
	<b>MESQUITE POLICE DEPARTMENT</b>
	<b>207.00 JUVENILE GUIDELINES AND POLICIES</b>
	<b>Effective Date: March, 2013</b>
	<b>Approved:</b> _____  <b>Chief of Police</b>

- I. Policy Statement
 

The Mesquite Police Department strives to provide a safe community for all of our citizens, adults and juveniles. This General Order should serve as an educational tool as well as a guide to the steps employees should follow when confronted with the commission of unlawful acts by children.
- II. Definitions
  - A. Refer to the Texas Family Code for definitions of these terms: child, parent, guardian, custodian, traffic offense, non-offender, status offender, etc.
  - B. Refer to the Texas Family Code for definitions of Delinquent Conduct and Conduct Indicating a Need for Supervision (C.I.N.S.).
- III. Procedures
  - A. Handling Juvenile Criminal Offenses
    1. Juveniles will be afforded all rights and protections afforded by Federal, State, County and Municipal Laws.
    2. The Mesquite Police Department does not issue warning notices. Juveniles will be handled in accordance with the following sections:
  - B. Class C Misdemeanor Offenses
    1. Traffic Offenses
 

AGES 14-16: Verify the identity of the juvenile, then issue a citation and release if this will not endanger the juvenile. Juveniles may also be taken into custody.

AGES 10-13: Issue a citation then release to a responsible adult, and have the adult sign the citation above the juvenile's signature. Juveniles may also be taken into custody.
    2. Public Intoxication
 

Juveniles taken into custody will be transported to MPD and booked in. No citation will be issued. Use the Juvenile Release Agreement (see Exhibit No. 200-4). Public Intoxication is "C.I.N.S." and is filed with the District Attorney Juvenile Division, so you must also complete a Juvenile Charging Information Sheet (see Exhibit No. 200-5).
    3. Other Class C Offenses
 

Handle like a traffic violation. Use the standard departmental guidelines to determine if an offense report is necessary. If you complete an offense report be sure to make note of the citation number or arrest number in the narrative.
  - C. Runaway
    1. Officers are encouraged to check for runaway status on all juveniles contacted in the field, especially if contacted late at night or under suspicious circumstances. If the juvenile is found to be a runaway, take the juvenile into custody and transport to MPD. The charge would be "C.I.N.S. - Runaway." A case report is not required, but complete a Juvenile Charging Information Sheet.
    2. When taking a report on a runaway, remember that our department only has jurisdiction over juveniles that live in our city. For example, if a juvenile runs away while at Town East Mall, but lives in Sunnyvale, the parent should be referred to DSO and no report taken by MPD.
    3. A juvenile taken into custody for runaway may be:

- a) Released to a responsible adult - Use the Juvenile Release Agreement.
  - b) Transported to Letot - Runaways should be transported to Letot when no responsible adult is available, if special circumstances exist, or if the runaway is a habitual offender (third or subsequent report). Take one copy of the arrest report with you to submit to intake personnel. Be sure to call the Juvenile Detention Center first, to ensure that they do not have a "hold" on the juvenile, or if the juvenile is not currently on probation. If the Juvenile Detention Center has a "hold" on the juvenile, or the juvenile is currently on probation, follow the instructions listed in section III (E. 2. b) of this General Order, and transport the juvenile to Juvenile Detention Center.
- D. Truancy
  - 1. Juveniles will not be taken into custody for truancy alone. Juvenile truants will be released to a school official for disposition.
  - 2. Students under age 17: The student should be identified and checked for a valid written excuse to be out of school. If there is no valid excuse, contact should be made with the juvenile's Principal or Assistant Principal to determine that the juvenile is actually truant, then the juvenile may be transported to the school and released to a school official. If the juvenile is driving a vehicle, the officer may escort the vehicle back to school. A Field Interview/Intelligence form should be used to document the incident (see Exhibit No. 200-6).
  - 3. Students Age 17 and older. Identify the student and notify the school. Do not take into custody. A Field Interview/Intelligence form should be used to document the incident.
  - 4. If the school refuses to accept the student, there is no truancy violation.
- E. Class B Misdemeanor and Higher Offenses
  - 1. Unless otherwise directed, the juvenile will be transported to MPD and a parent contacted as soon as possible. Completion of the Juvenile Charging Information Sheet, Arrest Report, Case Report, and Offense Report will be the responsibility of the arresting officer.
  - 2. When ready to release, the juvenile may be:
    - a) Released to a responsible adult. Use the Juvenile Release Agreement, block "B".
    - b) Transported to the Juvenile Detention Center. Be sure to call ahead prior to transport. Make a copy of the Juvenile Charging Information Sheet and two copies of the Arrest Report to turn in to intake personnel. Turn in the original Juvenile Charging Information Sheet to MPD. The intake personnel may tell you to take the juvenile to Letot if the offense is a Class C Misdemeanor.
- F. Offenses involving Children less than ten years old
 

Use the standard MPD offense report to document the incident. If no parent or other responsible adult is available to take custody of the child, the child may be taken into protective custody if necessary. The child may be released to a parent or guardian using the Juvenile Release Agreement block "C".
- G. Detention Locations and Release Procedures
  - 1. Refer to the Texas Family Code
  - 2. A juvenile taken into custody may only be transported to one of four places:
    - a) The Mesquite Police Department,
    - b) The Juvenile Detention Center or Letot,
    - c) A Medical Facility for emergency care, or
    - d) To a parent, guardian, or responsible adult for release

3. Initially transporting a juvenile to any other location is prohibited by law and will result in the loss of evidence or possibly the entire case. As long as the Juvenile is transported to one of these locations first, they may then be transported to recover stolen property, to a crime scene, for witness identification, etc.
4. A Juvenile may only be released to a parent, guardian, or responsible adult. Officers must use their discretion and consider the age of the juvenile, the type of offense committed, and the relationship of the juvenile to the adult.
5. Juveniles who are taken into custody by other law enforcement agencies must be transported to detention centers, runaway shelters, etc. by the arresting agency, in accordance with the Family Code.

#### IV. Juvenile Processing

- A. The Family Code establishes three types of custody for juveniles. They are as follows:
  1. Non-secure custody: Juveniles taken into custody for traffic, Class C (other than Public Intoxication), status offenses, curfew violations, or as non-offenders must be processed and held in a designated place of non-secure custody.
  2. Juvenile curfew violations: Curfew violators must be processed and held in a designated place of non-secure custody.
  3. All other offenses: Juveniles not charged with curfew violations or held in non-secure custody will be processed in the juvenile processing area and held in a designated place of secure custody.
- B. Non-Secure Custody Room
  1. The juvenile Non-Secure Custody Room is located behind the front desk area. Desk personnel will be responsible for maintaining constant visual and auditory observation of juveniles being detained. Desk personnel will not leave the front desk while the juvenile Non-Secure Custody Room is occupied, unless properly relieved.
  2. A secondary Non-Secure Custody Room is located near CID on the fourth floor. CID personnel will be responsible for maintaining constant visual and auditory observation of juveniles being detained. CID personnel will not leave a juvenile in the Non-Secure Custody Room, unless properly relieved.
- C. Secure Custody Area
  1. All juveniles who are taken into custody for violations that require secure custody will be brought to the juvenile processing area located in the detention sally port.
- D. Transporting the Juvenile
  1. The decision to take a juvenile into custody shall be based upon probable cause, reasonable suspicion, seriousness of the crime, complainants decision to pursue charges, or if the juvenile needs to be detained for a Conduct Indicating Need of Supervision provision (CINS).
  2. Juveniles taken into custody should be searched according to current departmental policy.
  3. Prior to being transported, the arresting officer shall notify dispatch that they have a juvenile in-custody and that they are en-route to the approved location.
  4. The officer will give their beginning and ending vehicle mileage to the dispatcher. This must be done over the radio, which is recorded and logged-in by the dispatcher.
  5. All juvenile transports shall be recorded by the patrol car's in-car video system. Juveniles placed in patrol cars shall be monitored by audio and visual means at all times.
  6. Juveniles in custody may not be transported in the same vehicle as adults.

7. Juveniles in custody will be handcuffed for transport. Other departmentally approved restraint devices may be used that are applicable to the situation and the safety of the juvenile.
8. Children requiring child safety seats will be transported according to current law.
- E. Booking Procedure - The arresting officer is responsible for the juvenile prisoner until the juvenile is accepted for detention by the Desk Officer or Detention personnel. The arresting officer is also responsible for making arrangements to have juveniles transported to other juvenile facilities (Detention, Letot, etc.). A Juvenile may be transferred to the appropriate custody area after book-in is complete. Juvenile arrests must be approved by a supervisor prior to acceptance by the Desk Officer or Detention personnel. Officers must furnish the Desk Officer with a copy of the juvenile's arrest reports. All juvenile records shall be kept separate from adult records and in accordance with Mesquite Police General Orders.
- F. Notification of Parents - The arresting officer should notify parents or guardians as soon as possible. A note of who was contacted, when contacted, and expected arrival time will be supplied to the Desk Officer or Detention personnel. Should the person not arrive as expected, the Desk Officer or Detention personnel will notify the Watch Commander.
- G. Other Guidelines - All juveniles must be searched and all their property inventoried and bagged prior to being placed in the appropriate custody area. The Desk Officer or Detention personnel will be responsible for security of the inventoried property. When a Juvenile Holding Room is occupied, the light must be on and the door closed. Juveniles will be separated by sight and sound from adult prisoners.
- H. Adult Prisoners - No adult prisoners will be held in any Juvenile Holding Room at any time.
- I. It is the policy of the Mesquite Police Department to hold juveniles in the appropriate holding room for as brief a period as possible and for never more than six hours.
- J. It is the responsibility of the arresting officer to notify the on-duty Station Sergeant whenever a juvenile is taken into custody and placed in a secure or non-secure holding area.
- K. It is the responsibility of the on-duty Station Sergeant to ensure the proper documentation of all juveniles placed in secure or non-secure custody during their shift. Documentation will be in accordance with the provisions of the Juvenile Justice and Delinquency Prevention Act.
- V. Arrest at School
  - A. Officers should use discretion when conducting investigations involving the arrest of a student at school during school hours. Officers should attempt to cause minimal disruption to the other students. If a student is questioned at school, an MISD administrator should be present.
  - B. Efforts will be made to question elementary school students after school hours if possible; if not, an MISD administrator should be present.
  - C. Officers responding to calls at schools should first contact an MISD administrator and/or the School Resource Officer. If a citation is issued, then there is no need for a responsible person to countersign as long as the child is left at school.
  - D. The Texas Family Code restricts the release of names of juvenile offenders to the school district. A CID secretary will handle the routine release of arrest information to school districts.
  - E. Officers may remove a student from school pursuant to the laws of arrest. The Officer will sign a release form (copies of this form are maintained at the school) and an effort will be made to contact a parent or guardian.
- VI. Protective Custody
  - A. An officer may take a juvenile into protective custody under the following circumstances:

1. When the juvenile is in the custody of an arrested adult and no responsible adult is available to accept custody of the juvenile.
  2. When there is reasonable cause to believe there is immediate danger to the physical safety or emotional well-being of the child.
  3. When no parent or responsible adult can be located for a lost child.
- B. An arrest report will be completed (Charge is "Protective Custody") and if possible, written notification will be left at the home where the child is taken into custody.
- C. The arresting officer will notify Child Protective Services, and if necessary transport the child to the Dallas County Emergency Shelter (CPS). Officers who transport children to CPS must provide intake workers at CPS with a copy of the arrest report and a notarized handwritten affidavit explaining the reason the child was taken into custody.
- D. Children picked up for abuse, neglect, or abandonment will not be released back to the alleged offender without the approval of CPS.
- VII. Fingerprints and Photographs  
Refer to Texas Family Code
- VIII. File and Record Security  
Refer to Texas Family Code
- IX. Waiver of Rights (Confessions)  
Refer to Texas Family Code
- EFFECTIVE: May, 1984; REVISED: September, 1990; FORMERLY: C/84-26; REVISED: January, 1992; REVISED: January, 1996; REVISED: July 1998; REVISED: August, 2011; REVISED: March, 2013

The State of Texas §  
County of Dallas §  
City of Mesquite §

**Mesquite Police Department**  
***Juvenile Release Agreement***

1) **Juvenile Name** \_\_\_\_\_ DOB \_\_\_\_\_  
(Last, First, Middle)

Age \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ School \_\_\_\_\_

2) **Adult Name** \_\_\_\_\_ DOB \_\_\_\_\_  
(Last, First, Middle)

Address \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_

City, State Zip \_\_\_\_\_

Home Phone \_\_\_\_\_ DL State \_\_\_\_\_ DL # \_\_\_\_\_

Work Phone \_\_\_\_\_ Social Security # \_\_\_\_\_

Relationship to Above Juvenile \_\_\_\_\_

3) **Check only one box:**

- ☐ **A. Municipal Court:** I, the undersigned defendant, in consideration of being released from the custody of the Mesquite Police Department on my personal agreement to appear, do hereby agree to appear as directed in the Municipal Court of Mesquite, Texas, on or before 12 days from the date of the offense to answer to the charge(s) of \_\_\_\_\_ or make legal disposition of this charge according to court instructions. The court phone number is 972-216-6206. I further understand that if I fail to appear as agreed, that an additional charge of *Failure to Appear* may be filed by the Municipal Court.

☐ **B. Dallas County District Attorney's Office:**

Charge(s) \_\_\_\_\_

As a condition of the juvenile's release to me, I do hereby agree to insure the juvenile appears in court when directed by proper authority. I understand that if the juvenile fails to appear in court that the Dallas County District Attorney's Office may file a civil action requiring me to appear and produce the juvenile in court and that the court may order sanctions against me, if I fail to appear and produce the juvenile in court.

- ☐ **C. No Charges Filed:** Your child was taken into custody at \_\_\_\_\_ (time) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Officer \_\_\_\_\_ of the Mesquite Police Department for protective custody only. No charges will be filed.

4) **Signatures:** I have read and understand the section marked above. (A, B or C)

Signed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Juvenile Signature \_\_\_\_\_

Adult Signature \_\_\_\_\_

5) **Release:** Releasing Officer \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

White – Records, Yellow & Pink – DA's Office, Goldenrod – Parent

## JUVENILE CHARGING INFORMATION – District Attorney Juvenile Division

PRINT CLEARLY AND LEGIBLY

<b>POLICE AGENCY:</b>	<b>Mesquite Police Department</b>		
<b>JUVENILE:</b>	Last Name	First Name	
	Age: _____ D.O.B: ____/____/____ Sex:    M    F		
<b>Address of Juvenile:</b>			
<b>City, St, Zip:</b>			
<b>Juv. Phone:</b>	<b>School:</b>		
<b>Parent (Guardian):</b>			
<b>Address:</b>			
<b>City, St, Zip:</b>			
<b>Home Phone:</b>			
<b>Work Phone:</b>			
<b>CHARGE 1:</b>	Last Name	First Name	
<b>Date Offense:</b>	<b>COMPL (Person):</b> _____		
	<b>AGE:</b> _____ <b>DOB:</b> ____/____/____ <b>Phone:</b> _____		
	<b>Property Taken:</b> _____		
	<b>Weapon Used:</b> _____ <b>Svs. No.</b> _____		
<b>CHARGE 2:</b>	Last Name	First Name	
<b>Date Offense:</b>	<b>COMPL (Person):</b> _____		
	<b>AGE:</b> _____ <b>DOB:</b> ____/____/____ <b>Phone:</b> _____		
	<b>Property Taken:</b> _____		
	<b>Weapon Used:</b> _____ <b>Svs. No.</b> _____		
<b>CHARGE 3:</b>	Last Name	First Name	
<b>Date Offense:</b>	<b>COMPL (Person):</b> _____		
	<b>AGE:</b> _____ <b>DOB:</b> ____/____/____ <b>Phone:</b> _____		
	<b>Property Taken:</b> _____		
	<b>Weapon Used:</b> _____ <b>Svs. No.</b> _____		

**Comment:**

**FOR DA USE ONLY**

Cause No:	Ct:	DA:	Pct.	Set:	JD:   F   NF   PO:	SUPL
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**Exhibit No. 200-5 Juvenile Charging Information DA Juvenile Division**

## MESQUITE POLICE DEPARTMENT – FIELD CONTACT

Incident Number:				Incident Type:			
<b>Field Interview Information:</b>							
Person No:		MNI:		Case Number:		Reporting Officer ID:	
Event Association:				Contact Date:		Time:	
Location of Contact:						Building No:	County:
Name:							Prefix:
Alias (1):				Alias (2):			
Social Security No:		Date of Birth:	Age (Range):	Sex:	Race:	Ethnicity:	Juvenile:
Height (Range):		Weight (Range):	Eye Color:	Hair Color:			
Address 1:						Building No:	County:
Premise Type:							
Phone Type:		Phone Number:		Ext:	Phone Type:		Phone Number:
Exp Date:	State of Birth:	Residential Status:		Occupation:		Employer:	
Address 2:						Building No:	County:
Premise Type:							
SMTI Code:				SMTI Description:			
SMTI Code:				SMTI Description:			
SMTI Code:				SMTI Description:			
SMTI Code:				SMTI Description:			
Parent/Guardian Name (1):				Parent/Guardian Name (2):			
Condition (1):			Condition (2):			Condition (3):	
Gang Name/Affiliation:					Blood Type:		Marital Status:
Distinguishing Marks:							
Contact Summary:							

**Exhibit No. 200-6 Field Interview / Intelligence Form**