

Burleson Police Department

Administrative Policy and Procedures

Number: 06-005

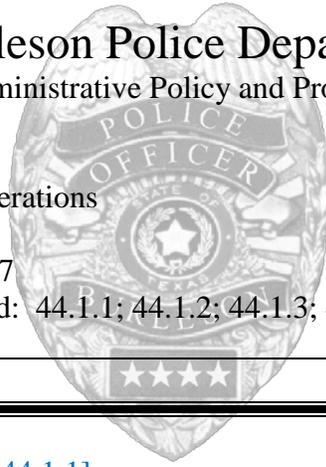
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CALEA Standards Referenced: 44.1.1; 44.1.2; 44.1.3; 44.2.1.; 44.2.2; 44.2.3; 44.2.4

ISSUING AUTHORITY: _____



I. Prevention Programs [\[44.1.1\]](#)

The Burleson Police department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. While the Juvenile enforcement function is assigned to the Criminal Investigations Section, it is vital that each section of the department maintain responsibilities that will enable the department as a whole to have the highest impact on the juvenile. Each member of the department shall be familiar with juvenile procedures, both criminal and non-criminal in nature with the goal of juvenile delinquency prevention.

- A. Programs intended to prevent and control delinquent conduct and criminal behavior by youth will be a joint function of the Detective assigned primarily as a Juvenile Investigator and those officers assigned to the SRO and DARE programs. These programs will be evaluated on an annual basis by the officers involved and a report made to the Support Bureau Captain.
- B. The Patrol Section has the first, therefore the most important, contact with juveniles in most cases. Patrol Officers will strive to make a positive impact on the child with the goal of prevention in mind.
- C. The Criminal Investigations Section will prepare, submit and coordinate all court cases involving juvenile offenders in accordance with the Texas Family Code.
- D. The Detective assigned to a case wherein a juvenile offender is involved will carefully evaluate the case and determine the most appropriate action to be taken. He / she may choose when appropriate to divert the juvenile from the Juvenile Justice System to an appropriate social services program (to provide counseling where needed). [\[44.2.1\]](#)
- E. As the Communications Operator is the link between citizens and the enforcement officers, they will be aware of the duties of each of the other sections to be able to make referrals to the proper section.

II. Communication with other elements of the Juvenile Justice system [\[44.1.2\]](#)

- A. The department will maintain close contact with the respective Juvenile Probation and Social services agencies in our area to better serve our juvenile population.

1. In any case involving a juvenile contact, this department will forward the information gained by that contact to the appropriate juvenile support agencies.
2. The juvenile investigator shall contact all Juvenile Justice Agencies contiguous to our agency and request their input as it relates to development of our policies and procedures.

III. Inter-Departmental Juvenile case adjustment

- A. Officers dealing with juvenile offenders will use discretion in the disposition of the juvenile offender. The officer will consider the totality of the circumstances and will provide the least coercive alternative when possible. The officer will consider the nature of the offense, the age and circumstances of the offender, the offender's record, the availability of social service agencies, the victim's concerns, requests, and anything else pertinent to the circumstances. The officer may adjust the case at the departmental level or make a referral to the juvenile court system. [\[44.2.1\]](#)
- B. When a juvenile is taken into custody (except for felony offenses, violent crimes against persons, and weapon offenses) the following adjustment / dispositions may take place at the discretion of the officer:
 1. The juvenile may be given a verbal warning and released to a parent / guardian. [\[44.2.1a\]](#)
 2. An informal referral to an appropriate social service agency and the juvenile released.
 3. Consulting with parent and complainant / victim allowing them to come to some agreement, in lieu of filing charges.
 4. Dropping of charges, with permission of the complainant/victim [\[44.2.1a\]](#)
 5. A citation may be issued to appear in municipal Court and the juvenile release (if the offense is a Class C misdemeanor and offender is 10 years old or older). [\[44.2.1b\]](#)
 6. The child may be referred, by Criminal Investigations, to an approved First Offender Program (or similar social service program) as set forth by the Texas Family Code. [\[44.2.1c\]](#)

NOTE: Other reasons for adjustment may exist and should be given every consideration when dealing with first time juvenile offenders, involved in C.I.N.S. violations

IV. Taking a juvenile into custody

- A. Sworn officers of the Burleson Police Department shall take into custody those juveniles who meet the requirements of the below procedure. This procedure shall serve as a guide to all sworn officers in making custody decisions in juvenile matters.

1. A juvenile may be taken into custody as set forth by the Texas Family Code. [\[44.2.2a\]](#)
 - a. Pursuant to an order of the juvenile court (such as a directive to apprehend Texas Family Code)
 - b. Pursuant to the laws of arrest
 - c. By a law enforcement officer that has probable cause to believe that the juvenile has engaged in:
 1. conduct that violates a penal law or ordinance of this state
 2. delinquent conduct or conduct indicating a need for supervision
 - d. The child must have, or be in danger of being harmed either physically or emotionally (refer to Texas Family Code). [\[44.2.2b\]](#)
 2. Once it has been determined a juvenile will be placed into custody, it is the officer's responsibility to:
 - a. ensure the constitutional rights of the juvenile are protected [\[44.2.2c\]](#)
 - b. bring the juvenile to the Burleson Police Department for processing or directly transport to a county facility without delay (unless the juvenile is in need of emergency medical treatment) [\[44.2.2d\]](#)
 - c. notify the parents or guardians of juvenile(s) that the juvenile has been taken into custody [\[44.2.2e\]](#)
 3. Juvenile offenders may be processed only in the room(s) designated and approved by the Juvenile board as juvenile processing offices. A juvenile offender may never be processed in an adult jail or holding facility. The juvenile must be separated from adult offenders by sight as well as sound. [\[72.5.3\]](#)
 - a. The juvenile may not be left unattended during the time in the processing office.
 - b. The child may be detained in the processing office only for:
 1. the return of the child to the custody of a parent/guardian
 2. the completion of essential forms and records
 3. the fingerprinting and photographing of the child as authorized by the Texas Family Code
 4. the issuance of warnings to the child as permitted by the Texas Family Code
 5. the receipt of a statement as set forth by the Texas Family Code
- B. Juvenile offenders will be referred to the Juvenile Justice System for the following:
1. any delinquent acts that are felonies (except DWI and DUI)
 2. all delinquent acts involving weapons
 3. all serious gang related delinquent acts

4. all delinquent acts involving aggravated assaults
5. all acts committed while under probation or parole
6. all repeated delinquent acts (within a 12-month period)
7. when it has been determined that parental supervision is not effective
8. all delinquent behavior involving drugs
9. a juvenile may be referred if they have committed three (3) or more **“Conduct Indicating a Need for Supervision”** (C.I.N.S.) offenses as described below:
 - a. conduct (other than traffic) that violates penal laws or ordinances
 - b. truancy (as defined by Texas Family Code)
 - c. runaway
 - d. DWI or DUI (first and second offenses)
 - e. inhalant abuse
 - f. an act violating a school district’s previously communicated written standards of conduct for which the child has been expelled (Education Code)
 - g. conduct that violates a lawful court order

NOTE: A juvenile cannot be held at the Burleson Police Department for a period longer than six (6) hours (Texas Family Code)

V. Custodial interrogation of Juveniles [\[44.2.3\]](#)

Those procedures set forth in the Burleson Police Department’s Policy and Procedures Manual will be strictly adhered to in all circumstances involving juvenile custodial interrogation.

- A. Any time custodial interrogation of a juvenile is required the procedure, as outlined in the policy and procedures manual, will be followed to include, but not limited to the following:
 1. A parent/guardian will be notified after taking a juvenile into custody and may be present during custodial interrogation. [\[44.2.3\]](#)
 2. Before questioning, the juvenile must receive a Miranda Warning by an officer. Before taking a written statement/confession implicating him/her in a criminal offense, the juvenile must receive a warning from a magistrate. The Magistrates warning must be issued prior to and after the taking of the statement/confession, as set forth in the Texas Family Code, and will be conducted in the designated Juvenile Processing area within the Burleson Police Department or the Magistrates office.
 3. A juvenile does have the right to remain silent or terminate an interview.
 4. A juvenile should never be interrogated by more than two (2) officers nor be interrogated for a period to exceed one (1) hour,

without notification of a magistrate or appropriate juvenile authorities. [44.2.3]

5. A juvenile as well as parents/guardian should have the charges, reason for arrest and interrogation and the Juvenile Justice System explained to them. [44.2.3]

NOTE: A juvenile cannot be held at the Burleson Police Department for a period longer than six (6) hours as per the Texas Family Code.

VI. School Liaison Programs [44.2.4]

The Burleson Police Department, in conjunction with the Burleson Independent School District, will provide School resource Officers to be officed at the Middle Schools and the High Schools. The Police department will also provide DARE officers who will provide prevention programs in various schools agreed upon between the Burleson ISD and Police Department. These officers will be under the direct supervision of the Support Bureau Captain.

- A. The School Liaison Program has the goal of reducing crime through education and promotion of positive police/student/adult relations. Officers assigned to the School Liaison Program will be responsible for, but not limited to the following:
 1. Presenting programs with respect to delinquency prevention including drug awareness
 2. Providing guidance on ethical issues in a classroom setting
 3. Counsel and consult with students, parents, teachers and school officials
 4. Making referrals to service agencies or providing information when requested
 5. Explain the law enforcement role in society
 6. Enforcing laws where applicable