



Lexington Police Department

Lexington, Kentucky

GENERAL ORDER

BY THE AUTHORITY OF THE CHIEF OF POLICE

G.O. 1988-02F Juvenile Procedures

Rescinds: GO 1988-02E

References: CALEA Chapter(s)

Effective Date: 02/19/16

Distribution Code: B | All Department Employees

Originally Issued: 1988

I. PURPOSE

The purpose of this policy is to identify and define department procedures which are to be followed by all personnel when dealing with juveniles in criminal and noncriminal situations.

II. POLICY

A. It shall be the policy of the Lexington Police Department to implement and maintain programs designed to prevent and control juvenile delinquency. The Chief of Police is ultimately responsible for establishing and directing the juvenile initiative within the department. The assistant chiefs of the Bureau of Investigation and Bureau of Special Operations Community Services Section are responsible for ensuring that their personnel conduct as many investigations and prevention programs involving juveniles as possible, assist field units in juvenile cases and maintain liaison with other agencies and organizations interested in juvenile matters. However, the responsibility for participation in, assistance with, and support of juvenile investigations and prevention programs is shared by all bureaus.

B. Department employees shall adhere to the guidelines set forth in the Kentucky Revised Statutes (KRS), Chapters 600 through 645, Unified Juvenile Code.

C. Other elements of the juvenile justice system, such as the Court Designated Worker's Office (CDW), shall be consulted when drafting or revising department policies related to juveniles.

III. DEFINITIONS

1. Take into custody: holding for preliminary processing and releasing within a period of up to two (2) hours.
2. Retain in custody: an extension of the previous phase, authorized by the CDW, for up to twelve (12) hours.
3. Detain: a judicial determination that the child must remain in a secure facility.
4. Responsible Person: parent, legal guardian, foster parent, grandparent, aunt, uncle, brother or sister over the age of eighteen or other person who will accept responsibility for the juvenile and ensure that the juvenile will appear when served written notification by the CDW.

5. Status Offense: an act or conduct declared by statute to be an offense, but only when committed or engaged in by a juvenile and that can be adjudicated only by a juvenile court.
6. Care, Custody, Control: the relationship of a suspect to the child victim. Perpetrators may be a parent, guardian, babysitter, day care provider, teacher, etc. having care, custody or control of a juvenile.
7. Commissioner's Warrant: changes the placement of a child from a non-secure facility (such as with a parent or foster parent) into a secure facility administered by the Department of Family and Juvenile Services for treatment purposes.

IV. PROCEDURE

A. JUVENILE OFFENDERS - GENERAL INFORMATION

1. Juvenile arrests or diversions may be made by officers using the least coercive means among reasonable alternatives consistent with preserving public safety, order and individual liberty. If an arrest is not necessary, then warnings, informal referrals or arranging for action by parents may be considered by the officer.

2. KRS 610.200 Duties of peace officer: [Excerpt]

(1) "When a peace officer has taken or received a child into custody on a charge of committing an offense, the officer shall immediately inform the child of his constitutional rights and afford him the protections required thereunder, notify the parent, or if the child is committed, the Department of Juvenile Justice or the cabinet, as appropriate, and if the parent is not available, then a relative, guardian, or person exercising custodial control or supervision of the child, that the child has been taken into custody, give an account of specific charges against the child, including the specific statute alleged to have been violated, and the reasons for taking the child into custody."

Effective: July 1, 2015

3. Preliminary Investigations

KRS 610.220 Permitted purposes for holding child in custody -- Time limitation -- Extension -- Separation from adult prisoners -- Prohibition against attaching child to a stationary object.

"(1) Except as otherwise provided by statute, if an officer takes or receives a child into custody on an allegation of committing a public offense or into protective custody on being a suspected runaway, the child may be held at a police station, secure juvenile detention facility, youth alternative center, a nonsecure facility, or, as necessary, in a hospital or clinic for the following purposes:

- (a) Identification and booking;
- (b) Attempting to notify the parents or person exercising custodial control or supervision of the child, a relative, guardian or other responsible person, or the cabinet;
- (c) Photographing;
- (d) Fingerprinting;
- (e) Physical examinations, including examinations for evidence;
- (f) Evidence collection, including scientific tests;
- (g) Records checks;
- (h) Determining whether the child is subject to trial as an adult; and
- (i) Other inquiries of a preliminary nature.”

“(2) A child may be held in custody pursuant to this section for a period of time not to exceed two (2) hours, unless an extension of time is granted. Permission for an extension of time may be granted by the court, trial commissioner, or court-designated worker pursuant to KRS 610.200(6)(d) and the child may be retained in custody for up to an additional ten (10) hours at a facility of the type listed in subsection (1) of this section except for an intermittent holding facility for the period of retention.”

“(3) Any child held in custody pursuant to this section shall be sight and sound separated from any adult prisoners held in secure custody at the same location, and shall not be handcuffed to or otherwise securely attached to any stationary object.”

Effective: July 1, 2015

- a. If more than 2 hours is needed, the officer shall contact the Court Designated Worker (CDW).
- b. Note: If an officer takes a child into custody (arrest based on probable cause, service of a petition or Governor’s warrant) at a school or at the Day Treatment facility, no interview or interrogation will occur at these locations. The child will be transported to an authorized location (as listed in IV. A. 3. (1) above) for questioning.
- c. Interrogation/Interviews- The number of persons conducting interrogations/interviews of a juvenile shall be limited to two (2) officers at any given time. Others (doctors, parents, social workers, translators, SANE nurse or teachers) should also be restricted, if possible. Police department

and Juvenile Court procedures shall be explained to the juvenile and, when practical, to the parents or guardians.

d. The appropriate units(s) of the Bureau of Investigation shall conduct follow-up investigations in cases where a juvenile is listed as the suspect. The Crimes Against Children Unit shall conduct investigations where the victim or complainant is under 18 years of age.

B. CUSTODY PROCEDURES

Note: The below procedures only apply to Custody Orders issued in Fayette County.

1. Step One - Custody Orders

a. Before a child is taken into custody for a criminal or status offense, the officer shall contact E911 to determine if there is a Fayette County custody order on file.

b. If there is an active custody order, follow E911's instructions and/or proceed to Step Four.

c. If there is no active custody order, proceed to Step Two.

2. Step Two - Detention Criteria

a. The officer shall determine if the charge meets predetermined detention criteria by first referring to Appendix A. There are several criteria in this appendix that only the CDW will be able to verify for the officer. After an initial check of the list, if none of the criteria apply then contact the CDW directly or through E911 to check on the remaining criteria.

Note: If the CDW cannot be reached it may mean they are out of the office or in an on-call capacity. Officers may then call 227-2085 for the on-call CDW.

Note: Appendix A lists the criteria found on the Pre-Adjudication Detention Form, CDW Form JW-39, as well as additional criteria authorized by the Chief District Judge in the *Fayette District Court General Order 2005-1* issued on July 28, 2005.

b. If detention criteria are not met, the officer may field release the juvenile. Proceed to Section IV. F. Release Procedures

1. Exception: Although detention criteria are not met, the officer may request that a juvenile be detained based upon special knowledge or circumstances of the case. The officer shall request that the CDW contact the on call judge for detention authorization. There is no guarantee that the judge will authorize detention.

c. If detention criteria are met, the child is eligible for detention and the judge must be contacted by the CDW as soon as possible to authorize either detention or release. Proceed to Step Three.

3. Step Three - Taking Into Custody Due to Detention Criteria

a. When a juvenile meets detention criteria, the officer is not to field release the juvenile. The following procedure must be followed:

1. Notify the CDW that the officer is en route with a juvenile and provide him or her with the juvenile's name, date of birth and social security number so they may have the file ready upon arrival.

2. The officer shall bring the juvenile(s) to the sally port in the basement of the Fayette District Court building to meet with the CDW.

Note: If the child does not meet the detention criteria and/or the criteria listed in *Fayette District Court General Order 05-1* (see Appendix A), the CDW will authorize release upon arrival.

3. The officer shall complete and submit all required reports and forms relating to the current charge(s) and sign the complaint generated by the CDW.

4. The CDW shall contact the duty judge for authorization for detention or release.

5. If the judge authorized detention, the CDW shall conduct a Preliminary Inquiry hearing, if applicable, with the child. Once completed, the officer will transport the child to the Fayette Regional Juvenile Detention Center on Spurr Road.

6. If the judge authorizes a release, the CDW shall contact the parent, guardian, and/or a responsible adult to whom to release the child. The officer must remain with the child until released.

Note: The CDW cannot take custody of the child at any time.

4. Step Four - Taking Into Custody Due to Custody Order

a. If the juvenile has a custody order on file the officer shall transport the juvenile to the Fayette Regional Juvenile Detention Center. The officer shall request that E911 faxes a copy of the custody order to the detention facility. After booking, the officer shall proceed to the CDW's office, located at 155 E. Main Street, Suite 400, to sign the original custody order.

b. If the juvenile has a custody order as well as a new charge(s), the officer shall first follow the procedures in Step Two in order to process the new charge(s).

5. Sally Port and Temporary Holding Cells

a. Officers can request access to the gated entrance by contacting the Sheriff's Office Communications Center through the call box located beside the entrance. A separate secure sally port for unloading prisoners is located at the base of the parking structure.

b. If the sally port is full, officers can park in spaces marked "Out of County Transport" during normal office hours. Blocking unmarked Sheriff's Office cars parked in spaces marked with an "S" or parking in the "S" spaces after hours is permitted. All other spaces in the garage are reserved for court personnel and should not be blocked or used.

c. Between 8:00 a.m. and 4:00 p.m., Fayette County Sheriff's Office personnel will be present to provide access to the holding area and Intoxilyzer.

d. After 4:00 p.m. (or after the last adult prisoner has been returned to adult detention) access keys to the secure areas and holding cells will be placed on a peg next to the entrance door inside the sally port.

e. Officers shall secure all weapons in their vehicle trunk or lock boxes provided prior to removing a juvenile from the vehicle and removing handcuffs. However, if a juvenile is combative or other safety/security reasons exist, the handcuffs may remain on the juvenile and the CDW may conduct the interview with the juvenile in the vehicle.

f. Officers shall require the juvenile to remove, or will remove for the juvenile, all belts, shoes, coats and all contents of pockets prior to bringing the juvenile into the holding cell area. In situations where the juvenile is not cooperative and the officer must remove any of these items, then the officer should request an officer that is the same sex as the offender. The juvenile's belongings shall be placed inside the officer's vehicle.

g. Only the two holding cells next to the Intoxilyzer are for use by juveniles.

h. Male and female juveniles shall be separated.

i. Only one juvenile detainee may be placed in a holding cell at any one time.

j. No food or drink allowed in the cells.

k. Officers must report to the Sheriff's Office Communications worker if the juvenile damages Sheriff's Office property or causes a mess.

l. Officers must remain in the holding cell area at all times a juvenile is present. The CDW and Sheriff's Office are not responsible for watching juveniles in custody.

m. If a juvenile of the opposite sex as the arresting officer exhibits unusual behavior such as exhibitionism or other suggestive behavior, then the arresting officer shall request an officer of the same gender as the juvenile stand by in the holding cell area. The CDW or a Fayette County Sheriff's Office member may be requested to stand by until another officer can arrive.

n. The holding cell keys must be returned to the peg at the entrance door in the sally port upon departure or the facility will be unavailable to other officers.

6. Fayette Regional Juvenile Detention Facility Procedures

a. Once a detention order has been issued, the officer shall be given a Pre-Adjudication Detention Criteria form (Form JW-39) to take to the Fayette Regional Juvenile Detention Center. Officers shall enter the facility through the sally port located on the left side of the building. Officers shall call the booking area on the speaker located outside the sally port and park inside. Officers shall wait for the sally port to close before removing the juvenile from their vehicle.

b. If a juvenile is combative, advise E911 to contact the detention facility and advise booking personnel of the situation. Personnel will be ready to assist the officer with the transfer of the juvenile.

c. Officers must complete the sign-in/sign-out log upon entering and exiting the facility.

d. Officers must leave handcuffs on juveniles until the officer talks with staff about the behavior of the suspect.

e. The officer must lock all weapons in a lock box or their vehicle trunk prior to entering the booking area.

f. The JW-39 must be presented when booking the juvenile, unless a Commissioner's Warrant or Juvenile Custody Order was previously faxed to the detention facility. The facility will not accept any juvenile without a form JW-39 or other written order.

g. The arresting officer shall be responsible for preparing the case for court. Currently approved electronic case reports should be submitted within one (1) hour after booking a juvenile so that the CDW may prepare a court packet for the detention hearing.

h. Unless otherwise notified, the officer shall appear in Juvenile Court the

next morning (Monday through Friday) at 9:00 a.m. for a hearing.

C. CUSTODY OF JUVENILES WITH A COMMISSIONER'S WARRANT

1. Officers serving a Commissioner's Warrant shall complete the currently approved electronic case report on the juvenile and transport the juvenile directly to the detention facility. The officer shall ensure that the CDW's office faxes a copy of the warrant to the detention facility.
2. If any other charges are placed against the juvenile beyond the Commissioner's Warrant charges, the normal juvenile processing procedures in this policy shall be followed.
3. After booking, the officer shall proceed to the CDW's office to sign the original warrant.

D. CUSTODY OF JUVENILE STATUS OFFENDERS

1. The officer shall contact E911 to determine if there is a custody order on file for the juvenile. If a custody order exists, the officer shall immediately transport the juvenile to the detention facility.
2. If a custody order does not exist, the officer shall release the juvenile to a parent or other responsible person, pursuant to KRS 17.460 (4) [Excerpted], which provides that:

“(a) Upon location of the missing child and verification of the National Crime Information Center entry, the law enforcement agency shall transport the child to the parent, guardian or person exercising custodial control or supervision.”

“(b) If the child is a ward of the state, the law enforcement agency shall transport the child to the authorized representative of the Department for Community Based Services of the KY Cabinet for Health and Family Services in the jurisdiction of the law enforcement agency.”

“(c) If the law enforcement agency is unable to return the child to the appropriate caretaker pursuant to paragraph (a) of this subsection, the law enforcement agency shall contact the court-designated worker with jurisdiction for placement determination.”

3. In releasing the juvenile status offenders, the officer shall follow the same procedures as set forth for the release of juvenile public offenders.

E. JUVENILE TRAFFIC OFFENDERS

1. When a juvenile 16 years or older is arrested on a moving motor vehicle offense, the juvenile shall be transported to the detention facility for processing. The

responsibilities of the arresting officer shall include:

- a. Completion of the currently approved electronic case report.
- b. Completion of the uniform citation for the moving violation, and delivery of the uniform citation to District Court.
- c. Administer Intoxilyzer test (if a DUI arrest) and complete the appropriate forms, currently approved electronic case report and uniform citation.
- d. Contact Pre-Trial Services to advise of arrest and charges. Pre-Trial Services will advise the arresting officer if the juvenile may be released.
- e. Contact the juvenile's parents or responsible person either by telephone or in person, or request that E911 dispatch another officer to contact the parents or responsible person.

2. Instructions to the parents will depend upon the charges placed against the juvenile.

3. If any 16 or 17 year old juvenile is taken into custody upon the allegation that he or she has committed a moving vehicle offense, the juvenile shall be automatically approved for a 3rd party release to a parent or legal guardian without the requirement of an interview by Pre-Trial Services. However, Pre-Trial Services must be advised regarding the arrest as stated above. The parents shall be instructed to go to the District Court Clerk's Office and sign a third party release, pay the current filing fee and bring the release form to juvenile intake to secure the release of the juvenile.

4. If the juvenile has been arrested on second offense DUI, leaving the scene of an accident, attempting to elude or driving on a suspended license when the suspension is for DUI, the juvenile shall be detained subject to posting bond and a pre-trial interview. The officer shall inform the parents of the arrest and instruct them to wait for a call from Pre-Trial Services, which will provide further information concerning the release of the juvenile.

F. RELEASE PROCEDURES

1. KRS 610.255:

“The peace officer may divert the child from the formal court process and take the child to a court-approved center offering voluntary services to children and release the child without formal charges being filed, if:

- (1) The offense the child has allegedly committed under the provisions of KRS 610.010(1) (a) is not a felony offense;
- (2) The peace officer has received the permission of the parent or other

responsible adult; and

(3) The peace officer has followed guidelines which the court has established for such release.”

Effective: July 15, 2008

2. If the juvenile is eligible to be field released, the officer has only two (2) hours to process the case. If more time is needed, the officer must contact the CDW. The officer may field release to a responsible person prior to completing the criminal complaint at the CDW office, located at 155 East Main Street, Suite 400. Officers may have the parent/responsible adult come to their location or take the juvenile to the parent/responsible adult’s location in order to complete the release- whichever is the most expedient. However, the transfer to the parent/responsible person cannot occur in the sally port or other secure areas of the District Court building.

3. To release the juvenile to a parent or other responsible person, the officer shall:

a. Complete the uniform citation in the normal manner for juveniles.

b. Complete the currently approved electronic case report.

c. Verify the identity of the person to whom the juvenile is being released and list their name on the uniform citation.

4. If a juvenile is authorized for field release but a responsible person cannot be located, the officer may determine if juvenile meets MASH Drop Inn eligibility criteria (see Appendix B). If not, and following a concerted effort to locate a responsible person (or after two hours), contact the KY Cabinet for Health and Family Services (CHFS) to request a social worker obtain an Emergency Custody Order (ECO) for neglect. Once an ECO has been obtained, the social worker will place the juvenile into state custody. The CHFS social worker will advise the officer on the location for transferring custody.

5. Once the juvenile is released to the responsible adult, the officer shall go to the CDW office, located at 155 East Main Street, Suite 400, to sign the criminal complaint. Currently approved electronic case reports must be submitted within two (2) hours after a Field Release so the CDW may attach the report to the criminal complaint for the Assistant County Attorney to review. Officers should contact the CDW office to gain access to the building after normal business hours. Each officer shall be responsible for completing and submitting appropriate reports and forms, including currently approved electronic case report and uniform citation as required for juvenile court cases, or coordinating with the CAC Unit as needed.

G. JUVENILE VICTIMS

1. Department officers shall investigate incidents of suspected child abuse and take appropriate action as directed by this order and Kentucky Revised Statutes.

KRS 620.040 [Excerpt] (5)(c):

“Any appropriate law enforcement officer may take a child into protective custody and may hold that child in protective custody without the consent of the parent or other person exercising custodial control or supervision if there exist reasonable grounds for the officer to believe that the child is in danger of imminent death or serious physical injury, is being sexually abused, or is a victim of human trafficking and that the parents or other person exercising custodial control or supervision are unable or unwilling to protect the child. The officer or the person to whom the officer entrusts the child shall, within twelve (12) hours of taking the child into protective custody, request the court to issue an emergency custody order.”

Effective June 25, 2013.

2. Dispatched or initiated calls.

a. The officer shall complete the currently approved electronic case report and a JC-3.

b. Following the preliminary investigation, the officer may contact the officer's supervisor and/or the on duty CAC detective. The supervisor shall determine if an “on call” CAC detective shall be called out for assistance with child abuse victims.

c. CAC detectives and CHFS social workers shall conduct follow-up investigations and assume responsibility for the case when the reports are received. Officers shall not conduct an in depth interview with a child victim of sexual abuse.

d. CAC detectives and CHFS social workers shall assume responsibility for the interviewing and investigation of all child sexual abuse cases.

e. Prior to taking any child victim into protective custody, the officer shall discuss the case with a supervisor and/or a CAC detective.

f. JC-3 and currently approved electronic case reports are available to the CAC Unit in the record management system. The CAC Unit shall determine if a CHFS social worker needs to be contacted.

1. “Care-Custody-Control” situations are jointly investigated by the CAC detectives and CHFS social workers.

2. Non-“Care-Custody-Control” situations are investigated by the CAC detectives with discretion to involve CHFS social workers.

3. Area Hospitals

a. Area hospitals often receive patients who have been victims of abuse.

Department personnel shall investigate and report incidents of suspected abuse to the proper authorities when the victims are treated at area hospitals.

b. Suspected Abuse/Incident Occurs In Fayette County

1. The dispatched officer shall immediately contact the attending physician to determine the grounds for the complaint. The dispatched officer shall complete the JC-3 and currently approved electronic case reports.
2. Following the preliminary investigation, the officer may contact his/her supervisor and/or on duty CAC detective if assistance is needed with the investigation. The officer's supervisor shall determine if an "on call" CAC detective should be called out after hours.
3. Prior to taking the child victim into protective custody, the responding officer shall discuss the case with the officer's supervisor and/or CAC detective.
4. The CAC detective shall make the determination if a CHFS social worker needs to be contacted, and make contact when the reports are received.
5. The CAC detective and the CHFS social worker shall assume responsibility for the investigation to ensure complete and accurate follow-up services are provided. Assistance shall be coordinated with the CAC Unit, Cabinet for Health and Family Services, and the Multi-Disciplinary Team established in Fayette County.

c. Suspected Abuse/Incident Occurs Out of County or When the Child-Victim is a Resident of Another County.

1. The dispatched officer shall immediately contact the attending physician to determine the grounds for the complaint.
2. The officer shall complete a JC-3. A currently approved electronic case report supplement shall be completed with additional information needed for investigative purposes.
3. Following the preliminary investigation, the officer may contact his or her supervisor or a CAC detective if a CAC detective is needed.
4. If the officer has reasonable grounds to believe that the child victim may be in further danger, the officer has the authority, under KRS 620.040, to take the child into protective custody. The officer

shall make the determination with the assistance of a supervisor and/or a CAC detective.

5. If the child victim is taken into protective custody, the officer shall immediately contact a local CHFS social worker. The officer shall request that the local social worker to contact the on call social worker in the county of origin. The officer shall contact the law enforcement agency having jurisdiction as well.

6. The officer shall transport the child victim to the MASH Drop Inn Emergency Shelter (provided the child has been released by the hospital), and the officer shall ensure that the CHFS social worker and the law enforcement agency having jurisdiction are notified.

Note: KRS 620.040 (5) (b) allows the physician or hospital administrator to hold the child (if hospitalized) without a court order for up to seventy-two (72) hours.

7. A CAC detective shall be responsible for follow-up contacts with the Cabinet for Health and Family Services social worker in the county of origin. Contact and forwarding of the currently approved investigative reports to the law enforcement agency having primary jurisdiction shall be done by a CAC detective.

H. EVIDENCE AND RECORDS

1. Officers shall collect, disseminate and retain fingerprints, photographs and other forms of identification pertaining to juvenile cases in accordance with current department policies.

KRS 610.300 Evidence in Public Offense Investigations:

(1) Physical evidence shall be obtained and utilized in the investigation of public offenses involving children in the same manner as it is obtained and utilized in the investigation of public offenses involving adults.

(2) Except for fingerprint records, all records and physical evidence so obtained shall be surrendered to the court upon motion for good cause shown. All records, including fingerprint records, shall be subject to expungement in the manner provided in KRS 431.076 for circumstances specified therein.

(3) The court shall, upon receipt of physical evidence, return any evidence which is not contraband and is not needed for further prosecution, to its lawful owner. The fingerprint cards created pursuant to KRS Chapters 600 to 645 shall be transferred pursuant to KRS 17.110.

Effective: July 15, 1998.

2. Fingerprints, photographs and other forms of a juvenile's identification shall be used for official purposes only. Officers conducting investigations using these items shall return them to the Special Victims Section or Forensic Services Unit immediately upon completion of the investigation. Procedures for collection, dissemination and retention are as follows:

a. The Fayette Regional Juvenile Detention Center is responsible for photographing and Live Scan fingerprinting of juveniles as part of intake processing. Photographs taken of a juvenile by department personnel during the course of an investigation shall be turned over to the supervisor of the Special Victims Section when the juvenile is eliminated as a suspect. In the event a photograph is retained by the court as evidence, officers shall utilize the Court Evidence Form, Form 338, when transferring the photograph to the custody of the court. No officer shall individually retain a photograph of a juvenile.

b. Fingerprints of juveniles will be collected by the Forensic Services Unit when specifically requested by a sworn officer. Juvenile fingerprints shall be collected and classified in the same manner as adult fingerprints. The FSU is responsible for ensuring that juvenile fingerprint cards are filed separately from adult fingerprint cards. Distribution of juvenile offender's fingerprints shall be limited to Kentucky State Police AFIS files. Department fingerprint cards shall only be released for court presentation. Disposal shall be pursuant to a court order or Section IV. I. of this order.

c. Blood, hair or other means of identifying a juvenile shall be collected and stored according to current department policies. Dissemination shall occur only for the purposes of crime lab analysis or court presentation.

3. The Central Records Unit shall maintain all juvenile case reports and juvenile criminal history records separate from adult records.

a. Juvenile records shall not be open to public scrutiny. KRS 610.320 and KRS 610.340 provide the guidelines for confidentiality of juvenile records. Department employees shall only be allowed access to juvenile records on a need to know basis.

b. Access to the juvenile records and files shall be accomplished by a person assigned to the Central Records Unit. Officers will be allowed to obtain juvenile records only when involved in an investigation related to the juvenile.

I. JUVENILE RECORD RETENTION

1. The department will expunge juvenile records as follows:

a. Central Records shall be responsible for identifying all records for juveniles that reached adulthood and handle each record in the following

manner:

1. Juvenile records shall be retained in the system and/or adult jackets when:
 - a. The juvenile was convicted as an adult.
 - b. The juvenile was entered into the system as a victim, complainant, witness, informational or neighborhood subject.
 - c. The juvenile was the subject of a traffic citation.
 - d. The juvenile is entered as a suspect in an open/unsolved investigation and the statute of limitations has not expired.
2. Juvenile offender records shall be deleted from the system and/or adult jackets when:
 - a. A court order is received to expunge Juvenile records.
 - b. The juvenile's arrest was not waived to Circuit Court.
 - c. The juvenile's arrest has cleared the court process.
 - d. The juvenile was entered as a suspect on a case in which the statute of limitations has expired on the listed offense.
 - e. The juvenile was identified as the subject of a juvenile curfew violation or juvenile curfew report.
3. Pend the name of any juvenile whose case has not been adjudicated after turning age 18. Pend such juvenile records for three months or until the case is adjudicated, at which time the record will be reevaluated for record destruction.
4. The Central Records Unit will segregate case summaries and associated documents in archives until the offenders reach age 23, in accordance with the Commonwealth of Kentucky Record Retention Schedule. Once the juvenile offenders reach age 23, their segregated records will be removed from archives and destroyed by the Central Records Unit.
5. Juvenile photographs are taken and stored electronically by the juvenile detention facility and are not under the control of the department. Juvenile fingerprints are collected via Live Scan at the juvenile detention facility, and images are retained by the Kentucky State Police (AFIS Section).

J. CRIME PREVENTION AND CONTROL

1. The police department shall contribute to the community's crime prevention efforts by advocating and participating in education programs designed to make the public aware of child sexual and physical abuse as well as problems related to missing and exploited children. It shall be the responsibility of all personnel to inform the public of services available for victims and their families. A list of social services agencies that provide services to juvenile victims or offenders shall be attached to this order (see Appendix C).

2. The department shall maintain crime prevention and control programs aimed at juvenile offenders. The commander of the Special Victims Section shall coordinate with the Community Services Section in completing an annual review and written evaluation of enforcement and prevention programs relating to juveniles. A report shall be submitted by the assistant chief of the Bureau of Investigation to the Chief of Police for review and/or modification of programs. The report shall address both the quantitative and qualitative elements of each program. Programs may be maintained, modified or discontinued based on the evaluation and review by the respective assistant chiefs and the Chief of Police.

a. The Police Activities League (PAL) Program shall be maintained by the Community Services Section. PAL shall provide academic and athletic programs for at-risk youth in an effort to prevent youths from becoming involved in gangs and/or criminal activity.

3. A Statement of Accord between the county schools and the police department shall be maintained by the commander of the Special Victims Section. Periodically, the Statement of Accord shall be updated by the supervisor of the Crimes Against Children Unit.

4. The supervisor of the Crimes Against Children Unit shall act as liaison between the department and the Fayette County school systems in reference to juvenile victims or perpetrators.

NOTE: Appendix A begins on the next page.

Appendix A

Pre-Adjudicative Detention Criteria (JW-39)

The following criteria usually result in a detention order. Unless pre-authorized detention order is on file with the CDW, an order authorizing detention must be obtained by the CDW.

1. The child is a fugitive from another jurisdiction for a public offense with a formal request from the home jurisdiction that the child be detained.
2. The child has requested protection in writing.
3. The child has attained age fourteen (14) at the time of the alleged commission of a Capital, Class A or Class B felony.
4. The child had attained the age of sixteen (16) at the time of the alleged commission of a Class C or Class D Felony and has been previously adjudicated delinquent of a felony offense on one (1) prior occasion. (Contact CDW to verify)
5. The child is under eighteen (18), is presently charged with a felony offense and has been previously convicted as a youthful offender. (Contact CDW to verify)
6. The child has attained the age of fourteen (14) years at the time of commission of an alleged offense, and the charge is a felony in which a firearm, whether functional or not, was used in the commission of the offense.
7. The child is charged with one of the following offenses: Manslaughter, First or Second Degree; Escape, First or Second Degree; Reckless Homicide; Assault, First or Second Degree.
8. The person is (18) eighteen or older and is charged with a felony offense that occurred prior to age eighteen.

Status Offenses

1. The child is absent without leave from a secure or non-secure facility; or
2. Interstate Compact Action is being initiated;
3. The child is a status offender charged with violating a valid court order.

The Honorable Megan Lake Thornton, Chief Judge, Fayette District Court issued an amended General Order 2005-1 (July 28, 2005) that includes the following additional criteria to those on the JW-39 listed above. Judges must be contacted by the CDW in Fayette County to authorize detention or release when a juvenile is charged with:

1. Assault 4th Degree (Domestic Violence);
2. Assault 3rd Degree
3. Carrying a Concealed Deadly Weapon (CCDW) -Gun- on school property;
4. Wanton Endangerment 1st Degree;
5. Robbery 2nd Degree;
6. Trafficking in a Controlled Substance;

7. Juvenile currently committed to DJJ with a new Felony arrest (Contact CDW to verify);
8. Juvenile currently on probation/supervision with a new Felony arrest (Contact CDW to verify);
9. Out of county/state Felony arrest;
10. Charged with a Felony and is co-defendant with juvenile(s) being detained;
11. Officer requests detention

Warning: Judge Thornton authorized the following statement to be added to her order in this directive.

“Officers should only make this request under extreme extenuating circumstances. A belligerent or uncooperative juvenile or parents who want their child to go to detention would not meet the criteria. If officers abuse this option, the judge will revoke the ability for officers to request detention entirely.”

NOTE: Appendix B begins on the next page.

Appendix B

MASH Drop Inn Emergency Shelter Eligibility Criteria

MASH Services of the Bluegrass provides information, referral and crisis intervention to children and youth and their families. The MASH Drop Inn Emergency Shelter also provides services to youth who meet the following eligibility criteria and are in need of emergency shelter.

1. Client is between 0-17 years of age.
2. Client is in runaway, homeless, or other crisis and is requesting shelter.
3. Client gives written consent (per residential contract) for MASH Drop Inn to contact legal guardian, (unless allegations of abuse or neglect and D.C.B.S. social services are called to investigate).
4. The client does not have any outstanding felony warrants pending.
5. Client has received an explanation of MASH Drop Inn Services and is agreeable to the terms of the residential contract.
6. A returning resident's previous behavior may warrant exclusion from the shelter.
7. Client does not meet any of the following exclusionary criteria provided in order to assist staff in determining whether the program can adequately meet the needs of referred individuals. Safety for the referred children/youth and others in the shelter is the primary concern. Accepting children/youth for which the program cannot provide adequate supervision and/or medical services to meet the specific needs does not meet the goal of providing a safe environment. These children/youth still need help, therefore alternate referral recommendations are listed below.
 - * Children/youth who are actively suicidal as demonstrated by a recent attempt or who have a specific plan and will not contract/work with staff to ensure safety.
(Refer these children/youth for assessment at psychiatric hospital.)
 - * Children/youth that are recent fire starters or who are experiencing delusions, hallucinations or extreme paranoia. Those youth pose a threat of harm to self or others.
(Refer these children/youth to inpatient treatment options or highly structured residential treatment centers.)
 - * Those children/youth needing ongoing medical supervision or nursing care. Those youth must have strict control of their diet or activity. Those children/youth that cannot provide self-help care hygiene and are mentally unable to follow program guidelines.
 - * Children/youth who have recently committed assaultive "acting out" behaviors that are not limited to a specific person or children/youth accused of sexual perpetrating, which has or has not been substantiated.
(These children/youth are referred for a psychiatric evaluation.)
 - * Children/youth who have a very recent pattern of running away from MASH after repeatedly breaking contract re: runaway behavior and are not safe.
 - * Legal guardian refuses to give permission for children/youth to stay and no safety issues are present that constitute imposition of 3-day cooling off period.
(If legal guardian is unavailable, children/youth may stay until legal guardian is contacted within 72 hours.) Staff may access social services, police, relatives or friends to assist in notification.

* Children/youth who are intoxicated and in need of medical supervision are referred to local hospital emergency room. Children/youth who will not voluntarily surrender any drugs, alcohol, or drug paraphernalia in their possession are also not appropriate.

(Children/youth in this category are referred for an assessment with a drug and alcohol treatment facility.)

* Children/youth who have an active charge of a delinquent act, i.e. armed assault.

(These youth are referred to Juvenile Intake.)

* Children/youth who are a level five, needing the most care in Department for Community Based Services state custody.

NOTE: Appendix C begins on the next page.

Appendix C

**Fayette County Resources
Social Service Agencies**

Cabinet for Health and Family Services
Department of Community Based Services
Child Protective Services
1165 Centre Parkway Suite 180
Lexington, KY 40517
(859) 245-5258

Investigates all reports of child abuse and neglect. Provides child protective services including day care, foster care, adoption, counseling, crisis intervention, and information and referral.

CASA (Court Appointed Special Advocate)
1155 Red Mile Place
Lexington, KY 40504
(859) 246-4334
(859) 389-6971 (FAX)

CASA volunteers are trained citizens who are appointed by a judge to represent the best interest of abused/neglected children in court. A CASA volunteer is appointed to every sexual abuse case.

The Ridge Behavioral Health System
3050 Rio Dosa Drive
Lexington, KY 40509
(859) 269-2325 or (800) 753-4673

Offers inpatient child, adolescent and adult psychiatric services. The Patient ID number is required when requesting information on a patient.

Fayette Commonwealth's Attorney's Office
Victims Services
116 North Upper Street Suite 300
Lexington, KY 40507
(859) 246-2060

Provides comprehensive services to victims of crimes which have been reported to the Lexington Police Department. The crime victim's advocates help victims overcome emotional trauma and economic hardships resulting from a crime. Victim's advocates offer services to meet victims' needs and assure that they receive fair treatment as the victims proceed through the criminal justice system.

Fayette County Attorney's Office
110 West Vine Street
Lexington, KY 40507
(859) 254-4941

Addresses child protection issues in Juvenile Court, and provides comprehensive services to victims of crimes when the perpetrator is a juvenile offender. The Victim's Advocate helps victims deal with crime related trauma, and assists victims through the criminal justice process.

LFUCG Division of Youth Services
1177 Red Mile Place
Lexington, KY 40504
(859) 246-4370 or (859) 246-4371
(859) 231-1213 fax

Programs offered at the Division of Youth Services include:

- * The Day Treatment Center, which offers education, counseling and social work services for youth ages 12-17
- * The Youth and Family Services Unit, which provides casework services to children and their families.

Lexington Police Department
Crimes Against Children Team
150 East Main Street
Lexington, KY 40507
(859) 258-3700

The team investigates all allegation of child abuse in Fayette County. This includes the physical abuse, sexual abuse, and exploitation of persons less than 18 years of age.

Domestic Violence Prevention Board
200 East Main Street
Lexington, KY 40507
(859) 258-3803

Coordinates individuals, groups, and agencies to develop and facilitate a collaborative community effort aimed at the prevention of child abuse, spouse abuse, elder abuse and sexual assault.

LFUCG Family Care Center
1135 Red Mile Place
Lexington, KY 40504
(859) 288-4040
(859) 288-4061 (FAX)

Provides a coordinated, comprehensive continuum of family-centered, community based services to low income and high risk parents and children. Three components of the center are the Developmental, Pediatric Health and Dental Care Center.

Prevent Child Abuse Kentucky
801 Corporate Drive Suite120
Lexington, KY 40503
(859) 225-8879
(Statewide parent help line 1-800-432-9251)

Statewide network of local affiliates concerned with child abuse issues and the development of health families. There are several programs available to the Fayette County community.

Center for Women, Children and Families
(859) 259-1974

Provides prevention and treatment services for abuse victims and their families. Crisis drop-in day care for abused and at-risk children (The Nest).

ARBOR Youth Services
MASH Drop Inn Emergency Shelter
536 West Third Street
Lexington, KY 40508
(859) 254-2501

MASH Drop Inn serves children ages 0-17 years old who are runaway, homeless or otherwise in crisis. Youths may request shelter or may be referred by the police, their parents or guardians, or a teacher, counselor, social worker or other professional. There are no fees to youth or families for any services provided by MASH. MASH can currently accommodate 10 children and youth in their shelter, but if the shelter is full all reasonable efforts are made to connect these individuals to other shelter services.

MASH provides 30-day shelter, 24-hour counseling, individual/family/group counseling for children who are experiencing family problems. The Safe Place Program provides transportation to MASH from any Safe Place designated location.

Bluegrass Rape Crisis Center
P.O. Box 1603
Lexington, KY 40592
(859) 253-2511: Crisis Line
(859) 253-2615: Administrative Line
(800) 656-HOPE (4673)

Provides crisis intervention and counseling for victims of rape and sexual assault and their families. Will work with adolescent teenagers ages 14 years and up. Receives all calls and refers those less than 14 years to Comprehensive Care and/or University of Kentucky.

University of Kentucky
Department of Family Practice/Psychiatry/Pediatrics
Cats Clinic
3470 Blazer Parkway
Lexington, KY 40509
(859) 543-0078

Interdisciplinary program which provides medical and/or psychiatric evaluation and treatment services to children under 18 years of age who are alleged victims of abuse and/or neglect.