



GENERAL ORDER

JUVENILE PROCEDURES

Implementation Date: February 15, 1988

Revokes: None

GENERAL ORDER - 11

11.1 INTRODUCTION

Juvenile Courts are based on the "PARENS PATRIAE" Doctrine, which is literally "Parenthood of the State". The Courts accepted the responsibility for making decisions about the welfare and needs of delinquent youth, doing what is best for the child's care and rehabilitation while they continued to adequately protect society. Youth, in turn, lost some of the DUE PROCESS protection guaranteed to adults by the U.S. Constitution.

Juveniles still do not have the full procedural protection afforded adults (e.g., jury trials, appeal). Most of these differences only affect the child after the child is turned over for judicial handling. In taking juveniles into custody, and in processing and handling them, the same considerations must be taken into account as for adults.

11.2 DEFINITION

Abandoned - Not supported, nor communicated with sufficiently, indicating willful rejection.

Abused - Subjected to willful acts resulting in physical, sexual, or mental injury, or risk of injury.

Beyond the Control of the Parents - Persistently disobedient of the reasonable and lawful demands of the parents and is beyond their control.

Child/Juvenile - Any unmarried person under the age of 18, or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years.

Custodial Arrest - After arrest, the juvenile is detained at a law enforcement facility, fingerprinted and photographed, then either released or turned over to the detention facility.

Delinquent Child - Any child who has committed a felony, misdemeanor, contempt of court, or violation of a local penal ordinance, and whose case has not been prosecuted as an adult case.

Establishment - A privately owned place of business to which the public is invited, including, but not limited to, a place of amusement or a place of entertainment.

Forcible Felony – As defined in F.S. 776.08, means treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated

assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.

J.C.C.P. Coordinator- the School Resource Officer who is in charge of the Juvenile Civil Citation Program.

Minor - any person under eighteen (18) years of age.

NOTE: For the daytime juvenile curfew ordinance, a minor is considered anyone under sixteen (16) years of age.

Neglected - Deprived of food, clothing, shelter, or medical treatment resulting in injury or risk of injury.

Non-Custodial Arrest - Charge is filed by use of a Juvenile Case Summary without taking the juvenile into custody.

Public Place - a place to which the public has access including but not limited to, streets, highways, public parks, and the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities, and shops.

Runaway - A child, without permission, leaves the custody and control of their parent(s), guardian or other legal custodian.

Status Crime or Non-Criminal Act – An offense that cannot be committed by an adult. (i.e. possession of alcohol by a subject under age 18, etc.).

Truant - Absent from school despite being required by law to attend.

11.3 POLICY/PROCEDURE

11.3.1 Responsibilities

The organizational structure of the Coral Springs Police Department is designed to coordinate juvenile affairs and to assist youths in their development into productive community citizens through the Community Services Component (CSC) The CSC shall operate under the following guidelines in juvenile matters.

11.3.2 Criminal Investigations

- A.** All child abuse investigations shall be handled by the Special Victims Unit. If death occurs from the abuse, the Special Victims Unit shall assist by assigning a homicide investigator to the case and a joint investigation shall commence.
- B.** The Special Victims Unit shall have the primary investigative responsibilities in all sex crimes regardless of age.
- C.** School Resource Officers (SRO) shall have primary investigative responsibilities for any crimes, which occur on the campus of a public school during normal school hours or during a function after normal school hours. In cases of a homicide, sex crimes, arson and grand

larceny auto, however, the appropriate Criminal Investigations Unit shall then have the primary investigative responsibilities.

- D. Crimes committed by, or suspected of being committed by, juveniles that are gang related will be assigned to the SET Unit. However, School Resource Officers and the J.C.C.P. Coordinator shall be a constant resource and assistance in juvenile cases for the officers assigned to the Criminal Investigations Component.

11.3.3 Processing, Case Filing, and Court Preparation

- A. Criminal Investigations shall file all necessary paperwork through the juvenile justice system when a member of that Unit, or any Unit, arrests a juvenile on a felony or misdemeanor charges. This includes coordination and preparation of any court proceedings.
- B. A file of arrested juveniles will be maintained by the J.C.C.P. Coordinator. Any trends or repeat subjects would be identified, and the information would be disseminated to other units.

11.3.4 Diversion Programs

All members of the Department shall, when requested, provide input to the Department's Juvenile Civil Citation Program (J.C.C.P., see G.O. 11A), the State Attorney's and/or the Department of Juvenile Justice (DJJ) to recommend the adjudication or adjustment of a case or the placement of the arrested juvenile into a diversion program.

11.3.5 Alternative Handling of Juveniles

The alternatives for dealing with juvenile offenders are limited to maintain consistency. The least coercive measure among reasonable alternatives, consistent with preserving public safety and order, and individual liberty shall be used. When deciding which alternative to use, several factors should be considered:

- A. The age of the juvenile offender;
- B. The nature of the offense and the circumstances of the incident;
- C. Any prior arrest record of the offender;
- D. Eligibility in the Department's Juvenile Civil Citation Program (see G.O. 11A);
- E. The availability of community based rehabilitation programs (officers can obtain this information from the J.C.C.P. Coordinator).
- F. The officer may also recommend to the J.C.C.P. Coordinator, parent/guardian or the DJJ caseworker the voluntary treatment for the juvenile offender. The treatment suggested may be for any program the officer believes will benefit the juvenile. The use of the least coercive alternative does not prohibit the officer from taking the juvenile offender into custody, when appropriate.

11.3.6 Taking a Juvenile Violator into Custody/Disposition

Notification of the parent or guardian shall be made as soon as possible after the juvenile is taken into custody. A juvenile may be taken into custody for the following reasons:

- A. Court Order** - The court order should indicate why the juvenile should be taken into custody and where the juvenile should be taken after the juvenile is seized. Officers shall follow the directions given on the "Take Into Custody" Order. All court orders shall be verified prior to transport to the named facility.
1. When a juvenile is taken into custody on the authority of a court order or a pickup order the juvenile shall be transported to the Police Station, fingerprinted, photographed and logged in prior to being taken to the location named in the pickup order.
 2. The officer shall complete a Juvenile Case Summary which shall be attached, in its entirety, to the fingerprint cards and forwarded to the Crime Scene Investigations Unit. The narrative of the Case Summary need only state the juvenile was taken into custody due to the pickup order and the reason the pickup order was issued (i.e., Pickup Order - Failure to appear at hearing on burglary charge).
 3. Processing shall not apply when the pickup order is for a Baker Act.
- B. Violation of the law** which, if committed by an adult would be a felony or misdemeanor.
1. Per FSS 985.301, a child younger than 7 years of age may not be taken into custody, arrested, charged, or adjudicated delinquent for a delinquent act or violation of law based on an act occurring before he or she reaches 7 years of age, unless the violation of law is a forcible felony.
 2. Juveniles older than 7 years of age shall be transported to the Police Station without delay (unless medical attention is needed) for processing. The juvenile shall be transported to the Police station in accordance with General Order 12, Prisoner/Detainee Transport-Temporary Detention Procedures.
 3. The juvenile shall be fingerprinted, palm printed and photographed if being released to a parent, legal guardian, or responsible adult as provided in 11.3.6.F.
- C. Status Offense or Non-Criminal Act** – A juvenile offender may not be detained in a secure manner at any time in an adult jail. A juvenile placed in a secure police vehicle for transportation is not considered to be in a secure area. A juvenile may be processed through a secure booking area if there is no other suitable area available continuous visual supervision is provided, and they remain in the booking area for only the period necessary to be photographed and fingerprinted.
- D. Procedures for Notifying the School Superintendent or designee:**
1. If a juvenile is taken into custody for an act of delinquency, which would be a felony if committed by an adult, or involves a crime of violence, the arresting officer shall immediately notify the Broward District Schools Police, or designee, of the school district with educational jurisdiction of the child.
 2. The following information shall be transmitted to the district's school police:
 - a. the student's name;
 - b. the school the child attends;

- c. the date of arrest;
 - d. and the nature of the crime.
3. The law requires the above information to be sent if the child attends a public school. Private schools and parochial schools are exempt from the law.
 4. The current telephone numbers of the contacts for Miami-Dade, Broward and Palm Beach Counties are to be maintained by Unit supervisors, Communications Unit, and the Senior Office Assistant of the Component.
 5. If the arresting officer cannot make contact with the school police or designee, the information may be transmitted by another officer or supervisor.
 - a. The officer contacting the school police indicate the name, date and time of the individual contacted.
 - b. If the report is faxed, the fax receipt shall be attached to the incident report.

E. Transport to the Juvenile Assessment Center

1. If a juvenile twelve (12) years of age or younger is detained or arrested for any criminal violation of Florida statute, the arresting officer shall immediately contact the State Attorney PRIOR to transporting the child to JAC for the purpose of consultation on whether the child should be transported to JAC for processing.
 - a. The State Attorney shall have an Assistant State Attorney assigned to the Juvenile Division available on a 24 hour / 7 day a week basis for the purpose of providing consultation.
 - b. The current telephone numbers for the assigned Assistant State Attorney's will be maintained by the Communications Center.
 - c. The arresting officer shall document the name of the Assistant State Attorney and the results of the consultation in the incident report.
 - d. If no Assistant State Attorney is available, the arresting officer shall call the JAC for a preliminary scoring decision before the child is transported. Following a preliminary scoring decision, the arresting officer shall consult a sworn supervisor to determine if the child shall be transported or released to a responsible adult according to departmental policy.
 - e. If the State Attorney recommends a child under 12 not be transported to JAC, contact shall be made with parent, legal guardian, or responsible adult to arrange release in accordance with department policy.
 - f. If after a reasonable period of time, no contact can be made or there is a refusal to accept custody, the juvenile may be brought to JAC and JAC shall except custody of the child.

2. If the juvenile is over 12 years of age and meets any of the following criteria, they SHALL be detained and transported without delay (unless medical attention is needed) to the Juvenile Assessment Center (JAC). All juveniles taken to JAC will be processed by this agency,
 - a. The child is taken into custody for the alleged commission of an act, which, if committed by an adult, would be a felony or misdemeanor in this jurisdiction.
 - b. The child is alleged to be an escapee or absconder from detention care, probation, parole, furlough, a community control program, a delinquency commitment program, or the custody of a law enforcement agency in this or any other state.
 - c. The child is wanted in another jurisdiction for an offense, which, if committed by an adult, would be a felony or misdemeanor in this jurisdiction.
 - d. The child is taken into custody for the alleged commission of an act which, if committed by an adult, would be a violation of law and requests protection in circumstances that appear to present an immediate threat to his personal safety and there are no crisis or shelter homes available in which to place the child.
 - e. The child is alleged to have committed an offense which, if committed by an adult, would be a crime of violence.
 - f. The child is taken into custody for the alleged commission of an act which, if committed by an adult, would be a violation of the law, and any of the following applies:
 - The child is already detained or had been released and is awaiting a hearing on another case;
 - There are reasonable grounds to believe that the child will fail to appear at any hearing;
 - The child has previously been found to have committed a delinquent act involving a crime of violence;
 - The child has previously been found to have committed a delinquent act which is defined by State Law as a felony;
 - g. The child has previously been found to have committed a delinquent act involving property;
 - The child is presently in a community control program or committed to the Department;
 - There are reasonable grounds to believe that the child may physically harm or has threatened to physically harm witnesses, victims, or other persons or property;
 - A child may be placed or detained in a secure or unsecured detention facility if the child is alleged or found to be in contempt of court.

3. All juveniles shall be transported in accordance with General Order 12, Transport/Holding Facility.

F. Juvenile Release

When releasing a juvenile, a picture ID of the person accepting custody of the juvenile must be shown and a copy of the ID placed with the report. The juvenile may be released to:

1. Parent(s)/guardian (first choice)
2. A responsible adult relative
3. An agent of approved crisis home
4. An adult approved by the court
5. DJJ intake worker
6. School which the juvenile is enrolled
7. A responsible adult

NOTE: When a juvenile is released to any of the above other than the parent/guardian the officer shall contact the parent, as soon as possible, and document the time and date of the contact in an incident report, Juvenile Case Summary, or supplement report.

11.3.7 Non-Custodial Arrest

- A. When there is probable cause to believe a juvenile over the age of 7 has committed a crime, the officer shall not take the juvenile into custody, but complete a Juvenile Case Summary when one or more of the following exist:
 1. The crime is a misdemeanor which did not happen in the officer's presence (not including the misdemeanor rule).
 2. When, at the officer's discretion, the officer believes it is in the best interest of the juvenile not to take him into custody at that time.
 3. The juvenile cannot be located.
- B. The parent(s), guardian or legal custodian should be notified as soon as possible, by the arresting officer, that a non-custodial arrest has been made. The officer shall inform the contacted person of:
 1. The offense charged
 2. The circumstances
 3. Juvenile procedures

11.3.8 Citations

Uniform Traffic Citations may be issued to juveniles for:

- A.** Violations of traffic infractions or misdemeanors while operating a motor vehicle regardless of age.
- B.** Bicycle Violations
 - 1. Failure to wear an approved bicycle safety helmet while riding a bicycle if the juvenile is under the age of 16. The CAD should be checked for the juvenile's name to confirm if a prior warning was given. If this is the first contact, and the officer writes the juvenile a warning, he should make sure that the juveniles name is added to the CAD. The Records Unit will be responsible for sending a letter to the juvenile's parents to inform them of the violation.
 - 2. All other bicycle violations only if the juvenile is 16 years of age or older.
- C.** Pedestrian violation.

11.3.9 Dependent Children

If there is reason to believe the juvenile has been abandoned, abused or neglected, or is in immediate danger from his or her surroundings and taking custody of the child is necessary to protect the juvenile, the officer shall:

- A.** Seek medical attention for the child if necessary.
- B.** Notify a Special Victims Unit Investigator as soon as possible.
- C.** Note all environmental conditions of the home or area.
- D.** Note initial condition of the juvenile upon first contact.

11.3.10 Runaway

When the law enforcement officer has reasonable grounds to believe the child has run away from his parents, guardian or other legal custodian, the officer shall:

- A.** If the runaway juvenile is taken into custody for a **CRIMINAL OFFENSE**, the criminal offense shall take priority in the handling of the juvenile. If the juvenile is a runaway from another county or state, the officer shall:
 - 1. Contact the parent, guardian or legal custodian and advise them that the juvenile will be taken to JAC where the juvenile will be detained until a pickup can be arranged.
 - 2. Transport the juvenile to JAC.
 - 3. Confirm the removal of the juvenile's name from the computer system and indicate the removal on the report.

- B.** If the runaway is taken into custody for ONLY being a runaway and NO criminal charges are made, one of the following dispositions will occur:
- 1.** Contact the parent, guardian, or legal custodian to arrange the return of the juvenile.
 - 2.** If the juvenile is under the custody of Childnet, a message with the caseworkers contact information will be in the miscellaneous remarks section of the FCIC/NCIC response. Contact the juvenile's caseworker to arrange the return of the juvenile. If additional information is required, a Childnet representative can be contacted at (954) 202-3800, or during non-business hours at the 24 our hotline number (954) 202-3802.
 - 3.** If the juvenile is a runaway from out of state, contact JAC at (954) 467-4400 for arrangements to hold the juvenile in their secured facility until a pickup can be arranged.
 - 4.** The Covenant House (954) 561-5559 will be contracted for temporary shelter for juveniles who are runaways from Florida and the parent, guardian, or legal custodian either cannot be contacted or can't take custody of the juvenile in a reasonable amount of time. This shelter is a non-secure facility. There is no guarantee that the runaway will stay at the shelter until parents' arrival.
- C.** In all cases that a runaway has been returned to a parent, guardian, legal custodian or turned over to one of the facilities listed, contact Communications and have the juvenile's name removed from the computer system.

11.3.11 Truant

- A.** When there are reasonable grounds to believe the juvenile is absent from school without authorization, the officer shall check with the appropriate school to verify that suspected truants are actually truant.
- B.** If the juvenile is a first time truant who has missed 1-2 days, the officer shall transport the truant to the school they are enrolled in, if that school is in the city. If the school is not in the city, arrangements should be attempted to deliver the truant to their school.
- C.** An F.I. Card/entry shall be completed on all truants.

11.3.12 Juvenile Daytime Curfew

- A.** A minor who has been suspended or expelled from school may not be or remain in a public place, in an establishment, or within one thousand (1000) feet of a school during the hours of 9:00 am to 2:00 pm during any school day.
- B.** When encountering a juvenile who fits the criteria in section 11.3.12A and is not exempt under Section 10.3 of the City of Coral Springs Code of Ordinances, the officer may take the juvenile into custody and transport them to the police station.
- C.** Upon arrival at the police station, the juvenile will only be fingerprinted and photographed if it is their second offense and twelve (12) years of age or older.
- D.** The officer will attempt to contact a parent of the juvenile, and if the parent cannot be located within two hours, or refuses to take custody of the juvenile, the officer will transport the juvenile to their home.

- E.** A juvenile who violates section 11.3.12A shall receive a written warning for his first violation. The written warning will consist of an F.I. Card completed on the juvenile, and a letter given to the juvenile for their parent(s). For every violation thereafter, the juvenile will receive a civil infraction (City Ordinance Citation) with a fine of \$50.00.
- F.** The parent of a juvenile who knowingly permits the juvenile to violate section 11.3.12A shall receive a written warning for the first violation, and a civil infraction (City Ordinance Citation) with a \$50.00 fine for every violation thereafter.

11.3.13 Counseling Referral

If an officer believes that a juvenile and/or their family may benefit from counseling, an email or voice mail should be forwarded to the Department's Family/Victim Advocate. A counseling referral should be considered in conjunction with any of the listed alternative actions.

11.3.14 Reporting Guidelines

- A.** It is imperative that the parent or legal guardian is notified as soon as possible after a juvenile has been arrested. This must be done for non-custodial arrest as well as for custodial arrest.
- B.** The following report documents shall be completed as follows:

1. Custodial Arrest

- Incident report (In accordance with G.O. -10)
- Juvenile Case Summary
- Juvenile Release Agreement (if the juvenile is released to the parent, guardian or legal custodian)

2. Non-Custodial Arrest

- Incident report
- Juvenile Case Summary (in this situation, "NIC" shall be placed on the "date of arrest" line of the Case Summary)

3. City Ordinance Citations- When Permitted

No report is necessary, unless needed to explain additional circumstances, when a City ordinance citation is written. All necessary information can be placed on the back of the last copy of the citation.

4. Dependent Children-Child Abuse/Neglect

An incident or supplement report shall be completed when an officer responds to a complaint of a child abuse or neglect. If an arrest is made, a P.C. Sheet is also required.

5. Runaway

a. Original Report

When an officer responds to a complaint of a runaway or missing juvenile, the officer shall complete an original incident report. The narrative of the report shall include at a minimum:

- A description of the juvenile's clothing when last seen, if available.
- If any other belongings were taken.
- Any locations frequented by the juvenile.
- Any possible reason(s) the juvenile ran away.
- The school the juvenile attends or attended.
- Friends of the runaway and their addresses.
- The emotional stability of the juvenile, if such information is relevant.
- Confirmation of entry into NCIC/FCIC within two hour timeframe

b. Supplement Reports

When a runaway either returns home or is taken into custody by an officer, a supplement report shall be completed. The officer should attempt to ascertain the location of the juvenile during the time away from their parents. Communications shall be notified to remove juvenile from NCIC/FCIC. This information should be included in the supplement report.

6. Truant

No report is necessary when a truant is taken into custody. However, an FI card is REQUIRED on truants. The officer may, at his discretion, complete an Incident Report or Counseling Referral Form if additional information is needed for any reason.

11.3.15 Interviewing Juveniles – General Guidelines

- A.** It is not mandatory for a parent or legal guardian to be present during the interviewing of a juvenile either as a witness or a suspect. Parent(s)/guardians shall be conferred with and advised of the Department's and State's juvenile justice process, the possible consequences of their child's actions and their legal responsibilities. The officer shall answer any other pertinent questions.
- B.** Juveniles must be advised of their Miranda rights in the same manner as an adult. A Waiver Form should be signed when applicable. A parent cannot waive the rights of a juvenile.

- C. Juveniles may be interviewed while in custody only after a diligent effort to advise the juvenile's parent or guardian. If the officer is unable to advise the parent of the need to interview and the seriousness of the crime warrants it, the officer may proceed with the interview.
- D. In school, as well as in the field and in the home, interviews shall be conducted in a professional manner. The use of coercive techniques shall not be used.
- E. All interviews should be conducted with only those present that are related to the case at hand.
- F. It is suggested that no more than one (1) other officer should be involved in the interview process and it should be limited to one interviewer. More than one officer may be present at the officer's or supervisor's discretion.
- G. Each interview should last for only a reasonable amount of time.
- H. Explain to the juvenile the Department's and State's juvenile justice system procedures.

11.3.16 Interviewing in Schools

A. General Guidelines

1. School administrators are legally acting in "loco parentis", (in place of the parents). The officer should entertain their reasonable requests, reservations and facilitate their cooperation.
2. Only the primary investigator, and, if available, the assigned School Resource Officer for the school, shall be present at the interview.
3. Officers/Investigators MUST first contact the SRO assigned to the particular school of the student prior to speaking to the student in school. If the SRO is not available, the Officer/Investigator shall contact their Supervisor prior to speaking with the student.
4. All interviews will be conducted in the presence of a school administrator or a security specialist except for child protection interviews covered in letter D of this section.
5. All service weapons, handcuffs and shields will be concealed from view on plainclothes officers.
6. Interviews at a school should be conducted when necessary and not as a convenience to the officer.

B. Witnesses

1. A witness may be contacted at a school only if the witness cannot be contacted at another time and place. However, if a delay in talking to the witness hinders the case, the interview may be conducted in the school.
2. If a witness must be contacted at a school, every effort shall be made to notify the School Resource Officer assigned to the school prior to contacting the juvenile.

C. Suspects

1. A student may be interviewed in the school if the student has been implicated in a serious property crime that would be a felony or any felony against persons. An interview may also be conducted if reasonable cause exists to believe the student is the subject.
2. A student may be interviewed for a misdemeanor or lesser felony only if the student or parents cannot be contacted at another time or place other than the school, and the student has been implicated in the crime or other reasonable cause exists to believe the student is the subject.
3. If the subject must be contacted at a school, every effort shall be made to notify the School Resource Officer assigned to the school prior to contacting the juvenile.
4. When waiting for the student, the officer will wait in the office where the interview will be conducted to avoid attracting any unnecessary attention to himself or the student.
5. Although state law does not mandate, an attempt to contact the juvenile's parent will be made unless prior consent from the parent to interview the juvenile at school has been given.
 - a. If the officer feels the case will be hindered by contacting the parent, if the student verbalizes they not be contacted, or if a reasonable effort to contact the parent fails, the interview can proceed.
 - b. The subsequent report should state the time and effort given to attempt contact of the parents. It is not mandatory for a parent, guardian or legal custodian to be present during an interview.
6. Interviews at elementary schools should not be conducted unless there is a public safety concern, or the student is a victim of abuse.
7. If officers feel the student will create a public safety concern, all guidelines may be disregarded and officers, acting under the color of law, may conduct the investigation or arrest, at their discretion.

D. Child Protection Interviews

In a child protection investigation or a criminal investigation, when the initial interview with the child is conducted at school, the officer may allow an instructional staff member who is known by the child to be present during the initial interview if:

1. The officer believes that the presence of the school instructional staff member may enhance the success of the interview by his presence, and the child requests or consents to the presence of a school instructional staff member at the interview.
2. School instructional staff may only be present when authorized as stated above. Information received during the interview, or from any other source regarding the alleged abuse or neglect of the child shall be confidential, except as otherwise provided by court order. A separate record of the investigation of the abuse or neglect may not be maintained by the school or school instructional staff member.

11.3.17 Arrest in School

- A. Unless it involves an on view arrest, registered students should not be taken into custody at a school unless it will prevent a possible public safety problem.
- B. If an arrest must be made at a school, the student will be removed from the building at a place and time that will draw the least amount of attention to the officer and student.
- C. School Board policy will be followed when a student is taken into custody and removed from the school.

APPROVED


C Charles H. Parry
Chief of Police