


<p>RABUN COUNTY SHERIFF'S OFFICE</p>  <p>General Order Number: 7.06</p>	<p>Date of Issue</p> <p>2/23/2016</p>	<p>Effective Date</p> <p>2/23/2016</p>	<p>Revision Date</p>
<p>Subject: JUVENILE PROCEDURES</p>	<p>Amends:</p>	<p>Rescinds:</p>	
<p>Index as:</p> <ul style="list-style-type: none"> Criminal Investigation Division Juvenile Procedures Runaway Juveniles 	<p>State Certification Standards: 5.28, 5.29, 5.30, 5.31, 5.32</p>		

Special Instructions:

PURPOSE

The purpose of this General Order is to establish standards and procedures for investigating cases in which a juvenile is a victim or offender.

STATEMENT OF POLICY

It shall be the policy of the Habersham County Sheriff's Office to effectively and efficiently handle criminal cases in which juveniles are the victims or offenders.

When dealing with juveniles, personnel of the Habersham County Sheriff's Office should always take the least coercive action that is reasonably necessary to preserve public safety, order, and individual liberty.

DISCUSSION

The agency's juvenile function is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. The agency's juvenile function is shared by all agency components and personnel.

Members of the Habersham County Sheriff's Office have a special obligation to protect juveniles from harmful circumstances or to provide immediate assistance to those who may be the victims of crime, physical abuse, neglect, sexual abuse, or emotional maltreatment. All personnel must be ever vigilant when dealing with juveniles for any indications that their well-being is in jeopardy and take immediate steps to obtain the necessary assistance and care for the child at the Department of Family and Children Services (DFACS).

DEFINITIONS

Child — Any individual who is under the age of 17 years; 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; or under the age of 18 years, if alleged to be a “deprived child” as defined by Title 15.

Custodian — A person, other than a parent or legal guardian, who stands in place of the parent to the child or a person to whom legal custody of the child has been given by order of a court, and who has the rights and duties provided in Title 15.

Delinquent Act — An act designated a crime by the laws of this state, or by laws of another state if the act occurred in that state, under federal laws, or by local ordinance as additionally defined under Title 15.

Deprived Child — A child who 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; has been placed for care or adoption in violation of law; has been abandoned by his or her parents or other legal custodian; or is without a parent, guardian, or custodian.

Juvenile Court In-Take Officer —The Individual designated by the Juvenile Court Judge to determine whether any child taken into custody should be released or detained and, if detained, the appropriate place of detention.

Protective Custody — The taking of a child into custody if there are reasonable grounds to believe the child is suffering from illness or injury, or is in immediate danger from his surroundings and that his removal is necessary (O.C.G.A. 15-11-17).

Status Offense — An offense, which if committed by an adult, is not a crime and is only applicable to a juvenile (i.e. truancy, curfew violation, runaway, ungovernable).

Unruly Child — One who is subject to compulsory school attendance and is habitually truant without justification; a child who is habitually disobedient or ungovernable; a juvenile who has committed a status offense; a child who deserts his or her home without parental consent; a child who wanders or loiters on any street, highway, or public place between 12:00 midnight and 5:00 Am and/or a child who patronizes any bar where alcoholic beverages are sold or possesses alcoholic beverages.

Juvenile Traffic Offenses — A violation of a motor vehicle law by a person under seventeen (17) years of age.

Additional definitions relating to juvenile operations are found in the Juvenile Proceedings Code, Code of Georgia, Code Title 15, Chapter 11, Section 15-1-2.

I. COURT JURISDICTION

1. The Habersham County Juvenile Court shall have jurisdiction of proceedings in which a child is alleged to have committed a delinquent act or violation of law except as provided in B of this section or otherwise indicated in Title 15.
2. The Habersham County Superior Court shall have exclusive jurisdiction over the trial of any child 13 to 17 years of age who is alleged to have committed any of the following offenses:
 - A. Murder;
 - B. Voluntary manslaughter;
 - C. Rape;

- D. Aggravated sodomy;
- E. Aggravated child molestation;
- F. Aggravated sexual battery;
- G. Armed robbery with a firearm.

II. CRIME SCENE

If the deputy can determine the location of a crime scene, he should obtain consent to search and/or a search warrant if necessary to ensure the scene is processed. When investigating a child molestation or child cruelty case there may not be ready access to a known crime scene. If the molestation or cruelty is recent every effort should be made to process the scene for evidence. However, if the incident occurred some substantial time in the past, processing the scene is not practical. Photographs and/or a diagram of the location should be made if no extensive changes have occurred. If a Crime Scene has been determined, and an Investigator is needed for the processing of the scene contact should be made with the Patrol supervisor or the on-call investigator. The scene should typically be processed for the following items:

1. Photographs;
2. Victim's clothes;
3. Bedclothes;
4. Items with seminal fluid present;
5. Weapons;
6. Fingerprints;
7. Other specific evidentiary items.

III. JUVENILE OFFENDERS

When dealing with juvenile offenders, deputies shall use the most appropriate alternative available, consistent with preserving public safety, order, and the individual rights of the juvenile. Alternatives, which may be considered, include, but are not limited to, the following:

1. Release with no further action;
2. Release with a verbal warning/reprimand;
3. Release to parent, guardian, or custodian and refer to appropriate agency, including juvenile court;
4. Consultation and/or counseling with juvenile and/or parents.
5. Detain and refer to appropriate agency, including juvenile court, or the Assistant District Attorney assigned to juvenile court. If detention at the RYDC is requested, the member must contact the juvenile court intake officer for authorization.

NOTE: Deputies dealing with juvenile offenders have broad discretion in making decisions when handling juvenile cases. Each case must be judged on its own merit and factual circumstance with decisions made which meet the needs of the child and the community. The factors to be considered in each case should include: the nature of the alleged offense; the age and circumstances of the alleged offender; the alleged offender's record, if any; and the availability of community-based rehabilitation programs.

IV QUESTIONING THE JUVENILE OFFENDER

The question of a voluntary and knowing waiver of a juvenile's rights depends on the totality of the circumstances at the time the statement is obtained. Federal case law from the 5th Circuit set out nine factors to be considered when determining if a juvenile's statement should be admitted:

1. The age of the juvenile
2. Education of the juvenile
3. Knowledge of the juvenile as to the substance of the charge and his 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.
9. Whether the juvenile has rejected an extra judicial statement at a later date

The arresting deputy has the responsibility to have the parents/guardians present during any custodial interrogations of juveniles with all statements and waiver of rights signed by the parents, guardians, or legal counsel and by the juvenile. The interrogations of juveniles will normally be limited to only one (1) juvenile, deputy and the arresting deputy. Several considerations will be used to determine the length of a juvenile interview to include, but not limited to, the age of the juvenile, the education of the juvenile, the time of day the interview is being conducted, and the presence of the juvenile's parents or guardians. The investigating deputy will realize that the length of the interview will be one of the factors determining the admissibility of the statement. The deputy will confer with his supervisor for input into the length of the interrogation based on the circumstances.

Prior to any interrogation, the juvenile will be advised of his constitutional rights and will refrain from any action that would bridge or deny those rights. Additionally, the Juvenile Justice System and Department policies regarding juveniles will be explained.

1. All Deputies coming in contact with juvenile offenders will have numerous alternatives to secure detention in a juvenile detention facility. Deputies should use the least coercive and most reasonable options.
2. Juvenile offenders may be released with no further action, referred to a social service agency, informal counseling, or parental/guardian notification without formal legal procedures for relatively minor offenses. These minor offenses include, but are not limited to:
 - A. Truancy;

- B. Loitering;
- C. Status offenses such as runaway juvenile.

Note: In order to determine whether an offense committed by a juvenile is a non-criminal or status offense the deputy must contact the Juvenile Court Intake Officer.

- 3. Juvenile offenders may be issued written citations for traffic related violations as prescribed in the Uniform Patrol Division section of the manual.
- 4. Juvenile Offenders may be released to Parent/Guardian
- 5. In many instances the detention of a juvenile offender is not necessary or practical. For juvenile offenders committing more serious offenses, but not reaching the below mentioned criteria in Section D, deputies may issue a juvenile complaint form and forward the complaint to Juvenile Court. These offenses include, but are not limited to:
 - A. Property crimes such as Shoplifting, Theft by taking, Burglary, etc.;
 - B. Harassing phone calls;
 - C. Statutory Rape;
 - D. Battery.
- 6. The deputy should notify the parent/guardian of the complaint form and turn the juvenile offender over to the parent/guardian.

V. DETENTION OF JUVENILE OFFENDERS

- 1. If a deputy has reason to believe a juvenile offender should be detained in a secure facility he must contact the Juvenile Court Intake Deputy. Juvenile offenders should be referred to Juvenile Court and secure detention requested under the following circumstances:
 - A. Any forcible felony;
 - B. Pursuant to a court order;
 - C. Repeat and/or numerous criminal offenses;
 - D. When there is an outstanding detention order;
 - E. When the deputy has reasonable grounds to believe the juvenile offender may be a danger to their self or the public.
- 2. A juvenile offender can only be detained upon authorization of the Habersham County Juvenile Court Intake Officer. If secure detention is authorized the deputy must:
 - A. Complete a juvenile complaint form;

- B. If juvenile is in need of medical attention he is to be transported to Habersham Medical Center for treatment/evaluation. NOTE payment of medical services is to be billed to the parent or guardian.
- C. Contact the juvenile's parent(s) or legal guardian and notify them of the juveniles secure detention;
- D. Transport the juvenile offender to the Regional Youth Detention Center without delay:
- E. Take a copy of the Juvenile complaint form to the RYDC along with the juvenile offender. The original complaint form will be taken to Habersham County Juvenile Court as soon as possible;
- F. Complete an initial case report to be provided to Habersham County Juvenile Court within three days in all cases in which a juvenile offender was detained in a secure facility.

Note: During processing of the juvenile (preparing complaint form or waiting for instructions from DJJ) the juvenile will be placed in the visitation area of the Sheriff's Office located off of the front lobby and will be continuously monitored while waiting.

I. PHOTOGRAPHING AND FINGERPRINTING JUVENILE OFFENDERS

- 1. Every juvenile charged with an act that would be considered a felony, if committed by an adult, shall be fingerprinted and photographed upon being taken into custody.
- 2. A child can only be photographed or fingerprinted with the consent of a Superior Court Judge or as indicated in O.C.G.A. 15-11-83. No video recording will be taken of juveniles taken into custody as a suspect without prior approval of the Court. (O.C.G.A. 15-11-83)
- 3. Procedures
 - A. In cases in which an immediate need exists for the juvenile offender to be fingerprinted and photographed the juvenile will be transported to the Habersham County Detention Center for fingerprinting and photographing.
 - B. The Habersham County Jail Supervisor on duty must be notified prior to the juvenile's arrival at the Jail.
 - C. The fingerprints, photographs, and copy of the juvenile complaint form will be turned over to the Habersham County Sheriff's Office Records Division. The Records Division, which will maintain juvenile files in a separate area from adult files as indicated in O.C.G.A. 15-11-82.
 - D. Fingerprint and photograph files of juvenile offenders may be inspected by other deputies when necessary to discharge their official duties. The Court may authorize other inspections.
 - E. If latent prints are found during the investigation of an offense and deputies have probable cause to believe that they are those of a particular child, the child can be fingerprinted regardless of age or offense for the purpose of immediate comparison with the latent prints. If the comparison is negative, the fingerprint cards and other copies of the fingerprints taken shall immediately be destroyed. If the comparison is positive and the child is referred to the juvenile court, the fingerprint card and other copies of the fingerprints taken shall be delivered to the court for disposition. If the child is not referred to the court, the fingerprints shall be immediately destroyed.(O.C.G.A. 15-11-60)

II. PHOTOGRAPHIC LINE-UPS

1. It is permissible to use a previously taken photograph of a juvenile suspect or non-suspect, without having the permission of either the juvenile or parent/guardian.
2. All photographs used should be of the same type, size, and in color or in black in Habersham.
3. A photographic line-up admonition form should be used when presenting any photographic lineups.

III. CHILD ABUSE PROTOCOL

1. The child abuse protocol was developed to coordinate the investigation of child abuse cases among the many agencies, offices, and individuals who serve the needs of the children of Habersham County. Every effort should be made to adhere to the child abuse protocol.
2. A copy of the Child Abuse Protocol is made available to all Sheriff's personnel and is located in patrol/squad-room.

IV. PROTECTIVE CUSTODY

1. When a deputy responds to an incident of possible physical abuse, physical neglect, sexual abuse or emotional abuse of a child, the deputy may take the child into protective custody when there is reasonable grounds to believe that the child is suffering from illness or injury or is in immediate danger from his surroundings and that the child's removal is necessary or as otherwise indicated in O.C.G.A. 15-11-45.
2. With incidents where removal of the child is not necessary, the deputy shall make a referral to DFACS and complete an incident report if necessary. The Investigative Division will forward the information to the Department of Family and Children Services as necessary.
3. When a child is taken into protective custody, the deputy will notify the juvenile's parents or guardian, his supervisor and the deputy must notify the Department of Family and Children Services for placement of the child.

V. ABDUCTED JUVENILES

1. Uniform Patrol Division Responsibilities
 - A. A patrol Deputy responding to an abducted child call will notify the Patrol Supervisor.
 - B. The Patrol Supervisor will make the decision to initiate Levi's Call and/or ACIM.
 - C. Levi's Call (Emergency Alert System)
 - a. Levi's Call is an investigative tool used to aid in the location of abducted children.
 - b. The Patrol Supervisor will contact E911 and request the initiation of Levi's Call. The following criteria were established by the Georgia Bureau of Investigations in order to activate Levi's Call:
 - a) The child abduction must be confirmed..
 - b) The abduction circumstances must indicate a danger to the child.
 - c) The child must be 17 years old or younger.

- d) There must be enough descriptive information to indicate that a broadcast alert will be helpful.
- e) The child must be entered in NCIC.
- f) Some exceptions may be made for children with mental or physical disabilities, which indicate they are at a greater risk of danger due to their impairment.

Note: Runaways and custodial abductions, where no danger exists, do not meet the criteria.

2. Criminal Investigation Division Responsibilities

- A. Respond to the scene (record time notified and arrived)
- B. Verify available information and obtain a photo of the victim (victim information, time and location last seen, health or disabilities issues, custody status)
- C. Evaluate/ implement current measures being taken to locate the child.
 - a. Patrol activities prior to investigators arrival.
 - b. NCIC/GCIC broadcast.
 - c. Lookout provided to surrounding agencies.
 - d. Request additional assistance as needed (helicopter, fire units, etc.).
 - e. Conduct search of the immediate area (child's home, last place seen, etc.) for the child or any sign of the child.
 - f. Review the Sex Offender registry list for any known sex offenders residing in the area.
 - g. Interview any witnesses (child's family, last person to see the child, etc.).
 - h. Identify the exact place the victim was last seen and secure the area for processing. Why was the child at this location?
 - i. Locate secondary locations the child might have visited as potential crime scenes.
 - j. Determine the time frame in which the child became missing. Caretakers may try to minimize this time frame.
 - k. Evaluate the information that has been gathered. Recognize any discrepancies in the information. Confirm your information.
 - l. Keep E911 advised of updated information.
 - m. Assign search teams and designate areas to be searched as needed. Assign investigator to be the family contact person. This person should maintain communication with the family. Ideally the Sheriff's Office victim/ witness coordinator would handle this task.

- n. Assign investigators to do neighborhood canvass. Have NCIC/GCIC missing juvenile supplemental completed by the family. Have parental consent form for release of information signed.
- o. Contact the National Center for Missing and Exploited Children (NCMEC) at 1-800-843-5678 to start the process of entering the child into additional nationwide databases. This is not necessary in each in every case. The merits of entering the child into NCMEC databases should be reviewed on a case-by-case basis.

VI. MISSING / RUNAWAY JUVENILE

1. Patrol Division Responsibilities

- A. Complete a detailed incident report as soon as possible.
- B. Obtain a photo of the juvenile.
- C. Enter the Juvenile in NCIC/GCIC.
- D. Advise the parent/ guardian of the Juvenile Court process on obtaining a pickup order.
- E. If the juvenile is under 13 years of age, or there are significant safety issues, contact the on-call Person investigator.

2. Investigations Division Responsibilities

- A. Confirm the Juvenile is listed as a runaway on NCIC/GCIC through the Records Division.
- B. If the juvenile is not entered on NCIC/GCIC verify with the Records Division to see if the juvenile has been recovered and a recovery report has not yet been logged onto CJIS.
- C. Check with the Records Division to see if a photo of the juvenile was obtained with the initial report.
- D. Contact complainant re additional information on the runaway.
- E. Obtain a photo and detailed physical description of the juvenile if this has not completed by Patrol. Complete a lookout on the juvenile as needed.
- F. Provide complainant with a NCIC missing person supplemental report. This report should be provided to the complainant within a week of receiving the runaway juvenile report. If there are suspicious circumstances surrounding the runaway case the packet will be provided to the complainant as soon as possible. Have the complainant return the completed NCIC missing person supplemental reports for the investigator to hand deliver to E911.
- G. If the runaway juvenile is located by Juvenile Court and removed from NCIC/GCIC by Juvenile Court the Sheriff's Office must still complete a supplemental recovery of runaway juvenile report.
- H. If the runaway juvenile is endangered or has left the Habersham County area, contact the National Center for Missing and Exploited Children (1-800-843-5678).

VII. MEDICAL EVALUATION / EXAMINATIONS

Medical Exams

1. Having injuries properly diagnosed and documented by a medical professional is very important to establish child physical abuse.
2. In most cases of sexual intercourse or penetration during sexual abuse a sexual assault exam should be conducted.
3. The Sexual Assault Nurse Examiner (SANE) or other medical professionals conduct medical exams at the Power House for Kids for the collection of evidence. The exams are performed at the expense of the Habersham County Sheriff's Office.
4. If the incident involves the victim receiving serious injuries the victim should be transported to the emergency room or other appropriate medical facility by EMS.
5. Cases involving recent incidents of sexual assault need to be examined as a soon as possible to obtain physical and serological evidence.
6. The case investigator must decide if the circumstances of the case require a SANE exam. Some incidents of abuse, which occurred some substantial time in the past, may not require SANE exams.
7. The Investigator/ deputy arranging the exam must provide a Habersham County Sheriff's Office case number on the incident to the SANE performing the exam.
8. A written report on the SANE exam will be provided to the Investigator and the District Attorney's Office.



By Order of the Sheriff: **Chad K. Nichols**
Sheriff, Rabun County