

**TYLER POLICE DEPARTMENT  
GENERAL ORDER  
[CALEA 1.1.3, 1.2.6, 1.2.7]**

**JUVENILES**

**10.100**

**REVISED 08/26/11**

**EFFECTIVE 06/28/94**

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**10.101 PURPOSE OF THE YOUTH CRIMES UNIT**

The purpose of the Youth Crimes Unit is to provide an agency wide system so all elements of the Department can participate in and support the juvenile operations function. Because elements of the Department, other than the juvenile unit, are involved in the juvenile process, it is necessary that all elements understand and comply with their responsibilities.

**10.102 FUNCTION OF THE YOUTH CRIMES UNIT**

Police officers assigned to the Youth Crimes Unit are expected to conduct follow-up investigations on those incidents and offenses involving juveniles who are reported to the Department or necessitate some form of police action. Additionally, personnel within the unit are expected to actively develop, implement, and participate in various projects that will aid in the prevention of juvenile delinquency.

**10.103 OPERATIONAL GUIDELINES FOR THE YOUTH CRIMES UNIT**

It is the intent of this Department that juvenile offenders be dealt with in a manner consistent with the Texas Family Code, and that each juvenile offender be dealt with so as to best serve the interest of the child and the community. All components of the Department will actively develop and carry out programs that are designed to detect, prevent, and control juvenile delinquency.

**10.104 SUPERVISION OF THE UNIT**

The Youth Crimes Supervisor is responsible for:

1. Coordinating the activities of the personnel within the unit,
2. Ensuring that Youth Crimes officers are available at all times,
3. Assigning cases that have a juvenile suspect to a Youth Crimes Investigator.
4. Annually, elements of the juvenile justice system such as juvenile courts, educators, and social services will be contacted for the purpose of developing the agency's policies and procedures relating to juveniles.
5. Conducting an annual review and evaluation of all enforcement and prevention programs relating to juveniles and youth to determine the program's effectiveness. The evaluation should consider both the quantitative and qualitative elements of each program, lending itself to decisions regarding whether a specific program should function as is, be modified, or be discontinued.

**10.105 FUNCTIONS OF THE YOUTH CRIMES UNIT**

The activities of the unit may vary as needed to affect the goals of the unit. The following activities will serve as the basis of the Youth Crimes operation:

1. Assisting the other elements of the juvenile justice system in designing and implementing programs intended to prevent and control delinquent and criminal behavior by youths.
2. Investigation of cases with juvenile suspects.
3. Youth Crimes Investigators are subject to call-out to assist in youth-related investigations.
4. Follow-up processing of juvenile arrests.
5. Coordinating or preparing court cases in which a juvenile is involved.
6. Gang suppression and investigation.

7. Gang intelligence collection and dissemination.
8. Assistance to other officers.

10.106 AUTHORITY TO TAKE A JUVENILE INTO CUSTODY

When dealing with juvenile offenders, officers shall use the least coercive alternative among reasonable alternatives, consistent with preserving public safety, order, and individual liberty. However, when the situation warrants taking a juvenile into custody, the following will be standard procedures. A child may be taken to custody:

1. Pursuant to an order of the juvenile court;
2. Pursuant to the laws of arrest;
3. By a law enforcement officer, if there is probable cause to believe that the child has engaged in:
  - a. Conduct that violates a penal law of this state or a penal ordinance of any political subdivision of this state; or
  - b. Delinquent conduct or conduct indicating a need for supervision;
  - c. By a probation officer if there is probable cause to believe that the child has violated a condition of probation imposed by the juvenile court; or
  - d. Pursuant to a directive to apprehend issued as provided by Section 52.015 of the Juvenile Justice Code.
4. Juveniles 10 years of age through 16 years of age who commit an offense other than a traffic offense, that violates a penal law of this state or of the United States punishable by imprisonment or by confinement in jail, are taken into custody for investigation of Delinquent Conduct, to wit:
  - a. Conduct that violates a reasonable and lawful order of a juvenile court entered under a disposition hearing (JJC; 54.04) or hearing to modify disposition (JJC; 54.05), except an order prohibiting the following conduct:
    - 1) A violation of the penal laws of this state of the grade of misdemeanor that is punishable by fine only or a violation of the penal ordinances of any political subdivision of this state;
    - 2) The unexcused voluntary absence of a child from school; or
    - 3) The voluntary absence of a child from home without the consent of the parent or guardian for a substantial length of time or without intent to return;
  - b. Conduct that violates a lawful order of a municipal court or justice court under circumstances that would constitute contempt of that court;
  - c. Conduct that violates Penal Code sections 49.04 (Driving while intoxicated), 49.05 (Flying while intoxicated), 49.06 (Boating while intoxicated), 49.07 (Intoxication assault), or 49.08 (Intoxication manslaughter);
  - d. Conduct that violates Section 106.041, Alcoholic Beverage Code, relating to driving under the influence of alcohol by a minor (third or subsequent offense).
5. Juveniles 10 years of age through 16 years of age who commit an offense other than traffic, that violates any of the following may be taken into custody for investigation of child in need of supervision (CINS), to wit:
  - a. The penal laws of this state of the grade of misdemeanor that are punishable by fine only;
  - b. The penal ordinances of any political subdivision of this state;
  - c. The unexcused voluntary absence of a child on 10 or more days or parts of days within a six-month period or three or more days or parts of days within a four-week period from school without the consent of his parents;

- d. The voluntary absence of a child from his home without the consent of his parent or guardian for a substantial length of time or without intent to return;
  - e. Conduct prohibited by city ordinance or by state law involving the inhalation of fumes or vapors of paint and other protective coatings or glue and other adhesives and the volatile chemicals itemized in Section 484.002, Health and Safety Code;
  - f. An act that violates a school district's previously communicated written standards of student conduct for which the child has been expelled under Section 37.007(c,) Education Code;
  - g. Conduct that violates a reasonable and lawful order of a court entered under Section 264.305, Texas Family Code.
  - h. Conduct described under sections a and b of this section does not constitute conduct indicating a need for supervision unless the child has been referred to juvenile court under Section 51.08(b), Juvenile Justice Code.
6. As per Family Code section 262.104, a law enforcement officer may take protective custody of a child without a court order for the following reasons and no other:
- a. Upon discovery of a child in a situation of danger to the child's physical health or safety when the sole purpose is to deliver the child without unnecessary delay to the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who is presently entitled to possession of the child;
  - b. Upon the voluntary delivery of the child by the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who is currently entitled to possession of the child;
  - c. Upon personal knowledge of facts which would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child and that there is no time to obtain a temporary restraining order or attachment under Section 17.02, Family code;
  - d. Upon information furnished by another which has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child and that there is no time to obtain a temporary restraining order or attachment under Section 17.02, Family code;
  - e. Upon personal knowledge of facts that would lead a person of ordinary prudence and caution to believe that the child has been a victim of sexual abuse and that there is no time to obtain a temporary restraining order or attachment under Section 17.02, Family code; or
  - f. Upon information furnished by another that has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse and that there is no time to obtain a temporary restraining order or attachment under Section 17.02, Family code;
  - g. Upon information furnished by another that has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that the parent or person who has possession of the child is currently using a controlled substance as defined by Chapter 481, Health and Safety Code, and the use constitutes an immediate danger to the physical health or safety of the child.

#### 10.107 TAKING A CHILD INTO CUSTODY

- A. The taking of a child into custody is not an arrest except for the purpose of determining the validity of taking him into custody or the validity of a search under the laws and constitution of this state or of the United States.
- B. A person taking a child into custody will immediately notify the juvenile of their constitutional rights when appropriate per Section 51.095, Juvenile Justice Code.
- C. Without unnecessary delay and without first taking the child to any other place other than a juvenile processing office designated in Section 10.107 (E), TPD General Orders, the officer does one of the following, with the first six being included on the current WARNING/CUSTODY NOTICE TO PARENT:

1. Release the child to a parent, guardian, custodian of the child, or other responsible adult upon that person's promise to bring the child before the juvenile court as requested by the court;
  2. Bring the child before the office or official designated by the juvenile court if there is probable cause to believe that the child engaged in delinquent conduct or conduct indicating a need for supervision;
  3. Deliver the child to the Tyler-Smith County Juvenile Attention Center after clearance from the Smith County Juvenile Probation Department on-call probation officer;
  4. Bring the child to a medical facility if the child is believed to suffer from a serious physical condition or illness that requires prompt treatment; or
  5. Deliver a child that is reported as a runaway from another state to the Attention Center or notify Child Protective Services to take custody of the child if the parent(s) cannot take possession of a runaway child within one hour of being notified that the child has been detained
  6. If school is in session and the child is a student, deliver the child to the school campus where the child is assigned. The child is to be delivered to the principal, the principal's designee, or a peace officer assigned to the TISD police. The person agreeing to assume responsibility for the child will be required to sign the Warning/Custody Notice as the responsible adult;
  7. In cases of truancy, the operational guidelines for handling truants will be followed;
  8. Release of the child, with no further action pending.
- D. The officer shall promptly give notice to the juvenile's parents or guardians of the fact that the child has been taken into custody. If the officer is unable to reach the parents by phone and the parents reside within Tyler, a marked unit is to be sent to the juvenile's residence to attempt notification. If the juvenile resides outside the City, a supervisor is to be consulted prior to requesting another law enforcement agency that has jurisdiction make an attempt to notify the parents.
- E. When a juvenile is arrested by an officer of the Tyler Police Department, the juvenile will only be detained in an area that has been approved by the Juvenile Board. The specific areas that are approved are:
1. Squad room
  2. Interview rooms adjacent to Investigative Services
  3. Youth/Gang cubicles in Investigative Services
  4. Crime Scene Unit when necessary to fingerprint and photograph the child.
  5. Investigative Office #3 located at the North Substation.
  6. Conference room adjacent to Investigative Services
- F. A child may be detained in a juvenile processing office only for:
1. The return of the child to the custody of a parent, guardian, custodian of the child, or other responsible adult;
  2. The completion of essential forms and records required by the juvenile court;
  3. The photographing and fingerprinting of the child if otherwise authorized at the time of temporary detention;
  4. The issuance of warnings to the child as required by the Texas Family Code;
  5. The receipt of a statement by the child under Section 51.095(a)(1), (2), (3), or (5), Juvenile Justice Code.
- G. A child may not be left unattended in a juvenile processing office.
- H. The parent of a child has the right to communicate in person and privately with the child for reasonable periods of time. The time, place, and conditions of the private, in-person communication may be regulated to prevent disruption of scheduled activities and to maintain the safety and security of the facility.
- J. A child may not be detained in a juvenile processing office for longer than six hours.

10.108 REFERRAL OF THE JUVENILE TO INTAKE

- A. When a juvenile is taken into custody, the officer shall consult with the Juvenile Attention Center (JAC) personnel on the best option available regarding referral of the juvenile. Generally, referrals of alleged juvenile offenders to the Tyler-Smith County Juvenile Attention Center should be restricted to those cases involving serious criminal conduct or repeated criminal violations. A Juvenile Probation representative must approve the referral prior to the transport of a juvenile to the Attention Center. Delinquent acts that would normally require incarceration in the Attention Center would include:
1. All delinquent acts that if committed by an adult would be felonies;
  2. All delinquent acts involving weapons;
  3. All serious gang-related delinquent acts;
  4. All delinquent acts committed by juveniles on court ordered probation, but not voluntary probation, or parole or by those with cases pending in juvenile court; or
  5. All delinquent acts, Class B and above, committed on school property;
  6. All repeated delinquent acts committed within the preceding 12 months; or
  7. Those cases involving juveniles that have refused to participate in any selected diversion program or if it has been determined that parental supervision is not effective.
- B. When a juvenile is taken into custody and transferred to the Tyler-Smith County Juvenile Attention Center, the arresting officer will complete and deliver the following to the Attention Center:
1. The Tyler Police Department offense report;
  2. Warning/Custody Notice to Parent
  3. CR43J, (blue and green copies)

10.109 JUVENILE PROCESSING IN THE CRIME SCENE UNIT

- A. Except as provided by Ch. 63 of the Texas Code of Criminal Procedure, a child may not be photographed or fingerprinted without the consent of the juvenile court unless the child is taken into custody for conduct that constitutes a felony or a misdemeanor punishable by confinement in jail.
- B. This does not prohibit a law enforcement officer from photographing or fingerprinting a child who is not in custody if the child's parent or guardian voluntarily consents in writing to the photographing or fingerprinting of the child.
- C. An officer may take a child into temporary custody to take the child's fingerprints if the officer has probable cause to believe the child has engaged in delinquent conduct, the officer has found latent fingerprints during the investigation, and the officer has probable cause to believe that the child's fingerprints will match. The officer shall destroy the fingerprints if they do not lead to a positive comparison and shall notify the parents of the child of the actions taken. (Family Code 58.0021)
- D. An officer may take a child into temporary custody to take a child's picture if the officer has probable cause to believe the child has engaged in delinquent conduct and the officer has probable cause to believe the photograph will be of material assistance in the investigation of that conduct. The officer shall destroy the photographs if they do not lead to a positive identification and shall make a reasonable effort to notify the parents of the child of the actions taken. (Family Code 58.0021)
- E. An officer that has taken a child into custody for runaway, and after reasonable efforts to determine the identity of the child, may fingerprint and photograph the child to aide in the identification of the runaway. (Family Code 58.0022)

- F. Upon arrival in the Crime Scene Unit with a juvenile offender to process, the officer will check the Juvenile Index Card file to determine whether the juvenile has been processed previously. If the juvenile is not in the card file, a Juvenile Identification Number will be assigned to the juvenile by the officer from the Juvenile Identification Number book.
- G. The officer will complete the TPD Identification Record Form (C018) and indicate that the offender is a juvenile by placing the letter "J" in front of the Identification number on the card.
- H. The officer will complete the Referral/Identification portion of the Juvenile Justice Reporting Form (CR43-J). Assistance in completing this form may be obtained from the Texas Juvenile Justice Information System Training Manual that is located in the Crime Scene Unit. The Uniform Offense Codes are the same for both the juvenile and adult offenders. The officer's name should go in the dark blue section of the form and the juvenile should sign the upper left of the CR-43J fingerprint card.
- I. One mug shot photographs should be taken of the juvenile utilizing the JUVENILE identifier card on the number board.
- J. The juvenile is then to be fingerprinted by completing the CR43-J, the blue city fingerprint card, and the city palm print card.
- K. The white copy of the CR43-J, the white copy of the supplemental form CR44-J (if completed), and the juveniles fingerprint card is to be placed in the Juvenile Fingerprints basket. The green and blue copies of the CR43-J and the CR44-J are to be attached to a copy of the case report and turned in to the Youth Crimes Supervisor if the juvenile is released to a parent/guardian with a Notice to Appear. If the juvenile is placed in the Attention Center, the blue and green copies are to be given to Intake at the Attention Center along with a copy of the offense report.
- L. Fingerprints and photographs of a child shall be separate from those of adults.
- M. The fingerprints relating to a child who has been detained or taken into custody will be forwarded to the Department of Public Safety for inclusion in the Juvenile Justice Information System only if the child is referred to juvenile court on or before the 10<sup>th</sup> day after the child is detained or taken into custody. If the child is not referred to juvenile court within that time, the Youth Crimes Investigator shall destroy all information, including photographs and fingerprints, relating to the child unless the child is placed on informal disposition under Section 52.03, Juvenile Justice Code or Section 10.120 of the Tyler Police Department General Orders.
- N. To comply with Article 15.27 of the Texas Code of Criminal Procedures, the Youth Crimes Supervisor completes the School Notification form for all felony offenses and those other offenses listed in CCP, Article 15.27(h) and insures that the appropriate school is notified by e-mail or telephone.

#### 10.110 JUVENILE INCIDENT REPORTS

- A. A law enforcement officer is authorized to take a child into custody pursuant to the laws of arrest or if there is probable cause to believe that the child engaged in delinquent conduct or conduct indicating a need for supervision.
- B. Officers will complete a Juvenile Custody Notice each time a juvenile is taken into custody, except:
  - 1. Class C traffic related offenses;
  - 2. Alcohol related offenses listed under Sections 106.02, 106.025, 106.04, 106.05 and 106.07, Texas Alcoholic Beverage Code; or

3. Class C statutory or City Ordinance Violations when the juvenile is 10 years of age or older. The juvenile may be issued a citation and released into the custody of a parent, guardian, or responsible adult for any of the above mentioned Class C misdemeanor offenses.
  4. Runaways returned to the parent or guardian. The parent or guardian information will be documented in the report.
- C. Officers must complete an Incident Report any time a juvenile is taken into custody, except:
1. Traffic related offenses, unless there is a complainant or evidence;
  2. Alcohol related offenses, unless there is a complainant or evidence;
  3. City Ordinance Violations where the officer is the complainant; or
  4. Truancy violations, a FCR card will be submitted.
- D. Officers will complete a Juvenile Custody Notice, and process through the Crime Scene Unit, each time a juvenile is taken into custody for incidents regarding traffic related offenses of:
1. Accidents involving personal injury or death, Transportation Code 550.021;
  2. Accidents involving damage to vehicles, T.C. 550.022, punishable as a Class B misdemeanor; or
  3. Accidents involving unattended vehicles, T.C. 550.024, punishable as a Class B misdemeanor.
- E. Officers should avoid discussion with the offender and/or family as what action will be taken by Youth Crimes, Juvenile Probation, or the Juvenile Court.
- F. Incident Reports shall be completed on the following:
1. Runaways
  2. Any other incident that may require a follow-up investigation by Youth Crimes (including protective custody cases).

#### 10.111 CUSTODIAL INTERROGATION OF JUVENILES

- A. A magistrate is required to administer the juvenile warning prior to any custodial interrogation of any juvenile. The custodial interrogation of juveniles by Tyler Police Department employees shall adhere strictly to procedural requirements established by 51.095 of the Juvenile Justice Code that states:
1. You may remain silent and not make any statement and that any statement that you make may be used in evidence against you;
  2. You have the right to have any an attorney present to advise you either prior to any questioning or during the questioning;
  3. If you are unable to employ an attorney, your have the right to have an attorney appointed to counsel with you prior to or during any interviews with peace officers or attorneys representing the state;
  4. You have the right to terminate the interview at any time.
- B. In addition, the interrogating officer shall:
1. During the course of the interrogation, confer with the parents or guardians;
  2. Explain the Department and Juvenile Justice System procedures to the juvenile being interrogated and the parent(s);
  3. Limit the number of interrogating officers to no more than two; and
  4. Limit the duration of the total detention to a reasonable time not to exceed six hours as specified by Juvenile Justice Code, 52.025(d).

- C. The child must receive the warnings listed in section A (1-4) by a magistrate before making a written confession statement or a statement that is recorded by an electronic recording device, including a device that records images, per Section 51.095(a)(5), JJC.
- D. If a child is taken into custody, a polygraph examination may not be administered without the consent of the child's attorney or the juvenile court unless the child is transferred to criminal court for prosecution under Section 54.02 of the Juvenile Justice Code.

10.112 JUVENILE FILES AND RECORDS

- A. The Data Management supervisor is responsible for the collection, dissemination, and retention of juvenile records. The Data Management supervisor shall ensure the proper use of juvenile records.
- B. Law enforcement files and records concerning a child shall be kept separate from adult files and records and shall be maintained on a local basis only and not sent to a central state or federal repository.
- C. The law enforcement files and records of a person who is transferred from the Texas Youth Commission to the Institutional Division or the Pardons and Paroles Division of the Texas Department of Criminal Justice may be transferred to a central state or federal depository for adult records on or after the date of transfer.
- D. Law enforcement files and records concerning a child may be inspected by a juvenile justice agency as that term is defined by Section 58.101 of the Juvenile Justice Code and a criminal justice agency as that term is defined by Section 411.082, Government Code.
- E. Upon receiving from the juvenile court an order to seal files and records of a child, the law enforcement agency 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; and
  - 3. Reply that no record exists with respect to such person upon inquiry in any manner.
- F. Records shall be maintained locally unless the records are sealed by a court in accordance with Juvenile Justice Code section 58.003 (b) and (c).

10.113 JUVENILES - DRIVING WHILE INTOXICATED / DRIVING UNDER THE INFLUENCE BY MINOR

- A. When a juvenile is arrested for driving while intoxicated and a case is filed as such, it is filed with the Smith County Juvenile Probation Office who in turn will file the case with the Smith County District Attorney's Office.
- B. Arresting officer's responsibilities are:
  - 1. The juvenile may submit to a chemical test as permitted by the Texas Penal Code, the same as if the juvenile were an adult;
  - 2. The DUI interview will be completed, along with the video;
  - 3. The juvenile will then be released to their parents, legal guardian, or responsible adult with a Juvenile Warning/Custody Notice issued to the parent;
  - 4. All necessary Tyler Police Department reports will be completed, turned into Data Management, and routed to Youth Crimes.
- C. When a minor is arrested for driving under the influence, the officer may issue a citation to the minor that contains written notice of the time and place the minor must appear before a magistrate, the name and address of the minor charged, and the offense charged. For this section minor means a person under 21 years of age.



- D. The Youth Crimes Investigator's responsibilities are to gather all necessary reports and file cases with the Smith County Juvenile Probation Office.

10.114 PUBLIC INTOXICATION - JUVENILE

Arresting officer's responsibilities are:

1. Juveniles ages 10 through 16 should be released to the juvenile's parent, guardian, or responsible adult with a Juvenile Warning/Custody Notice issued to the person taking custody of the Juvenile. Officer may issue a summons (Citation) for the juvenile to appear in municipal court.
2. Juveniles will not be transported to the Smith County Attention Center while intoxicated except under emergency circumstances, and the Attention Center may refuse to accept an intoxicated juvenile.
3. If a juvenile is intoxicated to a point that it may become life threatening, the juvenile will be taken to the proper medical facility.

10.115 EMERGENCY MEDICAL TREATMENT FOR JUVENILES

In the absence of the responsible parent or guardian, police officers are expected to immediately take custody of any juvenile found to be in need of emergency medical care and to see that the juvenile is taken to an emergency hospital treatment facility.

10.116 PROCEDURES TO TAKE PROTECTIVE CUSTODY OF JUVENILES

- A. Section 262.104 of the Texas Family Code authorizes law enforcement officers to take possession of a child to protect the child from an immediate danger to the child's health or physical safety.
- B. When it is found that a juvenile has been injured or is ill to the extent that immediate emergency care is necessary to protect the physical well being of the juvenile and no responsible parent or guardian can be found, the below listed procedures are to be followed to obtain the necessary medical care in an expedient manner:
  1. The police officer takes custody of the juvenile either in person or by radio message to an ambulance and orders the juvenile taken to the nearest competent emergency hospital.
  2. The officer makes immediate notification of the State Child Welfare Office of the circumstances at hand and furnishes Child Welfare with the following information:
    - a. Name, race, sex, age, and DOB of the juvenile;
    - b. Parent's name and address if available;
    - c. What hospital the juvenile has been taken to; and
    - d. What efforts have been made to contact the child's parents or guardian.
- C. The officer makes a follow-up investigation at the receiving hospital being sure to explain the circumstances at hand to the proper hospital authority. With supervisor approval, the Youth Crimes Unit investigators are available to follow-up on the case if it becomes apparent that such investigations will be lengthy or complex.
- D. The officer prepares the appropriate offense or accident report and includes a full explanation of the circumstances in the report. A copy of this report is forwarded through records to the Youth Crimes Unit.
- E. Officers should remember that in the absence of proper parental or guardian authority treatment cannot be legally administered to a juvenile with out judicial authority, except in life threatening situations.

10.117 PERSONS WHO MAY CONSENT TO MEDICAL TREATMENT

Section 32.001 of the Texas Family Code allows any of the following persons to consent to medical treatment of a minor when the person having the power to consent as otherwise provided by law cannot be contacted and actual notice to the contrary has not been given by the person:

1. A grandparent;
2. An adult brother or sister
3. An adult uncle or aunt;
4. An educational institution in which the child is enrolled that has received written authorization to consent from the person having the power to consent as otherwise provided by law;
5. Any adult who has care and control of the minor and has written authorization to consent from the person having the power to consent as otherwise provided by law;
6. Any court having jurisdiction over a suit affecting the parent-child relationship of which the child is the subject;
7. An adult who is responsible for the care, control, and possession of the child under the jurisdiction of a juvenile court; or
8. A Peace Officer who has lawfully taken custody of a juvenile and if the officer has reasonable grounds to believe the juvenile is in need of immediate medical treatment.

10.118 RESPONSIBILITIES OF THE CHILD WELFARE DEPARTMENT

Upon proper notification from the Police Department, the Child Welfare caseworker will contact a judge of proper authority and obtain judicial authorization for treatment.

10.119 DIVERTING JUVENILE OFFENDERS OUT OF THE JUSTICE SYSTEM - [CALEA 1.1.3, 1.2.6, 1.2.7, CCP 14.031]

- A. Once a juvenile case reaches Municipal Court, the juvenile can be referred to Teen Court. One function of Teen Court is to divert juvenile offenders out of the standard juvenile justice system and into a system where the offender's peers judge the offender.
- B. All officers have the opportunity to divert juveniles under the age of 17 regarding class C traffic offenses. This is accomplished by the officer using discretion regarding the issuing of a traffic citation.
- C. All officers have the opportunity to divert juveniles between the ages of 10 and 16 regarding class "C" offenses other than traffic and alcohol. This is accomplished by the officer using discretion regarding the issuing of a citation. Factors to be considered by the officer in making diversion decisions shall include:
  1. The nature of the alleged offense;
  2. The age and circumstances of the alleged offender;
  3. The alleged offender's record, if any; and
  4. The availability of community-based rehabilitation programs.
- D. Offenses that may be diverted from referral to the Smith County Juvenile Probation Department under the guidelines established above include:
  1. Any Class C misdemeanor;
  2. Any minor offense against property in which damage or loss can be adjusted with the help of the Police Department;
  3. Any personal violence between children of the same size and sex in which there is no serious injury and no weapon is used; or
  4. Any other category of offense by agreement with the Smith County Juvenile Probation Department and with approval of the Juvenile Court.

- E. No disposition authorized by this section may involve keeping the child in law enforcement custody or requiring periodic reporting of the child to a Law Enforcement officer, Law Enforcement agency, or other agency.

10.120 PARTICIPATION IN COMMUNITY RECREATIONAL PROGRAMS

The Department will participate in community recreational youth programs in conjunction with the City Parks and Recreation Department by providing security to ensure a safe recreational environment.

10.121 TRUANCY PROCEDURES

- A. If a juvenile is charged with an offense other than truancy, the subject is to be processed according to existing arrest guidelines.
- B. If an officer makes contact with a subject that is determined to be truant and the subject attends a school located in the City of Tyler, the officer shall transport the student to the appropriate school and release the student to TISD campus police or the school principal or assistant principal. The officer will complete an FCR report detailing the circumstances of the contact. A citation may be issued after consulting with the school personnel. The campus police will normally issue the truancy citation.
- C. If the truant attends a school outside the City of Tyler, the officer will make an attempt to contact the school and determine whether the student is to be returned to the school, released to a parent or guardian, and/or issued a citation. A supervisor will be consulted before any transport outside the City is permitted.

Approved: 08/26/11

