

"Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods."

ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE

1204.14, JUVENILE PROCEDURES

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POLICY:

The purpose of this policy is to establish the Orlando Police Department's commitment to the enforcement of laws related to juveniles, to ensure all Agency employees are aware of special law enforcement requirements related to juveniles, and to ensure Agency employees are aware of and actively use programs for the prevention and control of juvenile delinquency.

The Orlando Police Department shall enforce all laws and ordinances related to juveniles that fall within its legal and geographic jurisdiction.

The Orlando Police Department is also committed to the development and implementation of programs designed to prevent and control juvenile delinquency. All employees are encouraged to support and participate in these programs.

The Orlando Police Department shall develop and maintain programs geared toward the prevention and reduction of juvenile delinquency. As a part of the Agency juvenile strategy, the following programs have been established:

- a. Public Safety Cadet Program
- b. SRO (School Resource Officer)
- c. Super Kids – Elementary Schools
- d. Dragon Boat Team- A Youth Mentoring Program
- e. Operation Positive Direction – A Youth Mentoring Program
- f. Florida Citrus Sports Summer Camp
- g. Youth Outreach Coordinator program

PROCEDURES:

1. DEFINITIONS

Alternative Center for Truancy (ACT): Designated truancy center for students ages 12 through 16 unless they have legally withdrawn from school and this designation has been made by Orange County Public Schools. It is located at 823 West Central Blvd., Orlando, FL, 407.836.8886.

Child in Need of Services: A child for whom there is no pending dependency allegation or delinquency referral and who is not under supervision of DJJ or DCFS and who is found by a court to have persistently run away from the child's parents or guardians or been habitually truant or to have persistently disobeyed the reasonable and lawful demands of the child's parents or custodians and be beyond their control.

Delinquent Child: A child who is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except contempt arising out of a dependency proceeding.

Department of Children and Family Services (DCFS): State agency responsible for the handling of all juvenile matters that do not fall within the purview of DJJ.

Department of Juvenile Justice (DJJ): State agency established by the Florida Legislature to address juvenile matters relating to delinquency and children and families in need of services.

Diversion: Any procedure that substitutes:

- a. Non-entry for official entry into the justice process,
- b. The suspension of criminal or juvenile proceedings for continuations,
- c. Lesser supervision or referral to a non-justice agency or no supervision for conventional supervision, or
- d. Any kind of non-confinement status for confinement.

Juvenile Assessment Center (JAC): Designated booking and intake facility for all juveniles arrested in Orange County. It is located at 823 W. Central Blvd., Orlando, FL, 407.836.8800. Control Room facsimile phone number is 407.836.8871. The law enforcement entrance is on Macbro Court off Westmoreland Drive.

Juvenile (Child): Any unmarried person under the age of 18 who has not been emancipated by order of the court and who has been found or alleged to be dependent, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring before the time that person reached the age of 18 years.

Juvenile Civil Citation- A state-mandated diversion program in which a civil citation is issued in lieu of making an arrest for non-serious misdemeanor violations. Upon completion of the conditions of the program, the violation is not recorded on the juvenile's criminal history.

Juvenile Court: Juvenile Division of the Circuit Division of the 9th Judicial Circuit of the State of Florida.

Notice to Appear: A charging document issued by a law enforcement officer, in lieu of making a physical arrest for a misdemeanor, which requires the juvenile to appear in court. A notice to appear is considered an arrest and should only be used when a physical arrest could be made.

Truancy: Failure to attend school per FS 232.

Violation of Law: Violation of any law of the United States or the State of Florida that is a misdemeanor or a felony. Violation of law also means a violation of a City ordinance that would be punishable by incarceration if an adult committed the violation.

2. GENERAL JUVENILE ARREST AND PROCESSING PROCEDURES

The following outlines general procedures for officers arresting juvenile offenders. In some juvenile cases, there may be exceptions. Officers should review the entire directive when processing juvenile cases. **Members may not arrest or charge for a violation of law a child younger than seven (7) years of age based on an act occurring before the child reaching seven (7) years of age unless the violation of law is a forcible felony as defined in FSS 776.08.** No juvenile age 12 years or younger shall be arrested or result in a baker act, or transported in handcuffs without prior approval from the chain of command, including the approval of a Deputy Chief.

In addition, any juvenile arrest or baker act by an officer assigned to the School Resource Section shall be transported by that officer. A patrol officer shall respond to the school and conduct SRO duties while the primary officer is off-campus for transport. If the SRO does not have a car suitable for transport, a patrol officer will conduct the transport

2.1 MANDATORY HISTORY CHECKS

The officer shall ensure an FCIC/NCIC check on the juvenile is completed on Teletype. If the juvenile is being detained for a misdemeanor crime the officer shall ensure that the juvenile does not qualify for a Juvenile Civil Citation (Policy 1203 Juvenile Civil Citation). Juveniles shall be checked on Teletype for any outstanding pick-up orders. Juveniles who have previously been waived too, and convicted in, adult court shall be processed as adults as outlined in Section 4.

2.2 GENERAL PROCESSING

If a Juvenile is arrested, the officers shall observe the following procedures:

- a) Complete an NCIC/FCIC check on the juvenile.
- b) Any arrest involving a juvenile 12 years old or younger, the officer shall contact an on-duty watch commander. The Watch Commander shall notify their chain of command to include the Deputy Chief for approval. If an officer is assigned as a school resource officer, or working at a school, they shall contact the School Resource Section Commander, who will notify their chain of command to include the Deputy Chief for approval.
- c) Officers assigned as school resource officers or officers working at a school shall contact an on-duty School Resource Officer Supervisor for any arrests, any weapons real or simulated, Baker Acts, and all incidents which require a report. Any SRO or officer working at a school may contact a SRO Supervisor for issues and concerns for guidance. School Resource Officer Supervisors shall notify their chain of command to include the Deputy Chief of any arrest, any weapons real or simulated, Baker Acts, and any critical or significant incidents involving law enforcement.
- d) Baker Acts of juveniles 12 years old and under, the Officers must document all attempts to have alternative transportation. Handcuff if deemed necessary, but must document the reason. When appropriate, transport in a non-caged vehicle with a second officer in rear monitoring the seat-belted child. When a cage car is used for transport, document reasons why a cage car had to be used.

- e) When transporting in a non-caged vehicle, all attempts should be made to have the second officer be of the same gender as the juvenile. Officers shall inform Communications of mileage and times before and after transport.
- f) Arresting officers shall attempt timely efforts (as soon as reasonably possible, not to exceed six hours) toward notification of the juvenile's parent, legal guardian, or adult relative, to advise them of the juvenile's arrest, location, and where release can be arranged.
- g) Officers shall make every attempt to properly identify the juvenile as soon as possible.
- h) Juveniles shall not be transported with adults.
- i) All property shall be taken from juveniles, including smoking materials and jewelry.
- j) Arresting officers shall complete a detailed Charging Affidavit, incident report, and arrest report if felony charges.
- k) All juvenile affidavits shall be reviewed by a supervisor.
- l) If the arrest is for a municipal ordinance violation, the City Prosecutor must be notified immediately after transport if the suspect is detained at the JAC.
- m) Any officer arresting a juvenile shall have the charging affidavit completed before arriving at the Juvenile Assessment Center (JAC). Officers will make every effort to locate a secure area such as OPH or substation, as prescribed in Section 12, to safely complete the necessary paperwork before arriving at JAC.
- n) All juveniles arrested shall be taken to the appropriate receiving facility without undue delay, unless a juvenile is in need of emergency medical treatment.

Once at the JAC transporting officers shall:

- a) Enter through the law enforcement vehicle gate to JAC from Macbro Court and contact DJJ personnel inside via the speaker box in the driveway. Identify your agency and the sex of your prisoner. Drive your vehicle through the sally port gates.
- b) Officers shall secure all weapons, including firearms, ASP baton, spare ammo magazines, electronic control device, and chemical agent spray in the trunk of the police vehicle or in the lockers provided inside the sally port parking area. A key is provided for the locker.
- c) Juvenile Assessment personnel will search the juvenile before entry into the secure facility and will remove the handcuffs. OPD personnel will not remove handcuffs without direction from the Juvenile Assessment personnel. Officers are also reminded we shall not conduct or participate in cell extractions at JAC.
- d) Juvenile Assessment personnel will print and photograph the juvenile. Prints and original copies of the Charging or Warrant Affidavits will be left at JAC. A copy of the Charging Affidavit should be obtained for the APS.
- e) Complete the required DJJ entry paperwork (suicide risk screening sheet and top of case tracking log).
- f) Have a copy of any Teletype "hit" faxed to the facility upon your arrival 407.836.8871. For a copy of an Orange County warrant or pick-up order, call 407.836.4520 and have the copy faxed over to the facility.
- g) Juvenile Assessment personnel will complete the photo and print work of juveniles brought to JAC. When a juvenile is taken into custody for a capital or life felony, the watch commander shall be notified. When

assistance is needed, the Assistant State Attorney of the Juvenile Division may also be contacted.

When an employee's name is initially listed in an official police document, i.e., Incident Offense Report, Charging Affidavit, Uniform Traffic Citation, or Notice to Appear, the employee number shall be listed immediately following every employee name. For example, the entry would appear as follows: Officer John Doe 9999. The employee number would be required for the first entry only of the employee in the document.

Distribution of the affidavit shall be determined by the charge (felony, misdemeanor, felony or misdemeanor traffic). All copies of juvenile Charging Affidavits shall be stamped "Juvenile Confidential."

When adults and juveniles are arrested as co-defendants, copies of all reports and statements shall be forwarded to the State Attorney's Office, Juvenile Division, as well as to the appropriate misdemeanor or felony intake division.

When a crime is committed as a juvenile, but the subject is not arrested or charged "At Large" until the subject has become an adult, that subject is processed as an adult. The case filing submitted to the State Attorney's Office shall be handled as an adult case filing (Felony or Misdemeanor) with a notation on the case filing cover sheet as follows: "Crime committed as a Juvenile." Case filing criteria outlined in the current issue of P&P 1202, Filing Criminal Cases, shall be followed.

2.3 DETENTION OF MISDEMEANOR ARRESTEES

DJJ will screen all juvenile offenders and determine whether the juvenile will be held in detention. Before making a misdemeanor arrest, the officer shall ensure that the juvenile does not qualify for the juvenile civil citation program (Policy 1203 Juvenile Civil Citation). **If the juvenile does not qualify for the juvenile civil citation program the officer must include the reason in the narrative of the charging affidavit or NTA.**

3. FINGERPRINT AND PHOTOGRAPH

FS Chapter 985 allows a law enforcement agency to fingerprint and photograph a child taken into custody upon probable cause that such child has committed a violation of law.

All juveniles who have been taken into custody shall be fingerprinted and photographed at the JAC.

Fingerprint records shall be retained in the NIST electronic database. These records for the most part are not available for public disclosure but shall be available to other law enforcement agencies, state attorneys, the courts, and any other person authorized by the court to have access to such records.

A law enforcement officer may show any photo taken within these guidelines to any victim or witness of a crime to identify the person who committed such a crime.

If the juvenile has a juvenile pick-up order in Teletype and DJJ refuses to hold the juvenile, have DJJ process the juvenile, including prints and photographs and booking number, if necessary. Contact the issuing jurisdiction to see if they are willing to respond. If they cannot respond, confirm with them whether you may complete a juvenile release agreement and ascertain the dates, times, and locations to be used, along with the most current contact information you can obtain on the juvenile and his or her parent or guardian. Complete a report and add the case number to our copy of the agreement and enter it in Records. Fax the agreement back to the issuing authority. Make sure you get the contact information of the officer or operator who authorizes the agreement so it can be included in the report.

4. DETENTION OF JUVENILES IN ADULT JAIL

An adjudicated juvenile must have been found by an adult court to have committed the offense (whether or not an adjudication of guilt was imposed or withheld) and sentenced as an adult. Juveniles adjudicated as adults must be processed at the Booking and Release Center (BRC) as an adult. Juvenile confidential Charging Affidavits shall not be used. Even if a juvenile has been waived to the adult court, but is awaiting trial and sentencing, any new charge must

still be handled as a juvenile charge. The Charging Affidavit should indicate that the juvenile has charges pending in adult court.

The arresting officer shall contact the Juvenile Assessment Center (JAC) to verify the juvenile has been adjudicated as an adult before transport to the BRC. Juveniles charged with a criminal offense who also are runaways shall be processed for the offense committed. A supplement should be generated upon the recovery of the runaway.

A juvenile will be housed at an adult booking facility (Orange County BRC) only when:

- a. The juvenile has been indicted by a grand jury for a felony offense. (The indictment must be submitted to BRC with the arrest affidavit.)
- b. The juvenile has been waived by the Juvenile Court to the adult court system for a violation of law. (The transfer order must be submitted with the arrest affidavit.)
- c. The juvenile has been direct filed by the State Attorney's Office. (The certificate of filing a direct information must accompany the arrest affidavit.)
- d. The juvenile has previously been found to have committed an offense in adult court and adult sanctions were imposed.

4.1 JUVENILES IN ADULT BOOKING FACILITIES

BRC personnel shall be notified via sally port speaker box that an adjudicated juvenile is being brought into the facility. Juveniles taken into an adult booking facility shall have no contact with adult prisoners or trustees. An officer or an Orange County Corrections staff member must monitor the juvenile at all times.

4.2 JUVENILE MISTAKENLY INCARCERATED AS ADULT

In the event a juvenile is mistakenly incarcerated as an adult in BRC, the discovering OPD individual shall notify the county booking supervisor and OPD watch commander. Should a county employee become aware of this situation, the county booking supervisor shall be notified and he or she shall notify an OPD watch commander. The watch commander shall assign a sergeant to see that the situation is corrected. The following applies only to OPD arrest cases:

- a. When the arresting officer is on duty, the juvenile shall be turned over to the officer.
- b. When the arresting officer is off duty, the supervisor shall assign an officer to take charge of the juvenile.
- c. The juvenile's property shall be given to the officer who takes custody. When the juvenile is released, the property is also released. When the juvenile is to be detained, the property shall be transported with the juvenile to JAC.
- d. When the juvenile is taken to JAC, the original Charging Affidavit must be delivered with the juvenile, or a duplicate Charging Affidavit must be written using the original case number and noting that it is a duplicate Charging Affidavit.
- e. All procedures concerning records checks, detention criteria, notification of parent or guardian, and field releases still apply as outlined in this policy.

The arresting officer's supervisor shall be notified directly (or by memorandum when off duty) that the arrestee was a juvenile and was released or admitted to JAC. The arresting officer's supervisor shall direct the arresting officer to complete an incident or supplement report.

NOTE: When a juvenile gives false information when arrested (and that false information obstructs the officer), additional charges may be submitted to the State Attorney's Office, Juvenile Division.

4.3 JUVENILES HELD IN THE SPECIAL ENFORCEMENT DIVISION

Juveniles arrested and placed in the Special Enforcement Division interview/processing rooms will be under continuous observation via closed-circuit television (CCTV).

4.4 JUVENILES HELD AT SUBSTATION OFFICES

Juveniles arrested and placed in a substation interview/processing room will be under the direct control of a sworn OPD officer.

4.5 JUVENILES AT SPORTING/ENTERTAINMENT VENUES

Juveniles may not be held in the secure room inside the police office at the Camping World Stadium, Amway Center, or Orlando City Soccer Stadium.

5. JUVENILE FELONY ARREST PROCESSING

If necessary, a juvenile charged with a felony can be transported to CID for processing and interviewing. Juveniles (not waived and previously found to have committed an offense in adult court) charged with a felony shall be transported to JAC for processing. Decisions to release juveniles rest with DJJ Intake. A Charging Affidavit, incident report, and arrest report shall be completed and, within 24 hours, a copy of the Charging Affidavit with all supplements/statements attached shall be placed in the designated criminal intake receptacle. Upon completion of arrest paperwork and proper notifications, the juvenile shall be transported to JAC. If a juvenile is arrested, the officers shall observe the procedures in section 2.2 General Processing.

The following felony crimes require mandatory arrest:

- 1) Wanted in any jurisdiction for a felony and the issuing authority will extradite the juvenile.
- 2) Charged with possession or discharge of a firearm.
- 3) Charged with a felony involving violence, including any felony acts of domestic violence.
- 4) An alleged escapee or absconder from a commitment program, a community control (probation) program, furlough, or aftercare supervision, or is alleged to have escaped while being transported to or from such program or supervision.

6. JUVENILE MISDEMEANOR ARREST PROCESSING

6.1 CHARGING AFFIDAVIT

Before arresting a juvenile, 13 to 17 years of age, for a misdemeanor, the arresting officer shall ensure that the juvenile does not qualify for a juvenile civil citation (Policy 1203, Juvenile Civil Citation). The officer shall notify the sergeant/acting supervisor, who shall then evaluate and approve the arrest. This must take place before the child is transported to JAC. **For juveniles 12 years old and under, approval from the chain of command, including a deputy chief, is still required for Baker Act or arrest.** The arresting officer shall complete a Charging Affidavit and have it notarized. An initial report shall be completed. If a Juvenile Civil Citation, at-large filing, or Juvenile Notice to Appear is not completed or if the juvenile meets detention criteria previously outlined, the officer shall deliver the juvenile to JAC. Whenever a juvenile is detained and a Charging Affidavit is completed, the arresting officer shall follow the fingerprinting and photographing policy outlined in Section 3. With justification, managers may direct that a juvenile arrestee not be photographed and printed. If a juvenile does not meet JAC mandatory detention criteria, arrangements may be made to release the juvenile to a parent, responsible adult relative, or an adult approved by the court by issuing a Juvenile Notice to Appear. The issuing officer shall verify the adult's identity and do a records check on any person to whom the juvenile is being released. Any adult (other than a parent, guardian, or legal custodian) who has a prior felony conviction for child abuse, drug trafficking, or prostitution is not considered a responsible adult for purposes of release. When the parents or a guardian cannot be located or there are doubts about the relationship or identity of the person to whom the juvenile is to be released, the juvenile shall be transported to JAC and DJJ shall assume responsibility for releasing the juvenile.

6.2 JUVENILE NOTICE TO APPEAR

If the juvenile does not qualify for a juvenile civil citation (Policy 1203, Juvenile Civil Citation) and there are no mandatory detention requirements, a juvenile may be released pursuant to the juvenile misdemeanor arrest processing procedures. The Juvenile Notice to Appear serves to pre-set arraignment dates for juvenile offenders. A Juvenile Notice

to Appear shall be completed whenever a juvenile is taken into custody and field-released by an officer to any person other than DJJ staff. Juvenile Notice to Appear forms are available in the Quartermaster Unit. All applicable spaces on the Juvenile Notice to Appear forms shall be completed and appropriate boxes checked. The following instructions explain only those items on the form that are not self-explanatory:

- a. Officers shall ensure the legal name of the person receiving custody of the juvenile is placed on both page 1 and page 2 of the Juvenile Notice to Appear form and that this person signs the Juvenile Notice to Appear.
- b. The date of arraignment shall be set for 30 days from the date the juvenile is taken into custody. When that day falls on a weekend or holiday, the appearance date shall be the next business day the court is in session.
- c. Officers shall ensure the full legal name of the juvenile is placed on page 1 of the form. (Nicknames or initials cannot be used.)
- d. The statute number and the charge shall be placed on page 1 of the form.
- e. The Juvenile Notice to Appear form does not take the place of any required incident or related reports.
- f. The Juvenile Notice to Appear requires the signature of the adult taking custody of the juvenile.
- g. The completed defendant's copy of the Juvenile Notice to Appear shall be given to the adult receiving custody of the juvenile. The remaining copies of the Notice to Appear shall be attached to the APS and submitted to the officer's immediate supervisor for review and approval. The supervisor shall place all remaining copies in the Criminal Intake Box with the APS for routing to the Juvenile Court. Pursuant to Policy and Procedure 1202, Filing Criminal Cases, Juvenile Notice to Appear shall be submitted to the Criminal Intake Box within 24 hours of issuance.
- h. Attach any supplements or statements to the remaining four copies of the Notice to Appear. Statements and/or supplements not obtained at the time of arrest shall be submitted to the Criminal Intake Unit within five calendar days, including the date of arrest. All other necessary forms, witness statements, property supplements, etc., must be completed and approved by a supervisor.
- i. An initial report shall be completed.

7. JUVENILES IN NEED OF TREATMENT

7.1 MEDICAL

If the juvenile is believed to be suffering from a serious physical condition requiring either prompt diagnosis or prompt treatment, OFD shall be called and respond to the current location for necessary evaluation and treatment, and transportation if needed

When a juvenile is ill or has minor injuries that do not require immediate emergency treatment, or if the juvenile is alcohol or drug-impaired, and a parent or guardian cannot be located to take custody of the juvenile, the arrestee shall be taken to JAC, which is the primary screening facility. The JAC employs a 24-hour registered nurse in the facility who can assess the juvenile's needs.

If it is determined that the juvenile needs medical treatment that cannot be performed at the JAC, the juvenile shall be transported to Advent Health Orlando, 601 East Rollins Street. When a parent or guardian or other adult relative or stepparent cannot be located to give consent for treatment at an outside facility other than the JAC, the Department of Children and Families shall obtain an order for the hospital to treat the juvenile.

If a juvenile is believed to be mentally ill as defined in FS 394.463(1), that juvenile shall be taken to a designated public receiving facility as defined by FS 394.461.

If the juvenile gives any indication he or she is thinking about committing suicide or a homicide, the following procedures shall be followed upon arrival at the JAC:

- a. If a youth discloses suicidal or homicidal statements in the vestibule of the JAC, the arresting law enforcement officer shall ensure that the Treatment Alternatives for Safer Communities (TASC) Assessor (407.836.8857) is notified. Notification may be made by either the officer or DJJ screener.
- b. If a TASC Assessor is not on duty, the DJJ Screener to conduct an immediate suicide/homicide risk screening.
- c. The DJJ Screener or the arresting law enforcement officer should call the TASC Director at 407.927.0602 or the JAC Director at 407.230.4072 for further assistance.
- d. The TASC Assessor will interview the youth and administer the Hudson Scale.
- e. The TASC Assessor will provide a recommendation to the DJJ Screener or the arresting law enforcement officer about the youth's suicide/homicide risk level.
- f. The DJJ Screener will make the final determination to accept or not accept the youth into the JAC booking facility.
- g. If the DJJ Screener does not accept the youth, the arresting law enforcement officer will transport the youth to Aspire Health Partners Juvenile facility located at 434 W Kennedy Blvd for an Involuntary Examination under the Baker Act.

This procedure is only for those youth who disclose suicide/homicide statements in the JAC vestibule. All other statements made outside of this policy shall be handled per the current issue of P&P 1114, Mental Health Cases (Baker Act).

Juveniles displaying suicidal tendencies or making suicidal statements will be handled according to criteria outlined in the current issue of P&P 1114, Mental Health Cases (Baker Act), and other applicable written directives. This will include those juveniles in custody for criminal charges before transport to JAC. An Incident Offense Report shall be initiated.

If a guardian cannot be located, Florida juvenile runaways shall be taken to Great Oaks Village, 1800 East Michigan Avenue, as outlined in the current issue of P&P 1115, Lost or Missing Persons. Juvenile truants will not be accepted by JAC unless they meet the criteria for dependency status. Truants will be handled as outlined in Section 18.

Out-of-State runaways shall be turned over to JAC. Officers must complete a Charging Affidavit and Write "Non-Criminal" Out-of-State Runaway at the top. Offense: FS 985.802 They must also attach a copy of the NCIC out-of-state teletype entry.

Juveniles arrested for misdemeanor traffic, misdemeanor DUI, or a traffic warrant/capias will be photographed and printed at JAC. The juvenile will then be returned to the officer to be field released by the officer (Note: Six-hour rule still applies). These offenders will not be delivered to an adult jail unless they have been found to have committed an offense by an adult court and sentenced accordingly.

If the juvenile appears to be intoxicated and has threatened, attempted, or inflicted physical harm on himself or another, or is incapacitated by substance abuse, then the juvenile shall be delivered to a hospital addiction receiving facility or treatment resource, or as otherwise defined in Section 21.

The Addiction Receiving Facility (ARF) is NO longer at the JAC. When a juvenile who is alcohol or drug-impaired is arrested, and a parent or guardian cannot be located to take custody of the juvenile, the arrestee shall be transported to the nearest receiving facility. If the arrestee is transported to the hospital, officers shall then notify DCF and the watch commander.

If a juvenile needs of emergency medical treatment (i.e., extremely intoxicated or impaired, unconscious, or has registered .30% or above on a Breathalyzer machine), the juvenile should be taken to the nearest medical facility for treatment. In these cases, the juvenile should be transported by ambulance. The sector sergeant may authorize the juvenile to be transported by a patrol car on a case-by-case basis. If a juvenile is to be admitted to the hospital, the officer shall contact the JAC screening staff (407.836.8855) to determine if the Juvenile Detention Center needs to respond and take custody of the juvenile or if the officer will release the juvenile to a parent, legal guardian, or custodian.

Cases involving mentally disturbed juveniles shall be processed according to the current issue of P&P 1114, Mental Health Cases (Baker Act).

7.3 JUVENILES AND THE HAL MARCHMAN ACT

Departmental procedures concerning handling juveniles that meet the criteria for the Hal Marchman Act shall be followed as outlined in the current issue of P&P 1208, Substance Abuse Services.

8. RELEASE OF JUVENILE INFORMATION

8.1 FELONY

Unless the information is otherwise confidential or exempt, the name, photograph, address, and arrest report of any juvenile taken into custody for a felony may be released by a law enforcement agency, regardless of the age of the juvenile. Additionally, such information may be released if the juvenile is charged with a violation of law or found to have committed an offense, which, if committed as an adult would be a felony. The name, photograph, address, and arrest report of a juvenile that commits a traffic violation may be released in the same manner as adult traffic violations.

8.2 VICTIM

A juvenile offense report may be released to a victim of the offense. However, information obtained by the victim (or next of kin in a homicide case) regarding any case handled in juvenile court must not be revealed to an outside party unless in pursuit of legal remedies.

Any information that reveals the identity of a juvenile victim of child abuse, human trafficking, or any sexual offense may not be released. Juveniles who are victims of traffic crashes may be identified.

8.3 USE OF JUVENILE PHOTOS TO IDENTIFY OFFENDERS

Section 985.11, Florida Statutes, authorizes a law enforcement officer to use photographs of juvenile offenders, taken in accordance with that section, in a photographic lineup for the purpose of identifying the perpetrator of a crime, regardless of whether those juvenile offenders are suspects in the crime under investigation.

9. NOTIFICATION OF OUTSIDE AGENCIES

The following agencies must be notified of crimes involving juveniles.

9.1 NOTIFICATION TO SUPERINTENDENT OF CERTAIN CHARGES AGAINST OR CONVICTIONS OF STUDENTS OR EMPLOYEES

FS 1012.797 provides that a law enforcement agency must notify within 48 hours the appropriate superintendent of schools of the name and address of any **employee** of the school district who is charged with a felony or with a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance.

FS 985.04(4) requires the arresting agency immediately notify the district school superintendent (or his or her designee) of any **child** who is charged with a delinquent act or violation of law which would be a felony if committed by an adult or involves a crime of violence. Examples of crimes of violence would include assault, battery, aggravated assault/battery, sexual battery, robbery, or any offense that involves the use or attempted use of a weapon/firearm (this is NOT an all-inclusive list). This notification is required regardless of the location of the arrest. The required forms will be available at JAC and should be completed at that time. The center will forward the form to the appropriate official if it is left with their staff at the time of the arrest. If not, the arresting officer shall call the Orange County School Board office at 407.317.3333 to receive direction on the proper procedure for forwarding the form.

9.2 NOTIFICATION OF BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

Whenever a firearm is recovered in the possession of a juvenile committing a crime, in a school zone, or during the commission of a violent crime, the Bureau of Alcohol, Tobacco, and Firearms shall be notified by calling ATF Communications Center at 1-800-ATF-GUNS (1.800.283.4867). ATF has requested this information to track juvenile gun-related offenses and to pursue charges against adults who violate federal firearm statutes or other criminal laws.

10. AT-LARGE CHARGING AFFIDAVITS

When charges are filed on a juvenile who has not been physically taken into custody, an "At-Large" Charging Affidavit shall be completed. The "At-Large" box at the top of the Charging Affidavit shall be checked. Once the affidavit is notarized, it shall be placed in the designated criminal intake receptacle within the timeline per Policy and Procedure 1202, Filing Criminal Cases.

Supportive documents (e.g., supplement reports, original witness statements, etc.) shall be attached to the Charging Affidavit. When at-large Charging Affidavits are filed on a juvenile, the case shall be considered cleared by arrest. An initial report must be completed and attached to the misdemeanor at-large charging affidavits.

11. INTERVIEWS

11.1 NON-CUSTODIAL INTERVIEWS

A juvenile suspect, not in custody, may be interviewed under the following circumstances:

- a. During voluntary appearances at the police station where the juvenile has no reason to believe that he or she is not free to leave.
- b. At the school he or she attends, when the principal, assistant principal, or counselor gives permission to conduct the interview.
- c. When a school resource officer is assigned to the school, the interviewing officer shall attempt to make contact with the school resource officer before the interview.
- d. Crime scene and street interviews, which may be conducted without Miranda Warnings, may be admissible depending upon the duration of questioning, and whether the subject reasonably believes he or she is free to leave.

The Miranda Warning (constitutional rights) shall be given and explained to the juvenile in any situation where the juvenile may reasonably believe he or she is not completely free to leave. This may include a school setting or a police-dominated atmosphere.

Whenever possible, the Miranda warning should be conducted in the presence of two witnesses (one of which may be the interviewing officer). When possible, the reading of the Miranda warning should be audio-recorded or recorded with a body-worn camera.

11.2 CUSTODIAL INTERVIEWS

When a juvenile is taken into custody, the officer shall attempt to notify the parent, guardian, or legal custodian of the child. The officer taking the juvenile into custody shall continue such attempts until the parent, guardian, or legal custodian of the juvenile is notified, or the juvenile is delivered to an intake counselor. The intake counselor shall then be responsible for contacting the parent, guardian, or legal custodian of the juvenile.

Any time an interview of a juvenile in custody occurs, Miranda warnings shall be read and explained to the juvenile and should be audio-recorded or recorded with a body-worn camera. Custodial interviews with juveniles will be conducted by no more than two interviewers, and will always be of reasonable duration, but in no instance any longer than six hours. In determining the length of interview sessions, interviewers shall give due consideration to the juvenile's age, the seriousness of the offense, and the need to provide adequate breaks for physical comfort. The length of time for each session should be no more than two hours. The time between each session should be at least 15 minutes but that can vary depending on the progress of the investigation or interview. The maximum time allowed for the interview sessions will be six hours unless an extension is approved by a CID commander or on-duty watch commander. Juveniles shall always be separated by sight and sound from all detained or arrested adults. Special attention to this matter should be paid when transporting juveniles to CID, SED, the Airport Division, or any other OPD facility for the purpose of interviewing, processing, or testing.

If the juvenile requests the presence of a parent, custodian, or legal guardian, every reasonable effort shall be made to accommodate the request. This applies whether the custodial interview is conducted in the field, at a police department facility, or at JAC. If the officer becomes aware that the child's parent wants to see the child being interrogated, the interrogation should cease and the parent should be permitted to see the child before any further questioning takes place.

Juveniles may be interviewed while in custody at the Juvenile Assessment Center or the Juvenile Detention Center after being advised of and voluntarily waiving their Miranda rights in the presence of a DJJ Counselor. Any time a custodial interview is conducted in a CID, SED, Airport Division, or any other OPD interview room, the officer shall record the juvenile's initials or case number, DOB, race, sex, and accompanying information on the Florida JJCPA Compliance Monitoring Reporting Form (Attachment A) provided on the wall adjacent to each room/or respective binder in the CID reception area. This form shall be filled out completely upon placing the juvenile into and removal from the interview room. The form shall also be completed when transferring custody to another officer/detective. It shall be the responsibility of the SED Lieutenant, SECPO Dayshift Watch commander, NWCPO Dayshift Watch commander, Primrose Dayshift Watch commander, Airport Investigative sergeant, and CID Special Victims Unit sergeant to collect, review for completeness, sign, and submit the forms to the CID Special Victims Unit supervisor each month within the prescribed times established by the Florida Department of Juvenile Justice. The CID Administrative Assistant will review the forms for compliance and forward all the forms to the Florida Department of Juvenile Justice via email, mail, or fax. It shall be the responsibility of the CID Special Victims Unit supervisor to ensure this is completed. Each officer who places a juvenile into an interview room shall report the following information in his or her incident report:

- a. Date and time the juvenile was placed into and removed from the room, and
- b. To whom the juvenile was released (e.g., JAC, parent, etc.).

12. JUVENILE INTERVIEW ROOM

Juveniles taken into custody shall be searched before being placed into the interview rooms. The interview rooms are located at the Orlando Police Headquarters (OPH) in CID. All employees must utilize their electronic access card to enter or exit the interview rooms. These doors must stay shut at all times and shall not be propped open at any time. All personal property shall be taken as prescribed in Section 2.2 of this directive and other pertinent directives regarding booking, searches, and property and evidence.

In custodial situations, it is the custodial officer's responsibility to ensure the secure detention of all prisoners. Locks on interview rooms shall be utilized at all times. Custodial officers shall ensure interview rooms are kept clean and orderly. The interview room shall be searched before and after a juvenile prisoner has been placed in the room. When a juvenile is placed in an interview room in CID, SED, the Airport Division, or any other OPD facility, an OPD officer or

employee shall remain in the interview room with the juvenile at all times or continuously observe the juvenile via closed-circuit video. An officer will personally contact the juvenile at intervals of not more than 15 minutes. Persons of the opposite sex shall not be confined together. History checks through DJJ shall be accomplished before two or more occupants are confined together to determine mental illnesses or violent natures that may pose a danger.

13. HANDCUFFS AND VIOLENT/DESTRUCTIVE JUVENILE PRISONERS

Juveniles shall not be handcuffed to tables, chairs, or any other object within the interview rooms. Prisoners who, through violence, may harm themselves or others, or who pose a threat to property may be immobilized with handcuff, flex cuff, or Ripp-Hobble restraints. Hands and feet may be restrained.

14. CHILD ABUSE/NEGLECT AND ABANDONMENT CASES

On July 1, 1999, the Florida Legislature enacted The Kayla McKean Child Protection Act relating to the protection of children and mandating statutory changes in child abuse investigations. This act provides changes related to child abuse, child neglect, and child abandonment cases as follows:

- a. All cases of abuse/neglect and abandonment shall require a police Incident Offense Report to be completed and forwarded to the Special Victims Unit.
- b. All information regarding other siblings in the household should also be included in the initial report.
- c. This act gives investigative personnel the authority to refer the child to a licensed physician or hospital emergency room for diagnosis without the consent of the parents, caregiver, or legal custodian if there is a need for medical examination related to child abuse/neglect, abandonment, or sexual abuse.
- d. In all cases involving alleged criminal acts of physical abuse/neglect or abandonment, a crime scene technician shall respond to take photographs of the scene and the living environment when injuries or signs of neglect are present. If appropriate due to Fourth Amendment considerations, a search warrant may be obtained to gain access to the living environment for photographing.
- e. Officers of the Department who suspects or become aware of any case where a child is being abused, abandoned, or neglected are required by state law to report it to the Department of Children and Families Abuse Registry at the 1.800.962.2873 hotline.

When investigating a report of child abuse/neglect and abandonment, including sexual abuse upon children, the officer on the scene shall ensure the child's safety, determine the seriousness of the child's injuries, and summon medical assistance if necessary. If possible, the officer shall attempt to locate and arrest the perpetrator.

If the responding officer determines that an immediate response by the Department of Children and Families is necessary due to the extent of trauma, or the child's welfare is questionable if returned to his or her environment, the Abuse Registry at 1.800.96.ABUSE shall be called.

15. DEPENDENCY PROCESSING PROCEDURES

Florida law authorizes law enforcement to take a child into custody when the criteria established for dependent children has been met and the child's welfare requires that appropriate action be taken.

Taking custody of a child without an order from a Circuit Court Judge, except when arresting for a delinquent act, is to be effected only in those instances where the circumstances are of an emergency nature and immediate action is necessary for the child's welfare. The Department of Children and Family Services must be notified.

Florida Statute, Chapter 39.401 gives the Department of Children and Family Services and police officers the authority

to take a child into custody if the child has been abused, neglected, or is in imminent danger of illness or injury as a result of abuse/neglect or abandonment. A court order is not needed. Officers should ask to see the Department of Children and Families investigator's identification and assist with the removal.

When a child is not in immediate danger (taking into consideration the age of the child, physical and mental condition, and the source of danger) and the parents or other responsible adults are present, the child need not be taken into custody.

When the circumstances require a dependent child be taken into custody by the investigating officer and transported to the appropriate receiving facility as directed by the personnel of the Department of Children and Family Services, the following apply:

- a. The juvenile's parents must be notified at the earliest time.
- b. The officer shall remain with the child until relieved by a DCF Protective Investigator.
- c. Inquiries on the child's whereabouts should be handled by advising the child is in official custody and that further information is available through the Department of Children and Family Services.

If arrest and prosecution are under consideration for those persons responsible for the existing condition of the child, care shall be taken in obtaining the evidence to support the charge.

When concerns about a child's welfare empowers entry onto the premises, the gathering of evidence, physical or photographic, shall be undertaken in accordance with written directives and applicable law.

The following listed dependency cases require immediate custody and require a police report be directed to the Special Victims Unit.

Dependent Child: A child who:

- a. Has been abandoned by his or her parents or custodian.
- b. For any reason is destitute or homeless.
- c. Has no proper parental support, maintenance, care, or guardianship.
- d. Because of neglect by parents or guardian, is deprived of education as required by law, or of medical, psychiatric, psychological, or other care necessary for well-being.
- e. Is living in conditions or in an environment that may injure or endanger his or her welfare.
- f. Is living in a home unfit because of neglect, cruelty, depravity, or other adverse condition of a parent or other person in whose care the child may be.
- g. Is surrendered to the Department of Children and Families or a licensed child-placing agency for the purpose of adoption.

The investigating officer shall contact the Department of Children and Families Abuse Registry at their 24-hour number 1.800.96.ABUSE and tell the Department of Children and Families that an immediate response is required. The Department of Children and Family Services will evaluate the request of law enforcement based on the abuse criteria and affect a response. If there is a delay from DCF, a patrol supervisor can contact the DCF/Data Center at 407.317.7112 from 0800 to 1700 hours, or call 407.317.7225 from 1700 to 1900 hours and 407.445.5426 x100 from 1900 to 0800 hours, and request the on-call supervisor to facilitate the response. The DCF on-call supervisor can also be contacted through the abuse registry.

16. MISSING JUVENILES

Departmental procedures concerning missing persons shall be followed as outlined in the current issue of P&P 1115, Lost or Missing Persons.

17. CUSTODY DISPUTES

Officers should be very cautious when investigating juvenile custody disputes. Often they are civil in nature, rather than criminal matters. However, in all cases, officers shall complete an information report and forward it to the Special Victims Unit. During a juvenile custody dispute, when a juvenile is in the physical custody of a parent who is arrested, the juvenile may be delivered to the other parent. The Department of Children and Family Services shall be advised of the situation. A parent shall never be arrested merely to affect the transfer of custody from one parent to another. The Orlando Police Department shall never intervene to transfer physical custody from one parent to another. Questions dealing with custody-related offenses should be referred to the Special Victims Unit supervisor, Police Legal Advisor, or the on-call Assistant State Attorney. When the parent is not arrested, it still is possible for the officer to take custody of the juvenile, where the criteria for custody of a dependent juvenile exists (i.e., the officer believes the juvenile is in immediate danger).

When investigating juvenile custody disputes, the officer's first priority should be to determine which parent has legal custody. When the parents are legally married, they share joint custody of their children. In the event the father of a child born out of wedlock has acknowledged the juvenile as his or is otherwise known to be the father of the juvenile (i.e., mother acknowledges he is the father or his name appears on the birth certificate), both parents are natural guardians with equal custody rights, even though they are unmarried. Otherwise, ask to see a custody order signed by a judge, indicating which parent has legal custody of the juvenile. The validity of custody/restraining orders can be verified by calling the Clerk of the Court (M-F, 8 a.m. to 5 p.m.) at phone number 407.836.4575 or (after hours) Orange County Sheriff's Office Warrants Section at 407.836.4520.

Whoever intentionally interferes with the lawful custody of a juvenile has committed a criminal violation (FS 787.03). Officers should review the statute before arrest. If an officer has probable cause to believe a parent or other adult is, or is attempting to, commit this offense with regard to any child, the officer may take the child into temporary protective custody to prevent or interrupt the crime. The Police Legal Advisor's Office must be contacted if the placement of the child cannot be resolved. The officer's immediate supervisor shall be notified and an Incident Offense Report completed. A copy of this report shall be forwarded to the Police Legal Advisor's Office before the end of the officer's tour of duty. (See current training bulletins on child custody disputes for additional information.)

18. TRUANCY

Florida law authorizes a law enforcement officer to take truant juveniles into custody to return them to school. All juveniles are subject to compulsory school attendance through the age of 15 unless the child turns 16 during the school term. If this happens, the 16-year-old is subject to compulsory school attendance for the entire school term, unless he or she files a formal declaration of intent to terminate school enrollment. The officer can verify whether this declaration of intent has been filed by calling the Truancy Center. If a child turned 16 during the summer months between school terms, and even if enrolled in school, they are no longer subject to compulsory school attendance. The officer should deliver juveniles ages 12 to 15 to the Alternative Center for Truancy at 823 West Central Blvd. (407.836.8886) and complete an ACT intake form. Juveniles age 16 who have not filed a declaration of intent to terminate, shall be delivered back to their appropriate school. When the location of the school makes the return impractical, the juvenile shall be considered a child in need of services and delivered to Great Oaks Village. When a criminal offense is involved, an Incident Offense Report and/or Charging Affidavit shall be completed and the juvenile shall be processed in accordance with the offense. Any person 17 or 18 years of age is not subject to compulsory school attendance.

19. CHILDREN IN NEED OF SERVICES

Children in need of services are not to be taken into custody unless an arrestable criminal violation is committed by the youth. An information report may be initiated.

Refer the family to the Orange County Children & Family Intervention Services, 407.897.6370, for non-residential services. This agency assists families with ungovernable children and provides follow-up services. Also refer the family to Orange County Community Assessment and Intervention Center (CAIS), 407.295.8911, which provide follow-up

services for families of "at-risk" children between 6-17 years of age, who have not been arrested, and are experiencing multiple school, social, family, mental health, and/or substance abuse problems.

20. PICK-UP ORDERS

Officers who contact a juvenile with a pick-up order shall request that Teletype confirm that the pick-up order is active. The officer must also confirm whether the pick-up order is for delinquency or dependency. If confirmed as a delinquency pick-up order, the officer shall complete a Warrant Arrest Affidavit. The juvenile should be transported to JAC. If the pick-up order is from Orange County, the officer shall, upon arrival at JAC, phone the Orange County Warrants Section (407.836.4520) and request they fax a copy of the pick-up order to JAC (407.836.8871). If the pick-up order is from out of Orange County, OPD Teletype should obtain a Teletype confirmation from the issuing jurisdiction requesting "detention in a secure facility." OPD Teletype can then fax the out-of-county Teletype confirmation to JAC.

If the pick-up order is for dependency, the child shall be delivered to appropriate personnel from the Department of Children and Family Services.

Reasonable, timely efforts toward notification of the juvenile's parent, legal guardian, or custodian shall be made. When a report is required for reasons other than the pick-up, a copy of the pick-up Teletype confirmation shall be attached to the report and the pick-up order so noted in the narrative of the report.

21. JUVENILE TRAFFIC PROCEDURES

Juvenile misdemeanor traffic offenses are not delinquent acts. Juvenile paperwork shall be processed in the same manner as adults. When a juvenile commits an arrestable misdemeanor traffic offense and is taken into custody, the following procedures shall be followed:

- a. A Traffic Citation and Charging Affidavit shall be completed.
- b. The arraignment date on the citation shall be completed using the current monthly date special notice.
- c. The juvenile shall sign the Traffic Citation.
- d. The juvenile must be released to a parent, custodial agent, or responsible adult. When no one can be located, the Department of Children and Families shall be notified and the juvenile shall be processed as outlined in dependency processing.
- e. No Juvenile Release Agreement is necessary.
- f. The yellow copy of the citation and the defendant's copy of the Charging Affidavit shall be given to the juvenile.
- g. The remaining copies of the Charging Affidavits, citation, and, as applicable, Breathalyzer results shall be stapled together and placed in the designated criminal intake receptacle.

Juvenile DUI arrests may be processed through either the mobile Breathalyzer unit or the Orange County Sheriff's Office DUI Testing Facility, 2400 33rd Street (407.836.0820). Juvenile testing shall be conducted in the same manner as adult testing. The same procedure shall take place as any other arrestable misdemeanor traffic offense where the juvenile is in custody. When a juvenile has committed an arrestable offense under Florida Statutes Chapter 316 or 322, the officer may issue a court-mandatory Traffic Citation in lieu of an arrest when a full custody arrest is not necessary (e.g., DWLS, DUI, WWRD, etc.). Felony traffic offenses requiring an arrest shall be handled like other felony juvenile offenses. When an arrest is made and no custodial agent can be located, or custody is refused, the juvenile shall be treated as dependent and processed as outlined in dependency processing of juveniles (Section 15). The arresting officer may consider the Marchman Act as an option. When a juvenile has been arrested for DUI, and cannot be released to a custodial agent, officers shall follow the procedure outlined in mental and physical illness cases (Section

7.2).

21.1 EXCEPTIONS TO TREATING JUVENILES AS ADULTS IN TRAFFIC CASES

Juvenile Court has jurisdiction over all juvenile felony cases. Traffic Court hears only misdemeanor traffic cases. Juvenile traffic felony cases are treated the same as any other juvenile felony case. Procedures for juvenile felony traffic cases are the same as in Section 5, Juvenile Felony Arrest Processing.

21.2 JUVENILES ARRESTED ON TRAFFIC WARRANTS

When a juvenile has failed to appear for a traffic hearing, or is in contempt of court for any reason, the court has the option of issuing a capias or a custody order. A juvenile with an active traffic capias-warrant shall be delivered to the Juvenile Assessment Center for prints and photographs. A Warrant Arrest Affidavit form shall be completed and stamped "Juvenile Confidential." The Orange County booking personnel at JAC will process the juvenile and issue a booking number, along with return data. The juvenile will then be returned to the officer for field release to a parent or responsible adult.

22. PRISONER SECURITY AND CONTROL

Custody, treatment, and the general care of prisoners shall be in accordance with current Orlando Police Department directives. Juveniles shall never be left unattended.

23. CONFINEMENT WITH ADULTS

Juveniles shall not under any circumstances be confined with adult detainees or prisoners.

24. RESPONSE TO RESISTANCE

Employees shall adhere to current issue of P&P 1128, Response to Resistance and Apprehension Techniques.

25. DEPARTMENT NOTIFICATIONS

The Special Victims Unit is responsible for the investigation and follow-up of all child abuse/neglect and abandonment cases including missing juveniles, child abductions, including attempted child abductions, and any lewd or sexual act upon a child. Call-outs shall be made in accordance with the current Call-Out Procedures policy 1103.

ATTACHMENT A



FLORIDA JJDP A COMPLIANCE MONITORING REPORTING FORM

securicor

Reporting Facility _____ Month/Year _____

If No Juveniles Held for the month, place X here Room # _____

JUVENILE		DOB	R A C E	S E X	DATE ADMITTED	TIME ADMITTED (Military)	DATE RELEASED	TIME RELEASED (Military)	OFFENDER TYPE F= Felony M= Misdemeanor N= Non-Offender S= Status Offender	ILLEGAL ALIEN (Y/N)	GUN CHARGE (Y/N)	OUT-OF- STATE RUNAWAY (Y/N)	HELD SECURE (Y/N)	IF SECURE * (Y) WAS SIGHT/SOUND SEPARATION FROM ADULT OFFENDERS MAINTAINED (Y/N)	WAS JUVENILE D= Direct Filed I= Indicted or W= Waived to the Adult System?
LAST NAME, FIRST	CASE NUMBER														

Race: A - Asian B - Black H - Hispanic I - Native American O - Other W - White Name/Title/Date: _____

