

**ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE
1203.5, JUVENILE CIVIL CITATION PROGRAM**

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POLICY:

Florida Statutes, Chapter 985.12, provides for the use of a civil citation in lieu of taking a juvenile into custody for non-serious delinquent acts under certain circumstances. The Orlando Police Department will use the Juvenile Civil Citation as an alternative means of handling non-serious misdemeanor offenders who meet the criteria set forth in the policy and in accordance with F.S. 985.12.

PROCEDURES:

1. CRITERIA FOR USE

The Juvenile Civil Citation (Attachment A) is intended for use in misdemeanor cases such as minor criminal mischiefs (graffiti) and thefts, as well as simple batteries with no physical injury to the victim, excluding domestic violence cases. This program will provide an efficient and innovative alternative to a custodial arrest. This citation would be issued in lieu of booking the juvenile through the Juvenile Assessment Center (JAC). (The Juvenile Civil Citations are available in the Quartermaster Unit.)

Prior to the issuance of the Juvenile Civil Citation, the following criteria must be met:

- a. The juvenile must reside in Orange or Osceola County.
- b. Probable cause must be established by the officer.
- c. The juvenile must admit guilt to the offense after being given his/her Miranda Warning.

Effective October 1, 2015, s. 985.12, F.S., is amended to allow law enforcement making contact with a juvenile who admits to having committed a misdemeanor the discretion to issue a simple warning, inform the child's guardian or parents of the child's infraction, issue a civil citation, or require participation in a similar diversion program. Based on the assessed needs of the juvenile, the diversion program may assess up to 50 community service hours and require participation in intervention services such as family counseling, urinalysis monitoring, and substance abuse and mental health treatment services.

Use of the civil citation or similar diversion program is not limited to first-time misdemeanors and may be used in up to two subsequent misdemeanors. If an arrest is made in lieu of issuing a juvenile civil citation, law enforcement must provide written documentation as to why the arrest is warranted.

2. WHEN THE CITATION DOES NOT APPLY

Under no circumstances will the citation be issued if any of the following circumstances exist:

- a. The juvenile fails or refuses to give necessary information.
- b. The identification of the juvenile is in question.
- c. The juvenile has been issued three or more Juvenile Civil Citations.
- d. The juvenile has any criminal convictions.
- e. The offense involves misdemeanor possession of a firearm.
- f. The offense involves domestic violence, dating violence, stalking, or a similar violation.
- g. The officer believes the juvenile may harm him/herself or others.
- h. The offense is a criminal traffic offense.
- i. The offense is exposure of sexual organs or other lewd or lascivious behavior.
- j. The offense is animal cruelty.
- k. The offense is directly or indirectly related to gang activity.

3. PROCESS OF ISSUING CITATION

The issuing officer shall complete the criminal investigation in accordance with current Department policy. During the criminal investigation, precautions must be made to ensure that no visual or audible contact occurs between adult prisoners except when the juvenile has been adjudicated as an adult by federal guidelines. The juvenile must be given a Miranda Warning prior to questioning. The officer shall obtain all necessary written statements. The officer should not mention the possibility of a citation being issued until the criminal investigation is completed. Prior to issuing the citation, the officer must call the Juvenile Civil Citation Coordinator/Detention Screening at 407.836.8880 or 407.836.8800 (monitored 24 hours) to verify any prior contact with the Department of Juvenile Justice (DJJ) for other delinquent acts and that the juvenile is eligible for issuance of a juvenile civil citation. Officers shall make an attempt to notify the parent/legal guardian as soon as reasonably possible regarding detaining the juvenile.

Once the criminal investigation is concluded, and the officer has concluded that a citation is appropriate, the officer must inform the juvenile of the following:

- a. They have the right to refuse to sign the citation. (The officer would then book the juvenile through JAC, issue a Juvenile Notice to Appear, or file the case at-large with the State Attorney.)
- b. They may refuse the conditions of the program at any time prior to the completion of the work assignment or other intervention requirements.
- c. By accepting the citation, they waive their right to a speedy trial for such time as is necessary to complete all the conditions given to them by the Civil Citation Coordinator.

The juvenile must sign the citation in the Defendant Signature on page 1 of the citation and agree to abide by the conditions set forth. The juvenile's thumbprints shall be ink stamped on the Clerk, Records, State Attorney and Report Review copies of the citation in the blocks provided on page 1 of the citation. Ink stamps are available for each officer in the Quartermaster Unit.

Officers should make every effort to notify the juvenile's parent/guardian of the issuance of the citation. The parent/guardian will be required to contact the Civil Citation Coordinator within seven (7) working days after the date of issuance of the citation. The instruction sheet is on the reverse side of page 2 of the citation.

Prior to the end of their tour of duty, officers shall complete an incident report and complete page 3 of the citation establishing a probable cause statement in the narrative section. These reports shall include that Miranda Warnings were read and any incriminating statements made by the juvenile. The officer shall note in the incident report that a Civil Citation was issued to the juvenile.

4. REQUIRED PAPERWORK

The issuing officers are required to ensure that the following documents are complete when issuing a juvenile civil citation:

- a. Incident Report
- b. Juvenile Civil Citation (All three pages)
- c. Written statements
- d. Supporting documentation (.e.g., evidence receipt)

5. ROUTING OF PAPERWORK

The five (5) copies of the citation will be distributed as follows:

- a. Clerk, and State Attorney – attach the incident report, and statements, and then forward to the Criminal Intake Unit for subsequent delivery to the State Attorney’s Office and the Civil Citation Coordinator.
- b. Records Copy – forward to the Records Unit.
- c. Victim- provide to victim.
- d. Juvenile Parent/Guardian copies – If a parent or guardian is present or readily available, they shall be given a copy; otherwise, the juvenile will be issued their copy with instructions to notify their parent/guardian.

Officers should submit a complete APS package with the juvenile civil citation to their supervisor for review prior to the end of their tour of duty. It is the Criminal Intake Unit’s responsibility to ensure that the State Attorney and DJJ copies of the citation are distributed no later than four days from the date of issuance.

Any copies of statements obtained will be forwarded to the Records/ID Unit.

6. COMPLIANCE BY THE JUVENILE

The Criminal Intake Unit shall forward the letter of compliance to the Records/ID Unit.

7. NON-COMPLIANCE BY THE JUVENILE

If the juvenile fails to contact the Civil Citation Coordinator within seven days of issuance or does not complete the requirements of the program, the State Attorney’s Office will immediately review the case for filing. If the state requires additional documentation, the Criminal Intake Unit will receive a written notice of non-compliance from the Civil Citation Coordinator. The Criminal Intake Unit will retain the original notice and forward a copy of the notice to the issuing officer’s supervisor. The supervisor shall ensure that the issuing officer retrieves the necessary paperwork from the Records/ID Unit and forwards it to the State Attorney’s Office.

The issuing officer’s supervisor is responsible for ensuring that the officer files the additional documentation within three calendar days of receipt of non-compliance notice from the Criminal Intake Unit.

ATTACHMENT A

Paperwork can be found in the Quartermaster Unit