvenile is determined to be in violation of the city curfew ordinance, they will be cited with a Power of Attorney option based on the current bond schedule, and with an option to contest the ticket in court on the first Tuesday of every month at 1330 hours, or the second Tuesday if the first is a holiday.

3.2. Local Juvenile Violations

3.2.1. If the juvenile lives within the city limits of Sioux Falls, officers shall call the parent or guardian to advise them of the contact and request the parents to come to the contact location.

3.2.1.1. This telephone call should be made as soon as possible so the parent or guardian can be on their way while the citations are being issued and other items of business are being handled.

3.2.2. Once the parent or guardian arrives, officers will advise them of the situation and turn the juvenile over to them.

3.2.3. If officers are unable to contact a parent, or if the juvenile lives further than a reasonable distance away, the juvenile will be transported to the Reception Center.

3.3. Out-of-county juveniles

3.3.1. Out-of-county juveniles will be cited and transported to Reception Center.

3.3.2. Reception Center staff will contact a parent or guardian to pick up the juvenile.



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Policy: Runaway Investigations	Related Policies:	Section #: 800 Juveniles
		Policy #: 803
		Effective: 3/2021
		Page 1 of 2
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: ☒ Public ☐ Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy is created to provide guidance during the investigation of a runaway call for service.

2. Policy:

- 2.1. Officers will complete a case report when responding to a juvenile runaway call.

3. Procedure:

- 3.1. The officer will respond to the home address of the runaway and take the report from the reporting party in person and not via telephone, unless mitigating circumstances are present and will be noted in the Case Report.

- 3.1.1. The officer completing the Case Report will retrieve an up-to-date photograph of the runaway and attach it to the Case Report.

- 3.2. The reporting officer must also enter the runaway into NCIC via Metro Communications.

- 3.2.1. This will require a thorough and complete description of the runaway, any vehicles associated with the runaway, and any other persons the juvenile may have been with when he ran away.

- 3.3. All runaways located will be the subject of a juvenile arrest report.

- 3.4. If the case is from our department, a supplement report must be done along with the juvenile arrest report, using the original report number.
- 3.5. If the runaway is from another jurisdiction, a foreign aid case report must be made.
- 3.6. If the runaway is 13 years of age or younger or there are other factors for the child to be considered HIGH RISK, refer to Section 700, Policy 714 *Missing Children Investigations*.
- 3.7. Runaways will be released to parents or lodged at the Reception Center unless the officer believes there are aggravating circumstances that would warrant placement in secure detention. In that case an intake officer should be contacted and a Risk Assessment Inventory completed.
 - 3.7.1. Prior to releasing the juvenile or lodging at the Reception Center an intake officer should be contacted to determine if there are any pending cases that would place the juvenile in secure detention.
- 3.8. Officers will need to contact Metro Communications and have the juvenile removed from NCIC, if the juvenile was originally entered into NCIC by Metro Communications.



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Policy: Juvenile Delinquency / CHINS	Related Policies:	Section #: 800 Juveniles
		Policy #: 804
		Effective: 6/2020
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<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference: SDCL 28-8C-3; SDCL 22-22-7; SDCL 22-1-2(9); SDCL 26-8B-3; SDCL 26-7A-14;		
Sensitivity Level: ☒ Public ☐ Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy is created to provide direction to members of the Sioux Falls Police Department when dealing with juveniles.

2. Policy:

- 2.1. All juveniles are subject to the applicable special laws and ordinances in addition to most of those for all citizens. The additional avenues for police action in these cases are for the purpose of protection and rehabilitation of the juveniles. The critical influence of the police in these cases requires that each officer recognize the basic purpose of the distinction in deciding their course of action with juveniles.

3. Procedure:

3.1. Delinquent Child

3.1.1. South Dakota Codified Law 26-8C-3

- 3.1.1.1. An apparent or alleged **delinquent** child taken into temporary custody by a law enforcement officer prior to a temporary custody hearing shall be released to the child's parents, guardian, or custodian unless the parents, guardian, or custodian cannot be located or in the judgment of the Intake Officer are not suitable to receive the child, in which cases the child shall be placed in a shelter.

3.1.1.2. A child may not be placed in detention unless the Intake Officer finds that the parents, guardian, or custodian are not available or are not suitable to receive the child, and finds at least one of the following circumstances exists:

- 3.1.1.2.1. The child is a fugitive from another jurisdiction;
- 3.1.1.2.2. The child is charged with a violation of SDCL 22-22-7, a crime of violence under SDCL 22-1-2(9) or a serious property crime, which, if committed by an adult, would be a felony;
- 3.1.1.2.3. The child is already held in detention or on conditional release in connection with another delinquency proceeding;
- 3.1.1.2.4. The child has a demonstrable recent record of willful failures to appear for juvenile court proceedings;
- 3.1.1.2.5. The child has a demonstrable recent record of violent conduct;
- 3.1.1.2.6. The child has a demonstrable recent record of adjudications for serious property offenses; or
- 3.1.1.2.7. The child is under the influence of alcohol, inhalants, or a controlled drug or substance and detention is the least restrictive alternative in view of the gravity of the alleged offense and is necessary for the physical safety of the child, the public, and others.
- 3.1.1.2.8. The child has failed to comply with court services or a court-ordered program.

3.1.1.3. The shelter or detention authorized shall be the least restrictive alternative available.

3.2. Child in Need of Supervision

3.2.1. South Dakota Codified Law 26-8B-3

- 3.2.1.1. An apparent or alleged **child in need of supervision** taken into temporary custody by a law enforcement officer, prior to a temporary custody hearing, shall be released to the child's parents, guardian, or custodian unless the parents, guardian, or custodian cannot be located or in the judgment of the Intake Officer are not suitable to receive the child, in which case the child shall be placed in a shelter.
- 3.2.1.2. A child may not be placed in detention for more than 24 hours, excluding Saturdays, Sundays, and court holidays, if the Intake Officer finds that the

parents, guardian, or custodian are not available or are not suitable to receive the child, and finds at least one of the following circumstances exists:

- 3.2.1.2.1. The child has failed to comply with court services or a court-ordered program;
 - 3.2.1.2.2. The child is being held for another jurisdiction as a parole or probation violator, as a runaway or as a person under court-ordered detention;
 - 3.2.1.2.3. The child has demonstrated propensity to run away from the child's home, from court-ordered placement outside the child's home, or from agencies charged with providing temporary care for the child;
 - 3.2.1.2.4. The child is under court-ordered home detention in this jurisdiction; or
 - 3.2.1.2.5. There are specific, articulated circumstances which justify the detention for the protection of the child from potentially immediate harm to the child or to others.
- 3.2.1.3. The shelter or detention authorized shall be the least restrictive alternative available. The child may be held in detention up to an additional 24 hours following the temporary custody hearing pending transfer to shelter or release.
- 3.2.1.4. If the child is accused of or has been found in violation of a valid court order, the child may be placed in detention for more than 24 hours, if a temporary custody hearing, pursuant to § 26-7A-14, is held within 24 hours of the child being placed in a detention facility, an interview is conducted with the child, and a written assessment of the child's immediate needs is provided at the temporary custody hearing.
- 3.2.1.5. The interview and assessment may be conducted by law enforcement, state's attorney, court services, or other public employee. The child may not be held in detention greater than 72 hours unless revocation proceedings have been initiated.
- 3.2.1.6. If the child is being held for another jurisdiction as a parole or probation violator, as a runaway, or as a person under court-ordered detention, the child may be placed in detention for more than 24 hours, and up to seven days, if a temporary custody hearing, pursuant to § 26-7A-14, is held within 24 hours of the child being placed in a detention facility.

3.3. Reception Center-The Reception Center is available for temporary removal of a juvenile, aged 10-17 years, from the home in the event an officer believes that temporarily taking the juvenile out of the environment would de-escalate the situation.

3.4. FCIP: Family Crisis Intervention Project

3.4.1. In these **CHINS** situations, the FCIP can be utilized if the situation:

- 3.4.1.1. Is **not** violent or threatening.
- 3.4.1.2. Is **not** abuse or neglect.
- 3.4.1.3. Child or parents are not intoxicated.
- 3.4.1.4. Parents agree to participate.
- 3.4.1.5. Child is **not** lodged.

3.4.2. Officers can call the FCIP and should be prepared to advise the FCIP specialist:

- 3.4.2.1. Nature of conflict.
- 3.4.2.2. If phone intervention will suffice.
- 3.4.2.3. If home intervention should be done.
- 3.4.2.4. If an alternative site away from home should be used.
- 3.4.2.5. Officer recommends one or two FCIP specialists.

3.4.3. Always keep FCIP Specialist's safety in mind. Most nighttime referrals should be held at the location designated by FCIP specialist.

3.5. Juvenile Delinquency/CHINS Offenses

- 3.5.1. If a child is misbehaving; i.e., talking back all the time, doesn't do as told, stays out late, refuses to go to school, etc., and the parents have a desire for the child to enter the Juvenile Court system, officers should complete a Case Report and a Juvenile Arrest Report.
- 3.5.2. Once the reports are merged they will be assigned to an investigator and forwarded to the State's Attorney's Office for adjudication where appropriate. Officers are to complete a Juvenile Arrest Report even if a physical arrest is not made.
- 3.5.3. Parents are not able to have a child lodged in the JDC or elsewhere simply because the child is unamenable. If the child is not a runaway and is not a physical threat to others, the child will normally remain with his parents.

Officers may contact an Intake Officer if they feel the juvenile needs to be lodged at the JDC or another juvenile facility.

- 3.5.4. If the juvenile has committed **any** violations of City ordinance or South Dakota Codified Law, the reporting officer should charge the juvenile with those criminal violations instead of charging the juvenile as a Child in Need of Supervision (CHINS).
- 3.5.5. A CHINS report would be appropriate when an officer encounters a child who has committed a criminal offense, yet the child is under the age of 10 years old.
- 3.5.6. Officers may wish to recommend other assistance that parents can seek, such as the Family Crisis Intervention Project or counseling agencies that deal with juveniles with behavioral problems.