Cobb County Police Department

Policy 5.06

JUVENILE PROCEDURES

Effective Date: October 1, 2019	**Issued By:** Chief C.T. Cox
Rescinds: Policy 5.06 (January 6, 2019)	**Page 1 of 7**
The words "he, his, him," which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.	

The purpose of this policy is to provide guidelines for officers when dealing with juveniles in enforcement and custody situations.

I. POLICY

The Cobb County Policy Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. It is the responsibility of all members of this Department to familiarize themselves with juvenile problems and established procedures for handling both criminal and non-criminal juvenile incidents as defined in this policy. Officers shall, whenever reasonable and justified under this policy, take those measures necessary to effect positive changes in juvenile offenders that are consistent with state law and the safety and security interests of the community.

II. ENFORCEMENT ALTERNANTIVES

Personnel dealing with juvenile offenders should use the least coercive among reasonable legal alternatives when disposing of cases. The nature of the offense, age and circumstances of the offender, the offender's record, the availability of community-based rehabilitation programs, recommendations from intake officers and parents/guardians, and other circumstances should all be considered when choosing enforcement alternatives. Alternatives that may be considered include:

A. Release to a Parent/Guardian with No Further Action

Release to a parent, legal guardian, or other responsible adult with no further action may be appropriate in incidents where property damage or personal injury is not involved, but intervention is necessary to avoid potential delinquent actions and when the youth has had no prior enforcement contacts with the police. Examples of these incidents include, but are not limited to:

1. Curfew violations
2. Loitering
3. Minor liquor law violations
4. Disorderly conduct

Officers may elect to leave the juvenile at his present location, direct the youth to return home, transport him home, make contact with the youth's parents/guardians to provide them with information and counseling on their child's actions; refer the youth to appropriate community service agencies with or without follow-up; or detain the youth at the precinct until he is released to a parent/guardian.

B. Issuance of a Juvenile Complaint/Citation without Arrest

Issuance of a citation or juvenile complaint form, in lieu of taking the juvenile into custody, may be appropriate for more serious infractions where a status offense, traffic offense, or minor criminal offense has been committed. Examples include, but are not limited to:

1. The youth involved is fully aware of the seriousness or potential seriousness of his actions, and/or is acting in alliance or collusion with others to commit such acts.

2. The youth fails to cooperate or to positively respond to police intervention and direction.

3. The youth has received prior informal warnings or referrals or has engaged in delinquent acts.

4. The youth's parents or responsible adult have apparently failed to provide appropriate control and supervision.

C. Referral to Another Agency or Service for Potential Diversion Alternatives

After an officer completes a Juvenile Complaint Form on a juvenile, the complaint form is received by the Intake Department at Cobb County Juvenile Court. It is the responsibility of the Cobb County Juvenile Court to recommend course of action. For first time offenders, Juvenile Court has several diversion programs and alternatives that can be recommend such as Peer Court, mediation, informal adjustment, and Children in Need of Services (CHINS) Unit.

D. Referral to Juvenile Court (Transport to YDC)

Agency referral of alleged juvenile offenders to the youth detention center should be restricted to those cases involving serious criminal conduct or repeated criminal violations. In general, this would include, but not be limited to:

1. Delinquent acts:
   - If committed by an adult, would be felonies
   - Involving weapons
   - That are gang-related
   - Involving aggravated assault and battery
   - Committed by juveniles on probation/parole or with a case pending

- Committed by repeat offenders
- Committed by juveniles who have refused to participate in diversion or intervention programs.

2. When it has been determined that parental or other adult supervision is ineffective.

III. TAKING A JUVENILE INTO CUSTODY

A. The officer should make a determination as to whether the juvenile is alleged to have engaged in a delinquent act (as defined in OCGA 15-11-2) or noncriminal misbehavior (a status offense).

1. Law enforcement officers may take a juvenile into custody:

   - Pursuant to the laws of arrest (OCGA 15-11-501)
   - If there are reasonable grounds to believe that the juvenile has committed a delinquent act (OCGA 15-11-501)
   - When there are reasonable grounds to believe that a child has run away from his or her parent, guardian, or legal custodian (OCGA 15-11-410)
   - Pursuant to an order of the court to apprehend when the juvenile (OCGA 15-11-501):
     - Has escaped from an institution or facility operated by the Department of Juvenile Justice
     - Has been placed under supervision and has violated its conditions

2. Juveniles taken into custody should be frisked for weapons prior to being transported and may be handcuffed or otherwise restrained at any time if, in the judgment of the officer, the juvenile poses a physical risk to the officer or others.

3. Juveniles may be placed into Temporary Detention Rooms in accordance with Policy 3.02 "Temporary Detention Rooms."

4. Generally, status offenders should be released to the parents/guardians.

B. The officer should make a determination whether the juvenile is alleged to have been harmed or in danger of being harmed.

1. A law enforcement officer may remove a child from his or her home, with or without the consent of his or her parents, guardian, or legal custodian, if a child is in imminent danger of abuse or neglect if he or she remains in the home (OCGA 15-11-133).

2. A law enforcement officer may take a child into temporary custody when there are reasonable grounds to believe the circumstances are such as to endanger a child's health or welfare unless immediate action is taken

(OCGA 15-11-410).

If the officer believes a child should be taken into temporary/protective custody, the officer shall contact a Crimes Against Children detective in order to conduct an investigation and assist with taking the juvenile into temporary/protective custody.

C. Should the officer determine that, based upon the totality of the circumstances, the juvenile should be detained at the regional youth detention center, the officer shall contact the juvenile court intake officer and obtain authorization for the detention (OCGA 15-11-502). A Juvenile Complaint Form shall be completed charging the juvenile with the appropriate offenses.

D. Juveniles who are brought to the intake facility or other juvenile component shall be done without delay, unless the juvenile is in need of emergency medical treatment. If the juvenile is believed to suffer from a serious physical condition or illness which requires prompt treatment the officer shall forthwith bring the juvenile to a medical facility and contact a juvenile court intake officer (OCGA 15-11-410/15-11-133/15-11-502).

E. A law enforcement officer taking a child into custody shall promptly give notice together with a statement of the reasons for taking such child into custody to his or her parent, guardian, or legal custodian and to the court (OCGA 15-11-501/15-11-133/15-11-411).

F. Under state law, juveniles can be charged as adults for certain types of offenses. The following are offenses over which the Superior Court has exclusive original jurisdiction of juveniles 13 to 17 years of age under OCGA 15-11-560:

1. Murder
2. Murder in the second degree
3. Voluntary manslaughter
4. Rape
5. Aggravated sodomy
6. Aggravated child molestation
7. Aggravated sexual battery
8. Armed robbery, if committed with a firearm

The juvenile charged will be handled exactly as an adult by being booked into the Adult Detention Center (photographed, fingerprinted, warrants obtained, etc.), **EXCEPT**, the juvenile **WILL NOT** be housed in the Adult Detention Center, but must be housed at the Juvenile Detention Center.

IV. INTERROGATION/INTERVIEW OF JUVENILES

The purpose of this section is to provide guidelines on custodial interrogations and non-custodial interviews of suspect juveniles. It is not intended to limit the scope of questioning where Miranda rights are not required or in the interview of a child which is the alleged

victim of a crime.

A. Custodial Interrogation

1. Officers should attempt to notify the parent/guardian of a juvenile who is the intended subject of an interrogation.

    a. If the parent/guardian wishes to be present during the interrogation, the juvenile should not be interrogated until the parent/guardian is present.

    b. If the parent/guardian does not want their child to be interrogated, the juvenile should not be interrogated.

    c. If the parent/guardian authorizes the officer to interrogate the juvenile outside their presence (parent/guardian refuses to be present during the interrogation), the officer may proceed with the interrogation.

    d. If juvenile refuses to give a statement, the parent/guardian shall not demand or force the juvenile to give a statement.

    e. If the parent/guardian cannot be located, the officer may continue with the interrogation.

    f. The details of the notification should be included in the incident report.

2. Prior to interrogation, the officer shall consider the juvenile's age, educational level, ability to read, write, and understand the English language (or the child's native language), the location of the interrogation, the number of persons present, requests by the juvenile, and parental notification.

3. Prior to the interrogation, the juvenile and parent/guardian, if present, shall be advised of the juvenile's constitutional rights, right to legal counsel, right to be represented by an attorney, and the means to access counsel. No statements shall be taken until all Miranda rights have been administered. It is the officer's responsibility to ensure that the juvenile fully understands his rights.

4. Proper waiver forms should be completed and signed by the officer, juvenile, parent(s), if present, and other witnesses.

5. The time of interrogation should be limited to as brief a period of time as possible. Normally, custodial interrogations of a juvenile should not exceed two hours.

6. The number of officers and other concerned parties will be limited to the fewest number present as possible. No more than two officers should be present during the interrogation.

7. The interrogation should be recorded.

B. Non-custodial Interviews

Officers commonly interview juveniles that are suspected of being involved in a crime or offense, have been a witness to a crime or offense, or are believed to have information regarding a crime or offense. When conducting these types of interviews, refer to Policy 5.08 "Field Interviews".

For situations in which a child has allegedly been a victim of physical and/or sexual abuse or is a witness to physical and/or sexual abuse, Cobb Police Crimes Against Children should be contacted and the child interviewed in accordance with Cobb Police Crimes Against Children SOPs and the Cobb County Child Abuse Protocol.

V. FINGERPRINTING/PHOTOGRAPHING JUVENILE OFFENDERS

Every child charged with an offense that would be a felony if committed by an adult shall be fingerprinted and photographed upon being taken into custody (OCGA 15-11-702(a)(1)).

A. Juvenile offenders who are charged with crimes over which the superior court has exclusive jurisdiction (O.C.G.A. 15-11-560) shall be handled in accordance with Section III, F above.

B. Juveniles charged with a felony (other than those referred to in section V, A above) should be brought to the Smyrna Police Department to have their fingerprints and photographs taken. Jail staff will respond, fingerprint, and photograph the juvenile in the Booking Annex.

During normal business hours, the arresting officer will contact the Front Desk personnel and request assistance with the fingerprinting of the juvenile.

After normal business hours, the arresting officer will contact the Smyrna City Jail at 678-631-5061 or 678-631-5062 and request assistance with fingerprinting the juvenile.

1. Fingerprints will be submitted via the Livescan fingerprint machine.

   a. A copy of the fingerprint card will be provided to the arresting officer. The arresting officer should provide the fingerprint card to YDC Intake.

   b. If the juvenile will be released to a parent or guardian, the officer will not need a fingerprint card and should tell Smyrna Police

personnel they do not need one.

2. Photographs of the juvenile will be maintained by the Smyrna Police Department.

3. No Juvenile will be taken into the general population intake of the Jail