

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

ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE

1204.17, JUVENILE PROCEDURES

EFFECTIVE DATE:	5/6/2025
RESCINDS:	P&P 1204.16
DISTRIBUTION GROUP:	ALL EMPLOYEES
REVIEW RESPONSIBILITY:	SCHOOL RESOURCE SECTION COMMANDER
ACCREDITATION STANDARDS:	16, 22, 31
RELATED LAWS:	Fla. Stat. 39.401 , Chapter 985, 1012.797
RELATED POLICIES:	P&P 1203
CHIEF OF POLICE:	ERIC D. SMITH

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1. PURPOSE

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 is committed to the development and implementation of programs designed to prevent and control juvenile delinquency. All employees are encouraged to support and participate in the following programs:

- a. Public Safety Cadet Program
- b. SRO (School Resource Officer)
- c. Junior Law Enforcement Officer Program (JRLEP)
- d. Super Kids-Elementary Schools
- e. Dragon Boat Team-A Youth Mentoring Program
- f. Operation Positive Direction-A Youth Mentoring Program

2. POLICY

It's the policy of the Orlando Police Department to ensure that all juveniles are processed in the manner described in the following procedures.

3. DEFINITIONS

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 Delinquency Citation- A state-mandated diversion program in which a civil delinquency 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 Florida Statute, [Chapter 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.

4. PROCEDURES

4.1 JUVENILE ARREST AND PROCESSING PROCEDURES

The following outlines the procedures for officers arresting juvenile offenders. In some juvenile cases, there may be exceptions. **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 reached seven (7) years of age unless the violation of law is a forcible felony as defined in [Florida Statute 776.08](#).** No juvenile, age 12 years or younger, shall be arrested, result in an involuntary admission under Baker Act criteria, 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 involuntary admission under Baker Act criteria 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.

4.1.1 MANDATORY HISTORY CHECKS

The officer shall ensure an FCIC/NCIC check on the juvenile is completed on Teletype. If the juvenile is detained for a misdemeanor crime the officer shall ensure the juvenile does not qualify for a Juvenile Delinquency Citation (Policy and Procedure 1203, Juvenile Delinquency Citation). Juveniles shall be checked on Teletype for any outstanding pick-up orders. Juveniles who have previously been waived to, and convicted in, adult court shall be processed as adults as outlined in Section 6.

4.1.2 SEARCHES/HANDCUFFING

All arrestees should first be handcuffed to the rear and then their person shall be searched. Consideration may be given to the arrestee's physical condition or disability and mental incapacity concerning the officer's decision to use handcuffs. An arrestee found to be in possession of a firearm shall immediately be handcuffed to the rear. If the arresting officer transfers the arrestee to another officer or another agency for transport it shall be the responsibility of the transporting officer to also ensure that a search of the arrestee's person takes place immediately before transport.

a. SEARCHES INCIDENT TO ARREST

Searches incident to arrest are essential to officer safety.

Officers shall conduct the search incident to arrest expeditiously in a lawful manner without regard to gender, gender expression, or gender non-conforming individual and gender identity when officers are confronted with:

- An arrestee who is physically resisting the arrest process or

- An arrestee who is being arrested and the officer reasonably believes the individual is armed and dangerous, or
- An arrest that is taking place in a location in which it is dangerous for the officers to remain, or
- An arrest where the arrestee is known to the officer to be a violent or dangerous person

In all other arrest situations where the arrestee is cooperative and presents no apparent danger, the search incident to arrest will be conducted by an officer of the same sex if one is available on-scene.

b. SEARCHES OF TRANSGENDER OR GENDER NON-CONFORMING PERSONS

For the purpose of lawful searches of a person, officers shall continue to use standard practices and procedures per policy when conducting person searches and comply with all policies and laws.

Transgender or gender non-conforming individuals shall not be subject to more invasive search procedures than non-transgender individuals. In effecting the search of a transgender or gender non-conforming individual, the search ideally, and where possible, should be conducted by an officer of the same sex as the transgender or gender non-conforming individual expresses. If searching officers are uncertain as to the subject's gender expression, officers will respectfully and in a professional manner ask the individual their gender expression. The search incident to arrest will be conducted by an officer of the same sex as the individual's gender expression if one is available on-scene, except when officers are confronted with an exception to the same-sex search parameters listed below.

c. INVENTORY OF PROPERTY

An inventory of any lost or abandoned property, as well as the property of any individual who is going to be involuntarily transported pursuant to a lawful law enforcement purpose shall be inventoried for the purpose of creating a full accounting of any property that comes into the possession of the Orlando Police Department to protect against any claims of lost, stolen, or damaged property, and to protect the Department from the storage of any dangerous or hazardous materials.

- i. All property, including but not limited to, bags, containers, clothing, or other property that is going to be stored at the Orlando Police Department shall be inventoried.
- ii. Whenever an individual is involuntarily transported, all of the property that was within their care, custody, and control shall be inventoried and transported to Property and Evidence, unless:
 - The property does not belong to the individual, and the actual owner is on-scene and willing to take the property.
 - The property contains medicine, medical equipment, or similar property that is needed by another, and the individual gives permission for the medicine or medical equipment to be given to another person who is on-scene; or
 - The property contains keys or similar devices that are needed by another to gain access to their vehicle, home, hotel room, or similar place, and the individual has the authority to and gives permission for the keys or similar device to be given to another person who is on-scene.
 - NOTE: It may be necessary to contact the juvenile's parent or guardian to determine if the juvenile has the authority to transfer the property to another.
- iii. When practical, all such property shall be inventoried at the place of collection, prior to its transportation to the Orlando Police Department. When the circumstances do not permit, all such property must be inventoried in a controlled area prior to submission to Property and Evidence.

- iv. An inventory shall include all areas, including closed or locked compartments. To the extent practical, closed, or locked containers should be opened using non-destructive means. If the officer is reasonably unable to open the closed or locked item without destructive means, then the item shall be opened using reasonable means to limit any damage to the item.

All firearms, contraband, and evidence found on or about an individual shall be delivered to the Orlando Police Department's Property and Evidence Section. The officer shall complete the appropriate documentation.

The individual's property (money, cell phone, wallet, credit cards, jewelry, prescription medication, etc.) shall be placed into a tamper-proof Orlando Police Department property bag and documented on the Receipt for Personal Property form. The individual will sign the property receipt form, acknowledging the contents of the bag. If the individual refuses to sign the property receipt form, the officer should write "signature refused" and have a second officer/witness sign the property receipt form. The pink copy of the property receipt form will be placed inside the property bag and sealed with the contents. The yellow copy will be given to the individual and the white copy will be turned in to the Records Section at Orlando Police Headquarters. The individual's property bag shall then be delivered to the appropriate receiving facility.

d. STRIP OR BODY SEARCHES

Strip searches of arrestees shall be conducted in accordance with state law and this policy.

Officers must be aware of the definition found in [Florida Statute 901.211](#), which defines a "strip search" as:

Having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual or manual inspection of undergarments, genitals, buttocks, anus, or female's breast.

Based on this definition, a strip search includes searching or inspecting an arrested female's brassiere or searching or inspecting an arrested person's underwear.

Strip searches are prohibited in misdemeanors, traffic offenses, regulatory violations, and civil matters (such as contempt) unless:

- The misdemeanor, traffic, or ordinance offense is violent in nature, or
- The misdemeanor, traffic, or ordinance offense involves a weapon or a controlled substance, or
- There is independent probable cause to believe the person is in possession of a controlled substance, a weapon, or stolen property.

Strip Searches of Juveniles Outside an OPD Facility:

Except in the case of exigent circumstances, no strip search of a juvenile may be performed unless written authorization is obtained from an on-duty supervisor (Attachment B). The on-duty supervisor will notify the on-duty section commander any time a strip search of a juvenile has been authorized. The on-duty supervisor will notify the on-duty section commander before conducting a strip search. This written authorization must be obtained EVERY TIME a strip search of a juvenile is conducted by any sworn law enforcement officer, except in the case of exigent circumstances. All Strip Search Authorization forms must be forwarded to the Professional Standards Section Commander.

When a strip search is performed on a juvenile due to exigent circumstances, the searching officer must write a supplemental report detailing the nature of the exigency and the probable cause for the search. This supplemental report must be forwarded to the Professional Standards Section Commander.

All strip searches must be conducted reasonably. Only sworn personnel of the same gender as the arrestee can perform strip searches. They must be performed under circumstances where uninvolved people cannot view the search. Department observers must also be of the same gender as the arrestee.

Strip Searches of Juveniles INSIDE an OPD Facility:

No strip search may be performed inside any OPD facility unless written authorization is obtained from an on-duty supervisor (Attachment B). The on-duty supervisor will notify the on-duty section commander any time a strip search has been authorized ([Florida Statute 901.211\(5\)](#)). The on-duty supervisor will notify the on-duty section commander before conducting a strip search. This written authorization must be obtained EVERY TIME a strip search is conducted by any sworn law enforcement officer within any OPD facility. All Strip Search Authorization forms must be forwarded to the Professional Standards Section Commander.

Officers are prohibited from conducting body cavity searches. If an officer believes an arrestee has concealed evidence in a body cavity, the officer must advise booking personnel so that appropriately trained jail personnel can conduct a body cavity search in a controlled environment. If the officer has reason to believe that an arrestee has ingested a controlled substance or any other evidence, medical assistance will be summoned.

4.1.3 PROCESSING

If a Juvenile is arrested or taken into custody under the Baker Act, the officers shall observe the following procedures:

- a. Complete an NCIC/FCIC check on the juvenile.
- b. Arrest of juveniles 12 years old or younger:
 1. The officer shall contact an on-duty watch commander for a potential arrest of a juvenile 12 years old or younger. The Watch Commander shall notify their chain of command to include the Deputy Chief for approval.
 2. 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. Baker Acts for juveniles 12 years old and younger:
 1. The officer shall contact the on-duty watch commander for juveniles 12 years old or younger who meet the criteria for involuntary admission under the Baker Act. 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.
 2. Officers must document all attempts to have alternative transportation. It is recommended to transport in a non-caged vehicle with a second, same-gender, officer in rear monitoring the seat-belted child. Officers shall inform Communications of mileage and times before and after transport.
 3. If the juvenile is handcuffed or transported in a cage car, the reasons for doing so should be documented in the incident report.
- d. 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 that require a report. Any SRO or officer working at a school may contact an 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.

- e. 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.
- f. Officers shall make every attempt to properly identify the juvenile as soon as possible.
- g. Except in emergency situations, juveniles shall not be transported in a patrol vehicle, a prisoner transport van, or any similar vehicle with adults unless the adult is believed to be involved in the same offense or transaction as the juvenile.
- h. All property shall be taken from juveniles, including smoking materials and jewelry.
- i. Arresting officers shall complete a detailed Charging Affidavit, incident report, and arrest report if felony charges.
- j. All juvenile affidavits shall be reviewed by a supervisor.
- k. 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.
- l. 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.
- m. All juveniles arrested shall be taken to the appropriate receiving facility without undue delay unless a juvenile is in need of emergency medical treatment.

4.1.4 JUVENILE ASSESSMENT CENTER (JAC)

Once at the JAC:

- a. Officers shall 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 the juvenile. 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. Officers shall complete the required DJJ entry paperwork (suicide risk screening sheet and top of case tracking

log).

- f. Officers shall 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.
- h. Officers shall ensure that the custody, treatment, and the general care of the transported juvenile shall be in accordance with current Orlando Police Department directives. Juveniles shall never be left unattended.

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.

4.1.5 FELONY CHARGES

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.

The following felony crimes require mandatory arrest:

- a. Wanted in any jurisdiction for a felony and the issuing authority will extradite the juvenile.
- b. Charged with possession or discharge of a firearm.
- c. Charged with a felony involving violence, including any felony acts of domestic violence.
- d. 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.

4.1.6 MISDEMEANOR CHARGES

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 delinquency citation (Policy 1203, Juvenile Delinquency Citation). If the juvenile is eligible for the juvenile delinquency program but does not qualify at the time of the incident due to specific

circumstances (Policy 1203, Juvenile Delinquency Citations), the officer **shall** include the reason in the narrative of the charging affidavit or NTA. 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.

Juveniles, 10-12 years of age, can be issued a Juvenile Delinquency Citation with watch commander approval. Citations for juveniles at these ages are uncommon and should only be used if the juvenile would benefit from possible sanctions such as community service and family counseling. **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 Delinquency 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 5. With justification, managers may direct that a juvenile arrestee is not photographed and printed.

DJJ will screen all juvenile offenders and determine whether the juvenile will be held in detention. 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.

4.1.7 JUVENILE NOTICE TO APPEAR

If the juvenile does not qualify for a juvenile delinquency citation (Policy 1203, Juvenile Delinquency 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.

4.1.8 AT-LARGE AFFIDAVITS

When charges are filed on a juvenile who has not been physically taken into custody, an "At-Large" Charging Affidavit shall be completed.

- a. 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.
- b. Supportive documents (e.g., supplement reports, original witness statements, etc.) shall be attached to the Charging Affidavit. An initial report shall be completed and attached to the misdemeanor at-large charging affidavits.
- c. When at-large Charging Affidavits are filed on a juvenile, the case shall be considered cleared by arrest. Ensure the reason a juvenile delinquency citation was not issued for eligible misdemeanor offenses is included in the affidavit narrative.

4.1.9 CRIMINAL TRAFFIC

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 the dependency processing of juveniles ([Section 4.9](#)). 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 alcohol and substance use and treatment ([Section 4.4.3](#)).

4.1.10 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.

4.1.11 RUNAWAYS

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. Truants will be handled as outlined in [Section 4.11](#) of this policy.

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: [Florida Statute 985.802](#) and attach a copy of the NCIC out-of-state teletype entry.

4.2 FINGERPRINT AND PHOTOGRAPH

[Florida Statute 985.11](#) 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 are typically 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.

4.3 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.

4.3.1 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.

4.3.2 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.

4.4 JUVENILES IN NEED OF TREATMENT

4.4.1 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.

4.4.2 MENTAL

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 completed.

Upon arrival at the JAC, if the juvenile gives any indication, that he or she is thinking about committing suicide or a homicide during the screening process, the following procedures shall be followed:

- a. The DJJ Screener will make the final determination on whether the juvenile will be accepted into the facility.
- b. If the DJJ Screener does not accept the juvenile into the facility, the arresting law enforcement officer shall transport the juvenile to the nearest mental health receiving facility for assessment. (Refer to Policy 1114, Mental Health Cases (Baker Act) for the current list)
- c. The arresting law enforcement officer should call the receiving facility prior to transport to advise they are bringing a juvenile from JAC for assessment.
- d. If the juvenile has any medical concern in conjunction with the suicidal/homicidal statements, the juvenile should be transported to Advent Health as the receiving facility.
- e. Once at the receiving facility, the juvenile will be assessed to see if Baker Act criteria is met. If the receiving facility determines that the criteria has not been met, they will provide the proper release documentation to the arresting law enforcement officer to provide to JAC.

4.4.3 ALCOHOL/SUBSTANCE USE AND TREATMENT

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 notify DCF and the watch commander.

If a juvenile needs 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.

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.

4.5 RELEASE OF JUVENILE INFORMATION

4.5.1 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 who commits a traffic violation may be released in the same manner as adult traffic violations.

4.5.2 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.

4.5.3 USE OF JUVENILE PHOTOS TO IDENTIFY OFFENDERS

[Florida Statute 985.11](#) 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.

4.6 NOTIFICATION OF OUTSIDE AGENCIES

The following agencies must be notified of crimes involving juveniles.

4.6.1 NOTIFICATION TO ORANGE COUNTY PUBLIC SCHOOLS SUPERINTENDENT

[Florida Statute 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.

[Florida Statute 985.04\(4\)](#) requires the arresting agency to 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. JAC 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.

4.6.2 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.

4.7 INTERVIEWS

4.7.1 NON-CUSTODIAL INTERVIEWS

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

- a. During voluntary appearances at a police department facility 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. When a school resource officer is assigned to the school, the interviewing officer shall attempt to contact the school resource officer before the interview.
- c. 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.

4.7.2 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, DED, 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.

4.7.3 INTERVIEW ROOMS

Juveniles taken into custody shall be searched before being placed into 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 4.1.2 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 security of all juveniles. 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 any interviewee is placed in the room. When a juvenile is placed in an interview room in CID, DED, the Airport Division, or any other authorized 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.

Juveniles shall not be handcuffed to tables, chairs, or any other object within the interview rooms. Juveniles 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.

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

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

4.7.4 FLORIDA JJCPA COMPLIANCE LOGS

Any time a custodial interview is conducted in a CID, DED, Airport Division, or any other authorized OPD interview room, the officer shall record the juvenile's initials, 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.**

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.).

It shall be the responsibility of the DED Lieutenant, 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.

4.8 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. Telephone notification is the preferred method to ensure prompt processing of the complaint.

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, summon medical assistance if necessary and notify the Special Victims Unit. 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 to request an expedited response. Any requests for expedited response should be in collaboration with the Special Victims Unit.

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. Callouts shall be made in accordance with the current Call-Out Procedures policy 1103.

4.9 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 affected 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 empower 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 notification to the Special Victims Unit. The completed police report shall be directed to the Special Victims Unit for review and follow-up.

Dependent Child:

- 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.

4.10 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 ([Florida Statute 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.)

4.11 TRUANCY

Florida Statute, Chapter [984.13](#), 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 sending an email to Intel@ocps.net with the request. An OCPS Intel Analyst will respond to the request and assist with attendance verification. If a response is not received in a reasonable time, the officer can call the OCPS District Police Communications at 407-317-3555 for assistance in reaching an OCPS Intel Analyst. If a child turns 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 truant juveniles ages 11 to 15 to the Orange County Youth Shelter (407-836-7626). Officers shall call the Youth Shelter prior to arrival. Officers will make every effort to notify the parent or guardian and advise of the juvenile's location.

Juveniles aged 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 the Orange County Youth Shelter.

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.

4.12 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 for children ages 10-17.

Families can also be referred to the Orange County Family Counseling Program at 407-254-9376, which provide follow-up services for families of "at-risk" children between 6-17 years of age, and are experiencing multiple school, social, family, mental health, and/or substance abuse problems. Children must be Orange County residents and not have a current DCF investigation or DJJ delinquency allegation.

5. FORMS AND APPENDICES

ATTACHMENT A-Florida JJDPA Compliance Monitoring Reporting Form

ATTACHMENT B-Strip Search Authorization