



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 602 – Juveniles

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Office(s) with Secondary Responsibilities:	PSC, PNC, TSC, STC, SSB	Number of Pages:	4
Forms Referenced in Procedure:	SAPD Form #66-E	Related Procedures:	505, 507, 601,610, 702

.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 San Antonio Police Department investigates all criminal activities alleged to have been committed by juveniles and, when applicable, presents completed investigations to the District Attorney’s Office for prosecution.
- B. The San Antonio Police Department is also committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. To accomplish this goal, all components and personnel of the Department shall share the responsibility for participating in or supporting the Department’s juvenile operations function.

.03 TERMINOLOGY *(For specific use within this procedure, see Glossary)*

Child	Custodian	Custody	Guardian
Intoxicated	Juvenile	Parent	Status Offender
Under the Influence			

.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 GM Procedure 601, *Prisoners*.



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 602 – Juveniles

- E. Officers read SAPD Form #66-E, *Rights Warnings*, 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*
- 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 Processing Office and the appropriate follow-up unit
 - 2. If a parent, custodian or guardian cannot be located, the child is returned to the Juvenile Processing Office. 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 Juvenile Processing Office 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 Juvenile Processing Office if:
 - 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 .04 of this procedure.
- C. Juveniles may be issued misdemeanor citations for Class C misdemeanor offenses in accordance with Procedure 505, *Misdemeanor Citation Release*. The letter "J" signifying Juvenile is written in the upper right-hand corner of the citation.
- D. During the hours from 0900 to 1430 on school days, 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.
 - 1. If the juvenile has been expelled from school or has been detained during the night curfew hours (daily between 2300 – 0600), 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 appropriate facility as outlined in Section .11 of this procedure.
 - 3. All field releases must be documented in an AFR report. A copy of the curfew violation report is emailed to the Juvenile Case Managers at the Municipal Court Re-Engagement Center (jcmcourt@sanantonio.gov).
- E. Juveniles are released to other agencies under the following circumstances:



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 602 – Juveniles

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 Juvenile Processing Office 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 GM Procedure 507, *Driving While Intoxicated Arrests*.
- B. Juveniles detained for the offense of D.W.I. are transported to the Juvenile Processing Office after any chemical or associated tests have been administered.
- C. When juveniles operating motor vehicles are involved in traffic accidents resulting in a death, the probability of a death, or serious bodily injury and there is probable cause to believe the accident occurred because a juvenile was intoxicated, the following steps are taken:
 1. A member of the Homicide Unit or Night CID Unit is dispatched to the scene of the traffic accident;
 2. The juvenile suspect is taken into custody for the offense of Intoxication Manslaughter, Intoxication Assault, or D.W.I.;
 3. The juvenile suspect, if not injured, is transported to the Juvenile Processing Office for processing after any chemical or associated tests have been administered; or
 4. The juvenile suspect, if injured, is transported to a medical facility in accordance with GM Procedure 601, *Prisoners*.
 5. Depending on the result of the investigation, the member of the Homicide Unit or Night CID Unit will determine the charge, if any, to be filed against the juvenile.

.08 FINGERPRINTS, PHOTOGRAPHS, STATEMENTS, AND EYEWITNESS IDENTIFICATIONS

- A. Fingerprints, photographs, statements, and all eyewitness identifications, except formal and informal field identifications as defined in GM Procedure 702, *Eyewitness Identification*, are permitted only in accordance with the Texas Family Code and after the juvenile has been returned to Juvenile Processing Office.



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 602 – Juveniles

.09 TRANSPORTING JUVENILE PRISONERS

- A. Juvenile prisoners are transported in accordance with GM Procedure 601, *Prisoners*.

.10 INJURED OR SICK JUVENILE SUSPECTS

- A. Injured or sick juvenile suspects are handled in accordance with GM Procedure 601, *Prisoners*.

.11 DISPOSITION OF JUVENILES IN NON-ARREST SITUATIONS

- A. When a juvenile is in the company of an arrested adult or detained for reasons other than a custodial arrest of the juvenile, the arresting/handling 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, responsible adult at home or to safe facility listed below. 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 eleven (11) years of age or older to Centro Seguro located at 3103 West Ave.
 - a. The telephone number to Centro Seguro is (210)-340-8090 (Option #1).
 - b. Centro Seguro accepts children in crisis, runaways, homeless and suspected sex trafficked victims. Centro Seguro will accommodate all children, provided there is room. However, Centro Seguro will scrutinize children who are suicidal, homicidal, and children who do not want to stay at Centro Seguro.
 3. If the above options have failed, contact the Juvenile Processing Office.

.12 MISSING JUVENILES

- A. Missing Juveniles are handled in accordance with GM Procedure 610, *Missing Persons*.