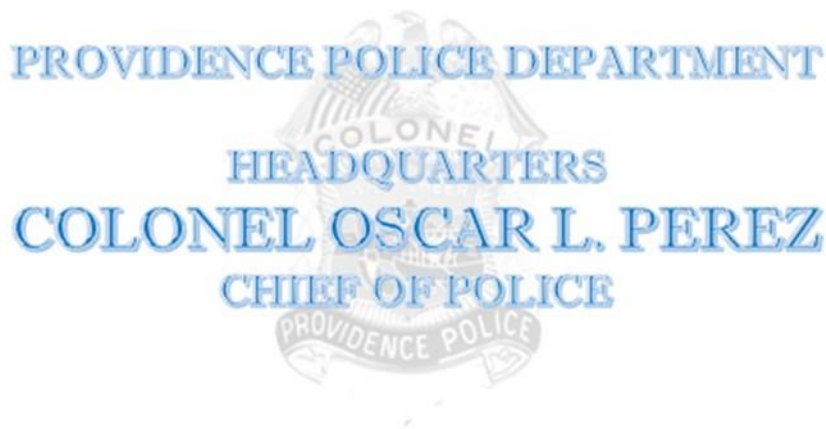




TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	370.02	9/30/2026	9/30/2026
SUBJECT TITLE		PREVIOUSLY ISSUED DATES	
Juvenile Hearing Board Referral Policy		N/A	
REFERENCE		RE-EVALUATION DATE	
N/A		As Needed	
SUBJECT AREA		DISTRIBUTION	
Youth Services Bureau		All Personnel	

PURPOSE

To establish uniform procedures for identifying, reviewing, documenting, and referring eligible juveniles to the City of Providence Juvenile Hearing Board (JHB), and for referring matters to the Rhode Island Family Court when required by law.

POLICY

It is the policy of the Providence Police Department to comply with Chapter 2, Article XXIV of the Code of Ordinances of the City of Providence and applicable Rhode Island law. Eligible juveniles shall receive diversion through the JHB when required or authorized. Referral and non-referral decisions shall be documented and subject to supervisory review.

Nothing in this policy authorizes a JHB referral when state or federal law requires the matter to be charged in the Family Court or another court of competent jurisdiction.

PROCEDURE

I. AUTOMATIC JHB REFERRAL

A juvenile shall receive an automatic referral to the JHB rather than Family Court when all of the following apply:

1. The juvenile is a resident of the City of Providence;
2. The juvenile is under eighteen (18) years of age;
3. The juvenile has been arrested for a juvenile offense; and

4. The offense, if committed by an adult, would be a misdemeanor, and no disqualifying circumstance in Section IV applies.

A juvenile in the custody of the Rhode Island Department of Children, Youth and Families (DCYF) is not excluded from automatic referral solely because of DCYF custody status.

II. DISQUALIFICATION FROM AUTOMATIC REFERRAL

Automatic referral shall not occur when:

1. The juvenile is charged with assault or battery;
2. The alleged offense is chargeable as a domestic offense under Chapter 29 of Title 12 of the Rhode Island General Laws;
3. The juvenile is charged with another offense that the JHB has determined disqualifies a juvenile from automatic referral;
4. The juvenile is charged with an offense, that if committed by an adult, would constitute a felony;
5. The juvenile has been twice previously referred to the JHB;
6. The juvenile has been once previously referred to the JHB and refused or failed to abide by sanctions imposed or failed to make restitution recommended by the Board;
7. At the time of the alleged offense, the juvenile was facing pending charges in Family Court; or
8. DUI (R.I.G.L 31-27-2.5)
9. Applicable state or federal law requires the matter to be referred to or heard by the Family Court or another court of competent jurisdiction.

III. DISCRETIONARY REFERRAL

The Chief of Police or assigned designee, the JHB, or its Coordinator may offer referral to the JHB to another juvenile when such referral would be beneficial to the juvenile and the community at large, unless otherwise prescribed by law.

Department personnel shall forward requests for discretionary consideration through the Youth Services Bureau chain of command. No officer or detective shall independently authorize a discretionary referral unless designated with such authority by the Chief of Police.

IV. FAMILY REFERRAL

A juvenile and the juvenile's legal guardian(s) may request a JHB hearing when they believe referral would benefit the juvenile and the community at large, unless otherwise prescribed by law. Requests received by Department personnel shall be forwarded to the Youth Services Bureau for review.

V. TRUANCY REFERRAL

The Chief of Police or assigned designee may offer JHB referral to a juvenile considered truant from school when such referral would benefit the juvenile and the community at large, unless otherwise prescribed by law. The juvenile need not be charged with truancy or arrested before the offer of referral.

VI. REQUIRED WAIVER, ADMISSION, AND AGREEMENT

No referral to the JHB shall be made until the juvenile and legal guardian(s), in writing:

1. Waive the juvenile's right to a Family Court hearing with respect to the offense charged;
2. Admit guilt to the offense charged; and
3. Agree to abide by the decision of the JHB.

Only Department/City-approved forms and procedures shall be used. Failure to comply with decisions of the JHB may result in referral to Family Court as provided by ordinance.

VII. INVESTIGATING DETECTIVE RESPONSIBILITIES

The Youth Services Bureau detective assigned to the case shall:

1. Review the facts and circumstances and ensure the charge is supported by the investigation;
2. Verify the juvenile's age and Providence residency;
3. Review available Family Court status and JHB referral history;
4. Determine whether the case qualifies for automatic JHB referral or is subject to a disqualification or mandatory Family Court requirement;
5. Complete all required arrest, investigative, and JHB documentation;
6. Ensure required parent/legal guardian notification and documentation;

7. Forward completed JHB referral materials through the established Youth Services Bureau process; and
8. Accurately document the referral determination in the Digital Juvenile Arrest Log.

VIII. DIGITAL JUVENILE ARREST LOG

Every juvenile arrest shall be entered into the Digital Juvenile Arrest Log in accordance with Youth Services Bureau procedures. The appropriate JHB disposition shall be recorded.

When a juvenile is not qualified for automatic JHB referral, the detective shall complete the "JHB NOT QUALIFIED / EXPLANATION" field with the specific reason.

- Assault/Battery
- Domestic Offense
- Two Prior JHB Referrals
- Prior JHB Referral - Failed/Refused Sanctions or Restitution
- Pending Family Court Charges at Time of Offense
- JHB-Designated Disqualifying Offense
- Non-Providence Resident
- Felony Charge
- DUI
- Other Legal Disqualification – Explain

Vague entries such as "Not Eligible" or "Does Not Qualify" shall not be used without identifying the specific basis.

IX. SUPERVISORY REVIEW

The Youth Services Bureau supervisor shall review juvenile arrest cases to ensure:

1. The correct JHB eligibility determination was made;
2. Available prior JHB referral history and Family Court status were reviewed;
3. Any disqualification or mandatory Family Court referral is supported and documented;
4. Required forms and reports are complete;

5. The Digital Juvenile Arrest Log contains the appropriate disposition and explanation; and
6. Eligible cases are forwarded without unnecessary delay.

Questions concerning eligibility shall be elevated through the Youth Services Bureau chain of command before a final referral determination is made.

X. WRITTEN RECOMMENDATION FOR FAMILY COURT IN AN AUTOMATIC CASE

For a case otherwise subject to automatic referral, the Chief of Police or designee may submit a written recommendation to the JHB that the matter be referred to Family Court, stating the basis for the recommendation. The Board may, by majority vote, decline to hear the case and direct referral to Family Court when it determines such referral would benefit the juvenile and the community at large.

Department personnel shall not bypass the automatic-referral requirement solely because they believe Family Court would be more appropriate.

XI. JHB REFUSAL OR FAILURE TO HEAR A CASE

When the JHB refuses to hear a referred case, the Youth Services Bureau shall review the written notification and determine appropriate further action, including Family Court referral when authorized.

If the JHB fails to hear a case within sixty (60) days of referral, the matter shall be reviewed by the Chief of Police/designee or Youth Services Bureau Commanding Officer for further action consistent with the ordinance.

XII. CONFIDENTIALITY

All juvenile records and JHB materials shall be treated as confidential and handled in accordance with applicable law, City ordinance, and Department policy. Access shall be limited to authorized persons with an official need.

The JHB and its Coordinator shall receive information necessary for properly referred cases. General or unrestricted access to the Digital Juvenile Arrest Log or other juvenile arrest records shall not be provided unless specifically authorized by law and Department policy.

All persons required by the ordinance to handle JHB case materials shall comply with the confidentiality-agreement requirement.

XIII. MONTHLY JUVENILE REFERRAL REPORT

The Providence Police Department shall submit a monthly report to the Providence City Council containing aggregate, non-personally identifiable information regarding juvenile arrests and referral decisions. The report shall include, at minimum:

1. Date and location of arrest;
2. Nature of the alleged offense or charge; and
3. Whether the matter was referred to the Juvenile Hearing Board.

The monthly report shall not contain personally identifiable information. The Youth Services Bureau shall maintain the records necessary to complete this reporting requirement.

XIV. JHB COORDINATOR

The JHB Coordinator serves as the liaison between the JHB and the Police Department, receives notifications concerning referrals, schedules appropriate meetings, assists with services and sanctions, and monitors compliance as provided by ordinance. Department communications concerning JHB referrals shall follow the established Youth Services Bureau/JHB Coordinator process.

XV. COMMANDING OFFICER- YOUTH SERVICE BUREAU

The Commanding Officer of the Youth Services Bureau, or designee, shall:

1. Oversee Department compliance with this policy;
2. Resolve eligibility questions requiring command review;
3. Ensure consistent application of the ordinance and applicable law;
4. Maintain appropriate communication with the JHB Coordinator;
5. Ensure affected personnel receive training;
6. Ensure monthly reporting requirements are completed; and

7. Periodically review JHB referral and non-referral decisions for compliance and consistency

APPROVED:



COLONEL OSCAR L. PEREZ
CHIEF OF POLICE