

DALTON POLICE DEPARTMENT

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I. Policy

It is the policy of the Dalton Police Department to follow established guidelines concerning the contact, release, intake, detention, and referral of juveniles and to maintain programs focused on preventing and controlling juvenile delinquency.

II. Definitions

A. *Child / Juvenile* – Any individual who is:

1. Under the age of 18 years;
2. Under the age of 17 years when alleged to have committed a delinquent act;
3. ~~Under the age of 22 years and in the care of DFCS as a result of being adjudicated dependent before reaching 18 years of age; Between 18 and 21 years of age and receiving extended care youth services from DFCS; or~~
4. ~~Under the age of 23 years and eligible for and receiving independent living services through DFCS as a result of being adjudicated dependent before reaching 18 years of age; or~~
- 4.5. Under the age of 21 years who committed an act of delinquency before reaching the age of 17 years and who has been placed under the supervision of the court or on probation to the court for the purpose of enforcing orders of the court.

B. *Child in Need of Services* – A child adjudicated to be in need of care, guidance, counseling, structure, supervision, treatment, or rehabilitation and who is adjudicated to be:

1. Subject to compulsory school attendance and who is habitually and without good and sufficient cause truant, as such term is defined in Code Section 15-11-381, from school;

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2. Habitually disobedient of the reasonable and lawful commands of his or her parent, guardian, or legal custodian and is ungovernable or places himself or herself or others in unsafe circumstances;
3. A runaway, as such term is defined in Code Section 15-11-381;
4. A child who has committed an offense applicable only to a child;
5. A child who wanders or loiters about the streets of any city or in or about any highway or any public place between the hours of 12:00 midnight and 5:00 A.M.;
6. A child who disobeys the terms of supervision contained in a court order which has been directed to such child who has been adjudicated a child in need of services;
7. A child who patronizes any bar where alcoholic beverages are being sold, unaccompanied by his or her parent, guardian, or legal custodian, or who possesses alcoholic beverages; or
8. A child who has committed a delinquent act and is adjudicated to be in need of supervision but not in need of treatment or rehabilitation.

C. *Delinquent Act* –

1. ~~Violation of federal, state law, or local ordinance, however, this does not include traffic offenses or status offenses.~~ An act committed by a child designated a crime by the laws of this state, or by the laws of another state if the act occurred in that state, under federal laws, or by local ordinance, and the act is not an offense applicable only to a child or a juvenile traffic offense;
2. The act of disobeying the terms of supervision contained in a court order which has been directed to a child who has been adjudicated to have committed a delinquent act; or
3. Failing to appear as required by a citation issued for an act that would be a crime if committed by an adult.

- D. *Juvenile Court Intake Officer* – The individual designated by Juvenile Court to determine whether any child taken into custody should be released or detained and, if detained, the appropriate place of detention.
- E. *Runaway* – A child who, without just cause and without the consent of his or her parent, guardian, or legal custodian, is absent from his or her home or place of abode for at least 24 hours (O.C.G.A. 15-11-381).
- F. *Status Offender* – A juvenile who is charged with an offense that would not be a crime if committed by an adult (O.C.G.A. 15-11-381).

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- G. All other terms and definitions relating to juvenile operations are found in O.C.G.A. 15-11-2. Officers should refer to this code whenever a question arises concerning juveniles that are not covered in this policy.

III. **Purpose**

- A. Through participation in juvenile-focused programs, including the School Resource Officer program and the ~~Police-Explorer~~ **Public Safety Cadet** program, the Department is committed to the development and perpetuation of programs designed to prevent and control delinquency. All Department divisions and personnel share in the responsibility of participating in and / or supporting juvenile operations and programs.
- B. In conjunction with Departmental crime analysis efforts, special details and / or operations shall continually be developed and implemented to address actual or perceived increases in juvenile delinquency.
- C. An annual review and written evaluation of all juvenile delinquency enforcement and prevention programs participated in by the Department shall be completed by the Patrol Division Commander or his / her designee.
- D. The Department encourages review and comment by other elements of the juvenile justice system in the development of the Department's policies and procedures relating to juveniles.

IV. **Juvenile Investigations**

- A. It shall be the responsibility of all sworn personnel to investigate juvenile crime or complaints, to protect the welfare of any child, and to assist in the prosecution of offenders.
- B. All Officers shall be responsible for conducting preliminary and follow-up investigations that involve juveniles as victims and / or suspects.
- C. Supervisors shall assist all personnel in juvenile investigations, when requested to do so.
- D. Employees of the Whitfield County Juvenile Court and the on-call Intake Officer are available to assist personnel with juvenile matters, when needed.
- E. The investigation of juvenile crimes shall be conducted in compliance with O.C.G.A. Title 15 Chapter 11: Juvenile Proceedings. All Officers shall receive training on and be familiar with this Code Chapter.

V. **Procedures**

- A. Enforcement Alternatives
1. Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion in deciding on appropriate actions.

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2. Officers shall use the least coercive alternative that is reasonable and consistent with preserving public safety and order.
3. Alternatives that may be considered and employed include:
 - a. Outright release to a parent, legal guardian, or other responsible adult with no further action
 - b. Informal counseling, advising the juvenile of the consequences of his / her actions
 - c. Referral to community services
 - d. Referral to another agency or service for potential diversion alternatives
 - e. Informal counseling of a parent~~s~~, legal guardian, or a responsible adult
 - f. Issuance of a citation
 - g. Arrest and referral to Juvenile Court

B. Enforcement Criteria

1. The following general guidelines may be used in determining the appropriate enforcement or crime deterrent action to take after the Officer has determined that the juvenile has committed a criminal offense or a noncriminal status offense.
2. Referring juveniles to their parents or community resources may be appropriate following release or informal counseling by the Officer. Such action may be taken in incidents where property damage or personal injury is not involved, but intervention is necessary to avoid potential delinquent actions, or when the juvenile has had no prior enforcement contacts.
 - a. Officers may elect to transport the juvenile home or direct him / her to return home and may ~~make~~ contact ~~with~~ the juvenile's parent or guardian to provide ~~them with~~ information and counseling on their child's actions.
 - b. Officers may refer the juvenile to an agency or community service for potential diversion alternatives with or without follow-up.
3. Officers may issue a citation to a juvenile offender to appear at Juvenile Court in lieu of taking him / her into custody, especially if the juvenile has committed a minor traffic offense or status offense.
 - a. The Officer may issue the citation to the juvenile and release him / her or detain the juvenile until he / she is released to a parent or guardian if the:

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- (1) Incident is of a serious or potentially serious nature.
 - (2) Juvenile is fully aware of the seriousness or potential seriousness of his / her actions and / or is acting in alliance or collusion with others to commit such acts.
 - (3) Juvenile fails to cooperate or to positively respond to intervention efforts and directions.
 - (4) Juvenile has prior informal warnings for engaging in delinquent acts.
- b. Upon issuance of the citation, the Officer shall advise the juvenile and / or parent or guardian of the charge and the contact information for Juvenile Court so they can be advised of a date and time to appear.
4. Officers, upon approval by the on-call Intake Officer, may take a juvenile into custody and file delinquency charges when:
 - a. The act would be considered a felony if committed by an adult.
 - b. The act involves deadly weapons.
 - c. The act is a serious or potentially life-threatening gang-related offense.
 - d. The act involves assault.
 - e. The act occurs while the juvenile is on probation, parole, or when ~~they~~ he / she ~~have~~ has charges pending against ~~them~~ him / her, or the juvenile is a repeat offender.
 - f. The juvenile refuses to participate in diversion or intervention programs.
 - g. It has been determined that parental or other adult supervision is ineffective.
5. An Officer may also take a juvenile into custody if the juvenile is lost, seriously endangered, harmed, or is a runaway.
6. The following guidelines shall be followed when any juvenile **that has been** reported as a runaway is located:
 - a. Confirm as a runaway through departmental reports, NCIC, or some other means.
 - b. A Juvenile Court Intake or Probation Officer shall be contacted for further direction, such as detention or release to a responsible adult.

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- c. Take the juvenile into custody and transport to an appropriate location.
 - d. Complete an incident or supplemental report.
 - e. Forward all necessary documents to the appropriate juvenile Probation Officer.
 - f. Remove the juvenile from the NCIC runaway records. If the juvenile has been entered into NCIC by some other police agency, notify that agency for removal of the entry.
 - g. Notify a parent or guardian of the juvenile's status and location.
- 7. In cases of alleged child abuse, Officers shall determine if immediate action is justified to protect the child and notify their Supervisor. In all cases of child abuse, personnel shall follow the procedures outlined in directive GO98-7.3, Whitfield County Child Abuse Protocol.
 - 8. When the juvenile is also suspected of being a deprived or endangered child, the Officer shall immediately contact the Department of Family and Children Services and request their assistance.
 - 9. Officers shall pay particular attention to juveniles under the influence of alcohol or drugs to determine whether emergency medical services are warranted.

VI. **Juvenile Custody**

- A. Officers shall follow the guidelines set forth in O.C.G.A. 15-11-7 through 15-11-9 when taking a juvenile into custody. This shall include taking a juvenile into custody on status or criminal offenses and when the juvenile is suspected of being an endangered child.
- B. The taking of a child into custody is not an arrest, except for the purpose of determining its validity under the Constitution of this State and of the United States of America.
- C. A child under the age of 14 may be taken into custody only if he / she has committed a serious delinquent act, which is defined in OCGA 15-11-505.
- D. Upon taking a child into custody, the investigating Officer, with all reasonable speed and without first taking the child elsewhere, shall do one of the following:
 - 1. Release without bond the child to ~~their~~ his / her parent(s), legal guardian, or other responsible adult upon the promise to bring the child before the Whitfield County Juvenile Court, when required.
 - 2. Deliver the child to an approved medical facility if the child is believed to suffer from a serious physical condition or illness which requires prompt

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treatment and, upon delivery, promptly contact a Juvenile Court Intake Officer.

3. Bring the child immediately before the Whitfield County Juvenile Court or promptly contact a Juvenile Court Intake Officer who shall determine if the juvenile will be detained or released.
 4. Bring the child, who is suspected of committing a delinquent act, before the Whitfield County Superior Court, if the act is ~~an act~~ one in which Superior Court has jurisdiction.
 5. Bring the child to any suitable place or facility designated or operated by the Juvenile Court for juvenile detention.
- E. Juveniles shall be held in custody for the briefest time necessary to conduct identification, investigation, and related processing requirements to facilitate their release to a parent, legal guardian, or other responsible adult or transfer to a juvenile facility.
- F. Juvenile offenders in custody shall:
1. Not be placed in a holding area within sight or sound of adult suspects or detainees.
 2. Be maintained under constant visual supervision.
 3. Have reasonable access to toilets and washing facilities.
 4. Be provided food if in need of nourishment, to include any special diets necessary for health or medical purposes.
 5. Be provided access to medical care, if needed.
 6. Be provided with reasonable access to water or other beverages.
 7. Be allowed reasonable access to a telephone.
- G. Juveniles placed in secure detention, whether in cells, locked rooms, or other locations, shall be:
1. Separated by sight and sound from any incarcerated adults and juveniles of the opposite ~~sex~~ gender.
 2. Informed of the estimated time they will be in detention.
 3. Provided with constant auditory access to Officers responsible for their supervision.
 4. Personally observed by personnel on both a routine and unscheduled basis no less than every 30 minutes.

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VII. **Criminal Procedures**

When a juvenile has been taken into custody and a ~~criminal~~ delinquent or status offense is being pursued, the following procedure shall be administered by all personnel:

- A. Notify the juvenile of his / her Constitutional rights without delay.
- B. The juvenile shall be provided all appropriate warnings, including Miranda.
- C. Juveniles are subject to the same requirements as adults and may be handcuffed or otherwise restrained, as necessary, during transport and processing.
- D. Notify the juvenile's parent(s), legal guardian, or other responsible adult of the offense and that the juvenile has been taken into custody.

VIII. **Juvenile Custodial Interrogation and Non-Custodial Interviews**

When conducting an interrogation of a juvenile offender or a non-custodial interview of a juvenile, the investigating Officer shall adhere to the procedures described in policy GO98-4.4, Conducting Interviews and Interrogations.

IX. **Collecting, Disseminating, and Retaining Juvenile Records**

- A. Fingerprinting and Photographing
 - 1. Every child charged with an act that would be a felony if committed by an adult shall be fingerprinted and photographed upon being taken into custody (O.C.G.A. 15-11-702).
 - 2. Two (2) sets of fingerprint cards and photographs of the child shall be taken and forwarded to the Support Services Division Operations Supervisor.
 - 3. The Support Services Division Operations Supervisor shall ensure that a set of the juvenile's fingerprint cards are sent to GCIC and shall file the remaining set of cards and photographs separately from those of adults in a drawer that can be secured within his / her office.
 - 4. Fingerprint cards and photograph(s) are the only forms of identification maintained by the Department. The file may be used in investigating the commission of crimes and be made available, as directed by the court (O.G.C.A. 15-11-702).
- B. Incident reports that contain juvenile records within the Records Management System shall be distinguishable from other reports by an indicator on the main screen of the report. Case files that contain juvenile records shall be marked with a "JUVENILE" stamp or label.
- C. Juvenile records may be disseminated to Officers within the Department for official investigations only. Others requesting juvenile records may receive them ~~in compliance with~~ only as permitted by the Georgia Open Records Act.

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- D. When a juvenile becomes an adult, his / her juvenile records shall continue to be maintained with the same level of security and privacy as all other juvenile records.
- E. Juvenile records designated for court-ordered expungement shall be received and disposed of per the court order.

This policy supersedes any previous policies issued.

BY ORDER OF

CHIEF OF POLICE

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