


<b>POLICY 507</b>	<b>JUVENILE PROCEDURES</b>	
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**A. PURPOSE:**

1. This policy describes the circumstances under which juveniles will become the subjects of a contact with police, and provides guidelines for officers to follow with regard to juveniles. Florida State Statutes, and the "Florida Juvenile Handbook" issued to the police department by the Florida Department of Juvenile Justice shall be referred to for additional guidance in juvenile matters.
2. During juvenile related encounters, officers shall keep in mind that the intention of juvenile law is to divert as many delinquents as practical from the formal aspects of the criminal justice system into counseling, warning, mentoring, or other alternative situations.

**B. EMANCIPATION/ADJUDICATION EXEMPTION**

1. No person under 18 years of age shall be treated or regarded as an adult by officers unless documentation of "emancipation" to adulthood or "adjudication" to adulthood is readily available, such as a teletype confirmation or court order.
2. Juveniles who are legally emancipated are not subject to "status" offenses, and shall be treated in the same manner as adults in all police matters.
3. Juveniles who have been officially adjudicated as adults will be treated as adults only in relation to custody, processing and intake procedures.
4. Arrests of juveniles suspected of being adjudicated or emancipated require the arresting officer to submit a Probable Cause Affidavit as well as a Juvenile Probable Cause Affidavit during the prisoner intake process. Prisoner intake processing personnel will then attach the Adult Probable Cause Affidavit to the top copy of the Juvenile Probable Cause Affidavit without assigning it a FL number. The pink copy from the Adult Probable Cause Affidavit will be pulled and sent to Records. The top copy of the Juvenile Probable Cause Affidavit and the Adult Probable Cause Affidavit will be sent with the juvenile to the Juvenile Assessment Center.

**C. LAW ENFORCEMENT CONTACTS WITH JUVENILES**

1. Ill Or Injured Juveniles
  - a. Regardless of the purpose of contact, the summoning of medical attention for an ill or injured juvenile, or the application of first aid, will be done without unnecessary delay.

- b. The procedure described as AFFIDAVIT/T.O.T. TO GUARDIAN may be followed to release an ill or injured arrested juvenile to a guardian who is willing to arrange for medical attention, if the offense constitutes a misdemeanor, and the release does not appear to create a public danger
  - c. Also, refer to FLPD policy 502.2, Injured Prisoners.
2. Delinquent Behavior
- Officers are encouraged to warn and disperse juveniles that they find engaged in inappropriate activities, disturbances, or other non-criminal misbehavior. Whenever practical, officers should advise the appropriate parent/guardian of the incident.
3. Traffic Citations/Juvenile
- a. "Criminal" traffic infractions require the officer to process the juvenile offender through FLPD prisoner intake processing and then release the juvenile to an adult.
  - b. All other traffic citations will be issued to juveniles in the same manner as adults.

**D. CRIMES/INCIDENTS LEADING TO CUSTODY**

1. Endangered Children
- Officers taking juveniles into protective custody should also see Policy 204.5, Child Abuse Neglect and Abandonment.
2. Under Age "Status" Offenses
- For incidents of Truancy, Runaway, and Curfew violations, officers will be guided by the following:
- a. Truants - (§ 984.13 (1) (b) Fla. Stat.)
    - (1). An officer has the authority to take a truant juvenile under the age of 16 into custody in order to transport him or her to the appropriate school.
      - (a). A report (an incident report or curfew form) shall be completed detailing any such action.
      - (b). Truants shall not be placed in secure detention, or otherwise mixed or associated with juveniles being held for criminal or non-status violations.
      - (c). All truants shall be searched for weapons prior to being transported.
    - (2). Officers have the following options and responsibility regarding

truants, runaways, or when a child is beyond the control of the parent, guardian, or legal custodian:

- (a). Release to Juvenile Assessment Center /Truancy Site.
- (b). Release to School
- (c). Release to parent, guardian, legal custodian or responsible relative
- (d). Release to an approved family in need of services or child in need of services provider
  - 1). Pursuant to an order of the circuit court based upon sworn testimony before or after a petition is filed under § 984.15 Fla. Stat.
  - 2). By a law enforcement officer when the child voluntarily agrees to or requests services pursuant to § 984.15 Fla. Stat. or placement in a shelter
- (e). Abandoned, abused, or neglected children will be assisted in the manner described under "Child Abuse and Neglect".

Following such release as described above, the officer taking the child into custody shall make a incident report to the intake officer at the Department of Juvenile Justice at the intake center.

b. Runaways - (§ 984.13 (1) (a) Fla. Stat.)

- (1). After verification that the child is missing, law enforcement officers have the authority to pick-up a runaway (Teletype is valid verification). However, officers should remember that running away is not a criminal offense.
  - (a). All juveniles shall be searched for weapons prior to being transported.
  - (b). Runaways shall not be placed in secure detention, or otherwise mixed or associated with juveniles being held for criminal or non-status offenses.
  - (c). If there is no pick-up order for the child or other extenuating circumstances, the child may be released to parents or adults described in JUVENILE/ DISPOSITION.
  - (d). If extenuating circumstances such as alleged abuse or neglect make immediate return to the home or parent unadvisable, the Department of Children and Families Services should be contacted for intake referral and shelter

information.

- 1). If placement with juvenile authorities occurs, notify the parents as soon as possible.
  - 2). A report of the incident will be made and forwarded to the Special Victims Unit.
- (e). If no arrangement for the return of a runaway to an adult can be made, and no official cause for custody can be established, then the runaway should be informed about available social assistance sites and shelters in the area.

c. Curfew Violations

(1). Nighttime Curfew:

- (a). Fort Lauderdale Police Officers are authorized to enforce a nighttime juvenile curfew. Fort Lauderdale Police Officers are authorized to enforce a student curfew for suspended or expelled students. See City Ordinance #16-81 in addition to the following:
- (b). Children under sixteen years of age are not allowed to be in public places Sunday through Thursday, 11:00 PM to 5:00 AM, and Friday and Saturday, 12:00 AM to 6:00 AM., except:
  - 1). When accompanied by a parent/guardian, or their designee.
  - 2). During an emergency, or a parent/guardian authorized emergency errand.
  - 3). When engaged in lawful employment.
  - 4). When en route to or attending a school, civic, religious function, or organized events such as those sponsored by a theme park or entertainment complex. NOTE: "Theme Park" or "Entertainment Complex" is defined in §509.013(9) Fla. Stat.
  - 5). When engaged in interstate travel with parental/guardian consent.
  - 6). When on their own property, or on other private property with owner permission.

(2). Student Curfew:

Children under sixteen years of age who have been suspended or

expelled from school are not allowed to be in public places, or to be within 1000 feet of a school, between the hours of 9:00 AM and 2:00 PM during school days, except in an emergency, or otherwise necessary in accordance with the needs of the parent/guardian.

(3). Curfew Enforcement:

The purpose of curfew enforcement is to generally enhance parental control and to combat juvenile delinquency. Because the violation itself is a minor civil infraction, an "arrest" cannot be made. An encounter with a curfew violator should be regarded as a "stop", designed specifically to cause offending juveniles to safely return home or to another location as described in "Curfew Violations-Exceptions".

- (a). Only those persons who definitely appear by age and location to be in violation of the curfew shall be stopped for curfew enforcement, and the purpose of the stop will be clearly announced to juvenile prior to the interview.
- (b). If a definite violation is discovered, the officer will take measures to inform the parent/guardian of the violation and arrange for the violator to return home or to another non-violation location.
  - 1). If necessary, officers may transport offenders home, or to Police Headquarters or other place of safety, to arrange for parent/guardian contact or transportation.
  - 2). In any case, a curfew violator will be detained for no longer than a total of two hours. If this time constraint compels the release of the juvenile before parent/guardian contact is accomplished, the juvenile will be released at a location that provides reasonable safety, with features such as access to telephones that insure the likelihood that the juvenile will easily be able to return home.

(4). Curfew Enforcement/Response to Resistance

- (a). Juveniles being detained for curfew violations will not be subjected to secure detention or handcuffing. They will not be mixed or associated with adults in any case, or with juveniles who are being held for criminal offenses, unless the curfew violator is also being criminally charged.
- (b). Documented juvenile curfew violators who physically

resist an announced curfew enforcement effort by refusing to remain or to be transported to a point of parent/guardian contact shall be subjected to whatever reasonable response described under "Curfew Enforcement". Any detention measures taken shall be eliminated as soon practical, and will be documented in the officer's curfew report. The mere use of detention type force does not require the officer to charge a curfew violator with misdemeanor "Obstructing/Resisting". Additional charges shall be made at the discretion of the officer, in consideration of the original civil infraction and the amount or type of resistance.

(5). Curfew Enforcement Documentation

(a). Officers are authorized to remedy curfew violations with verbal warnings to juveniles and parent/guardians when this can be done spontaneously and the parties involved clearly intend to amend the delinquent behavior. Documentation in the form of an M.I. Card must be prepared.

(b). In all other cases, curfew violations will be reported on an FLPD "Juvenile Curfew Violation Form" and will be submitted in the same manner as Offense/Incident reports. No other form is required. However, a Curfew Violation Form must be completed in addition to an Offense/Incident Report whenever a curfew violation has occurred in relation to a reported offense/incident.

3. Court Orders/Pick Up Orders/Juvenile

Officers will be guided by the instructions contained in the order, and shall take reasonable measures to insure the safety of the juvenile and professionals involved. "Frisk" searches are appropriate for every Juvenile Court Order situation.

a. Non-Criminal Related Orders

If the order clearly stems only from a concern for the welfare or dependency of the juvenile, handcuffing shall be done only under extreme circumstances, and no Juvenile Probable Cause Affidavit will be executed, or prisoner intake processing will be done, unless the order specifies otherwise.

b. Criminal Related Orders

If the order stems from a criminal offense, officers will proceed according to JUVENILE CRIMINAL OFFENSES-ARREST/JUVENILE DETENTION, unless the order specifies otherwise.

c. Civil Related Orders

d. Officer shall check with issuing agency as instructions vary from county to county and state to state.

4. Warrants/Capias-Juvenile

Juvenile related warrants and capiases will be executed in the same manner as with adults; officers will also comply with procedures described in "JUVENILE CRIMINAL OFFENSES-ARREST/JUVENILE DETENTION.

5. Juvenile Criminal Custodial Procedure

Juveniles taken into custody for misdemeanor and felony violations will be subjected to one of the following procedures by officers and will require the completion of an offense incident report.

a. Juvenile Disposition/Release From Custody

(1). Juveniles who are to be released from custody will be turned over to an adult who is categorized as one of the following:

(a). Parent or legal guardian

(b). Responsible adult with a relationship to the juvenile that provides for substantial control or influence over the juvenile's behavior.

(c). An official representative of Law Enforcement, Juvenile Justice, or the educational or social services community.

(2). Notices to Appear/Juvenile

In lieu of release to an adult, Notices to Appear may only be issued to juveniles who have legal adult status:

(a). legally married

(b). Emancipated to adulthood by court order

(c). Previously adjudicated as an adult.

b. Warn/Turn Over To Guardian -

May be used as a remedy for a juvenile offense when:

The offense is of a minor, non-violent nature, at a statutory level not above a misdemeanor of the second degree, and:

(1). No prosecution is desired or likely, and

(2). Circumstances indicate that the delinquent behavior will be amended by the guardian involved warning and,

(3). The juvenile is positively identified.



c. Affidavit/Turn Over To Guardian (T.O.T.)

This may be used under circumstances described in WARN/T.O.T. TO GUARDIAN. Except when prosecution of the offender is desired or likely, officers will complete a Juvenile Probable Cause Affidavit and forward it to the Juvenile Crimes Unit, in addition to their warning and dismissal. Guardians shall be told they will receive further instruction via mail from the Juvenile Court.

d. Affidavit/Arrest/ Processing/Turn Over To Guardian

In instances of misdemeanors which do not meet the criteria of "Warn and Dismiss", Officers may release the juvenile offender, after processing, to persons described in Juvenile Criminal Custodial Procedure if the officer believes that the release does not create a public danger.

e. Arrest/Juvenile Detention

After considering alternatives, juvenile arrest situations that appear to the officer to warrant juvenile detention shall require the execution of a Juvenile Probable Cause Affidavit, processing at FLPD prisoner intake , and transport to the Juvenile Intervention Facility without undue delay unless the juvenile is in need of emergency medical treatment. A supervisor must be notified and approve the detention of a juvenile for more than one hour.

6. Reporting/Investigating Crimes Involving Juveniles

a. Felony crimes involving juvenile suspects will be reported and investigated in the same manner as those that involve adult suspects. Misdemeanor crimes involving juvenile suspects will be reported and investigated in the same manner as those which involve adult suspects, with one exception: misdemeanor situations involving a known juvenile suspect who is "not in custody".

b. Unlike most "not in custody" misdemeanor situations, civilians cannot submit their own complaints against juveniles to the State Attorneys Office. A Juvenile Crimes Detective must file the case.

c. Therefore, for juvenile-misdemeanor "not in custody" prosecution, do not refer the victim to the State Attorneys Office. Forward a completed Juvenile Probable Cause Affidavit to Youth Services with a copy of the police report, or, in questionable cases, direct the victim to consult the Juvenile Crimes Unit and forward a copy of the report to that unit.

**E. TAKING JUVENILES INTO CUSTODY**

1. Responsibility of Officers

The officer who initiates custody of a juvenile will be responsible for the completion of all required procedures and duties associated with the custodial situation, although he/she may arrange for assistance with related tasks. Transfer of this responsibility to another officer is a supervisory decision, to be made in consideration of personnel, overtime, and related issues.

2. Processing Juveniles in Prisoner Intake Processing

- a. Prisoner intake personnel will allow a juvenile prisoner into prisoner intake processing only for the purpose of fingerprinting and photographing. Juveniles will not otherwise be detained in prisoner intake processing.
- b. Prisoner intake personnel will treat a juvenile prisoner as a priority and cease other activity until the processing is completed.
- c. Either the arresting officer or the transporting officer will standby at prisoner intake processing until the processing is completed.
- d. The juvenile will then be immediately returned to the custody of the officer for disposition.

3. Transport

- a. Juveniles who are taken into custody cannot be transported with adults, unless they are codefendants.
- b. Juveniles taken into custody for crimes cannot be transported with juveniles taken into custody for non-criminal matters, such as "Status" offenses or dependency issues.
- c. Male adult arrestees shall not be transported with female juveniles even though they may be codefendants.

4. Confinement

- a. Juveniles cannot be confined with adults, and must be kept out of sight and sound of adults who are in police custody.
- b. Juveniles who are in police custody for "Status" offenses or other non-criminal matters cannot be confined, and must remain separated from juveniles who are in police custody for criminal matters.

5. Fingerprinting of Juveniles

Only juveniles who are charged with misdemeanor or felony violations shall be fingerprinted, and this will occur as part of the intake process.

Exception: For investigative, identification or record keeping purposes, officers may fingerprint juveniles after securing parent/guardian consent, and the cooperation of the juvenile. These fingerprints will be marked "Juvenile/Confidential", and will be kept separate from adult and criminal juvenile files. Fingerprints will be kept in accordance with the Florida Records Retention Schedule.

6. Photographing Juveniles

Juveniles may be photographed by officers under any circumstance that would justify the photographing of an adult. However, photographs of juveniles must be marked "Juvenile-Confidential" and kept in confidential files separate from adult files. Photographs will be kept in accordance with the Florida Records Retention Schedule.

7. Parent/Guardian Notification

An active effort to notify the parent/guardian of a juvenile who is in police custody must be made, and must continue until notification occurs, or custody is transferred as described in Juvenile Criminal Custodial Procedure. Notification results must be included in the related police report; unsuccessful notification attempts must be detailed in the related police report, including whatever contact information was used in the effort to notify. Prior to transferring custody to Juvenile Intake, officers shall notify a supervisor of what attempts were made to contact the parent, guardian, etc.

8. Parental/Guardian/Attorney-Custodial Contact

Contact between parent/guardians or attorneys, and juveniles who are in police custody are allowable, but will be made at the discretion of police; no civil right to this type of contact exists. Officers should consult Rights of Juveniles Under Investigation, in this policy.

**F. CUSTODIAL INTERVIEWS OF JUVENILES**

1. Rights Of Juveniles Under Investigation

a. Miranda - Juveniles under investigation have exactly the same rights as adults. However, officers must be able to demonstrate that any rights waived were part of an intelligent and informed decision by the juvenile. It is vital to the integrity of the obtained statement that officers explain Miranda in a manner that is clearly understandable, based on the intellect of the juvenile being questioned.

b. Parent/Guardian and attorneys - Regardless of age, juveniles who are in police custody do not have the right to have their parent/guardian or attorney present, merely because they are in custody. Likewise, parent/guardians and attorneys do not have the right to have access to a juvenile merely because the juvenile is in police custody. However, officers shall attempt to notify the juvenile's parent/guardian about the juvenile's status, whereabouts and release information

- c. If a Miranda warning is issued, and the juvenile expresses or implies that an "intelligent and informed decision" to make a statement can only be made in conjunction with parental/guardian or attorney contact, then the officer must decide whether to arrange the parental/guardian or attorney contact without undue delay, or to accept the juvenile's position as a refusal to make a statement. Otherwise, the juvenile's statement will probably be inadmissible. Parent/guardians or attorneys legally cannot decide for the juvenile whether or not to speak to police; juveniles must ultimately arrive at the decision themselves, however counseled.

## 2. Custodial Interviews And Interrogations Of Juveniles

- a. All custodial interviews and interrogations of juveniles will be done reasonably and in a manner that safeguards the health, welfare, and psychological wellbeing of the interviewee. Officers will be considerate of the following factors during the interview or interrogation and will guide themselves accordingly:
  - (1). The juvenile's age, apparent level of intellect, health and physical condition, and the juvenile's mental and emotional state.
  - (2). The time of day.
  - (3). The need for food, drink, and lavatory.
  - (4). Any other obvious circumstances likely to cause unreasonable discomfort or stress to the juvenile being questioned.
- b. No more than two officers will be involved in a formal interview or interrogation of a juvenile in custody at any time. The presence of other officers is authorized only as necessary for control, security, or to remedy unusual circumstances.
- c. Interrogations and formal interviews will continue only as long as necessary to obtain adequate information about the matter of concern. No formal interview or interrogation of a juvenile will continue for longer than three hours without the approval of a supervisor. Juveniles will be allowed breaks for personal necessities.

## **G. JUVENILE CIVIL CITATION PROGRAM**

The Fort Lauderdale Police Department works in collaboration with the Broward County Juvenile Civil Citation (JCC) program. The program complies with Florida State Statute 985.12 which establishes the guidelines for juvenile civil citation programs. The JCC, in accordance with the Department of Juvenile Justice, provides an efficient and innovative alternative to the arrests of children who have committed a non-serious misdemeanor offense. The program ensures swift and appropriate consequences for qualifying juvenile offenders. Juveniles who have committed a felony offense are not eligible to utilize the JCC.

1. Eligibility

- a. To be eligible to participate in the Juvenile Civil Citation Program, the juvenile must meet the following criteria.
- (1). Must be age 17 or younger on the date of the misdemeanor offense.
  - (2). Must not have had a prior felony conviction or pending felony charge.
  - (3). Must not have used the JCC for three prior misdemeanors.
  - (4). Must not have committed an “ineligible” misdemeanor, which includes, but is not limited to:
    - (a). Prowling
    - (b). Domestic Violence related offense
    - (c). Sex Offense
    - (d). Traffic Offense
  - (5). The juvenile, parent/guardian or responsible adult with a relationship to the juvenile that provides for reasonable control or influence that constitutes custody, must agree to the issuance of a Juvenile Civil Citation and Agreement form and agree to cooperate with any program requirements.

2. Officer Responsibilities

- a. When an officer is going to arrest a juvenile who qualifies for the JCC, the officer **MUST** utilize the Broward County Juvenile Civil Citation Program process. However, if the officer believes the release of the juvenile constitutes a clear and present public danger, a Juvenile Civil Citation and Agreement form shall not be issued and a physical arrest will be made with the approval of a Lieutenant (or acting Lieutenant) or above.
- b. The officer will determine the juvenile’s identity via a state issued identification card, school issued picture identification card, or have a parent/guardian or responsible adult verify the juvenile’s identity. The officer will also verify the identity of the parent, guardian, or responsible adult via a state issued identification card.
- c. The officer shall contact the Juvenile Assessment Center (JAC) via

telephone (954-467-4616) and confirm the youth's eligibility to utilize the JCC.

- d. The officer shall explain the Broward County Juvenile Civil Citation Program to the juvenile and parent/guardian/responsible adult, and issue a program's brochure.
- e. The officer shall respect the juvenile's, parent's, guardians or responsible adult's right to refuse to utilize the JCC. If the juvenile is arrested after such refusal, the officer shall note this in the arrest affidavit narrative and transport the juvenile to the JAC.
- f. The juvenile and parent, ~~or~~ guardian or responsible adult must sign the Juvenile Civil Citation and Agreement form indicating their agreement to participate in the program and to waive the right to speedy trial. The officer shall place the right thumbprint of the juvenile in the space provided on the form.
- g. The juvenile shall be issued a signed copy of the Juvenile Civil Citation and Agreement form and shall be released to the parent/guardian or responsible adult.
- h. If the officer is unable to contact the juvenile's parent/guardian or responsible adult, a Juvenile Civil Citation and Agreement form shall be completed and the juvenile shall be transported to the JAC. Further parental contact efforts will be conducted by the JAC staff.
- i. The officer shall complete a probable cause affidavit, without obtaining an arrest number, and an incident report. The officer will mark the probable cause affidavit and incident report with the "FLPD Civil Citation Program" stamp, available at FLPD Booking or FLPD Records and submit both documents to their supervisor prior to the end of shift.
- j. The officer's supervisor shall review and leave the original Juvenile Civil Citation and Agreement form, original probable cause affidavit, and a copy of the incident report in the designated Juvenile Civil Citation Program box located at FLPD Records prior to the end of their shift.