



VIA TRANSIT POLICE DEPARTMENT

Standard Operating Procedures



Section 609 – Juveniles

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Office(s) with Secondary Responsibilities:		Number of Pages:	4
Forms Referenced in Procedure:		Related Procedures:	Section 614, Section 707, Section 506

.01 INTRODUCTION

This procedure establishes departmental guidelines for handling juveniles in accordance with Title 3 of the Texas Family Code, effective January 1, 1996.

.02 POLICY

- A. The VIA Transit Police Department investigates all criminal activities alleged to have been committed by juveniles within its jurisdiction and, when applicable, presents completed investigations to the District Attorney’s Office for prosecution.

.03 RIGHTS OF JUVENILES

- A. Juveniles have all the same constitutional rights as do adults and all requirements for protection of those rights apply to juveniles as well as adults. Juveniles are also covered by the Texas Family code. All members are responsible for following the family code and this order.

.04 ARREST AND/OR CUSTODY OF JUVENILES

- A. All officers, when dealing with juvenile offenders, shall use the least coercive remedies among reasonable alternatives. Remedies which should be considered are:
 - 1. Outright release;
 - 2. Issuance of citations or summonses; and
 - 3. Referral to juvenile court.
- B. Juveniles may be arrested under any of the following circumstances:
 - 1. Pursuant to an order of the Juvenile Court under the provisions of the Family Code;
 - 2. Pursuant to the laws of arrest in state or federal statute;
 - 3. Conduct that violates either the penal laws of the State of Texas or the penal ordinances of any political subdivision of this state.
- C. Juveniles may be taken into custody under the following circumstances:
 - 1. To determine whether the juvenile is alleged to have been harmed or is in danger of being harmed; or
 - 2. As status offenders as defined in the Family Code, Section 51.02(15).
- D. Juveniles are arrested and/or taken into custody in accordance with Section 608, Prisoners
- E. Officers read *Miranda Warning*, to juvenile offenders taken into custody prior to questioning regarding the offense for which they are arrested and in accordance with Chapter 38.22 of the *Texas Code of Criminal Procedure*



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- F. A child under ten (10) years of age who is taken into custody for committing a criminal offense cannot be detained for investigative purposes without permission from the child's parent, custodian or guardian.
 - 1. If permission is not granted, the child is released to the custody of a parent, custodian or guardian, with a copy of the report sent to the Juvenile Probation Department and the VTPD Criminal Investigation Division.
 - 2. If a parent, custodian or guardian cannot be located, the child is returned to the Bexar County Juvenile Detention Center. The officer shall prepare the appropriate reports, documenting how he determined the age and identity or attempted to determine the age and identity of the underage child and the actions taken in attempting to locate a parent, custodian or guardian. Copies of the reports are routed to the appropriate follow-up unit.
- G. Juveniles arrested and/or taken into custody, if not released through a field release, are immediately returned to the Bexar County Juvenile Detention Center for processing. A juvenile's parent, custodian, or guardian is notified of the arrest as soon as the arresting officer is able.
- H. Juveniles booked into the Bexar County Jail by mistake are released immediately and referred to the Bexar County Juvenile Detention Center
 - 1. A certificate of birth or a certified copy is presented;
 - 2. A baptismal certificate is presented, with two (2) sworn affidavits certifying the date of birth; or
 - 3. The juvenile's age has been previously certified.
- I. Adults taken into custody for outstanding juvenile warrants are transported to the Bexar County Juvenile Detention Center.

.05 FIELD RELEASES OF ARRESTED JUVENILES

- A. A field release from custody is made whenever possible. Field releases are made when the officer believes it would be in the best interest of the juvenile and the State of Texas.
- B. Officers conduct a warrant and missing persons check on all juveniles prior to a field release. When juveniles are active on warrants or reported missing, they are handled in accordance with Section .03 of this procedure.
- C. Juveniles may be issued misdemeanor citations for Class C misdemeanor offenses in accordance with Section 507, *Misdemeanor Citation Release*. The letter "J" signifying Juvenile is written in the upper right-hand corner of the citation.
- D. During school hours, juveniles who have been detained for curfew or other Class C misdemeanor offenses, and for whom field releases are used, are returned to the school they are attending. A copy of the curfew violation is routed to the Juvenile Probation Department.
 - 1. If the juvenile has been expelled from school, the juvenile is released to a parent, custodian, or guardian.
 - 2. If the parent, custodian, or guardian cannot be located, the juvenile is taken to the Bexar County Juvenile Detention Center.



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- E. Juveniles are released to other agencies under the following circumstances:
1. For care and protection of the child taken in custody;
 2. The child is asking for assistance, aid, help, or guidance in criminal or civil matters the agency can provide;
 3. Another law enforcement agency has jurisdiction over the child, as provided by the Texas Family Code; or
 4. The Bexar County Juvenile Detention Center for processing through the Juvenile Court.

.06 JUVENILE TRAFFIC VIOLATORS

- A. Juveniles charged with traffic offenses are issued traffic citations, and
1. Released at the scene if safe to do so and they have a valid driver's license in their possession;
 2. Released to the custody of a parent, custodian, or guardian; or
 3. Returned to the Bexar County Juvenile Detention Center if unable to locate a parent, custodian, or guardian.
- B. The release of a juvenile, at the officer's discretion, to the custody of a parent, custodian, guardian, adult relative, or other responsible adult is documented in a written report.

.07 JUVENILES DRIVING WHILE INTOXICATED

- A. Juveniles suspected of driving while intoxicated or under the influence are handled in accordance with Section 614, *Driving While Intoxicated*.
- B. Juveniles detained for the offense of D.W.I. are transported to the Bexar County Juvenile Detention Center after any chemical or associated tests have been administered.

.08 FINGERPRINTS, PHOTOGRAPHS, STATEMENTS, AND EYEWITNESS IDENTIFICATIONS

Fingerprints, photographs, statements, and all eyewitness identifications, except formal and informal field identifications as defined in Section 707, *Eyewitness Identification*, are permitted only in accordance with the Texas Family Code and after the juvenile has been returned to the Bexar County Juvenile Detention Center.

.09 SEARCHING AND TRANSPORTING JUVENILE PRISONERS

Juvenile prisoners are searched and transported in accordance with Section 608, *Prisoners*.

.10 INJURED OR SICK JUVENILE SUSPECTS

Injured or sick juvenile suspects are handled in accordance with Section 608, *Prisoners*.

.11 DISPOSITION OF JUVENILES IN NON-ARREST SITUATIONS

- A. When a juvenile is in the company of an arrested adult, the arresting officer assesses the situation and uses his judgment and discretion as to the most expedient manner to return the juvenile to the custody of his parent, custodian, or guardian, or responsible adult at home. Factors taken into consideration are age, mental or physical competence, time of day, distance from home, and availability of a responsible person to assume custody.
- B. If proper arrangements cannot be accomplished at the scene, the officer:

1. Transports children twelve (12) years of age or under to the Children's Shelter located at 2939 W. Woodlawn Avenue.
 - a. The telephone number to the Children's Shelter is (210) 212-2500.
 - b. The Children's Shelter will accommodate all children, provided there is room.
2. Transports juveniles thirteen (13) years of age or older to The Bridge located at 3103 West Ave.
 - a. The daytime telephone number to the Bridge is (210) 340-8077. The emergency/after-hours telephone number is (210) 340-7933.
 - b. The Bridge accepts children in crisis and runaways. The Bridge will accommodate all children, provided there is room. However, the Bridge will scrutinize children who are suicidal, homicidal, and children who do not want to stay at the Bridge.
3. If the above options have failed, contact the Bexar County Juvenile Detention Center.

.12 MISSING JUVENILES

Missing Juveniles are handled in accordance with Section 506, Special Contacts

.13 DESIGNATED JUVENILE PROCESSING AREA

The VIA Metropolitan Transit Police Department does not currently have a juvenile holding area that is certified by the juvenile court. When necessary, Transit Police Officers are to utilize the San Antonio Police Department's Youth Services division located at: 315 S Santa Rosa Ave, San Antonio, TX 78207

.14 JUVENILE RECORDS

- A. The Texas Family Code requires that local law-enforcement records and files concerning a juvenile must 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 the Texas Family Code. Juvenile detention reports will be separated from adult arrest reports as required by the statute.
- B. Juvenile records will be secured in a locking file cabinet and access will be limited to the Transit Police Investigator.
- C. The record must be destroyed no later than 2 years after its collection if the juvenile has not been charged with criminal activity.