

General Order

Houston Police Department



ISSUE DATE:

June 8, 2022

NO.

500-06

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-06, dated April 3, 2017

SUBJECT: JUVENILE AND YOUNG ADULT ENCOUNTERS

POLICY

Employees shall follow established procedures regarding interactions with juveniles. Interactions between law enforcement and juveniles are governed by the Family Code as well as by specific guidelines approved by the Juvenile District Court of Harris County. All employees shall understand that procedures for juveniles differ significantly from those used for adults; therefore, interactions with juveniles may require the implementation of different techniques than those used with adults under similar circumstances. The goal of juvenile interaction is intervention and correction, whenever feasible.

Employees shall follow established procedures regarding interactions with young adults. There are certain legal procedures that must be followed when dealing with persons who are legally adults but below the age of 20.

This General Order applies to all employees.

DEFINITIONS

Juvenile. A person younger than 17 years of age.

Young Adult. A person who is 17 to 19 years of age.

1 GENERAL PROVISIONS

Officers are regularly called upon to assume custody of juveniles who have been accused of violations ranging from status offenses to capital felonies, as well as young adults. Officers are reminded that juveniles and young adults often show less ability to use sound judgment in their decision making and understanding of consequences.

When encountering juveniles or young adults, employees shall limit their use of force and physical contact to only the amount reasonably necessary to protect themselves or others, to effect an arrest, or to bring an incident under control. Officers responding to incidents involving juveniles or young adults where use of force is likely shall attempt to de-escalate in a manner that reflects an age-appropriate approach, whenever feasible under the circumstances.

Except as directed in this General Order or by the Juvenile Intake Unit, officers assuming custody of a juvenile shall coordinate the juvenile's disposition with supervisors from the Juvenile Intake Unit and the applicable concerned division, and exercise one of the below disposition options:

- a. Release the juvenile in the field to a parent, legal guardian, custodian, or other responsible adult.

- b. Return the juvenile to the school they attend if that school is in session and the school principal, principal's designee, or school police officer agrees to assume responsibility for the juvenile for the remainder of the school day.
- c. Release the juvenile to Child Protective Services.

Young adults shall be handled as adults except as otherwise noted in this General Order.

2 CLASS C MISDEMEANORS

Citations

Traffic and non-traffic Class C misdemeanor citations cannot be issued to juveniles younger than 10 years of age. Officer shall return juveniles younger than 10 years of age to a parent, legal guardian, or custodian, or to any other responsible adult with the approval of the juvenile's parent or legal guardian. Officers shall complete an incident report as required by Section 5, *Documentation*.

Officers may issue traffic and non-traffic Class C misdemeanor citations to juveniles 10 through 16 years of age as outlined below:

- a. A juvenile 10 through 13 years of age may be issued a traffic or non-traffic Class C misdemeanor citation, but shall not be assigned a court date. The issuing officer shall write the word "Juvenile" at the top center of the citation.
- b. A juvenile 14 through 16 years of age may be issued a traffic or non-traffic Class C misdemeanor citation. Officers shall set the court date for the officer's regular arraignment court, day, and time. The issuing officer shall write the admonishment to "Bring One Parent to Court" at the top of the citation.

Officer shall release juveniles taken into custody for Class C misdemeanor Public Intoxication to a parent, legal guardian, or custodian, or to any other responsible adult with the approval of the juvenile's parent or legal guardian. Officers may issue a citation as outlined above.

For applicable offenses, the officer shall write the incident number on the citation and complete an incident report that includes the ticket numbers, court number (if any), and the date and time required to appear (if applicable) in addition to the requirements of Section 5, *Documentation*.

The Municipal Court's internal filing and docket system automatically diverts these cases to the Juvenile Court.

Municipal Court Arrest Warrants

Officers shall not arrest a person who is under the age of 18 for a traffic warrant. Instead, the warrant is to be left on file and may be active for arrest once the person becomes 18 years of age.

Officers are reminded that an incident report is still required when an investigation reveals a juvenile has traffic related warrants but is released.

3 PROTECTIVE CUSTODY AND STATUS OFFENDERS

Officers may take a juvenile into custody immediately for the juvenile's own protection or for a status offense under the following conditions:

- a. The officer has probable cause to believe that the juvenile is a missing person or runaway.
- b. The officer has probable cause to believe that the juvenile is a truant.
- c. The juvenile is in violation of the Curfew Ordinance as written in Chapter 28, Article V of the City of Houston Code of Ordinances.
- d. The officer has probable cause to believe that the juvenile is in immediate danger and removal is necessary for the juvenile's own protection.

When taking a juvenile into custody in this manner, the officer shall release the juvenile only as set forth in Section 1, *General Guidelines*.

If the juvenile is listed as a missing person or runaway, then the officer shall also follow the procedures outlined in General Order 600-08, **Missing, Kidnapped, and Found Persons**.

If an officer believes the juvenile is experiencing a mental health crisis, then the officer shall follow the procedures outlined in General Order 500-12, **Response to Mental Health Incidents**.

Curfew Ordinance

Violation of the Curfew Ordinance can only occur during curfew hours, which means the period between the hours of 11 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 6 a.m. of the following day, or between the hours of 12 a.m. (midnight) and 6 a.m. on any Saturday and Sunday. As ordered by the Mayor, curfew hours may also include the hours between 9 a.m. and 2:30 p.m. on a Monday, Tuesday, Wednesday, Thursday, or Friday. At any time that daytime curfew hours are to be enforced, the City notifies the public at least seven days before the daytime curfew becomes effective. Prior to issuing a daytime curfew citation, officers shall confirm the curfew is in effect.

An officer may issue a citation for violation of the Curfew Ordinance only if the officer determines that the juvenile is not homeless and unsuccessfully attempts to contact the juvenile's parent or guardian. If the officer is able to contact the juvenile's parent or guardian, the officer shall transport the juvenile home to the juvenile's parent or guardian without issuing a citation. If the officer determines that a juvenile is homeless, the officer shall not issue a citation and shall instead take the juvenile to a shelter or other safe harbor.

The Houston Police Department shall provide enforcement procedures and data that relate to the enforcement of juvenile curfew upon written request from any party.

Curfew Citation Titles

Officers shall use the applicable title when issuing a citation for curfew violation:

- a. As a Minor, (Remain) (Walk) (Run) (Stand) (Drive) (Ride About) in a Public Place during the Daytime Curfew on (Monday) (Tuesday) (Wednesday) (Thursday) (Friday).
- b. As a Minor, (Remain) (Walk) (Run) (Stand) (Drive) (Ride About) in a Public Place during the Night Time Curfew.

4 ARREST PROCEDURES

Employees shall exercise particular care to ensure that a juvenile is not detained in or committed to a jail facility in which adults arrested for, charged with, or convicted of crimes are detained or committed. Juvenile prisoners shall be kept separated from adult prisoners both physically and by sight and sound.

If charges are to be filed, officers taking a juvenile into custody for offenses that occurred in Harris County shall jail initialize the juvenile prior to arriving at the Juvenile Intake Unit with the correct name and other identifying information.

In the instance that an adult is arrested for an incident that occurred when the adult was a juvenile, the adult shall be processed by the Juvenile Intake Unit. The transporting officer shall call a Juvenile Intake Unit supervisor before entering the building to ensure all juveniles have been removed from the intake area. The officer will then transport the adult to the Joint Processing Center.

Arrested juveniles with medical concerns or injuries shall be cleared at the nearest hospital that provides medical clearance for arrested juveniles prior to arrival at the Juvenile Intake Unit. A medical release form provided by the hospital must be submitted upon arrival to the Juvenile Intake Unit.

When an officer has probable cause to believe that a juvenile is in possession of marijuana within Harris County, the officer shall contact Harris County Juvenile Probation (HCJP) to place the juvenile in the Juvenile Marijuana Diversion Program (JMDP) if eligible. In such cases, the officer shall tag the marijuana as evidence but not order it to be tested unless instructed to do so under HCJP procedures.

Officers who have detained a juvenile based on reasonable suspicion or who have probable cause to arrest a juvenile who is wearing an electronic monitoring device shall contact the HCJP to determine if the individual is wanted for a probation violation.

When juveniles are arrested for driving while intoxicated, officers shall follow procedures in General Order 500-04, **Driving While Intoxicated**.

When juveniles are arrested in Fort Bend County or Montgomery County, officers shall follow procedures in General Order 500-07, **Filing Proper Charges**.

School Notification

Officers shall contact the Juvenile Intake Unit when they arrest a juvenile or young adult and know that the person is enrolled in a public or private primary or secondary school. Officers shall

document the name of the person within the Juvenile Intake Unit to whom they provided this information and the name of the school in the narrative of the incident report.

As required by Article 15.27 of the Texas Code of Criminal Procedure, the Juvenile Intake Unit shall notify the school of the juvenile or young adult who is charged with any of the following offenses:

- a. Any felony.
- b. Unlawful restraint, indecent exposure, assault, deadly conduct, terroristic threat, or engaging in organized criminal activity.
- c. The unlawful use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana.
- d. The unlawful carrying of a weapon.

The Juvenile Intake Unit shall complete the school notification form and send the form to the listed school. The Juvenile Intake Unit shall then complete a supplement report with the school notification information.

Prisoner's Disposition Regarding Falsification of Appropriate Age

Officers shall not automatically send a jail prisoner to the Juvenile Intake Unit solely because of a claim to be a juvenile. HPD Joint Processing Center Unit (JPCU) supervisors shall assist in determining the correct age of that prisoner. An HPD JPCU supervisor shall notify a supervisor in the applicable concerned division prior to having a prisoner transported to the Juvenile Intake Unit.

When a prisoner who was originally believed to be a juvenile is found to be an adult, officers shall contact the Juvenile Intake Unit for guidance. Officers shall follow these instructions without unnecessary delay and transfer the adult prisoner to appropriate the custody in an expedient manner.

5 DOCUMENTATION

Officers shall document all incidents with juvenile involvement in an incident report, excluding casual or incidental contact. The incident report shall include the following information:

- a. The juvenile's name, address, phone number (if applicable), date of birth, gender, and race.
- b. Physical description of the juvenile (e.g., height, weight, hair and eye color).
- c. Any alias or nickname used by the juvenile.
- d. The school the juvenile attends (or last attended if no longer in school) and the juvenile's grade level.
- e. Location of the incident, offense (if applicable), and the circumstances surrounding the encounter.

- f. Names, address, and home and work telephone numbers of the juvenile's parents or legal guardians, even if the juvenile was released to someone else.
- g. Name, address, and home and work telephone numbers of the person to whom the juvenile was released.
- h. The receiving person's relationship to the juvenile and the date and time the release of the juvenile was made.
- i. The name of the supervisor(s) from the concerned division (if applicable) and Juvenile Intake Unit authorizing the release.
- j. The officer's actions regarding the encounter with the juvenile.

Officers shall complete a report concerning a juvenile in custody or public service transportation prior to leaving the Juvenile Intake Unit or concerned division (if either are applicable). In all other circumstances, officers shall complete a report as soon as practical.

6 INTERROGATION AND INTERVIEWING PROCEDURES

When conducting interviews or interrogations of juveniles, officers shall ensure that all constitutional and statutory rights guaranteed to an individual under the law are respected prior to, during, and after any questioning involving a juvenile. Officers shall specify the purpose of the interview and the subject matter to be discussed. Officers should ask open-ended, non-leading questions that encourage the juvenile to produce a narrative answer. If the interview is lengthy, officers shall interrupt questioning with breaks after 120 minutes to provide the juvenile an opportunity to eat, drink, and use the restroom.

Legal Counsel and Parent/Guardian Presence

As with adult defendants, juveniles may have legal counsel present during interviews or interrogations. Juveniles also have the right to have a parent or guardian present during any form of interview by law enforcement, unless that parent or guardian is suspected of being a perpetrator towards the juvenile.

Officers shall stop questioning when the juvenile has requested an attorney, parent, or guardian. Officers may resume questioning when the attorney, parent, or guardian is present. However, no parent or guardian may waive the juvenile's right to counsel.

Custodial Interviews

Officers should be aware that a reasonable juvenile being questioned by an officer will sometimes feel pressured to submit when a reasonable adult would feel free to go. Prior to asking questions, officers shall inform a juvenile who is not in custody that the juvenile is free to go.

Officers shall record all custodial interviews of juveniles. The officer shall turn on the recording device the moment the officer begins talking to the juvenile, ensure that the magistrate's warning is recorded, and shall not turn off the device until the last question is answered. Prior to

interrogating a juvenile who has been taken into police custody in connection with an incident and who is the focus of the police investigation, officers shall present the juvenile to a magistrate in the county in which the incident occurred in order for the magistrate to read the juvenile the statutory warnings. Officers shall give the recording device to the magistrate to record the warnings. This order also applies to an adult who is 17 years old and is being interviewed for a crime that occurred when the adult was a juvenile.

7 RECORDS

Incident reports, fingerprints, and mug shots taken pursuant to arrest and booking of juveniles shall be marked "Juvenile" and shall be maintained and disseminated in a manner consistent with the provisions of state law.

Except as mandated by the Texas Commission on Jail Standards (TCJS) as required by Section 8, *Juvenile Log for the Texas Commission on Jail Standards*, officers shall purge a juvenile's jail records, photographic images, and fingerprints from all adult files if a prisoner is discovered to be a juvenile in jail custody. The juvenile prisoner and all jail documents pertaining to the juvenile shall be released to a Juvenile Intake Unit officer.

Department files and records regarding a juvenile are neither open to public inspection nor may their contents be disclosed to the public. Inspection of the files and records is permitted by the Juvenile Courts, Juvenile Probation Department, district attorneys, or members of other law enforcement agencies when necessary for the discharge of their official duties.

8 JUVENILE LOG FOR THE TEXAS COMMISSION ON JAIL STANDARDS

The TCJS requires Texas law enforcement agencies operating any type of secure holding facility for adults to submit a log listing all juveniles held securely in any of the department's locations. In order to comply with this requirement, each "responsible division" as designated by TCJS shall submit a quarterly log to the Juvenile Intake Unit, even if no juveniles were held securely during the specified time period. The division shall list all juveniles (including those giving false dates of birth) held securely for any length of time in a Houston Police Department controlled access area in the log report. Additionally, the division shall list all juveniles held securely in a court holding facility or other Houston Police Department facility on the log.

For each responsible division, the division commander shall designate a liaison to oversee the collection of the quarterly logs and ensure proper submission to the Juvenile Intake Unit. Each division shall submit the name and contact number for the division's liaison to the Juvenile Intake Unit, which shall maintain a list of all designated responsible divisions.



Troy Finner
Chief of Police