




MBTA Transit Police

DEPARTMENT MANUAL	
CHAPTER 291	
DATE OF ISSUE 12/20/2010	EFFECTIVE DATE 12/25/2010
ISSUING STATUS <input type="checkbox"/> NEW <input checked="" type="checkbox"/> AMENDS <input type="checkbox"/> RESCINDS	ISSUING AUTHORITY  PAUL S. MACMILLAN Chief of Police

General Order No. 2010-57

SUBJECT INVESTIGATIVE SERVICES Juvenile Services	
REFERENCES CALEA 1.2.3, 1.2.6-7, Chapter 44, 46.1.3 b (generally), 72.5.3	PAGE 1 OF 5

- 1.0 **POLICY.** The MBTA Transit Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. As such, all organizational components and personnel will share the responsibility for participating in or supporting the Department's juvenile operations function. Department employees should utilize the least coercive methods consistent with preserving public safety, order and individual constitutional rights, and use the utmost discretion when dealing with a juvenile offender. For the purposes of criminal law, a juvenile is a person who has reached the age of seven (7), but has not yet attained his/her seventeenth (17th) birthday.

- 2.0 **DISCRETION/ALTERNATIVES TO ARREST.** MBTA Transit Police Officers must always be guided by the intent and purpose of the law. There are, however, limited circumstances within the discretion of the Officers involved, when the public interest would be better served by not making the arrest, even though there is justification for such action (see Department Manual, [Chapter 170](#), Arrest). In those cases, alternatives to arrest utilizing informal resolutions, such as consulting with and arranging for corrective action by parents, warnings, referrals to other agencies or release with no further action may be sufficient. Whenever possible, these solutions should be considered. Other more formal alternatives to arrest include: {1.2.6, 1.2.7, 44.2.1 a}
 - 2.1 **SUMMONSES.** When dealing with juvenile offenders, Officers will apply for a court summonses or when appropriate seek alternative resolutions, rather than arrest and subsequent custody. {44.2.1 b}
 - 2.2 **MOTOR VEHICLE CITATIONS.** Motor vehicle citations may be issued against a juvenile between sixteen (16) and seventeen (17) years of age without first proceeding against him/her as a delinquent juvenile (Massachusetts General Law [M.G.L.], Chapter 119, Section 74). Whenever possible, a citation will be issued rather than taking the person into custody. {44.2.1 b}
 - 2.3 **MBTA UNIFORM CITIATONS.** An MBTA Uniform Citation may be issued against a juvenile for fare evasion or smoking on MBTA property. {44.2.1 b}

- 3.0 **JUVENILE CUSTODIAL PROCEDURES.** Section 67 of Chapter 119 of Massachusetts General Law establishes special procedures for the arrest and booking of juveniles. In addition to these special procedures, juveniles will be afforded all the constitutional rights applicable to an adult. {1.2.6, 1.2.7, 44.2.2 c}
 - 3.1 **OFFICERS.** The following guidelines concerning juveniles in custody will be adhered to at all times:

- juveniles will be housed only in detention facilities approved by the Department of Youth Services (DYS);
- juveniles will be processed expeditiously, if not released to a parent or guardian they will be transported to a DYS authorized facility as soon as possible; {44.2.2 d}
- juveniles charged with delinquency offenses will not be held in custody for any longer than six (6) hours;
- notification of parent, guardian or adult with whom the juvenile lives will be made as soon as is practicable whenever a juvenile is taken into custody; {44.2.2 e}
- juveniles will be detained separately from adults;
- after the booking process, no juvenile under the age of fourteen may be held in the Booking Area;
- juveniles must be processed and held sight and sound separate from adults in the Booking Area; {72.5.3}
- status offenders may not be physically detained or confined in a locked room, a set of rooms or a cell that is designed to securely detain persons in law enforcement custody for any amount of time;
- status offenders will be held in the report writing room or the prisoner visitation room attached to booking and monitored by an Officer at all times;
- Officers will notify juveniles of their constitutional rights, and said rights will be strictly observed; {44.2.2 c}
- no juvenile will be transported with adult offenders, unless the arrest is directly based on alleged involvement in the same offense; and
- names or addresses of juvenile offenders are not public record, and may NOT be given to the news media.

3.2 **HEADQUARTERS/BOOKING SUPERVISOR.** The Headquarters/Booking Supervisor is responsible to:

- inquire into the situation to ensure that probable cause for the arrest existed and that the juvenile was and is treated in accordance with the law;
- insure that the parent(s), guardian or person with whom the juvenile lives is notified; {44.2.2 e}
- insure that the Juvenile Probation Officer in the jurisdiction in which the juvenile was arrested is notified; and {44.2.1 c}.
- insure that the juvenile is provided the right to bail, except in accordance with the law.

3.3 **RELEASE OF JUVENILE.** Once arrested, a juvenile will be released from custody when:

- a Juvenile Probation Officer authorizes the release of the juvenile; and
- a written promise is received from the parent or guardian (or other person authorized by the parent or guardian) that the juvenile will appear in juvenile court, at the required time and place.

3.4 **WHEN JUVENILES WILL NOT BE RELEASED.** A juvenile between the ages of 14 and 17 will not be released if:

- the court issuing a warrant for the arrest of such juvenile directs that he/she be held in safekeeping pending his/her appearance in court; or
- a Juvenile Probation Officer directs that such juvenile be detained, subject to bail.

4.0 **INTERVIEWS/INTERROGATIONS OF JUVENILES.** The procedures for conducting interviews/interrogations of juveniles are outlined in [Chapter 280](#) and will be adhered to whenever a juvenile suspect in custody is to be interviewed/interrogated. {44.2.3}

5.0 **CHILDREN IN NEED OF SERVICES (CHINS)/STATUS OFFENDERS.** Juveniles whose behavior would have traditionally resulted in complaints alleging runaway, stubborn child, truant or habitual school offender, are subject to procedures set out in M.G.L., Chapter 119, Sections 39E to 39J. These juveniles are referred to as "Children in Need of Services" (CHINS). A separate court session, apart from delinquency complaints, is held for CHINS petitions. {44.2.2 a}

A juvenile may be arrested under this section only if he/she has failed to obey a summons and a CHINS warrant has been issued by a Juvenile Court. The Officer may take the juvenile into custody and notify the parent and/or Juvenile Probation Officer if the arresting Officer has probable cause to believe that the juvenile has run away from the home of his/her parents or guardians and will not respond to a summons.

CHINS or status offenders are not to be locked in a cell area. The parent/guardian or the appropriate agency responsible should be notified. If no parent or guardian is available, the juvenile will be turned over to a DYS facility.

An Officer who, in his/her professional capacity, has reasonable cause to believe a juvenile is suffering serious physical or emotional injury from abuse or neglect will immediately report such condition to the Dispatch Supervisor. The Officer will make an immediate verbal report to the Department of Children and Families, Screen-In Unit. A written report, the "Report of Child(ren) Alleged to be Suffering from Serious Physical or Emotional Injury by Abuse or Neglect Form," will follow within 48 hours (see Department Manual, [Chapter 150](#), Field Reports, Section 15.0). {44.2.2 b}

6.0 **JUVENILE COURT CASE MANAGERS/DETECTIVES.** Court Case Managers assigned to juvenile courts will be responsible for coordinating the interaction and handling of juvenile offenders, guardians, and juvenile cases that have entered into the court system. {44.2.1 c, 44.2.3}

6.1 **COURT-APPROVED ALTERNATIVE REMEDIES.** Release of juveniles, diversion of juvenile cases, or adjusting cases, will be determined on a case-by-case basis following the procedures established by the court having jurisdiction. Court Case Management (CCM) Detectives assigned to juvenile courts will provide the courts with the fac-

tors necessary to assist them in making an appropriate determination. {1.2.6, 1.2.7, 44.2.1 c}

Factors to be considered include:

- the nature and seriousness of the alleged offense;
- whether the act is violent;
- whether the youth is under the influence of drugs or alcohol;
- the age and circumstances of the alleged offender;
- the alleged offender's record, if any; and
- the availability of community-based rehabilitation programs.

6.2 **RESTITUTION.** Whenever possible, in instances of minor damage to MBTA property, CCM will coordinate with court officials on agreements for restitution.

7.0 **CRIMINAL INVESTIGATIONS UNIT.** The Criminal Investigations Unit (CIU) will assign a Detective as a liaison to the Boston Public Schools. The Detective will work with school administrators, school and local police, probation, parents, students, and Transit Police Service Area (TPSA) Commanders or their designee to address student related issues. The Detective will act as a conduit in relaying pertinent information related to student related problems to and from the various Department units and the school community. {44.2.4}

The Detective assigned as school liaison, in conjunction with the TPSA Commanders or their designees, will, in partnership with the greater school community be accessible and actively engaged in delinquency prevention, including:

- acting as a resource with respect to delinquency prevention;
- explaining the consequences of delinquency;
- providing guidance on ethical issues;
- providing individual counseling to students upon request;
- explaining the law enforcement role in society;
- will assist in the maintenance and development of the *StopWatch* program; and
- will solicit reviews and comments from other elements of the juvenile justice system in the development of the Department's policies and procedures relating to juveniles. {44.1.2}.

8.0 **TRAINING UNIT.** The Training Unit will solicit input from other elements of the Juvenile Justice System in the development of the Department's training on the proper handling of juveniles, as needed.

9.0 **HEADQUARTERS TPSA COMMANDER.** The TPSA Headquarters Commander will be responsible for insuring that the list of social service agencies and any referral materials maintained by the Dispatchers are updated annually and kept available in the Booking Area.

10.0 **DIVISION COMMANDERS.** The Division Commanders will evaluate on an annual basis all juvenile enforcement and prevention programs administered by their Division. The evaluation

will determine whether a specific program should remain as is, be modified, or be discontinued. {44.1.3}

- 11.0 **TPSA COMMANDERS/YOUTH RESOURCE OFFICERS.** The TPSA Commanders will identify an Officer to act as a Youth Resource Officer. The Officer will be responsible for coordinating with the Detective assigned as school liaison on student related issues. The Officer will participate in outreach efforts towards juveniles in area schools (job fairs, recreational youth programs, summer programs, etc.). {44.1.1}
- 12.0 **STOPWATCH.** StopWatch is a collaborative program under the leadership of the MBTA Transit Police Department who strongly supports the commitment to working effectively with youth. This is accomplished by using skillful and respectful interventions into situations of potential disorder by Officers in a manner that will maintain the confidence of the community and the respect of youth. The program is designed to “Stop” and “Watch” the behavior of students on their way to and from school or to school-related functions while they wait for trains and buses. {1.1.3, 44.2.4}
- 13.0 **TRUANCY WATCH.** The StopWatch partners converge on a scheduled meeting place where truants are known to frequent. Attendance Officers as well as MBTA Transit Police Officers and other advocates both public and private become scouts looking for students in an area they should not be during regular school hours. When students are observed, they are approached and questioned about their truancy. An intake report is completed for analysis and the truant’s name is referred to the school department as a referral for an in depth evaluation and response. These field meetings are referred to as “Truancy Watch”. {1.1.3, 44.2.4}

Sections 2.1, 3.1, 7.0, 8.0 revised 12.0, 13.0 added 12/25/2010