



**TEXAS SOUTHERN UNIVERSITY
DEPARTMENT OF PUBLIC SAFETY**



STANDARD OPERATING PROCEDURE

SUBJECT JUVENILE PROCEDURES / ARREST AND REPORTS		NO. OF PAGES: 12
REFERENCE: Harris County Juvenile Probation	EFFECTIVE DATE: Jan. 1, 2009	REVIEW DATE: N/A
General Order 034	SPECIAL INSTRUCTIONS/SUPERSEDES: N/A	ISSUING AUTH.: CHIEF OF POLICE

PURPOSE: To clarify handling of juvenile reports.

GOAL: A uniform manner of handling juveniles and paperwork for juveniles.

PROCEDURE:

- I. Detention of juveniles.
 - A. Detention of juveniles will be affected with the same precautions as any arrest.
 - B. Juveniles will be handcuffed with hands behind back, handcuffs will be double locked prior to the juvenile being placed in a patrol vehicle.
 - C. Taking a juvenile into custody at a school, the officer shall notify a supervisor for approval, prior to entering the school when an arrest is imminent. IN PROGRESS CALLS ARE EXCLUDED FROM THIS REQUIREMENT.
 - D. Unless there is clear and present danger to the officer or other persons, or fear of flight on the part of the arrested party, the student should be escorted by the officer and a school district administrative representative to the exterior of the school building and handcuffed outside of the building.(Jack Yates High School)
 - E. When a juvenile is to be handcuffed inside the school building, the officer is to notify a supervisor, prior to arrest or as soon as possible after the arrest.
 - G. The parent(s) of the juvenile will be notified as soon as the detention is made and will be told where the juvenile is being transported.
 - H. Juveniles will be searched in accordance with the Policy and Ethics manual.

- I. Juveniles will be transported as prescribed in Standard Operating Procedure 2.002 (Prisoner Transport).
- J. Officers will give the dispatcher the starting mileage and destination location. The dispatcher will log the starting mileage, the time and location, and advise the officer of the starting time. Upon arrival at the destination, the deputy will advise dispatch, ending mileage, time and location.
- K. Juveniles will not be handcuffed to stationary objects, such as chairs bolted to the floor on class “c” arrest or if they are status offenders, such as runaways. Juveniles detained for causes other than this may be handcuffed to a stationary object, if necessary.
- L. A juvenile may be held for only six (6) hours in a designated Juvenile Processing Center. After six (6) hours have expired, the juvenile must be released or transported to Juvenile Probation. This time does not include when the juvenile is being magistrates or being driven around to identity scenes.
- M. If a statement is to be taken from a juvenile suspect, he/she must be given a Magistrate’s Warning. After a statement is made, the juvenile then must be taken back before the Magistrate for a Competency Hearing. A officer **MAY ONLY** be present for the competency hearing at the direction of the Magistrate (for the safety of the magistrate and others). The parent(s), guardian or attorney has the right to be present during the interview or questioning of a juvenile. **NOTE:** If the juvenile is not a suspect, his/her statement is taken just like any other witness or complainant and can be taken in the Patrol Office.
- N. Each officer is required to familiarize himself/herself with the juvenile “GUIDELINE FOR LAW ENFORCEMENT AGENCIES” in this manual.

II. Reports for juveniles

A. Class “C” misdemeanors

- 1. Although these offenses are now handled exclusively in the Justice of the Peace Court and juvenile probation does not have jurisdiction, Juvenile Probation has requested they be notified, in case they have a case pending on that juvenile at the present time. If a juvenile is on probation and has had a curfew imposed, this enables the probation officer to know that a curfew has been violated.

- B. All other criminal offenses, class “B” misdemeanors and above, will include the completion of a Juvenile Offender Tracking System (JOTS) computer entry, offense report, juvenile detention log entry and other related paperwork.

1. The juvenile will be transported to a designated Juvenile Processing Center (GUIDELINE FOR LAW ENFORCEMENT AGENCIES) .
2. Officers will contact the Harris County Juvenile Division Prosecutor upon the detention of a juvenile (8 A.M. to 5 P.M), Monday through Friday, or a prosecutor at the Harris County District Attorney's office intake at all other times. This will be necessary for the acceptance of criminal charges.
3. The juvenile will be fingerprinted on an Automated Fingerprint Identification System (AFIS) and the AFIS number will be documented in the offense report and JOTS.
4. Officers will contact the Harris County Juvenile Probation Department upon detention of all juveniles. Juvenile Probation will advise the officer of any directives to apprehend and whether the juvenile may be released to a parent or guardian or is to be transported to Juvenile Probation.
5. Upon acceptance criminal charges and contacting Harris County Juvenile probation, the arresting officer will complete the JOTS entry and an offense report. (JOTS may be assessed through the Justice Information Management System (JIMS) program).
6. Upon completion of the offense report and JOTS, the juvenile may be released to the parent or guardian or transported to Juvenile Probation, based upon the recommendation of Juvenile Probation. Any time the JOTS entry is completed, the offense report and all supporting documentation shall be faxed to Juvenile Probation at (713) 755-5462. If the juvenile is transported to Juvenile Probation, a copy of the offense report will be sent with the juvenile. If not transported the officer will document in the offense report, who authorized the juvenile to be released and to whom released.
7. All juveniles that are taken into custody and brought to any law enforcement office must be logged on the Juvenile Detention Log. Required information for the log includes:
 - Name of juvenile;
 - Race
 - Sex;
 - Hispanic (Yes or No)
 - Birth date;
 - Charge(s);
 - Case or citation number (Citation number "C" only);
 - Arresting officer name;
 - Date and time of detention;
 - Name of the person to whom the juvenile was released;
 - Release date and time;
 - Wrecker company/telephone number (if towed vehicle is involved);
 - JOTS log number
8. School Notification " Any officer that takes into custody as provided in Chapter 52, Family Code, an individual whom the agency knows or believes is enrolled as a student in a primary or secondary school, for an

offense listed in subsection (h) of this article shall notify the superintendent or his/her designee in the school district in which the student is enrolled, of that arrest or detention or on the next school day. In addition the officer will complete a "School Notification" form (Green sheet) and attach to the offense report to be placed into the Juvenile Drawer. Subsection (h) this article applies to:

- a. An offense listed in Section 8C, Article 42.18 Code of Criminal Procedures: reckless conduct, as described by Section 22.05, Penal Code or a terroristic threat, as described by Section 22.07, Penal Code:
- b. The unlawful use, sale or possession of a controlled substance, drug paraphernalia or marijuana, as described by Chapter 481, Health and Safety Code:
- c. The unlawful possession of any of the weapons or devices listed in Section 46.01 (1)-(14) or (16) Penal Code or a weapon listed as a prohibited weapon under Section 46.06, Penal Code: or
- d. A criminal offense under Section 71.02, Penal Code

III. Runaways

- A. Runaways under the age of eighteen.
- B. Offense report:
- C. Missing person form:
- D. Parental form for runaway:
- E. Provide parent and/or guardian with Internet posting information:
- F. Complete Missing Person Medical Release Form:
- G. Missing Child Birth Certificate Flag Request, when necessary.
- E. Call records division or communications to have runaway entered on the computer (TCIC/NCIC).

IV. Recovery of runaways

- A. Offense report (outside Agency) or supplement report (Harris County agencies):
- B. Missing person form (recovery):
- C. Call communications or clerk to have runaway removed from the computer (TCIC/NCIC):
- D. Entry of juvenile's information into the Juvenile Detention Log.

GUIDELINES FOR LAW ENFORCEMENT AGENCIES

I. INTRODUCTION

In conformity with the Juvenile Justice Code and other relevant statutes, the following guidelines are approved by the Harris County Family District Courts, Juvenile Trial Division, hereinafter called "Juvenile Courts," for use by the law enforcement agencies within Harris County. These guidelines are intended to supplement, not supplant, the provisions of the Juvenile Justice Code and are applicable to those children who are being handled because they are alleged to have engaged in delinquent conduct or conduct indicating a need for supervision.

Unless otherwise noted, statutory references refer to the Juvenile Justice Code found in Title III of the Texas Family Code.

II. DEFINITIONS

A. **AUTHORIZED "OFFICER" OR "OFFICIAL OF THE JUVENILE COURT"** - Unless specifically stated otherwise, shall be defined as the Harris County Juvenile Probation Department. The Harris County Juvenile Probation Department is hereby designated as the proper agency in Harris County to receive, catalog, and maintain files on all juveniles handled by law enforcement agencies of Harris County who are referred for delinquent conduct or conduct indicating a need for supervision as defined herein, and shall also receive for record purposes, all class "C" misdemeanors and violations of Penal Statutes of Political Subdivisions.

Referrals of offenses of a grade of class "B" misdemeanor or above shall be made via the Harris County "Juvenile Offender Tracking" system (JOT), and such entry shall be deemed a referral to the Juvenile Court.

B. **JUVENILE OFFENDER TRACKING SYSTEM** - Hereinafter referred to as (JOT) is the electronic data. system used in Harris County to facilitate both the filing of charges by the District Attorney's Office and the referral of the offense to the Harris County Juvenile Probation Department for Juveniles arrested / taken into custody in Harris County. This system is maintained in the Justice Information System (JIMS).

C. **THE HARRIS COUNTY JUVENILE DETENTION CENTER** – located at 3540 West Dallas, Houston, Harris County, Texas, is designated as the approved detention facility for juveniles in Harris County, who are charged with delinquent conduct.

1. The juvenile detention center shall not be utilized for the detention of juveniles who are being handled for a class "C" misdemeanor or a violation of a penal ordinance of a political subdivision.

2. Any ward of the Texas Youth Commission may be placed

in the juvenile detention center regardless of the nature or level of the offense, pursuant to 61.07, Human Resource Code.

D. ALTERNATIVE SITES FOR RELEASE - Chimney Rock Center, 6425 Chimney Rock and Children's Protective Services, 5100 Southwest Freeway, are approved as sites for release of children accused of conduct indicating a need for supervision, including those charges with class "C" misdemeanors.

E. JUVENILE PROCESSING OFFICE:

1. The following locations are hereby designated as Juvenile Processing Offices:
 - a. The offices of the Harris County Law Enforcement Agencies and locations as designated in appendix A, attached hereto and incorporated herein by reference.
 - b. The office of any magistrate of Harris County or any location where a magistrate delivers warnings required or permitted by Title III.
2. Any place utilized as a Juvenile Processing Office shall be separate and apart from (out of sight and sound of) adults similarly detained, and shall not be considered as a "Detention Facility". Particular care must be exercised so as to ensure that a child shall not be detained in a compartment of a jail or lock-up in which adults arrested for, charged with, or convicted of crimes are detained or committed, nor be permitted contact with such persons as outlined in 51.12 of the Texas Family Code.

F. PLACE OF NON-SECURE CUSTODY - Location (s) previously designated by the head of the law enforcement agency, utilized for children taken into custody for traffic offenses, fineable only offenses or status offenders.

1. This area must be an unlocked, multipurpose area. A lobby, office or interrogation room is suitable if the area is not designated, set aside, or used as a secure detention area. A place of non-secure custody may be a juvenile processing office designated under 52.025 if the area is not locked when it is used as a place of non-secure custody,
2. While in this area, a child may not be secured physically to a cuffing rail, chair, desk, or other stationary object; may be held in the non-secure facility only long enough to accomplish the purpose of identification, investigation, processing, release to parents, or the arranging of transportation to the appropriate juvenile court, juvenile detention facility, municipal court, or justice court; shall be under continuous visual supervision by a law enforcement officer or facility staff person during the time the child is in non-secure custody, and may

not, under any circumstances, be detained in a place of non-secure custody for more than (6) hours.

3. A child being processed for only a status offense may never be confined in a locked room, cell, or other locked area, and may never be handcuffed to a stationary object. This provision applies regardless of the length of time during which a child is held.
4. Whether a child is being processed for only a status offense in an unlocked area, or as an offender authorized to be held in a locked area, no child may be held at the juvenile processing office for an unreasonable length of time, and in no case for more than (6) hours.

G. CUSTODIANS - shall stand "In Local Parentis" for any child in their care and shall be allowed to act for the parent or guardian in their absence.

H. TAKING INTO CUSTODY - the terms arrest and "taking into custody" shall have equal meaning.

L. DIRECTIVE TO APPREHEND - issued by the Juvenile Court.

1. Shall be prepared by the District Attorney's Office after entry of an offense in JOT by the law enforcement agency.
2. Shall have the same force and effect as a felony arrest warrant.

III. INVESTIGATIVE PROCEDURES

A. INVESTIGATIONS

1. Prior to taking into custody / arrest, the law enforcement officer may conduct "on the scene" investigations and interrogations, and thereafter may interrogate a juvenile suspect, regardless of age, at his home, school, etc. however, if the suspect is in a Juvenile Probation Department institution, before interviewing by or release to a law enforcement officer is allowed, the following special provisions apply:
 - a. If the child indicates he or she has an attorney, the attorney shall be contacted.
 - b. If the child request an attorney, the Juvenile Court Judge must be contacted for instructions.
2. Taking into custody - once the decision is made to take the child into custody, the law enforcement officer must:
 - a. Promptly give notice of his action and a statement of the reason for taking the child into custody to:
 1. The child's parent, guardian, or custodian; and
 2. The Harris County Juvenile Probation Department, the office designated by the Juvenile Courts of Harris County pursuant to 52.02 (b) (2).

- b. Without unnecessary delay, take the child to a designated processing office for the following express purpose:
 1. The return of the child to the custody of a person under section 52.02 (a) (1) of this code;
 2. A completion of essential forms and records required by the Juvenile Court of this code.
 3. The Photographing and fingerprinting of the child if otherwise authorized at this time of temporary detention by this title.
 4. The issuance of warnings to the child as required or permitted by this title; or
 5. The receipt of a statement by the child under section 51.09 (b) of this code.

B. A child may not be left unattended in a juvenile processing office. Upon arrival of the child's parent, guardian, custodian or attorney at the juvenile processing office, the child is entitled to be

accompanied by that person, the child's parent, guardian, and/or other custodian or by the child's attorney, until released from the juvenile processing office.

C. A child may not be detained in a juvenile processing office for longer than six hours. To document compliance with Federal Juvenile Justice and Delinquent Prevention Act, all law enforcement agencies shall be required to complete table 6 (juvenile detention log) and submit to the Chief Juvenile Probation Officer of Harris County on June 30 and December 31 of each year, for inclusion in the Texas Juvenile Probation Commission Statistical Report.

D. STATEMENTS

1. Prior to questioning, the child should be given the usual miranda warnings.
2. Written statements - if a written statement is to be taken, the child must be taken before a magistrate and receive the warnings required under 51.06b.
 - a. A juvenile's statement must be signed by the child in the presence of a magistrate with no law enforcement officer or prosecuting attorney present The only exception is that a magistrate may require a bailiff (or a law enforcement officer if a bailiff is not available) to be present if the magistrate determines that the presence of the bailiff or law enforcement officer is necessary for the personal safety of the magistrate or other court personnel. The bailiff or law enforcement officer may not carry a weapon in the presence of the child while the child is signing the statement.

E. FINGERPRINTS AND PHOTOGRAPHS

1. Only children arrested for conduct that constitutes a felony or misdemeanor punishable by confinement in jail may be fingerprinted or photographed without the consent of the juvenile court. All fingerprints and photographs of youth who are referred to the juvenile court within ten (10) days of arrest will be submitted to the Texas Department of Public Safety.
2. Unless the child is referred within ten (10) days after being detained or taken into custody to the juvenile court, through the authorized officer or official of the Juvenile Court as defined in Section IL, All information, including the fingerprints and photographs, must be destroyed.
3. If a determination of no probable cause is made by a prosecutor or by the office or official designated by the juvenile court, all information, including the fingerprints or photographs must be destroyed.
4. Fingerprints and photographs maintained by law enforcement agencies pursuant to the missing child prevention and identification program shall not be utilized in any manner other than to assist in the location of the missing child.
5. On or before December 31 of each year, the head of each municipal or county law enforcement agency shall certify to the Harris County Juvenile Board, that photographs and fingerprints required to be destroyed under 58.001 have been destroyed.

F. VIDEOTAPING

1. Videotaping shall be considered the same as a photograph.

G. PHYSICAL LINE – UP

1. Regardless of age, a child may appear in a physical line – up for purposes of an identification, subject to the following.
 - a. If the child indicates he/she has an attorney, the attorney shall be contacted and informed of the date and time of the line - up.
 - b. If the child, prior to appearing in a line - up, request an attorney, a Juvenile Court Judge must be contacted for instructions.
 - c. The line - up may not take place in a juvenile probation department facility. Under no circumstances shall any participant in a line -up be an adult offender.

H. EVIDENCE

1. PROPERTY / CLOTHING, ETC. – A consent to search for property or clothing believed to be in the possession of the juvenile must be signed

by the child or parent. If a consent for search is refused and cannot otherwise be made pursuant to the laws of search and seizure, a search warrant must be obtained. However, if the child is in detention and the property sought is in the physical custody of the detention center, the property may be released to law enforcement authorities. In such a case, a notation on the property receipt book of the date and time of release, as well as the person accepting custody of the property, will be made by detention personnel.

2. HAIR SAMPLES - May be obtained without the consent of the juvenile. No approval of a juvenile court judge is required.
3. BLOOD, SKIN, SALIVA, URINE, OR OTHER BODILY FLUIDS If a juvenile refuses to consent in writing, a search warrant must be obtained.
4. PHYSICAL SAMPLES / TAKEN BY JUVENILE DEPARTMENT - If Juvenile Probation Department personnel are requested to take physical samples from the juvenile, permission of the Juvenile Court must be obtained even though the child consents.

G. POLYGRAPH

1. A polygraph examination of a child in custody may not be administered without the consent of the child's attorney or the Juvenile Court.

IV. JUVENILE CHARGED WITH OFFENSE

- A. A juvenile may be deferred to the juvenile court only if probable cause for delinquent or conduct indicating a need for supervision is established by the district attorney's office, via telephone, and thereafter appropriate entries made into the JOT system.
- B. The referral must be made within ten (10) days of the date the juvenile is detained or taken into custody by the law enforcement agency.
- C. No juvenile shall be referred to the juvenile court, without first having been physically taken into custody, fingerprinted and photographed. The law enforcement agency taking the child into custody shall submit to the Department of Public Safety, the information required on the Department of Public Safety forms "JUV 43" and "JUV 44".
- D. Unless other procedures have been approved in writing by the Harris County Juvenile Probation Department, each referral to the juvenile court must be made with a complete and legible offense report (s) and face sheet filled out on each child. If there are multiple actors involved in an offense, each child must have his/her own offense report when referred to the Juvenile Probation Department.
- E. For each referral to the juvenile court, a complete and legible offense report must be submitted to the district attorney's office as soon as possible after the JOT entry.

V. FILES AND RECORDS

- A. Files and records maintained by law enforcement agencies or the Juvenile Probation Department regarding a juvenile are not open to public inspection nor

may their contents be disclosed to the public. However, inspection of the files and records is permitted by the Juvenile Court, Juvenile Probation Department, District Attorney, or members of other law enforcement agencies when necessary for the discharge of their official duties.

- B. Fingerprint and photograph files or records of children shall be kept separate from those of adults, and except for the information required to be submitted under chapter 58, subchapter B of the Texas Penal Code and shall not be sent to a central state or federal department. However fingerprint and photograph files or records of a person who is transferred from the Texas Youth Commission to the Texas Department of Criminal Justice as a violent or habitual offender may be transferred to adult records on or after the date of transfer. If a child has been reported as missing by a parent, guardian, or conservator of that child or a child has escaped from the custody of a Juvenile Detention Facility, The Texas Youth Commission, or any other agency to which the child has been committed, the child's fingerprints and photograph may be sent to and indexed into the files of the Department of Public Safety and the Federal Bureau of Investigation to aid in the location and identification of the child.
- C. Offense reports containing names of persons of juvenile age are not to be considered files and records of a juvenile, but are to be considered as "reports of crimes" and shall not be subject to the provisions of 58.007 of the Family Code. All index references that can lead an inquirer to an offense report based on the name of the particular child shall be considered files and records under 58.007 of the Family Code.
- D. The law enforcement agency is authorized to promulgate its own guidelines regarding release of information concerning a suspect in a case in which the person making the inquiry is a complainant. The information released should be limited to that information which would be necessary to assist the complainant in pursuing a civil cause of action against the child and/or his/her parent (s) as authorized by Chapter 33 of these Texas Family Code.

VI. MISCELLANEOUS PROVISIONS

A. ALL OFFENSES SHALL BE REFERRED.

1. Law enforcement agencies are not authorized to give the warning notices provided for under Section 52.03.
2. The Harris County Juvenile Board has NOT established a "First Offender Program", as defined in Section 52.031. In the event such a program is established, separate specific guidelines and procedures will be developed with the various agencies involved. Thus, the exception allowed for those categories of youth under Section 58.001 (c) shall not be applicable.

APPROVED:

Roger Byars
Chief of Police

Date

Review and Responsibility

Responsibility Party: Texas Southern University Department of Public's Safety's Command Staff

Review: Review will be conducted every even numbered

Retention: Original on file in the Office of the Chief of Police

Approval: Roger D. Byars, Director for Public Safety/Chief of Police

Date of Approval: September 1, 2008