

SPECIAL ORDER



DISTRICT OF COLUMBIA

Title
Use of Truancy/Curfew Vans

Topic / Number
SO – 08– 01

Effective Date
February 29, 2008

Related to

General Order 304.10 (Police-Citizen Contacts, Stops and Frisks), Effective Date July 1, 1973
General Order 305.1 (Handling Juveniles), Effective Date December 10, 1990
General Order 305.2 (Truancy Awareness and Prevention Program [TAPP]), Effective Date November 18, 1994
GO-OPS-308.04 (Processing of Persons Who May Suffer from Mental Illness), Effective Date September 22, 2000.
SO-99-14 (Juvenile Curfew Act of 1995), Dated September 7, 1995
SO-99-14a (Supplement to SO-99-14 [Juvenile Curfew Act of 1995]), Dated September 22, 1999
SO-00-06 (Supplement to SO-99-14 [Juvenile Curfew Act of 1995]) Dated February 18, 2000
SO-03-09 (Juvenile Mental Health Services) Dated October 6, 2003
TT 06-034-07 (Reminders about Curfew Enforcement) Dated June 7, 2007
TT 02-037-08 (Transportation of Juveniles in Need of Mental Health Services), Dated February 11, 2008

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I. BACKGROUND

The Metropolitan Police Department (MPD) has increased enforcement concerning truancy and curfew violations. This increased enforcement effort has resulted in the utilization of multiple transport vehicles to take the juveniles to the truancy and curfew centers. The use of multiple transport vehicles depletes the patrol districts of the needed transport vehicles required for prisoners.

To ensure the safe and efficient transport of juveniles picked up during truancy and curfew enforcement, the MPD has acquired passenger vans with the capacity for fifteen (15) occupants. Each patrol district will be assigned a van for this purpose.

II. DEFINITIONS

When used in this directive, the following terms shall have the meaning designated:

1. Curfew Hours – The Juvenile Curfew Act of 1995 (D.C. Code § 2-1541 et seq.) defines curfew hours as: During the months of July and August, 0001 hours until 0600 hours. During all other months, on any

Sunday through Thursday, from 2300 hours until 0600 hours the following day and from 0001 hours until 0600 hours on any Saturday or Sunday.

2. Curfew Violator – The Juvenile Curfew Act of 1995 (D.C. Code § 2-1541 et seq.) defines curfew violator as: A person under seventeen (17) years of age who remains in or upon a street, park, public place, or premises of any establishment in the District of Columbia during safety curfew hours, unless involved in an exempted activity.
3. Exempted Activity – Juveniles under seventeen (17) years of age are not in violation of the Juvenile Curfew Act if involved in one of the following activities:
 - a. Accompanied by his/her parent or guardian;
 - b. On an errand at the direction of a parent or guardian, without detour or stop;
 - c. In a motor vehicle involved in interstate travel;
 - d. Engaged in an employment activity, or returning home from an employment activity, without any detour or stop;
 - e. Involved in an emergency;
 - f. On a sidewalk that joins his/her residence or the residence of a next-door neighbor, if the neighbor does not complain to the MPD;
 - g. In attendance at an official school, religious, or other recreational activity sponsored by the District of Columbia, a civic organization, or another similar entity supervised by adults that take responsibility for the minor(s), (This includes juveniles traveling to or coming from such an activity); or
 - h. Exercising First Amendment rights protected by the United States Constitution, including free exercise of religion, freedom of speech, and the right to assemble.
4. Juvenile Curfew Act of 1995 – Enforcement of the District's Juvenile Curfew Act shall be in accordance with D.C. Code § 2-1541 et seq., District of Columbia and Federal laws relating to the handling of juveniles e.g., 42 U.S.C 5633, Sec. 223 (a)(12)(A) – (16).
5. Truancy Enforcement Hours – Enforcement shall begin at 0930 hours and terminate at 1400 hours each school day.

6. Truant Student – Any student of compulsory school age [five (5) through seventeen (17) years], who is absent from school without the permission of his/her parent, guardian, or legal custodian.

III. REGULATIONS

- A. A *suspected* juvenile curfew violator may be frisked for concealed weapons or other dangerous instruments, when reasonable suspicion exists, as outlined in General Order 304.10 (Police-Citizen Contacts, Stops and Frisks), Part 1C.

A *confirmed* juvenile curfew violator shall be frisked before being transported or upon entering any custodial area. If concealed weapons or other illegal contraband are discovered during a lawful frisk, police action shall be taken.

- B. As a general rule, curfew violators and truants shall not be handcuffed; however, members may use restraints to control juveniles who become unruly or violent.
- C. When a member requests a transport for a juvenile held in police custody, the member shall inform the dispatcher that the suspect is a juvenile and request a transport vehicle/van rather than a patrol wagon, if available.

The member detaining the juvenile shall further ensure that:

1. Male and female juveniles are not transported in the same compartment of a transport vehicle;
2. The juvenile is not transported with an adult prisoner; and that
3. Those juveniles found to be in need of mental health services shall be handled in accordance with the provisions of GO-OPS-308.04, (Processing of Persons Who May Suffer from Mental Illness).

- D. Supervising Officials shall:

1. Ensure that the proper utilization and accountability of Truancy/Curfew Vans are maintained; and
2. Monitor the activities and performance of the members assigned to Truancy/Curfew Vans.

- E. Commanding Officers shall:

Ensure that all sworn members of their command are made aware of the policy and provisions of the Truancy Awareness and Prevention Program, the curfew laws, and the contents of this order and shall accept responsibility for the enforcement efforts within their district.

IV. PROCEDURAL GUIDELINES

- A. The primary use of Truancy/Curfew Vans shall be for transporting juveniles detained for truancy and curfew violations. Usage for any other purpose must be approved by the District Watch Commander.
- B. Two (2) sworn members shall be assigned to a van. When transporting, one officer shall sit in the rear of the vehicle, preferably near the rear door(s), in order to prevent escape and monitor the behavior of the juvenile(s).
- C. Members shall ensure the vehicle is being operated in accordance with General Order 301.1 (Vehicle Operation and Maintenance).
- D. The District Watch Commander shall be ultimately responsible for the assignment of the van and its ignition and fuel keys. A logbook shall be maintained by the Desk Sergeant. The logbook shall include the name of the officer obtaining the vehicle's ignition and fuel keys, as well as the date and time the keys were obtained and returned.
- E. The Vehicle Maintenance Officer shall be responsible for the routine maintenance of the van. The member assigned to operate the van shall be responsible for interior and exterior cleanliness of the van on a daily basis.
- F. When available, the van may be utilized for community youth-oriented events. When transporting for this purpose, the member(s) assigned to the van shall ensure the number of juveniles transported is documented on a PD Form 775 (Daily Vehicle Inspection and Activity Report).

V. CROSS REFERENCES

- A. General Orders
 - 1. General Order 301.1 (Vehicle Operation and Maintenance)
 - 2. General Order 304.10 (Police-Citizen Contacts, Stops and Frisks)
 - 3. General Order 305.1 (Handling Juveniles)
 - 4. General Order 305.2 (Truancy Awareness and Prevention Program [TAPP])
 - 5. GO-OPS-308.04 (Processing of Persons Who May Suffer from Mental Illness)
 - 6. GO-PCA-502.01 (Transportation of Prisoners)

B. Statutory Authority

1. D.C. Code § 2-1541 et seq.
2. Case Law: *Hutchins, et al. v. District of Columbia*, U.S. Court of Appeals (D.C. Circuit) No. 96-7239, decided June 18, 1999

VI. APPLICABLE FORMS

1. PD Form 76-A (Juvenile Information Report)
2. PD Form 379-C (Juvenile Incident Report)
3. PD Form 775 (Daily Vehicle Inspection and Activity Report)
4. PD Form 862 (Parental Notice of Juvenile Curfew Violation)
5. PD Form 902 (Parent/Guardian Release Form)


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