




Clayton County Police Department PROCEDURES

Subject JUVENILE PROCEDURES		Procedure # A10	
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I. PURPOSE

The purpose of this policy is to provide guidelines for officers when dealing with juveniles in enforcement and custody situations.

II. POLICY

The Clayton County Police Department (CCPD) is dedicated to developing and sustaining programs that prevent and manage juvenile delinquency. All personnel must be familiar with these programs and the established procedures for handling both criminal and non-criminal juvenile incidents as defined in this policy. Officers are responsible for all stages of an investigation involving a juvenile, including preparing the case for Juvenile Court adjudication and disposition. When reasonable and justified under this policy, officers shall take necessary actions to encourage positive change in juvenile offenders, ensuring these measures align with state law and community safety.

III. DEFINITIONS

As used in this procedure, the following words and terms shall have the meaning ascribed:

Abuse: Based on Georgia law (OCGA § 15-11-2), "Abuse" means:

- (A) Any nonaccidental physical injury or physical injury which is inconsistent with the explanation given for it suffered by a child as the result of the acts or omissions of a person responsible for the care of a child;
- (B) Emotional abuse;
- (C) Sexual abuse or sexual exploitation;
- (D) Prenatal abuse; or
- (E) The commission of an act of family violence as defined in Code Section 19-13-1 in the presence of a child.

Child in Need of Services (CHINS): Based on Georgia law (OCGA § 15-11-2), "Child in need of services" means:

- (A) A child adjudicated to be in need of care, guidance, counseling, structure, supervision, treatment, or rehabilitation and who is adjudicated to be:
 - (i) Subject to compulsory school attendance and who is habitually and without good and sufficient cause truant, as such term is defined in Code Section 15-11-381, from school;

- (ii) Habitually disobedient of the reasonable and lawful commands of his or her parent, guardian, or legal custodian and is ungovernable or places himself or herself or others in unsafe circumstances;
 - (iii) A runaway, as such term is defined in Code Section 15-11-381;
 - (iv) A child who has committed an offense applicable only to a child;
 - (v) A child who wanders or loiters about the streets of any city or in or about any highway or any public place between the hours of 12:00 Midnight and 5:00 A.M.;
 - (vi) A child who disobeys the terms of supervision contained in a court order which has been directed to such child who has been adjudicated a child in need of services; or
 - (vii) A child who patronizes any bar where alcoholic beverages are being sold, unaccompanied by his or her parent, guardian, or legal custodian, or who possesses alcoholic beverages; or
- (B) A child who has committed a delinquent act and is adjudicated to be in need of supervision but not in need of treatment or rehabilitation.

Delinquent Act: Based on Georgia law (OCGA § 15-11-2), “Delinquent act” means:

- (A) An act committed by a child designated a crime by the laws of this state, or by the laws of another state if the act occurred in that state, under federal laws, or by local ordinance, and the act is not an offense applicable only to a child or a juvenile traffic offense;
- (B) The act of disobeying the terms of supervision contained in a court order which has been directed to a child who has been adjudicated to have committed a delinquent act; or
- (C) Failing to appear as required by a citation issued for an act that would be a crime if committed by an adult.

Dependent Child: Based on Georgia law (OCGA § 15-11-2), “Dependent child” means a child who:

- (A) Has been abused or neglected and is in need of the protection of the court;
- (B) Has been placed for care or adoption in violation of law; or
- (C) Is without his or her parent, guardian, or legal custodian.

Intake: The division of the Juvenile Court responsible for receiving all referrals (i.e., *Juvenile Complaints*), from law enforcement, parents, school officials, DFCS, and private citizens. Intake Officers make detention decisions for children taken into custody by police on delinquency matters, decide on shelter care placement in dependency matters, and pre-screen complaints for their processing (formal or informal).

Juvenile Complaint Forms:

1. Juvenile Delinquency Complaint Form (JUV-1): Completed when a juvenile is arrested and/or charged with a delinquent (criminal) offense that generally falls under Title 16 of the Official Code of Georgia Annotated (OCGA), regardless of detainment at a juvenile detention facility.
2. Juvenile Dependency Complaint (JUV-2): Completed for all dependency matters that include allegations that a juvenile’s physical or mental health and welfare is substantially at risk of harm from abuse, neglect, or exploitation and who may further be threatened by the conduct of others.
3. Juvenile CHINS Complaint (JUV-3): Completed for all matters where a juvenile is accused as a Child in Need of Services (formerly referred to as “Ungovernable”). This involves runaway behavior, status offenses, truancy, and other matters where an adult cannot be charged.

Minor: Any individual who is under the age of seventeen (17) years who is alleged to have committed a delinquent act or any individual under the age of eighteen (18) years.

Neglect: Based on Georgia law (OCGA § 15-11-2), “Neglect” means:

- (A) The failure to provide necessary parental care or control, subsistence, education as required by law, or other care or control necessary for a child’s physical, mental, or emotional health or safety;
- (B) The failure to provide a child with supervision necessary for such child’s health or safety due to a legal custodian having placed the child in a situation that requires judgment or actions beyond such child’s level of maturity, physical abilities, or mental abilities and thereby creating a real, significant, and imminent risk of harm to the child as a result of a blatant disregard for such legal custodian’s responsibilities; or

(C) The abandonment of a child by his or her parent, guardian, or legal custodian; provided, however, that such term shall not include a legal custodian permitting a child to engage in one or more independent activities, only if the legal custodian reasonably believes the child is of sufficient maturity, physical abilities, and mental abilities to avoid substantial risk of harm.

Non-Secure Custody: The juvenile may be in custody but is 'free' to leave the building. The juvenile may not be handcuffed to a stationary object, and may be placed in a room with no lock on the door. The juvenile must be under constant supervision.

Regional Youth Detention Center (RYDC): A secure detention facility for the housing of juveniles detained by authorization of an Intake Officer and awaiting adjudication or disposition of their case.

Responsible Adult: In the absence of a juvenile's parents or legal guardian, a responsible adult is one who is responsible for the physical custody of a juvenile, or who is another adult acquaintance of the juvenile's parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, legal guardian, or next of kin can assume that responsibility.

Secure Custody: When a juvenile is physically detained or confined in a locked room or cell, or is handcuffed to a stationary object. The juvenile is not free to leave the building.

Status Offense: Based on Georgia law (OCGA § 15-11-381), "Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

IV. PROCEDURES

A. Jurisdiction

1. Pursuant to the OCGA § 15-11-10, Georgia Juvenile Courts have exclusive original jurisdiction over cases involving children as defined by the Juvenile Code, including those alleged to have committed traffic offenses, delinquent acts, or who are dependent and in need of services, except as provided in OCGA § 15-11-560 regarding serious violent felonies. The age limits and subject matter of the Juvenile Court's jurisdiction vary by the nature of the proceeding. For detailed requirements, personnel shall refer to OCGA § 15-11-10.
2. Juvenile Court Intake Operations is responsible for receiving all referrals, known as "Juvenile Complaints," from law enforcement, parents, school officials, the Division of Family and Children Services (DFCS), and private citizens. Intake officers shall: make detention decisions for juveniles taken into custody by police on delinquency matters; determine shelter care placement for dependency matters; and pre-screen complaints for the appropriate processing pathway (formal or informal).
3. Officers shall collaborate with DFCS and the Juvenile Court as the need arises to ensure that the rights and best interests of juveniles are protected. Cooperation with the Juvenile Court, under the direction of the Juvenile Court Judge, is required of all officers to the extent necessary or directed, to properly process all juveniles taken into custody for offenses or cases of abuse and neglect.
4. Juvenile Court and Superior Court have concurrent jurisdiction of delinquent acts which constitute capital felonies, but the Juvenile Court may consider questions of custody only if such issues are transferred to Juvenile Court from Superior Court. *Quire v. Clayton County DFCS*, 242 Ga. 85, 249 S.E.2d 538 (1978), decided under former Code 1933, § 24-2402.
5. Pursuant to OCGA § 15-11-560, the Superior Court shall have exclusive original jurisdiction over the trial of any child thirteen (13) to seventeen (17) years of age who is alleged to have committed any of the following offenses:
 - a. Murder or Murder in the Second Degree;
 - b. Voluntary Manslaughter;
 - c. Rape;
 - d. Aggravated Sodomy;

- e. Aggravated Child Molestation;
 - f. Aggravated Sexual Battery;
 - g. Armed Robbery if Committed with a Firearm;
 - h. Aggravated Assault if Committed with a Firearm upon a Public Safety Officer as such acts are prohibited under subsection (c) of Code Section 16-5-21; or
 - i. Aggravated Battery upon a Public Safety Officer as such acts are prohibited under subsection (c) of Code Section 16-5-24.
6. Juveniles charged with serious felonies, including those specified in OCGA § 15-11-560, shall be confined in a Regional Youth Detention Center (RYDC) pending adjudication.

B. Types of Juvenile Enforcement

1. When involved with juveniles, officers must remember that the same degree of probable cause is necessary to arrest a juvenile, and the same degree of proof is required to convict a juvenile as is necessary to arrest and convict an adult. What is reasonable in terms of appropriate enforcement action or what constitutes probable cause varies with each situation.
2. Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion as outlined in this policy in deciding on appropriate actions. Alternatives that may be considered include:
 - a. Release without further action;
 - b. Informal counseling to inform the juvenile of the consequences of their actions;
 - c. Referral to parents, guardian or responsible adult;
 - d. Informal counseling of parents, guardian or responsible adult;
 - e. Limited temporary custody and verbal warning;
 - f. Issuance of a summons/complaint to appear in court in lieu of being taken into custody;
 - g. Arrest under non-secure custody;
 - h. Arrest under secure custody; or
 - i. Referral to Juvenile Court.
3. There are a number of factors to consider prior to taking enforcement action. Among these factors are:
 - a. The nature and seriousness of the alleged offense;
 - b. The age and circumstances of the juvenile;
 - c. The juvenile's past record, if known;
 - d. The availability of community-based rehabilitation programs;
 - e. The victim's desire to prosecute and/or resolve the matter by other means;
 - f. Recommendations from an intake officer and/or parent or guardian; and
 - g. Any other relevant circumstances.

C. Officer's Discretion/Enforcement Alternatives

An officer's discretion is an essential function of effective law enforcement. When dealing with juveniles, officers shall exercise discretion and use the least coercive actions among reasonable alternatives to effectively handle the juvenile and the specific circumstances of the encounter. In each case, an officer must act reasonably within the limits of their authority, as defined by statute and judicial interpretation. Discretion shall be applied fairly and consistently. The following alternatives and general guidelines shall be considered when dealing with juveniles.

1. **Release to a Parent or Guardian with No Further Action**

- a. Releasing a juvenile to a parent, guardian, or other responsible adult without further action is appropriate for minor incidents where no property damage or injury occurred,

but intervention is necessary to prevent future delinquency. This applies only if the juvenile has no prior police contact. Examples include:

- 1) Loitering;
 - 2) Minor alcohol (non-motor vehicle) or tobacco violations; or
 - 3) Disorderly conduct.
- b. Officers may elect to transport the juvenile home to meet with a parent, guardian, or responsible adult to provide counseling on the juvenile's actions. Officers may issue a verbal warning, refer the juvenile to community service agencies, or detain the juvenile at a precinct until they are released to a parent, guardian, or responsible adult.

2. **Release on a Copy of Charges**

Issuing a *Juvenile Complaint Form* and/or *Uniform Traffic Citation (UTC)* may be appropriate instead of taking a juvenile into custody for more serious infractions, such as CHINS, traffic, or minor criminal offenses. Examples include:

- a. The incident is more severe than those described in Section IV. C.1. of this policy.
- b. The juvenile understands the gravity of their actions or is acting with others.
- c. The juvenile is uncooperative or ignores police direction.
- d. The juvenile has a history of warnings, referrals, or delinquent acts.
- e. The juvenile lacks adequate parental or guardian supervision.

3. **Referral to Another Agency or Service for Potential Diversion Alternatives**

After an officer completes a *Juvenile Complaint Form* on a juvenile, such form is received by the Intake Operations Division at Clayton County Juvenile Court. It is the responsibility of the Juvenile Court to recommend a course of action. The Juvenile Court has several diversion programs and alternatives that can be recommend, such as mediation, counseling, and informal processes for juveniles who commit minor offenses.

4. **Referral to Juvenile Court (e.g., Serious Offenses, Arrest and/or Transport to RYDC)**

- a. Officers may file delinquency charges against a juvenile when the circumstances surrounding the incident meet or exceed the seriousness of those cited as examples in Section IV. C.2. of this policy. Officers shall file delinquency charges when a juvenile commits delinquent acts that:
 - 1) Would be a felony if committed by an adult;
 - 2) Involve deadly weapons;
 - 3) Are gang-related;
 - 4) Involve aggravated assault and battery;
 - 5) Are committed while on probation or parole, or with a case pending;
 - 6) Are committed by repeat offenders, or when the juvenile has refused to participate in diversion or intervention programs; or
 - 7) Occur when parental or other adult supervision is determined to be ineffective.
- b. An officer may also take a juvenile into custody if the juvenile is lost, seriously endangered, or a runaway. In all such cases, these juveniles shall be held in non-secure custody, and officers shall contact the child's parents or guardian as soon as possible. If parents or guardians cannot be contacted or refuse to accept custody, the officer shall contact their immediate supervisor for assistance. See also CCPD SOP: *D23: Missing Persons & Runaways (Adults & Children)*.
- c. In cases of alleged child abuse, officers shall contact their supervisor for assistance. Depending on the circumstances, the supervisor may request assistance from DFCS

and/or a detective assigned to the Criminal Investigation Division (CID) to conduct further investigation, unless probable cause justifies immediate action to protect the safety and well-being of the child.

- d. Officers shall collaborate with DFCS and the Juvenile Court as the need arises to protect the rights and best interests of juveniles. Under the direction of the Juvenile Court Judge, officers shall cooperate in processing all juveniles taken into custody, including cases of offense, abuse, or neglect.

D. Taking a Juvenile into Custody

1. Based on the seriousness and circumstances of the offense, the background and demeanor of the juvenile, and other relevant factors, the officer must determine whether the juvenile is alleged to have engaged in a delinquent act as defined in OCGA § 15-11-2 or a CHINS offense (e.g., conduct that would not be a crime if it were committed by an adult).

Law enforcement officers may take a juvenile into custody:

- a. Pursuant to the laws of arrest (OCGA § 15-11-501);
- b. If there are reasonable grounds to believe that the juvenile has committed a delinquent act (OCGA §15-11-501);
- c. When there are reasonable grounds to believe that a juvenile has run away from their parent, guardian, or legal custodian (OCGA § 15-11-410); or
- d. Pursuant to an order of the court to apprehend when the juvenile has escaped from an institution or facility operated by the Department of Juvenile Justice (DJJ), or has been placed under supervision and has violated its conditions.

2. Officers must determine whether the juvenile is alleged to have been harmed or in danger of being harmed.

- a. A law enforcement officer may remove a child from the home, without the consent of the child's parent, guardian, or legal custodian, if a child is in imminent danger of abuse or neglect if such child remains in the home (OCGA §15-11-133).
- b. A law enforcement officer may take a child into temporary custody when there are reasonable grounds to believe the circumstances endanger a child's health or welfare unless immediate action is taken (OCGA § 15-11-410).
- c. If the officer believes a child should be taken into temporary/protective custody, the officer shall contact their immediate supervisor for assistance.

If the supervisor agrees with the officer's assessment, DFCS shall be notified for placement of the juvenile. Depending on the circumstances, the supervisor may seek assistance from the Criminal Investigation Division (CID).

3. Juveniles taken into custody for a delinquent offense or a CHINS offense must be searched for weapons and contraband prior to being transported. Officers may use handcuffs or authorized restraints if, in the officer's judgment, the juvenile poses a physical risk to themselves, others, or Department property.

- a. Juveniles arrested for delinquent (criminal) offenses are subject to the same security requirements as adults, including the use of restraints during both transport and processing.
- b. If a juvenile is charged with a CHINS offense, the officer shall have the option to handcuff the juvenile. Juveniles taken into custody for a CHINS offense should not be detained, unless in the judgment of the officer, the juvenile poses a physical risk to themselves, others, or Department property, or presents an escape risk (actively attempting to elude the officer's control). See also CCPD SOP: *D26: Handcuffing & Restraints*.

4. It is the responsibility of the arresting officer to immediately notify the juvenile's parent or guardian upon placing the juvenile into custody and/or detaining them at RYDC.
5. Officers may issue a copy of charges in lieu of taking a juvenile into custody, especially if the juvenile has committed a CHINS offense. In most situations involving juveniles, when a parent, guardian or responsible adult is available to take charge of the juvenile, the interest of the juvenile is best served by releasing them to their parent, guardian or responsible adult. Major felonies and situations involving violence shall require taking the juvenile into custody.
6. **When charging a juvenile with any type of delinquent offense or CHINS offense, the officer shall contact the Intake Officer who will ultimately decide whether the juvenile is to be released or detained at RYDC.** Intake officers are available twenty-four (24) hours a day, and their telephone numbers are available through the E911/ Communications Center. Every effort should be made to contact the Intake Officer from the incident scene.
 - a. CHINS Offenses
 - 1) Generally, CHINS offenders should be released to a parent, guardian or responsible adult.
 - 2) Juveniles taken into custody for a CHINS offense shall be held in non-secure custody as provided by state law, and for the briefest time necessary to conduct investigation, and related processing requirements to facilitate their release to a parent, guardian or responsible adult, or transfer to a juvenile facility.
 - 3) Transportation of a juvenile in a caged vehicle is not considered secure custody and such transportation may be utilized.
 - 4) CHINS offenders and other juveniles taken into temporary non-secure custody for non-criminal type offenses shall not be fingerprinted/photographed for purposes of record.
 - 5) CHINS offenders in temporary custody shall not be placed in a temporary detention facility with adult suspects, and shall also be under constant supervision.
 - b. Delinquent (Criminal) Offenses

Juveniles accused of delinquent offenses may be securely detained only for the period and manner prescribed by state law to allow for:

 - 1) Identification, investigation, and processing;
 - 2) Release to a parent, guardian, or responsible adult; or
 - 3) Transfer to a juvenile intake facility or Juvenile Court.

E. Transportation of Juvenile Offenders

Juvenile offenders shall be transported in accordance with CCPD SOP: *D24: Transportation of Detainees*, with the following exceptions:

1. For certain delinquent offenses, officers may transport a juvenile directly to a juvenile intake facility.
2. Under specific circumstances, officers may transport a juvenile to CCPD Headquarters CID for fingerprinting and photographing, pursuant to OCGA § 15-11-702.
3. Adults and juveniles should not be transported in the same vehicle at the same time.
4. Officers have the discretion to use handcuffs for CHINS offenses. However, a juvenile may be restrained at any time if they pose a physical risk to themselves, others, or Department property, or are an escape risk (actively attempting to elude the officer's control).
5. Juveniles must be transported to a juvenile intake facility without delay. If a juvenile requires prompt treatment for a serious condition or illness, the transporting officer shall deliver them to a medical facility first, pursuant to OCGA § 15-11-410.

F. Documentation for Juvenile Charges/CHINS Complaints

1. All officers having an authoritative encounter with a juvenile or a complaint regarding a juvenile, whether or not the juvenile is taken into custody, shall complete an *Incident Report* or an *Incident Supplemental Report*. These reports shall clearly identify the juvenile(s) involved, the nature of the incident, and the rationale for the officer's disposition.
2. Juveniles taken into custody for delinquent offenses shall be subject to the same reporting requirements as adults. Such reports shall be clearly marked "juvenile," maintained in a separate location from adult arrest records, and subject to state law regarding dissemination and access.
3. Officers must complete a *Juvenile Complaint Form* any time they charge a juvenile with a delinquent offense/CHINS offense or anytime a juvenile is taken into protective custody.
4. When releasing a juvenile offender on a copy of charges, the reporting officer shall:
 - a. Provide the juvenile's parent, guardian, or responsible adult with a copy of charges and explain the charges involved.
 - b. Inform them that the Juvenile Court shall provide notification regarding court dates and other related actions.
 - c. If releasing a juvenile offender to a responsible adult instead of a parent/guardian, the officer must document the conversation with the parent/guardian to justify the decision.
5. Juvenile offenders who commit crimes over which the Superior Court has exclusive jurisdiction (i.e., OCGA § 15-11-560) shall be charged on a warrant.
 - a. The reporting officer shall notify their supervisor of the incident before applying for an arrest warrant.
 - b. The reporting officer shall notify the Intake Officer and the District Attorney's office prior to transporting the juvenile to a juvenile intake facility.
6. When charges are made against a juvenile, the reporting officer shall detail the incident and charges on the *Incident Report* and *Juvenile Complaint Form*. Officers shall obtain written statements from persons involved (e.g., complainant, victim, witnesses), and collect relevant evidence, when applicable. Once complete, the reporting officer shall submit all reports and attachments for supervisory review via the Records Management System (RMS).
 - a. When approved, the reviewing supervisor shall ensure all appropriate reports and attachments are forwarded to the Records Unit.
 - b. The Records Unit is responsible for forwarding all appropriate documentation to Juvenile Court.
7. Juvenile Traffic Citations/Arrest

See also CCPD SOP: *D42: Traffic Enforcement*.

This section establishes procedures for officers taking law enforcement action against a child under the age of seventeen (17) regarding motor vehicle traffic violations and related acts of delinquency. See also OCGA § 15-11-630.

- a. A juvenile traffic offense consists of a violation by a child of:
 - 1) A law or local ordinance governing the operation of a moving motor vehicle upon the streets/highways of this state or upon the waterways within or adjoining this state; or
 - 2) Any other motor vehicle traffic law or local ordinance if a child is taken into custody and detained for its violation or is transferred to the juvenile court by the court hearing the charge.

- b. Routine Juvenile Traffic Offenses (Moving Violations): For a typical moving violation (e.g., speeding under 4 points, running a stop sign), officers shall:
- 1) Issue a *UTC* to serve as a replacement for a formal summons and petition, marking the court date field "To Be Notified." **Note:** Generally, an *Incident Report* or *Juvenile Complaint Form* is not required for routine, non-custodial stops.
 - 2) Forward the *UTC* and related documents via RMS for review. (Once approved, the supervisor shall forward the documents to the Records Unit).
- c. Serious Offenses (Acts of Delinquency): The following offenses shall be treated as acts of delinquency rather than routine traffic offenses:
- Aggressive Driving
 - Reckless Driving
 - Speeding (4 or more points)
 - Homicide by Vehicle,
 - Manslaughter (Vehicular)
 - Fleeing/Eluding an Officer
 - Racing (Highways and Streets)
 - Felony Commission (Vehicle Involved)
 - Fraudulent/Fictitious License Use
 - Hit and Run (Leaving the Scene)
 - DUI (Alcohol or Drugs)
 - Unlicensed Driver (Under 16 years of age)

For the serious offenses listed above, officers shall:

- 1) Complete an *Incident Report* and a *Juvenile Complaint Form*.
 - 2) Issue a *UTC* with the court date field marked "To Be Notified."
 - 3) Contact the Intake Officer to determine if the juvenile will be released or detained.
 - 4) If not detained, release the juvenile to a parent, guardian, or responsible adult.
 - 5) Forward all documentation via RMS for supervisor approval and record forwarding.
- d. Driving Under the Influence (DUI): All officers must adhere to OCGA § 40-6-391 for impaired driving, which applies to all drivers. Juveniles taken into custody for DUI of alcohol or drugs, who are sixteen (16) years of age or younger and possess a Georgia driver's license shall be given their rights under the Georgia Implied Consent Law for the purpose of the chemical testing. Officers must read the "Under Age 21" version of the Implied Consent notice, which specifies a suspension threshold of 0.02 grams or more.
- 1) Chemical breath tests should be administered at the nearest Department facility.
 - 2) If administered in a Breathalyzer Room, the process must be as expeditious as possible. All adults, excluding the arresting officer and Intoxilyzer Operator, should be removed from the room to ensure the juvenile's privacy and protection.
 - 3) If the juvenile takes the test, results shall be noted in the officer's *DUI Supplemental Report*.
 - 4) If the juvenile refuses to take the test, it must be noted in the *DUI Supplemental Report*. The officer must complete and forward the proper refusal forms (including DDS Form 1205S) to the Georgia Department of Public Safety.
 - 5) Blood or urine samples shall be obtained only by qualified medical personnel at a medical facility. Under no circumstances shall a juvenile be taken to the Clayton County Jail.
 - 6) If the juvenile is found to be under the influence, the parent or guardian shall be contacted and the juvenile shall be released as soon as possible after the appropriate charges have been made.
 - 7) The reporting officer shall forward the *DUI Supplemental Report*, *Juvenile Complaint Form*, *UTCs*, and any other required documents for supervisor approval via RMS. Once approved, the supervisor shall forward the documents to the Records Unit.

8. All complaints, reports, and records of juvenile offenders must be clearly marked to identify the subject as a juvenile. These records are confidential and exempt from public or press disclosure, except as provided by the Georgia Code or other applicable laws.
- G. Fingerprinting and Photographing Juvenile Offenders (Not CHINS Offenders)
1. Pursuant to O.C.G.A § 15-11-702, any juvenile taken into custody for an act that would be a **felony** if committed by an adult shall be fingerprinted and photographed. These records must be maintained and filed separately from adult records.
 2. To ensure compliance with O.C.G.A. § 15-11-702, the following procedures shall be strictly adhered to:
 - a. If an officer detains a juvenile **for a felony offense**:
 - 1) The arresting officer must ensure the juvenile is fingerprinted and photographed.
 - 2) The arresting officer, or an authorized designee, shall utilize the Live Scan Fingerprint System to fingerprint and photograph the juvenile and submit the juvenile's fingerprints to the Georgia Crime Information Center (GCIC). Refer to *CCPD Training Bulletin #25-001 – Live Scan Fingerprint System* for technical guidance. CSI personnel may assist if available.
 - 3) All relevant demographic and charge data shall be stored in a secure area within the CSI Unit.
 - b. If an Intake Officer **does not** authorize detention and the juvenile is released to a parent or guardian, the following steps shall apply:
 - 1) The parent or guardian shall be contacted to meet with an officer. The juvenile shall be fingerprinted and photographed by the arresting officer, or an authorized designee, prior to release.
 - 2) **The arresting officer must complete the *Juvenile Complaint Form (JUV-1)* in its entirety.**
 - 3) The officer shall provide a copy of the *Juvenile Complaint Form (JUV-1)* to the parent or guardian and notify them of the scheduled Juvenile Court appearance date.
 - c. Fingerprint cards for juvenile arrestees must be processed according to GCIC procedures if the juveniles are treated as adults. Fingerprint cards for all other juvenile arrestees must follow standard GCIC criminal fingerprint card procedures.

Note: Juvenile offenders who commit crimes over which the Superior Court has exclusive jurisdiction, OCGA § 15-11-560, shall be charged on a warrant, and the CSI Unit may assist with fingerprints as outlined above. The juvenile shall be transported to RYDC when authorized by an Intake Officer.
- H. Interrogation/Interview of Juveniles
1. If a juvenile is a suspect in a crime and is to be questioned, the juvenile must be fully advised of their constitutional rights, specifically their Miranda rights and the right to legal counsel prior to the start of any interrogation.
 2. The admissibility of a juvenile's statement is determined by whether there was a "knowing and intelligent waiver" of their rights, based on the totality of the circumstances as established in *Riley v. State*, 237 Ga. 124, 128 (1976). The State must prove that the juvenile understood their rights and voluntarily waived them. Under *Henry v. State*, 264 Ga. 861, 862 (1995), courts evaluate the validity of a waiver by applying nine (9) factors.
 - a. The age of the juvenile;
 - b. The education of the juvenile;

- c. The knowledge of the juvenile as to both the substance of the charge and the right to consult an attorney and remain silent;
 - d. Whether the juvenile was held incommunicado or refused permission to consult with family members or an attorney;
 - e. Whether the juvenile was questioned before or after formal charges were filed;
 - f. The methods used in questioning;
 - g. The length of the interrogation;
 - h. Whether the juvenile refused to voluntarily give statements on prior occasions; and
 - i. Whether the juvenile repudiated the extrajudicial statement at a later date.
3. The purpose of this section is to provide guidelines on custodial interrogations and non-custodial interviews of juvenile suspects. It is not intended to limit the scope of questioning where Miranda Rights are not required, or in the interview of a juvenile who is the alleged victim of a crime. See also CCPD SOP: *D36: Interviews & Interrogations*.
- a. Custodial Interrogation
 - 1) Notification Requirements: Officers should attempt to notify the parent or guardian of any juvenile intended for interrogation. Officers must make every effort to locate these individuals and must be prepared to articulate these specific attempts in court.
 - 2) Parental Presence and Consent:
 - (a) If a parent/guardian wishes to be present, the interrogation shall not proceed until they arrive.
 - (b) If a parent/guardian does not want the juvenile to be interrogated, the juvenile shall not be interrogated.
 - (c) If a parent/guardian authorizes the interrogation but refuses to be physically present, the officer may proceed with the questioning.
 - 3) Interrogation Without Parent/Guardian:
 - (a) If the parent/guardian cannot be located after diligent attempts, the officer may continue with the interrogation.
 - (b) In the absence of a parent/guardian, questioning may only proceed if reasonable assurances are made that the juvenile fully understands their constitutional (Miranda) rights.
 - 4) Documentation: The notifying officer shall document the following in the *Incident Report* or *Incident Supplemental Report*:
 - (a) Whether the parent/guardian was successfully notified of the custody and need for interrogation.
 - (b) Detailed records of all failed attempts to contact a parent/guardian.
 - (c) Identification of the person who made or attempted notification and the specific methods used (e.g., phone, in-person, etc.).
 - 5) Pre-Interrogation Assessment: Prior to any interrogation, the officer shall consider the following factors to determine the juvenile's capacity to provide a voluntary waiver: the juvenile's age, educational level, and ability to read, write, and understand the English language (or the child's native language). Additionally, the officer must evaluate the interrogation location, the number of persons present, any specific requests made by the juvenile, and the status of parental or guardian notification.
 - 6) Advisement of Rights:
 - (a) Before questioning begins, the juvenile and their parent or guardian (if present) shall be advised of the juvenile's constitutional rights. This includes the right to legal counsel and the means to access an attorney.

- (b) No statements shall be taken until all Miranda Rights have been fully administered. It is the officer's responsibility to ensure that the juvenile fully understands these rights. The officer shall explain the rights in age-appropriate language to facilitate clear understanding.
 - (c) The officer must be prepared to articulate in court how they verified the juvenile's comprehension of these rights.
- 7) Duration: Interrogations shall be as brief as possible. Under normal circumstances, custodial interrogations of a juvenile should not exceed two (2) hours.
 - 8) Contact and Personnel: The number of officers and other parties present shall be limited to the minimum number necessary to maintain safety and effective questioning. Whenever possible, questioning should be limited to no more than two (2) officers at a time.
Interrogations shall not be conducted in an unreasonable or harassing manner.
 - 9) Parental Revocation: If a parent or guardian advises that they do not want the juvenile to be interrogated further, all questioning shall cease immediately.
 - 10) Refusal to Provide Statements: If the juvenile refuses to provide a statement, the parent or guardian shall not be permitted to demand or force the juvenile to do so.
 - 11) Documentation and Waivers: All relevant waiver forms shall be completed and signed by the officer, the juvenile, and the parent or guardian (if present) and any other witnesses.
 - 12) Mandatory Recording: The interrogation, including the full advisement of rights and any waivers, should be recorded in its entirety using authorized audio and video recording devices available to the officer at the time.
- b. Non-Custodial Interviews
- 1) Officers commonly interview juveniles who are suspected of, have witnessed, or possess information regarding crimes or offenses in a non-custodial setting.
 - (a) Non-custodial interviews of juveniles may occur without a parent, guardian, or attorney, provided the juvenile is free to leave.
 - (b) Even if a juvenile is not in custody, officers shall make a reasonable effort to notify parents or guardians of the intended questioning.
 - (c) The interview must stop immediately if the juvenile requests a parent, guardian, or attorney. Such a request may indicate the juvenile no longer feels free to leave, requiring a change to custodial protocol.
 - (d) All interviews, including non-custodial ones, shall be documented by an *Incident Report*, or *Incident Supplemental Report*. Furthermore, all interviews shall be audio and video recorded to document the voluntariness of the statement.
 - 2) In situations where a child is an alleged victim of, or a witness to, physical and/or sexual abuse, officers shall notify their supervisor. If the supervisor decides that specialized investigative units are necessary, the CID's Crimes Against Children Unit should be contacted and the child shall be interviewed in accordance with departmental policies and the Clayton County Child Abuse Protocol (shown below).

V. CHILD ABUSE PROTOCOL

See also CCPD SOP: *A4: Appendix B, Clayton County Child Abuse Protocol*.

Pursuant to OCGA § 19-15-2, each county in the state is mandated to establish a Child Abuse Protocol (CAP). This protocol must be filed with the Division of Family and Children Services (DFCS) of the Department of Human Services and the Office of the Child Advocate. A copy shall be furnished to every agency within the county responsible for handling cases of child mistreatment. The primary responsibilities of participating entities are as follows:

- A. Mandated Reporters: Including, but not limited to, education and medical personnel, these individuals are legally responsible for identifying and reporting suspected child abuse.
- B. Law Enforcement: Responsible for investigating allegations to determine if a crime occurred, apprehending offenders, and filing criminal charges.
- C. Division of Family and Children Services (DFCS): Responsible for responding to reports to verify maltreatment, assessing safety and risk, protecting the victim and other children in the household, and facilitating family access to support services.
- D. Child Advocacy Centers (CACs): Primarily responsible for conducting forensic interviews to support investigations led by law enforcement and DFCS.
- E. Medical and Mental Health Providers: Medical personnel, mental health organizations, counselors, CACs, and sexual assault centers provide specialized examinations, diagnoses, and treatment.
- F. Coroners and Medical Examiners: Responsible for determining the manner and cause of death; their findings inform subsequent criminal or civil proceedings.
- G. Criminal and Civil Courts:
 - 1. Superior Courts maintain jurisdiction over felony child abuse matters.
 - 2. State Courts adjudicate misdemeanor trials, including domestic violence cases.
 - 3. Magistrate Courts facilitate cases through the issuance of criminal warrants, the holding of probable cause hearings, and the determination of bond or bail conditions.
 - 4. District Attorneys and Solicitors General are responsible for the prosecution of criminal child abuse actions.
- H. Juvenile Courts: Maintain exclusive jurisdiction over dependency matters resulting from child abuse.

VI. REVIEW

The Department shall coordinate with local councils and boards, such as the RYDC, Child Abuse Protocol Council, and the Clayton County Board of Education, to encourage juvenile justice members to review and comment on departmental policies regarding juveniles.

VII. CANCELLATION

This procedure amends and supersedes the following standard operating procedure: *A10: Juvenile Procedures*, dated March 31, 2025.