

317 Handling Juveniles

317.1 PURPOSE AND SCOPE

The purpose of this order is to provide guidance and direction for processing and handling juveniles offenders within APD's jurisdiction. Texas law affords juveniles ~~are afforded~~ equal protection ~~under the law~~; however, there are differences in the manner in which juveniles are handled under Texas law.

Employees are responsible for participating with and supporting the ideals set forth in Title 3 of the Texas Family Code. These provisions are:

- (a) To provide for the protection of the public, and public safety.
- (b) Consistent with the protection of the public and public safety:
 1. To promote the concept of punishment for criminal acts; and
 2. To remove, when appropriate, the taint of criminality from children juveniles committing certain unlawful acts; and
 3. To provide treatment, training, and rehabilitation that emphasizes the accountability and responsibility of both the parent and the child for the child juvenile's conduct.
- (c) To provide for the care, the protection, and the wholesome moral, mental, and physical development of children juveniles coming within its provisions.
- (d) To achieve these purposes in a family environment whenever possible, separating the child juvenile from the child juvenile's parent only when necessary for the child juvenile's welfare or in the interest of public safety and, when the child juvenile is removed from the child juvenile's family, to give the child juvenile the care that should be provided by parents.
- (e) To provide a simple judicial procedure through which the provisions of this title are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced.

317.1.1 DEFINITIONS

Child/Juvenile: a person who is (Tex. Fam. Code § 51.02(2)):

The ages of juveniles who come within various classifications of offenses may vary in each instance. Note carefully the age limitations in each situation as set forth by law.

- (a) 10 years of age or older and under 17 years of age, or
- (b) 17 years of age or older and under 18 years of age who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 17 years of age.

~~• The ages of children who come within various classifications of offenses may vary in each instance. Note carefully the age limitations in each situation as set forth by law.~~

Conduct Indicating a Need For Supervision: Conduct, other than a traffic offense, that is punishable by a fine only or would not be a criminal offense if committed by an adult (e.g., runaway, curfew violation). (Tex. Fam. Code § 51.03 (b))

Custody: A child juvenile is considered "in custody" when they would be considered "under arrest" if the child juvenile was an adult.

Delinquent Conduct: Conduct, other than a traffic offense, that if committed by an adult is punishable by imprisonment or confinement in jail. (Tex. Fam. Code § 51.03 (a))

Detention: A detention situation exists when an officer detains a [childjuvenile](#) for a short period for investigative purposes.

Status Offender: Generally, a [childjuvenile](#) who is accused, adjudicated, or convicted for conduct that would not, under state law, be a crime if committed by an adult. (Tex. Fam. Code § 51.02(15))

317.1.2 CONFIDENTIALITY

The confidentiality of names of juveniles and their records is mandated by state law. The following guidelines will be strictly followed:

- (a) The names of juvenile offenders will not be released to the news media or any other person not involved in the judicial or diversion process.
- (b) A juvenile defendant or juvenile suspect shall not be named in any public document, including an affidavit for an arrest warrant involving an adult co-defendant or in an affidavit for a search warrant. However, there may be times when an investigator believes that naming a juvenile in the affidavit is essential. In those cases, an assistant district attorney assigned to juvenile court should be contacted in order that alternatives (other than naming the juvenile) can be explored.
- (c) Information on juveniles collected during the course of business may be released/ disseminated under the following circumstances:
 1. Information required to be collected for the "juvenile justice information system" will be forwarded to the Department of Public Safety (DPS);
 2. Information compiled during investigation of a criminal combination may be released to other criminal justice agencies or any court having jurisdiction over a [childjuvenile](#);
 3. Information concerning missing [childrenjuveniles](#) may be entered into NCIC; and
 4. Information concerning [childrenjuveniles](#) adjudicated of sexual offenses and required to register with the Department as sex offenders will be forwarded to DPS.
- (d) Physical files and records concerning juveniles shall not be open to public inspection, and shall be open to inspection only by a juvenile justice agency or criminal justice agency.
- (e) If an investigator believes obtaining a warrant for the arrest of a juvenile offender is necessary the investigator will present the probable cause affidavit and arrest warrant to a magistrate for approval and signature.
 1. The municipal court clerk currently issues the warrant a "J" number but will not retain the affidavit or warrant on file.
 2. The investigator will provide the original arrest affidavit and warrant to the Warrant Office to be entered. The original warrant and affidavit will be retained by the Warrant Office until the juvenile is taken into custody.
 3. Upon apprehension of the juvenile the original affidavit and warrant will be forwarded to Gardner-Betts. Copies of the affidavit and warrant will be retained in the investigative file.
- (f) An affidavit for a search warrant on a juvenile offender should be submitted to a juvenile court judge to obtain the search warrant. Record of the search warrant will be retained by the juvenile court.
- (g) All juvenile arrest files and records, when not in use, shall be secured. Under no circumstances will juvenile arrest records be mingled with adult records.

317.2 CUSTODY OF JUVENILES

317.2.1 TAKING A JUVENILE INTO CUSTODY

- (a) Section 52.01 of the Texas Family Code states that a ~~child~~juvenile may be taken into custody:
 1. Pursuant to an order of the Juvenile Court.
 2. Pursuant to the laws of arrest.
 3. By a law enforcement officer, if there is probable cause to believe that the ~~child~~juvenile was engaged in:
 - (a) Conduct that violates a penal law of this state or a penal ordinance of any political subdivision of this state; ~~or~~
 - (b) Delinquent conduct or conduct indicating a need for supervision; ~~or~~
 - (c) Conduct violating a condition of probation imposed by the juvenile court.
 4. By a probation officer if there is probable cause to believe that the ~~child~~juvenile has violated a condition of probation imposed by the juvenile court.
 5. Pursuant to a directive to apprehend issued by a juvenile court.
- (b) In place of taking a ~~child~~juvenile into custody, state law allows a peace officer to issue a field release citation for a traffic offense or an offense, other than public intoxication ~~or possession of marijuana~~, punishable by fine only.
- (c) State law does not require that a warrant be issued to take a ~~child~~juvenile into custody for a past offense, as long as there is probable cause to believe that the ~~child~~juvenile committed the offense. In making warrantless arrests, patrol officers will follow the direction of an investigative unit and/or their supervisor.
- (d) Officers will apply the same probable cause standard for juveniles as that used for adult offenders.
- (e) Officers are encouraged to contact their Sector Detective Unit for advice regarding the probable cause for arrest, the type of charge, disposition of the juvenile, or to provide any other assistance needed.

317.2.2 EMERGENCY MEDICAL TREATMENT

~~Children~~Juveniles taken into custody that are believed to suffer from a serious physical condition or illness and requires prompt treatment should be seen by EMS and/or transported to a medical facility.

317.2.3 REQUIRED PARENT NOTIFICATION

In contrast to detention situations, the law requires that a ~~child~~juvenile's parent/guardian be promptly notified when the ~~child~~juvenile is in police custody.

- (a) If a ~~child~~juvenile is taken to a Juvenile Detention Facility, intake personnel will typically make the parent notification. However, at times, they may need assistance from APD when a parent/guardian cannot be contacted by phone. In that case, intake personnel may request that APD attempt to contact the parents in person by calling Communications.
- (b) In the event that a ~~child~~juvenile taken into custody is brought directly to an APD facility to be interviewed, it is the responsibility of the arresting officer to make parent/guardian notification or coordinate that notification with the appropriate investigator.
- (c) Officers shall indicate on the juvenile facility booking form and in an incident report information regarding contact with the juvenile's parent/guardian.

317.2.4 SEPARATION REQUIREMENTS

Juveniles shall not be transported in the same vehicle with adults who are suspected of or charged with criminal acts. Juveniles shall be separated at ~~any and~~ all times by sight and sound from adults detained

in the same building. Separation requires that adults and juveniles in detention are unable to see each other or to converse (Tex. Fam. Code § 51.12).

317.2.5 RELEASING A JUVENILE FROM CUSTODY

- (a) When releasing a juvenile from custody, officers should take reasonable steps to release ~~him to his~~ the juvenile to their custodial parent or guardian.
- (b) If a custodial parent or guardian is not available and officers need to release the juvenile to someone else, the following guidelines shall be followed:
 1. Run a check for any protective order regarding the adult with whom placement of the juvenile is being considered.
 2. Complete warrant and criminal history checks to ensure the juvenile is not being placed with a wanted or dangerous felon.
 3. Contact Child Protective Services' Law Enforcement Number (the number is available through APD Communications) and request a CAPS (Child/Adult Protective Services) check be done to ensure the juvenile is being placed in a safe environment with no abuse history through CPS. The CPS worker answering the phone will need the following information on the person with whom you want to place the ~~child~~ juvenile:
 - (a) Name, address, and any other pertinent identifying information.
 - (b) The CPS worker will ask you for a phone number to call in order to verify your identity and provide any history on the subject. Officers shall provide the phone number for the Communications supervisor. (This process should take approximately 10 minutes).
- (c) Fully identify the person with whom the juvenile is being placed and any CPS related information in the incident report.

317.3 JUVENILE DISPOSITIONS AND REQUIRED DOCUMENTATION

~~An officer who has detained or arrested a child for conduct indicating a need for supervision, delinquent conduct, or a traffic offense will use the following guidelines for disposition of the child.~~

~~The paperwork and procedures for taking custody of a juvenile varies depending on the type of conduct.~~

317.3.1 ~~CONDUCT INDICATING A NEED FOR SUPERVISION~~ CLASS C MISDEMEANORS

~~(a)~~ Class C Misdemeanors: are punishable by fine only and fall under the jurisdiction of Municipal Court. Juveniles who commit Class C Misdemeanors shall ~~be issued~~ receive citations.

317.3.2 CONDUCT INDICATING A NEED FOR SUPERVISION

~~(b)~~ ~~Child in need of supervision:~~ Officers encountering juveniles who are not violating any criminal law, but who are in potentially hazardous situations, should be familiar with Family Code section 262.110. This law permits a law enforcement officer to take temporary custody of a ~~child~~ juvenile without a court order if the officer finds the ~~child~~ juvenile in a situation that poses a danger to the ~~child~~ juvenile's physical health or safety. The officer may take custody of the ~~child~~ juvenile under the law when the sole purpose is to deliver the ~~child~~ juvenile without unnecessary delay to the ~~child~~ juvenile's parent, guardian, caretaker, or custodian who is entitled to possession of the ~~child~~ juvenile.

~~1.~~ (a) Officers who take temporary custody of a ~~child~~ juvenile under this provision will write a report (Child in Need of Supervision) and specifically identifying the conditions that placed the ~~child~~ juvenile's physical health or safety at risk.

317.3.3 RUNAWAYS

~~(c) **Runaways:** When an officer identifies a juvenile as a runaway, establishes that a juvenile is a runaway, every attempt should be made to~~ the officer will transport the runaway home for release to a custodial parent or guardian, or have the custodial parent or guardian meet the officer at the scene for release. If the officer is not able to contact a custodial parent or guardian, the officer shall follow the guidelines for "Releasing A Juvenile From Custody" as ~~outlined in this order~~ found in General Order 317.2.5. ~~If a juvenile cannot be released to an appropriate adult, the following guidelines shall be followed:~~

~~1.—Transporting~~

~~(a) If the initial runaway report was generated by any agency within Travis County, the juvenile shall be taken to Life Works. Any forms required by the facility shall be completed.~~

~~(b) If the runaway report was generated by an agency outside of Travis County, the juvenile shall be taken to Gardner-Betts. A booking sheet shall be completed.~~

~~2.—Reporting~~

~~(a) If the original report was generated by APD, a supplement shall be written to the original report.~~

~~(b) If the original report was generated by any agency other than APD, an incident report shall be initiated and titled "Recovered Runaway."~~

- (a) Patrol officers must respond, in person, to all Runaway and Recovered Runaway reports for juveniles 12 years of age and under.
- (b) Patrol officers may complete a Runaway Report, age 13 through 17, over the phone instead of responding in person. Additionally, officers must request Communications enter the juvenile into NCIC/TCIC.
- (c) Patrol officers may handle the first and second Recovered Runaway report for a juvenile, age 13 through 17, over the phone. On the second recovery report, the patrol officer will use the Title Code "Repeat Recovered Runaway", if the previous recovery occurred within the past 12 months. Officers will check Versadex to confirm the number of Recovered Runaway reports and the timeframe; officers will not request the dispatcher confirm this information.
- (d) If the juvenile is a three-time Recovered Runaway and is not under the care of CPS/DFPS, patrol officers must respond, in-person, in an effort to provide SafeCares/Refugee Services of Texas (RST) resources to the juvenile or guardian; refer to section (e) below for instructions. Officers will only offer Safe Cares/RST services once. Thereafter, patrol officers may handle subsequent runaway and recovery reports over the phone for ages 13 through 17.
- (e) When officers respond to the third runaway recovery in a 12 month period, officers shall:
 - 1. Assess the situation to determine if it is safe for a SafeCares/RST advocate to respond.
 - (a) If the location is safe, contact SafeCares/RST via phone to request an advocate respond and provide the advocate with any relevant information about the juvenile/parent/guardian. There is no requirement for the officer to remain on-scene until the advocate arrives.
 - (b) If the location is not safe, provide the SafeCares/RST advocate the contact information for the juvenile/parent/guardian for a follow-up by phone.
 - (c) The officer will provide the SafeCares/RST advocate with the officer's department cell phone number for follow up after the advocate contacts the juvenile/parent/guardian.
 - 2. Notify the legal guardian that an advocate from Safe Cares/RST will contact them, via phone or in person, usually within 90 minutes, to discuss additional resources options.
 - 3. After the Safe Cares/RST advocate contacts the legal guardian/juvenile, the advocate will call and update the reporting officer.
- (f) Report Creation and Notation of SafeCares/RST Advocate Response.
 - 1. If APD generated the original report, officers shall write a supplement to the original report, and add the report title "Recovered Runaway-Safe Cares/RST Contact."

- (a) Officer shall notate in the report whether the parent/guardian accepted or refused Safe Cares/RST Contact.
- 2. If another agency generated the original report, officers shall write a report titled, "Repeat Recovered Runaway".
 - (a) Officers shall notate in the report whether the parent/guardian accepted or refused Safe Cares/RST Contact.
- 3. Request Communications remove the juvenile from TCIC/NCIC.
- 4. If necessary, transport and release the juvenile according to section 317.2.5 of this order.
- (g) When officers encounter a runaway during normal duties, officers shall:
 - 1. Determine if the juvenile meets the criteria of a Repeat Recovered Runaway. If so, follow the guidelines of section (e) listed above.
 - 2. Determine if there is any information suggesting human trafficking. If so, the officer will contact a Human Trafficking Detective. The detective will initiate the Travis County Care Coordination Protocols.
 - 3. Create a report.
 - (a) If APD generated the original report, officers shall write a supplement to the original report.
 - (b) If another agency generated the original report, officers shall write an incident report titled, "Recovered Runaway."
 - 4. If necessary, transport and release the juvenile according to section 317.2.5 of this order.

317.3.4 IN-CUSTODY SITUATIONS

- ~~(d) **Possible Custody Situations:** The following situations are typically considered conduct indicating a need for supervision though sometimes circumstances dictate that transport to a detention facility may be required. If a juvenile is transported to a detention facility for any of the following offenses, the officer is required to complete a booking sheet.~~
 - ~~1. **Driving Under Influence (DUI):** Officers shall adhere to the guidelines outlined in General Order 355 (DWI Enforcement) for how to handle Juvenile DUI/DWI arrests.~~
 - ~~2. **Family Violence Assault By Contact/Threat:** If necessary to preserve the peace and eliminate the possibility of further violence, a juvenile may be taken into custody and transported to the appropriate juvenile detention facility if they are involved in a family violence situation and commit a Class C misdemeanor offense such as "assault by contact" or "assault by threat" in the presence or view of a peace officer.~~
- (a) When officers take a juvenile into custody for any arrestable offense the officer shall complete the documentation and procedures required by the facility. Additionally, the officer shall complete an APD Arrest Booking (AB) report and General Offense (GO) report. Below is a list of appropriate facilities based on the location of the arrest.
 - 1. For arrests that occur in Travis County, juveniles shall be taken to Gardner-Betts.
 - 2. For arrests that occur in Williamson County, juveniles shall be taken to the Williamson County Juvenile Justice Center.
 - 3. For arrests that occur in Hays County, officer shall call the Hays County Juvenile Detention Center at (512) 393-5200, ext 11201 for approval prior to transport.
- (b) If any facility refuses to take the juvenile, the officer should follow these guidelines.
 - 1. Transport the juvenile to the APD ID section.
 - 2. Take a mugshot of the juvenile.
 - 3. Complete a 10 print via Live Scan and transmit to DPS.
 - 4. Upload all documentation to the Versadex incident report.
 - 5. Release the juvenile according to 317.2.5 of this order.
- (c) Juveniles should be transported directly to the appropriate Juvenile Detention Facility and booked when an on-view arrest is made or:
 - 1. Any warrant or directive to apprehend issued by TYC or Juvenile Court (e.g., probation violation warrants, escape from TYC warrants).

2. Any warrant or directive to apprehend a juvenile where the juvenile was already processed for the original charge.
 3. Any offense that occurred prior to Jan. 1, 1996.
- (d) If a juvenile is taken into custody for DWI, the juvenile shall be transported directly to an Intoxilyzer room and requested to perform any tests prior to processing and booking.
- (e) If an officer is booking a juvenile for delinquent conduct and also chooses to file a Class C charge, the officer shall issue the juvenile a misdemeanor citation for the Class C violation(s). Class C charges shall NOT be placed on the booking sheet.
- (f) A juvenile taken into custody for delinquent conduct shall not be released to a parent/ guardian until the juvenile has been processed and booked at the appropriate Juvenile Detention Facility.

~~317.3.2 DELINQUENT CONDUCT~~

- (a) ~~Juveniles taken into custody for delinquent conduct (Class B misdemeanors or above) shall be processed and booked as follows:~~
1. ~~**Travis County:** The juvenile shall be transported to Gardner-Betts where the officer will fingerprint the juvenile and complete all necessary booking paperwork for intake into the facility. Any accompanying paperwork shall be submitted to the Gardner-Betts intake officer. The officer will also complete an APD Arrest Booking (AB) report and General Offense (GO) report via MRE and upload both reports to Versadex.~~
 - (a) ~~If the identification of the juvenile is in question, officers may transport the juvenile to the APD ID Section to attempt positive identification prior to taking the juvenile to Gardner-Betts.~~
 2. ~~**Williamson County:** The juvenile shall be transported to the Williamson County Juvenile Justice Center for processing and booking. Any accompanying paperwork (e.g., booking sheet, receipts, pictures) shall be forwarded to the appropriate Area Command Investigative Unit for disposition.~~
 3. ~~**Hays County:** Upon taking a juvenile into custody in Hays County, officers shall call the 24 hour intake number for the Hays County Juvenile Detention Center at (512)393-5220, ext 11201 for approval prior to transport. If the officer is denied approval for intake, the officer shall notify his immediate supervisor and follow the guidelines for "Releasing A Juvenile From Custody" as outlined in general orders. The juvenile shall be transported to the APD ID Section for processing, followed by booking at the Hays County Juvenile Detention Center. Any accompanying paperwork shall be turned in to the Hays County Juvenile Detention Center intake officer.~~
- (b) ~~In certain instances, processing of a Juvenile is not required. Juveniles may be transported directly to the appropriate Juvenile Detention Facility and booked when:~~
1. ~~Any warrant or directive to apprehend issued by TYC or Juvenile Court (e.g., probation violation warrants, escape from TYC warrants).~~
 2. ~~Any warrant or directive to apprehend a child where the child was already processed for the original charge.~~
 3. ~~Any offense that occurred prior to Jan. 1, 1996.~~
- (c) ~~If a juvenile is taken into custody for DWI, the juvenile shall be transported directly to an Intoxilyzer room and requested to perform any tests prior to processing and booking.~~
- (d) ~~If an officer is booking a juvenile for delinquent conduct and also chooses to file a Class C charge, the officer shall issue the juvenile a misdemeanor citation for the Class C violation(s). Class C charges shall NOT be placed on the booking sheet.~~
- (e) ~~A juvenile taken into custody for delinquent conduct shall not be released to a parent/ guardian until the child has been processed and booked at the appropriate Juvenile Detention Facility.~~

317.3.3-5 TRAFFIC OFFENSES

Juvenile traffic violators should be handled in the same manner as adult violators.

317.4 INFORMATION NEEDED BY A JUVENILE DETENTION FACILITY

Under the provisions of the Family Code, pending a hearing, a [childjuvenile](#) taken into custody will be released immediately by the Juvenile Court to a parent unless certain designated circumstances exist. Officers should inform intake personnel the following facts, when known:

- (a) The [childjuvenile](#) is likely to abscond or be removed from the jurisdiction of the court.
- (b) Suitable supervision, care or protection is not being provided to the [childjuvenile](#) by a parent, guardian or other person.
- (c) The [childjuvenile](#) has no parent, guardian or other person able to return them to the court when required.
- (d) The [childjuvenile](#) may be a danger to themselves or may threaten the safety of the public if released.
- (e) The [childjuvenile](#) has previously been found to be a delinquent [childjuvenile](#) or has been previously convicted of a penal offense punishable by a term in jail or prison and is likely to commit an offense if released.

317.5 JUVENILE INTERVIEWS, INTERROGATIONS AND STATEMENTS

317.5.1 TYPES OF STATEMENTS

- (a) The following types of statements made by juvenile suspects are admissible as evidence under the Family Code:
 1. **Res Gestae** - spontaneous statements made by [childrenjuveniles](#) may be used as if they were made by an adult.
 2. **Statements leading to the discovery of evidence** - defined as oral statements of fact or circumstances that are true, which tend to establish the [childjuvenile's](#) guilt, such as finding secreted or stolen property or the instrument with which the [childjuvenile](#) states the offense was committed.
 3. **Custodial Statements** - An oral or written statement by a [childjuvenile](#) in custody, detention or confinement is admissible if, before giving the statement, the [childjuvenile](#) has been given the Miranda warning by a magistrate. This warning must be given out of the presence of police officers or prosecutors. An exception would be under circumstances when it is deemed necessary to have an officer present for the magistrate's protection.
 - (a) **Oral Statements:** The statement must be recorded by an electronic recording device (video camera or digital video camera) and, before making the statement, the [childjuvenile](#) receives the Miranda warning by a magistrate as described above and the warning is made part of the recording.
 - (b) **Written Statements:** The written statement must be reviewed with the juvenile, and signed, in front of the magistrate and out of the presence of police officers or prosecutors unless necessary for the magistrate's protection.
- (b) The Family Code does not preclude the admissibility of other types of statements, including those that "do not stem from custodial interrogation." The admissibility of such statements will depend upon the circumstances surrounding the taking of the statement and the facts of the case.

317.5.2 WORKING WITH PARENTS

A [childjuvenile](#)'s parent or guardian has personal legal responsibility for the [childjuvenile](#)'s welfare and behavior. The Department recognizes this responsibility and police officers will work with parents as closely as possible in interviewing [childrenjuveniles](#). Examples of procedures that help parents are:

- (a) Explaining a [childjuvenile](#)'s illegal or suspicious behavior as soon as possible.
- (b) Responding with patience and understanding to questions that are defensive or reflect a parent's fears about police procedures and the court system.
- (c) When reasonable, giving parents advance notice that their [childjuvenile](#) will be interviewed or interrogated.

317.5.3 GENERAL GUIDELINES FOR INTERVIEWING JUVENILES

- (a) The Department encourages officers to adjust their interviewing style to be sensitive to each person's age and experience, remaining consistent with the Department's commitment to treat all people with respect. The more approaches an officer can use, the more cooperation they can achieve with each [childjuvenile](#).
- (b) **Interviews:** An interview takes place when a juvenile witness or victim of a crime is questioned. It is not necessary to administer rights or to have the parents or guardians present. If a [childjuvenile](#) implicates themselves during the interview, the interview shall be stopped and the procedures for interrogation followed.
- (c) **Age Considerations:**
 1. If the [childjuvenile](#) is too young or mentally incompetent to render a decision, the parents or guardians should be present.
 2. Interviewing [childrenjuveniles](#) under the age of 13 should be done at the Center for Child Protection, especially when the [childjuvenile](#) is the victim of a violent offense.

317.5.4 GENERAL GUIDELINES FOR INTERROGATING JUVENILES

- (a) **Interrogations:** An interrogation is the questioning of a juvenile who is suspected of a status or criminal offense.
 1. **On-scene Interrogation:** Street interrogations should be avoided until after the juvenile can be processed unless it is absolutely necessary for the preliminary investigation. However, street interviews often present exigent circumstances that demand immediate action from the responding officer. Suspects, weapons and evidence may be lost if information is not immediately obtained. Officer safety, safety of the public, and the need to obtain basic information are considerations that patrol officers must deal with in making decisions regarding the street interrogation of a juvenile. The general rules of interrogation and admissibility of evidence apply to juveniles, with additional requirements existing for custodial interrogations.
 2. **Non-Custodial Interrogations:**
 - (a) Juveniles are not in custody when they are voluntarily brought in by a parent or guardian. Therefore, no magistrates' warning is required prior to taking a confession under these circumstances.
 - (b) Officers should be aware of any factor that might negate the non-custodial status of the interrogation and affect the admissibility of the statements obtained. For example, giving a [childjuvenile](#) a ride to the station, even if the [childjuvenile](#) accompanied the officer voluntarily and with the consent of their parents, could be interpreted by the

courts as an indication that the juvenile was "in custody."

- (c) Juveniles who have given voluntary non-custodial confessions will not be immediately taken into custody. They will be released to a parent/ guardian. If probable cause for arrest is developed through the confession or otherwise, a juvenile warrant may be obtained. Failure to follow this procedure could taint the voluntariness of the confession.
3. **Custodial Interrogations:** The Miranda warning administered by a magistrate must precede all custodial confessions. Prior to conducting a custodial interrogation of a juveniles, employees will confer with the juvenile and parents or guardians to explain agency and juvenile justice system procedures. The custodial interrogation of a juvenile may take place in two types of situations; the exact procedures to be followed vary depending on the situation.
- (a) **At a Juvenile Processing Office:** The interrogation of a juvenile may take place at a juvenile processing office if the juvenile is transported there immediately after the juvenile is taken into custody. While at the juvenile processing office the guidelines of Family Code Section 52.025 must be strictly adhered to:
 - 1. The **childjuvenile** may not be left unattended.
 - 2. The **childjuvenile** is entitled to be accompanied by a parent, guardian, or attorney.
 - 3. The **childjuvenile** may not be detained in the juvenile processing office for longer than six (6) hours.
 - 4. Under normal circumstances, no more than 2 detectives should be actively engaged in the interrogation of the **childjuvenile**.
 - (b) **At a Juvenile Detention Facility:** To interview a juvenile who has been booked into Gardner-Betts or the Williamson County Juvenile Justice Center, APD must request the juvenile be returned to APD custody for an interrogation or other follow-up. Gardner-Betts or Williamson County Juvenile Justice Center personnel will rule whether the request will be granted.
 - 1. The investigator will call Gardner-Betts or the Williamson County Juvenile Justice Center in advance to arrange for a custody transfer.
 - 2. Unless the interview occurs at the detention facility, the interview will only take place in a designated Juvenile Processing Office that is in accordance with CCP Sec. 52.025.
 - 3. Upon completion of the interview/statement the juvenile must be returned to the custody of Gardner-Betts or the Williamson County Juvenile Justice Center.

317.6 FINGERPRINTS AND PHOTOGRAPHS

- (a) Except as listed in section (d) below, juveniles may be photographed or fingerprinted only under the following circumstances consistent with provisions of the Family Code:
 - 1. With consent of the Juvenile Court (e.g., via a court order).
 - 2. If the **childjuvenile** is taken into custody for conduct that is a felony, or a misdemeanor punishable by confinement in jail.
 - 3. If the **childjuvenile** is not in custody and the **childjuvenile**'s parent or guardian voluntarily consents in writing to the photographing or fingerprinting of the **childjuvenile**.
- (b) The fingerprints of a juvenile suspect in a criminal case where latent prints were obtained may be used for comparison purposes only if the prints were obtained in a manner allowed by the Family Code.

- (c) The photograph of a juvenile suspected in connection with a criminal case where it is believed the photograph will help in the identification of the offender (e.g., a photo lineup) may be used only if it was obtained in a manner allowed by the Family Code unless it is publicly available (such as in a school yearbook).
- (d) Exceptions: Restrictions on fingerprinting/photographing juveniles do not apply in the following situations:
 1. If the photographs/fingerprints are obtained as part of the registration process for a juvenile required to register as a sex offender under CCP Section 62.
 2. If the ~~child~~juvenile is a victim or witness, and photographs are needed for evidentiary or documentary purposes (e.g., photographs of injuries, or videotaped statement of a ~~child~~juvenile victim/witness).
 3. If a ~~child~~juvenile has had access to a crime scene but is not a suspect, and their prints are needed for comparison to latents for elimination purposes.