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## 437.02 Use of Detention and Arrest

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(See Minnesota Statutes [260C.007](#), [260C.175](#))

**Note:**

Status offenders (truancy, runaways, curfew, etc.) may not be placed in a holding cell or in the same area as adult offenders.

The following juveniles may be taken into custody by a police officer and detained or placed in protective custody by a police officer with an order issued by the court in accordance with the provisions of [Minnesota Statute 260C.151, Subdivision 6](#), or by a warrant issued in accordance with the provisions of [Minnesota Statute 260C.154](#), or in accordance with the laws relating to arrests.

- When a child has run away from their parent, guardian or custodian, or when the police officer reasonably believes such child has run away from their parent, guardian, or custodian (non-secure shelter only unless secure warrant exists)
- When a child is found in surroundings or conditions which endanger the child's health or welfare or which such police officer reasonably believes will endanger such child's health or welfare; or
- By a peace officer or probation or parole officer when it is reasonably believed that the child has violated the terms of their probation, parole, or other field supervision.

**What Actions Should be Taken, by the Police Officer Following a Criminal Arrest?**

Unless the juvenile is in need of emergency medical treatment, the juvenile should be brought directly to the youth services section, where sergeants will conduct an investigation and make a disposition of the case. In cases where the youth services section is closed, the juvenile will be taken to the watch commander, who will then make a temporary disposition of the case. In any case, the juvenile is to be immediately notified of their constitutional rights prior to any interviews as stipulated in the [Minnesota Rules of Juvenile Procedure](#). Also her/his parents are to be notified as soon as possible of their arrest, unless it is a case involving child abuse and the parents are suspected of abuse. In these cases, parents shall be instructed to call child protection for further information.

**Does This Mean Every Child Arrested by the Police should be Delivered to the Youth Services Section?**

In general, youth should be brought to the youth services section based on the following considerations:

- Seriousness of the criminal offense, repeat offender or temperament of the offender
- Child's health or welfare is immediately endangered (not able to locate parent)
- Child's conduct represents a danger to self or others
- Child would not remain in parent's custody
- Child would not appear in court as directed (unable to identify youth)

In all other cases, the arresting officer should write a report and release the youth to the custody of parents. A copy of the juvenile tag should be forwarded to the records unit.

### **Who Approves Consideration for Detention?**

An investigator will approve consideration for detention during the hours the unit is staffed. The watch commander will approve all detentions when the youth services section is closed. A patrol sergeant will make this approval when the aforementioned are unavailable.

### **Should Further Detention be Required at the Juvenile Detention Center, What are the Next Steps?**

A Detention Report Form should be filled out completely and proper notification made to parents, guardian, or custodian if possible. The pink copy of the detention form should be left with the youth services section or watch commander. All, except the pink copy of the Detention Report Form, must be delivered to the detention facility (JDC or shelter) with each juvenile. The personal property of the detained juvenile may be taken from her/him and turned over to personnel at the detention center. In addition, a Detaining Authority Risk Assessment Instrument (RAI) worksheet should be delivered to the detention facility with each juvenile being sent for a new offense. This does include warrants and pickups.

### **Juvenile Detention Alternatives Initiative (JDAI)**

All youth being considered for detention will be transported to the JDC after meeting with a Juvenile investigator during the hours when the unit is staffed. The officer transporting the child will have a Juvenile Detention Report in their possession to be delivered to the JDC. In addition, a RAI worksheet and juvenile history must accompany each arrest report. The commander or sergeant completing this form can elect to override to release or keep the youth in detention regardless of their final RAI score. The assessment is based on: criteria pertinent to the offense, likelihood to re-offend, threat to public safety, and criminal history to include other aggravating and mitigating factors.

Once the youth is turned over to JDC staff, the officer is free to leave and return to their assignment. JDC staff will complete the RAI assessment to determine if the youth will be held, released to an alternative, or released to a parent. They will notify the youth services section prior to 0600 hours each day on the status and whereabouts of all youth referred by the department. A juvenile investigator will then make contact with the youth for the purpose of an interview prior to their initial court appearance. This may be at the JDC or an alternative placement such as a shelter or house arrest.

### **Detention of Youth:**

Youth may be held in the JDC no more than 24 hours before a hearing is held regarding the reason for arrest. An extension of the 36-hour rule may be sought in cases where further investigation is necessary. If the 36-hour rule cannot be met, a Judicial Determination of Probable Cause to Detain Form (48-hour hold) must be filled out, reviewed by the county attorney, and signed by a judge.

### **The Juvenile Status Offender:**

Status offenses are offenses that are offenses committed by youth which would not be crimes if committed by adults. These offenses include truancy, runaways, curfew, etc. These cases require dispositions which assist with rehabilitating youth and reuniting the family.

Petty offenses can be handled formally or informally according to [General Order 437.01: Handling of Juveniles](#). The officer may bring the child to the youth services section when other efforts to resolve the matter have failed. Status offenders cannot be placed in a locked cell. The parents will then be notified.

Placement Guidelines for Children In Need of Protective Services (CHIPS):  
**Refer to [General Order 361.00: Family and Sexual Violence Unit](#) for information regarding placement and emergency sheltering.**

[Minnesota Statute 260C.007, Subdivision 6](#) indicates situations in which a child is in need of protection or services:

- Abandoned or without parent, guardian, or custodian.
- Victim of sexual or physical abuse or resides with a victim of domestic child abuse
- Is without necessary food, clothing, shelter, education or other required care for child's physical or mental health or morals because the child's parent, guardian or custodian is unable or unwilling to provide care.
- Child is less than 10 years of age and has committed a delinquent act.
- Medically neglected.
- Runaways.

**Guidelines for Immediate Police Custody and Transportation of Abandoned, Abused, Neglected Children:**  
[Minnesota Statute 260C.175, Subdivision 1](#)

When a child is found in surroundings or conditions which endanger the child's health or welfare or that a police officer reasonably believes will endanger such child's health or welfare, the police officer may take the child into immediate custody.

Police officers are the only persons authorized to take a child into custody and place a "police hold" for 72 hours on the child.

**Patrol Guidelines:**

When a squad is sent to a call regarding physically/sexually abused, abandoned or neglected children, it is the uniformed officer's responsibility to investigate the situation to determine if the child is in immediate danger or may be in danger if action is not taken.

If it is determined a child needs to be taken into protective custody because the child has been assaulted within the past 72 hours or physical evidence is observed, the child should be taken directly to **[Redacted]**. If the child reports past abuse (a week or more), or the child is afraid to remain home due to making a report, you may bring the child to headquarters for referral to shelter placement.

Children taken to **[Redacted]** should receive a medical examination and may be placed in shelter by phoning the youth services section or F.S.V.U. in child abuse or sexual abuse cases. The watch commander should be utilized for placement when the youth services

section is closed. In cases where the youth services section and F.S.V.U. are closed and the watch commander's office is not staffed, the officer should contact their immediate supervisor for placement referral.

Detention forms are available at **[Redacted]** and should be filled out by the officer after obtaining the location where the child is to be placed. For abused children, the location of the shelter or name of the shelter shall not be released to the parents. The parents should be told that child protection or the sex crimes unit will notify them. If a child needs transportation from **[Redacted]** to a shelter, the department must provide it if a member of the department has asked for a 72-hour hold.

On some occasions, youth may refuse to go home due to domestic situations. The youth can be placed in a shelter. The youth can be brought to the youth services section or to the watch commander who will find a location for placement. The Detention Report Form needs to be filled out leaving the pink copy with the youth services section or watch commander. The department is responsible for transportation to a shelter once a member signs the detention report to hold the child.

**Note:**

- All children under 12 years of age must be taken to **[Redacted]** for an exam prior to being taken to a shelter.
- Remember that officers have the final say and responsibility for taking a child into custody. Make sure you feel the situation meets the statute for detention.
- Don't hesitate to have social workers show identification and make copies of court orders, reports or other information regarding the situation.

**Juveniles and Runaways with Warrants:**

Any juvenile with a secure warrant will be placed at JDC, not a shelter. A Detention Report Form is needed. If the warrant is not secure, the juvenile will be placed in a shelter. A Detention Report Form and police report are required.

**Juveniles without Warrants (Runaways):**

In cases where a juvenile is picked up as a runaway between 2300-0700 hours, the following steps should be taken:

1. Bring the juvenile to headquarters unless otherwise directed. The juvenile should not be placed in a holding cell.
2. Attempt to contact the parents and strongly encourage the parents and child to reunite. Transport the child home or have the parents pick her/him up.
3. Should attempts to reunite fail, have the watch commander call Ramsey County Human Services (after hour's placement) and advise them we have tried the other alternatives. They will find shelter for the juvenile.

The above policy also holds true for runaways picked up when the youth services section is open, but the child is brought to the unit and arrangements made by a juvenile investigator.

If a youth is a runaway from a facility, they should be detained in secure detention by the officer in charge of the youth services section or the watch commander and held until disposition is made by the youth services section personnel.

If the youth is a runaway from a mental institution or is in need of a psychiatric evaluation, the youth must be taken to United Hospital if between the ages of 12-18. Youth under age 12 should be taken to Children's Hospital.

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