



LAW ENFORCEMENT OPERATIONS POLICY AND PROCEDURES

Procedure 7.3.1p9 Chapter 9: Juveniles

Revised:

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I. PURPOSE:

It is the purpose of this policy to guide TCSG law enforcement officers concerning the contact, release, intake, detention, and referral of juveniles.

II. DEFINITIONS:

- A. **Child or Juvenile:** Any individual who is:
 - a. Under the age of 17,
 - b. Under the age of 18, if alleged to be a "deprived child" as defined by O.C.G.A. Title 15.
- B. **Delinquent Act:** An act designated a crime by the laws of this State or by the laws of another State if the State, under federal laws, or by local ordinance. Failing to appear as required by a citation issued concerning a violation of O.C.G.A. Code Section 3-3-23.
- C. **Deprived Child:** A child who is without proper parental care or control, subsistence, education as required by law, or other care or management necessary for their physical, mental, or emotional health or morals; has been placed for care or adoption in violation of law; has been abandoned by their parents or other legal custodians; or is without a parent, guardian or custodian.
- D. **Responsible Adult:** Someone 18 years or older will supervise the juvenile until the parent/guardian is located and the juvenile is released to them, which will make the parent/guardian aware of the juvenile's apprehension and release by law

enforcement and will ensure that the juvenile will appear in court when notified by the court.

- E. **Status Offender:** A juvenile who is charged with or adjudicated of an offense that would not be a crime if it were committed by an adult. Such offenses shall include but are not limited to truancy, running away from home, incorrigibility, and unruly behavior.
- F. **Unruly Child:** A child who is habitually and without justification truant from school; is habitually disobedient of the reasonable and lawful commands of his parent, guardian, or custodian; who runs away from home; wanders or loiters about the streets of any city, or in or about any highway or any public place, between 12 midnight and 5 a.m.; patronizes any bar where alcoholic beverages are being sold, unaccompanied by such child's parent, guardian or custodian, or possesses alcoholic beverages; has committed an offense applicable only to a child.
All other terms and definitions relating to juvenile operations are found in the Juvenile Proceedings Georgia Code, Title 15, Chapter 11, and Section 2 (15-11-2). Therefore, officers should refer to this code whenever a question arises concerning juveniles not covered in this policy.

III. JURISDICTION:

When a crime is committed by a child 16 years of age or younger and juvenile investigations are initiated by a law enforcement agency, officers shall conduct all phases of the investigation, including bringing the case to the Juvenile Court for adjudication and disposition.

IV. DEPRIVED, ABUSED, AND NEGLECTED CHILDREN:

Any officer having contact with a child endangered by their surroundings must first place the child under his protection by removing the child to a safe place. When the juvenile is alleged to have been harmed, and the injury is not life-threatening, they will be taken to a local hospital for proper treatment. If the injury is life-threatening, they will be transported to the closest emergency/ trauma center by EMS.

After the child is safe, the officer must contact a Juvenile Intake Officer for approval to detain the child. If approval is granted, the officer will be advised where to take the child.

A juvenile complaint form, which the Juvenile Intake Officer will provide, should be filled out by the officer when a deprived child is taken into custody. No pickup order or warrant is needed to remove a child from dangerous surroundings. The officer will be required to leave a completed incident report with the person with whom the child is released. A copy of the complaint form should be obtained and filed with the officer's report.

NOTE: Remember that probable cause that the child may be at risk has to exist to take the child into safekeeping.

Pursuant to O.C.G.A. 19-7-5, Police Officers having reasonable cause to believe that a child has been abused shall report or cause reports of that abuse to be made to a child

welfare agency providing protective services. Officers must supply a copy of the incident report to DFACS Intake as soon as possible to follow this requirement.

V. CHILD ABUSE PROTOCOL (GLECP 6.29):

The TCSG Policy Manual Procedure 4.3.2p4 Standards of Business Conduct, Section VI.F.7, provides the Child Abuse Protocol for all TCSG personnel, in accordance with O.C.G.A. 19-7-5.

VI. JUVENILE FOLLOW-UP INVESTIGATIONS (GLECP 6.30):

When conducting follow-up investigations of incidents involving the abuse, neglect, or molestation of children, interviews with the victim shall be conducted by personnel who have received specialized training in:

- interviewing and report writing techniques;
- dealing with child victims of sexual abuse;
- dealing with child victims of physical neglect and abuse;
- familiarity with anatomically correct dolls/drawings; and
- the use of taping and recording devices.

VII. JUVENILE PROCEDURES:

All TCSG personnel dealing with juvenile offenders will use the least coercive among reasonable alternatives consistent with the agency, the State, and local law procedures. Whether the child is taken into criminal custody or protective custody, officers must ensure the juvenile's constitutional rights are protected. **(GLECP 6.31b; 6.32c)**

Officers may deal with youthful offenders in one of three (3) ways:

- A. Outright release of youth to parents/legal guardian with only an admonishment, warning, or friendly advice; **(GLECP 6.33 a)**
- B. Issuance of a written citation/summons to appear in court in lieu of taking into custody **(GLECP 6.33b)**
 - a. Law enforcement officers may issue a copy of the charges in lieu of taking the child into custody. In most situations involving juveniles, when a parent or legal guardian is available to take charge of the child, the interest of the juvenile is best served by releasing the juvenile to the parent or guardian. However, major felonies and violent situations require taking the child into custody.
 - b. The juvenile may be released on a copy of charges for minor traffic violations. Otherwise, the defendant's copy of the charges shall be given to the parent or legal guardian. The officer will explain in detail the charges involved and advise the child and/or parent/legal guardian that they will be notified by juvenile authorities as to the court date or other related actions. Prior to release, the officer should first contact the juvenile authorities to ascertain if a pick-up order is outstanding.

- c. When an officer charges a juvenile with an offense for which charges are brought without taking custody of the juvenile, it shall be the arresting officer's responsibility to furnish the juvenile authorities (or juvenile officer) with a copy of the incident report and the juvenile complaint form (a mandated form) along with the court copy of the citation.

C. Referral to the appropriate juvenile court or authorities **(GLECP 6.33c)**

When an officer has reason to take a juvenile into custody for alleged non-criminal behavior (a status offense), every effort will be made to release said youth to parents or guardians and issue a copy of the charges when necessary. **(GLECP 6.32a)**

If an officer feels a juvenile should be held, they must contact a Juvenile Court Intake Officer for the final decision. Although every effort should be made to contact an Intake Officer from the scene, if this is not possible, the juvenile can be transported to Juvenile Intake, and the officer can speak with the Intake Officer there.

a. Physical Detention

Taking a child into custody is not an arrest, except for determining its validity under the law.

1. A child may be taken into custody:

- i. Pursuant to an order of the court;
- ii. Pursuant to the laws of arrest;
- iii. If there are reasonable grounds to believe that a child is suffering from illness or injury or is in immediate danger from their surroundings and that their removal is necessary (a deprived child);
- iv. If there are reasonable grounds to believe that the child has committed a delinquent act or to believe them is an unruly child; or
- v. If there are reasonable grounds to believe that the child has run away from their parent(s), guardian(s), or other custodian(s).

2. A child taken into custody shall not be detained or placed in shelter care prior to the hearing unless:

- i. Their detention or care is required to protect the person or property of others or the child;
- ii. The child may abscond or be removed from the jurisdiction of the court;

- iii. They have no parent(s), guardian(s), custodian(s), or other person able to provide supervision and care for him and return him to court when required; or
 - iv. The court has made an order for their detention or shelter care.
3. Procedures on Taking Child into Custody – O.C.G.A. 15-11-47 (**GLECP 6.31**)

After determining if a child is alleged to have engaged in any non-criminal misbehaviors (a status offense), (**GLECP 6.31a**) an officer taking a child into custody, with all reasonable speed and without first taking the child elsewhere, shall:

- i. Release without bond the child to their parent(s), guardian(s), or other custodian(s) upon their promise to bring the child before the court when required;
- ii. Deliver the child to a medical facility if the child is believed to suffer from a serious physical condition or illness which requires prompt treatment and, upon delivery, shall promptly contact a juvenile court intake officer;
- iii. Bring the child immediately before the juvenile court or promptly contact a juvenile court intake officer who will determine if the juvenile will be detained or released (**GLECP 6.31c**);
- iv. Bring the child who is suspected of committing a delinquent act before the superior court of the county where the delinquent act occurred if the act is an act over which the superior court has exclusive or concurrent jurisdiction;
- v. Bring the child to any suitable place or facility designated or operated by the court for juvenile detention.

NOTE: In all cases, the officer must be sure that a juvenile's parents or guardians are contacted as soon as possible and are advised of the juvenile's situation and location. The officer taking the juvenile into custody is responsible for seeing that all attempts to contact the parents are made. (GLECP 6.31e)

4. Procedures Involving Felonies with Exclusive Superior Court Jurisdiction
- i. The superior court shall have exclusive jurisdiction over the trial of any child 13 to 17 years of age who is alleged to have committed any of the following offenses:

- (a) Murder;

- (b) Voluntary manslaughter;
- (c) Rape;
- (d) Aggravated sodomy;
- (e) Aggravated child molestation;
- (f) Aggravated sexual battery;
- (g) Armed robbery if committed with a firearm.

ii. An officer taking into custody a juvenile (13) years of age or older suspected of committing one of these offenses shall immediately arrange transport for the child to the Regional Youth Development Center.

iii. The officer shall obtain criminal warrants for the juvenile from the local county Magistrate Court where the offense occurred.

VIII. JUVENILE TRAFFIC PROCEDURES:

A. Juvenile Traffic Offenses (**GLECP 6.15b**)

Juvenile traffic offenses (**O.C.G.A. 15-11-630**) apply to individuals under the age of 17, and the arresting officer will follow standard procedures for processing juveniles.

Exceptions: Those violations which include any offense under O.C.G.A. 40-5-54; O.C.G.A. 40-5-70; driving under the influence of alcohol or drugs; possession of a controlled substance or marijuana; or any other offense for which driving privileges may be suspended or revoked for an adult. Any offense under these Codes is an act of delinquency.

The law enforcement officer should make every effort to release the juvenile to their parents or legal guardians and issue a copy of the charges, when necessary, on minor criminal or traffic offenses. If a copy of traffic charges is issued, it will be marked "JUVENILE" in the court section. The officer will tell the juvenile that they will be notified of the court date by the appropriate County Juvenile Court.

B. Driving Under the Influence

A juvenile arrested for DUI who is sixteen years of age and possesses a Georgia Driver's License is subject to the Georgia Implied Consent Law and will be given the same rights as an adult. After the test is completed, the arresting officer will follow standard procedures as outlined in the Georgia Code for processing juveniles.

A juvenile without a valid driver's license, who is arrested for DUI, regardless of age, is not subject to the Georgia Implied Consent Law and cannot be given a blood or breath test without obtaining permission from the parent (s) or legal guardian.

IX. FINGERPRINTING / PHOTOGRAPHS OF JUVENILES (O.C.G.A. 15-11-702) (GLECP 6.31d):

Every child charged with an act which would be a felony if committed by an adult, other than those status offender crimes defined in O.C.G.A. 15-11-2, shall be fingerprinted and photographed upon being taken into custody.

Fingerprints and photographs of children shall be taken and filed separately from those of adults by law enforcement officials to be used in investigating the commission of crimes and to be made available as provided in this article and as may be directed by the court.

Fingerprint files and photographs of children may be inspected by law enforcement officers when necessary for criminal justice purposes and the discharge of their official duties.

TCSG Law Enforcement Agencies will use the booking area of the county jail/detention facility where the incident occurred to obtain the fingerprints and photographs required by O.C.G.A. 15-11-702. The jail/detention facility will be notified to ensure that the booking area is vacant before a juvenile is brought inside. As soon as the juvenile is processed, they will be removed from that area.

X. JUVENILE RECORDS (O.C.G.A. 15-11-708):

Records and files concerning a child shall be kept separate from the records and files of the arrests of adults. Unless a charge of delinquency is transferred for criminal prosecution under Juvenile Code Section O.C.G.A. 15-11-561 or in the interest of national security, or the court otherwise orders in the interest of the child, the records and files shall not be open to public inspection, nor shall their contents be disclosed to the public.

With the consent of the court, an inspection of the records and files is permitted by:

- A. A juvenile court has the child before it in any proceedings.
- B. Counsel for a party to the proceedings.
- C. The officers of public institutions or agencies to whom the child is committed.
- D. Law enforcement officers of other jurisdictions when necessary to discharge their official duties.

Exception:

Any law enforcement records and files involving an offense over which the superior court shall have exclusive jurisdiction as provided in paragraph (2) of subsection (b) of O.C.G.A. 15-11-28 shall be kept and reported in the same manner as the records and files of adults. These offenses are:

- Murder;
- Voluntary manslaughter;

- Rape;
- Aggravated sodomy;
- Aggravated child molestation;
- Aggravated sexual battery; or
- Armed robbery committed with a firearm.

SPECIAL INSTRUCTIONS:

GEORGIA LAW ENFORCEMENT CERTIFICATION PROGRAM (GLECP) STANDARDS INCLUDED: 6.15b, 6.29, 6.30, 6.31a-e, 6.32a-b, and 6.33a-c.

This policy is for the Law Enforcement Agencies of the Technical College System of Georgia use only and does not apply to any criminal or civil proceeding. The policy shall not be construed as creating a higher standard of safety or care in an evidentiary sense concerning third-party claims. Violations of this policy will form the basis for departmental administrative sanctions only. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.