

Germantown Police Department

Policies and Procedures

Number: 7-3
Effective Date: May 15, 2006
Subject: Juvenile Summons
Previous Revisions: January 1, 2003; August 18, 2003

I. PURPOSE

The purpose of this policy is to establish guidelines and procedures for the issuance of a Juvenile Summons.

II. POLICY

It is the policy of the Germantown Police Department that all officers should be aware of the established procedures regarding the proper way to charge a juvenile with a traffic violation or with a criminal or status offense.

III. PROCEDURE FOR JUVENILE TRAFFIC OFFENDERS

- A. Officers charging juveniles with routine traffic offenses shall make every effort to cite the offender into the City of Germantown Municipal Court, using the City of Germantown Traffic Citation. However, with certain offenses, the officer shall be required to cite the offender into Juvenile Court. The following offenses, if committed by juveniles, must always be presented in Juvenile Court:
1. D.U.I.
 2. Accidents involving death
 3. Vehicular homicide
 4. All traffic violators under age 16
 5. Any aggravated charge (reckless driving, etc.)
- B. If the officer cites the juvenile into Juvenile Court, a Juvenile Court representative will notify the offender of a date to appear at the Juvenile Court office. The juvenile must go to the Juvenile Court office with a parent/guardian on that date for a conference to decide how the matter will be handled (i.e., formal or informal). If the

child denies the charge and requests a hearing, the officer will be notified of a hearing date by the Juvenile Court.

- C. If the officer cites the juvenile into the City of Germantown Municipal Court, the officer will schedule the juvenile traffic offender on the officer's regularly scheduled court date designated for juvenile offenders.

IV. PROCEDURE FOR A JUVENILE SUMMONS

- A. Officers may issue a Juvenile Summons whenever their investigation reveals that the juvenile has committed a state or city misdemeanor offense. Officers may also issue a Juvenile Summons when their investigation reveals that a non-violent felony has been committed, but a supervisor must approve the issuance of a Juvenile Summons for a felony charge. Any juvenile charged with a violent felony crime must be arrested and transported to Juvenile Court.
- B. Officers should issue a Juvenile Summons whenever there is a prosecuting complainant in an incident. The officer does not have to witness the violation if the violation is a misdemeanor as long as there are witnesses or complainants. The officer, when issuing a Juvenile Summons, is merely acting as a reporting authority, and therefore it is not necessary that a misdemeanor offense be committed in the officer's presence for the summons to be issued. It is important that the officer include: the complainant's name, home address, home phone number, business address, and business phone number so that the Juvenile Court can contact these people to prosecute.
- C. Officers are not to issue a Juvenile Summons for a status "non-criminal" offense such as habitual disobedience and unruliness. These types of offenses must be handled by a parent or guardian going to Juvenile Court and speaking with a probation counselor in the Non-Custodial Diversion Section.
- D. There is no procedure at Juvenile Court that allows a complainant to obtain an arrest warrant for a juvenile. However, Juvenile Court may issue an ATTACHMENT PRO CORPUS. This serves the same purpose as a warrant, and must be signed by a judge. The order states "**To any lawful officer: It appearing to the Court that a summons cannot be served or that (John Doe) has failed to obey the summons of this Court or it appearing that summons for his appearance will be ineffectual, you are commanded to attach the body of said child and bring him forthwith before this Court.**"

- E. A Juvenile Summons cannot be issued to a child who cannot be properly identified or who resides outside of Shelby County.
- F. When an officer issues a Juvenile Summons, he/she will attempt to notify a parent or guardian and inform them of the nature of the charges. The officer may request the parent or guardian to meet him/her at the scene or at the Police Department.
- G. Upon issuance of a Juvenile Summons, the officer may release the juvenile to the parent or guardian (noted in narrative).
- H. If the child is released to the parent, the parent will be instructed that a Juvenile Court summons will be sent to them notifying them of a hearing date. Parents should also be made aware that this usually takes approximately six to eight weeks, and that when the child appears in a court, a parent or guardian must accompany them.
- I. An officer should use sound discretion when releasing a juvenile without a parent or guardian present (i.e., age of juvenile, location of release, nature of charge, etc.).
- J. The summons will be signed by the juvenile (or by the parent in the absence of the juvenile).

V. JUVENILE SUMMONS vs. JUVENILE TRAFFIC CITATION

- A. A Juvenile Traffic Citation may be issued, instead of a Juvenile Summons, for any state misdemeanor traffic offense where a physical arrest is authorized, such as reckless driving, leaving the scene of an accident, drag racing, no driver's license, suspended driver's license, etc. This includes those persons who are 16 or 17 years of age. Driving under the influence of intoxicants/ drugs (DUI) always requires a physical arrest.
- B. When a juvenile is arrested and charged with only traffic offenses, then only the Juvenile Traffic Citation should be issued. A Juvenile Summons shall not be issued in such cases.

If a juvenile is issued a Juvenile Traffic Citation for a traffic offense where an arrest is permitted, then the juvenile should be released to a parent or other responsible adult.

If a parent or other responsible adult cannot be located, then the juvenile should be transported to Juvenile Court. In such case, only an Arrest Report shall be

completed (no Juvenile Traffic Citation). All of the traffic charges shall be listed on the Arrest Report.

- C. The only time that a Juvenile Summons can be issued for traffic charges is when the juvenile is charged with a criminal violation in addition to the traffic charge(s). In that case, the officer may issue a Juvenile Summons and list all of the traffic charges and all of the criminal charges on the Juvenile Summons using T.C.A. statutes (no city ordinance codes). A Juvenile Traffic Citation shall not be issued in addition to the Juvenile Summons.
- D. Juvenile Court only requires one charging instrument to charge a juvenile with an offense. This charging instrument shall either be an Arrest Report, a Juvenile Summons, or a Juvenile Traffic Citation.

VI. REVIEW PROCESS

An annual review of this policy shall be conducted to determine if it should be revised, cancelled or continued in its present form.

This order shall remain in effect until revoked or superseded by competent authority.