


Atlanta Police Department Policy Manual		Standard Operating Procedure
Effective Date December 15, 2013		APD.SOP.3190 Juvenile Procedures
Applicable To: All sworn employees		
Approval Authority: Chief George N. Turner		
Signature: Signed by GNT		Date Signed: 12/10/13

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1. PURPOSE

To establish administrative and operational guidelines for handling juveniles by all employees of the Atlanta Police Department (APD). Given the special legal status of juveniles, procedures have been developed which govern when juveniles should or should not be taken into custody, interrogated, and temporarily detained. Additionally, procedures have been developed for the collection, dissemination, and retention of fingerprints, photographs, miscellaneous records, and other forms of identification of juvenile offenders.

2. POLICY

APD is committed to the development of programs designed to prevent and control juvenile delinquency and deprivation. The Department shall ensure that children whose well-being is threatened shall be assisted, protected, and restored, as secure law-abiding members of society. (CALEA 5th edition, Standard 44.1.1)

3. RESPONSIBILITIES

- 3.1 Division, section, and unit commanders shall ensure that all employees under their command adhere to this policy.
- 3.2 All sworn supervisors are responsible for monitoring their subordinates, ensuring adherence to this directive, and taking immediate corrective action when necessary.
- 3.3 All sworn employees are responsible for being familiar with and abiding by this directive.



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- 3.4 All employees and organizational components share the responsibility for participating in or supporting the Department's juvenile operations function. (CALEA 5th edition, Standard 44.1.1.)
4. ACTION
- 4.1 Jurisdiction
- 4.1.1 Juvenile Court has jurisdiction over any person under the age of 17 under the following situations:
1. The juvenile is alleged of being a delinquent child;
 2. The juvenile is alleged of being an unruly child;
 3. The juvenile is alleged of being a deprived child (under 18);
 4. The juvenile is alleged of requiring treatment or commitment as a mentally ill or challenged child;
 5. The juvenile is alleged to have committed a juvenile traffic offense as defined in the OCGA §15-11-73; or
 6. The juvenile has been placed under the supervision of the Juvenile Court, or on probation to the Juvenile Court prior to the individual's seventeenth birthday.
- 4.1.2 The Juvenile Court has concurrent jurisdiction with the Superior Court over a child who is alleged to have committed a delinquent act which would be considered a crime if tried in a Superior Court that is punished by loss of life or confinement for life in a penal institution.
- 4.1.3 The Juvenile Court has concurrent jurisdiction to hear and determine the issue of custody and support when the issue is transferred by proper order of the Superior Court.
- 4.1.4 The Juvenile Court may not initiate any new action against a juvenile for acts committed after they have reached their 17th birthday. The Juvenile Court probation officer cannot file a Violation of Probation petition after a child is 17 years old. The Juvenile Court probation officer may file to have the probation revoked. Revocation of probation causes the disposition of the original case to be reconsidered. On revocation of probation, the options available to the court at the original disposition are available.
- 4.1.5 The Superior Court has exclusive jurisdiction over the trial of any child that is between 13 to 17 years old who is alleged to having committed any of the following offenses, OCGA 15-11-28 (b) (2) (a):
1. Murder (OCGA § 16-5-1);
 2. Voluntary Manslaughter (OCGA § 16-5-2);
 3. Rape (OCGA § 16-6-1);
 4. Aggravated Sodomy (OCGA § 16-6-2);
 5. Aggravated Child Molestation (OCGA § 16-6-4);



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6. Aggravated Sexual Battery (OCGA § 16-6-22.2); or
 7. Armed Robbery (if committed with a firearm) (OCGA § 16-6-41).
- 4.1.6 A Regional Youth Detention Center (RYDC) shall be the place of confinement; pending adjudication for a child charged with a capital felony.
- 4.2 Officer's Discretion / Alternatives to Arrest
(State Law Enforcement Certification Program 5th edition, Standard 5.30)
- 4.2.1 An officer's discretion is an essential function of effective law enforcement. Officers, when dealing with juveniles, should utilize discretion and use the least coercive actions among reasonable alternatives to effectively handle the juvenile and the particular set of circumstances in which the juvenile was encountered. In each case, an officer must act reasonably within the limits of his or her authority, as defined by statute and judicial interpretation. Discretion shall be applied fairly and consistently. The following four alternatives shall be considered when dealing with juveniles: (CALEA 5th edition, Standard 44.2.1)
1. Release the child and take no further action;
 2. Divert the child to any number of social agencies;
 3. Issue the child a copy of charges; or
 4. In the case of serious offenses, refer the child to Juvenile Court.
- 4.2.2 What is reasonable in terms of appropriate enforcement action or constitutes probable cause varies with each situation. Different facts may justify:
1. In relatively minor incidents where property damage or personal injury is not involved, release of the juvenile offender with no action, informal counseling, verbal warning, referral to a social service agency or parental notification may be appropriate. This may also be appropriate when the juvenile offender has had no prior contact with law enforcement authorities, but intervention, as stated above, is required to avoid future delinquent actions. Examples of these incidents include (CALEA 5th edition, Standard 44.2.1a):
 - a. Loitering;
 - b. Public use of alcohol (non motor vehicle);
 - c. Disorderly conduct; or
 - d. Being at a location that is potentially hazardous.
 2. Copy of Charges
 3. Issuing a Juvenile Complaint Form (Juv-92-2) in lieu of taking the youth in custody may be required when the incident is more serious:
 - a. When the juvenile offender has received prior informal warnings;



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- b. The juvenile offender has engaged in previous delinquent acts; and/or
 - c. When the juvenile offender's parents or guardian have failed to provide appropriate control or supervision. Under such circumstances, officers shall (CALEA 5th edition, Standard 44.2.1b):
 - i. Transport the youth directly to his/her home or detain the youth at one of the precinct facilities for release to a parent or guardian;
 - ii. Initiate an ICIS Incident Report and Juvenile Complaint Report (Juv-92-2); or
 - iii. Transport truants as directed by APD.SOP.3191, "Truant Children."
4. A referral to Juvenile Court (an arrest) (CALEA 5th edition, Standard 44.2.1c).

Refer the offender to Juvenile Court for formal legal proceedings by taking the child into custody under the following circumstances:

- a. Pursuant to a court order;
- b. Charged with any felony, weapons violation, use or possession of narcotics, as well as any narcotics trafficking related offense;
- c. When participating in gang related activities;
- d. Repetitive status offenses;
- e. Committing delinquent acts while on probation or parole or with a case pending;
- f. When there is evidence to believe that the child has run away from his/her parents, guardian, or other custodian;
- g. If there is evidence to believe that the child has committed a delinquent act or to believed to be an unruly child;
- h. Repetitive delinquent acts (within preceding 12 months);
- i. Refusal to participate in a diversion program; or
- j. Precedence has determined that parental supervision is not effective.

4.3 Copy of Charges

4.3.1 Police officers may issue a copy of charges in lieu of a physical arrest in most situations involving juveniles when the interest of the child is best served. Major felonies and situations involving violence shall require a physical arrest. (CALEA 5th edition, Standard 44.2.1b)

4.3.2 An officer shall issue the juvenile a copy of charges to appear in court if:

- 1. The identity of the offender is determined;



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2. Lack of a physical arrest would not present a danger to the public;
3. The charged offense is not listed under OCGA § 15-11-28, Jurisdiction of Juvenile Court, and does not fall under OCGA §15-11-63, the Designated Felony Act; or
4. It is determined that there is a likelihood the juvenile shall appear in court as directed, based on the officer's knowledge of one or more of the following:
 - a. The juvenile can be released to a parent or legal guardian who shall accept full responsibility for ensuring the juvenile shall appear in court when summoned;
 - b. The juvenile's mental condition; or
 - c. The juvenile's past history of court appearances.

4.3.3 A Juvenile Complaint Form (Juv-92-2) must be completed any time a juvenile is charged with an unruly or delinquent offense and any time a deprived child is taken into custody.

1. In many cases, private citizens can sign Juvenile Complaint Forms (Juv-92-2) as the complainant or prosecutor. When this is the case and an officer takes the initial report, all paperwork shall be forwarded to the appropriate juvenile court for further investigation. Upon completion of the court's investigation, a petition may be issued.
2. The only exceptions are cases where a parent or guardian is charging their own child with unruly behavior, such as being a runaway. In those cases, the parent must go to the Juvenile Court, file a petition, and have a pick-up order issued.
3. Even though a parent may request a pick-up order issue, federal regulations severely limit the detention of unruly children.

4.3.4 Prior to Atlanta Police officers issuing a copy of charges and releasing a juvenile to a parent or guardian, the police officer shall first contact the appropriate juvenile authority to determine if a warrant is outstanding.

4.3.5 Police officers releasing a juvenile on a copy of charges shall complete an incident report, a Juvenile Complaint Form (JUV-86-2), and an arrest citation. Court dates shall be marked "JUVENILE."

4.3.6 The defendant's copy of the arrest citation shall be given to the parent or legal guardian. The officer shall explain the charges to the child and parent in complete detail. In addition, the officer shall advise the child and the parent that the juvenile authorities shall notify them as to the court date and other related actions. The officer shall not attempt to advise on any court action.

4.3.7 The court copy of the arrest citation, the original Juvenile Complaint Form, and a copy of the incident report shall be forwarded to the appropriate Juvenile Court.

4.3.8 The Atlanta Police Department's copy of the arrest citation must be turned into the supervisor at the end of the arresting officer's watch.



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- 4.4 Taking a Juvenile Into Custody/Arrests (11-16 Years of Age)
(CALEA 5th edition, Standard 44.2.2), State Law Enforcement Certification 5th edition, Standard 5.30, and OCGA § 15-11-45 through OCGA § 15-11-47
- 4.4.1 If the situation warrants taking the juvenile into custody for violation(s) of a local, state, or federal law, he or she must contact a Fulton County Juvenile Court Intake Officer for the final decision. Fulton County Juvenile Court Intake Officers are on call 24 hours a day, and their telephone numbers are available through the Department's Communications Section. Every effort should be made to contact a Fulton County Juvenile Court Intake Officer from the incident scene. If this is not possible, the juvenile shall be transported to the appropriate Juvenile Intake Area within a reasonable amount of time, unless the juvenile is in need of emergency medical treatment. If the juvenile is in need of medical treatment, the juvenile must be taken to Children's Healthcare of Atlanta – Hughes Spalding for medical clearance prior to transport to the Juvenile Intake area. The Intake Supervisor/Staff shall advise if further transports are needed.
- 4.4.2 If an officer develops probable cause against a juvenile and the act committed is a chargeable offense for an adult (not a status offense), the officer shall:
1. Determine whether the juvenile is alleged to have engaged in other non-criminal or status offenses. (CALEA 5th edition, Standard 44.2.2a)
 2. Take the juvenile into custody and complete an incident report, complete a Juvenile Complaint Form (JUV-90-2), and an arrest citation. Court dates shall be marked "JUVENILE." (CALEA 5th edition, Standard 44.2.2a)
 3. Determine whether the juvenile is alleged to have been harmed or to be in danger of harm. (CALEA 5th edition, Standard 44.2.2b)
 4. Ensure that the constitutional rights of the juvenile offender are protected. (CALEA 5th edition, Standard 44.2.2c)
 5. Bring the juvenile to the appropriate juvenile detention facility within a reasonable amount of time (unless the juvenile is in need of emergency medical treatment). **Charges shall be processed in the county in which the alleged crime occurred.** Final disposition of the case may be transferred to the juvenile's county of residence at the discretion of the adjudicating court. (CALEA 5th edition, Standard 44.2.2d)
 6. Make reasonable efforts to notify the juvenile's parent or legal custodian of the juvenile's location and impending charges. (CALEA 5th edition, Standard 44.2.2e)
 7. Prior to transport, search and restrain the offender as necessary for officer safety.
 8. Keep the juvenile separated from any incarcerated adults and maintain constant supervision while in the officer's custody.
 - a. Fulton County Juvenile Court Intake (Fulton County)
Metro Regional Youth Detention Center
1300 Constitution Road
Atlanta, Georgia 30316
Intake: (404) 730-1199 (Fulton County Intake)
Intake: (404) 635-4400 (Metro RYDC Intake)



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- b. Dekalb Regional Youth Detention Center (RYDC) (DeKalb County)
2946 Clifton Springs Road
Decatur, Georgia 30034
Intake: (404) 244-2183
 - c. Martha K. Glaze Regional Youth Detention Center (RYDC) (Clayton County)
9163 Tara Boulevard
Jonesboro, Georgia 30236
Intake: (770) 473-5977
- 4.4.3 Absent exigent circumstances, a juvenile shall not be held in custody longer than 2 hours without the permission of the in-take officer. At that time, or if the processing has been completed, the Juvenile Intake Officer shall be contacted to determine if the release of the juvenile should be to the:
1. Parent or guardian;
 2. Juvenile court officer; or
 3. Regional Youth Detention Center or other appropriate facility.
- 4.5 Notifying Department of Family and Children Services (DFACS)
(CALEA 5th edition, Standard 44.2.2b)
- 4.5.1 Officers must take immediate and decisive steps to protect children who appear to be the victim of physical abuse, physical neglect, sexual abuse, emotional maltreatment or in danger of being victimized. Priority treatment shall be given to any juvenile that is alleged to have been harmed, in need of emergency medical aid, or is in danger of being harmed.
- 4.5.2 Contact with children who may be suffering from neglect may be made during:
1. A traffic stop;
 2. The investigation of a criminal violation;
 3. The execution of a search or arrest warrant; or
 4. In response to routine calls for service.
- 4.5.3 When officers have reasonable grounds to believe that a child is suffering from illness, injury, or is in immediate danger from his or her surroundings and or removal is necessary, the officer shall:
1. Immediately place the child into protective custody;
 2. Obtain medical attention for the juvenile if necessary;
 3. Notify the Special Victims Unit;
 4. Contact the DFACS Intake Officer during normal business hours (Monday-Friday, 8:00 AM to 5:00 PM) or the Communications dispatcher during non-business hours and request the



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on-call DFACS representative. Officers shall notify DFACS as soon as practical to obtain assistance in securing the appropriate care and protection for the child; or

5. If possible, officers and/or investigators shall photograph the conditions that led to the protective custody. Officers shall document the conditions observed in an incident report whether pictures were taken or not.

4.6 Juvenile Traffic Citations / Arrest (CALEA 5th edition, Standard 61.1.3b)

4.6.1 Juvenile Court has exclusive jurisdiction over juvenile traffic offenses (OCGA §15-11-73). The twelve traffic offenses listed are not handled as juvenile traffic offenses. They are handled by Juvenile Court as delinquency cases; therefore, these cases shall not be referred to adult traffic court.

1. Homicide by vehicle (OCGA § 40-6.273);
2. Any felony in the commission of which a motor vehicle is used;
3. Racing on highways and streets (OCGA § 40-6-186);
5. Fraudulent or fictitious use of a license (OCGA § 40-5-125);
6. Using a motor vehicle in fleeing or attempting to elude an officer (OCGA § 40-6-395);
7. Hit and run or leaving the scene of an accident (OCGA § 40-6-270);
8. Driving under the influence of alcohol or drugs (OCGA § 40-6-391);
9. Possession of a controlled substance or marijuana (OCGA Title 16 – Chapter 13);
10. Submitting a false affidavit (OCGA § 16-10-25) to a police officer relating to the operation of a motor vehicle;
11. Driving on a suspended or revoked license (OCGA § 40-5-121); and
12. Any other offense for which driving privileges may be suspended or revoked for an adult.

4.6.2 The juvenile violator's license shall not be held as bond (OCGA §17-6-11).

4.6.3 In serious traffic cases or in cases where the juvenile has no license; a physical arrest is appropriate. The arresting officer shall follow standard procedures for the processing of juveniles. An incident report shall be completed and submitted.

4.6.4 If a juvenile has committed a minor traffic offense, refer to APD.SOP.4010, "Traffic," Section 4.4.2.

4.7 Juvenile Procedure—Driving Under the Influence (OCGA § 40-6-391)

4.7.1 A juvenile who processes a valid Class "D" Georgia driver's license (OCGA § 40-5-24) and is arrested in violation of OCGA § 40-6-391 Driving under the influence of alcohol, drugs, or other intoxicating substances (DUI), is subject to the Georgia Implied Consent Law (DDS 354). The



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- juvenile is required to submit to a "state administered chemical test of your blood, breath, urine, or other bodily substances" at Grady Memorial Hospital Detention Center or Children's Healthcare of Atlanta – Hughes Spalding. The arresting officer must be present during the drawing of the blood or the administering of the breath test. Upon completion of the test, the arresting officer shall follow standard procedure, for the arrest of a juvenile.
- 4.7.2 A juvenile who is arrested for DUI, regardless of age, that does not possess a valid driver's license is not subject to the Georgia Implied Consent Law. They cannot be given a blood or breath test, unless permission has been granted by the juvenile's parent(s) or legal guardian. If the arresting officer is unable to establish contact with the juvenile's parent(s) or legal guardian, they shall follow standard procedures for the arrest of a juvenile. The court date shall be marked "JUVENILE."
- 4.8 Juvenile Law Enforcement Records
- 4.8.1 Law enforcement records and files concerning a juvenile shall be kept separate from the records and files of arrested adults.
- 4.8.2 Inspection of juvenile records and files is permitted by law enforcement officers of this state or any other jurisdiction when necessary for the discharge of their official duties.
- 4.8.3 Any law enforcement records and files involving an offense which the Superior Court has exclusive jurisdiction, as provided in OCGA § 15-11-28 (b) (2), shall be kept and reported in the same manner as the records of adults.
- 4.9 Fingerprinting and Photographing
(CALEA 5th edition, Standard 82.1.2 a,b)
- 4.9.1 Any juvenile, regardless of age, may be fingerprinted for comparison purposes when an officer has discovered latent fingerprints while investigating a crime and has probable cause to believe that they are those of that particular juvenile. If there is a positive comparison between the two sets of prints and the juvenile is referred to the court, all copies of the prints taken from the juvenile must be delivered to the court for its use and eventual disposition. If instead, there is a negative comparison and the juvenile is at least 13 years old, the fingerprints may be kept but separately from those of adults. If there is a negative comparison and the juvenile is under the age of 13 years, the fingerprints must be destroyed.
- 4.9.2 Every juvenile charged with an act, which would be a felony if committed by an adult, shall be fingerprinted and photographed at the Atlanta Police Department's Identification Unit. The officer who arrests a juvenile for a felony shall advise the juvenile of his or her Miranda Rights concerning being taken to juvenile intake prior to being taken anywhere else as provided in OCGA § 15-11-47.
- 4.9.3 Fingerprints and photographs of juveniles shall be filed separately from those of adults when used in investigating the commission of crimes and shall be made available as provided in OCGA § 15-11-83 and as directed by the court.
- 4.9.4 Police employees shall not make public the name or picture of any juvenile under the jurisdiction of the Juvenile Court for their first offense, unless authorized by the court.



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- 4.10 Line-Ups
- 4.10.1 Photographic Line-Ups: It is permissible to use a previously taken photograph (e.g., from a high school year book) of a juvenile suspect or non-suspect without having the permission of either the juvenile or parent/guardian. All photographs used must be of the same type (e.g., year book, portrait, Polaroid, snap-shot, and digital photography), size, and in color or black and white.
- 4.10.2 In-Person Line-Ups: Officers shall obtain permission from both the juvenile and parent/guardian before a juvenile may be used in an in-person line-up. Although not required, the juvenile's attorney may be present during the line-up.
- 4.10.3 Show-Ups: Immediately following the commission of an offense when a description of a juvenile offender is provided by the victim and/or witness(es), it is permissible to bring a juvenile suspect before the victim/witness for purposes of identification without having the permission of either the juvenile or parent/guardian.
- 4.11 Custodial Interrogations of Juveniles
(State Law Enforcement Certification Program 5th edition, Standard 5.32)
- 4.11.1 When a juvenile is in custody and needs to be questioned, a parent, guardian, or attorney must be present and participating. (CALEA 5th edition, Standard 44.2.3a)
1. Both the parent and child must understand and knowingly waive the juvenile's Miranda Rights and they must sign Waiver of Counsel by Defendant in Custody (Form APD 905). This procedure shall be followed regardless of the juvenile's age, the charge, or whether or not the child is in custody.
 2. In the absence of a parent or guardian and after reasonable attempts have been made to contact them, a juvenile may be questioned and may provide statements if reasonable assurances can be made that the juvenile fully understands his/her constitutional rights. However, every juvenile should be questioned in accordance with this policy.
- 4.11.2 The arresting officer has the responsibility to ensure that the parents/guardians are present during any arrest or custodial interrogations of juveniles with all statements of rights and waiver of rights signed by parents or guardians, legal counsel, and by the juvenile.
- 4.11.3 Duration of Interrogation
1. The questioning of juveniles should not extend over periods of time that could be considered unreasonable or harassing. Questioning should be limited to 2 hours, absent exigent circumstances, and should be conducted by one officer/investigator and one witness at a time if practical. (CALEA 5th edition, Standard 44.2.3)
 2. At least once during each hour of questioning, the juvenile shall be given the opportunity to take a "personal relief" break and shall be offered water (or other non-alcoholic beverage) and some food if the child is hungry.
 3. Officers must also be alert for any juvenile that may require medication or suffers from any food allergies.
 4. All interviews of juveniles by Criminal Investigations Division (CID) employees shall be tape-recorded.



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- 4.11.4 Prior to any interrogation, the juvenile shall be advised of his or her Miranda rights. Additionally, the Department of Juvenile Justice and departmental policies regarding juveniles shall be explained. (CALEA 5th edition, Standard 44.2.2c)
- 4.11.5 A juvenile voluntarily and knowingly waiving his and her rights depends on the totality of the circumstances at the time the statement is obtained. Federal case law sets out nine factors to be considered when determining if a juvenile's statement should be admitted:
1. Age of the juvenile;
 2. Education of the juvenile;
 3. Knowledge of the juvenile as to the substance of the charge and their right to consult with an attorney and to remain silent;
 4. Whether the juvenile is held without being allowed to consult with relatives, friends, or an attorney;
 5. Whether the juvenile was questioned before or after formal charges are filed;
 6. Methods used in questioning;
 7. Length of questioning;
 8. Whether the juvenile refused to voluntarily give statements on prior occasions; and
 9. Whether the juvenile has rejected an extra judicial statement at a later date.
- 4.12 Youth Development Center (YDC) or Regional Youth Detention Center (RYDC) Escapees
- 4.12.1 Whenever an officer arrests or picks up an YDC/Rydc escapee, he or she shall report the circumstances in an incident report. Whenever an arrest is made, the arrest ticket must be turned in at the appropriate YDC/Rydc or Juvenile Intake office.
- 4.12.2 When a juvenile residing in Fulton County is arrested for committing a crime in Fulton County and the officer determines the juvenile is also an YDC/Rydc escapee, the officer shall transport the juvenile to the Metro Regional Youth Detention Center. In the narrative section of the incident report, the officer shall give details relating to the juvenile being an escapee. Fulton County Juvenile authorities shall be responsible for notifying the appropriate youth development center as to the wanted juvenile's location.
- 4.12.3 If the YDC/Rydc escapee is not a resident of Fulton County, and has been arrested for any crime (except for the offenses outlined in section 4.1.5) committed in Fulton County, the juvenile must be transported to the nearest Rydc. The officer shall submit the following papers to the Rydc:
1. Copy of the pick-up order, if any.
 2. Copy of the incident report. In the narrative section of the incident report, explain in detail the crime committed in the City of Atlanta. Include as much information on the victim, witnesses, etc., as possible.



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3. Copy of the Juvenile Complaint Form.
 4. The arrest ticket (take to the Metro Regional Youth Detention Center).
- 4.12.4 When an officer has determined that a juvenile in their custody is an escapee from a youth detention center for an offence not committed in Fulton County, the juvenile shall be transported to the nearest youth detention center regardless of their residency.
- 4.12.5 The nearest RYDC's are the Metro Regional Youth Development Center (Fulton County), DeKalb Regional Youth Development Center (DeKalb County), or Marietta RYDC (Cobb County) (depending on which zone the situation takes place in). The arresting officer shall advise radio that transportation is required for an YDC/Rydc escapee from the officer's location to the Metro RYDC, Marietta RYDC, or the DeKalb Regional YDC. The Communications dispatcher shall contact the Cobb County Police or the DeKalb County police and arrange for a meeting at the appropriate county line to transfer the escapee.
1. Marietta Regional YDC is located at:
1575 County Services Parkway
Marietta, Georgia 30008
Phone: (770) 528-4247
Fax: (770) 528-4261
 2. DeKalb Regional YDC is located at:
2946 Clifton Springs Road
Decatur, Georgia 30034
Phone: (404) 244-2183
Fax: (404) 244-5779
- 4.13 Outside Agencies
- Outside agencies, such as the Juvenile Court of Fulton County, the Juvenile Court of DeKalb County, the Department of Family and Children Services (DFACS), the Metro Juvenile Detention Center, the Youth Development Centers (YDC), and other juvenile diversionary programs shall be encouraged to review and comment on the development of departmental policies and procedures relating to juveniles. (CALEA 5th edition, Standard 44.1.2)
- 4.14 Deprived Child and Arrest of Children under age of 11
- 4.14.1 The Department of Family and Children Services (DFACS) provides an emergency shelter for deprived children residing in Fulton County who have not reached their eighteenth birthday. In addition, the agency provides for any child under age eleven, primarily residing in Fulton County, that is taken into custody on criminal or delinquency charges.
- 4.14.2 Any officer placing a deprived child in protective custody must have prior authorization from a juvenile court judge, or his or her designee, as provided in OCGA § 15-11-48.
- 4.14.3 Any deprived child who is under the age of 18, who resides in Fulton County, and who is taken into protective custody by an APD officer; shall be transported to the Fulton County Emergency Shelter. The Metro Regional Youth Detention Center shall not accept any deprived child regardless of age. The police officer must still contact the Metro Regional Youth Detention Center and advise the Juvenile Intake Officer of the name, age, and circumstances for taking the



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juvenile into protective custody. The Juvenile Intake Officer shall note the aforementioned information in an "Affidavit of Efforts" and shall fax the affidavit to the shelter for prior notification.

- 4.14.4 Any delinquent child who is under the age of 11, who resides in Fulton County, and who is taken into protective custody by an APD officer, shall be transported to the Fulton County Emergency Shelter. The Metro Regional Youth Detention Center shall not accept children under the age of 11, unless there are extenuating circumstances such as when a shelter shall not accept them and a judge approves the request for the Metro Regional Youth Detention Center to accept them. Note: It is the responsibility of the Juvenile Intake Officer to contact the on-call judge and to obtain approval.
- 4.14.5 Once the juvenile has been transported to the shelter, a copy of the related police reports and the arrest tickets (if applicable) must be taken to the Metro Regional Youth Detention Center-Intake Section. At the Juvenile Intake office, the officer shall complete the Juvenile Complaint Form. The police officer shall clearly state in the narrative of all reports that the child was turned over to the Fulton County Shelter for appropriate disposition.
- 4.14.6 Children under the age of one residing in Fulton County shall be taken to Children's Healthcare of Atlanta – Hughes Spalding for a medical examination. After determining that the child must be taken into protective custody, the police officer shall contact the shelter by phone, give the details of the situation, relate the officer's intentions, and request that a caseworker meet the police officer at Hughes Spalding Hospital. When a telephone is not available to the officer, the above information and request shall be relayed to the shelter through TAC Radio. If a caseworker is not immediately available at Hughes Spalding to take charge of the child, the officer shall remain with the child until a caseworker is available.

Children's Healthcare of Atlanta – Hughes Spalding
35 Jesse Hill Jr. Dr SE
Atlanta, GA 30303
Phone: (404) 616-6402

- 4.14.7 When protective custody or protective service is needed for children between the ages one to seventeen that are residents of Fulton County, the police officer shall contact the shelter. Once contact has been made, he/she shall provide details of the situation and request assistance. In some cases, the police officer might be advised to remain at the scene until a caseworker arrives to evaluate the situation. If no criminal charges are involved, the caseworker shall take charge of on the situation. The police officer shall give assistance if requested. This may include providing transportation to the shelter.
- 4.14.8 Deprived children under the age of eighteen and delinquent children under the age of eleven residing outside of Fulton County, who are taken into protective custody by the Atlanta Police, shall be transported as follows:
1. Clayton, Cobb, DeKalb, and Gwinnett counties provide twenty-four-hour juvenile service. An Atlanta officer taking custody of a child residing in one of these four counties shall arrange transportation for the juvenile to the appropriate juvenile facility located in the child's county of residence.
 2. During the day watch and evening watch, Carroll, Cherokee, Coweta, Douglas, Fayette, Forsyth, and Henry counties provide juvenile services. The officer taking custody of a child residing in any of these seven counties shall attempt to arrange transportation for the child to the appropriate juvenile facility located in the child's county of residence.



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3. Children residing outside the metro area counties listed above shall be transported to the Fulton County Shelter.

4.15 Youth Programs

- 4.15.1 The Department has several juvenile programs in place that are outlined in APD.SOP.7030, "Community Oriented Policing Section (COPS)", APD.SOP.3192, "Police Athletic League (PAL)", and APD.SOP.5180, "School Detectives Section." (CALEA 5th ed. Standard 44.2.5)
- 4.15.2 The Community Services Division (CSD) commander shall conduct an annual review and written evaluation of all enforcement and prevention programs within the Police Athletic League (PAL) and the Community Oriented Policing Section (COPS) relating to juveniles. He or she shall maintain these reviews for five years and shall forward copies to the Chief, division commanders, and Planning, Research and Accreditation Unit (PRAU).
- 4.15.3 The Criminal Investigations Division (CID) commander shall conduct an annual review and written evaluation of all enforcement and prevention programs within the School Detectives Section (SDS) relating to juveniles. He or she shall maintain these reviews for five years and shall forward copies to the Chief, division commanders, and Planning, Research and Accreditation Unit (PRAU).
- 4.15.4 All reviews shall be purged according the Records Retention Policy.
- 4.15.5 The evaluation shall consider both the quantitative and qualitative elements of each program, lending itself to decisions regarding whether each specific program should continue to function as is, be modified, or be discontinued. (CALEA 5th edition, Standard 44.1.3)

4.16 Curfew Violations

- 4.16.1 Officers shall patrol their beats to protect children at risk and in violation of the curfew. Officers shall encourage children to comply with the curfew. Children under parental supervision or on legitimate errands are exempt from the curfew as contained in the City ordinance section 106-227. When the officer finds a child in violation of the curfew and determines that it is necessary to remove the child, do the following:
 1. If the child lives in the officer's sector and a parent or guardian is home, take the child home and:
 - a. If charges are not appropriate, turn the child over to the parent or guardian and complete a Field Interview Module on the ICIS reporting system;
 - b. If charges are appropriate, issue a copy of charges to the parent or guardian, complete an offense report, and deliver the child to the parent or guardian, if appropriate.
 2. If the child does not live in the officer's sector; or a parent or guardian is not home; or it is not appropriate to leave the child with the parent or guardian; the officer shall complete a Field Interview Module on the ICIS reporting system and transport the child to a youth detention center, either:



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- a. Fulton County Juvenile Court Intake (Fulton County)
Metro Regional Youth Detention Center
1300 Constitution Road
Atlanta, Georgia 30316
 - b. DeKalb County Juvenile Court Intake (DeKalb County)
4309 Memorial Drive
Decatur, Georgia 30032
- 4.17 Juveniles as confidential sources
(See APD.SOP.5160 "Confidential Source")
5. DEFINITIONS
- 5.1 Adult: Any individual who is not a child.
- 5.2 Child: A person under the age of 18 years; (b) Under the age of 17 years when alleged to have committed a delinquent act; (c) Under the age of 22 years and in the care of DFCS; (d) Under the age of 23 years and eligible for and receiving independent living services through DFCS; or (e) 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.
- 5.3 Custodian: A person, other than a parent or legal guardian, who stands in 'loco parentis' (in place of the parent) to the child, or a person to whom legal custody of the child has been given by order of the court. Such a person has the right to physical custody of the child, the right to determine the nature of the care and treatment of the child, including ordinary medical care, and the duty to provide for the care, protection, training, education, including the physical, mental and moral welfare of the child.
- 5.4 Loco Parentis: Latin for "in the place of a parent" refers to the legal responsibility of a person or organization to take on some of the functions and responsibilities of a parent. Originally derived from English common law, it is applied in two separate areas of the law.
- 5.5 Delinquent Child: a child who has committed a delinquent act and is in need of treatment or rehabilitation.
- 5.6 Deprived Child: A child who:
1. Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health or morals.
 2. Has been placed for care or adoption in violation of law.
 3. Has been abandoned by his or her parents or other legal custodian.
 4. Is without a parent, guardian, or custodian.
- 5.7 Department of Family and Children Services (DFACS): A county social service agency mandated by state statutes to receive and investigate reports of suspected child abuse or neglect.



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- 5.8 Emergency Protective Services: A unit of DFACS that operates twenty-four hours a day which serves as the point of entry for all child abuse and neglect referrals. They also provide social services to families where abuse and neglect exist.
- 5.9 Emergency Shelter: A home for children in need of safekeeping who cannot remain in their own home because of severe neglect, abuse, or lack of supervision.
- 5.10 Juvenile: An individual under the age of seventeen years, or an individual under eighteen years of age for allegations of deprivation.
- 5.11 Petition: A formal written document issued by Juvenile Court authorities, alleging delinquency, deprivation, or unruliness of a child. Any person, including a law enforcement officer, who has knowledge of the situation, may file a petition.
- 5.12 Pick-Up Order/Order For Apprehension: An order signed by a judge authorizing that a child be taken into custody.
- 5.13 Status Offense: Behavior that is illegal for a juvenile but legal for an adult. (e.g., truancy, running away from home, unruliness).
- 5.14 Truant Child: Any child subject to compulsory school attendance found away from home and absent from school without lawful authority or a valid written excuse from school officials. Children of ages 7 through 15 are subject to compulsory school attendance.
- 5.15 Unruly Child: A juvenile, who is truant from school, is habitually disobedient to his or her parents, has committed a status offense, or has run away from home.

6. CANCELLATIONS

APD.SOP.3190, "Juvenile Procedures", effective May 13, 2013

7. REFERENCES

Commission on Accreditation for Law Enforcement Agencies (CALEA), Inc. 5th edition,
Standards: 44.1.1, 44.1.2, 44.1.3, 44.2.1, 44.2.2, 44.2.3, 44.2.5, 61.1.3b, 82.1.2a, and 82.1.2b

State Law Enforcement Certification Program, 5th Edition. Standards 5.30, 5.31, and 5.32

Georgia Criminal Law and Motor Vehicle Handbook, 2003 ed. §15-11-2, §15-11-28, §15-11-45, §15-11-47, 15-11-48, §15-11-63, §15-11-73, §15-11-83, §16-11-132, §17-6-11, §39-3-1, and §39-3-7

APD.SOP.3191 Truant Children
APD.SOP.3192 Police Athletic League
APD.SOP.5180 School Detective Unit
APD.SOP.7030 Community Oriented Policing Section (COPS)

HR 242, Effective July 1, 2013

Atlanta City Code 17-7002