

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 5: JUVENILE JUSTICE

§ 5141. Apprehension and Release of Juveniles – Detention.

(a) A peace officer may take a juvenile into custody without order of the court:

(1) When he has probable cause to believe that the juvenile has committed an act which would be a misdemeanor or felony if committed by an adult; or

(2) When in the presence of a peace officer or private citizen the juvenile has violated any local or federal law or municipal ordinance; or

(3) When there are reasonable grounds to believe the juvenile has committed a status offense. Status offenders shall not be placed in any jail facility but instead may be placed in shelter care facilities, except in the case of runaways, when there is a specific detention request in writing from a foreign jurisdiction to hold the juvenile pending transportation arrangements. The request by the foreign jurisdiction must be made within 24 hours of the runaway being placed in the custody of DYS.

(b) A peace officer may take a juvenile into custody upon a written order or warrant signed by a judge. The judge may issue the order or warrant after finding that there is reasonable cause to believe that the juvenile comes within the purview of this chapter. Jurisdiction of the court shall attach from the time the juvenile is taken into custody. When an officer takes a juvenile into custody, the officer shall attempt to notify the parent, guardian or custodian of the juvenile immediately and, if not successful, shall continue to attempt notification until the parent, guardian or custodian receives notice that the juvenile is in custody.

(1) Subject to certain limitations set forth herein, all custodial interrogation(s) of a minor shall be in the presence of at least one of the following: the minor's attorney, if any, a parent, a legal guardian, or an adult relative with whom the minor is residing.

(2) Notwithstanding this requirement, a minor may nonetheless be interrogated outside the presence of the minor's attorney, parent, legal guardian, or adult relative with whom the minor is residing, in the following cases:

(i) where there are exigent circumstances or circumstances where there is a reasonable belief that the interrogation is necessary to avoid the risk of significant bodily harm or the imminent risk of loss of property or evidence;

(ii) where the interrogation should be conducted outside the presence of a parent, guardian, or adult relative, because the best interests of the minor are reasonably served by limiting or prohibiting access to the minor (such as in the case where there is reasonable belief that a parent or adult relative is involved in the perpetration of a crime involving or against the minor); or

(iii) when notice to the minor's parent, guardian, or adult relative with whom the minor is residing, is provided and the parent, guardian, or adult relative expressly waives the opportunity to be present.

(c) Unless otherwise ordered by the court, or unless it appears to the officer taking the juvenile into custody that it is contrary to the welfare of society or the juvenile, the juvenile shall be released to the custody of the juvenile's parent,

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 5: JUVENILE JUSTICE

guardian, custodian or other responsible adult upon written promise, signed by such person, to bring the juvenile to the court at a stated time. Such written promise shall be submitted to the court as soon as possible. If the responsible person shall fail to produce the juvenile as agreed, or upon notice from the court, a summons for that person may be issued by the court and a warrant may be issued for apprehension of the juvenile.

(d) A juvenile who is not released shall be taken forthwith to the court or place of detention specified by the court and then, not later than twenty-four hours, excluding Saturdays, Sundays and holidays, shall be brought before the court for a detention hearing to determine where the juvenile will be placed until the next hearing. Juveniles shall not be placed in any jail facility. Allowable juvenile placements include, but are not limited to, the following:

- (1) Parents of the juvenile;
- (2) Relatives of the juvenile;
- (3) Foster care;
- (4) Group care;
- (5) A juvenile detention facility;
- (6) Community-based diversion programs; or
- (7) Shelter care.

(e) The person in charge of a detention facility shall give immediate notice to the court that the juvenile is in custody.

(f) As soon as a juvenile is detained by court order, the juvenile's parents, guardian or legal custodian shall be informed by notice in writing in form acceptable to the court that the juvenile may have a prompt hearing regarding release or detention.

(g) A juvenile taken into detention for a nonstatus offense shall be fingerprinted and photographed. Fingerprints and photographs taken of juveniles shall be forwarded to the Juvenile Justice Information System. Access to any information in the juvenile justice information system shall be controlled by DYS, subject to the provisions of 6 CMC § 5325. If the court finds good cause it may order the fingerprints and photographs of the juvenile expunged.

(h) Peace officers' records of juveniles shall be kept separate from records of adults and shall be subject to disclosure only according to 6 CMC § 5325.

Source: PL 16-47, § 14, modified.

Commission Comment: The Commission changed the order of this section from its original placement in PL 16-47; replaced “Act” with “chapter;” and removed figures that repeated written words pursuant to 1 CMC § 3806(b), (d) and (e). The Commission also designated subsection (c), which had no subsection designation in the original public law, and redesignated subsections (c)-(g) to (d)-(h), respectively.