


**LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

Effective Date September 2, 2015		Amended Date July 10, 2017		Directive 10.04.1	
Subject Juvenile Detentions					
Reference			Approved  Chief of Police		
Distribution All Personnel City Manager City Attorney		TPCA Best Practices Recognition Program Reference 10.02; 10.03; 10.04		Review Date July 10, 2017	
				Pages 7	

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

This directive establishes guidelines for the legal detention of juvenile offenders.

SECTION 2 POLICY

It is the policy of the department to detain and dispose of juvenile offenders in accordance with state laws. Juveniles will be accorded all rights under law.

SECTION 3 DEFINITIONS

- A. **Juvenile Processing Area:** is the area in the police building that is designated by the juvenile court board in which a juvenile taken into custody may be detained for the purposes listed in Section 52.025(b), Texas Family Code. (Patrol Report Writing Room)
- B. **Responsible Adult:** In the absence of a juvenile's parents or legal guardian, a responsible adult is one who is responsible for the physical custody of a juvenile or who is another adult acquaintance of the juvenile's parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, legal guardian or next of kin can assume that responsibility.
- C. **Secure Custody:** A condition in which a juvenile is physically detained or confined in an approved designated area, set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody.
- D. **Non-secure Custody:** A condition under which a juvenile's freedom of movement is controlled by members of this agency and, during such time, the juvenile:
 - 1. is held in an unlocked, multi-purpose area that is in no way designed for residential use, such as a report-writing room or an office;
 - 2. is at no time handcuffed to any stationary object;

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3. is held only long enough to complete identification, investigation and processing and then released to a responsible adult or transferred to a juvenile facility or court; and
4. is under continuous visual supervision until released;
5. held no longer than six (6) hours per Article 45.058(e), Texas Code of Criminal Procedures

SECTION 4 PROCEDURES

A. GENERAL PROVISIONS (TPCA 10.02a)

1. The juvenile may not be left unattended at any time during the detention (Section 52.025, Texas Family Code).
2. The juvenile must be kept sight and sound separated from adults. (TPCA 10.04)
3. Male and female juveniles must be kept sight separated. (TPCA 10.04)
4. The juvenile's parent or legal guardian must be notified of the detention, in accordance with this directive.

B. JUVENILE PROCESSING AREA PROVISIONS

1. Purpose of Juvenile Processing Office

- a. Juveniles may be taken to the Juvenile Processing Office for the following purposes: (Section 52.025, Texas Family Code)
 - i. return the child to the custody of a person;
 - ii. complete essential forms and records required by the juvenile court;
 - iii. photograph and fingerprinting the child if otherwise authorized at the time of temporary detention;
 - iv. issue warnings to the child as required or permitted by this directive; or,
 - v. receipt of a statement by the child under Section 51.095, Texas Family Code

2. Designated/Approved Juvenile Processing Office

- a. The only designated juvenile processing area in the police building is the Patrol Report Writing Room. A copy of the designated area is located in the Patrol Report Writing Room. (TPCA 10.03)

3. Length of Detention in Juvenile Processing Area

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- a. A juvenile may not be detained in the Juvenile Processing Area for longer than six (6) hours from the time the juvenile is placed in the Juvenile Processing Area — not from the time of detention. (Section 52.025(d), Texas Family Code).

C. NON-SECURE DETENTIONS PROVISIONS (TPCA 10.02e)

1. A juvenile taken into custody for any type of criminal offense must be detained in the Juvenile Processing Area.
2. Officers should take appropriate measures to ensure the juvenile does not have any sight or sound contact with an adult suspect or with the general public while in custody.
3. When a juvenile is detained or taken into custody for any offense and is brought to the police facility, the juvenile must be brought in to the building through the rear employee entrance doors
4. Juveniles detained in the Juvenile Processing Area for a non-secure detention may be handcuffed, but not to any object or rail — handcuffing, alone, does not constitute a secure detention.

D. SECURE DETENTION AREA

1. The department does not have a secure detention area at the Lancaster Police Department. All juveniles who are arrested for any violation will be transported to a Dallas County Juvenile Detention Center.

E. NOTIFICATION OF PARENT OR GUARDIAN REQUIRED (TPCA 10.02a)

1. When a juvenile is taken into custody, regardless of the offense or the reason, the officer must promptly notify a parent, guardian, or custodian to advise the person that the juvenile has been taken into custody and the reason for it. (Section 52.02(b), Texas Family Code.)

F. ACCESS TO JUVENILE BY PARENT OR ATTORNEY REQUIRED (TPCA 10.02a)

1. A parent, guardian, or attorney must be given access to the juvenile while the juvenile is in police custody. (Section 52.025(c), Texas Family Code.) Failure to do so may result in the suppression of evidence obtained during the detention.

G. JUVENILE CURFEW VIOLATION DETENTIONS

1. Processing Juvenile

- a. A juvenile who has been taken into custody for a curfew violation must be processed and released in accordance with Article 45.059(a), Texas Code of Criminal Procedure.

2. Detention at Police Station

- a. If the juvenile is brought to the station, the juvenile must be detained and processed in the Juvenile Processing Area, in accordance with Article 45.059(b), Texas Code of Criminal

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Procedure. For the purposes of this section, the Juvenile Processing Area is the Patrol Report Writing Room.

3. Juvenile Processing Area Regulations

- a. The Juvenile Processing Area must be an unlocked, multipurpose area that is not designated, set aside, or used as a secure detention area or part of a secure detention area.
- b. The person may not be secured physically to a cuffing rail, chair, desk, or stationary object.
- c. The person may not be held longer than necessary to accomplish the purposes of identification, investigation, processing, release to a parent, guardian, or custodian, or arrangement of transportation to school or court; but may not be held more than six (6) hours in the Juvenile Processing Area.
- d. The person must be under continuous visual supervision by a peace officer or other person during the time the person is in the Juvenile Processing Area.

H. FINGERPRINTS AND PHOTOGRAPHS

1. Fingerprints and Photographs of Children Taken into Custody (Section 58.002, Texas Family Code)

- a. Authorization - Except as provided by Chapter 63, Texas Code of Criminal Procedure, relating to missing children, and by this section, a child may not be fingerprinted nor photographed without the consent of the juvenile court, unless the child is taken into custody or referred to the juvenile court for conduct that constitutes a felony or a misdemeanor punishable by confinement in jail.

2. Location of Where Fingerprints and Photographs May be Taken

- a. The taking of fingerprints or photograph of a juvenile at the station must be done in the Juvenile Processing Area.

3. Disposition of Fingerprints and Photographs

- a. Fingerprints (CR 43-J and CR 44-J) and photographs obtained under this subsection must be placed in the Criminal Investigation Division without unnecessary delay so the Division can forward them to the Juvenile Justice Information System within seven days of the date the juvenile is referred to juvenile court. The referral must be made within ten (10) days of the date the fingerprints are obtained.

4. Fingerprinting or Photographing for Comparison in Investigation (Section 58.0021, Texas Family Code)

- a. Fingerprints

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- i. An officer may take temporary custody of a child to take the child's fingerprints if:
 - 1. the officer has probable cause to believe that the child has engaged in delinquent conduct;
 - 2. the officer has investigated that conduct and has found other fingerprints during the investigation; and
 - 3. the officer has probable cause to believe that the child's fingerprints will match the other fingerprints
 - ii. The Criminal Investigation Division will be responsible for coordinating the acquisition and processing of the fingerprints.
 - b. Photographs
 - i. An officer may take temporary custody of a child to take the child's photograph if:
 - 1. the officer has probable cause to believe that the child has engaged in delinquent conduct; and
 - 2. the officer has probable cause to believe that the child's photograph will be of material assistance in the investigation of that conduct
 - ii. The Criminal Investigation Division will be responsible for coordinating the acquisition and processing of the photographs.
5. Custody not a Detention
- a. Temporary custody for the purpose described in this subsection:
 - i. is not taking into custody under Section 52.01, Texas Family Code; or
 - ii. may not be reported to the juvenile justice information system
6. Release from Custody
- a. If the officer does not take the child into custody under Section 52.01, Texas Family Code, the child must be released from temporary custody authorized under this section as soon as the fingerprints or photographs are obtained.
7. Location of Where Fingerprints and Photographs to be Taken
- a. An officer may under this subsection obtain fingerprints or photographs from a child:
 - i. in the Juvenile Processing Area; or,
 - ii. at a non-secure location that affords reasonable privacy to the child

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8. Notification of Parent, Guardian, or Custodian Required

- a. An officer who under this subsection obtains fingerprints or photographs from a child must make a reasonable effort to notify the child's parent, guardian, or custodian of the action taken.

9. Disposition of Fingerprints and/or Photographs

- a. An officer who obtains fingerprints and/or photographs from a child under this subsection must immediately destroy them if they do not lead to a positive comparison or identification.
- b. Fingerprints and/or photographs obtained under this subsection that lead to a positive identification must be placed with the Criminal Investigation Division without unnecessary delay.

10. Documentation Required

- a. An officer who takes into temporary custody a child for the purposes described in this subsection must complete a supplement for an existing report, or an appropriate incident report, regardless of whether the fingerprints or photographs are maintained or destroyed. The report will document the:
 - i. disposition of the fingerprints and/or photographs taken; and
 - ii. method(s) used to notify the child's parent, guardian, or custodian; and the name and relationship of the person contacted

11. Fingerprinting or Photographing to Identify Runaways (Section 58.0022, Texas Family Code)

- a. An officer who takes a child into custody with probable cause to believe that the child has engaged in conduct indicating a need for supervision as described by Section 51.03(b)(3), Texas Family Code, and who after reasonable effort is unable to determine the identity of the child, may fingerprint or photograph the child to establish the child's identity.
- b. On determination of the child's identity or that the child cannot be identified by the fingerprints or photographs, the officer must immediately destroy or cause to be destroyed all copies of the fingerprint records or photographs of the child.

I. STATEMENT FROM A JUVENILE

- 1. A statement taken from a juvenile offender must be obtained in accordance with Section 51.095, Texas Family Code.
- 2. The Criminal Investigation Division is responsible for obtaining statements from juveniles.

J. POLYGRAPH EXAMINATION

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1. A juvenile taken into custody may not be polygraphed, except as provided by Section 51.151, Texas Family Code.
2. Only a polygrapher licensed by the state may be used.
3. The Criminal Investigation Division is responsible for coordinating the polygraph examination of a juvenile.

K. LOG FOR JUVENILE DETENTIONS

1. The department will utilize the Juvenile Log in PD Share for all juvenile detentions, regardless of whether the juvenile is transported to a Dallas County Juvenile Detention Center or released to a parent or legal guardian.
2. The detention or arresting officer is responsible for recording the necessary information on the log.
3. The patrol commanders are responsible for ensuring that the log is properly completed by the officer at the time of processing.

L. SCOPE OF RESPONSIBILITY

1. All members of the department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.