



# MINORS

Enforcement Division

Policy Number: LE 8.00.00

Effective Date: 2/1/08

## POLICY

Certified peace officers (CPOs) will interact with minors in accordance with the Texas Family Code, local rules, and TABC policies and procedures.

For policies and procedures related specifically to minor and shoulder tap sting operations, see *Minor & Shoulder Tap Stings*, §1.02.03 of this manual.

## DEFINITIONS

A *minor* is any person under the age of 21. A minor may also be considered a *child*.

A *child* is a person who is:

- a. 10 years of age or older and under 17 years of age; or
- b. 17 years of age or older and under 18 years of age who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 17 years of age.

## PROCEDURES

### a. Special Requirements for Detention of a Child.

1. CPOs will not detain a child in violation of the Texas Family Code.
2. If a CPO arrests a child, the CPO will, in his or her discretion:
  - release the child;
  - release the child to a responsible adult;
  - transfer custody of the child to local law enforcement; or
  - take the child to a detention center as designated by the county and the Texas Family Code.

### b. Transportation of Minors.

1. CPOs will transport minors in accordance with the Texas Family Code, local rules, and TABC policies and procedures.
2. CPOs will transport minors (who are not children) in the same manner as an adult. See *Warrantless Arrest*, § 2.05.00.
3. CPOs will not transport any arrested children with any arrested persons 17 years of age or older.

### c. Filing Charges. CPOs will file charges against minors in accordance with the Texas

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Family Code, local rules, and TABC policies and procedures.

**d. Documentation and Other Evidence Related to Minors.**

1. Files for children must be clearly marked with the word "JUVENILE."
2. After arresting a minor, who is enrolled in a primary or secondary school, for any felony offense or any misdemeanor listed in Texas Code of Criminal Procedure Art. 15.27(h):
  - The CPO will orally notify the superintendent or designee in the school district in which the student is enrolled within 24 hours or on the next school day.
  - Within seven days after the date the oral notice is given, the CPO shall mail written notification, marked "PERSONAL and CONFIDENTIAL" on the mailing envelope, or send notification by e-mail, to the superintendent or designee.
3. Photographs.
  - CPOs will not take photographs of a child accused of a violation.
  - CPOs may take photographs of a minor who is not a child when the age of the minor is a factor in related prosecution of that minor.
4. If a CPO charges a minor for a violation punishable by fine only and the violation is later transferred to juvenile court due to two or more prior convictions, the CPO will:
  - file the original citation and complete data entry as he or she normally would for any violation punishable by fine only;
  - after learning that the violation has been transferred to juvenile court, the CPO will enter the final disposition as "DIS" in the agency computer system; and
  - the CPO will enter "Transferred to Juvenile Court" in the remarks section in the agency computer system
5. If a CPO charges a child with a violation, the CPO will stamp the citation with "JUVENILE" in red ink. The CPO will enter the citation into the agency computer system and will ensure that the file indicates that the individual is a child.
6. CPOs will maintain copies of citations and other records related to violations in accordance with the Texas Family Code and these policies and procedures.

**e. Expunging Records.**

1. Texas Alcoholic Beverage Code (Code) § 106.12 allows expunging records of a violation of the Code or Commission Rules under certain conditions after a person reaches the age of 21.
  2. CPOs will submit all requests for expunging records to a local supervisor.
  3. The supervisor will forward all requests for expunging records to the assistant chief of enforcement immediately upon receipt.
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