

# **POLICE JUVENILE OFFICERS TRAINING BOOKLET**

by

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**Missouri Council**  
**on**  
**Criminal Justice**

in  
cooperation with  
Missouri Police-Juvenile  
Officers Association

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ACQUISITIONS

1.

## POLICE JUVENILE SERVICES OFFICER

The complexity of juvenile delinquency as a behavioral pattern is such that it is impossible to present any simple answer as to its cause; nor is a ready prescription for cure immediately available. These complexities in dealing with the "Teen Culture" dictates that every police officer be prepared to meet the challenge of delinquent youth. By preparing our police officers so they are better equipped to help control that juvenile behavior which causes them to harm themselves and others, we are investing substantially in our State's and our country's future.

It is with this in mind that the Missouri Law Enforcement Assistance Council's Task Force Subcommittee on Police Services for Juveniles reviewed the present legislation governing police practices in regard to juveniles and studied national standards for police juvenile programs. As you may know, a questionnaire was prepared and distributed to all police jurisdictions in the State relating to Missouri police services to juveniles. This survey indicated three-fourths of the departments that responded had no written policies outlining methods or procedures for serving juveniles; training programs for police juvenile personnel were uncoordinated, lacking in scope and inadequate; a lack of a statewide reporting system, preventing any estimate of the total amount of police services to juveniles. However, the overwhelming majority of departments responding to the questionnaire indicated a willingness and/or desire of receiving assistance in improving their police-juvenile services if and when needed.

The subcommittee on Police-Service to juveniles recommended employment of one Police-Juvenile Service Officer at the State level. This action was taken in cooperation with the subgrantee, the Missouri Police Juvenile Officers Association. The subcommittee further recommended a manual on police juvenile services be prepared and issued to all police agencies with assistance provided, upon request, in the development of individual departmental manuals with the State Manual serving as a guide; police agencies develop policies and procedures governing liaison relationships with juvenile courts and other

youth-serving agencies. Further recommendations were: state-wide programs for orientation of police recruits and for in-service training of officers already on the job; advance courses for police personnel specializing in juvenile cases, ten two-week courses for police juvenile officers offered on a regional basis with tuition, living and related expenses borne by the State, with these training programs supplementing those now being offered by law-enforcement education departments in several universities in Missouri; provisions for consultation to those police agencies requesting assistance in establishing or upgrading their programs for juveniles and a standard police reporting form for juveniles be prepared and utilized by police agencies across the State.

To that end, the Subcommittee on Police Services to Juveniles appointed Normand Gomolak as Police-Juvenile Services Officer under a federal grant for the purpose of assisting in the challenge to control and prevent juvenile delinquency.



Missouri  
Police-Juvenile  
Services Officer

Normand Gomolak

Mr. Gomolak, 45, an Assistant Professor of Police Administration at Wayne State University, Detroit, Michigan, will be on academic leave from that University where he has been a full-time faculty member since September, 1971. He is a former police sergeant with the Dearborn, Michigan Police Department. Dearborn is a community of 112,000 people and has a 200-man police force. Mr. Gomolak was appointed to that department on December 24, 1948, and retired March 3, 1969. His assignments included preventive patrol, vice and special investigation, platoon supervision, recruit and in-service training and over-all responsibility for security of a city-owned camping facility. His last assignment before retiring was to develop and command the Youth Services Office which his former Commanding Officer has stated "...is a model for other communities." While still a member of the department, Mr. Gomolak resumed his educational pursuits and received degrees B.S. 1967 and M.A. 1971 in education from Eastern Michigan University. While at Wayne State University, he developed and taught a course in Police-Juvenile Procedures Records and Communications, as well as teaching other courses in police administration.

Mr. Gomolak assumed his position August 13, 1973. He would like to hear from any and all departments and will assist in any way possible in meeting the juvenile delinquency challenge. He is particularly interested in meeting with all Juvenile Offi-

cers Associations in the state as well as State and Regional Chiefs and Sheriffs Associations so further progressive action may be implemented.

The Project Services then shall be:

- 1) Consultive services;
- 2) Development of procedural guidelines;
- 3) Police training;
- 4) Police recording and statewide reporting;
- 5) Educational services (articles, pamphlets, films);
- 6) Special studies (research on police work with children),  
and
- 7) Special services (speeches, correspondence, etc.).

Once each month or bi-monthly for the following twelve months an additional booklet will be distributed to all police agencies in the State of Missouri featuring the following topics:

1973

September

Philosophy: Police-Juvenile Services

October

Missouri Juvenile Code

November-December

Police-Juvenile Investigative Procedures and Interviewing  
and Interrogating-Juveniles

1974

January-February

Police Discretion in Police-Juvenile Contacts and Abused,  
Neglected and Runaway Children

March

Juvenile Records

April

Formulating Police-Juvenile Policy

May-June

A Selected Bibliography: Police Work with Juveniles

July-August

Yearbook: August 1973 — September 1, 1974, Volume I

## 2. Philosophy: Police — Juvenile Services

The police are in a singular and strategic position between youth and the mainstream of society. The police officer's relationship with the youth he or she comes in contact with may be a major factor in determining the direction law enforcement agencies take in the future. It has been estimated that from fifty percent to seventy-five percent of a police agency's work directly or indirectly affects youth.

The time is here when all agencies in the criminal justice system recognize their responsibilities to the communities they represent and meet them.

“when drafting policy statements regarding police contacts with juveniles, it is important to bear in mind that the obligations of the police cannot be simply stated in terms of a relationship to any single individual, group or class of persons — be they victims, children, criminals, governmental officers or other police officers.”<sup>1</sup>

We recognize the fact that the juvenile delinquency aspect of the police function is but one facet of a larger responsibility, but to disregard this aspect entirely should be considered an affront to the citizens to whom we are responsible.

How then, can we as police administrators, staff and supervisory personnel, patrol officers and police juvenile officers prevent the moral, social and economic waste of our youth? Simply stated, by controlling persons, places and conditions that contribute to delinquent behavior. It sounds easy but is it? Is it a simple task to control such conditions where there might be few officers in a community and in some cases only one? Is it a simple task in the suburban and urban areas where the volume of adult and juvenile crime and delinquency leave little time for preventive procedures? In any event we control unlawful behavior and undesirable conditions involving youth when we must and prevent unlawful behavior of youth and conditions causing antisocial activities when we can.

“Control is accomplished in three major ways by the police:

1. Investigation of individual cases involving youth and con-



- ditions causing anti-social activities.
2. Providing a constructive disposition for individual cases and conditions through departmental action, referral to other agencies or to the juvenile court.
  3. Providing overall effective police operations which reduce the opportunity for commission of law violations and maintaining cooperative relations with other components of the juvenile justice system.

The prevention phase is accomplished by the following:

1. Influencing youth, parents, and the general public to meet the basic needs of youth, to conform to all laws and regulations made for their protection, and to make maximum use of community resources.
2. Participation in community organization planning with other agencies and citizens to improve the total community.
3. Providing overall effective police operations which contribute to the creation of a community environment which reduces the desire on the part of individuals to commit unlawful acts."<sup>2</sup>

As we all know, the prevention phase is extremely important. It is of particular importance to the communities with a small force or those departments that are under manned. Then community cooperation and participation play a particularly important role. Therefore, it is essential that we inculcate a spirit of cooperation in our citizens toward law enforcement officials. If a healthy respect for law enforcement is developed, citizen cooperation will help solve crime and allow more time for prevention. This is certainly true when working with juveniles. The way in which officers use their authority in their contacts with juveniles may help to determine the future attitude of juveniles toward the law. By placing more emphasis on positive police-juvenile contacts our adults of the future can develop that respect.

While the police have been given a major responsibility in working with youth in direct conflict with the law, we must not forget daily contact with the law abiding juvenile. The officer who practices 'being nice to people' is the best possible representative any law enforcement agency can have, and without an added financial burden to the agency. Hopefully, this will tend to develop a positive attitude toward the police when handling a juvenile problem or involvement. To further this goal, carefully selecting and training capable officers can provide

a screening device which will avoid indiscriminate taking into custody of juveniles.

Since it is reasonable to assume there will always be a juvenile problem, selection of personnel at the entrance level empathetic to the juvenile and with a relatively thorough understanding of adolescent psychology should be considered whenever possible. In this way a police agency can be assured of a ready source of police-juvenile officers with a potentially good understanding of the adolescent.

In the final analysis, developing a standardized program suitable to all sizes of police agencies throughout the state is well nigh impossible. However, on the police level, the personal philosophic orientation of the Chief and/or his staff and tradition behind the department are very important factors in determining the direction police agencies take. Hopefully, we are all proceeding in the right direction.

1. Kobetz, Robert W., *The police Role and Juvenile Delinquency*, IACP pg. 4.

2. Kenney, John P., Ph. D. and Pursuit, Dan G., M.S.S.A. *Police Work with Juveniles and The Administration of Juvenile Justice*, pg. 29. Charles Thomas, Publisher.

### 3. \*THE MISSOURI JUVENILE CODE

As the gatekeeper of the criminal justice system, it is extremely important that police officers have a complete understanding of the law as it applies to juveniles as well as adults. We cannot allow personal philosophies to interfere when it is in direct conflict with constitutional guarantees. The extent of local police authority and responsibility, and the way in which the police exercise them, is dependent on the powers given a local police agency, is affected by judicial interpretation and on the limitations provided by law. An individual's respect, or lack of it, toward the law enforcing authority is usually engendered by personal experience. Working within the Missouri Juvenile Code when processing juvenile offenders should assure improvement in community attitudes toward law enforcement and a healthier respect for agencies in the juvenile justice system.

## Chapter 211 — Juvenile Courts

### Section:

- 211.011 Purpose of Law — How Construed
- 211.021 Definitions
- 211.031 Jurisdiction of Juvenile Court Over Children Who Are Neglected or Charged With Crime
- 211.041 Continuing Jurisdiction over Child
- 211.061 Arrested Child Taken Before Juvenile Court — Transfer of Prosecution to Juvenile Court
- 211.071 Child Prosecuted Under General Law, When
- 211.081 Preliminary Inquiry As to Institution of Proceedings
- 211.091 Petition in Juvenile Court — Contents
- 211.101 Issuance of Summons — notice — temporary custody of child — subpoenas
- 211.111 Summons, how served
- 211.131 Taking Child into Custody, effect — notice to parents — Jurisdiction attaches, when
- 211.141 Child returned to parent, when — detention on order of court — detention without order, when
- 211.151 Places of detention — photographing and fingerprinting restrictions
- 211.171 Hearing procedure
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- 211.231 Indeterminate commitments — exchange of information by court and institution or agency
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- 211.321 Juvenile court records — records of peace officers as to children — destruction of records
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- 211.341 Detention facilities, how provided — government (class three and four counties)
- 211.401 Duties of juvenile officers — may make arrests — cooperation
- 211.411 Law enforcement officials to assist and cooperate with juvenile officers

211.011 Purpose of law — how construed — 1. The purpose of this chapter is to facilitate the care, protection and discipline of children who come within the jurisdiction of the juvenile court. This chapter shall be liberally construed, therefore, to the end that each child coming within the jurisdiction of the juvenile court shall receive such care, guidance and control, preferably in his own home, as will conduce to the child's welfare and the best interests of the state and that when such child is removed from the control of

\*Some sections of Chapter 211 RSMo 1969 have been omitted since it was felt they were not related to a law enforcement agency's authority and responsibility.

his parents the court shall secure for him care as nearly as possible equivalent to that which should have been given him by them.

**211.021 Definitions** — As used in this chapter, unless the context clearly requires otherwise:

- (1) "Adult" means a person seventeen years of age or older;
- (2) "Child" means a person under seventeen years of age;
- (3) "Juvenile court" means the Cape Girardeau court of common pleas and the circuit court of each county, except that in the judicial circuits having more than one judge, the term means the juvenile division of the circuit court of the county;
- (4) "Legal custody" means the right to the care, custody and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education, treatment and discipline of a child. Legal custody may be taken from a parent only by court action and if the legal custody is taken from a parent without termination of parental rights, the parent's duty to provide support continues even though the person having legal custody may provide the necessities of daily living;
- (5) "Parent" means either a natural parent or a parent by adoption and if the child is illegitimate, "Parent" means the mother.

**211.031 Jurisdiction of juvenile court over children who are neglected or charged with crime** — Except as otherwise provided herein, the juvenile court shall have exclusive original jurisdiction in proceedings:

- (1) Involving any child who may be within the county who is alleged to be in need of care and treatment because:
  - (a) the parents or other persons legally responsible for the care and support of the child neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child shall not be construed as neglect when the treatment is recognized or permitted under the laws of this state; or
  - (b) the child is otherwise without proper care, custody or support; or
  - (c) the behavior, environment or associations of the child are injurious to his welfare or to the welfare of others; or
  - (d) the child is alleged to have violated a state law or municipal ordinance;
- (2) Concerning any minor seventeen years of age or older who may be within the county, and who is alleged to have violated a state law or municipal ordinance prior to having become seventeen years of age;
- (3) For the suspension or revocation of a state or local license or authority of a child to operate a motor vehicle;
- (4) For the adoption of a person;
- (5) For the commitment of a child to the guardianship of the department of public health and welfare as provided by law.

**211.041 Continuing jurisdiction over child** — When jurisdiction over the person of a child has been acquired by the juvenile court under the provisions of this chapter in proceedings coming within the applicable provisions of section 211.031, the jurisdiction of the child may be retained for the purpose of this chapter until he has attained the age of twenty-one years, except in cases where he is committed to and received by the state board of training schools,

unless jurisdiction has been returned to the committing court by provisions of section 219.220. RSMo, through requests of the court to the board of training schools.

**211.061 Arrested child taken before juvenile court — transfer of prosecution to juvenile court —** 1. When a child is taken into custody with or without warrant for an offense, the child together with any information concerning him and the personal property found in his possession, shall be taken immediately and directly before the juvenile court or delivered to the juvenile officer or person acting for him.

2. If any person is taken before a magistrate or police judge or another court, and it is then, or at any time thereafter, ascertained that he was under the age of seventeen years at the time he is alleged to have committed the offense, or that he is subject to the jurisdiction of the juvenile court as provided by this chapter, it is the duty of the magistrate or judge forthwith to transfer the case or refer the matter to the juvenile court, and direct the delivery of such person, together with information concerning him and the personal property found in his possession, to the juvenile officer or person acting as such. The juvenile court shall proceed as in other cases instituted under this chapter.

**211.071 Child prosecuted under general law, when —** In the discretion of the judge of the juvenile court, when any petition under this chapter alleges that a child of the age of fourteen years or older has committed an offense which would be a felony if committed by an adult, or that the child has violated a state or municipal traffic law or ordinance or that a minor between the ages of seventeen and twenty-one years over whom the juvenile court has jurisdiction has violated any state law or municipal ordinance, the petition may be dismissed and such child or minor may be prosecuted under the general law, whenever the judge after receiving the report of the investigation required by this chapter and hearing evidence finds that such child or minor is not a proper subject to be dealt with under the provisions of this chapter.

**211.081 Preliminary inquiry as to institution of proceedings —** Whenever any person informs the court in person and in writing that a child appears to be within the purview of applicable provisions of section 211.031, the court shall make or cause to be made a preliminary inquiry to determine the facts and to determine whether or not the interests of the public or of the child require that further action be taken. On the basis of this inquiry the juvenile court may make such informal adjustment as is practicable without a petition or may authorize the filing of a petition by the juvenile officer.

**211.091 Petition in juvenile court — contents —** 1. The petition shall be entitled "In the interest of . . . , a child under seventeen years of age"

2. The petition shall set forth plainly:

- (1) The facts which bring the child within the jurisdiction of the court;
- (2) The full name, birth date, and residence of the child;
- (3) The names and residence of his parents, if living;
- (4) The name and residence of his legal guardian if there be one, of the person having custody of the child or of the nearest known relative if no parent or guardian can be found; and
- (5) Any other pertinent data or information.

3. If any facts required in subsection 2 are not known by the petitioner, the petition shall so state.

**211.101 Issuance of summons — notice — temporary custody of child**

— subpoenas — 1. After a petition has been filed, unless the parties appear voluntarily, the juvenile court shall issue a summons in the name of the state of Missouri, requiring the person who has custody of the child to appear personally and, unless the court orders otherwise, to bring the child before the court, at the time and place stated.

2. If the person so summoned is other than a parent or guardian of the child, then the parent or guardian or both shall also be notified of the pendency of the case and of the time and place appointed.

3. If it appears that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the court, the judge may order, by endorsement upon the summons, the officer serving it to take the child into custody at once.

4. Subpoena may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary.

**211.111 Summons, how served —** 1. Service of summons shall be made personally by the delivery of an attested copy thereof to the person summoned. But if the juvenile court is satisfied after thorough investigation that it is impracticable to serve the summons personally, it may order service by registered mail to the last known address of the person.

2. Personal service shall be effected at least twenty-four hours before the time set for the hearing. Registered mail shall be mailed at least five days before the time of the hearing.

3. Service of summons may be made by any suitable person under the direction of the court.

**211.131 Taking child into custody, effect — notice to parents — jurisdiction attaches, when —** 1. When any child found violating any law or ordinance or whose behavior, environment or associations are injurious to his welfare or to the welfare of others or who is without proper care, custody or support is taken into custody, the taking into custody is not considered an arrest.

2. When a child is taken into custody, the parent, legal custodian or guardian of the child shall be notified as soon as possible.

3. The jurisdiction of the court attaches from the time the child is taken into custody.

**211.141 Child returned to parent, when — detention on order of court — detention without order, when —** 1. When a child is taken into custody as provided in section 211.131, the person taking the child into custody shall, unless it is impracticable, undesirable, or has been otherwise ordered by the court, return the child to his parent, guardian or legal custodian on the promise of such person to bring the child to court, if necessary, at a stated time or at such times as the court may direct. If the person taking the child into custody believes it desirable, he may request the parent, guardian or legal custodian to sign a written promise to bring the child into court.

2. If the child is not released as provided in subsection 1, he may be detained in any place of detention specified in section 211.151 but only on order of the court specifying the reason for detention. The parent, guardian or legal custodian of the child shall be notified of the place of detention as soon as possible.

3. If, because of the unreasonableness of the hour or the fact that it is Sunday or holiday, it is impractical to obtain a written order from the court, the child may be detained without an order of the court for a period not to ex-

ceed twenty-four hours in any place of detention specified in section 211.151, but a written record of such detention shall be kept and a report in writing filed with the court. In the event that the judge is absent from his circuit, or is unable to act, the approval of another circuit judge of the same or adjoining circuit must be obtained as a condition for detaining a child for more than twenty-four hours.

**211.151 Places of detention — photographing and fingerprinting restrictions** — 1. Pending disposition of a case, the juvenile court may order in writing the detention of a child in one of the following places:

- (1) A detention home provided by the county;
- (2) A foster home, subject to the supervision of the court;
- (3) A suitable place of detention maintained by an association having for one of its objects the care and protection of children;
- (4) A jail or other facility for the detention of adults, if the child's habits or conduct are such as to constitute a menace to himself or others and then only if he is placed in a room or ward entirely separate from adults confined therein;
- (5) Or such other suitable custody as the court may direct.

2. Neither fingerprints nor a photograph shall be taken of a child taken into custody for any purpose without the consent of the juvenile judge.

**211.171 Hearing procedure** — 1. The procedure to be followed at the hearing shall be determined by the juvenile court judge and may be as formal or informal as he considers desirable. He may take testimony and inquire into the habits, surroundings, conditions and tendencies of the child to enable the court to render such order or judgment as will best promote the welfare of the child and carry out the objectives of this chapter.

2. The hearing may, in the discretion of the court, proceed in the absence of the child and may be adjourned from time to time.

3. All cases of children shall be heard separately from the trial of cases against adults.

4. Stenographic notes or an authorized recording of the hearing shall be required if the court so orders or if requested by any party interested in the proceedings.

5. The general public shall be excluded and only such persons admitted as have a direct interest in the case or in the work of the court.

6. The practice and procedure customary in proceedings in equity shall govern all proceedings in the juvenile court.

**211.181 Order of disposition or treatment of child within jurisdiction** — When a child is found by the court to come within the applicable provisions of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child and the court may, by order duly entered, proceed as follows:

- (1) Place the child under supervision in his own home or in custody of a relative or other suitable person upon such conditions as the court may require;
- (2) Commit the child to the custody of:
  - (a) A public agency or institution authorized by law to care for children or to place them in family homes;
  - (b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;
  - (c) An association, school or institution willing to receive it in an-

other state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured;

- (d) The juvenile officer; or
- (3) Place the child in a family home;
- (4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care, except that nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;
- (5) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle.

**211.231 Indeterminate commitments — exchange of information by court and institution or agency.** — 1. All commitments made by the juvenile court shall be for an indeterminate period of time and shall not continue beyond the child's twenty-first birthday.

2. Whenever the court commits a child to an institution or agency, it shall transmit with the order of commitment a summary of its information concerning the child, and the institution or agency shall give to the court such information concerning the child as the court may require from time to time so long as the child is under the jurisdiction of the juvenile court. This information, together with all other records transmitted to the institution or agency, are privileged and for the benefit of the child only. They may be examined or subpoenaed only upon approval of the court which committed the child to the institution or agency.

**211.271 Court orders not to affect civil rights — not evidence, exception** — 1. No adjudication by the juvenile court upon the status of a child shall be deemed a conviction nor shall the adjudication operate to impose any of the civil disabilities ordinarily resulting from conviction nor shall the child be found guilty or be deemed a criminal because of the adjudication.

2. No child shall be charged with a crime or convicted unless the case is transferred to a court of general jurisdiction as provided in this chapter.

3. After a child is taken into custody as provided in section 211.131, all admissions, confessions, and statements by the child to the juvenile officer and juvenile court personnel and all evidence given in cases under this chapter, as well as all reports and records of the juvenile court, are not lawful or proper evidence against the child and shall not be used for any purpose whatsoever in any proceeding, civil or criminal, other than proceedings under this chapter.

4. The disposition made of a child and the evidence given in the court does not operate to disqualify the child in any future civil or military service application or appointment.

**211.281 Costs how adjudged, collected** — The costs of the proceedings in any case in the juvenile court may, in the discretion of the court be adjudged against the parents of the child involved or the informing witness as provided in section 211.081, as the case may be, and collected as provided by law. All costs not so collected shall be paid by the county.

**211.321 Juvenile court records — records of peace officers as to chil-**



dren — destruction of records — 1. The proceedings of the juvenile court shall be entered in a book kept for that purpose and known as the juvenile records. These records as well as all information obtained and social records prepared in the discharge of official duty for the court shall be open to inspection only by order of the court to persons having a legitimate interest therein.

2. Peace officers' records, if any are kept, of children shall be kept separate from the records of persons seventeen years of age or over and shall not be open to inspection or their contents disclosed except by order of the court. This subsection does not apply to children who are transferred to courts of general jurisdiction as provided by section 211.071.

3. The court may, either on its own motion or upon application by the child or his representative or upon application by the juvenile officer, enter an order to destroy all social histories, records, and information, other than the official court file, and may enter an order to seal the official court file, as well as all peace officers' records, at any time after the child has reached his seventeenth birthday if the court finds that it is in the best interest of the child that such action or any part thereof be taken, unless the jurisdiction of the court is continued beyond the child's seventeenth birthday, in which event such action or any part thereof may be taken by the court at any time, after the closing of the child's case.

**211.331 Detention facilities, superintendent, appointment, compensation acquisition of land (counties of class one and two) —** 1. In each county of the first and second classes and in the city of St. Louis it is the duty of the county court, or, where there is not county court, such other authorized body, to provide a place of detention for children coming within the provisions of this chapter. It is also the duty of the county court or other authorized body to provide offices for the personnel of the juvenile court.

2. The place of detention shall be so located and arranged that the child being detained does not come in contact, at any time or in any manner, with adults convicted or under arrest, and the care of children in detention shall approximate as closely as possible the care of children in good homes.

3. The place of detention shall be in charge of a superintendent. The judge of the juvenile court shall appoint and fix the compensation and maintenance of the superintendent and of any assistants or other personnel required to operate the detention facility. Such compensation and maintenance are payable out of funds of the county.

4. The county court or other governing body of the county is authorized to lease or to acquire by purchase, gift or devise land for such purpose and to erect buildings thereon and to provide funds to equip and maintain the same for the subsistence and education of the children placed therein.

**211.341 Detention facilities, how provided — government (class three and four counties) —** 1. Counties of the third and fourth classes within one judicial circuit, shall, upon the written recommendation of the circuit judge of that judicial circuit, establish a place of juvenile detention to serve all of the counties within that judicial circuit, and in like manner, the counties shall supply offices for the juvenile officers of that circuit. The recommendation of the circuit judge shall be made only after a hearing conducted by him after thirty days' notice, to determine the need and feasibility of establishing such a place of detention within the judicial circuit. The provisions of section 211.331 apply as to the form of operation and means of maintenance of the

place of detention, except that the total cost of establishment and operation of the places of detention shall be prorated among the several counties within that judicial circuit upon a ratio to be determined by a comparison of the respective populations of the counties. The point of location of the place of juvenile detention shall be determined by the circuit judge of the judicial circuit.

2. Circuit judges of any two or more adjoining judicial circuits after a hearing as provided in sub section 1 may, by agreement confirmed by judicial order, and in the interest of economy of administration, establish one place of juvenile detention to serve their respective judicial circuits. In such event, the circuit judges so agreeing shall jointly govern the affairs of the place of detention and the cost thereof shall be apportioned among the counties served in the manner provided for in subsection 1.

3. Any county of the third or fourth class desiring to provide its own place of juvenile detention may do so in the manner prescribed for counties of the first and second classes.

**211.401 Duties of juvenile officers — may make arrests — cooperation**

— 1. The juvenile officer shall, under direction of the juvenile court:

- (1) Make such investigations and furnish the court with such information and assistance as the judge may require;
- (2) Keep a written record of such investigations and submit reports thereon to the judge;
- (3) Take charge of children before and after the hearing as may be directed by the court;
- (4) Perform such other duties and exercise such powers as the judge of the juvenile court may direct.

2. The juvenile officer is vested with all the power and authority of sheriffs to make arrests and perform other duties incident to this office.

3. The juvenile officers or other persons acting as such in the several counties of the state shall cooperate with each other in carrying out the purposes and provisions of this chapter.

**211.411 Law enforcement officials to assist and cooperate with juvenile officers** — 1. It is the duty of circuit, prosecuting and city attorneys, and county counselors representing the state or a city in any court, to give the juvenile officer such aid and cooperation as may not be inconsistent with the duties of their offices.

2. It is the duty of police officers, constables, sheriffs, and other authorized persons taking a child into custody to give information of that fact immediately to the juvenile court or to the juvenile officer or one of his deputies and to furnish the juvenile court or the juvenile officer all the facts in his possession pertaining to the child, its parents, guardian or other persons interested in the child together with the reasons for taking the child into custody.

3. It is the duty of all other public officials and departments to render all assistance and cooperation within their jurisdictional power which may further the objects of this chapter. The court is authorized to seek the cooperation of all societies and organizations having for their object the protection or aid of children and of any person or organization interested in the welfare of children.

#### 4. JUVENILE INVESTIGATIVE PROCEDURES AND INTERVIEWING AND INTERROGATING A JUVENILE

When a unit of the juvenile justice system fails to perform its basic functions, it places an increasing burden on other units within the system. Therefore, it is incumbent on everyone within the system to fully understand his role. Every police officer has an obligation to familiarize himself thoroughly with the juvenile court philosophy and procedures so that he may interpret them to the juvenile and his parents. Every officer must also have a full understanding of his responsibilities, must have knowledge of the juvenile code, and a resoluteness of purpose, in processing a juvenile offender.

Hopefully, the end result will be an increased confidence in the Juvenile Justice System and in each others ability, within the system, to perform their assigned not assumed roles.

The police officer must remember it is his role to investigate violations of the law involving juveniles. The deputy juvenile officer must remember his prosecutorial and juvenile advocate role.

When the Juvenile Court orders a DJO to make an investigation of an alleged offense, we can assume a lack of confidence by the court, in the ability of the police agency to perform competently. If this is a mistaken assumption, attempts should be made to change the court's opinion. If the court has basis for this assumption, police agencies, no matter how small, must do what they can to ameliorate the situation.

The most basic police functions are the protection of lives and property and maintenance of the peace. When these fundamental tasks are not fully accomplished, the third basic job must be undertaken — the investigation aimed at bringing the violator(s) before a proper court of law.

There is no comprehensive code for juvenile investigative procedures. Most, if not all departments, have established their own practices dictated by the juvenile code and the evolved custom. The practices vary considerably from jurisdiction to jurisdiction. Other factors may be, size of the police agencies, philosophy of the circuit (juvenile) court judge, and competency of the police and court personnel within his judicial jurisdiction.

The procedures used in conducting investigations involving juvenile offenders should be similar to those investigations involving adult offenders. The fact that a juvenile court adjudication is not a criminal proceeding should not influence the degree of thoroughness with which juvenile investigations are pursued. A preponderance of evidence is no longer the standard of proof to adjudicate a juvenile as a delinquent. The evidence must be enough to establish delinquency beyond a reasonable doubt. In the case of *In re Winship*, the U.S. Supreme Court left little doubt as to what the standard of proof should be.

In the Matter of Samuel Winship  
397 U.S. 358, 25 L.Ed. 2d 368, 90 S.Ct. 1068  
March 1970

“Decision: New York statute authorizing determination of juvenile delinquency on preponderance of evidence, rather than on proof beyond a reasonable doubt, held violative of due process.

Twelve year old boy had stolen \$112 from a woman's pocketbook, which, if done by an adult, would constitute the crime of larceny. Finding of delinquency and boy placed in training school, subject to confinement for possibly as long as six years. The hearing judge acknowledged that his findings of delinquency was based on a preponderance of evidence and rejected the contention that due process required proof beyond a reasonable doubt.

U.S. Supreme Court (five members per Brennan, J.) held that:

1. Due process protected an accused in a criminal pros-

ecution against conviction except upon proof beyond a reasonable doubt.

2. Although the Fourteenth Amendment did not require that a juvenile delinquency hearing conform with the requirements of a criminal trial, nevertheless, the due process clause required application during the juvenile hearing of essentials of due process; and
3. Thus juveniles, like adults, were constitutionally entitled to proof beyond a reasonable doubt during the adjudicatory stage when the juvenile was charged with an act which would constitute a crime if committed by an adult.

The court applied the reasonable doubt standard to the adjudicatory stage of juvenile proceedings. This higher standard of proof would have no impact on the allegedly beneficial aspects of the system such as the flexibility of the pre-judicial and post-adjudicatory stages. Nor would this higher standard of proof affect the confidentiality, informality, flexibility, or speed of the juvenile process."<sup>1</sup>

We can understand then the need to conduct all juvenile investigations as fairly and completely as possible. The investigator must hold to and be guided by constitutional law. This does not mean all cases must have proof beyond a reasonable doubt before it can be brought to the attention of the juvenile court. Where a preponderance of evidence indicates a juvenile involvement in a violation of ordinances or statutes, it is enough to make a court referral.

When an officer is assigned the task of investigating an alleged offense, he may know at the outset that a juvenile is involved or follow-up investigation indicates a juvenile involvement. The techniques used in the investigation are the same as those taught in police academies and written of in texts on police investigation.

"The specialized work of criminal investigation has two primary purposes:

1. the gathering of facts and other information for examin-

ation to determine whether a criminal violation has been perpetrated and, if there is a violation, the identity of the violator; and

2. the collection, preservation, and preparation of evidence that will be admissible and effective before a court or jury to convict the defendant standing trial for his actions."<sup>2</sup>

Each investigation is unique and the officer may have to adjust his technique to the particular crime. Since information gathering is the basic task of the investigator he may develop an expertise in talking to people. It has long been recognized that citizen cooperation is extremely important in combating crime. The successful investigator will do his utmost to gain that cooperation. When conducting interviews, he will not let personal feelings, prejudice, and other dislikes impede the investigation. Emotionalism cannot replace the clear logic of rationality.

The investigator must be flexible. He cannot rely on standardized investigative and interviewing techniques because of the individuality of people and their acts.

"The investigator must then recognize his need to adapt to a situation and be constantly attempting new approaches rather than using the same stock of routine questions or techniques for each investigation."<sup>3</sup>

He must convey to others his sincerity of purpose. He must be then: objective, adjustable, diplomatic and understanding.

In dealing with juveniles the term "interviewing" has been used synonymously with "interrogation." It has been considered preferable to the term interrogation. Many authors of juvenile justice administration feel the term interviewing suggests a positive two-way communication process. However, in this author's opinion, the recent shift by the juvenile court, from an informal to an adversary posture, a distinction between interview and interrogation is extremely important. For the purpose of this article an interview will be considered a tool to gain information that will eventually lead to a suspect(s). An interrogation will be considered a technique for the purpose of

determining a person's involvement in an offense and illiciting a confession.

"Interviewing is an important part of every law enforcement officer's job. He is constantly interviewing juveniles, parents, witnesses, victims, educators, correctional workers, and community leaders. The reputation of the police department will depend a great deal upon how efficiently and considerately the officer carries on his interviews as the core of his investigation responsibilities."<sup>4</sup>

There are certain considerations an officer should be cognizant of before conducting the interview:

1. The Purpose of the Interview
2. Preparation for the Interview
3. How to Interview

### The Purpose of Interviews

1. To obtain the facts regarding an alleged offense in order to clear up the complaint.
2. To discover who was involved in the offense.
3. To learn significant facts about those involved.

### Preparation For The Interview

Thorough preparation for interviews will lead to the most effective results. It includes the following:

1. Obtaining the basic facts about the case from police reports and any other possible sources.
2. Attempt to have some prior knowledge about the person to be interviewed. (Age, sex, emotional stability, etc.)
3. Choice of setting for the interview. Remember you are asking for help in apprehending a violator of the law. Make the choice as convenient as possible for the person to be interviewed. (Time and Place)
4. Schedule an interview as soon after the offense as pos-

sible. There is less time to forget important details.

It should be remembered that many people feel uncomfortable when being interviewed by a police officer. This discomfort may be compounded by interviewing at the police facility. While it may be more convenient for the police officer, it may not always be the wisest choice of locations. There may be times, however, when interviewing an uncooperative witness, may best be done in the sterile atmosphere of a police station.

### How To Interview

As has been stated before, it would be impossible to standardize interviewing, because each officer will naturally have his own particular method which makes him feel comfortable. There are some basic techniques, however, which have been successful and officers interested in developing greater skill in interviewing can adopt them. It must be remembered that our youth are no less persons than are adults. Treat them in the same considerate manner you would want your own children treated. Far too often officers will alienate a person at the preliminary investigation. The follow-up investigator will usually be able to recognize this fact early in an interview and may have to be extremely tactful in an attempt to gain cooperation. This is an extremely important factor in the smaller departments or those departments where an officer completes an investigation from the initial complaint to disposition.

Beginning the interview:

1. Introduce yourself in a friendly manner.
2. Set the person at ease by talking informally for a while.
3. Use simple language to encourage full understanding.
4. Remind the person being interviewed of the importance of having his cooperation.

Police officers must be aware of the impact they have on people. Putting your best foot forward at all times, although difficult, is desirable. Remember, an uncooperative citizen,



whether juvenile or adult, may have been cooperative initially and was "turned off" by an inconsiderate officer.

The best method of conducting the interview should be as follows:

1. Low-key, informal atmosphere.
2. Allow subject to tell his story in a narrative style what he has to offer.
3. Ask specific questions to gather more details. (This may tend to jolt a person's memory after his story has been told in his own words. Don't suggest what might have happened.)
4. Be a good listener; don't be in a hurry to interrupt. Some people are deliberate talkers; you are seeking information. (You can't get it if you want to do all of the talking.)

The factors which influence our ability to perceive and to describe what is perceived do not affect only the "other guy." Every police officer is subject to the same factors to some extent. It is important, therefore, to be aware of your own abilities and limitations. Police officers' attitudes, opinions and emotions come into play during an interview. They, too, will determine how much and how well the officer gathers information from juveniles.

The investigator should remember when conducting his investigation and when interviewing a juvenile, that he is not violating the juvenile's constitutional rights. It is when the investigation shifts from the investigatory to the accusatory stage that the investigator must stop. At this point, if the investigator feels the juvenile being interviewed may have committed a crime, he should contact the juvenile court. This must be remembered, if one is to protect the admissibility of confessions, admissions and statements. In the case of Part I offenses (criminal homicide, forcible rape, robbery, assault, aggravated burglary, larceny-theft, auto-theft) the officer should admonish the juvenile and notify the juvenile court, if there is the slightest chance a juvenile is involved. Remember

that recent Supreme Court decisions have done what we have failed to do, in many cases. Following statutory law and procedural guidelines will insure more successful investigations and prosecutions.

When the accusatory stage has been reached and the juvenile court notified, the juvenile is considered as being in custody. The authority by which a police officer takes a child into custody is found in Chapter 211.031 and 211.061 RSMo. 1969, Missouri Juvenile Code. This section of the law provides the police officer with a comparatively wide latitude in taking a juvenile into custody. Since any violation of law by a juvenile is termed a delinquent rather than a criminal act (unless fourteen years of age and older and certified to be prosecuted under general law), there is no differentiation made between a misdemeanor and a felony.

In the case of possible certification of the juvenile, particular attention must be paid to:

RSMo. 211.271 Court orders not to affect civil rights — not evidence, exception —

3)After a child is taken into custody as provided in section 211.131, all admissions, confessions, and statements by the child to the juvenile officer and juvenile court personnel and all evidence in cases under this chapter, as well as all reports and records of the juvenile court, are not lawful or proper evidence against the child and shall not be used for any purpose whatsoever in any proceedings, civil or criminal, other than the proceedings under this chapter.

In essence, statements made to the police after a juvenile is in juvenile custody, and prior to the time the juvenile court releases jurisdiction, are not admissible against the juvenile in a subsequent criminal trial.

State v. Rone, Jr.  
Supreme Court of Missouri  
(November 12, 1973)

“Arthur Daniel Rone, Jr., a minor, was arrested in connection with a robbery in Kansas City. He was questioned at the police

station and made a signed confession. A deputy juvenile officer was present during the questioning. There was no effort to contact Rone's parents. The facts indicate that the "Miranda warnings" were read to Rone. At the time of the confession, the Juvenile Court had not relinquished jurisdiction of Rone.

The confession was admitted into evidence at Rone's trial as an adult, and he was convicted. He appealed to the Supreme Court of Missouri. Rone's argument to Division Number One of the Court was that the confession was improperly admitted for the jury's consideration at the trial.

The Court, with Judge Lawrence Holman dissenting, held, first, that since Rone was still in police custody at the time he gave his confession, "then there was a violation of Section 211.061 RSMo. 1969, which requires the police to turn the juvenile over to the juvenile authorities 'immediately and directly' following arrest. The penalty for not doing so is that his statement or confession given to the police while in their custody is not admissible against the juvenile . . ."

Secondly, the Court, per Judge Robert E. Seiler, concluded that the legislature did not envision, "the juvenile court as part of the investigative process of the police. The juvenile code provides that until the juvenile court first considers the case and relinquishes jurisdiction no child can be charged with a crime or convicted, Sec. 211.271 (2) RSMo 1969. A child in custody cannot be fingerprinted or photographed without the consent of the juvenile judge. Sec. 211.151-2, RSMo 1969. It was not contemplated that the police, the F.B.I., or the local sheriff would be part of the juvenile court. They are in many respects antithetical to the purposes of the juvenile code. Their turn comes if and when the juvenile court determines to dismiss the juvenile proceedings. Statements made to the police, therefore, after the juvenile is in custody, and prior to the time the juvenile court releases jurisdiction, are not admissible against the juvenile in a subsequent criminal trial. For these reasons the conviction was reversed."<sup>5</sup> Judge Lawrence Holman, in his dissenting opinion, wrote:

"I respectfully dissent. As I construe Judge Seiler's opinion, it holds that under no circumstances can a valid confession be taken from a juvenile which would be admissible in a prosecution under the general law. I am unwilling to attribute that sort of intent to our General Assembly. And that is particularly true when we consider the well known fact that many of our

most dangerous criminals are under the age of 17 years. I therefore adopt as my dissenting opinion a portion of an unadopted opinion prepared by Judge Higgins in this case, as follows:

"Appellant's sole contention is that the 'court erred in admitting evidence of a juvenile confession given by appellant for the reason that said confession (A) was inadmissible in evidence by virtue of Section 211.271 (3) RSMo. 1969, as amended.'

"The confession in question was made by defendant at the police station around 1:00 a.m., December 15, 1970, following his arrest in the late hours of December 14, 1970. Officer Merle Hoffman talked to defendant in the Crimes Against Persons Unit at police headquarters following the booking procedure. Deputy Juvenile Officer Charles Gardner, although not a participant in the ensuing interrogation, was also present. Officer Hoffman advised defendant of his 'Miranda' rights 'off the regular form that we use.' Defendant, then sixteen years of age, indicated he understood the advice and his rights and signed a form interrogation waiver indicating his understanding. Defendant then gave his statement pursuant to questions from Officer Hoffman; and, after it was typed, he signed it as his free and voluntary act. (B)

"Section 211.271 (3), RSMo. 1969, in pertinent part, provides: 'After a child is taken into custody \*\*\* all admissions, confessions, and statements by the child to the juvenile officer and juvenile court personnel \*\*\* are not lawful or proper evidence against the child and shall not be used for any purpose whatsoever in any proceeding, civil or criminal, other than proceedings under this chapter.'

"Appellant asserts that this provision is 'a complete bar' to the admission of his confession. He argues 'that it is the clear intention of the Legislature \*\*\* to create a complete bar to the use of juvenile statements given prior to waiver of Juvenile Court jurisdiction in subsequent criminal or civil cases. This is in keeping with the *parens patriae* position of the Juvenile Court. Any other holding would permit the juvenile officer to obtain incriminating statements from a juvenile in a relaxed nonadversary atmosphere and then make those statements admissible in a subsequent \*\*\* trial.' See *State v. Arbeiter*, 449 S. W. 2d. 627, 633 (Mo. 1970); *Kent V. United States*, 383 U.S. 541, 544 (1966); *Harling V. United States*, 295 F. 2d 161 (D.C. Cir. 1961).

"The difficulty in appellant's position is twofold:

"First, a clear reading of Section 211.271 (3), supra, shows that it applies only to confessions made to the 'juvenile officer and juvenile court personnel,' and, in this case, the statement was made to and taken by a police officer. The deputy juvenile officer is not shown to have participated other than by his presence.

"Second, not only was the confession not procured by a juvenile officer, it is shown equally clearly that it was not taken in the 'relaxed, nonadversary atmosphere of \*\*\* juvenile interrogation' in the juvenile court detention facility, as in *State v. Arbeiter*, supra. To the contrary, the statement was given to a police officer, identified as such, in an adversary setting at police headquarters.

"Accordingly, there was no violation of Section 211.171 (3), supra, in this case. *State v. Sinderson*, 455 S. W. 2d 486, 492-493 (2-5) (Mo. 1970). See also *State v. Richardson*, 495 S. W. 2d 435 (Mo. 1973).

"For the reasons heretofore stated, I would affirm the judgment."

(Note: **This decision is not final.** When there is a dissent to the Division opinion, as in this case, the case is normally transferred to the Court en Banc for rehearing before all of the Supreme Court judges. This case has been transferred to the Court en Banc.)

After the juvenile court has been notified, it is advisable to take the juvenile directly to the juvenile detention facility. The DJO can advise the juvenile of his rights. It should also be remembered that when a child is taken into custody, the parents of the child or his legal custodian or guardian shall be notified as soon as possible.

The procedures followed after a juvenile has been taken into custody regarding interrogating, as stated earlier, vary from jurisdiction to jurisdiction. In some cases, after the juvenile has been advised of his rights by the DJO, a police officer conducts the questioning with or without the presence of the DJO. In other jurisdictions, the DJO has been given or has assumed the responsibility to do the questioning. Practically speaking, one must follow the 'dicta' of the particular judicial

circuit they are in. This is not to say, however, that all police functions in completing police investigations involving juveniles, should be assumed by the court; nor should police officers allow this to happen. As stated before, when one part of the Juvenile Justice System has to assume the responsibilities of another branch, inefficiency in the system will be the result.

Assuming the officer has followed the ground rules before interrogating a juvenile, the following are some recommendations in conducting an interrogation:

1. There should not be any distractions to interfere with the interrogation (telephone calls, undue noise, presence of unwanted persons). Privacy encourages one to talk freely.
2. The room should be comfortable (normal temperature, lighting, and seating arrangement).
3. Conduct the beginning of the interrogation much as you would the interview.
4. Ask questions to illicit more than a yes or no answer.
5. Be patient if resistance develops. Humor will sometimes reduce negative feelings. (Many juveniles have an anti-authority feeling.)
6. Written confessions must be consistent with legal controls.
7. Interrogate accomplices separately and then together to clear up any discrepancies.

Some Don'ts when interrogating:

1. Don't resort to vulgarity, profanity or obscenity.
2. Don't label the juvenile (liar, thief, punk, etc.)
3. Don't lose your temper.

4. Don't lie to gain a point. (when your lie is discovered, any respect for you that is gained will have been lost.)
5. Don't use physical force.

Wherever possible except in on-the-street apprehensions, and prior to a juvenile being taken into custody, a thorough and complete investigation should be made. This means witnesses will be interviewed, evidence gathered, and all technical resources utilized (laboratory, computer, records) to their fullest extent. The purpose of this type of investigation in juvenile cases is to factually associate the suspect juvenile with the crime, as opposed to sole reliance on a confession.

The aforementioned procedures should be followed to insure admissability of evidence. However, there will be times when the offense is such that a warning and release to parents will be all that is necessary. This will be discussed in January's (1974) issue, *Police Discretion in Juvenile Cases*.

It should be the desire of every department to be constructive and to aid in the building of good character whenever possible, and the conduct of the interrogating officer should be such as to further that objective. The use of any of the aforementioned "DON'TS" will only reinforce existing negative attitudes toward the police and increase the juveniles hostility. The reputation of the police officer and his department are at stake. The conduct used by the police officer will be transmitted to other young people in the community in a very short time. The police officer can become an extremely constructive individual under such circumstances.

<sup>1</sup>Weinstein, Noah, *Supreme Court Decisions and Juvenile Justice*, National Council of Juvenile Court Judges, Reno, Nevada.

<sup>2</sup>Eldefonso, Edward, *Youth Problems and Law Enforcement*, Prentice-Hall, pg. 81.

<sup>3</sup>International Association of Chief's of Police, *Police Reference Notebook*, Criminal Investigation, Section 4CI, pg. 12.

<sup>4</sup>Kenney, John P., Ph.D., Pursuit, Dan G., M.S.S.A., Police Work With Juveniles and the Administration of Juvenile Justice, Charles C. Thomas, Publisher, Springfield, Illinois.

<sup>5</sup>Missouri Police Law News, Vol. 4 No. 3, November 1973.

- (A) This contention goes only to the confession taken pursuant to interrogation by Officer Hoffman and does not concern the volunteered admission made to the booking officer.
- (B) In presenting his point, appellant tacitly concedes that his confession was voluntary, and the evidence justifies its admission as a voluntary statement of the defendant, as found by the court following an evidentiary hearing.



## 5. POLICE DISCRETION IN JUVENILE CASES

The detaining, arresting or taking into custody of an individual is an extremely serious responsibility for all law enforcement officials. When it involves a juvenile, there is a greater likelihood it will be the first contact with the police under awkward circumstances. This contact may very well have much to do with the path the juvenile will take in the future.

In this writer's opinion, the impact a police officer has on the individuals he comes in contact with cannot be stressed enough.

Whether a juvenile is introduced into the juvenile justice system or not will depend on the individual circumstances of the offense, but also on the DISCRETION used by the police officer.

What are the possible consequences in the use of discretion by law enforcement officials in dispensing justice? Much will depend on the community's respect, or lack of it, toward the law enforcement agency. The attitude, positive or negative, will be predicated on past practices (real or imagined) by police officers. If the exercise of discretion has been used fairly and consistently, depending on *individual* circumstances, and not influenced by prejudices or the citizen's particular station in life, we can expect a reasonable amount of support from the community. On the other hand, if discretion is influenced by personal feelings or without proper supervision or written procedural guidelines, accusations of favoritism, racial and ethnic prejudices and corruption may be forthcoming.

This is the dilemma the average police chief is faced with. Therefore, before we discuss the use of police discretion with juveniles, let's review the problems a police administrator faces. The size of the department is of little importance. The problem is there for the small rural department as it is for the larger suburban and urban department. The simple truth is that it is a physical impossibility to enforce all the laws. Unfortunately, many administrators will hesitate to admit there is less than full enforcement. To suggest that violations are sometimes

ignored is not to suggest favoritism or corruption. Rather, it should be emphasized that oftentimes the "spirit" of the law is enforced rather than the "letter" of the law. The traffic violator stopped and issued a warning, the juvenile warned and released to his parents, the intoxicated person (who harmed no one) taken home instead of arrested. Is this not the individualized justice we strive for? Hopefully, the citizen treated thusly may look with favor on an officer and his department for being treated in such a manner. The officer may not have been thinking of anything except, in his judgment, it seemed the right thing to do. However, a citizen given a traffic ticket, a juvenile taken to juvenile detention or the drunk arrested may not feel too kindly were he to witness such discretion. That is why it is of utmost importance to be consistent in application of the law.

Assuming no written guidelines or policy influencing an officer's discretion exists, let's examine the influencing factors whether to enforce or not to enforce a violation. Certainly, the seriousness of the violation is an important determinant. A major factor will be, who observed the infraction? Did a citizen make a complaint or was it observed by the police officer? Did the violator kill, maim or deprive anyone of property or cause damage to property? Will the violation, if enforced, only hurt the violator? In the latter circumstance, the officer has much more latitude in how he will handle the situation. His own frame of reference will be an important influencing factor. His likes or dislikes of a person's race, ethnic group, style of dress, sex and whether he's had contact with the person previously may predicate the action taken.

On the other hand, assume adequate written procedural guidelines and statement of policy in addition to proper supervision. They all serve as checks on the discretion used by the officer. Although he will have some latitude in the use of discretion, there is less likelihood of inconsistent enforcement of the law. "When departmental guidelines clearly spell out the course of action, the possibility of error on the part of the officer is reduced. If the department does not have clear guidelines determining the course of action to be followed, the officer must exercise discretion with no limits as to the alternatives. As a result, the review of his actions can easily be defined by others as wrong."<sup>1</sup>

A police officer's discretion then, must be exercised wisely and skillfully with a reasoned approach. Arbitrary or unthinking action or rash injustice must be eliminated wherever it is practiced.

It is impossible to establish rules which will encompass all possible situations. Therefore, some situations will have to be left to the discretion and sound judgment of individual officers. Hopefully, the threat of being held answerable for abuse of authority and discretion will limit injustices caused by law enforcement officials.

In police-juvenile contacts it would be better to dwell on what we can do rather than on what we can't do. Since contemporary philosophy takes a rehabilitative rather than a punitive approach, police discretion with juveniles is more acceptable to the public.

The same principle of consistent application of the law should apply with juveniles as it does with adults.

### *DISCRETIONARY ALTERNATIVES WITH JUVENILES*

#### *1. Street Adjustment*

Many juvenile contacts are normally handled in this way. The police officer may counsel the juvenile involved in some minor matter and send him on his way.

- a. No parent notification or police report made.

#### *2. Handled Within the Department*

A police report is made, the parents notified and the child is counseled and released or simply warned and no further action contemplated by the police.

- a. The child technically may not have been taken into custody.
- b. Police investigation may have shown many positive factors to indicate no further action is necessary.
  - (1) cooperative parents
  - (2) no previous contacts with the juvenile
  - (3) type of offense is such that it doesn't necessitate further action

Kobetz, Richard and Bosarge, Betty B., *Juvenile Justice Administration*, Professional Standards Division, International Association of Chiefs of Police, pg. 119.

### CHAPTER 211.141 RSMo 1969. (Missouri Juvenile Code)

Subsection 1: When a child is taken into custody as provided in section 211.131, the person taking the child into custody shall, unless it is impracticable, undesirable, or has been otherwise ordered by the court, return the child to his parent, guardian or legal custodian on the promise of such a person to bring the child to court, if necessary, at a stated time or at such times as the court may direct. If the person taking the child into custody believes it desirable, he may request the parent, guardian or legal custodian to sign a written promise to bring the child into court.

Each department will certainly have to follow the 'dicta' of the judicial circuit they are in. Notification to the juvenile or circuit court may be mandatory for all police reports involving juveniles in the aforementioned situation; however, it is inconceivable the court(s) or detention facilities could handle the referrals were every juvenile involved in a police complaint taken to the detention facility. That is why it is extremely important this type of discretion be used when investigation reveals a preponderance of positive factors.

### 3. Taken Into Custody, Police Report Made, Turned Over to Juvenile Authorities, Parents or Guardian Notified.

### CHAPTER 211.141 RSMo 1969 (Missouri Juvenile Code)

Subsection 2: If the child is not released as provided in subsection 1, he may be detained in any place of detention specified in section 211.151 but only on order of the court specifying the reason for detention. The parent, guardian or legal custodian of the child shall be notified of the place of detention as soon as possible.

Factors that may determine turning the juvenile over to the juvenile authorities:

- a. type of offense excludes release to parents
- b. 'dicta' of the court in that jurisdiction

- c. number of offenses juvenile has been involved in
- d. presence of high risk situations (emotional stability of parents or juvenile)
- e. cooperative attitude of the juvenile

By developing a cooperative attitude toward each other within the juvenile justice system, positive steps may be taken to divert and redirect youth who come in contact with the police.

The hoped for results of a basic understanding in the use of discretion in police-juvenile contacts is diversion away from the juvenile justice system.

Every contact an officer has with a parent and child is an opportunity to develop a sound public relations contact. Knowledge of his job, an understanding attitude and the ability to make some helpful suggestions can gain support for the officer and his department.

Wherever practicable, copies of various kinds of reading material relevant to the adolescent years or addresses from which it might be obtained is one technique that can be used.

Another disposition that can be made is referral of a case to an agency in the community. Most social agencies will resist such referrals by the police. In fact, many jurisdictions may frown on this. However, in many instances requests for help may be made directly to the police and it may not be a police matter. Compassion to help someone in need, if nothing else, would dictate trying to provide some kind of aid. Perhaps developing local, county and state support for such referrals is the answer. (This will be discussed in a later issue.)

In the final analysis wise and prudent use of discretion in police-juvenile contacts should divert many juveniles from the juvenile justice system, develop more positive attitudes by juveniles toward police, and help provide our society with responsible young adults in the future.

# 6. ABUSED, NEGLECTED AND RUNAWAY CHILDREN

## THE PROBLEM

It is unfortunate, but factual, that many people who are charged with the care and supervision of children do not perform the task well. This fact is emphasized in the problem of neglect or abuse of children, most often through the active or passive participation of one of the parents.

The rejection of children can occur in numerous ways, but the results tend to be similar regardless of the method utilized. These results are long-term, but of significance to the police.

1. Many of the delinquents processed during adolescence were the subjects of either neglect or abuse in their earlier childhood.
2. Neglected or abused children tend to become neglecting or abusing parents.

## SETTING PARAMETERS

In an attempt to address the problem of neglect or abuse, it is necessary to establish limits in order to bring to focus these aspects that are of primary concern at the present time. Within the scope of this presentation, neglect or abuse will be limited to those boundaries that tend to be physical in nature. While there is such a thing as emotional neglect or abuse, and while children are the victims of sexual abuse, the attention used for the present purpose addresses a problem that is somewhat narrower in concept. This delimitation is best achieved through the following definitions:

1. NEGLECT is the *willful* placing of a child in the position where his health or safety may be endangered, specifically by those persons charged with the responsibility for his care and supervision.
2. ABUSE is all forms of intentionally inflicted physical trauma.

Of the two problems, some generalizations may be drawn from what has been discovered regarding the phenomenons.

1. Neglect and abuse can occur as either concomitants of the same situation, or each type of situation can occur without the accompanying aspect of the other.
2. Neglect tends to be the one that is most often encountered, and presumably occurs with a greater degree of frequency.
3. Children who suffer either type of situation are true VICTIMS in the police understanding of the term, and are treated under child dependency statutes relating to the protection of children.
4. In either situation, the older the child is, the *less* there is a tendency to view the child in the victim role. This reluctance is encountered within all components of the juvenile justice system, the social agencies, and in some measure within the public at large.

## HANDLING CASES OF NEGLECT

Neglect cases are encountered within the lower socio-economic level of society with greater frequency than at other levels; however, police practitioners should be careful in making assumptions that neglect is a lower class problem. The fact that public services tend to flood lower level neighborhoods increases the likelihood for identification of neglect situations. Neglect does occur within all levels of the social strata.

There are several principles of a general nature that the police should bear in mind when handling a case of neglect. These are merely guidelines, and officers should deal with the specifics of each situation individually.

1. Dirt and filth alone do not constitute neglect

Officers must be careful to differentiate between poor house-keeping techniques and neglect. Dirt and filth are terms that involve a personal value judgment and consequently do not form a solid basis for evidence.

Specific items, objects, or situations which lumped together may be termed dirt and filth, may be excellent evidence. Therefore, the officer must examine the premises for those things that specifically place the child in danger. Check the following examples:

- a. Unwashed, soiled clothing some of which is in a state of mildew.
  - b. Food that had been prepared several days before and which has been left out to be reheated and eaten at will.
  - c. Excessive amounts of used dishes and cookware that has not been washed and shows evidence of rotting food.
  - d. Stagnant water left standing in sinks or bathtubs.
  - e. Dangerous items, such as poisons, medicines, knives, plugged-in irons, or broken glass that is within the reach of small children.
2. Poverty, in and by itself, is not neglect

Officers should be careful not to confuse the lack of funds necessary to obtain better housing, etc., with neglect. When it is apparent that the adults charged with the child's supervision are doing the best under the circumstances of their means, then the problem is financial and should be referred to those community resources that may be of assistance.

3. Children left alone

Whenever children are left unattended without provision for adequate child care, the strong possibility of neglect occurs. If such a situation is discovered in conjunction with a home that exhibits specific hazards to the child's health or safety, a neglect problem would appear to be the core of the situation.

Problems of unattended children give rise to serious police discretionary judgments. The following guidelines can be of assistance to the officer faced with such a decision:

- a. Take the ages, sex, and number of children into account.



The older the children, the less the possibility of neglect, especially in short-term situations.

b. The time of day.

Obviously, it is considered to be more dangerous to leave children unattended at night.

c. Adequacy of a babysitter.

Age alone is not a determining factor on the adequacy of a babysitter. The officer should ask questions of the sitter that a person with such a responsibility should reasonably be able to answer. It is possible to discover a 12-year-old girl, who has an easily obtainable adult back-up, to be a more than adequate child care resource.

4. Protection of the child

In neglect cases the primary responsibility of law enforcement is the protection of the child. Since societal intervention is carried out through the Juvenile Court, the officers should proceed with protective custody of the children and dependency petitions.

This necessitates, in some cases, the removal of the children from the home at the time of the discovery. In cases involving small children, officers should use extreme care and empathy in performing this procedure, as removal can be a frightening experience to a young child.

A note with the officer's name and other pertinent information should be left at the home in a conspicuous place, asking that the parents contact the department upon their return and advising them that the children have been placed in protective custody.

NOTE: It is essential for the department to have a procedure for logging the date and time of the first contact by the parents. This is important as it is a good indicator of the approximate time of the return of the parents and can be used as vital evidence in both a Juvenile Court action or an adult prosecution.

In the event that the parents return home during the on-scene processing of the case, they will usually exhibit anger at the officer's presence. The police should bear in mind that the return of the parents at this point in the investigation in no way mitigates the commission of the offense. The neglect has occurred in the presence of the officers. The parental return is no more than a suspect returning to the scene of another crime. The officer may proceed with the case, including the arrest of the parents, if he deems that the situation is severe enough.

## 5. Other Investigative Suggestions

Photography should be utilized in severe neglect cases in order to record the totality of the crime scene, including specific rooms, items, or objects depicting hazards.

The investigation should include interviews of the children, relatives, neighbors and school personnel where the children may be in attendance.

Records of other agencies that may have had contact with the family should be reviewed. These would relate to other law enforcement jurisdictions in which the family may have previously lived, welfare agencies, public health, and other types of services that may have recorded information relating to a home contact.

## HANDLING CASES OF CHILD ABUSE

Child abuse involves an intentionally inflicted traumatic injury. Because of this nature of the offense, effective societal response to battered children is directly related to the cooperation and input of the medical services.

### 1. Necessary Background Information

#### a. The Battered Child Syndrome

This is a medical term that states "whenever a child has sustained a severe injury and the medical history of the occurrence is questionable, full-bodied X-Ray skeletal

surveys should be done to determine the existence of *multiple fractures in various stages of healing.*"

Such an X-Ray survey forms the basis for discovering the condition known to the medical profession as the Battered Child Syndrome.

b. The Crucial Problem Area

It is known that the child under three years of age represents the most crucial area of needed protection in child abuse cases. This is because that victim is (1) under constant care and supervision of the perpetrator, (2) incapable of verbalizing upon the injuries or the identification of the batterer, (3) unable to leave the battering environment, and (4) in the position to be easily "hid" from others.

c. A Profile of the Child Batterer

Persons who batter children tend to exhibit one or more of the following characteristics:

- (1) They are not psychotic.

As much as the public would like to believe that such persons are mentally ill, very few are found to be psychotic. Those who are would normally be easily identifiable because of other aspects of their bizarre behavior patterns.

- (2) Many are socially isolated individuals and most are overwhelmed by life in general.
- (3) They are persons who have never established meaningful relationships with others, including their own parents.
- (4) They tend to come from backgrounds in which they were either rejected, neglected, or abused themselves, or they are the products of a very rigid set of values and standards and sterile home environment in their early upbringing.

- (5) They tend to be anxious and defensive parents.
- (6) Often it is discovered that these persons actually do love the child that they are battering.

d. Guideposts Indicating Possible Child Abuse

- (1) In the case of the battered child, the parents tend to be "medical butterflies," taking the child for treatment only as the result of a severe injury, and then trying not to take the child back to the same doctor, clinic, or hospital. This is done to lessen the risk of discovery.
- (2) Batterers will verbalize about the child's poor eating habits, the failure to thrive, that the child cries too much, and that the child does not respond to affection.
- (3) These people often state that the child "bruises easily," that some unnamed doctor told them the child had a blood condition, or that the child has a bone condition.

NOTE: Such statements must be countered via medical testimony. Thus, in the case of a broken bone, the radiologist or orthoped should be contacted to rule out the existence of *osteo genesis imperfecta*.

e. Protection v. Prosecution

The major weakness relating to police intervention in cases of child abuse is the use of the approach that concentrates on the identification and eventual prosecution of the offender. Experience has indicated that the identification of the perpetrator and successful prosecution is most difficult.

The police posture should be directed toward the protection of the child, and the development of the decision-making processes that aids in determining those instances where the immediate removal of the victim from the home is necessary.

As a part of the protection techniques, the police should develop the skills and knowledge about the total problem that will provide a basis of expertise in order to form cooperative efforts with the medical-legal-social disciplines that are necessary to and are engaged in child protective activities.

The police must learn how to work effectively with the medical services to enlist physician testimony, gain nurse and other staff cooperation, so as to be capable of providing the investigative background to protect the child through the Juvenile Court process and to prosecute those offenders who may be subject to such action.

Sophisticated police involvement will encourage a community increase of levels of the suspicion index, and should serve to aid in bringing about fuller reporting of such cases.

## 2. Investigation of Child Abuse

- a. The investigative skills and techniques used in crimes against persons and specifically neglect, are also pertinent to child abuse cases.
- b. A working familiarity with the medical profession and allied services is a must.
- c. The full comprehension and appreciation of the nuances of the problem of child abuse must be a part of the officer's "homework."
- d. Whenever possible, all children under the age of two years who suffer a traumatic injury (other than auto accident) and who are taken to an emergency facility, should be subjected to the full-bodied X-Ray survey.
- e. Whenever possible, coroners and others dealing with death case situations, should implement body weight recording as a normal part of the processing of the body of a deceased child under the age of twelve years.

There may be some hesitancy by some persons in the medical profession to make charges of abuse. Although we would expect them to be aware of the statutes requiring their assistance and

affording them liability protection. It might be necessary to refer them to RSMo 1969, Chapter 210, Section 105.

210.105. Reports of child abuse, who shall make, how made, contents — **immunity of reporter — privilege communication denied.** — 1. Any physician, surgeon, dentist, chiropractor, podiatrist, Christian Science or other health practitioner, registered nurse, school nurse, teacher, social worker, or others with responsibility for care of children for financial remuneration, having reasonable cause to believe that a child under the age of seventeen years brought to him for examination, care or treatment has suffered injury or disability from physical abuse, or neglect inflicted upon him, by other than accidental means; and any hospital to which a child comes or is brought, suffering injury or disability from physical abuse, or neglect inflicted upon him other than by accidental means by a parent or other person responsible for his care shall promptly report or cause reports to be made to the county welfare office or county juvenile officer in accordance with the provisions of this section. Reports may also be made to an appropriate law enforcement authority.

2. An oral report shall be made by telephone or otherwise, and shall be followed as soon thereafter as possible by a report in writing to the county welfare office or county juvenile officer. The oral report shall be made as soon as practicable. Such reports shall contain the names and addresses of the child and his parents or other persons responsible for his care, if known, the child's age, the nature and extent of the child's injuries or disabilities, including any evidence of previous injuries or disabilities, and any other information that the physician believes might be helpful in establishing the cause of the injuries or disabilities and the identity of the perpetrator.

3. Anyone participating in good faith in the making of a report pursuant to this section or section 210.107 shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed, for the making of such a report. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

4. Neither the physician-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence regarding a child's injuries or disabilities or the cause thereof in any judicial proceeding resulting from a report made pursuant to this section or to section 210.107.

NOTE: For a full discussion of the problems of child abuse and police investigative procedures, see:

Helfer, Ray and C. Henry Kemple, *THE BATTERED CHILD SYNDROME*, University of Chicago Press, 1969

Flammang, C. J., *THE POLICE AND THE UNDERPROTECTED CHILD*, Charles C. Thomas, 1970

## RUNAWAY JUVENILES

Juvenile runaways represent an ever increasing social problem, and as in other areas of society, such problems usually involve the police in some aspect of the societal response. Since the days of the "beat generation," to the commune generation of the present, there has been an added dimension to the runaway problem, and that is the evolution of sub- and contra-cultures that become havens for the runaway.

With increasing complexities of life, the extension *de facto* of the youth's economic dependency upon the family, and the opportunity for parent-child conflict, the runaway juvenile problem is expanding. Alterations of values and attitudes toward male-female role clarity, the sexual revolution, and a general permissiveness all give rise to the runaway tactic becoming a reality experience for many of this country's youth. It is becoming a part of the juvenile life style, and when the reactions of those youth who do not engage in the activity are taken into account, in relation to their perception of their runaway peers, the awareness of the runaway as a "normal" outlet for juvenile frustrations becomes more evident.

## THE PROBLEM

Recent alterations in the ramifications of juvenile runaway cases are pointing to expanded aspects of the offense that add to the problem.

1. Runaways for both sexes are increasing

As the runaway tactic becomes more of a part of the juvenile existence, the numbers of runaways increase, but so do these rates when applied by sex. It is obvious that the risk factor increases when the female is involved.

2. Runaways are traveling farther

The former concept of taking off from home, but remaining in the immediate area is altering. Runaways are now traveling great distances from their locales. Much of this mobility, especially for females, is via hitchhiking.

3. The gravitation is toward urban centers and anonymity

Youth have discovered that they can blend into the anonymous atmosphere of the city. Chances of success in remaining away from parents is greater within the urban area, and such centers provide a wider range of individuals willing to assist the juvenile continue the adventure.

4. Runaways are victims of homicide

Recent slayings of runaway juveniles increase the burdens on the police in attempts to locate and return such youth to the jurisdiction of residence.

5. Peer "coaching" of juveniles

Other youth encourage and coach juveniles in runaway strategies and hold such tactics as reasonable solutions to youthful difficulties and frustrations.

## INVESTIGATIONS OF RUNAWAYS

Police agencies should attempt to develop sound investigative techniques to be employed in runaway juvenile situations. These should include the following:



1. Requiring the parent or guardian to sign a Runaway Juvenile Report.
2. Utilization of the police communications net, news media, and other selected methods of bringing the runaway to the attention of agencies and the public.
3. Institute follow-up investigative procedures that includes peer interviews, sub-culture contacts, and the use of normal juvenile informants. Such police contacts should be carried out at regular intervals if the first contact is not productive.
4. Periodic contacting of parents.
5. The development of the patrol unit into a runaway preventive force by increasing their perception of the seriousness of the problem and raising their suspicion index.
6. The cross interrogation of other juvenile suspects handled on unrelated offenses, but who may have knowledge of the subject.
7. Identification and surveillance of local juvenile hangouts, including private homes that exhibit a permissive cooperation with juveniles who are beyond the control of their parents.

#### OTHER TECHNIQUES

1. The development by the police of a system of communicating to minor runaway offenders or juveniles who are having problems that may lead to such an act, that they can contact the police "to work something out" in lieu of the radical response.
2. The development and implementation of anti-runaway programs to be used in an educational manner with juveniles and parents through the schools and other organizations.

#### SPECIAL RESOURCE

*Operation Peace of Mind* has been recently instituted in Tex-

as. It is nationwide in scope and provides a telephone message center for runaway juveniles to make contact with their parents toll free. It is operated 24 hours per day.

1. Telephone numbers in use for toll free call:

Texas .....	1-800-392-3352
In Houston .....	524-3821
Out of State .....	1-800-231-6946

2. Messages to parents will be relayed via this service.

The Police-Juvenile Service Officer would like to acknowledge the assistance of Chris Flammang, Assistant Professor, Police Training Institute, Champaign, Illinois, in preparing this article.

## 7. A POLICE-JUVENILE RECORD SYSTEM

RSMo. 1969

**"211.321 Juvenile court records — records of peace officers as to children — destruction of records.**

1. The proceedings of the juvenile court shall be entered in a book kept for that purpose and known as the juvenile records. These records as well as all information obtained and social records prepared in the discharge of official duty for the court shall be open to inspection only by order of the court to persons having a legitimate interest therein.

2. Peace officers records, if any are kept, of children shall be kept separate from the records of persons seventeen years of age or over and shall not be open to inspection or their contents disclosed except by order of the court. This subsection does not apply to children who are transferred to courts of general jurisdiction as provided by section 211.071.

3. The court may, either on its own motion or upon application by the child or his representative or upon application by the juvenile officer, enter an order to destroy all social histories, records, and information, other than the official court file, and may enter an order to seal the official court file, as well as all peace officers' records, at any time after the child has reached his seventeenth birthday if the court finds that it is in the best interest of the child that such action or any part thereof be taken, unless the jurisdiction of the court is continued beyond the child's seventeenth birthday, in which event such action or any part thereof may be taken by the court at any time, after the closing of the child's case."

In today's progressive and modern law enforcement agency, the records and communications facilities form the center or brain of the agency. Professional administrative procedures dictates sound record keeping practices.

"The quality of records maintained has a direct relation to the quality of police administration."<sup>1</sup>

It is not the intent of this writer to describe in total a police record system nor to discuss the advantages and/or disadvantages of a centralized record system compared to a decentralized system.

However, before we can develop an outline of a juvenile record system, we must have a basic understanding of what a record system is and how it can best be utilized.

A police record system is designed to meet basic needs.

### **I. Legal Documentation**

Information recorded by police agencies may be needed later for many purposes, subsequent civil and criminal proceedings not being the least of these. Factual information properly recorded and maintained may be used to convict or acquit a person charged with a criminal offense.

We must not forget the majority of police complaints recorded are comparatively minor in nature. However, this does not mean it isn't of personal concern to the complainant and, thus, should be a matter of importance to the police administrator and his subordinates.

### **II. Investigative Information**

The size of a police agency does not decrease the importance of a properly recorded complaint. Accurate information obtained and recorded in the preliminary complaint may be used in an ensuing follow-up investigation, if necessary. Whether an officer is a village marshal or detective specifically assigned follow-up investigations in a large police agency, information, no matter how meager, may be enough to complete an investigation and solve a crime. It may be pieced together with information from other reports, providing the missing pieces to what at first was a seemingly difficult puzzle.

### **III. Management and Planning**

Records provide the basis for administrative control and policy making. They provide the basis for crime prevention programs. In essence, factual information on the amount and extent of crime in a community provides the basis for planning.

The records maintained will indicate the effectiveness of present procedures be they traffic enforcement, crime prevention or delinquency prevention.

Many police chiefs may be giving thought to assigning a

police officer the responsibility of investigating complaints involving juveniles. A search of the records will assist in making this decision. A police chief should be concerned with effective utilization of his personnel. Proper record keeping efforts will assist in the decision making process.

## GUIDELINES FOR MAINTENANCE OF POLICE-JUVENILE RECORDS

"Adequate records about juvenile cases must be maintained by police for the following purposes:

1. To provide a means for administrative control through continuing evaluation of departmental policies and procedures and of the performance of individual officers in juvenile cases.
2. To provide information on police contacts with a given juvenile for the police themselves, for the juvenile court, and for other legitimately interested agencies.
3. To provide information about conditions in the community which contribute to juvenile delinquency and to define the areas in which they exist for purposes of police control and community elimination.
4. To provide subject material for the curricula of the department's recruit and inservice training with respect to dealing with juveniles."<sup>2</sup>

Although the purposes listed above are essentially basic for all police record keeping, there are special problems in the management of police records regarding cases of individual juveniles.

As stated before, it is extremely important that law enforcement agencies maintain accurate and efficient records. Complete records are an important tool of law enforcement.

What we must remember is great harm may result from inaccuracies in records. This is especially true with juveniles. Classifying or labeling a juvenile incorrectly, as a particular type of offender, may haunt that person in adulthood.

'An example of this is reported to have involved a "highly respected and capable police juvenile sergeant." The files indicated that he had been picked up for 'child molesting.' Investigation indicated that this had occurred when he was fourteen years old and that while walking his 13 year old

girlfriend home, he had kissed her while the two were in public view on the street. The local section under which he had been charged dealt with conduct arousing or tending to arouse the person of a child under the age of fourteen years.”<sup>3</sup>

This would illustrate the danger of inaccurate record keeping. \*Section 55 of the Uniform Juvenile Court Act, “Law Enforcement Records” is written:

“Law enforcement records and files concerning a child shall be kept separate from the records and files of arrests of adults. Unless a charge of delinquency is transferred for criminal prosecution under Section 34, the interest of national security requires, or the court otherwise orders in the interest of the child, the records and files shall not be open to public inspection or their contents disclosed to the public, but inspection of the records and files is permitted by:

1. a juvenile court having the child before it in any proceeding;
2. counsel for a party to the proceedings;
3. the officers of public institutions or agencies to whom the child is committed;
4. law enforcement officers of other jurisdictions when necessary for the discharge of their official duties; and
5. a court in which he is convicted of a criminal offense for the purpose of a pre-sentence report or other dispositional proceeding, or by officials of penal institutions and other penal facilities to which he is committed, or by a (parole board) in considering his parole or discharge or in exercising supervision over him.

#### **ADVANTAGES OF MAINTAINING A SEPARATE JUVENILE RECORD SECTION**

1. This fulfills the mandate of keeping records, “separate from the records of persons seventeen years of age or over.”<sup>4</sup>
  - a. complies with statutory restrictions
2. All juvenile records are in one place

- a. record search made easier
- b. efficiency maximized
- 3. Personnel responsible for juvenile records become very familiar with local juveniles.
- 4. Decision making process regarding juvenile delinquency prevention and control made easier.
  - a. pertinent information in one place
- 5. Protects confidentiality of the records.

While advisable, the statutes do not necessarily require that records on juvenile cases be kept in a separate office. However, they do have to be separate from adult records. A small department may have only one room for its total operation. Administrative efficiency should dictate whether the juvenile records are kept in the juvenile unit's office or not. It would seem to be the most practical place for them to be maintained.

### **JUSTIFICATION FOR SEPARATING JUVENILE RECORDS FROM ADULT RECORDS**

- 1. Juvenile records are not considered to be records of criminal conduct.
  - a. therefore, they should not be filed with adult criminal records
- 2. Control of police records is sometimes lax
  - a. unauthorized persons allowed access to them
- 3. It is easier to provide safeguards for a separate juvenile record section
  - a. particularly when they are kept in the juvenile unit's office

There should be accessibility to juvenile police records on a need to know basis by authorized personnel within a police agency. Therefore, there is something to be said for having juvenile records in the central record section, as long as effective record management prevails, confidentiality of juvenile records is maintained, and they are kept separate from adult records. Every police agency should have written procedural guidelines to insure confidentiality of juvenile records.

## FINGERPRINTING AND PHOTOGRAPHING JUVENILES

"RSMo. 1969, Ch. 211.151 (2) Neither fingerprints nor a photograph shall be taken of a child taken into custody for any purpose without the consent of the juvenile judge."

Any fingerprinting or photographing of juveniles by police without complying with statutory restrictions is poor professional work and also an illegal act.

When a police investigation indicates photographing and fingerprinting a juvenile is necessary in the solution of an offense, contact the juvenile court judge. Armed with valid reasons to do so, we can expect the court to comply with reasonable requests.

\*Section 56 of the Uniform Juvenile Court Act (Children's Fingerprints, Photographs) is written:

- a. No child under 14 years of age shall be fingerprinted in the investigation of a crime except as provided in this section. Fingerprints of a child 14 or more years of age who is referred to the court may be taken and filed by law enforcement officers in investigating the commission of the following crimes: (specify such crimes as murder, non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, house-breaking, purse snatching, and automobile theft).
- b. Fingerprint files of children shall be kept separate from those of adults. Copies of fingerprints known to be those of a child shall be maintained on a local basis only and not sent to a central, state or federal, depository unless needed in the interest of national security.
- c. Fingerprint files of children may be inspected by law enforcement officers when necessary for the discharge of their official duties. Other inspections may be authorized by the court in individual cases upon a showing that it is necessary in the public interest.
- d. Fingerprints of a child shall be removed from the file and destroyed if:
  1. a petition alleging delinquency is not filed or the proceedings are dismissed after either a petition is filed or the cases is transferred to the juvenile court as provided in section 9, or the child is adjudicated not to be a delinquent child; or



2. the child reaches 21 years of age and there is no record that he committed a criminal offense after reaching 16 years of age.
- e. If latent fingerprints are found during the investigation of an offense and a law enforcement officer has probable cause to believe that they are those of a particular child, he may fingerprint the child regardless of age or offense for purposes of immediate comparison with the latent fingerprints. If the comparison is negative, the fingerprint card and other copies of the fingerprints taken shall be immediately destroyed. If the comparison is positive and the child is referred to the court, the fingerprint card and other copies of the fingerprints taken shall be delivered to the court for disposition. If the child is not referred to the court, the fingerprints shall be immediately destroyed.
- f. Without the consent of the judge, a child shall not be photographed after he is taken into custody unless the case is transferred to another court for prosecution."

It must be remembered the above section is not law but rather a uniform act that could be adopted by any state legislature, in part or in total.

## THE INFORMAL RECORD SYSTEM

I have briefly discussed the basic record keeping procedures in the formal system. Let us now discuss the informal system.

There will be times when a juvenile is stopped by a police officer, admonished for a minor incident and sent on his way. The same juvenile may be stopped by several officers and the matter may be adjusted in the same manner. No record of the contact is made and, yet, the juvenile may be developing a pattern of behavior that will eventually lead to serious violations of the law. In this writer's opinion, developing a Contact Card File on juveniles (whether a formal report is made or not) can assist a community in preventing such patterns of behavior. It will require the assistance of every man on the department. Every department can develop a 3" x 5" Juvenile Contact Card.

Front

JUVENILE CONTACT						Age now (in pencil)
Last Name		First Name		Middle Name		
Residence(street)		(city)	(county)	State	Zip	
Sex	Race	Height	Weight	Hair	Eyes	
Date of Birth			Place of Birth			
Name of father check if stepfather <input type="checkbox"/>			Name of mother (maiden name) check if stepmother <input type="checkbox"/>			

Fig. 1

Back

Date	Officer's Name	Time & Location	Report No. if any
1.			
2.			
3.			
4.			
5.			
6.			

Fig. 2

Figure one and two on page 9 is an example of a form that can be used. A larger 5" x 8" card could be used and is more desirable.

When an officer has an on-the-street contact with a juvenile and an on-the-street adjustment is made, the information necessary for the contact card can be obtained. If a formal report is made, a police-juvenile officer (if any) should automatically receive a copy of the report. Assume now a juvenile receives 4 or 5 on-street adjustments by a different officer in each instance. Through the contact card this can be noted. When such notice is taken, a call to the parents may be sufficient and parental control can take place before a serious pattern develops. It is important to inform the parents that the matters weren't serious enough for a formal report to be made. Hopefully, this will insure against inappropriate action being taken by parents. Of course, when a formal report is made, parents should be contacted as soon as possible. As stated before, this procedure will only be successful with the cooperation of all officers within the department.

## DESTRUCTION OF RECORDS

Much has been written about destroying juvenile records. Police are, generally, opposed to any blanket rule requiring automatic and unconditional destruction of police records when a person passes the statutory juvenile age or at age twenty-one. Certainly, if the court enters an order to seal all peace officers' records at any time after the child has reached his seventeenth birthday if the court finds it in the best interest of the child (RSMo. 1969, Ch. 211.321, Subsection 3) a police agency must comply. This would include all index cards, contact cards, fingerprints and photographs.

"If we accept the position that the juvenile court, once it acquires jurisdiction by making a finding on the merits, is interested in rehabilitation, then the idea of sealing records or expungement becomes reasonable."

Let us assume an individual is leading a productive life as an adult citizen. It would seem that indiscretions of his youth should not cast a shadow over him as an adult.

As stated earlier, police are opposed to any blanket rule requiring automatic destruction of juvenile police records. Generally, decisions relating to juvenile records and maintenance are a local issue. The procedures for recording, storing, retrieving and releasing police data on juveniles have been and are the subject of close scrutiny in most jurisdictions. The following are factors that should be weighed when the decision to destroy records arises:

1. Records may ultimately adversely affect the career of one who is no longer a behavioral risk.
2. Do the records have potential research data? (If so, investigate the possibility of saving the useful statistical data and discard the rest.)
3. Records may supplement skeletal information of records elsewhere (F.B.I. and State Fingerprint records with only sketchy notations). If the original records have been destroyed, the possibility of drawing conclusions from sketchy information remains. (This may be a good argument for not entering juvenile fingerprints into State and FBI files.)
4. Do the individual delinquency histories recorded have functional value in police investigations? (Certainly there is functional value in most criminal histories. However, it is doubtful that many juvenile histories will have much functional value several years later.)

To ease the decision making process when destroying juvenile records, the following guidelines may be followed:

1. Exercise discretion and judgement when making formal reports.
  - a. Refrain from making permanent records of trivia.
2. Periodically purge files of records having no lasting value.
3. Develop in-service training programs in:
  - a. local reporting and record keeping practices (this should insure records will be complete and clear to a greater degree).
4. Maintain strict administrative controls,
  - a. records be unavailable to unauthorized persons.
5. Provide explanations and interpretations if necessary,
  - a. when records are reviewed for official purposes.
6. All matters affecting police record keeping practices and policies should include police personnel.

7. Requests for information on juvenile records (when statutory restrictions will not allow you to give a person or agency access) should be referred to the juvenile court for reply. (This will not only protect the individual and the department, but will afford the requesting agency final case disposition data, if the court complies with the request.)

This has been a brief overview of juvenile record keeping policies, procedures and philosophies. If we are to win the battle against crime and delinquency, statistical evaluation of police-juvenile records must play an important part. If we can develop a uniform system for reporting and recording information, valid conclusions can be made as to the extent, type, and successful approaches in combating juvenile crime and delinquency. To quote an old cliché, "Records speak for themselves." Well, let them speak.

#### FOOTNOTES

1. F.B.I., U.S. Department of Justice, Manual of Police Records.
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## 8. FORMULATING POLICE-JUVENILE POLICY

### STANDARD 9.5 JUVENILE OPERATIONS

The chief executive of every police agency immediately should develop written policy governing his agency's involvement in the detection, deterrence, and prevention of delinquent behavior and juvenile crime.

1. Every police agency should provide all its police officers with specific training in preventing delinquent behavior and juvenile crime.

2. Every police agency should cooperate actively with other agencies and organizations, public and private, in order to employ all available resources to detect and deter delinquent behavior and combat juvenile crime.

3. Every police agency should establish, in cooperation with courts, written policies and procedures governing agency action in juvenile matters. These policies and procedures should stipulate at least:

- a. The specific form of agency cooperation with other governmental agencies concerned with delinquent behavior, abandonment, neglect, and juvenile crime;
- b. The specific form of agency cooperation with non-governmental agencies and organizations where assistance in juvenile matters may be obtained;
- c. The procedures for release of juveniles into parental custody; and
- d. The procedures for the detention of juveniles.

4. Every police agency having more than 15 employees should establish juvenile investigation capabilities.

- a. The specific duties and responsibilities of these positions should be based upon the particular juvenile problems within the community.
- b. The juvenile specialist, besides concentrating on law enforcement as related to juveniles, should provide support and coordination of all community efforts for the benefit of juveniles.

5. Every police agency having more than 75 employees should establish a juvenile investigation unit, and every smaller police agency should establish a juvenile investigation unit if community conditions warrant. This unit:

- a. Should be assigned responsibility for conducting as many juvenile investigations as practicable, assisting field officers in juvenile matters, and maintaining liaison with other agencies and organizations interested in juvenile matters; and
- b. Should be functionally decentralized to the most effective command level.

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While this article is addressed to all police departments, it is particularly addressed to those departments deemed large enough to justify assignment of at least one officer the responsibility of investigating police complaints involving juveniles.

When formulating police-juvenile policy, we must remember it is only one facet of a larger responsibility. Police-juvenile policy should be part of a total departmental policy statement. The intent is not to place more significance in the role of the police-juvenile officer (PJO) in relation to the overall police function. Before we discuss police-juvenile policy, let us consider what normally comes before a policy statement.

We cannot minimize the influence the chief executive of a police department can and does have. Certainly, his personal beliefs and convictions (his philosophy) will often times dictate the way in which his subordinates carry out their responsibilities. His silence in the various ways complaints are received, investigated and handled may give tacit approval of any and all procedures used by his subordinates. On the other hand, a formal (written) expression of his theory of police functions and organization will provide a general direction when decisions are made by his subordinates on behalf of the department. Therefore, it is essential the chief executive officer make it known to all personnel within the department what the rules and regulations and general policy of the department are. In the absence of policy promulgated by the chief, or other decision making body, the next highest ranking officer may develop his policy. Absent that, the patrolman may develop a policy not consistent with the chief's. Since the

chief cannot provide field leadership in most instances, much of the leadership will be in the form of written rules, procedural guidelines and a policy statement.

"The police administrator who depends solely on direction through personal and informal communication with subordinates to get things done runs the risk of inconsistency, lack of coordination, and failure to follow instructions which are certain to stem from the absence of a formal directive system. On the other hand, clear identification of policy through directives is often recognized as the hallmark of the leader who is able to establish goals and pursue them tenaciously."<sup>1</sup>

The written directive defines policy, establishes procedures and sets forth the rules and regulations of the department. For the purpose of this article, I will classify directives into three categories: policy, procedures and rules.

## **POLICY**

Policy is a written statement providing direction for officers to act in prescribed ways under certain conditions. However, it is usually a broad statement to allow an officer a degree of flexibility within limits set by the chief. The following is an example of a policy statement:

In places where juveniles tend to congregate in greater numbers than usual, there has been a rise in vandalism and/or complaints from business owners and residents in the area. Complaints have been reduced when officers have concentrated their efforts at such locations and at times when the incidents and complaints are received the most.

This policy statement suggests how complaints were reduced without establishing any fixed rules of enforcement. It does not describe a procedure for reducing complaints. However, it does provide the framework within which more detailed procedures can be drafted.

## **PROCEDURES**

While more specific than a policy, it is less restrictive than a rule or regulation. It provides some flexibility within limits of a prescribed method of operation. When having a police contact with a juvenile, the written directive will allow some flexibility in the alternatives used in dealing with



the juvenile.

As an example:

PD1 "Juvenile Reporting Form" will be used as a general purpose referral form dealing with most juvenile matters.

1. The intended purpose of the form (PD1) is to refer the juvenile to the Youth Division.
2. If the officer having initial contact with the juvenile, and not assigned to the Youth Division, does not use form PD1, he must make a Contact Card (Form PD2).
3. In the use of either of forms PD1 or PD2 the officer having initial contact with the juvenile will indicate the reason for the report or contact and action taken.

## RULES

They are more specific and restrictive than procedures or policy. They do not allow deviation or exception. Rules will almost always affect those matters having unchanging features which should prohibit anyone from taking leeway.

Example:

### *Residency Requirement*

All members of the Utopia Police Department are required to live within the City of Utopia. There will be *no exceptions* to this rule.

Any member found in violation of this rule will be dismissed immediately.

As we move from policy, to procedure, to rule, restrictions on the discretion and flexibility of a police officer increases. While necessary, too many rules may stifle personnel within the department. They minimize a department's chance of attaining desired objectives since the officers may not care if organizational success is achieved. One likes to feel his input is important too. Too many rules do not allow for that. Hopefully, each police department will strive for a proper balance of rules, procedures and policy statements.

One might ask, why do we need policy statements? What do they achieve?

### The Need for Policy Statements

"In law enforcement operations the development of policy statements are necessary and useful for several reasons:

1. They define the broad objectives of the police, consistent with the philosophical tenets upon which a democratic society is based.

2. They provide a sound and reasonable basis for the exercise of police discretion.
3. They offer guidelines for police conduct by defining limits which demand that which must be and prohibit that which must not be.
4. They provide standards against which each individual police agency may measure its posture on specific issues.
5. They instruct and enlighten persons outside of law enforcement and thereby tend to shape the public's expectations of the police."<sup>2</sup>

## POLICY FORMULATION

Policy formulation is essentially decision making. It tends to act as a guide in achieving desired objectives. To achieve success, the objectives of the decision making person(s) or body must be apparent to all.

The National Advisory Commission on Criminal Justice Standards and Goals has written the following:

### Standard 2.2 Establishment of Policy

"Every police chief executive immediately should establish written policies in those areas of operations in which guidance is needed to direct agency employees toward the attainment of agency goals and objectives.

1. Every police chief executive should promulgate policy that provides clear direction without necessarily limiting employees exercise of discretion.
2. Every police chief executive should provide for maximum participation in the policy formulation process. This participation should include at least:
  - a. input from all levels within the agency — from the level of execution to that of management — through informal meetings between the police chief executive and members of the basic rank, idea incentive programs, and any other methods that will promote the upward flow of communication; and
  - b. input from outside the agency as appropriate — from other government agencies, community organizations, and the specific community affected.

3. Every police chief executive should provide written policies in those areas in which direction is needed, including:
  - a. general goals and objectives of the agency;
  - b. administrative matters;
  - c. community relations;
  - d. public and press relations;
  - e. personnel procedures and relations;
  - f. personal conduct of employees;
  - g. specific law enforcement operations with emphasis on such sensitive areas as the use of force, the use of lethal and nonlethal weapons, and arrest and custody; and
  - h. use of support services."

## POLICE-JUVENILE POLICY GUIDELINES

### 1. Training

In some instances, cases involving juveniles can be handled in the best interests of the community by officers with special aptitudes, training and experience. It is clear, however, that problems with children and youth must be met with the entire force of the department. Therefore, every officer must be given adequate basic police training at the entry level. That training should include:

- a. a thorough review of the Missouri Juvenile Code
- b. review of juvenile court procedures in that particular jurisdiction
- c. the ability to identify neglected and dependent children
- d. ability to detect and deter predelinquent and delinquent behavior
- e. develop an understanding into juvenile crime problems
- f. indoctrination of departmental policy
- g. learn of available community resources

Periodic in-service training should be provided for *all* personnel. It is irrelevant whether a department has a juvenile division or not, since most initial contacts with juveniles are not made by juvenile specialists.

### 2. Specialization

There must be a demonstrated need to establish a juvenile division in a police department. The basis for such a decision can be reached in many ways.

- a. the number of complaints involving juveniles in relation to complaints involving adults
- b. the excessive "out of service" time of patrol officers in processing juvenile cases
- c. the need for developing closer working relationships with other members of the juvenile justice system
- d. the need for the police to provide direction to the community in providing delinquency prevention activities
- e. the availability of an officer(s) to act as a resource person in police-juvenile matters to the chief, command officers, schools, public and civic agencies

### **3. Selection of Police-Juvenile Officers**

PJO's should, whenever possible, be selected from the department's experienced line officers. A desire to 'work with kids' or the exclamation, "I like kids," is not enough. They are desirable attitudes, but the criteria for selection should include the following:

- a. a minimum of two years police experience (exceptions might be made where an officer with less experience has demonstrated a particular talent for working with juveniles)
- b. an ability to be objective, particularly when dealing with others in the juvenile justice system, who's philosophy may differ somewhat with the police officer's
- c. assignment should be made by the unit commander with approval from the chief or, in the case of a smaller department, the chief
  1. recommendations for the assignment can be made by an officer's immediate superiors
- d. specialized training in working with juveniles should be provided prior to assignment to a juvenile division or as the only PJO.

### **4. Organizational Structure**

The PJO or police-juvenile unit must be placed within the organizational structure of the police department. Crime prevention and delinquency control are basic responsibilities of the police and thus cannot be effectively dealt with by a separate agency. It is essential that the approach to juvenile problems be integrated with other units within the department. This will increase efficiency and minimize the possibility of an 'elite status' being attached to a special unit. The size of

the department will determine where in the organizational structure a juvenile division is placed. Possibilities are:

- a. a separate unit (medium to large size department)
- b. a sub-unit of the investigation division (medium size department)
- c. one officer reporting directly to the chief (small department)
- d. one officer having part-time responsibilities as a PJO (small department)

## 5. Function

Officers assigned to the juvenile unit are, at all times, police officers first. They should not be allowed to over-emphasize the importance of their work. At the same time, officers in other units should recognize the need for a specialized division (where the need exists) and not minimize the juvenile unit's importance.

Functions of the juvenile unit should include:

- a. investigate conditions that increase the chance for delinquency
- b. exercise control over juveniles who engage in anti-social behavior
  1. using appropriate alternatives at their disposal whenever possible
- c. take appropriate action when necessary to prevent a recurrence of anti-social behavior
- d. coordinate police operations and cooperate with community agencies concerned with the control and prevention of delinquent behavior
- e. make appropriate police dispositions of all individuals known to have committed unlawful or delinquent acts
- f. assist the Chief and Unit Commander in:
  1. formulating and implementing overall departmental policy for dealing with juveniles
  2. developing in-service training programs for all police officers in the department
- g. make follow-up investigations on all cases known to involve juveniles (unless otherwise specified). Where the investigation unit handles specified cases, provide assistance to that unit.
- h. receive and review all reports involving police-juvenile contacts

## 6. General Policy Guidelines

Other policy guidelines should include:

- a. official representation and participation in local civic, religious and social community organizations through which assistance in promoting public order can be obtained
- b. police should provide initiative and leadership in developing needed youth-serving organizations (Non-police persons should be encouraged to direct such activities. In most cases, a police officer's active involvement should be in non-duty hours.)
- c. police should become actively involved in community youth-serving bodies, where such participation will tend to prevent crime and delinquency
- d. police officers should be encouraged to become involved in civic projects as a responsible citizen of the community

While brief, this article may give direction for those departments who have not, as yet, formulated written policy guidelines. As stated before, size of the police agency, problems peculiar to that community and the personal philosophy of the chief will determine policy, to a great extent.

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1. Wilson, O. W. and McLaren, Roy C., *Police Administration*, McGraw-Hill, 1972, pg. 128.
2. Kobetz, Richard W., *The Police Role and Juvenile Delinquency*, International Association of Chiefs of Police, pg. 125.

## 9. A SELECTED BIBLIOGRAPHY: POLICE WORK WITH JUVENILES

This selected bibliography will provide the professional thinking person with titles of several printed materials that can increase insight and understanding of juveniles. However, this bibliography is only the tip of the iceberg. That is why we have provided an alphabetical list (by county and city) of libraries throughout the state of Missouri. Your local libraries will have much of the material listed. If not, your local librarian may be able to obtain what you have requested. The library can be the catalyst for knowledge. It has the latest listings of new publications as well as audio-visual aids.

We have also listed the addresses of several organizations that regularly publish articles relevant to juveniles and the juvenile justice system.

It is also suggested that police training centers and local schools, community colleges and universities be contacted for information concerning pertinent films, video-tapes and other audio-visual aids that may be available on a loan or rental basis. "Seek and Ye Shall Find."

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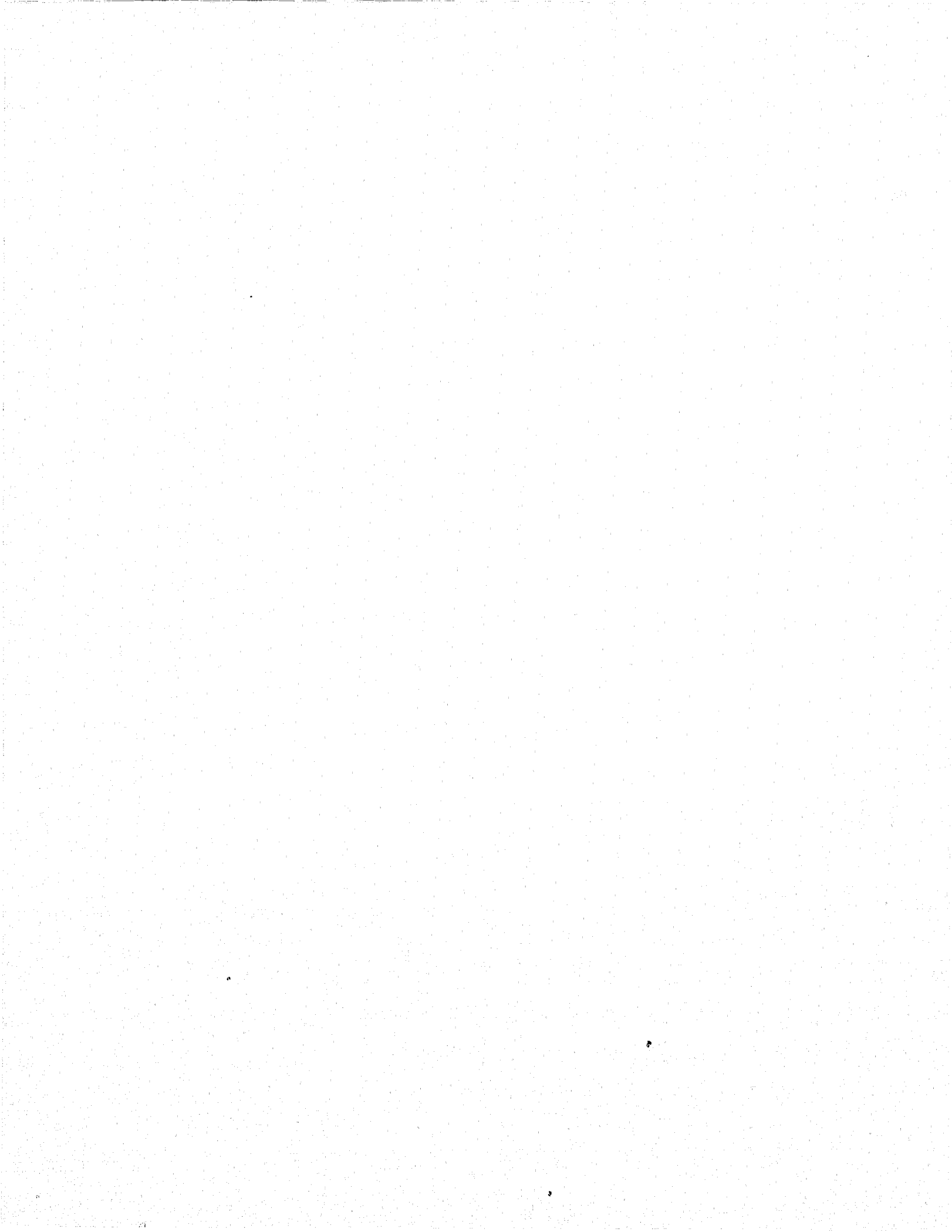
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(Youth Development and Delinquency Prevention Administration)  
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**1 OF 2**

U.S. Department of Justice,  
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Below is a library service list for the state of Missouri.  
Consult your local directory for telephone numbers and hours  
open to the public.

## LIBRARY SERVICE IN MISSOURI

### **ADAIR COUNTY:**

Sojourner's Library at Kirksville

### **ANDREW COUNTY:**

(Part of Rolling Hills Regional Library, St. Joseph)

### **ATCHISON COUNTY:**

Atchison County Library, Rockport

### **AUDRAIN COUNTY:**

Mexico-Audrain County Libraries, Mexico

### **BARRY COUNTY:**

(Part of Barry-Lawrence Regional Library, Neosho)

### **BARTON COUNTY:**

(Part of Town & Country Regional Library, Neosho)

### **BATES COUNTY:**

No county-wide library service available

Independent municipal libraries: Rich Hill Public Library

### **BENTON COUNTY:**

(Part of Boonslick Regional Library, Sedalia)

### **BOLLINGER COUNTY:**

Bollinger County Library, Marble Hill

### **BOONE COUNTY:**

(Part of Daniel Boone Regional Library, Columbia)

Independent municipal libraries: Centralia Public Library

### **BUCHANAN COUNTY:**

(Part of Rolling Hills Regional Library, St. Joseph)

Independent municipal libraries: St. Joseph Public Library

### **BUTLER COUNTY:**

No county-wide library service

Tax supported municipal library at Poplar Bluff Public Li-  
brary

### **CALDWELL COUNTY:**

No county-wide library service

Tax supported municipal libraries at Breckenridge and  
Hamilton

Breckenridge Public Library

Hamilton Public Library

**CALLAWAY COUNTY:**

(Part of Daniel Boone Regional Library, Columbia)

**CAMDEN COUNTY:**

(Part of Kinderhook Regional Library, Lebanon)

**CAPE GIRARDEAU COUNTY:**

(Part of Riverside Regional Library, Jackson)

Independent municipal libraries: Cape Girardeau Public Library, Jackson Public Library

**CARROLL COUNTY:**

No county-wide library service

Carrollton Public Library

Norborne Public Library

**CARTER COUNTY:**

(Part of Current River Regional Library, Van Buren)

**CASS COUNTY:**

Cass County Library, Harrisonville, contracting with Mid-Continent

**CEDAR COUNTY:**

(Part of Southwest Regional Library, Bolivar)

**CHARITON COUNTY:**

No county-wide library service

Non-tax library at Keytesville

Tax supported library at Salisbury: Salisbury Public Library

**CHRISTIAN COUNTY:**

Christian County Library, Ozark

**CLARK COUNTY:**

(Part of Northeast Missouri Library Service, Kahoka. Operating jointly with Kahoka Sever Memorial Library)

**CLAY COUNTY:**

(Part of Mid-Continent Public Library Service, Independence)

Liberty Public Library

North Kansas City Public Library

**CLINTON COUNTY:**

No public library service available in county

**COLE COUNTY:**

(Part of Thomas Jefferson Library System operating jointly with Jefferson City Public Library)

**COOPER COUNTY:**

(Part of Boonslick Regional Library, Sedalia)

**CRAWFORD COUNTY:**

(Part of Ozark Regional Library, Ironton)

**DADE COUNTY:**

(Part of Southwest Regional Library, Bolivar)

Independent municipal libraries: Lockwood Public Library

**DALLAS COUNTY:**

Dallas County Library, Buffalo

**DAVISS COUNTY:**

Daviess County Library, Gallatin

**DEKALB COUNTY:**

No county-wide library service

Non-tax library at Maysville

**DENT COUNTY:**

No county-wide library service

Salem Public Library

**DOUGLAS COUNTY:**

No library service within county.

**DUNKLIN COUNTY:**

Dunklin County Library, Kennett

**FRANKLIN COUNTY:**

(Part of Scenic Regional Library, Union)

Independent municipal libraries: Washington Public Library  
and Sullivan Public Library

**GASCONADE COUNTY:**

(Part of Scenic Regional Library, Union)

**GENTRY COUNTY:**

Gentry County Library, Stanberry

Independent municipal libraries: Albany Public Library

**GREENE COUNTY:**

Greene County Library and Springfield Public Library operating jointly

**GRUNDY COUNTY:**

Grundy County Library, Trenton

**HARRISON COUNTY:**

No tax supported library service in county

There is a non-tax library at Bethany

**HENRY COUNTY:**

Henry County Library, Clinton

Independent municipal libraries: Windsor Public Library

**HICKORY COUNTY:**

(Part of Southwest Regional Library, Bolivar)

**HOLT COUNTY:**

No county-wide library service

Mound City Public Library

Oregon Public Library

**HOWARD COUNTY:**

(Part of Daniel Boone Regional Library, Columbia)  
Independent municipal libraries: Fayette Public Library  
and Glasgow Public Library

**HOWELL COUNTY:**

No county-wide library service  
West Plains Public Library  
Willow Springs Public Library  
Mountain View Public Library

**IRON COUNTY:**

(Part of Ozark Regional Library, Ironton)

**JACKSON COUNTY:**

(Part of Mid-Continent Public Library Service, Independence)  
Independent municipal libraries: Kansas City Public Library)

**JASPER COUNTY:**

No county-wide library service  
Carthage Public Library  
Joplin Public Library  
Webb City Public Library

**JEFFERSON COUNTY:**

No county-wide library service  
Crystal City Public Library  
Festus Public Library  
DeSoto Public Library

**JOHNSON COUNTY:**

(Part of Trails Regional Library, Warrensburg)  
Independent municipal libraries: Holden Public Library

**KNOX COUNTY:**

(Part of Northeast Missouri Library Service, Kahoka)

**LACLEDE COUNTY:**

(Part of Kinderhook Regional Library, Lebanon)

**LAFAYETTE COUNTY:**

(Part of Trails Regional Library, Warrensburg)  
Independent municipal libraries: Higginsville Public Li-  
brary

**LAWRENCE COUNTY:**

(Part of Barry-Lawrence County Regional Library, Monett)  
Independent municipal libraries: Pierce City Public Library  
and Aurora Public Library

**LEWIS COUNTY:**

(Part of Northeast Missouri Library Service, Kahoka)  
Independent municipal libraries: Canton Public Library

**LINCOLN COUNTY:**

No tax supported library service available within county  
Non-tax library at Elsberry and one at Troy.

**LINN COUNTY:**

No county-wide service  
Brookfield Public Library  
Marceline Public Library

**LIVINGSTON COUNTY:**

Livingston County Library at Chillicothe

**MACON COUNTY:**

No county-wide tax supported library service  
Macon Public Library  
LaPlata Public Library

**MADISON COUNTY:**

(Part of Ozark Regional Library, Ironton)

**MARIES COUNTY:**

(Part of Thomas Jefferson Library System, Jefferson City)

**MARION COUNTY:**

No county-wide tax supported library service  
Hannibal Public Library

**McDONALD COUNTY:**

McDonald County Library, Pineville

**MERCER COUNTY:**

Mercer County Library, Princeton

**MILLER COUNTY:**

(Part of Thomas Jefferson Library System, Jefferson City)

**MISSISSIPPI COUNTY:**

Mississippi County Library at Charleston

**MONITEAU COUNTY:**

No library service available within county

**MONROE COUNTY:**

(Part of Little Dixie Regional Library, Moberly)  
Independent municipal libraries: Monroe City Public Li-  
brary

**MONTGOMERY COUNTY:**

No county-wide library service available  
Montgomery City Public Library  
Wellsville Public Library

**MORGAN COUNTY:**

Morgan County Library, Versailles

**NEW MADRID COUNTY:**

New Madrid County Library, Portageville  
Independent municipal libraries: Lilbourn Public Library

**NEWTON COUNTY:**

(Part of Town & County Regional Library, Joplin)

**NODAWAY COUNTY:**

No county-wide library service available

Maryville Public Library

**OREGON COUNTY:**

(Part of Current River Regional Library, Van Buren)

**OSAGE COUNTY:**

(Part of Thomas Jefferson Library System, Jefferson City)

**OZARK COUNTY:**

No tax supported library service available within the county

Non-tax library at Gainesville

**PEMISCOT COUNTY:**

No county-wide library service available

Tax supported libraries at Hayti, Caruthersville, and Steele

Hayti Public Library

Caruthersville Public Library

Steele Public Library

**PERRY COUNTY:**

(Part of Riverside Regional Library, Jackson)

**PETTIS COUNTY:**

(Part of Boonslick Regional Library, Sedalia)

Independent municipal libraries: Sedalia Public Library

**PHELPS COUNTY:**

No county-wide library service available

Non-tax library at St. James — James Memorial Library

Rolla Public Library

Newburg Public Library

**PIKE COUNTY:**

No county-wide library service available

Non-tax libraries at Bowling Green and Clarksville

Louisiana Public Library

**PLATTE COUNTY:**

(Part of Mid-Continent Public Library Service, Independence, May 21, 1968)

**POLK COUNTY:**

(Part of Southwest Regional Library, Bolivar)

**PULASKI COUNTY:**

(Part of Kinderhook Regional Library, Lebanon)

**PUTNAM COUNTY:**

Putnam County Library, Unionville

**RALLS COUNTY:**

No tax supported library service available within county

**RANDOLPH COUNTY:**

(Part of Little Dixie Regional Library, Moberly)

**RAY COUNTY:**

Ray County Library, Richmond

**REYNOLDS COUNTY:**

(Part of Current River Regional Library, Van Buren)

**RIPLEY COUNTY:**

(Part of Current River Regional Library, Van Buren)

Independent municipal libraries: Doniphan Public Library

**ST. CHARLES COUNTY:**

St. Charles City-County Library, St. Charles

**ST. CLAIR COUNTY:**

St. Clair County Library, Osceola

Independent municipal libraries: Appleton City Public Library

**ST. FRANCOIS COUNTY:**

No county-wide library service available

Non-tax library at Bonne Terre

Desloge Public Library

Flat River Public Library

Farmington Public Library

Elvins Public Library

**ST. LOUIS COUNTY:**

St. Louis County Library, St. Louis

Independent municipal libraries: Brentwood Public Library;  
Ferguson Public Library; Kirkwood Public Library;  
Maplewood Public Library; Richmond Heights Public  
Library; Rock Hill Public Library; University City Public  
Library; Valley Park Public Library; Webster  
Groves Public Library

**ST. LOUIS CITY:**

St. Louis Public Library

**STE. GENEVIEVE COUNTY:**

(Part of Ozark Regional Library, Ironton)

**SALINE COUNTY:**

No county-wide library service available

Slater Public Library

Sweet Springs Public Library

**SCHUYLER COUNTY:**

(Part of Northeast Missouri Library Service, Kahoka)

**SCOTLAND COUNTY:**

Scotland County Library, Memphis



**SCOTT COUNTY:**

(Part of Riverside Regional Library, Jackson)

Independent municipal libraries: Oran Public Library

Chaffee Public Library

Sikeston Public Library

**SHANNON COUNTY:**

No tax supported library service available within county

Non-tax library at Birch Tree

**SHELBY COUNTY:**

No county-wide library service available

Clarence Public Library

Shelbina Public Library

**STODDARD COUNTY:**

No county-wide library service available in county

Non-tax library at Advance

Dexter Public Library

**STONE COUNTY:**

Stone County Library, Galena

Independent municipal libraries: Crane Public Library

**SULLIVAN COUNTY:**

Sullivan County Library, Milan

**TANEY COUNTY:**

No tax supported library service available within the county

Non-tax library at Branson

**TEXAS COUNTY:**

Texas County Library, Houston

**VERNON COUNTY:**

No county library service available

Nevada Public Library

**WARREN COUNTY:**

(Part of Scenic Regional Library, Union)

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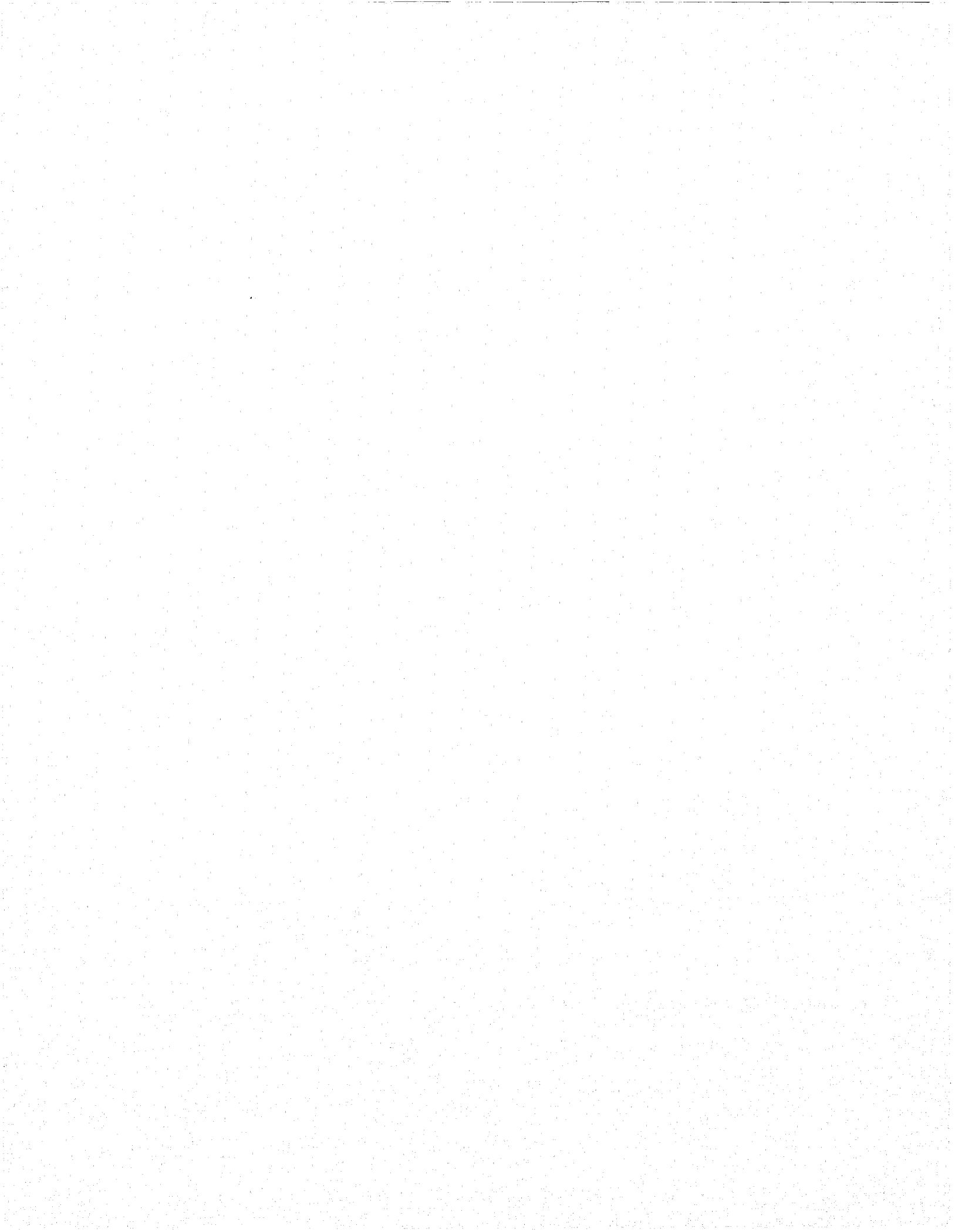
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