

**ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE
1209.2, YOUTH PROTECTION ORDINANCE**

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POLICY:

The purpose of this policy is to establish the Orlando Police Department's commitment to the enforcement of laws relating to juveniles, to ensure that all Agency employees are aware of special enforcement requirements related to juveniles, and to ensure that 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, which fall within its legal and geographic jurisdiction.

PROCEDURES:

1. YOUTH PROTECTION ORDINANCE

1.1 HISTORY

In 1994, Downtown Orlando had become a gathering place for large numbers of juveniles and young adults. The downtown area is used by local residents and tourists alike. Due to the large number of people visiting downtown, the Department experienced an increase in crime and concern for public safety. Through enforcement efforts in the downtown area, the Police Department made numerous juvenile-related arrests.

1.2 YOUTH PROTECTION ORDINANCE

Chapter 43.80 of the Orlando City Code was amended to "CREATE A YOUTH PROTECTION ORDINANCE IMPOSING CERTAIN RESTRICTIONS UPON MINORS IN THE DOWNTOWN AREA BETWEEN THE HOURS OF 12:01 A.M. AND 6:00 A.M.." The Youth Protection Ordinance is intended to promote parental control and responsibility for their minor children and protect juveniles from victimization and exposure to criminal activity.

1.3 YOUTH PROTECTION ORDINANCE ZONE

The Youth Protection Zone is the area of the City bounded on the north by Colonial Drive, on the south by South Street, on the west by Hughey Avenue, including the Church Street Garage, and on the east by Rosalind Avenue south of Livingston Street and Magnolia Avenue north of Livingston Street.

1.4 JUVENILE/MINOR

For the purpose of this policy, *Minor* or *Juvenile* means any person under the age of 18.

2. INITIAL STOP

Any officer may stop and detain a juvenile for investigation when the officer has reasonable suspicion to believe that the juvenile is under 18 years of age and in violation of the Youth Protection Ordinance. An officer may also stop and detain a juvenile if the officer has reasonable grounds to believe that the juvenile has been abandoned, neglected, or is in immediate danger from his or her surroundings and that his or her removal is necessary for his or her own protection.

3. DEFENSES TO ENFORCEMENT

Prior to taking a juvenile into protective custody for violating the Youth Protection Ordinance, officers shall ascertain why the juvenile is at that specific location. Officers shall take no action against the juvenile if any of the following circumstances exist:

- a. The juvenile is accompanied by his or her parent.
- b. The juvenile is on an emergency errand.
- c. The juvenile is attending or traveling to or from, by direct route, an official school, religious, or recreational activity, that is supervised by adults and is sponsored by a governmental entity, civic or religious organization, or other similar entity that accepts responsibility for the juvenile as an invitee.
- d. The juvenile is engaged in an employment activity or using a direct route to or from his or her place of employment.
- e. The juvenile is in a motor vehicle on an interstate highway.

4. ENFORCEMENT PROCEDURES

Upon finding a juvenile in violation of the ordinance, the officer has four methods of enforcement based on the totality of the circumstances:

- a. Available law enforcement resources,
- b. Apparent maturity of the juvenile,
- c. Ability to understand the warning, and
- d. Willingness of the juvenile to comply with the ordinance.

If an officer believes a juvenile is too young or immature to be released on their own after a written or verbal trespass warning is issued, the officer shall proceed with protective custody.

All officers should follow current procedures outlined in the current issue of P&P 1204, Juvenile Procedures, when interviewing any juvenile stopped for a violation of the ordinance.

4.1 VERBAL TRESPASS WARNING

The officer will advise the juvenile that he or she is in violation of the Ordinance and order the juvenile to leave the restricted area by the most direct and safest route.

4.2 YOUTH PROTECTION ORDINANCE TRESPASS WARNING

The officer will advise the juvenile that he or she is in violation of the ordinance. The officer will issue a written warning notifying the juvenile if he or she returns to the area and violates the ordinance, they may be subject to arrest for trespass after warning. The officer will order the juvenile to leave the restricted area by the most direct and safest route. Officers will follow current policy when issuing written trespass warnings. Written warnings should not extend beyond the juvenile's 18th birthday.

If the juvenile is 16 or 17 years old and has a valid Florida Driver's License or identification card in his or her possession, then the officer may issue the Youth Protection Ordinance Trespass Warning at the location of the stop. All efforts shall be made to verify the juvenile's information. If any juvenile is under 15 or does not have any valid identification in his or her possession, then the juvenile shall be transported to the designated juvenile interview/processing room.

4.3 PROTECTIVE CUSTODY

If a juvenile refuses to leave the area or is seen in the restricted area after being warned, he or she may be taken into protective custody for the ordinance violation and will be transported to a juvenile interview/processing room. The juvenile may be handcuffed for officer safety during transportation to the juvenile interview/processing room. Officers may conduct

a pat down of the person and inventory searches of personal belongings or property for any persons detained under YPO who is either transported in any OPD vehicle or being placed in a juvenile interview/processing room. If personal property (i.e. purse, backpack, etc.) is removed from the detainee's possession for an extended time period, the officer should conduct an inventory search of the property in the presence of the detainee, to guard against claims of loss, theft, or damage. Juveniles shall not be transported with adults.

Certain circumstances and behaviors may constitute cause for taking the juvenile into protective custody without warning when there is a clear and present threat to the community or the welfare of the juvenile. Officers should also consider the behavior and actions of the juvenile and any companions. The officer's prior knowledge of identity, age, and any prior actions of the juvenile may constitute a reason to take the juvenile into custody without warning.

All juveniles shall be taken to the appropriate juvenile interview/processing room without undue delay. If a juvenile is in need of emergency medical treatment, the juvenile shall be taken to the nearest medical facility for treatment. In these circumstances, the juvenile should be transported by ambulance. The sector sergeant may authorize the juvenile to be transported by patrol car on a case-by-case basis. If the juvenile appears to be intoxicated and has threatened, attempted, or inflicted physical harm on him or herself or another, or is incapacitated by substance abuse, then the juvenile shall be delivered to a hospital addictions receiving facility or treatment resource.

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

Officers shall attempt timely efforts (as soon as reasonably possible) toward notification of the juvenile's parent, legal guardian, or adult relative, to advise them of the juvenile's location, and where release can be arranged. (19.03b) If the parent or legal guardian refuses to pick up the juvenile child, the juvenile will be treated as a lock out. The Department of Children and Family Services shall be contacted and the officer will take the juvenile to Great Oaks Village.

Any officer taking a juvenile into custody for a Youth Protection Ordinance violation will complete the Youth Protection Ordinance Trespass Warning. On Friday/Saturday, the notice will be given to the supervisor or officer in charge of the downtown detail. The detaining officer will ensure that these notices are submitted to the Records Section to be logged and filed. Upon the third violation, copies of the notice will be forwarded to the City Prosecutor's Office.

On days that the downtown detail is not in operation, the officer will transport the juvenile to the closest designated processing area and after release to parents, legal guardian, or adult relative, the officer will ensure the notice is submitted to Records.

4.4 PHYSICAL ARREST

An officer may make a Trespass After Warning arrest of any juvenile for refusal to leave the restricted area or for returning to the area in violation of the verbal or written trespass warning. The officer should consider the juvenile's willful refusal, on scene actions, and age when deciding to use this option.

NOTE: A violation of the Youth Protection Ordinance is not a criminal offense. Therefore, juveniles stopped for ordinance violations must be transported separately from persons arrested and shall not be transported with adults.

Fingerprinting and photographing criteria outlined in the current issue of P&P 1204, Juvenile Procedures, shall be followed.

5. JUVENILE PROCESSING ROOM

Juveniles who are taken into protective custody shall be processed at the Downtown Police Office, 46 West Washington Street, and placed in the juvenile processing room, separated from any adult suspect, detainee, or prisoner. As this is not a secure facility, officers shall maintain control of detained juveniles. At all times, juveniles will remain separated from adults and other suspect, detainee, or prisoner. Male and female juveniles shall be separated while in protective custody and awaiting pickup by parents or other responsible adults.

If a juvenile needs to use the restroom, he or she will be accompanied by an officer of the same gender.

At the direction of the Chief of Police, the Orlando Police Headquarters Community Room may be opened and used for special events.

Juveniles shall not be left unattended at the end of the Downtown Detail and those remaining, shall be transported to Great Oaks Village.

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