
**ADMINISTRATIVE DIRECTIVE – 112.005
JUVENILE OPERATIONS**

EFFECTIVE DATE: February 6, 1995
AFFECTS: Sworn Personnel

REVISION DATE: November 22, 2024

I. PURPOSE

This directive provides general guidelines for the arrest and processing of juvenile offenders.

II. POLICY

When dealing with juvenile offenders, officers shall use the least coercive methods, among reasonable alternatives to enforce law and statutes, consistent with preserving public safety, order, and individual liberty.

III. DEFINITIONS

- A. Area of Non-Secure Custody – An unlocked, multipurpose area within the police facility, that has been designated by the Chief of Police as the place of non-secure custody to detain a child awaiting release to their parent, guardian, custodian or responsible adult as permitted by Texas Family Law. Section 52.025. The Juvenile Processing Office reception area will be designated as the area of non-secure custody provided the area is not locked when it is used as an area of non-secure custody.
- B. Body Cavity Search – A physical or visual inspection of body cavities for prohibited materials (contraband). In all cases this requires search warrant.
- C. Child – Person who is 10 years of age or older and under 17 years of age; OR seventeen 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.
- D. Criminal Street Gang – Three or more persons having a common identifying sign or symbol or an identifiable leadership, who continuously or regularly associate in the commission of criminal activities.
- E. Curfew Processing Office – A room, designated by the Chief of Police, for the purpose of processing persons who are taken into custody for violation of a juvenile curfew ordinance or order. The Juvenile Processing Office reception area will be designated as the Curfew Processing Office provided the area is not locked when it is used as a Curfew Processing Office.
- F. Custodian – The adult with whom the child resides.
- G. Guardian – The person who, under court order, is the guardian of the person of the child or the public or private agency with whom the child has been placed by a court.
- H. Conduct Indicating a Need for Supervision – (Refer to Texas Family Code 51.03).
- I. Delinquent Conduct – (Refer to Texas Family Code 51.03).
- J. Juvenile Processing Office (JPO) – A room located within the police facility that has been designated by the juvenile court as the approved location for the temporary detention of a child taken into custody under Texas Family Code 52.025.
- K. Parent – The mother, the father, or an adoptive parent, but does not include a parent whose parental rights have been terminated; may also be identified in accordance with Article 63.0015 of the Code of Criminal Procedure as a person named in a child's birth certificate.
- L. Status Offenses – Is defined in the Family Code under section 51.02 and is generally regarded as any violations committed by a juvenile which, if committed by an adult, would not be of a criminal nature.
- M. Strip search - Removal of the arrestee's clothing and undergarments so that a visual inspection can be made of all areas of the body capable of concealing weapons or evidence.

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- N. Truancy – The unexcused voluntary absence of a child on 10 or more days, or parts of days , within a six month period from school or three or more days or parts of days within a four week period without the consent of his parents.
- O. Compulsory School Attendance Law – Refer to the Education Code, Section 25.091.

IV. PROCEDURES

A. Departmental Philosophy

- 1. The Plano Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency.
- 2. The responsibility for participating in or supporting the efforts of the Juvenile Unit, School Resource Officer Unit, and the Crime Prevention Unit to prevent and control juvenile delinquency is incumbent upon each member of the Plano Police Department. Employees should familiarize themselves with the various programs and procedures directed toward preventing juvenile crime and assist in promoting community involvement in appropriate programs. Employees are encouraged to participate in the development and implementation of these programs to the fullest extent possible.
- 3. The Department shall solicit the review of and comment on specific departmental policies and procedures from area juvenile judges and social service providers on an annual basis. Review and comment will be requested at the time of policy development either at the direction of the Chief of Police or as required by state law.
- 4. The Juvenile Unit Sergeant will coordinate with the School Resource Unit and Crime Prevention Unit sergeants to conduct an annual review and written evaluation of all departmental enforcement and prevention programs relating to juveniles. The review will include data and information which addresses qualitative and quantitative aspects of each program, and will be used in determining whether a particular program should be continued and/or modified then forwarded to the Agency's CEO for approval.

B. Provisions of State Family Law

A child may be taken into custody in accordance with the Texas Family Code Section 52.01.

C. Enforcement Alternatives to Custodial Arrest of Juveniles.

1. Juvenile Warning Notice

- a. Depending on the circumstances of the violation, officers may issue a Warning Notice and then release the juvenile. Under these circumstances a copy of the Warning Notice will be sent to the juvenile's parents along with a form letter explaining the purpose of the Warning. This will make the parent aware of the conduct in which the juvenile engaged. No further action is required by the juvenile or the parent. Documentation of the Warning is made and kept in Records Division for future reference in the event the juvenile engages in future criminal activity.
- b. The Warning is to be used at the discretion of the officer when a violation is committed to a minor degree or with extenuating circumstances and the officer feels a Warning Notice will achieve the desired results without an arrest or Notice to Appear. Status offenses may be handled by the issuance of a Warning Notice.

2. Juvenile Notice to Appear

- a. If there is probable cause to believe that a child has engaged in delinquent conduct or conduct indicating a need for supervision, officers may issue a Notice to Appear in lieu of

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taking the child into custody. Juvenile detectives will review the circumstances of the offense and, taking into account the past record of the juvenile, make the decision as to whether to pursue the filing of charges against the juvenile for the offense, or to drop the charge. If charges are pursued, the case may be referred to Juvenile Probation for adjudication, or to the Municipal Court.

- b. Notices to Appear will not be issued to juveniles who are suspects only. Such juveniles are to be reported as suspects in an Offense or Supplemental Offense Report.
 - (1) Key information to be noted for suspects includes the juvenile's name, address, telephone number, school attending, parent's name, mobile, work and home telephone numbers.
- c. If police action is to be taken, the following guidelines will apply:
 - (1) If the offense committed is a Class C Misdemeanor, issue a Notice to Appear only, unless circumstances dictate that a custodial arrest is in the best interest of the child. Examples would include runaways, and subjects who refuse to identify themselves when contacted in reference to an offense for which they could be arrested. A juvenile may be taken to the Department's Area of Non-secure Custody to await release to a parent, guardian or custodian. They are not to be photographed, fingerprinted or locked up. They are not to be logged into the jail book.
 - (2) Notwithstanding Section D.1.C., below, if the offense committed is a Class B or Class A Misdemeanor, a Notice to Appear may be issued in lieu of a custodial arrest provided the offense is not a narcotics, weapons or an assault offense. The decision to arrest should be based on the totality of the circumstances and reflect what is in the best interest of both the child and the community.
- d. Notices to Appear shall not be given when the offense committed is a felony or one of a serious nature. There are two exceptions to Section C.2. above, to allow officers to issue Notices to Appear for Class C Assault Family Violence or misdemeanor Possession of Marijuana when this decision is in the best interest of the child and community. When using these exceptions, officers should explain the reason for issuing the Notice to Appear in lieu of custodial arrest in the offense report.
- e. A Notice to Appear will allege the specific violation, i.e., runaway, theft under \$100, etc., committed by the juvenile and will demand his parent to appear upon contact by the County Juvenile Probation Department or Municipal Court of Plano.

Officers should not indicate to parents that they will be contacted by a juvenile detective.
- f. The principal purpose of a Notice to Appear is to remove the juvenile from possible detention or incarceration and to comply with policies as established by the Juvenile Judge of Collin County regarding contact of the cited juvenile with the County Juvenile Probation Department.
- g. An Offense Report is not required with a Notice to Appear if the child committed violations of truancy, curfew, public intoxication, or possession of tobacco. All other Notices to Appear will require accompaniment of an Offense Report. When an offense report is completed and NTAs are issued relative to the offense, the NTAs will be sent to Records. All Juvenile Notices to Appear will be routed through the Records Division.
- h. In the event a case report is required the following guidelines will be used unless situations dictate otherwise.

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Note: When completing offense reports where an arrest has been made and a case report completed, the last sentence of the offense report narrative should state, "Case report completed."

(1) Patrol Will Be Responsible for the following:

(a) Traffic Offenses

1. All Class A and Class B misdemeanors
2. All felony traffic cases, including involuntary manslaughter
3. Driving While Intoxicated
4. Driving Under the Influence of Drugs
5. Failure to Stop and Render Aid

(b) Weapons Offenses

1. All Unlawful Carrying Weapons charges
2. All Prohibited Weapons charges

(c) Narcotics Offenses

All simple possession cases, i.e., when the officers and defendants are the only witnesses.

(d) Theft

Theft and shoplifting cases which do not require follow-up investigation; the store incident report can be used in lieu of a statement.

(e) Criminal Trespass and Assault

Most Criminal Trespass cases and misdemeanor Assault cases will be completed by Patrol Officers. Statements must be obtained from the victim, property owner, agent, and/or other pertinent parties.

(f) Other Misdemeanors

All misdemeanor charges covered in Chapter 38 of the Penal Code, EXCEPT 38.10, 38.12, 38.122, 38.123, and 38.13. NOTE: The only Class B and above traffic offenses processed by Juvenile Probation are "fail to stop and render aid INJ/DEATH", "Fail to stop and render aid >= \$200", and "Fail to give notice upon striking an unattended vehicle > \$200". Any other traffic offenses should be filed as one of the included class C offenses.

(2) CISD Will Be Responsible for the following:

Detectives assigned to the Criminal Investigative Services Division will be responsible for completing case reports and performing investigative follow-ups on all other cases according to their investigative specialties, including but not limited to those listed below, as well as those cases in which they respond to scenes for investigative purposes.

(a) Crimes Against Persons Unit

1. Murder and Voluntary Manslaughter
2. Aggravated Assault

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- 3. Aggravated Robbery
 - (b) Sex Crimes Unit
 - 1. Sexual Assault
 - (c) Family Violence Unit
 - 1. Assaultive Offenses involving family members
 - (d) Juvenile Unit
 - 1. Burglary
 - 2. Auto Theft
 - 3. Forgery, including and Chapter 32 offenses
 - 4. Juvenile case reports on offenses assigned to CISD for further investigation
- i. Officers issuing a Notice to Appear should avoid discussion with the offender and/or family as to what action will be taken by the detectives assigned to their cases. Officers may explain what programs are available but emphasize the final decision on the action to be taken rests with the judges and probation department.
- j. A Juvenile Notice to Appear should not be issued to a person over the age of sixteen (16) years. For Minor in Possession cases, an adult Notice to Appear should be issued to anyone seventeen (17) years or older.
- 3. Situations Requiring Custody/No Arrest
 - a. In cases requiring custody when arrest is not appropriate, as soon as possible or immediately the child shall be returned to a parent, guardian, custodian, or other responsible party. Juveniles shall not be held in custody longer than is reasonably necessary.
 - b. In cases of truancy, officers may detain juveniles who should be in school, for the purpose of investigating the possible commission of truancy (as defined in this directive). However, the enforcement of truancy rests with the truancy officer of the school district. Officers may investigate the reasons why a juvenile is not in school. If during the investigation an officer finds that a child is in violation of the Education Code's compulsory attendance rules, the officer **may** transport the juvenile to the campus of the school the child attends, and release the child to a responsible official at the school. Officers are not to issue notices or warnings for truancy.
 - (1) A child will not be taken into custody solely for refusing to identify him/her self.
 - (2) A child may be handled as any other Class C Misdemeanor for giving false or fictitious information about their identity.
 - c. A child may be released to the child's parent/guardian/custodian, if the child is taken into custody for:
 - (1) a traffic offense;
 - (2) an offense punishable by fine only; or
 - (3) as a status offender or non-offender.
 - d. Area of Non-secure Custody

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(1) As required by Section 52.025 of the Texas Family Code, the Plano Police Department has designated the Plano Police Department's Juvenile Unit's reception area as the Area of Non-secure Custody for children who are in custody and are awaiting release to a parent/guardian/custodian or other responsible adult under the conditions outlined immediately above this paragraph, provided the child is not being released upon the promise to bring the child before the juvenile court as requested by the court, AND the child is not to be taken before a municipal court or justice court, AND the child is not being taken to a juvenile detention facility for the offense of truancy or runaway.

(2) Refer to the above section reference for guidelines that apply when detaining a child in the Area of Non-secure Custody.

e. Curfew Processing Office

(1) Refer to the Code of Criminal Procedure Article 45.059 for detailed information related to curfew offenses and handling of juveniles in violation of curfew.

D. Custodial Arrest

1. The following are situations that will warrant taking the juvenile offender into custody and referral of the juvenile to intake:

- a. Pursuant to an order from a court of competent jurisdiction.
- b. By a law enforcement officer, pursuant to the laws of arrest, if there is probable cause to believe the child has engaged in delinquent conduct or conduct indicating a need for supervision.
- c. When the offense committed is a felony, assault (above Class C), weapons, or narcotics charge, the offender will be taken to the Juvenile Processing Office for processing then transferred to the Juvenile Detention Facility in McKinney unless it is deemed more appropriate to transport to the detention facility directly.

2. For successful prosecution of a juvenile, the following rules apply:

In cases requiring custodial arrest, without unnecessary delay and without first taking the juvenile elsewhere, the officer should transport the juvenile directly to the Plano Police Department Juvenile Processing Office, then to the Collin County Juvenile Detention Facility.

Note: One exception of not immediately taking the juvenile to the Juvenile Processing Office or Juvenile Detention is if the child is believed to suffer from a serious physical condition or illness that requires prompt treatment. Under these circumstances the child is taken to a medical facility.

3. Required Reporting

- a. A Plano Police Department Juvenile Arrest Report and a Juvenile Justice Reporting Form shall be completed on any juvenile incarcerated in the Collin County Juvenile Detention Facility for a Class B offense or above. These forms are available in the Processing Office.
- b. A Juvenile Notice to Appear will not be issued when the juvenile is taken into custody and transported to the Juvenile Processing Office or to Juvenile Detention.
- c. When a juvenile is taken into custody for a case that does not require transport to the detention facility the juvenile may be released to a parent or guardian after:
 - (1) The juvenile has been printed, both CJIS and Local (If a Class B or higher)
 - (2) The juvenile has been photographed (If Class B or higher)

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- (3) An arrest report has been completed
 - (4) The parent or guardian release agreement has been completed and both the child and parent have signed the form
 - (5) A copy of the parent's ID has been made and attached to the CISD copy of the arrest report. The original copy of the release agreement will go with the original arrest report and be maintained in records.
4. Juvenile Processing Office (JPO)
- a. Designation of Processing Office
 - (1) In accordance with Section 52.025 of the Texas Family Code, the Collin County Juvenile Court has designated the Juvenile Office Suite at the Plano Police Department located at 909 14th Street, as a Juvenile Processing Office. The office is located out of sight and sound of the adult holding facility. The office is for juvenile processing and the temporary detention of a child taken into custody under Section 52.01 of the Texas Family Code.
 - (2) Refer to the Texas Family code for guidelines related to children brought to the Juvenile Processing Office.
 - b. Security Concerns and Juvenile Processing

Due to the potential threat to agency staff and the juvenile detainee, the following guidelines will be followed when using the processing office:

 - (1) Officers will enter and exit only through the Juvenile Processing Office lobby when escorting a juvenile detainee.
 - (2) Only personnel having direct business within the JPO will be allowed inside the facility.
 - (3) All personnel will secure their weapons in the lockboxes provided within the waiting area of the JPO. All lethal and less than lethal weapons must be secured and will not be allowed in the processing office area.
 - (4) Officers will document the offense, date and time in and out of the facility (including meals provided – if any). Only arrests for Class B Misdemeanors and above should be written in the juvenile arrest log.
 - (5) Juveniles may only be detained for a maximum of six (6) hours in the Juvenile Processing Office on an arrest. If temporary detention exceeds 6 hours, the arresting officer shall include the reason for the delay in the arrest report and notify the Juvenile Unit Sergeant.
 - (6) Officers will visually inspect detention cells for objects prior to detaining juvenile(s) and after release of juvenile(s). Detention cells should be cleaned after the release of juvenile(s).
 - (7) All juveniles will remain under constant face-to-face supervision while in the JPO. This includes any juveniles locked in a cell in the office. Juveniles will only be locked in a cell when they have committed an offense classified as a Class B Misdemeanor or higher.
 - (8) Juveniles will not be secured to any fixed objects within the office or cell.
 - (9) All males and females will be kept in separate areas while in the JPO.

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- (10) Monitoring equipment has been installed in the Juvenile Processing Office to improve officer safety. Video monitors have been placed in the jail and juvenile office. Upon arrival in the JPO with a juvenile detainee, officers will notify the Jail via the phone to indicate a juvenile is being processed. Upon entering the JPO the officer will manually turn on the recording by flipping the toggle switch on the wall just inside the JPO. The toggle switch will light up when it is on and the officer must turn the recording system off in the same way upon exiting. The recording must stay on until the officer has completed the processing of the juvenile and is leaving the JPO. In the event of an emergency, officers will utilize the panic button on their portable radios. In the event jail personnel notice there is an emergency in the JPO, they will notify PSC via the radio of the emergency.
 - (11) Officers who are supervising juvenile detainees will take every measure to prevent escape of the detainee through constant supervision and the use of the cells within the JPO where applicable by law.
 - (12) Juveniles will be given access to water, restrooms and other needs as applicable.
 - (13) Officers must be familiar with current emergency evacuation routes and procedures. Evacuation maps will be placed within the facility in the event of a fire or other emergency requiring evacuation.
 - (14) The JPO and cells will be inspected on a monthly basis for cleanliness and to determine if any unsafe conditions are developing. The employee performing the inspection will log their name, date, and any problems found during inspection.
 - (15) The Juvenile Unit Sergeant will complete an annual written administrative review of the JPO and applicable procedures.
- c. Juvenile Searches
- (1) Juvenile arrestees will be searched by an officer before entering the JPO. The search may have occurred as part of the transport process.
 - (2) Whenever an officer of the same sex as the prisoner is present at the time of the arrest, they will conduct the search of the prisoner prior to transporting. If an officer of the same sex as the prisoner is not available prior to the transport, then the search shall be conducted as thoroughly as is necessary to ensure officer safety.
 - (a) Transgender or intersex juveniles will be asked to identify the gender of officer with whom they would feel most comfortable conducting the search. Requests should be honored unless exigent circumstances exist or the requested gender officer is not available in a reasonable amount of time. If unable to honor the request, the arresting officer shall document the circumstances that did not allow for the requested accommodation.
 - (3) Judicial decisions specifically allow for searches of arrested persons. It is sometimes necessary for officers to initiate a very thorough body search of a person arrested. Strip searches or body cavity searches are highly invasive. The need for such a search is determined on an individual basis depending on the circumstances surrounding the crime, the prior record of the arrestee, and the probable cause as interpreted by the arresting officer and written permission of a supervisor of the rank of lieutenant or above, who must approve the search.
 - (4) The written permission shall include specific documentation which justifies the end and reasons for the strip search.

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(5) Juvenile Strip Searches will only be conducted at an authorized Juvenile Detention Facility by the detention facility staff. If the arresting officer has reason to believe that the juvenile in custody is concealing weapons, controlled substances or other contraband, the arresting officer will ensure the detainee is held in an isolated area and under the continuous supervision of an officer. Further, the officer shall immediately relay that information to the intake staff at the Juvenile Detention Facility. The arresting officer shall document this information in the arrest report.

(6) Body Cavity Search

(a) A search warrant shall be obtained to conduct a body cavity search on adults or juveniles in custody. The decision to seek a search warrant shall recognize that a body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature and/or poses a threat to the safety of officers or others, and/or the security of the holding facility.

(b) Personnel will ensure that a suspect on whom a search warrant is being obtained is held in an isolated area and under the continuous supervision of an officer. Investigative personnel attempting to obtain the search warrant will do so in a timely manner and ensure the Watch Commander is kept informed of the progress of the warrant.

(c) When a search warrant is obtained, the suspect will be transported by the arresting officer to a local hospital, where the search can be performed by a physician or other medically trained personnel.

1. Officers should be aware that the physician does not have to respond to the request to perform the search. X-ray of the individual may be considered an option.
2. An officer should remain present during the search to ensure the safety of the person conducting the search and chain of custody of the evidence.
3. The person conducting the search will be requested to submit a report to the department describing the details of the search and outlining the findings. If such a report cannot be obtained from the physician or other person conducting the search, the arresting officer will ensure any information made available to him/her is included in an offense report.

d. Training

All personnel charged with monitoring detainees within the Juvenile Processing Office will receive initial training on the use of the area as well as retraining every four years.

E. Disposition without Referral to Court

1. Alternate Means of Case Disposal

- a. Requiring a brief conference with the child and his parent/guardian/custodian; or
- b. Referral of the child and the parent/guardian/custodian to the Department of Protective and Regulatory Services if the child is seven years of age or older and younger than 10 years of age AND if the child has engaged in conduct for which the child may be found by a court to be an at-risk child unless the violation is that of a state jail felony offense. The Department of Protective Services shall provide services to the child and the child's family directly or by contract.

F. Referrals to Juvenile Court

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The following information shall be provided to the Juvenile Court at the time of the referral or as quickly as possible after the referral:

1. All information in possession of the Department pertaining to the identity of the child, his address, the name and address of the child's parent/guardian/custodian, the names and addresses of any witnesses, and the child's present whereabouts;
2. A complete statement of the circumstances of the alleged conduct;
3. A complete statement of the circumstances of taking the child into custody; and
4. A complete statement of all prior contacts with the child that are documented within our agency.

G. Special Situations

1. Protective Custody

Although rare, officers could find themselves in a situation that requires immediate attention and the taking of a child into protective custody without a court order. Since this is a normal function of the Department of Human Services, officers should confer with a watch commander prior to any such action. Officers are to follow the Texas Family Code, section 262.104 when determining whether or not to take a child into protective custody.

2. Recovery of Runaway

- a. An officer who recovers a runaway juvenile shall complete a Supplemental Offense Report, if there is a Plano Police Department file number on the runaway. If the original report was filed in another jurisdiction, the officer shall complete an Information Report.
- b. The runaway shall be released to a parent, guardian, or other responsible relative with a Juvenile Notice to Appear.

Exception: If the juvenile returned home voluntarily, a Juvenile Warning Notice may be completed instead of a Juvenile Notice to Appear.

- c. If a parent, guardian, or other responsible relative cannot be located, the juvenile may be taken into custody, and the juvenile may be taken to the juvenile detention facility if under 17 years of age. A located runaway taken into custody that is 17 years of age should be released to a parent or to CPS. An alternative that may be approved by a supervisor and/or the legal advisor is to release the 17 year old to CITY House. If the parent, guardian, or other relative does not wish to take custody of the 17 year old, then the 17 year old should be released immediately.

3. Alcohol Related Offenses

a. Driving While Intoxicated

- (1) A juvenile arrested for the offense of Driving While Intoxicated will be processed the same as an adult, i.e., he/she will be transported to Plano City Jail, read his/her rights, videotaped, and offered a breath/blood test.
 - (a) It is imperative that the booking area be cleared of adult prisoners prior to the juvenile's arrival at the jail.
 - (b) The arresting officer is responsible for notifying the jail staff that he/she is en-route with a juvenile and that the area must be cleared.
- (2) Upon completion of the DWI process, the juvenile may be released to his/her parents or guardians or, with permission of a sergeant, incarcerated at the Juvenile Detention Facility in McKinney.

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b. Driving Under the Influence of Alcohol by a Minor

- (1) An officer who has established probable cause that a juvenile is operating a motor vehicle in a public place with any detectable amount of alcohol in the juvenile's system, may issue a juvenile adult notice to appear or take the juvenile into custody.
- (2) The officer is not required to take the juvenile into custody.

4. Curfew Violation

See City Ordinance and Administrative Directive 112.001 Curfew Hours for Minors.

H. Interviewing Juveniles

1. Research recommends officers use special caution when interviewing juveniles due to their age, maturity, reduced comprehension abilities and their focus on short-term versus long-term consequences. Juveniles may be more suggestible than adults and may display behaviors (such as slouching, fidgeting, or lack of eye contact) that, in adults, may indicate deception. This applies to all juveniles being questioned, whether in non-custodial interviews as well as custodial interrogations, or whether the juvenile is a victim, witness or suspect.

a. Non-Custodial Interviews

- (1) Non-Custodial Interviews do not require the presence of a parent, guardian, legal custodian or lawyer, nor reading of the Miranda Warnings. The juvenile must be told and understand that the interview is voluntary, he/she is free to stop the interview and/or leave at any time.
- (2) To ensure the juvenile's statement is admissible in court, officers should articulate circumstances in their report to establish the interview is voluntary and not custodial. Considerations should include:
 - (a) Location of interview
 - (b) Environment
 - (c) Number and proximity of officers and others present during the interview

I. Custodial Interrogation

1. Any custodial interrogation of a juvenile suspect shall be conducted with the aid of a detective assigned to the Criminal Investigation Services Division Juvenile Unit.
2. In the event a statement is needed:
 - a. The juvenile may be taken out of detention and taken before a magistrate for a Juvenile Magistrate Warning. Only then may the officer take a statement from the juvenile.
 - b. Juveniles must be returned to the magistrate prior to them signing the statement.
 - c. Officers may, but are not required to, confer with a child's parent/guardian prior to interrogation. Officers must notify parents of custody but do not have to obtain permission from the parents to interrogate.
 - d. Custodial interrogation of juveniles by officers shall comply with procedural requirements established by legal authority congruent with protection afforded by the juvenile's constitutional rights. In addition, when applicable the interrogating officer shall:
 - (1) Explain departmental and juvenile justice system procedures to the juvenile being interrogated.

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- (2) Limit the number to no more than two interrogating officers at a time.
- (3) Limit the duration of interrogation to no more than two hours, or such time that the juvenile requests the interrogation be terminated. Exceptions to the two-hour limit may be granted by the Watch Commander or CISD Lieutenant and must then be articulated in the officer's report.
- (4) Res gestae statements which are not the result of interrogation may be used against a juvenile at any time.

J. Juvenile Records and Evidence

Following are rules used for the dissemination and retention of juvenile records, fingerprints, photographs, and other forms of identification pertaining to juveniles.

- 1. Law enforcement criminal records containing identifying information on juveniles shall be maintained electronically in the department's Records Management System (RMS) within juvenile modules. Juvenile modules have a module type of JUV, which is distinguishable from other module types within RMS, and access to JUV modules is automatically restricted to only authorized personnel. RMS search results will automatically redact juvenile names, further distinguishing juvenile records and ensuring confidentiality. Records stored within JUV modules are automatically restricted from being printed for public release.
- 2. Maintenance of Records
 - a. Law enforcement files and records concerning a child shall be maintained on a local basis, with the following exceptions:
 - (1) CSIU electronically submits fingerprints relating to a child who has been detained or taken into custody to the Department of Public Safety for inclusion in the juvenile justice information system IF the child is referred to juvenile court on or before the 10th day after the date the child is detained or taken into custody. Information must be presented on the appropriate forms provided by the Department of Public Safety.
 - (2) Information contained in files specifically recorded to report a missing child shall be forwarded to the Texas Crime Information Center and the National Crime Information Center.
 - (3) Criminal information regarding a juvenile's activities in a criminal street gang may be compiled by the Department and released to other local, state, or federal criminal justice agencies and any court having jurisdiction over a child regardless of the age of the child. The information may be compiled on paper, by photographs, etc. or any other useful manner. This file/database will be maintained by the Intelligence Unit.
 - b. If the child is not referred to juvenile court within 10 days after the date the child is detained or taken into custody, OR the child's case is not disposed of by referral of the child to some other service agency or through a conference with the child and parent/custodian/guardian, THEN all records including photographs and fingerprints must be destroyed for that offense.
 - c. Files and records relating to a charge for which a child is transferred under Section 54.02 of the Texas Family Code to a criminal court for prosecution are not open to the public, but inspection of the files and records is permitted by:
 - (1) A juvenile court having the child before it in any proceeding.
 - (2) An attorney for a party to the proceeding.

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(3) Law enforcement officers when necessary for the discharge of their official duties.

3. Records Retention

- a. Upon receiving an order to seal files and records of a child from the juvenile court, the Department must:
 - (1) Send the court issuing the order all files and records pertaining to that child.
 - (2) Delete all indexed references to the files and records.
 - (3) Reply that no record exists with respect to such person upon inquiry in any matter.
- b. Juvenile records not sealed by the court or legally required to be destroyed are maintained electronically in the JUV module of the RMS with restricted access. These records will not appear in search results or composite reports for users without the appropriate permissions, even once the individual reaches adult age.

K. Evidence

1. Photographs of juveniles may be taken under the following conditions:

- a. Upon written order of the Juvenile Court and only by a member of the Juvenile Unit, or under their authorization.
- b. If during the course of an investigation of a criminal offense, a law enforcement officer has probable cause to believe that a photograph of a child taken into custody or detained will assist in the identification; the officer may photograph the face of the child if not otherwise prohibited by law.
 - (1) If the child is not identified as the offender in the offense being investigated, the photograph and any digital copies are to be destroyed immediately.
 - (2) If the child is identified as the offender in the offense being investigated and is referred to the Juvenile Court, the photograph and any digital copies are to be delivered to the court for disposition.
 - (3) If the child is not referred to the court, the photograph and any digital copies shall be destroyed immediately.

2. Fingerprints of juveniles may be taken under the following conditions:

- a. Custodial arrest for Class "B" offenses or above; or
- b. If latent fingerprints are found during the investigation of an offense, and a law enforcement officer has probable cause to believe that they are those of a particular child, he may fingerprint the child regardless of the age or offense for purpose of immediate comparison with the latent fingerprints, if otherwise authorized by law.
 - (1) If the comparison is negative, the fingerprint card and other copies of the fingerprints taken shall be destroyed immediately.
 - (2) If the comparison is positive, and the child is referred to the juvenile court, the fingerprint card and other copies of the fingerprints taken shall be delivered to the court for disposition.
 - (3) If the child is not referred to the court, the fingerprint card and other copies of the fingerprints taken shall be destroyed immediately.
- c. Other forms of identification, e.g., blood, semen, etc., shall be obtained with an evidentiary search warrant and disposed of in a manner consistent with statutory authority.

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3. Polygraph Examinations

- a. Officers shall not schedule a polygraph examination for any child without prior approval of the Juvenile Unit Sergeant. In any instance, a polygraph examination cannot be administered to a child without the consent of the child's attorney or the juvenile court, unless the child is transferred to criminal court for prosecution.
- b. Under no circumstances shall an officer require a polygraph of a juvenile victim of sexual assault.