

DIRECTIVE 44.2 JUVENILE OPERATIONS

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This directive consists of the following sections:

44.2.1 Handling Offenders

44.2.2 Procedures for Custody

44.2.3 Custodial Interrogation and Interviews

44.2.4 School Services Program

44.2.5 Community Youth Programs

Addendum A - Clermont County Procedures For Child Abuse/Neglect/Dependency Claims

POLICY AND PROCEDURE:

It is the policy of the Miami Township Police Department to utilize a variety of available tools, techniques, practices and procedures to address juvenile delinquency and other juvenile related problems within the community. Such tools, techniques, practices and procedures include, but are not limited to, using alternatives to the Juvenile Justice System, support of school liaison programs and community recreational programs and enforcement of juvenile related laws.

It is further the policy of the Miami Township Police Department to utilize established procedures that govern handling of juvenile offenders, taking juveniles into custody, interrogating juveniles, and otherwise handling juvenile complaints and activity.

44.2.1 Handling Juvenile Offenders

When dealing with a juvenile offender, all members of the department shall use the least coercive among reasonable alternatives, consistent with serving the public safety and obtaining compliance by the juvenile offender.

Outright Release with no Further Action

Juvenile offenders may be dealt with in the following ways:

- Release with an admonishment, warning or advice, with no further action.

- Outright release or release to a parent/guardian, informing such parental figure of the problem and solicitation of the parent/guardian in correcting the juvenile's conduct.
- Referral to a social service agency or private practitioner for corrective treatment.

A decision to divert a juvenile from the juvenile justice system for whom legal proceedings would be inappropriate or the use of other resources more effective should include:

- The nature of the alleged offense.
- The age and circumstances of the alleged offender.
- The offender's record, if applicable.
- The availability of community-based rehabilitation or treatment programs and the willingness of the parent/guardian to cooperate in directing the juvenile in such programs.

Criteria and Procedures for Issuing Referrals, Citation or Summonses to Juvenile Offenders

The criteria and procedures for issuing referrals, citations or summonses to juvenile offenders are:

- Referral to juvenile court for diversionary program.
- Summons and/or citation to juvenile court for official action by the court.

All alleged criminal and traffic misdemeanor juvenile offenders shall be summonsed based upon the following criteria:

- Age and circumstances of the alleged juvenile offender.
- The availability of the parent or legal guardian to take custody of the alleged juvenile offender.
- The nature of the alleged offense. Crimes against property versus crimes against persons.
- Alleged juvenile offenders' records, if applicable.
- Availability of detention space at the Juvenile Detention Center.

Referral to Juvenile Court

Referral of alleged juvenile offender to formal legal proceeding should be restricted to those cases involving serious criminal conduct or repeated criminal violations. In general, delinquent acts requiring referral to the juvenile justice system should include:

- Delinquent acts that, if committed by an adult, would be felonies.
- Delinquent acts involving weapons.
- Serious gang related acts.

- Delinquent acts involving ethnic intimidation.
- Delinquent acts committed by juveniles under probation or parole or by those with a pending case.
- Delinquent acts involving aggravated assaults.
- A repeat of a delinquent act or similar act when the previous act occurred within the preceding twelve-month period.
- When it has been determined that parental supervision is not effective, or the parent or guardian refused to voluntarily participate in acceptable measures.
- All alleged criminal and traffic felony offenders shall be taken into custody and transported to the Juvenile Detention Center for official custodial disposition.

44.2.2 Procedures for Custody

Juvenile Status Offense

An alleged juvenile offender who is to be charged only with a status offense shall be released to their parent or guardian unless a court order exists detailing some other action, or such other circumstances exist which would preclude their release to such person. An officer choosing not to release a juvenile under this section to a parent or guardian, shall do so only after consulting with their shift supervisor and a representative of Clermont County Children's Services and/or Juvenile Court.

Juvenile Allegations of Harm or in Harm's Way

At the time that a juvenile is taken into custody, the officer doing so shall make a determination as to whether or not the juvenile has been harmed or is in danger of harm.

Constitutional Rights

The officer who has taken a juvenile into custody shall be responsible to ensure that the juvenile offender is notified of their rights and that their constitutional rights are protected.

- ORC 2151.022 Unruly Child Defined
- ORC 2151.31 Taking Child Into Custody
- ORC 2151.311 Procedure Upon Taking Child Into Custody
- ORC 2151.312 Facilities For Holding Unruly, Neglected, Abused or Dependent Child
- ORC 2151.352 Right to Counsel

Juvenile Intake Procedures

Juveniles taken into custody will be detained only until they can be released to their parents or guardians or until they can be transported to the Clermont County Juvenile Center or other court ordered location. They will be held separate from and outside the

sight, touch and normal conversation range of non-law enforcement personnel or duly authorized officers of the court and shall be supervised at all times.

An alleged juvenile offender will be placed in detention only pursuant to ORC 2151.31C and 2151.312. The alleged juvenile offender will be taken to the detention facility without delay unless the juvenile is in need of medical treatment.

Pursuant to ORC 2152.75, if a charged or adjudicated delinquent child is known to be pregnant or in a period of postpartum recovery (up to six weeks after pregnancy), the officer shall not restrain (use any shackles, handcuffs or other similar appliance or device) said child. However, should the pregnant/postpartum charged or adjudicated delinquent child present a serious threat of physical harm to herself or another, a serious threat of physical harm to property, a substantial security risk or a substantial flight risk, officer(s) may restrain her. At any point during or prior to the period of restraint, should the officer receive notification from the pregnant/postpartum child's treating health care professional stating the restraints pose a risk of physical harm to her or her unborn, the restraints must be removed/not used.

The officer is restricted from using any leg, ankle, or waist restraint to restrain the pregnant/post-partum charged or adjudicated delinquent child. It may be best to restrain the pregnant/postpartum charged or adjudicated delinquent child in the front opposed to the back, allowing her to protect herself/unborn. The officer should provide any information regarding the pregnant/postpartum charged or adjudicated delinquent child to the Juvenile Detention Center or medical facility personnel, if transported to these locations. If restraining is required, officers need to submit a detailed narrative regarding their encounter with the pregnant charged or adjudicated delinquent child.

[Parental/Guardian Notification](#)

The officer who has taken a juvenile into custody shall be responsible to ensure that the juvenile's parent or guardian has been contacted.

44.2.3 Custodial Interrogation and Interviews

[Conferring with Parents & Juveniles, Explaining Agency & Juvenile Justice Procedures](#)

Prior to conducting a custodial interview/interrogation, members of the Miami Township Police Department will make reasonable efforts to inform the juvenile's parent or guardian that the juvenile has been arrested. The officer who has taken a juvenile into custody shall explain to the juvenile and/or parents the department and juvenile justice system procedures.

[Interrogation Limitations](#)

A juvenile offender shall be interviewed/interrogated no longer than the time actually required for necessary questioning in regard to the case under investigation.

At no time shall more than two officers be present during the interview/interrogation of a juvenile.

Officers will take into consideration the voluntariness of the juveniles' confession by being aware of the following factors related to the juvenile. The juveniles' age, intelligence, educational background, mental capacity, prior experience in the juvenile criminal system, whether the defendant is suffering from any injury or pain at the time the statement was obtained, the time of day, whether the juvenile is tired, length of interview, and familiarity with English and if not, arrangements are made to address the language barrier.

Whenever a juvenile is interviewed/interrogated, the juveniles' parent or guardian shall be notified prior to the juvenile's release or transfer from police custody.

Officers may conduct interviews/interrogations during school hours but must receive permission from school administrators before doing so. When possible, officers should conduct interviews/interrogations at school during a time that does not interfere with the subject's academic class work.

Officers may conduct interviews/interrogations at the Clermont County Juvenile Detention Center. Prior to responding, the officer will telephone the on-duty supervisor at the center. The officer will inform the supervisor of the juvenile's name and the need to interrogate the juvenile. The officer and detention center supervisor will then make reasonable arrangements for the officer to conduct the interrogation.

44.2.4 School Liaison Program

The School Resource Officers (SRO) and DARE Officer shall be responsible to act as liaisons between the department and the schools. The SRO/DARE officers shall within that capacity:

- Act as a resource with respect to delinquency prevention.
- Provide guidance on ethical issues in a classroom setting.
- Provide individual counseling and/or mentoring to students.
- As part of the curriculum taught and as requested, provide instruction in the role of law enforcement in society.

All members of the department will make themselves available to the local schools as resources with respect to education and delinquency prevention.

44.2.5 Recreational Youth Programs

The Miami Township Parks and Recreation Department is responsible for organizing recreation programs in the community including programs specifically for youth in the community.

The Milford Exempted Village Schools District, the Loveland Schools District, the Goshen Local Schools District, the Clermont Northeastern Local Schools District and the Live Oaks Career Center may from time to time organize recreational activities for youth in the community.

The Miami Township Police Department will support and participate in the delivery of those programs as requested or suggested by the Recreation Department or the school districts.

The Miami Township Police Department will seek out opportunities to provide recreation to the youth in the community as situations may warrant.

Addendum A - Clermont County Procedures for Child Abuse/Neglect/Dependency Claims

The General Procedures outlined in subsection 7 apply to all situations; 'ACV' = alleged child victim; 'AP' = alleged perpetrator

1. Sexual Abuse Allegations- In Sexual Assault and Emergency situations, the initial interview of the ACV shall occur at the Mayerson Center or Cincinnati Children's Hospital Medical Center (CCHMC) Emergency Department. 513-636-4200
 - A. If first reported to law enforcement, follow these steps in order:
 - 1) Proceed with immediate Intervention and investigation as needed to end the imminent threat of physical harm to the child.
 - 2) Notify Clermont County Child Protective Services (CCCPS) by phone, as soon as practicable, to make report of suspected abuse and to consult concerning services. Law enforcement shall conduct the initial contact with the AP. (513)732-STOP
 - 3) Patrol Officers are not precluded from obtaining sufficient specifics on the scene to make proper dispositions of the initial police report.
 - 4) Consult with Clermont County Prosecutor's Office, as necessary.
 - B. If first reported to CCCPS, follow these steps in order:
 - 1) Contact local law enforcement immediately, prior to initiating investigation and/or screening process; if ACV is sent to Mayerson Center or CCHMC, CCCPS to notify law enforcement immediately
 - 2) Begin investigation as directed by CCCPS policy.
 - 3) CCCPS shall not interview the alleged perpetrator until permitted by law enforcement.
 - 4) Contact the Prosecutor's Office within 24 hours to inform of the allegations and investigation.
 - C. CCCPS shall not inform the AP of the allegations against him/her or have any contact with the AP until law enforcement gives approval.
 - D. CCCPS shall contact law enforcement prior to conducting any interviews of family members, guardians, custodians, siblings, or other children in the home.
2. Emergency Situations- any reports alleging that abuse or neglect is ongoing or there exists an imminent threat of physical harm to a child

- A. If first reported to law enforcement, follow these steps in order:
 - 1) Proceed with immediate intervention and investigation.
 - 2) Notify CCCPS by phone as soon as practicable, to make report of suspected abuse or neglect and to consult concerning services; if law enforcement intends to be sole interviewer of AP, it shall notify CCCPS.
 - 3) Patrol Officers are not precluded from obtaining sufficient specifics on the scene to make proper dispositions of the initial police report.
 - 4) Consult with Clermont County Prosecutor's Office, as necessary.
 - B. If first reported to CCCPS, follow these steps in order:
 - 1) Contact local law enforcement immediately, prior to conducting the investigation and/or screening.
 - 2) Begin investigation as directed by CCCPS policy.
 - 3) CCCPS shall not interview the ACV • initial interviews of alleged child victims shall occur at the Mayerson Center/ Cincinnati Children's Hospital.
 - 4) Consult with the Clermont County Prosecutor's Office, as necessary.
 - C. CCCPS shall not inform the AP of the allegations against him/her or have any contact with the AP until law enforcement gives approval.
 - D. CCCPS shall contact law enforcement prior to conducting any interviews of family members, guardians, custodians, siblings, or other children in the home.
- 3. Non- emergency Situations- including all other reports of child abuse, neglect, or dependency, follow these steps in order:
 - A. Upon receipt of a referral, CCCPS shall determine if the concerns reported constitute child abuse or neglect and shall make a report to law enforcement if found. See 5101:2-36-01(F)(1).
 - B. If CCCPS determines the report constitutes a dependency or family in need of services situation, CCCPS may report to law enforcement. See 5101:2-36-01(F)(2) & (F)(3).
 - C. CCCPS shall make an immediate cross-referral to law enforcement if the report alleges a criminal offense and shall coordinate with law enforcement prior to interviewing the ACV or the AP.
 - D. If reported to local law enforcement, law enforcement should make a report, by phone, to CCCPS as soon as possible to report the alleged abuse/neglect/dependency, and to consult concerning the investigation.
 - E. Law enforcement shall handle all reports contributing to the delinquency of a minor.
- 4. Death of a child- Law Enforcement shall handle and coordinate investigations involving the death of a child, which may have resulted from abuse or neglect and shall immediately consult with the Clermont County Prosecutor's Office in such situations; CCCPS shall provide information to law enforcement as requested.
- 5. Reports of Missing Children- Upon receiving a report that a minor person, under eighteen years of age, has either run away from or is otherwise missing, CCCPS shall Immediately refer the report to the law enforcement agency of appropriate jurisdiction.

CCCPS shall share all relevant information in its possession with the investigating agency.

6. Reports of Withholding of Appropriate Nutrition, Hydration, Medication. Indicated Treatment from Disabled Infants with Life-Threatening Conditions- It shall be the responsibility of CCCPS to receive and investigate any such referrals on a 24- hour basis.
7. General Procedure-
 - A. Medical Examination/Evaluation - In Sexual Assault and Emergency situations, the initial interview of the ACV shall occur at the Mayerson Center or CCHMC Emergency Department. 513-636-4200
 - 1) Non-urgent medical evaluations shall be set up through the Mayerson Center.
 - 2) CCCPS shall contact law enforcement immediately upon setting up Mayerson appointment.
 - 3) Consult with the Prosecutor's Office for assistance in obtaining a court order for the evaluation.
 - B. CCCPS and law enforcement SHALL share and coordinate with one another concerning information gathered from their investigations-All information from CCCPS is confidential.
 - C. When requested, the CCCPS will meet law enforcement at any pre-designated site to accompany law enforcement officers to a residence or other place where children need protection.
 - D. Contact with the alleged perpetrator
 - 1) If the alleged perpetrator is not related, or is a non-household member, law enforcement will be the sole interviewer of the alleged perpetrator.
 - 2) When there is a concurrent criminal Investigation Into an alleged perpetrator who is related or who is a household member, CCCPS will delay contact with the alleged perpetrator, until law enforcement has completed their interview.
 - a. If the AP is also the sole custodian/parent, CCCPS shall first consult with law Enforcement before contacting the AP
 - E. Contact with other family members, guardians, adult relatives, siblings, and/or child witnesses
 - 1) In cases of sexual assault or emergency allegations, If the AP is a family member or member of the household, CCCPS shall not contact without first consulting with law enforcement or the Clermont County Prosecutor's Office.
 - 2) In non-emergency situations, or when the AP is outside home/family CCCPS shall conduct its investigation as directed by the Ohio Administrative Code (OAC) and CCCPS' adopted policy.
 - F. Coordination between Law Enforcement, Cincinnati Children's Hospital Medical Center, the Mayerson Center, & CCCPS • All parties to this MOU shall coordinate and share information to the fullest extent allowed by statute and to the extent dictated by this MOU in furtherance of the best interests and safety of the child.

- G. CCCPS will refer and work cooperatively in "third party" and out-of-home investigations and request that a local law enforcement agency or another Public Children Service Agency (PCSA) investigate when needed