

DEPARTMENT OF HUMAN SERVICES
DIVISION OF JUVENILE JUSTICE SERVICES
POLICY AND PROCEDURES

Policy No.: 05-14	Effective Date: 07/2005	Revision Date: 04-26-16
Subject: Law Enforcement Interviews, Informants, and Decoys		

I. Policy Statement

It is the policy of the Division to share certain information regarding juveniles with allied agencies including law enforcement. Requests from such agencies to interview juveniles who are suspected of committing crime or otherwise associated with an investigation shall be permitted when approved in accordance with Rule 8 of Utah Rules of Juvenile Procedure, including obtaining required consent.

II. Rationale

Division staff shall protect the rights of juveniles while supporting the efforts of law enforcement during the course of an investigation.

III. Definitions

- A. "Law Enforcement Interview" for the purpose of this policy, refers to a law enforcement officer or other agent of law enforcement questioning a juvenile who is 1) a suspect, 2) a witness, or 3) a victim of, an incident or alleged crime.
- B. "Informant" is a person working for law enforcement to provide information about the criminal activity of others.
- C. "Decoy" is a person used to attract criminals who are intending to violate the law.
- D. "Legal guardian" is a person recognized by the Division as having the authority to give consent on behalf of a juvenile under the age of 18, to marry, enlist in the armed forces, or undergo any major medical, surgical or psychiatric treatment. Division staff are not legal guardians.

IV. Procedures

A. Interviews in Detention Centers

- 1. Division staff shall not intentionally or otherwise interview a juvenile in a detention center regarding the commission of a crime or for other law enforcement purposes. Such law enforcement interviews shall be conducted only by law enforcement officers. Any information otherwise obtained by Division staff about a juvenile's commission of a crime shall be documented in accordance with the Incident Reporting Policy 05-15.
- 2. Staff shall accommodate a law enforcement request to conduct a law enforcement interview of any juvenile *in a Division detention facility* in

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accordance with the Rule 8 of the Utah Rules of Juvenile Procedure as follows:

- a. A juvenile Fourteen (14) Years or Older:
 - i. Both the juvenile and the juvenile's parent or guardian must give consent for the interview, AND
 - ii. The juvenile must be advised of his or her constitutional rights, by the law enforcement officer, and must knowingly and voluntarily waive those rights, as part of giving consent to be interviewed.
 - b. A juvenile Under the Age of Fourteen (14):
 - i. Both the juvenile and the juvenile's parent or guardian must give consent for the interview, AND
 - ii. The juvenile's parent or guardian must be present during the interview, **OR** give written consent (to law enforcement) for the interview to be held without such presence; AND
 - iii. The juvenile's parent or guardian must be advised of the juvenile's constitutional rights, by the law enforcement officer, and knowingly and voluntarily waive those rights, as part of giving consent for the interview; AND
 - iv. The juvenile must be advised of his or her constitutional rights, by the law enforcement officer, and knowingly and voluntarily waive those rights, as part of giving consent for the interview.
3. Staff shall ask the law enforcement officer to complete the Interview Request form prior to the interview of each juvenile and attach the required parent/legal guardian written consent. Division staff are not legal guardians and **cannot** give consent for a law enforcement interview with a juvenile in a detention center.
 4. When a juvenile's parent or guardian is not available (for any reason), instead of the required parental consent described in A-2 above, consent to interview must be obtained by court order, in accordance with the Utah Rules of Juvenile Procedure, prior to the interview.
 - a. Staff shall collect a copy of the court order prior to the interview and the order shall serve as a record that consent was obtained in accordance with the Utah Rules of Juvenile Procedure.
 - b. In the event that the order for consent from the Court was obtained in the form of an oral (not written) order, law enforcement, or Division staff shall document the order by writing the name of the Judge issuing the order, the date and time, and the name of the person to whom the order was given. This shall be included on the Law Enforcement Interview Form along with any other supporting information.

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5. If a law enforcement interview is sought of a juvenile in the Custody or Guardianship of the Division of Child and Family Services (DCFS) or the Department of Human Services (DHS), staff shall inform law enforcement personnel when the juvenile has a court appointed Guardian ad Litem (GAL). Law enforcement personnel must obtain consent to interview from the GAL and complete the Interview Request form. A DCFS or DHS worker alone cannot give consent, without written approval of the GAL.
6. Staff shall accommodate a law enforcement request to conduct a law enforcement interview of any juvenile in the custody of the Division, but ***not in a detention facility***, in accordance with Rule 26 (2) in the Utah Rules of Juvenile Procedure, (which allows juveniles 14 years or older to voluntarily waive their rights without benefit of having a parent/guardian present).
7. All law enforcement interviews shall be conducted in private areas, and shall not be monitored by any Division auditory devices or by staff unless requested by the juvenile.

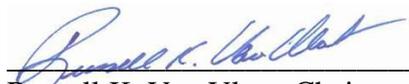
B. Juveniles as Informants or Decoys

Division staff shall not allow a juvenile in the custody of the Division to be used by law enforcement personnel as an informant or decoy. The use of a juvenile as an informant or decoy would expose the juvenile to potential criminal elements and unreasonable safety risks, and is therefore prohibited.

V. Continuous Renewal

This policy shall be reviewed every three (3) years to determine its effectiveness and appropriateness. This policy may be reviewed before that time to reflect substantive change.

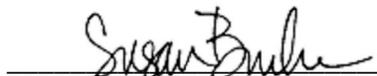
This policy has been reviewed by the Board of Juvenile Justice Services and is approved upon the signature of the Director.



Russell K. Van Vleet, Chair
Board of Juvenile Justice Services

4/26/2016

Signature Date



Susan V. Burke, Director
Division of Juvenile Justice Services

4/26/2016

Signature Date