



Helen Police Department

Standard Operating Policies and Procedures

Chapter P-045 Juvenile	Effective Date:	September 1, 2022	# of Pages:	12
	Revised Date:		Distribution Authorization:	<i>Alonna C. Barrett</i>
	Special Instructions:			

I. PURPOSE

To establish standards and procedures concerning contact, release, intake, detention, and referral of juveniles by officers of the Helen Police Department and to maintain programs to prevent and control juvenile delinquency.

II. POLICY

The Helen Police Department is committed to the development and continuation of programs designed to prevent and control juvenile delinquency. All police personnel will assist representatives of White County Juvenile Court, Georgia Division of Youth Services, Regional Youth Development Center (RYDC), Department of Family and Children Services (DFCS), White County School Systems, other law enforcement agencies, and other agencies and organizations in enforcement, investigations, follow-up investigations, considerations of alternative referrals and other matters related to juvenile delinquency.

III. DEFINITIONS

A. Child / juvenile - any individual who is:

1. Under the age of 17 years,
2. Under the age of 21 years, who committed and act of delinquency before reaching the age of 17 years, and who has been placed under supervision of the court or on probation in the court; or
3. Under the age of 18 years, if alleged to be a "deprived child" or as a "status offender" as defined by 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 participates in the Compact States Agreement, under federal laws, or by local ordinance. Failing to appear as required by a citation issued with regard to a violation of 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 control necessary for his physical, mental, or emotional health or morals; has been placed for care or adoption in violation of law; has been abandoned by his parents or other legal custodian; or is without a parent, guardian or custodian.
- D. Juvenile Court Intake Officer - the juvenile court judge, associate juvenile court judge, court service worker or person employed as a juvenile probation or intake officer designated by the juvenile court judge as the person on duty for the purpose of determining whether any child taken into custody should be released or detained and, if detained, the appropriate place of detention.
- E. Responsible Adult - one who is 18 years of age or older, will provide supervision for the juvenile until the parent/guardian is located and the juvenile is released to them, 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.
- F. Status Offender - a juvenile who is charged with or adjudicated of an offense which 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.
- G. 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 Code, Code of Georgia, Code Title 15, Chapter 11, Section 15-11-2. Officers should refer to this code whenever a question arises concerning juveniles that are not covered in this policy.

IV. JUVENILE OPERATIONS - AUTHORITY AND RESPONSIBILITY

All police personnel, particularly patrol and investigative personnel, share the responsibility for participating in and supporting the juvenile operations and enforcement. Sworn officers shall be familiar with procedures for handling incidents involving juveniles, both criminal and non-criminal.

V. COURTS

The Juvenile Prosecutors will handle the coordinating or preparing of court cases in which a juvenile offender is involved. Only the Georgia Department of Human Resources, Division of Youth Services and White County Juvenile Court can divert juvenile offenders out of the juvenile justice system into social service agencies.

Follow-up processing of youth arrests will be conducted by the Juvenile Court that has jurisdiction over those who have allegedly committed delinquent or criminal acts. The Helen Police Department actively participates with other elements of the Juvenile Justice System such as:

- A. Juvenile Courts
- B. Juvenile Probation Officers
- C. White County District Attorney's Office
- D. Department of Juvenile Justice
- E. White County Board of Education and School Resource Officers
- F. Department of Family and Children Services (DFACS)

VI. OPERATIONS

It is the policy of the Helen Police Department that all personnel dealing with juvenile offenders will use the least coercive among reasonable alternatives consistent with procedures of the Department, State and local law. Officers may deal with youthful offenders in one of four (4) ways:

- A. Outright release of youth to parents / legal guardian with only an admonishment, warning, or friendly advice,
- B. Simple treatment by the agency alone, consisting primarily of supervision on a voluntary basis agreed to by the parents,

C. Issuance of a written citation / summons to appear in court in lieu of taking into custody; or

D. Referral to the appropriate juvenile court or authorities.

VII. DIVERSION DECISIONS

All factors to be considered in diversion decisions relating to juvenile offenders must have support and approval of White County Juvenile Court Judges or intake officer, with recommendations coming from victim or complainant, within the framework of the Juvenile Court's organization and its juvenile processing code, Title 15, Chapter 11.

Factors to be considered in diversion decisions include:

A. The nature of the alleged offense,

B. The age and circumstances of the alleged offender,

C. The alleged offender's record, if any,

D. The availability of community-based rehabilitation programs.

Apart from police officers diverting juveniles to Juvenile Courts or other social agencies, the officer must realize that he / she has a wide range of alternative remedies that may be employed. Station house warnings; informal referrals; consulting with and arranging for corrective action by parents of charges are examples of such alternatives.

However, at all times, the officer must act within the bounds of State Juvenile Law and Juvenile Court has exclusive original jurisdiction over all juvenile matters and shall be the sole court for initiating action concerning any child who is:

A. Allegedly delinquent,

B. Allegedly unruly,

C. Allegedly in need of treatment or commitment as a mentally ill or mentally Handicapped,

D. Allegedly a juvenile traffic offender, or

E. Placed under probation supervision.

VIII. INTAKE CRITERIA

The Helen Police Department shall refer alleged juvenile offenders for formal legal proceedings on those cases involving serious criminal conduct or repeated criminal violations. In general, these cases would include:

- A. All delinquent acts that if committed by an adult would be felonies,
- B. All delinquent acts involving weapons,
- C. All serious gang-related delinquent acts,
- D. All delinquent acts as outlined in O.C.G.A. 15-11-63,
- E. All delinquent acts committed by juveniles on probation, parole, or case pending; and
- F. All repeated delinquent acts (within the preceding 12 months).

By Georgia Law, the Juvenile Court has jurisdiction over those individuals who have not reached their 17th birthday, who have allegedly committed delinquent or criminal acts, or who are allegedly to be in need of treatment or commitment to an institution. Juvenile Courts also have jurisdiction over youth allegedly to be deprived, if under 18 years of age and alleged traffic offenders under the age of 17 years.

On minor criminal and traffic offenses, the police officer should make every effort to release the juvenile to his / her parents or legal guardians and issue a handwritten copy of the charges when necessary. If a copy of traffic charges is issued, it will be marked "JUVENILE" in the court section. The juvenile will be told by the officer the White County Juvenile Court date. If the copy of charges is criminal related, a completed Juvenile Complaint Form will accompany the copy. The on-call juvenile intake officer will make the decision whether to release the child to a parent or guardian or to place the juvenile into a youth detention center. All necessary paperwork will be forwarded to the White County Juvenile Court.

When a juvenile is charged with a serious traffic offense, an incident report showing the circumstances of the stop shall be forwarded to Juvenile Court. An incident report with citation(s) shall be forwarded to Juvenile Court when the following charges are made:

1. D.U.I.

2. Reckless Driving
3. Racing
4. Fleeing and Attempting to Elude
5. Hit & Run
6. Aggressive Driving
7. Unlawful Passing of School Bus

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 the processing of 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.

Juvenile traffic offenses listed in OCGA 15-11-73 apply to individuals under the age of seventeen and the arresting officer will follow standard procedures for the processing of juveniles.

All sixteen-year-old traffic offenders shall be referred to juvenile court for traffic violations. The sixteen-year-old is issued a traffic citation and the original court copies shall be forwarded onto the juvenile court.

This is in harmony with the overall philosophy of using the least coercive amount of reasonable alternatives. A copy of the citation will be provided to the juvenile's parents or legal guardians. The seriousness of the offense; offender's past involvement; whether the act was violent; and whether the youth was under the influence of alcohol and / or drugs are factors that can be used as criteria.

IX. TAKING A JUVENILE INTO CUSTODY

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 guardian and issue a copy of charges when necessary. When the juvenile is alleged to have been harmed or to be in danger of harm

and the injury is not life threatening, he / she will be taken to a hospital for proper treatment and the correct offense report completed and assigned to an investigator for follow-up. If the injury is life threatening, he / she will be transported to the closest available emergency / trauma center. If the youth is in danger of harm, the child will be taken into protective custody and released to the Department Family and Children Services (DFACS).

Periodically, an officer may be dispatched to a school / residence, etc., to meet with a caseworker from DFACS. This call for service may be for the purpose of taking a child into safekeeping. The caseworker will explain the circumstances that led to their being there and the reason for taking the child. The caseworker will have a safekeeping form that will need the signature of a police officer. The signing of the form ONLY attests to the fact that the physical custody of the child is being transferred. The probable cause is not substantiated by the Police Department, but by the DFACS.

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

X. RUNAWAY JUVENILES

A runaway is considered to be a child under the age of 18 years who has deserted home without the consent of their parent or legal guardian. The circumstances of the child leaving the home, as well as the length of time that the child has been gone are both factors to be considered by the parent / legal guardian of the child in determining whether or not the child is a runaway. Once a call is made to the Police Department by a child's parent or legal guardian for assistance, the matter is to be handled as set forth in the report procedure.

A. Report Procedure

Parents and legal guardians (custodians) are to contact the Police Department to file a missing person juvenile report. This report should be taken immediately and titled RUNAWAY. The reporting officer should forward the report to the Communications Center to ensure the child is placed on the Georgia Crime Information Center (GCIC) computer.

In addition to information provided about the missing child, the reporting officer should also provide the name, address, and phone numbers of reporting parent / legal guardian of said child. A copy of the report will be referred to the Criminal Investigations Unit for follow-up.

B. Juvenile Complaint

A Juvenile Complaint Form must be completed by the parent or legal guardian if the child is to be picked up.

C. Pickup Orders

In order for the child to be held upon being located, the parent/legal guardian must file a pickup order with the White County Juvenile Court. The parent/legal guardian must be advised by the reporting officer to do so at the White County Juvenile Court located at 59 South Main Street, Suite B Cleveland, GA 30528.

D. Handling of located Juvenile Runaways

Upon locating a child who is the subject of a Runaway Report; or a Juvenile Pick-up Order; or a child who the officer has reason to believe may be a runaway; even though a report is not on file, shall be handled in the following manner:

1. If the child is a resident of White County and is reported in White County as a runaway, juvenile intake will be contacted for a recommendation of disposition. Every effort should be made to locate and return the child to a parent or legal guardian.
2. If the child is not a resident of White County and has been reported as a runaway, juvenile intake will be contacted so that they may contact the appropriate caseworker. Every effort should be made to contact the parent or legal guardian to have them pick up the child within a reasonable amount of time. If they cannot respond, request the Police Department of the county of the child's residence meet with the reporting officer to assist in transporting the runaway either home or to the detention facility in that county.

XI. IN-CUSTODY PROCEDURES

When a juvenile is taken into custody, the following procedure will be used:

- A. The police officer shall take into custody any juvenile who is in violation of local, state, or federal law, as well as any status offense, and bring the juvenile to the intake facility without delay (unless the juvenile is in need of emergency medical treatment).
- B. The officer shall conduct a search of the NCIC / GCIC files to determine the identity and status of the juvenile.
- C. The officer shall prepare all reports regarding the offense or charges, or situation, including a Juvenile Complaint Form.

- D. To the maximum extent possible, the officer shall take immediate affirmative action to notify the juvenile's parent(s) or legal guardian(s) as to the location and legal status of the juvenile in custody.
- E. The on-call juvenile intake officer will be contacted to determine the disposition of the child.
- F. Questioning the Juvenile Offender

When questioning juveniles, every effort shall be made to have a parent, guardian, or attorney present, however, parental or guardian presence is not mandatory unless the juvenile(s) in question are in custody and/or the questioning involves a crime or delinquent act in which they are considered a potential suspect.

Prior to interrogation, the officer shall consider the juvenile's age, educational level, ability to read, write and understand the English language (or the child's native language), the location of the interrogation, the number of persons present, requests by the juvenile and the juvenile's Miranda rights. Prior to any interrogation, the juvenile will be advised of his / her constitutional rights and will refrain from any action that would abridge or deny those rights.

Prior to being interrogated, the juvenile and parent or guardian, if present, shall be advised of the juvenile's constitutional rights and right to legal counsel and that they have a legal right to be represented by an attorney and the means to access counsel. No statements shall be taken until all Miranda rights have been administered.

It is the officer's responsibility to ensure that the juvenile fully understands his rights. The officer shall explain the rights so that they are easily understood. The officer must be able to clearly articulate how the officer knew the juvenile understood his rights and explain this in court if necessary.

All interviews shall be done in a secured location, away from public view and away from adult offenders. Interviews should be conducted in an area with as much privacy as possible and shall be conducted with no more than two officers present and/or participating in the interview. The interview will be as brief as possible and no longer than two hours without a break.

The officers involved in the interview and processing of the juvenile offender should explain, in general, the procedures of this department, the

Juvenile Court and the Juvenile Justice System to the juvenile and the parent or guardian.

At all times, every member of this Department having contact with any juvenile shall be responsible for ensuring all applicable laws and departmental rules for the handling of juveniles are abided by and the juvenile's constitutional rights are not violated nor infringed upon, and those rights are protected.

XII. SOCIAL SERVICES AGENCIES

A listing of social service agencies related to juveniles is available through the Communications Section and the referral numbers located in policy A-085. The list is updated periodically, or at least on an annual basis.

XIII. JUVENILE PROCEDURES

All juveniles who shall remain in custody shall be taken to the Gainesville Youth Detention Center.

A. Required Paperwork:

A copy of arrest report, incident report, Defendant's copy of arrest ticket, original Juvenile Complaint Form and Medical Clearance documentation. The officer shall provide as much information as possible, as related to victim, witnesses, etc.

B. Transportation

The arresting officer shall advise their immediate supervisor and the Communications Center that transportation is required for a juvenile from the officer's location to the Gainesville Youth Detention Center. The supervisor will then make appropriate arrangements for him / her to do so.

C. Finger printing and Photographing of Juveniles

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

Fingerprint and photograph files shall be kept separate from those of adults. Copies of fingerprints known to be those of a child shall be maintained on a local basis only and shall not be sent to a central, state, or federal depository. Law officers when necessary for the discharge of

their official duties may inspect fingerprint files of children. Upon application, a child's fingerprints may be removed from file and destroyed if:

1. A petition alleging delinquency is not filed, or the proceedings are dismissed after either a petition is filed, or the case is transferred to the Juvenile court, or the child is adjudicated not to be a delinquent child;
2. The child reaches 21 years of age and there is no record that he / she committed a criminal offense after reaching 16 years of age.
3. If comparison prints are taken and the comparison is negative, the fingerprint card and other copies of the fingerprints taken shall be immediately destroyed.
4. If the comparison is positive and the child is referred to the court, the fingerprints taken shall be delivered to the court for disposition. If the child is not referred to the court, the fingerprints shall be immediately destroyed.

XIV. JUVENILE RECORDS

Officers' records and files concerning a child shall be kept separate from the records and files of arrests of adults. Unless a charge of delinquency is transferred for criminal prosecution under Juvenile Code Section 15-11-30.2 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, inspection of the records and files is permitted by:

- A. A juvenile court having 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 for the discharge of their official duties.

All juvenile records maintained in the Police Department shall be maintained in accordance with the Juvenile Proceedings Code of Georgia, Section 15-11-82 and Section 15-11-83.

The person(s) who is responsible for the collection, dissemination and retention of all juvenile records will be the records personnel. Access to juvenile records shall be limited to the records personnel unless access to the juvenile file is for an official purpose. When a juvenile becomes an adult, their juvenile records will continue to be maintained in the juvenile files with the same level of security/privacy as all other juvenile records. Provisions relating to court-ordered expungement of records and disposition of records when juveniles reach adult age are determined by specifics of the court order. Responsibility for carrying out the court order regarding these records lies with the Records personnel.