


# The Tarrant County College District Police Department

## GENERAL ORDER

	SUBJECT <b>TEMPORARY CUSTODY OF JUVENILES</b>	GENERAL ORDER NUMBER <b>804.00</b>
	CALEA STANDARDS	EFFECTIVE DATE <b>May 1, 2015</b>
	APPROVAL <b>Shaun Williams, Chief of Police</b>	REVISION DATE  PAGES <b>3</b>

**Purpose** - This policy provides guidelines and requirements for the detention and disposition of juveniles taken into temporary custody by members of the Tarrant County College Police Department.

### 804.01 – AUTHORITY TO DETAIN AND RELEASE

Legal authority for taking custody of a child or releasing a child is found in *Texas Family Code § 52.01 et seq.*

### 804.02 – CONSTITUTIONAL RIGHTS ADVISEMENT

- A. In any case where a juvenile is taken into temporary custody, the juvenile should be advised of his/her constitutional rights to ensure the admissibility of any spontaneous statements. Any admissions shall be made in writing or recorded electronically (*Texas Family Code § 51.095*).
- B. To ensure admissibility of any statement from a child, the statement obtained by officers should be either:
  1. A written statement from a child with a knowledgeable waiver made by the child and the attorney for the child.
  2. Upon completion of an independent examination of the child by a magistrate free from any prosecuting attorney or law enforcement officer, except as required to ensure the personal safety of the magistrate. After the magistrate examines and warns the child, the officer may then interview the child and prepare a statement. The officer must return the child and statement to the magistrate for signing in the magistrate's presence. No prosecutors or law enforcement officers should be present, except as required to ensure the magistrate's safety. Officers must gather accompanying documents signed by the magistrate attesting to the fact that the requisites of the law have been met.
- C. Statements obtained absent either of these stipulations may ultimately be inadmissible without subsequent demonstration that the officers were unaware at the time of the confession and is later found to be true, or a post interview determination by a magistrate of the admissibility of the statement.

### **804.03 – TEMPORARY CUSTODY**

- A. No juvenile may be held in temporary custody at the Tarrant County College Police Department without authorization of the arresting officer's supervisor or the Shift Commander. An individual taken into temporary custody shall be processed as soon as practicable and the child's parent, guardian or custodian shall be promptly notified (*Texas Family Code § 52.02(b)*).
- B. An officer who takes a child into temporary custody may detain juveniles temporarily during an investigation in the field in the same manner as they detain an adult.

#### **804.03.01 – JUVENILE SPECIAL CIRCUMSTANCE CUSTODY**

- A. Special circumstances may permit taking custody of juveniles. These instances include:
  - 1. An officer who has probable cause to believe that a child is in violation of the compulsory school attendance law under *Texas Education Code § 25.085*, may take the child into custody for the purpose of returning the child to the school campus of the child to ensure the child's compliance with compulsory school attendance requirements (*Texas Family Code § 52.01(e)*).
  - 2. A child taken into custody on reasonable grounds that the child has been operating a motor vehicle in a public place while having any detectable amount of alcohol in the child's system may:
    - a. Be taken to a place to obtain a specimen of the child's breath or blood as provided by *Texas Transportation Code Chapter 724*.
    - b. Have intoxilyzer processing and videotaping of the child in an adult processing office of the Department (*Texas Family Code § 52.02(c)*).
  - 3. A child may be taken into temporary custody for comparative investigation purposes:
    - a. To take the child's fingerprints when the officer:
      - 1. Has probable cause to believe the child has engaged in delinquent conduct.
      - 2. Has investigated that conduct and has found other fingerprints during the investigation.
      - 3. Has probable cause to believe the child's fingerprints will match the other fingerprints.
    - b. To take the child's photograph when the officer:
      - 1. Has probable cause to believe the child has engaged in delinquent conduct.
      - 2. Has probable cause to believe the child's photograph will be of material assistance in the investigation of that conduct.
- B. A child taken into custody under special circumstances shall be released from temporary custody as soon as the fingerprints or photographs are obtained, provided the child is not in custody under *Texas Family Code § 52.01*. An officer who obtains fingerprints or photographs under these circumstances shall immediately destroy them if they do not lead to

a positive comparison or identification, and shall make a reasonable effort to notify the child's parent, guardian or custodian of the action taken (*Texas Family Code § 58.0021*).