



# Abilene Police Department Operating Procedures

Subject:

*Juvenile Operations*

Issued:

03/17/2019

TBP:

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Number:

**D-10**

## Definitions

The following definitions will apply to operations involving juveniles:

- A. Conduct indicating a need for supervision (CINS): Class C non-traffic offenses and Status offenses including:
  - 1. Public intoxication
  - 2. Inhaling acrylics or volatile chemicals
  - 3. Runaway
  - 4. Truancy
  - 5. Misdemeanors punishable by fine (only other than traffic offenses)
  - 6. Municipal ordinances
  - 7. Violation of Student Code of Conduct.
- B. Delinquent Conduct: conduct other than traffic offenses, which includes:
  - 1. An offense punishable by confinement in jail (Class B misdemeanor or higher)
  - 2. Driving While Intoxicated
  - 3. Violation of a Juvenile Court Order
  - 4. Contempt of Court
  - 5. Driving While Under the Influence – third offense
  - 6. Pick-up orders and Directives to Apprehend.
- C. Fineable Offense: An offense punishable by fine only, other than traffic, public intoxication, or inhaling offenses.
- D. Juvenile: A person at least 10 years of age who has not yet reached their 17<sup>th</sup> birthday or any person 17 years of age who committed an offense prior to their 17<sup>th</sup> birthday.
- E. Juvenile Processing office: An office or room designated by the Juvenile Board for the processing of juvenile offenders. A juvenile may be detained here only to complete arrest paperwork, take a statement, fingerprint and photograph or to await release to a parent. The juvenile must be monitored at all times while in the processing office. All Youth Division offices and rooms are so designated.
- F. Runaway: The voluntary absence of a child from their home without consent of their parent or guardian for a substantial length of time or without intent to return.
- G. Traffic Offense: Any violation of a motor vehicle traffic law of the state or city (including DWLI).
- H. A Missing Child: Any child under 18 years of age about whom the parent, guardian or lawful custodian does not know the whereabouts.

## Juvenile Rights (TBP 10.02)

Juveniles shall be afforded all rights and protections provided to them by all federal, state, county and municipal laws.



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## **Taking a Juvenile into Custody (TBP 10.02)**

Any officer may take a juvenile into custody for any offense they have probable cause to believe the juvenile has committed. The decision determining if probable cause exists is with the contact officer and his/her supervisor. Once the decision is made to take a juvenile into custody, it is imperative the juvenile be taken, without delay, to one of the designated locations specified in the Family Code. A child may not be held in custody longer than six (6) hours pursuant to law. Specified places include:

- A. Magistrate offices;
- B. Designated juvenile processing offices;
- C. Juvenile detention facilities;
- D. Medical facilities;
- E. Home of the arrested juvenile or
- F. School where the child is enrolled.

The arresting officer is responsible for taking a photograph of the juvenile while at the Juvenile Detention Center and for contacting the arrested juvenile's parents as soon as possible.

Directives to Apprehend Juveniles are handled as follows:

- A. Issued by Taylor County Juvenile Probation – transport to JDC.
- B. Issued by TYC (16 and under) – transport to JDC.
- C. Issued by TYC (17 and older) – transport to Taylor County Jail.

## **Traffic Offenses**

A juvenile to be charged with any traffic violation (including DWLI) should be:


- A. Cited and released or
- B. Cited and taken before the municipal court.

If the DWLI is a Class B misdemeanor, contact a Youth officer.

## **Truancy**

In all instances where a truant is contacted, officers should forward a Field Interview Report on the incident to the Youth Division. The age of the student will determine additional action to be taken.

Students under 18 years of age, contacted for truancy, should be identified and checked for a valid excuse to be out of school. If no valid excuse is found, the student should be returned to their school and turned over to the principal or person in charge.

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**All Other Offenses**

A juvenile taken into custody for any offense other than traffic will be handled by contacting a Youth officer who shall advise the officer of what steps to take.

**Miscellaneous Juvenile Procedures**

First Offender – A child may be referred to the First Offender Program when the child is taken into custody for:

- A. Conduct indicating a need for supervision; or
- B. Delinquent conduct other than conduct that constitutes:
  - 1. A felony of the first, second or third degree; an aggravated controlled substance felony or a capitol felony; or
  - 2. A state jail felony or misdemeanor involving violence to a person, or the use or possession of a firearm, illegal knife or club as those terms are defined by Section 46.01, Penal Code; or prohibited weapon as described by Section 46.05, Penal Code.

Witness Statements – Witness statements may be taken from juveniles by any officer. There are no age limitations; however, the officer should use their discretion in determining if the child is capable of understanding and giving an accurate statement.

Confessions – The Texas Family Code puts strict limitations on the taking of confessions from juveniles. During preliminary investigations, officers may obtain verbal confessions from brief, non-aggressive interviews. If a more in-depth interrogation is to be conducted or a written confession obtained, a Youth officer shall be contacted.

If a juvenile is to be contacted at a school, the appropriate School Resource officer shall be contacted to assist in the contact.

**Fingerprints and Photographs**

Juveniles may be fingerprinted or photographed only under the following circumstances:

- A. They are in custody for delinquent conduct;
- B. The juvenile court so orders;
- C. The parent, guardian, or lawful custodian gives written permission or
- D. If the officer has probable cause to believe the child has engaged in delinquent conduct and there is likelihood the fingerprints or photographs will match those from the crime scene.

These should not be obtained without first contacting a Youth officer.



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## **Children Under 10 Years of Age**

If a child less than ten years of age commits a Class B misdemeanor or higher, a General Inquiry Report should be made to document the incident. Lesser offenses can be reported using a Field Interview Form or Intelligence Report. The child should then be released to a parent, guardian, custodian or responsible adult. Officers are encouraged to take action at the scene to resolve any conflicts so that further intervention by Youth officers is not needed.

## **Non-Arrest Contact**

In any event where a juvenile is contacted under suspicious circumstances and no citation is issued or arrest made, a Field Interview or Intelligence Report should be completed and forwarded to the Youth Division.

## **DUI Processing**

For procedure on processing juvenile offenders for Driving Under the Influence of Alcohol by Minors, see DWI procedures.

## **Runaway**

When a call is received of a missing child who is determined to be a "runaway", the parent(s) or guardian(s) should be requested to go to the Police Department in person to complete the runaway report. If it is after-hours and no desk officer is available, the report can be completed in the field. A copy of the runaway report will need to be delivered to Dispatch as soon as possible, but no later than two hours after the report is made. Dispatch will enter the missing child into NCIC/TCIC and send out an attempt to locate. It is the responsibility of the responding officer to complete and submit the original case report electronically.

A juvenile may be detained on mere suspicion that the child may be a runaway, until a parent or guardian can be contacted to determine the child's status. A child may be taken into custody upon verbal indication that the child is a runaway. The runaway report may be made even after the child is taken into custody under the verbal authority of the parent or guardian.

Runaways 13 years of age or younger are considered "Critical Missing" and officers may be dispatched prior to a written report being obtained. The "On-Call" Youth Investigator should be notified.



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### Missing Children Protocol

In any incident where a child of any age is missing and considered endangered, the following shall serve as a guide to officers of the Department. There is no waiting period for reporting a missing person. As the circumstances in each case are different, it is not necessary all steps be completed or performed in order as listed, but care should be taken to avoid deviations.

- A. When a call is received where a child is missing and endangered or involuntarily missing:
  1. A primary patrol unit will be assigned;
  2. A patrol supervisor will be assigned;
  3. A K9 unit will be assigned and
  4. An officer from the Youth Division will be notified.
- B. The preliminary patrol investigation will include:
  1. Thoroughly checking the residence and surrounding area;
  2. Interviewing family, friends and witnesses;
  3. Broadcast by radio and MDC an attempt to locate and
  4. Perform a K9 track, if possible.
- C. Once the on-scene supervisor has determined all avenues have been exhausted and the child is still missing, they will request a Youth officer respond to the scene. The supervisor will brief the Youth officer and the Youth officer will make a determination to establish a command post.
- D. If a command post is established, it will be located away and out of sight of the child's residence. The Youth officer will notify Communications that a command post has been established. The Communications supervisor will dedicate a terminal and operator to Command Post Communications. The Youth Division commander will be notified of the establishment of the command post and its location. The Youth Division will assume complete command of the investigation.
- E. The Youth Division Command Post coordinator may notify the following:
  1. All Youth officers;
  2. Criminal Investigation commander;
  3. The Federal Bureau of Investigation;
  4. The Texas Department of Safety/Criminal Intelligence Division
  5. The Taylor County Sheriff's office;
  6. Department Crime Analysis Unit and/or
  7. The Department Bike Patrol.



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- F. The Command Post Coordinator will:
1. Set up search areas;
  2. Brief all agencies responding to the scene;
  3. Assign a CID investigator and a crisis negotiator to the house;
  4. Obtain a sexual offender registration list and assign two officers to check those houses in the area;
  5. Authorize news releases;
  6. Make NCIC entry (involuntary);
  7. Prepare a statewide broadcast;
  8. Notify the National Center for Missing and Exploited Children and the Texas Missing Persons Clearinghouse;
  9. Determine if an Amber Alert will be issued and
  10. Ensure flyers are prepared.
- G. The command post will remain open until all avenues have been exhausted and then be relocated to the Law Enforcement Center. The normal length of time will be 48 hours minimum. CID and Youth officers will re-interview friends, parents and relatives. The investigators will determine the extent of the interviews.

### **Missing Persons (TBP 7.33)**

- A. When a citizen wants to report an adult missing person, Communications shall create a call sheet with the vital data on the missing person. An ATL should be issued.
- B. The call is then referred to the on-duty Youth officer or the on-call Youth officer. The Youth officer will then determine if a missing person report is necessary.
- C. Missing persons with Alzheimer's or Dementia will be handled by the Youth Division. When a report is received, a Youth detective will immediately complete a case report, have the person entered into NCIC as missing and put out the appropriate teletypes.
- D. Silver Alerts will also be handled by the Youth Division. The on-call Youth detective will be notified on all elderly missing person incidents.
- E. Youth Division officers will complete all Missing Person Reports.



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## Juvenile Criminal Records Policy

The Department Youth Division is the guardian of all juvenile arrest records compiled by the Department. Juvenile records are considered confidential by statute and therefore are not subject to Open Records Act. Anyone requesting access to juvenile records will be referred to the Department's Youth Division for release of those records. No individual will release any juvenile records or information regarding a juvenile record without first contacting the Youth Division. The Department Youth Division will only release juvenile records to the following individuals (Texas Family Code Title III):

- A. Records and files concerning a child, including personally identifiable information, and information obtained for the purpose of diagnosis, examination, evaluation or treatment or for making a referral for treatment of a child by a public or private agency or institution providing supervision of a child by arrangement of the juvenile court or having custody of the child under order of the juvenile court may be disclosed only to:
  1. The professional staff or consultants of the agency or institution;
  2. The judge, probation officers and professional staff or consultants of juvenile court;
  3. An attorney for the child;
  4. A governmental agency if the disclosure is required or authorized by law;
  5. A person or entity to whom the child is referred for treatment or services if the agency or institution disclosing the information has entered into a written confidentiality agreement with the person or entity regarding the protection of the disclosed information;
  6. The Texas Department of Criminal Justice and the Texas Juvenile Probation Commission for the purpose of maintaining statistical records of recidivism and for diagnosis and classification or
  7. With leave of the juvenile court, any other person, agency or institution having a legitimate interest in the proceeding or in the work of the court.
- B. Except as otherwise provided by this section, information contained in the juvenile justice information system is confidential information for the use of the Department and may not be disseminated by the Department except:
  1. With the permission of the juvenile offender, to military personnel of this state or the United States;
  2. To a criminal justice agency or
  3. To the Criminal Justice Policy Council, the Texas Youth Commission and the Texas Juvenile Probation Commission for analytical purposes.
- C. Law enforcement records and files concerning a child may be inspected or copied by the child and the child's parent or guardian (parent or guardian only apply when the child is under 17 years of age). Prior to this release, the law enforcement agency making the release must redact all names in the report that contain other juvenile offenders other than the requesting party.