

COVINGTON POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

Subject: JUVENILE PROCEDURES

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I. Purpose

To provide uniform guidelines concerning the intake, detention and referral of juveniles by officers of the Covington Police Department.

II. Statement of Policy

The Covington Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. All police personnel will cooperate with the Juvenile Court of Newton County in the handling of incidents or offenses involving juveniles or incidents involving juveniles that are the victims of abuse or neglect. Policies relating to juveniles may be reviewed by the Juvenile Court Judge as they are revised or as needed.

III. Juvenile Operations – Authority and Responsibility

The responsibility for participating in and supporting the juvenile operations and enforcement is shared by both Patrol and Investigative personnel. The Captain of Investigative Division shall assign investigators whose responsibilities will include juvenile operations for the department. These officers' duties shall include:

- A. Evaluating and screening cases for appropriate action; referring cases to appropriate agencies, or taking the case before the Juvenile Court; maintaining juvenile records.
- B. Works with, counsels, and advises delinquent, unruly or ungovernable and deprived juveniles and their parents or guardian.
- C. Writes reports and recommendations on cases to go before the Juvenile Court for disposition.
- D. Maintains liaison with the Juvenile Court judge, court workers, and juvenile correction agencies.

- E. Sets objectives for juvenile program and conducts an annual evaluation of all juvenile programs to determine if objectives are met and that the program is consistent with operational needs.

IV. Incidents Involving Juveniles

- A. It is the policy of this department that when officers are confronted with incidents involving juvenile offenders, they use the least coercive alternative, which is reasonable and consistent with preserving public safety and order. These alternatives include:

- 1. Outright release with no further action.

Release may be made at the incident scene with verbal warning if the nature of the offense is not serious or if the officer determines that custody is unnecessary.

- 2. Turn the juvenile over to parents without further action.

Officers may turn the juvenile over to parents at the scene or transport the juvenile to a parent or guardian or to a relative who is capable of taking custody of the child. Officers shall inform parents, guardians, or other relatives of the incident and shall not take any further action. This action may be taken when the offense is not serious, but it is necessary to have someone take charge of the child.

- 3. Take juvenile into custody.

Officers may take a juvenile into custody to remove the child from an incident scene. Officers shall notify parents/guardian to come to the police department to pick up the child. This action may be necessary when parents/guardians are not at scene or where the offense was serious enough to constitute custody. Officers may drop charges, issue a station house warning or counsel with parents and child if the officer deems it is in the best interest of the child.

- 4. Take juvenile into custody, refer to juvenile court, and notify parents/guardian.

Officers may be confronted with serious incidents involving juveniles. Such offenses include theft, disorderly conduct, unruliness, vandalism, runaway etc. Juveniles involved in these types of offenses shall be taken into custody immediately and brought to the police station. A Juvenile Complaint Form shall be completed and referral made to the juvenile court. A Juvenile Intake Officer and the parents/ guardian must be notified. If an investigator is needed, notify the on call investigator. Before any custodial interrogation, the juvenile must be advised of his or her rights and a wavier form completed. The juvenile may or may not be turned over to the parents. The Juvenile Intake Officer may refer the child to detention.

- 5. Take the juvenile into custody, refer to Juvenile Court, refer to intake, and take warrants.

Superior Court "shall have exclusive jurisdiction" for the below crimes if committed by someone 13 – 16 years of age. This means that warrants

must be sought, and NOT juvenile complaints for these crimes. Any juvenile arrested for one of these crimes must be booked into the county jail and MUST have a first appearance hearing with the Magistrate Court. However, they will still be housed (until 17) at a YDC.

If someone 13-16 years of age is being charged by law enforcement with one of the below offenses, the law does not provide for the discretion of choosing between juvenile court or superior court, it must start in superior court. That does not mean that the case will remain there or cannot be transferred to juvenile court. The District Attorney's Office will make that decision but wants input from law enforcement. Because of that, and because of the need to make decisions on these cases quickly, the District Attorney's Office requests that law enforcement **always** contacts the DA's Office any time any juvenile is being charged as an adult.

The crimes are (with the exact wording from OCGA § 15-11-560 (b)):

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;
9. Aggravated assault IF COMMITTED WITH A FIREARM;
10. Aggravated battery upon a public safety officer as such acts are prohibited under subsection (c) of Code Section 16-5-24;
11. A terroristic act upon a school in violation of subsection (c) of Code Section 20-2-1181.1; or
12. Attempt to commit murder.

6. Juveniles who commit other serious acts of delinquency shall be referred to the intake facility. These acts include:
 - a. All delinquent acts that if committed by an adult would be felonies (i.e. armed robbery, burglary, assault, etc.).
 - b. All delinquent acts involving weapons not mentioned in section IV (5).
 - c. All delinquent acts involving aggravated assaults and batteries not mentioned in section IV (5).
 - d. All delinquent acts committed by juveniles on probation.
 - e. All repeated delinquent acts.
7. Whenever a juvenile is taken into custody for any of the above offenses, the juvenile will be properly restrained pursuant to SOP P100, Section VI. A Juvenile Intake Officer and the parents will be notified. The Juvenile

Intake Officer shall make arrangements with the Juvenile Court to have the child transferred to a detention facility.

8. Processing juvenile offenders charged with a felony.
 - a. The officer and juvenile must enter NCSO through the main entrance (Detention lobby).
 - b. Once inside, the officer shall inform the staff that he/she has a juvenile for processing.
 - c. The officer shall remain with the juvenile at all times or until such time that the juvenile is turned over to the proper authorities.
- B. In some instances, the decision to either take custody or release the juvenile will be based on the officer's evaluation of:
 1. The nature of the offense.
 2. The age of the offender.
 3. The offender's record.

V. Interview of Juvenile Offenders

- A. Any child taken into custody for an alleged offense shall be read the Miranda warning in the same manner as if he or she was an adult. He must fully understand his or her rights.
- B. Interrogation of a juvenile by an officer or investigator can last no more than two (2) hours without a thirty (30) minute break. The interrogation may continue after the break, as necessary. No more than two investigators may participate in the interrogation at a time. Officers or investigators shall confer with the parents/guardians explaining why the juvenile is being questioned. They shall also explain juvenile court procedures to the child and to the parent/guardian during the investigation.

VI. Required Reports

- A. Incidents involving juveniles shall be properly reported on a Juvenile Complaint Form, unless it is one of the twelve (12) crimes mentioned above in . If the juvenile is taken into custody and charged with an offense other than for traffic, an incident report must be completed. The juvenile will be specifically identified as a juvenile in the incident report and flagged in red.
- B. Fingerprints of juvenile offenders will be made in accordance with OCGA 15-11-83. [Georgia Code Chapter List](#)
- C. When an officer writes a citation to a juvenile, the first page of the Juvenile Complaint form must also be completed, attached to the citation and forwarded to Juvenile Court.

This SOP supersedes any SOP previously issued.

BY ORDER OF THE CHIEF OF POLICE:

Brent Fuesting

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Chief of Police