


The Tarrant County College District Police Department

GENERAL ORDER

	SUBJECT	GENERAL ORDER NUMBER
	JUVENILES	802.00
	CALEA STANDARDS	EFFECTIVE DATE
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Shaun Williams, Chief of Police	17	

Policy Statement - This department is committed to the development and perpetuation of programs for prevention and control of juvenile delinquency. In dealing with juveniles, officers will use the least coercive methods among available alternatives, consistent with preserving public safety and officer safety, and individual liberty. Among factors to consider in making juvenile dispositions are the nature of the offense, the offender's age and circumstances and record, availability of community-based rehabilitation programs, and complainant or victim recommendations for diversion. **A. 44.1.1 a.**

802.01 – RESPONSIBILITIES **A. 44.1.1**

- A. The Investigative Unit has the primary responsibility for conducting follow-up investigations of offenses alleged to have been committed by juveniles.
- B. Primary responsibility for administration and coordination of youth-related programs lies with the Crime Prevention personnel.
- C. Notwithstanding these administrative delegations, participation in and support of this department's juvenile operations is a shared function of all department personnel and components.
- D. A review and written evaluation of all enforcement and prevention programs relating to juveniles should be conducted each June under the guidance of the Criminal Prevention personnel in conjunction with the Tarrant County Juvenile justice personnel. The evaluation should consider both the quantitative and qualitative elements of each program in order that decisions regarding whether a specific program should remain as is, be modified, or be discontinued, can be made. **A. 44.1.3**
- E. Officers who detain juveniles should determine the following:
 - 1. Determine whether the juvenile is alleged to have engaged in non-criminal behavior, a status offense. **A. 44.2.2 a**
 - 2. Determine whether the juvenile is alleged to have been harmed or to be in danger of harm. **A. 44.2.2 b**
 - 3. Ensure that the constitutional rights of the juveniles are protected. **A. 44.2.2 c**

4. Transport the juvenile to the intake facility without delay, unless the juvenile is in need of emergency medical treatment, in which case the juvenile will be transported to an appropriate medical facility under the same guidelines as adult prisoners. **A. 44.2.2 d**
5. Notify parents or guardians that the juvenile has been taken into custody. **A. 44.2.2 e**
6. The Department of Child Protective Services is to be contacted immediately if there is an indication that the juvenile cannot safely be released to a suitable adult and the child does not meet criteria for transport to the Detention Center.

802.02 - STATE LAW AUTHORITIES AND LIMITATIONS

- A. Juveniles suspected of criminal, traffic, or status offenses will be dealt with in accordance with the *Texas Juvenile Justice Code, Family Code Title 3*, that regulates dispositions that can be made, detention conditions for, punishments, and creation and maintenance of records and files on juvenile offenders.
- B. Dispositions of juveniles taken into custody by this department will be in accordance with the continuum provided for by *Family Code Chapter 52* and the procedures specified in *Appendix A* of this General Order.
 1. **Warning Notice / Field Release.** Issuance of a Warning Notice / Field Release is authorized by *Family Code 52.01(c)*. Investigators may refer a case to the Juvenile Court based on a warning notice. **A 44.2.1 a.**
 2. **Citations.** Issuance of Citations is authorized by *Code of Criminal Procedure 14.06 (b)*. **A 44.2.1 b.**
 - a. A juvenile cannot enter a plea to a charge except in open court with the child's parent, guardian, or managing conservator present. A juvenile cannot post bond to secure their appearance in court. For these reasons, officers cannot require "immediate disposition" of a citation written to a juvenile. This does not preclude the officer detaining a juvenile on a fine only offense in circumstances when release in the field would not be appropriate.
 - b. The Court System may refer juveniles accused of fine only offenses to the First Offender Program (ages 10-13) or to Teen Court (ages 14-16) and dismiss the charge on completion of the referral program as provided in *Code of criminal Procedure Art. 45.052*.
 - c. Juveniles may not be jailed for default in payment of a citation or for failure to appear in court. *Code of Criminal Procedure Art. 45.050* provides that failure of a juvenile to obey an order of a municipal or justice court that would constitute contempt of court is delinquent conduct that must be handled through the Juvenile Court.
 3. **Detentions.** Detention of juveniles is limited by *Family Code 51.12* to a non-secure detention area, an approved juvenile processing office, or a certified detention facility. Strict sight and sound separation from adults in custody is required of any juvenile detained in a building that contains a jail, lock-up, or other place of secure confinement. **A 44.2.1 c.**

- a. **Non-secure Detention.** Non-secure Detention of status offenders and those detained for fine-only offenses is provided for by *Family Code 52.027 (b) through (e)*. The fact that the detention is “non-secure” does not mean that the juvenile cannot be prohibited from leaving custody. A child held in non-secure detention may only be held long enough to accomplish identification, investigation, processing, release to parents, or arranging of transportation to the appropriate juvenile detention center (or release to the Department of Child Protective Services).
- b. **Juvenile Processing Office Detention.** Juvenile Processing Office Detention for juveniles detained for Class A or B misdemeanors or felonies or for juveniles detained for Class C misdemeanors who are on probation is authorized by *Family code 51.12*. The juvenile may be held in secure detention in an approved juvenile processing office, **located within each Campus Police Facility or in a specified area of the campus**, only long enough for completion of essential forms and records required by the Juvenile Court, issuance of warnings, receipt of a statement from the child, and return of child to the custody of a parent, guardian, or custodian. If parent release is not available or appropriate, the juvenile must be transported to the Tarrant County Juvenile Detention Center.
 - (1) A child detained in a juvenile processing office is entitled to be accompanied by parent, guardian, or other custodian or by attorney pursuant to *Family Code 52.025 (c)*.
- c. **Certified Detention Facility.** Detention at the Tarrant County Juvenile Detention Center (TCJDC) is required for juveniles who are suspected of Class A or B misdemeanors or felonies, runaway, and Public Intoxication, when release to suitable adult is not appropriate because of potential harm to the juvenile or the public or when a suitable adult is not available. TCJDC detention is also required for juveniles detained for Class A and B misdemeanors who are on probation. In these cases, release to parent or other suitable adult is not an option.

C. **Records and Files.**

- 1. The computerized Juvenile Justice Information System (JJIS) is designed to track intake, detention, prosecution, and case disposition, including probation or commitment, of a juvenile. *Family Code 58.104* restricts entries into the JJIS to delinquent conduct offenses that, if committed by an adult, would be punishable by jail or imprisonment.
 - a. JJIS entries are made on TCC Police detentions by the Tarrant County Juvenile Probation Department when a child is referred to the Juvenile Court.
 - b. JJIS records may be accessed and disseminated according to the same rules on computerized criminal histories.
 - c. JJIS entries cannot be made for juveniles who are not referred to the Juvenile Court within ten (10) days of the detention. Records that do not qualify for JJIS entry are to be destroyed, and the destruction confirmed by the Police Chief to the Juvenile Court on an annual basis. Assigned investigators are responsible for monitoring Field Release data and

juvenile secure and non-secure detention logs to assure destruction of appropriate records.

2. *Family Code Sec. 58.007 (c)* requires local law enforcement records and files concerning a child to be kept separate from adult files and records and prohibits them from being sent to a central state or federal depository except as specified in *Family Code 58.104*. Juvenile detention reports will be separated from adult arrest reports in the Records Component as required by the statute.
 - a. Records or files that are required or authorized to be maintained under laws regulating operation of motor vehicles and records and reports that list a juvenile as the victim of a criminal offense are specifically exempted from the file separation requirement.
 - b. Reports of missing children are specifically authorized to be entered into TCIC and NCIC.
3. *Code of Criminal Procedure Chapter 61* authorizes information on children to be included in a local system for the purpose of investigating or prosecuting the criminal activities of criminal combinations (Juvenile Gang activity). This information may be released to another criminal justice agency, a court, or a defendant in a criminal proceeding pursuant to the discovery.
 - a. All gang information will be turned over to the jurisdictional Municipal Police Department Gang Unit.
4. **Fingerprinting and Photographs.** *Family Code Sec. 58.002* prohibits taking photographs or fingerprints of a juvenile without the consent of the juvenile court unless the child is taken into custody for a felony or a misdemeanor punishable by confinement in jail. *Procedures are specified in Appendix A of this Order.*
5. **Release of Information.** The release of information on juvenile offenders may only be made pursuant to:
 - a. A written request under the *Texas Public Information Act, Government Code Chapter 552* to the Director of Public Relations and Marketing as approved by the Office of General Counsel or to the Municipal Court having jurisdiction (for fine-only offenses handled there);
 - b. The *Sex Offender Registration Act, Code of Criminal Procedure Chapter 62*. The request must be made in writing to the Director of Public Relations and Marketing as approved by the Office of General Counsel;
 - c. *Code of Criminal Procedure Art. 15.27* mandates that the Superintendent or his/her designee be notified verbally within 24 hours (or the next school day) and receive written notification within 7 days when a student is arrested or referred to juvenile court for specified offenses. The assigned investigator will make the determination as to whether or not the offender is a student (student is defined as an individual enrolled in a primary or secondary school regardless of age). If the offender is a student, the investigator will properly notify the offender's school and ensure all paperwork is forwarded to the Investigations Division where it will be maintained in a secure location for student offenders. The Investigations Division maintains a list of the specified offenses requiring notification under this section.

802.03 - JUVENILE POLICY REVIEW A 44.1.2

- A. Members of Tarrant County College Police Department will cooperate with all members of the juvenile justice system and support its policies. Departmental General Orders regarding juvenile operations will be provided to local juvenile court personnel for their review. Their comments and suggestions as to ways our procedures can be improved will be considered.

Appendix A

I. Definitions.

Juvenile - A person age 10 or over but under 17 or a person who is 17 who is believed to have committed delinquent conduct or conduct indicating a need for supervision before reaching 17.

Status Offense - An act that would not be punishable in the criminal justice system if committed by an adult.

Suitable Adult - The juvenile's parent, guardian, custodian (person with whom the juvenile resides). Another adult age 18 or over may be a suitable adult for release of a detained juvenile if the parent, guardian, or custodian consents.

II. Age.

- A. See definition of Juvenile.
- B. Children under 10 cannot be held responsible through criminal law or the juvenile justice system.
 - 1. Document conduct of those under 10 that would be criminal or juvenile code violation but for their age on the appropriate report, listing the child as a suspect, if applicable.
 - 2. Enforcement action cannot be taken.
 - 3. Those under 10 cannot be detained at a police facility for criminal violations. See also missing child procedures.

III. Questioning.

- A. The Miranda warning rule applies to juveniles as well as adults. Constitutional rights of juveniles can only be waived by the juvenile in writing or in a court proceeding that is recorded.
- B. Admissibility of a child's written statement in some cases requires that the statement be made only after the child has received statutory warnings by a Magistrate, so it is advisable to have the child warned by a Magistrate before any questioning in a major case.
- C. Only two (2) officers may be present in a custodial interview of a juvenile. Any custodial interview should not be unreasonably long, taking into account the age and circumstances of the juvenile. **A. 44.2.3 b.**
- D. The officer in charge of questioning of a juvenile in custody should explain to the juvenile and the juvenile's parent or guardian the procedures of this department and of the juvenile justice system. **A. 44.2.3 a. c.**

IV. Oral Statements.

- A. A juvenile's oral statements are admissible under *Family Code 51.095* if:
 - 1. The statement tends to establish guilt, such as the finding of secreted or stolen property, or the instrument with which the juvenile states the offense was committed;

2. The statement was res gestae of the delinquent conduct or the conduct indicating a need for supervision or of the arrest; or
3. Made in open court at the adjudication hearing, before a grand jury under *Family Code Sec. 53.45*, or at a preliminary hearing; or
4. Made in a detention facility or other place of confinement or in the custody of an officer and the statement is recorded by an electronic recording device that records images and:
 - a. before making the statement, the juvenile received the Magistrate's warning, the warning is a part of the recording, and the child knowingly, intelligently, and voluntarily waives each right stated in the warning;
 - b. the recording device is capable of making an accurate recording, the operator of the device is competent to use it, and the recording is accurate and has not been altered;
 - c. each voice on the recording is identified; and
 - d. not later than the 20th day before the date of the proceeding, the child's attorney is given a complete and accurate copy of each recording that the child made.

V. **Written Statements.**

A. A juvenile's written statement is admissible under *Family Code 51.095* if:

1. The child is in custody of an officer and before making the statement has been taken to the Magistrate with a statement packet that is available in approved secure juvenile detention areas of the Tarrant County College Police Department;
2. The Magistrate has given the child the Miranda warnings;
3. An officer takes the written statement from the juvenile;
4. The officer returns the juvenile to the Magistrate with the unsigned statement;
5. The juvenile voluntarily waives the Miranda rights in the presence of the Magistrate and signs the statement in the Magistrate's presence with no officer or prosecutor present (unless the Magistrate requires unarmed bailiff, or if no bailiff is available, an unarmed officer, to be present for the personal safety of the Magistrate or other court personnel);
6. The Magistrate signs a written statement verifying that the Magistrate is fully convinced that the child understands the nature and contents of the statement and that the child is signing the same voluntarily and that the Magistrate examined the child independent of any law enforcement officer or prosecutor (except as required for safety) and has determined that the child understands the nature and contents of the statement and has knowingly, intelligently, and voluntarily waived these rights.

VI. **Fingerprints and Photographs.**

- A. *Family Code 58.002* only permits fingerprints or photographs to be taken of juveniles in custody on order of the Juvenile Court or when the child is taken into custody for a Class A or B misdemeanor or felony.
1. If latent prints are found at the scene of a Class A or B misdemeanor or felony, fingerprints may be obtained from the juvenile for comparison purposes. The juvenile cannot be taken to the jail for this purpose. An investigator should be summoned to the secure detention area to take the fingerprints. Taking fingerprints should be documented in the detention report. Investigators are responsible for assuring that the fingerprints are destroyed (and the destruction documented) if no match is found or if a referral is not made to the Juvenile Court within ten (10) days of the detention. Any photograph taken must be destroyed if no Juvenile Court referral is made within ten (10) days or sent with case paperwork to Tarrant County Juvenile Detention Center.
 2. If the juvenile is field released or released from a Tarrant County College Police Department, Tarrant County Juvenile Detention Center will obtain fingerprints and photographs after the case is referred by investigators. If the juvenile is transported to Tarrant County Juvenile Detention Center, TCJDC staff will obtain them as part of their intake process.

VII. **Taking into Custody.**

- A. Custody of a child may be taken in the circumstances listed in *Family Code Sec. 52.01*. An arrest warrant, probable cause, or a Juvenile Court order is necessary.
- B. Note that Tarrant County College Police Officers **may not** take a child into custody for violation of a probation condition. Only juvenile probation officers may enforce probation conditions. Tarrant County College Police Department officers may take custody under a Directive to Apprehend.
- C. When any juvenile is taken into custody, the officer must contact the juvenile's parent or guardian as soon as possible. A. 44.2.2 e.

VIII. **Field Release.**

- A. A detained juvenile may be released in the field under *Family Code Sec. 52.01* if: A. 44.2.1 a.
1. The offense does not involve violence, weapons, drugs, intoxication, or sexual conduct; and
 2. The child is either not on probation or, if on probation, is being detained only for a Class C misdemeanor; and
 3. The child resides in Tarrant County; and
 4. The child can be released to a parent, guardian or suitable adult and the correct identities of the child and parent, guardian, or suitable adult is established; and
 5. The release is in the best interest of the state; and
 6. It is desired to record a non-custody contact with the child.

- B. Appropriate records of Field Releases must be maintained, as follows:
 - 1. An offense or incident report must be completed;
 - 2. The identity of the suitable adult to whom the child is released must be verified by proper identification such as a driver's license, and the person must be identified in the offense or incident report;
- C. If a juvenile is taken to a police facility, a Juvenile Detention Report is required and field release is not permitted.
- D. Investigators will complete the appropriate forms if a case is referred to TCJDC.

IX. **Transporting Juveniles.**

- A. The rules specified in *General Order 314.00* (Transportation of Prisoners) for transporting of prisoners apply to the transport of a juvenile in police custody.

X. **Procedures for Detention at Approved Detention Area at each Campus Police Facility.**

- A. Standard handcuffing / pat down procedures apply to juveniles.
- B. *Family Code Sec. 51.12* requires that juveniles detained in a building that contains a jail, lock-up, or other place of secure confinement be kept separated by sight and sound from adults in police custody. This also applies to sally ports and passageways. Follow the directions in D.2. below to assure sight and sound separation if the juvenile is detained at Tarrant County College Police Department.
- C. A juvenile may be detained at TCC PD for a maximum of six (6) hours.
- D. *Family Code Sec. 52.01* requires different treatment for detained juveniles based on the conduct they have committed.
 - 1. **Non-secure detention.** For Class C offenses other than Public Intoxication or for a status offense:
 - a. Park in the public parking area. Enter the police facility through the main lobby and take the juvenile to an available empty room in a public access area. The room shall be secure and private as not to compromise the identity of the juvenile.
 - b. Contact TCJDC to determine if the juvenile is on probation and if TCJDC wants the juvenile transported to their facility. If transport to TCJDC is not warranted, retain the juvenile in a non-secure area until released to an appropriate adult.
 - c. Complete:
 - Non-secure detention log entry
 - Juvenile Detention Report
 - Offense Report, if applicable

- Miranda Warning Sheet, if applicable
 - Right to Seal Records Form
 - d. Follow standard release procedures.
- 2. **Secure detention.** For Public Intoxication, a Class A or B misdemeanor or felony:
 - a. Park in the public parking area. Enter the police facility through the main lobby and take the juvenile to an available empty room in a public access area. The room shall be secure and private as not to compromise the identity of the juvenile.
 - b. Remove property from the juvenile's custody and inventory it.
 - c. Contact TCJDC to see if the juvenile is on probation.
 - d. Complete:
 - 1. Secure Detention Log
 - 2. Juvenile Detention Report
 - 3. Offense Report
 - 4. Miranda Warning Sheet, if applicable
 - 5. Rights to Seal Records Form
 - e. Follow standard release procedures.
- E. A juvenile may not be left unattended while in custody. Relief must be by commissioned personnel.

XI. Procedures for Release from Detention at each Campus Police Facility.

- A. Detained juveniles may only be released to a suitable adult, the Tarrant County Juvenile Detention Center, or the Department of Child Protective Services.
 - 1. TCJDC will only accept juveniles detained for runaway, intoxication offenses (including PI), Class A and B misdemeanors or felonies.
 - 2. If TCJDC will not accept the juvenile and no suitable adult is available for release from detention, arrangements must be made with the Department of Child Protective Services.
- B. If the juvenile is on probation and is being detained for a Class A or B misdemeanor or felony, release to parent is not available. The juvenile must be transported to TCJDC.
- C. Generally, if the juvenile is not on probation, officers have discretion to release to parent, guardian or suitable adult, subject to the following:
 - 1. Although department policy is to use the least coercive methods possible in dealing with juveniles, officers must also consider the safety of the general public. When the offense involves violence or there appears to be other threat to the public (such as

when a juvenile is believed to have committed several recent felonies), the juvenile should be transported to TCJDC even though parent or guardian or suitable adult is available.

2. Juveniles who reside outside Tarrant County must be taken to TCJDC.
3. If there is dispute over the release of a married child, transport to TCJDC.

D. If releasing to parent, guardian, or suitable adult:

1. Have the person to whom the child is being released review the detention report for accuracy.
2. Verify the relation of the child to whom he/she is being released.
3. Demand proper identification before releasing the child. Transport the juvenile to TCJDC if the adult seeking release does not give proper identification.

E. If transporting to TCJDC from secure detention:

1. Complete the offense report.
2. Ensure that a copy of the report is faxed to TCJDC.
3. Complete the applicable forms.
4. Transport the juvenile to TCJDC with a copy of the Detention Report and warning form.
5. Return the receipt from TCJDC to Tarrant County College Police Department and turn it in with other paperwork at shift end.
6. Before shift end, verify that the offense report was faxed to TCJDC.

XII. **Specific Offenses.**

A. Fine Only Offenses (except Public Intoxication or DUIAM) ages 10 through 16:

A. 44.2.1 b.

1. Issue citations. Note "Refused" on the citation if the juvenile refuses to sign.
2. Initiate an offense report for all *Penal Code* and drug offenses. Initiate an offense report on any other offense that did not occur in the officer's view. Note the citation number in the report. Identifying information on the person to whom the juvenile is released is to be documented in the report unless the juvenile is Field released.
3. Release:
 - Child 14, 15, or 16 detained for traffic offense in the field if the juvenile has a valid driver's license. If no valid driver's license, follow non-secure detention procedures.
 - Child 14, 15, or 16 detained for any other fine only offense in the field if the juvenile is properly identified. Officers should contact parent on alcohol or tobacco offenses to advise that citation is being issued.

4. Child 10, 11, 12, or 13 to parent or suitable adult through Field Release or from non-secure detention area. If parent or suitable adult cannot be located for release, the Department of Protective and Regulatory Services must be contacted to take custody.
 5. Evidence seized is to be processed as specified in *General Order 700.00*.
- B. DWI Violator 10 through 16 with BAC of .08 or above:
1. Transport and log into Secure Detention Area (Tarrant County Jail).
 2. Notify the jail supervisor who will clear the Intoxilyzer and access areas of arrested adults to maintain sight and sound separation.
 3. Have the breath test administered if consent is given. The request to submit to a breath test and the juvenile's response to the request must be captured on the videotape. Intoxilyzer operators are responsible for keeping juvenile Intoxilyzer tapes separate from adults.
 4. ALR law does apply to juveniles detained for DWI who refuse to give breath/blood sample or whose Intoxilyzer results are 0.08 or above.
 5. Note: If breath test result is .30 or above, or if breath test is refused and the intoxication level appears dangerous, transport the juvenile to a hospital for immediate observation by medical personnel.
- C. Driving Under Influence of Alcohol by Minor (ages 10-16 with detectable level of alcohol):
1. Issue citation for DUIAM if intoxication level is not sufficient for DWI or PI. Complete offense report.
 2. Follow non-secure detention procedures and release to parent or other suitable adult. If not available, contact the Department of Protective and Regulatory Services to take custody. TCJDC will not take these offenders.
 3. ALR law does apply to juveniles detained for DUIAM. If evidence is other than BAC more than .00 but less than 0.08 on Intoxilyzer, be specific in documenting details of how the detectable level of alcohol was shown.
 4. Although *Alcoholic Beverage Code Sec. 106.041* states that DUIAM is not a lesser included offense of DWI both charges cannot be filed.
- D. Public Intoxication:
1. **Never issue a citation.** Tarrant County Juvenile Court retains jurisdiction over this offense.
 2. Initiate an Offense Report.
 3. Transport to secure detention area at each campus Police Facility. PI's are not eligible for Field Release.
 4. Follow standard detention and release procedures. TCJDC will accept juveniles detained for this offense.

5. If intoxication level appears dangerous, transport the juvenile to a hospital for immediate observation by medical personnel.

E. Truancy (Non-College Students Only):

1. The following truancy procedure applies only if a student is observed to be out of school during normal school hours or if an officer is dispatched to a call that includes truant or out of school students.
2. **Mere absence from school is not necessarily truancy. School officials must confirm absences meet the statutory level for truancy.**
3. Officers should make every effort to stop and identify juveniles believed to be out of school during normal class hours. If a student is observed off school campus during normal class hours, the following steps should be taken:
 - a. If an officer observes truant students in the field, a call of "Other" should be initiated. If an officer is dispatched to a call that includes truant students, no change of call-type should be conducted.
 - b. The officer should contact the individual and attempt to identify and determine if the juvenile is currently enrolled in school.
 - c. If the enrolled school is known, contact the School Resource Officer on that campus to verify the student status.
 - d. If the enrolled school is not known, have the dispatcher call the appropriate jurisdictional Independent School District Enrollment Office to ascertain status.
 - e. If determined to be currently enrolled in school and not off-campus for a valid or confirmed reason, transport the student to the enrolled campus and release to the School Resource Officer, or take the student to the main office. If the student refuses to be transported, take no further action unless an additional offense exists. Complete an incident report documenting the circumstances.
 - f. If the enrolled school or student cannot be determined, take no further action unless an additional offense exists. Complete an incident report documenting the circumstances.
 - g. Clear the call with the appropriate disposition code.
 - h. A juvenile who is married, divorced or widowed cannot be considered truant.

F. Release of Information on Juvenile Offenders:

1. Information on juvenile offenders may only be released to school officials by Director of Public Relations and Marketing as approved by the Office of General Counsel in accordance with *Code of Criminal Procedure Art. 15.27* or *Code of Criminal Procedure Chapter 62* (Sex Offender Registration)
2. Information on juvenile offenders may be released to others pursuant to a written request under *Code of Criminal Procedure Chapter 62* (Sex Offender Registration) or the *Public Information Act, Government Code Chapter 552*.

G. Orders of Immediate Custody / Directive to Apprehend:

1. Juveniles detained on an Order of Immediate Custody must be transported to TCJDC.
2. Complete a detention report and a Supplemental Report.

XIII. **Runaways and Missing Children.**

See General Order 804.00

The State of Texas }

County of Tarrant }

Before me the undersigned Police Officer of the Tarrant County College Police Department, on this day personally appeared _____ who states that he/she is _____ years of age and to whom I hereby give the following warnings:

You are in the custody for the offense of _____.

1. You have the right to remain silent and not make any statement at all and any statement you make may be used in evidence against you.
2. Any statement you make may be used against you in court.
3. You have the right to have an attorney present to advise you either prior to any questioning or during the questioning.
4. If you are unable to employ an attorney, you have the right to have any attorney appointed to counsel with you prior to or during any interviews with peace officers or attorneys representing the state.
5. You have the right to terminate the interview at any time.
6. If you are 14 years of age or older at the time of commission of a capital felony, aggravated controlled substance, or first degree felony, you may be tried as an adult.
7. If you are 15 years of age or older at the time of commission of a second or third degree or state jail felony, you may be tried as an adult.

Place of Warning _____

Police Officer _____ ID# _____

Person Warned _____ Signature _____

Time: _____ Date: _____

Remarks: _____

“Juvenile Only” Notice of Procedure to Seal Files and Records

In compliance with the requirement of the *Family Code of the State of Texas*, you are hereby given notice of your rights regarding the sealing of files and records connected with this investigation. You have the right to request the Juvenile Court to seal records and files in your name under the conditions and requirements set out in *Section 58.003 of the Family Code*. Any questions you may have about this procedure can be answered by your attorney or the Tarrant County Juvenile authorities.

Sec. 58.003. SEALING OF RECORDS.

- (a.) Except as provided by Subsections (b) and (c), on the application of a person who has been found to have engaged in delinquent conduct or conduct indicating a need for supervision, or a person taken into custody to determine whether the person engaged in delinquent conduct or conduct indicating a need for supervision, on the juvenile court's own motion or on receipt of a certification from the Department of Public Safety of the State of Texas that the records of a person are eligible for sealing under this section, the court shall order the sealing of the records in the case if the court finds that:
 - (1.) two years have elapsed since final discharge of the person or since the last official action in the person's case if there was no adjudication; and
 - (2.) since the time specified in Subdivision (1), the person has not been convicted of a felony or a misdemeanor involving moral turpitude or found to have engaged in delinquent conduct or conduct indicating a need for supervision and no proceeding is pending seeking conviction or adjudication.
- (b.) A court may not order the sealing of the records of a person who has received a determinate sentence for engaging in delinquent conduct that violated a penal law listed in Section 53.045 or engaging in habitual felony conduct as described by Section 51.031.
- (c.) Subject to Subsection (b), a court may order the sealing of records concerning a person adjudicated as having engaged in delinquent conduct that violated a penal law of the grade of felony only if:
 - (1.) the person is 21 years of age or older;
 - (2.) the person was not transferred by a juvenile court under Section 54.02 to a criminal court for prosecution;
 - (3.) the records have not been used as evidence in the punishment phase of a criminal proceeding under Section 3(a), Article 37.07, Code of Criminal Procedure; and
 - (4.) the person has not been convicted of a penal law of the grade of felony after becoming age 17.
- (d.) The court may grant the relief authorized in Subsection (a) at any time after final discharge of the person or after the last official action in the case if there was no adjudication. If the child is referred to the juvenile court for conduct constituting any offense and at the adjudication hearing the child is found to be not guilty of each offense alleged, the court shall immediately order the sealing of all files and records relating to the case.
- (e.) Reasonable notice of the hearing shall be given to:
 - (1.) the person who made the application or who is the subject of the records named in the motion;
 - (2.) the prosecuting attorney for the juvenile court;
 - (3.) the authority granting the discharge if the final discharge was from an institution or from parole;
 - (4.) the public or private agency or institution having custody of records named in the application or motion; and
 - (5.) the law enforcement agency having custody of files or records named in the application or motion.
- (f.) A copy of the sealing order shall be sent to each agency or official named in the order.
- (g.) On entry of the order:
 - (1.) all law enforcement, prosecuting attorney, clerk of court, and juvenile court records ordered sealed shall be sent before the 61st day after the date the order is received to the court issuing the order;

- (2.) all records of a public or private agency or institution ordered sealed shall be sent before the 61st day after the date the order is received to the court issuing the order;
 - (3.) all index references to the records ordered sealed shall be deleted before the 61st day after the date the order is received, and verification of the deletion shall be sent before the 61st day after the date of the deletion to the court issuing the order;
 - (4.) the juvenile court, clerk of court, prosecuting attorney, public or private agency or institution, and law enforcement officers and agencies shall properly reply that no record exists with respect to the person on inquiry in any matter; and
 - (5.) the adjudication shall be vacated and the proceeding dismissed and treated for all purposes other than a subsequent capital prosecution, including the purpose of showing a prior finding of delinquent conduct, as if it had never occurred.
- (h.) Inspection of the sealed records may be permitted by an order of the juvenile court on the petition of the person who is the subject of the records and only by those persons named in the order.
- (i.) On the final discharge of a child or on the last official action in the case if there is no adjudication, the child shall be given a written explanation of the child's rights under this section and a copy of the provisions of this section.
- (j.) A person whose records have been sealed under this section is not required in any proceeding or in any application for employment, information, or licensing to state that the person has been the subject of a proceeding under this title and any statement that the person has never been found to be a delinquent child shall never be held against the person in any criminal or civil proceeding.
- (k.) A prosecuting attorney may, on application to the juvenile court, reopen at any time the files and records of a person adjudicated as having engaged in delinquent conduct that violated a penal law of the grade of felony sealed by the court under this section for the purposes of Sections 12.42(a)-(c) and (e), Penal Code.
- (l.) On the motion of a person in whose name records are kept or on the court's own motion, the court may order the destruction of records that have been sealed under this section if:
- (1.) the records relate to conduct that did not violate a penal law of the grade of felony or a misdemeanor punishable by confinement in jail;
 - (2.) five years have elapsed since the person's 16th birthday; and
 - (3.) the person has not been convicted of a felony.
- (m.) On request of the Department of Public Safety, a juvenile court shall reopen and allow the department to inspect the files and records of the juvenile court relating to an applicant for a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code.
- (n.) A record created or maintained under Chapter 62, Code of Criminal Procedure, may not be sealed under this section if the person who is the subject of the record has a continuing obligation to register under that chapter.
- (o.) An agency or official named in the order that cannot seal the records because there is incorrect or insufficient information in the order shall notify the court issuing the order before the 61st day after the date the agency or official receives the order. The court shall notify the person who made the application or who is the subject of the records named in the motion, or the attorney for that person, before the 61st day after the date the court receives the notice that the agency or official cannot seal the records because there is incorrect or insufficient information in the order.