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LAURENS COUNTY LAW ENFORCEMENT CENTER

STANDARD OPERATING PROCEDURES

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SOP# I-020

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SUBJECT: JUVENILE PROCEDURES

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INDEX AS: JUVENILE PROCEDURES

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EFFECTIVE DATE: 2/15/2006      REVISED DATE:  
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I. POLICY:

The Laurens County Law Enforcement Center is committed to the development and perpetuation of programs designed to prevent and control Juvenile Delinquency. When dealing with the juvenile offender, the officer must know the proper procedures and alternatives, keeping in mind that they will use the least coercive among reasonable alternatives, consistent with preserving public safety, order, and individual liberty.

This Department will cooperate with the Juvenile Court of Laurens County, under the supervision of the Juvenile Judge of Laurens County to any extent necessary or directed to properly process Juveniles that are taken into custody for offenses or because of abuse, neglect or runaway.

II. PURPOSE:

The purpose of this policy is to insure that the proper procedures are followed when handling juveniles and to serve as a guide for the officer in determining how to handle a particular situation involving a juvenile.

III. PROCEDURES:

A. General:

1. All members of this Department will cooperate with the Laurens County Juvenile Court and the Laurens County Department of Family and Childrens Services and other Support Agencies.

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2. All personnel of this department have responsibilities for and will be familiar with Juvenile Operations and Procedures and their support. The Juvenile Officer will report directly to the Captain of the Civil Division.

The Juvenile Officer will assist the uniform Deputy in juvenile cases. He/She will further act as a liaison with other agencies and organizations and to further relate this knowledge to other members of this Department.

3. "Child" or "Juvenile" or "Minor" , means a person under the age of seventeen (17) years; or under the age of twenty-one (21) years who committed an act of delinquency before reaching the age of seventeen (17) years, who has been placed under the supervision of the court or on probation to the court; or under the age of eighteen (18) years, if alleged to be a Deprived Child, as defined in the Juvenile Proceedings Code of Georgia.

B. Guidelines for Handling Juvenile Related Incidents:

When confronted with incidents, involving juvenile offenders, the Deputy should 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 Deputy determines that custody is not necessary.
2. Release to parents without further action. This may be done when the parents are on the scene or the juvenile may be transported home and released to a parent/guardian, or to any relative who is capable of taking custody of the child.

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The parent/guardian or relative shall be informed of the nature of the incident. This action may be taken when the offense is not serious; but, it is necessary to have someone take custody of the child.

3. Take the juvenile into custody. The child may be taken into custody and removed from the scene. The parents/guardian will be notified to pick the child up at the Sheriff's Office. This may be necessary when the parents/guardian are not at the scene and the offense is serious enough to warrant custody. The Deputy may drop the charges, issue a warning or counsel with the parents and child if the Deputy deems it is in the best interest of the child.
4. Take juvenile into custody, refer to Juvenile Court, notify parents/guardian. When the offense is serious enough the child may be taken into custody at once, unless in need of medical attention, and brought to the Sheriff's Office. The juvenile must be advised of his/her rights before any questioning and a waiver form completed. The juvenile may or may not be released to his parents/guardian. The juvenile may be referred for detention by the Investigator. A juvenile Petition and complaint form shall be completed and referred to the Juvenile Court.
5. Take the Juvenile into custody, refer to Juvenile Court intake personnel for detention. Juveniles who commit serious acts of delinquency shall be referred to an Intake Facility. Such acts shall include, but are not limited to the following:
  - a. Homicide;
  - b. Assaults;
  - c. Aggravated assault/battery;
  - d. Armed robbery;
  - e. Burglary;
  - f. Weapons violations;
  - g. Related delinquent acts.

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Whenever a juvenile is taken into custody for any of the above offenses, an investigator must notify the parents/guardian. The investigator shall arrange with the Juvenile Court to have the Child transported to a Detention Facility.

In all incidents, the decision to either take custody or release the juvenile will be based on the Deputies evaluation of :

- a. The nature of the offense;
- b. The age of the offender;
- c. The offender's record.

6. Apprehend and Detain Order. When taken into custody on an Apprehend and Detain order, the juvenile shall be transported to a Detention facility and the proper Agency notified.

7. A child may also be taken into immediate custody when:

- a. The child is alleged to be in need of services;
- b. There is a clear and substantial danger to the child's life or health;
- c. Custody is necessary to insure child's appearance before the court.
- d. A "HIT" on the state computer requires that the juvenile be taken into custody. This could be a Runaway or other reason for detaining. If the "Hit" is confirmed and the juvenile is in custody, immediately notify the proper Youth Services Agency and the Parents or Custodian.

C. Questioning:

1. When a Juvenile is taken into custody, the Deputy will:

- a. Immediately notify or cause to be notified the parent/guardian/custodian of the child;

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- b. An interrogation of the juvenile will be conducted in the presence of the parent/guardian/custodian of the child, whenever possible. If the parent/guardian/custodian cannot be contacted the juvenile may be interrogated out of the presence of the parent/guardian/custodian.
  - c. If the parent/guardian/custodian waives the right to be present, then the juvenile can be interrogated without being in their presence.
  - d. If the parent/guardian/custodian is notified and refuses to come to the Law Enforcement Center, the Juvenile can be interrogated without being in their presence.
2. When questioning a juvenile in custody, the same rules and procedures used for an adult must be followed. Under NO circumstances should the child, anymore than an adult, be compelled to answer questions either by physical force or psycholological pressure or deceptions.
3. No juvenile can be compelled to answer any questions which may tend to incriminate him/her. Juveniles are entitled to the full Miranda Warnings and these rights must be explained in the presence of parents/guardian or counsel, not just "routinely read".
4. Deputies should keep in mind that when questioning a juvenile, they should not prolong the interview period any longer than is necessary in order to complete their investigation. Also, the interrogation should be handled by one investigator, if at all possible, in order to lessen the chance of the juvenile feeling intimidated or pressured.

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5. Because, in many cases, juveniles may not understand what is happening to them during the interrogation process, the officer should explain to them what to expect as far as procedures are concerned and how the court system works.
6. Whenever a juvenile is being interviewed or interrogated in reference to any major crime, a written statement will be taken when possible. This should be done in the presence of their parents/guardian/custodian or counsel, when available, as stated elsewhere in this policy. Written statements should be taken from all defendants, witnesses and victims, when available.

IV. SOCIAL SUPPORT AGENCIES:

- A. The Laurens County Law Enforcement Center encourages utilization and support of Social Service Agencies within our area in order to divert juveniles out of our court system.  
Our Policies and Procedures relating to juveniles are developed utilizing any positive feedback/input from these supportive agencies. These Agencies include, but are not limited to:
  1. Laurens County Department of Family and Children Services;
  2. Georgia Department Human Resources- Youth Services;
  3. Georgia Department Human Resources- Regional Youth Development Center;
  4. Laurens County Health Department;
  5. Laurens County Mental Health Department;
  6. Georgia Sheriff's Boys/Girls Ranch;
- B. When investigating cases involving juveniles, the Deputy should recommend to parents and/or attempt to divert the juvenile to one of the Social Service Agencies, when it is appropriate and determined that one of the agencies services may be of more benefit in correcting the situation than utilizing formal handling through the court system. Similarly informal handling of a juvenile service agency program.

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V. SCHOOL LIAISON:

Any contact necessary with juveniles while they are in school or at school activities will be initiated by first contacting School Administrative Personnel at the school office.

VI. FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES:

A. Refer to Georgia Code 15-11-83

Every child charged with an act which would be a felony If committed by an adult shall be fingerprinted and photographed upon being taken into custody. Fingerprints and photographs of children shall be filed separately from those of adults.

B. Law Enforcement agencies may photograph a child , who for any reason has been placed in the custody and control of the Department of Juvenile Justice and who has absconded and subsequently returned to such custody.

C. Fingerprint files and photographs of children may be inspected by law enforcement officers when necessary for criminal justice purposes and for the discharge of their official duties.

D. If a child has been charged with an offense that if committed by an adult would be a felony, or if the case is transferred to another court for prosecution, the child's fingerprints, personal identification data and other pertinent information shall be forwarded to the Georgia Crime Information Center.

E. Except as provided by Code section 15-11-83, without the consent of a judge, a child shall not be photographed after he or she is taken into custody unless the case is transferred to another court for prosecution.

F. A juvenile must be 13-16 years of age to be treated as an adult.

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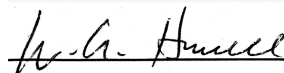
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- G. Fingerprint cards for juvenile detainees shall be completed according to standard procedures for criminal fingerprint cards as published by the Georgia Crime Information Center.

VI. CONFIDENTIALITY OF RECORDS:

Georgia law requires that all law enforcement agencies take special precautions to ensure that law enforcement records concerning juveniles are protected against disclosure to any unauthorized person (s).



W. A. HARRELL  
SHERIFF

2/15/2006

**EFFECTIVE DATE:**