

SUNRISE POLICE DEPARTMENT POLICIES AND PROCEDURES MANUAL CHAPTER 73 JUVENILE ENFORCEMENT AND CUSTODY	Effective Date	05/01/87
	Revision Date	11/13/18
	Revision No.	1.8
	Page No.	1 of 17
	Approval:	

73. PURPOSE

The purpose of this policy is to provide guidelines for Department members when dealing with juveniles during enforcement and custody situations and also during incidents on school property.

73.1. REVISION HISTORY

<u>Date</u>	<u>Rev. No.</u>	<u>Change</u>	<u>Reference Section</u>
05/01/87	1.0	New Policy	N/A
08/29/94	1.1	Added contacts for notification of school authorities, expanded juvenile interrogations.	73.6., 73.7
05/26/99	1.2	Changed HRS to Department of Children and Families, expanded booking procedures, added new definitions, added juvenile diversionary program.	73.2.1., 73.4.3., 73.6.
07/11/05	1.3	New definitions, Procedures section revised	73.4., 73.6.
12/01/08	1.4	Incorporation of Dept. Directive, Conferring With juvenile and parent.	73.6.1.8.4.1. 73.6.1.8.1.1.
04/15/11	1.5	Change 'search' to 'patted down', delete 'transported'	73.6.1.3.2., 73.6.1.4.4.
04/11/13	1.6	Removed CALEA, Re-Numbered, Changed To LiveScan machine Added definition of Civil	Throughout Policy, Section 73.6.1.4.4.-73.6.1.4.4.8.1., 73.6.1.5.1.1.1.1.1.- 73.6.1.5.1.1.1.1.3., 73.4.2.,

		Citation, Added Civil Citation Program, Added Not a registered Sexual Offender/Predator.	73.6.1.6., 73.4.5.
05/06/13	1.7	Revised Juvenile Civil Citation Section reference no longer needing Juvenile Probable Cause Affidavit initially.	73.6.1.6.
11/13/18	1.8	Added three options, Fingerprinting	73.6.1.3., 73.6.1.6.1.1.

73.2. PERSONS AFFECTED

All Police Personnel

73.3. POLICY

It is the policy of the Sunrise Police Department to ensure that all members familiarize themselves with juvenile issues and established procedures for handling both criminal and non-criminal juvenile incidents. Officers should recognize that generally only a small percentage of juveniles commit the majority of juvenile crimes. Although this small percentage may require secure custody, the vast majority of juvenile offenders are likely candidates for non-secure custody, positive diversion and intervention strategies. Officers shall take, whenever reasonable and justified under this policy, those measures necessary to effect positive changes in juvenile offenders that are consistent with state law and the safety and security interests of the community.

73.4. DEFINITIONS

73.4.1. Child, Juvenile or Youth - means any unmarried person under the age of 18 who has not been emancipated by order of the court.

73.4.2. Juvenile Civil Citation Program – works in accordance with the Department of Juvenile Justice and provides an efficient and innovative alternative to the arrests of juveniles who commit first time, non-serious delinquent acts. The program ensures swift and appropriate consequences for qualifying juvenile offenders.

73.4.3. Contact - includes any physical or sustained sight or sound contact between juvenile offenders in a secure custody status and incarcerated adults, including inmate trustees. A juvenile offender in a secure custody status is one who is physically detained or confined in a locked room or other area set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody. Secure detention or confinement may result from being physically secured to a cuffing rail or other stationary object.

73.4.3.1. Sight Contact - clear visual contact between incarcerated adults and juveniles within close proximity to each other.

73.4.3.2. Sound Contact - direct oral communication between incarcerated adults and juvenile offenders.

73.4.4. Discretion – The authority to make decisions within legal boundaries using personal judgment. Use of discretion is guided and framed by law, policies, rules, procedures, training and supervision.

73.4.5. Responsible Adult – In the absence of a juvenile’s parents or legal guardian, a responsible adult is one who is responsible for the physical custody of a juvenile or who is another adult acquaintance of the juvenile’s parents or legal guardian, is 18 years of age or older, is not a registered sexual offender/predator or convicted felon and who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until the parents, legal guardian or next of kin can assume that responsibility.

73.4.6. Separation - accomplished architecturally or through policies and procedures in all secure areas of the facility, which include, but are not limited to, such areas as admissions, sleeping, shower and toilet areas. Brief and inadvertent or accidental contact between juvenile offenders in a secure custody status and incarcerated adults in secure areas of a facility that are not dedicated to use by juvenile offenders and which are nonresidential, which may include dining, recreational, educational, vocational, health care, sally ports or other entry areas and passageway (hallways), would not require a facility, or the state, to document or report such contact as a violation. However, any contact in a dedicated juvenile area, including any residential area of a secure facility, between juveniles in a secure custody status and incarcerated adults would be a reportable violation.

73.4.7. Status Offender – A juvenile who is charged with an offense that would not be a crime if committed by an adult (i.e., runaways, truants, curfew violators, possession of tobacco, possession of alcohol).

73.4.8. Taken into Custody - means that status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release or placement.

73.4.9. Non-secure Custody – A condition under which a juvenile’s freedom of movement is controlled by members of the Department and during such time, the juvenile:

73.4.9.1. Is held in an unlocked, multipurpose area that is in no way designed for residential use, such as a report writing room or an office;

73.4.9.2. Is at no time handcuffed to any stationary object;

73.4.9.3. Is held only long enough to complete identification, investigation and processing and released to a parent, legal guardian, responsible adult or transferred to a juvenile facility or court, and;

73.4.9.4. Is under continuous visual supervision until released.

73.4.10. Secure Custody – A condition in which a juvenile is physically detained or confined in a locked room, set of rooms or a cell that is designated, set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody.

73.5. RESPONSIBILITIES

73.5.1. All police personnel are responsible for complying with this policy. Supervisory Personnel are responsible for the enforcement of this policy. Unjustified violations may result in disciplinary action, up to and including termination.

73.5.2. This Policy is not intended to be all-inclusive. It is intended to be a general guideline to be read in conjunction with all other Department rules, regulations, policies and procedures, as well as other City rules and ordinances.

73.6. PROCEDURES

73.6.1. Taking Juveniles into Custody:

73.6.1.1. A sworn member of the Department has the authority to take a juvenile into custody under the same circumstances as an adult offender.

73.6.1.2. A juvenile can be taken into custody for all felonies, misdemeanors, and ordinances that have criminal penalties. Officers may also take juveniles into custody for status offenses or other issues, which may include but not be limited to:

73.6.1.2.1. If the officer has reason to believe that the juvenile is a runaway or missing child.

73.6.1.2.2. If the officer has reason to believe that the juvenile has been harmed or is in danger of abuse or assault at their residence.

73.6.1.2.3. If the officer believes that the juvenile is truant from school.

73.6.1.3. When a juvenile is detained for a misdemeanor and there is probable cause for arrest, the Officer will have three options:

73.6.1.3.1. Issue a Juvenile Civil Citation if eligible and release to a parent or legal guardian;

73.6.1.3.2. Transport to the Juvenile Assessment Center and complete a Juvenile Probable Cause Affidavit; or

73.6.1.3.3. Release to a parent, guardian or responsible adult only with the authorization of a Supervisor and complete an Out-of-Custody Juvenile Probable Cause Affidavit.

73.6.1.4. Officers who take juveniles to an intake facility (such as the Juvenile Assessment

Center or approved Department facility) will do so without undue delay, unless the juvenile is in need of medical attention, which will be sought as quickly as possible. (CFA: 19.03D)

73.6.1.4.1. Officers will comply with all provisions as outlined in Policies and Procedures, Chapter 61 - Prisoner Transportation with respect to all juveniles taken into custody for a criminal offense. These juveniles will be placed in secure custody.

73.6.1.4.2. Juveniles taken into custody for status offenses may be patted down prior to any transportation and may be handcuffed or otherwise restrained at any time if, in the judgment of the officer, the juvenile poses a physical risk to the officer or others. These juveniles will be placed in non-secure custody. Additionally, these juveniles will not be fingerprinted or photographed.

73.6.1.5. Other Juvenile Custody Situations:

73.6.1.5.1. In cases of abuse, officers will immediately notify a Supervisor and the Department of Children and Family Services (DCF), see Policy and Procedure Manual, Chapter 80. (CFA: 19.02B)

73.6.1.5.2. Runaways will be released to a parent, guardian, responsible adult, or a DCF caseworker. (CFA: 19.02A)

73.6.1.5.3. Officers making contact with juveniles between the ages of 6 - 16 on school days, during school hours, who are enrolled in a Broward County School, shall take the juvenile into custody and transport them to their school administrator, after verifying the juvenile's status with the school. All other juveniles will be released to a responsible adult only with the authorization of a Supervisor. (CFA: 19.02A)

73.6.1.5.4. Juvenile Arrests – when a juvenile is arrested the following procedures will apply:

73.6.1.5.4.1. A diligent effort to notify the juvenile's parent/guardian will be made until notification takes place or custody is transferred. (CFA: 19.03B)

73.6.1.5.4.2. Notification attempts will be documented in the Department member's offense/incident report.

73.6.1.5.4.3. Department members shall ensure that all constitutional rights of juveniles are protected. (CFA: 19.03A)

73.6.1.5.4.4. Upon taking a juvenile into custody, officers may transport them, for temporary custody not to exceed 6 hours, to the Public Safety Building Prisoner Holding area for the purpose of either fingerprinting or photographing; awaiting appropriate transport to an approved juvenile receiving facility; or for subsequent release to a parent, legal guardian or responsible adult only with the authorization of a Supervisor. This may be accomplished provided no regular sight and sound contact between the juvenile and adult prisoners or trustees is permitted and the juvenile must be adequately supervised and monitored at all times. (CFA: 19.03E)

73.6.1.5.4.5. A complete records check will be conducted on all juvenile arrestees.

73.6.1.5.4.6. A Juvenile Probable Cause Affidavit, an offense/incident report, and any other supporting paperwork will be completed on all juvenile arrests.

73.6.1.5.4.7. Status offenders will not be placed in secure custody, mixed or associated with juveniles who are being held on criminal charges. (CFA: 19.02A)

73.6.1.5.4.8. Any time a juvenile is transported to a Department approved intake facility or held in a secure area within a Police Department Structure, except for the Juvenile Assessment Center (JAC); the arresting officer shall complete the Florida JJDPA Compliance Monitoring Reporting Form.

73.6.1.5.4.8.1. These forms will be collected monthly by a member of the Research and Planning Unit for distribution to the Department of Juvenile Justice.

73.6.1.6. Juvenile Booking Procedures:

73.6.1.6.1. Juveniles in custody may be processed at any approved and designated booking facility. Regardless of the method used, the juvenile must be either delivered to the Juvenile Assessment Center (JAC) or released from the designated booking facility, to a parent, legal guardian, or responsible adult within six (6) hours of being placed within a secured area.

73.6.1.6.1.1. Fingerprinting Juveniles: (CFA: 19.03C)

73.6.1.6.1.1.1. Juveniles that are issued a Juvenile Civil Citation do not need to be fingerprinted at the Sunrise PD Temporary Holding Facility.

73.6.1.6.1.1.2. Juveniles transported to the Juvenile Assessment Center (JAC) need not be fingerprinted prior to their arrival; however, officers who do not transport to JAC need to fingerprint juveniles at the Sunrise PD Temporary Holding Facility:

73.6.1.6.1.1.2.1. Obtain one full set of fingerprints.

73.6.1.6.1.1.2.2. All fingerprint cards will be stamped “Juvenile/Confidential” by the officer.

73.6.1.6.1.1.2.2.1. The officer will forward the stamped fingerprint card to the Records Section.

73.6.1.6.1.1.2.2.2. Records Section Personnel will maintain the fingerprint card by scanning and attaching the fingerprint card to the electronic record and will forward the original fingerprint card to FDLE per Florida State Statute.

73.6.1.6.1.2. Securing Property:

73.6.1.6.1.2.1. All juveniles who are in custody, whether secure or non-secure, will be searched with all property removed, secured, and recorded on a property receipt.

73.6.1.6.1.2.2. All property will either be turned over to the Juvenile Assessment Center (JAC) or a parent, guardian, or other responsible adult.

73.6.1.6.1.3. Releasing Juveniles:

73.6.1.6.1.3.1. Officers will either release juveniles to the Juvenile Assessment Center (JAC), a parent, legal guardian, a responsible adult only with the authorization of a Supervisor or via the Juvenile Civil Citation Program.

73.6.1.6.1.3.2. Prior to releasing a juvenile to a responsible adult, other than a parent, legal guardian, or the Juvenile Assessment Center, the officer will conduct a criminal history and warrant check of the responsible adult. Juveniles will not be released to an adult registered as a sexual offender/predator or a convicted felon.

73.6.1.6.1.3.2.1. The legal name, address, phone number and government identification number of the responsible adult that the juvenile is released to will be documented in the offense/incident report and the Juvenile Release Agreement Form.

73.6.1.6.1.3.3 . Officers releasing a juvenile to a parent, legal guardian, or a responsible adult will have them sign a Juvenile Release Agreement form. The form will be submitted with the offense/incident report.

73.6.1.7. Juvenile Civil Citation Program:

73.6.1.7.1. Criteria for eligibility to participate in the Juvenile Civil Citation Program include:

73.6.1.7.1.1. Must be 17 years or younger.

73.6.1.7.1.2. Must be a resident of the State of Florida.

73.6.1.7.1.2.1. Officers will determine residence and identity by the juvenile's Florida or Government issued ID card/driver license, school photo ID, or parent, guardian or other responsible adult.

73.6.1.7.1.3. The Juvenile must not have a prior arrest record or ever been issued a Juvenile Civil Citation in the past and the alleged crime committed must be a non serious delinquent act and an acceptable Misdemeanor. Acceptable misdemeanors include, but are not limited to, one of the following:

73.6.1.7.1.3.1. Assault.

73.6.1.7.1.3.2. Battery.

73.6.1.7.1.3.3. Breach of Peace.

- 73.6.1.7.1.3.4. Disorderly Conduct.
- 73.6.1.7.1.3.5. Disruption of a School Function.
- 73.6.1.7.1.3.6. Petit Theft/Retail Theft.
- 73.6.1.7.1.3.7. Trespassing.
- 73.6.1.7.1.3.8. Misdemeanor Drug Possession.
- 73.6.1.7.1.4. Offenses that are ineligible for a Juvenile Civil Citation include:
 - 73.6.1.7.1.4.1. All felonies.
 - 73.6.1.7.1.4.2. Any misdemeanor involving the possession or use of a firearm.
 - 73.6.1.7.1.4.3. Any misdemeanor involving exposure of sexual organs or other sexual related behavior (i.e. prostitution, lewd and lascivious behavior).
 - 73.6.1.7.1.4.4. Any incident involving a domestic violence offense.
 - 73.6.1.7.1.4.5. Any incident related to gang activity.
 - 73.6.1.7.1.4.6. Any traffic related offense.
- 73.6.1.7.1.5. Law Enforcement personnel can check the juvenile’s prior history/Juvenile Civil Citation status by calling the Broward JAC. If there is doubt as to “first time offender” status, issue a Juvenile Civil Citation to the juvenile.
- 73.6.1.7.1.6. Juvenile and parent/ guardian must agree to the issuance of a Juvenile Civil Citation and agree to cooperate with any and all Program requirements.
 - 73.6.1.7.1.6.1. Issuance of a Juvenile Civil Citation is at the discretion of the officer, not the victim.
- 73.6.1.7.2. When issuing a Juvenile Civil Citation, the following procedures shall be followed:
 - 73.6.1.7.2.1. When a juvenile qualifies for the Juvenile Civil Citation Program, the officer must utilize the Juvenile Civil Citation Program process, unless a Supervisor or above authorizes a physical arrest.
 - 73.6.1.7.2.2. Officers must be able to contact the juvenile’s parent/guardian and explain the Juvenile Civil Citation Program.

73.6.1.7.2.2.1. If the Officer is unable to contact the juvenile's parent or guardian, a Juvenile Civil Citation shall not be issued and physical arrest will be initiated.

73.6.1.7.2.2.2. If the officer believes that the release of the juvenile constitutes a clear and present public danger, a Supervisor will be notified and a Juvenile Civil Citation shall not be issued and physical arrest will be initiated.

73.6.1.7.2.2.3. The Officer shall advise the juvenile and parent or guardian of the option to refuse the Juvenile Civil Citation. If an arrest is made after refusal or for any other reason, the officer shall note in the arrest affidavit narrative and the police report the reason a Juvenile Civil Citation was not issued.

73.6.1.7.2.3. Once the juvenile and parent/guardian agree to participation in the Juvenile Civil Citation Program, the officer shall obtain, both, the juvenile's and parent's/ guardian's signature on the citation indicating their agreement to participate and to waive their right to speedy trial.

73.6.1.7.2.4. Juveniles issued a Juvenile Civil Citation shall be released to a parent or legal guardian.

73.6.1.7.2.5. Officers will not transport juveniles who were issued a Juvenile Civil Citation to the SPD Holding Facility or the Juvenile Assessment Center, as the issuance of a Juvenile Civil Citation does not constitute an arrest under Florida State Statute.

73.6.1.7.2.6. The Officer shall place the right thumbprint of the juvenile in the space provided on the Juvenile Civil Citation form.

73.6.1.7.2.7. The Officer must inform the juvenile that he or she is required to contact the Juvenile Civil Citation Program within seven (7) days – per Florida State Statute. The telephone number is listed on the Juvenile Civil Citation Form.

73.6.1.7.2.8. The Officer shall complete the Juvenile Civil Citation form and an Offense Incident Report.

73.6.1.7.2.8.1. The juvenile shall be listed as S1 in the Offense Incident Report.

73.6.1.7.2.9. A Supervisor shall review the original Juvenile Civil Citation form and the Offense Incident Report and ensure that the Officer faxes the Juvenile Civil Citation Form to the Juvenile Civil Citation Coordinator, prior to the end of their shift.

73.6.1.7.2.9.1. The Supervisor shall forward a photocopy of the Juvenile Civil Citation to the Criminal Investigations Division/SPD Victim Advocate Unit.

73.6.1.7.2.10. The SPD Victim Advocate will print out and forward the paperwork to the Broward County Juvenile Civil Citation Coordinator.

73.6.1.7.2.10.1. The SPD Victim Advocate will verify that the Juvenile Civil Citation Coordinator received the Officer's fax of the Juvenile Civil Citation Form.

73.6.1.7.2.10.1.1. The SPD Victim Advocate will continue to follow-up on the referral until the juvenile has completed the program or formal charges are filed.

73.6.1.7.2.10.2. The SPD Victim Advocate will maintain an active file with all of the listed paperwork filed on every juvenile that is issued a Juvenile Civil Citation.

73.6.1.7.2.10.3. The SPD Victim Advocate will be responsible for providing monthly and annual statistics to include:

73.6.1.7.2.10.3.1. Number of juveniles issued Juvenile Civil Citations.

73.6.1.7.2.10.3.2. Number of juveniles that successfully completed the program.

73.6.1.7.2.10.3.3. Number of juveniles who did not complete the program and charges were ultimately filed.

73.6.1.7.2.11. If the juvenile does not successfully complete the program, the Broward County Juvenile Civil Citation Coordinator will then notify the SPD Victim Advocate of the change to file charges.

73.6.1.7.2.11.1. The SPD Victim Advocate will then notify the Supervisor of the Officer that originally took the report.

73.6.1.7.2.11.1.1. The Supervisor will have the Officer generate a Juvenile Probable Cause Affidavit and a Supplement to the original report stating that the juvenile failed out of the program.

73.6.1.7.2.11.1.2. The SPD Victim Advocate will receive a copy of the Juvenile Probable Cause Affidavit and the Supplement once it is turned into the Records Unit.

73.6.1.7.2.11.1.2.1. The SPD Victim Advocate will then notify a Records Unit Supervisor, who will change the status from S1 to A1 in OSSI, if charges are presented to the State Attorney's Office.

73.6.1.7.2.11.1.3. The Probable Cause Affidavit and any other additional information pertaining to the incident will be referred to the State Attorney's Office for prosecution. This will be completed by the Broward County Juvenile Civil Citation Coordinator.

73.6.1.7.2.12. Officers will not assign community service hours to a juvenile. Hours assigned will be left to the service provider and/or the Juvenile Civil Citation Office.

73.6.1.7.2.12.1. Officers may have input as to the number of hours given to a juvenile, based on circumstances on scene and are encouraged to call the Broward County Juvenile Civil Citation Coordinator with any input as soon as practical.

73.6.1.8. Juvenile Assessment Center (JAC) Admissions Procedure:

73.6.1.8.1. Juveniles That Will Be Accepted into the Juvenile Assessment Center:

73.6.1.8.1.1. Arrested juveniles, charged as juveniles, may be transported to the Juvenile Assessment Center (JAC) for processing. Arrestable offenses include all felonies, all misdemeanors, felony traffic offenses, juvenile pick-up orders, and violations of specific City or County ordinances, which carry criminal sanctions (not just fines) or imprisonment.

73.6.1.8.2. Warrants and Pick-up Orders:

73.6.1.8.2.1. All juvenile Pick-Up Orders (PUO) issued in Broward County must be verified by BSO Warrants Division to the arresting officer prior to transporting an arrested juvenile to the JAC unless the original order is in the possession of the arresting officer. If not, Warrants Division will fax the PUO and a confirmation sheet to the JAC.

73.6.1.8.2.2. Pick-up Orders from outside Broward County must be verified with the agency that issued the order through the arresting law enforcement agency's policy and procedure. The arresting agency will bring the hit confirmation to the JAC or have it faxed to the JAC.

73.6.1.8.2.3. A Juvenile Probable Cause Affidavit must be prepared for all juvenile Pick-Up Orders. The narrative should reflect agency and name of individual that verified the Pick-Up Order.

73.6.1.8.3. Dependency Pick-Up Orders:

73.6.1.8.3.1. Unless a Dependency Pick-up Order specifically orders or states "Court-Ordered to Secure Detention," officers should transport the child to the address noted on the order or shall transport to another approved intake and placement center.

73.6.1.8.3.2. If the juvenile is arrested for an offense and is determined to also have an outstanding Dependency Pick-Up Order, JAC personnel will accept and process the juvenile, and make immediate notification to DCF or ChildNet and advise them if the juvenile does not meet detention criteria. If so, they will arrange to pick up the child within six hours.

73.6.1.8.4. Adults or Juveniles Adjudicated as Adults:

73.6.1.8.4.1. Unless a juvenile pick-up order exists, an adult who is under arrest for criminal charges as an adult will not be accepted at the JAC.

73.6.1.8.4.2. A juvenile who has been adjudicated as an adult, been convicted of a crime as an adult, and/or is currently on probation for criminal charges as an adult will not be transported to or accepted at the JAC.

73.6.1.8.5. Adults with "Juvenile Pick-Up Orders":

73.6.1.8.5.1. Adults with “Juvenile Pick-Up Orders” who are in custody for the pick-up order only will be accepted at the JAC.

73.6.1.8.5.2. Adults who are in custody for adult criminal charges and also have a juvenile pick-up order will be transported to a Department approved booking facility, not the JAC.

73.6.1.8.6. Adjudicated Adults with Pick-Up Order:

73.6.1.8.6.1. Adjudicated adults with “Juvenile Pick Up Orders” who are in custody for the pick-up order only will be accepted at the JAC.

73.6.1.8.6.2. Adjudicated adults who are in custody for adult criminal charges and also have a juvenile pick-up order will be transported to a Department approved booking facility, not the JAC.

73.6.1.8.7. Pick-Up Orders from Other Jurisdictions:

73.6.1.8.7.1. Juveniles or adults with juvenile pick-up orders from other jurisdictions will be accepted to the JAC.

73.6.1.8.8. Criteria for Non-acceptance to the JAC:

73.6.1.8.8.1. Juveniles Who Will Not Be Accepted to the JAC Delinquency Section:

73.6.1.8.8.1.1. Non-delinquent, runaways, neglected or abused, ungovernable, dependent (unless the youth has an active delinquency pick-up order), juveniles who are under arrest for County Ordinance violations which are solely subject to fines, or truant juveniles who are not under arrest for a criminal offense as listed in Section 73.6.1.8.1. will not be admitted to the JAC delinquency section.

73.6.1.8.8.2. Injured Juveniles or Juveniles Under the influence of Alcohol or Drugs:

73.6.1.8.8.2.1. Juveniles who display obvious signs of injury, or complain of injury, are ill enough to require medical attention, have been subjected to pepper spray, advise they have or display physical signs of an active communicable disease (open sores, lesions, or wounds), are actively suicidal, make suicidal statements, display suicidal tendencies, or are under the influence of alcohol or drugs causing incapacity will not be admitted to the JAC.

73.6.1.8.8.2.2. Officers will transport the juvenile to a medical, mental health or detoxification facility. When the juvenile receives clearance from the attending facility, the juvenile will be transported to the JAC. Officers will secure, from the medical, mental health, or detoxification facility, all documentation releasing the juvenile from care and present the documentation to the JAC intake personnel.

73.6.1.8.8.2.3. All juveniles accepted to the JAC must be able to walk into the facility under their own momentum. Juveniles that have an obvious physical disability should be medically

cleared and when such youth are presented at JAC with the clearance, staff will notify a Supervisor or lead counselor.

73.6.1.8.8.2.4. During the admission process, medical assessments may be conducted by on-site Licensed Registered Nurse Practitioners at JAC. In these situations, officers will wait until the assessment is complete. If the nurse finds no medical problem, which would preclude admission, the juvenile will be admitted to JAC. If further medical attention is necessary, the juvenile will be returned to the officer with recommendations for transport to a medical, mental health or detoxification facility.

73.6.1.8.8.2.5. If no nurse is on duty, JAC personnel will follow facility medical protocols to determine if the youth requires outside medical clearance. If indicated, a JAC Supervisor or lead counselor will make the medical admission/rejection decision.

73.6.1.8.8.2.6. In any situation requiring hospital transport, JAC staff will immediately make all efforts to contact parent/guardian to advise them of child's location, including contacting the arresting agency or agency with jurisdiction over the child's home address to ask for an officer to go to the home.

73.6.1.8.9. Officer Responsibilities Prior to Arrival at the JAC:

73.6.1.8.9.1. Positive Identification:

73.6.1.8.9.1.1. Officers will make every attempt to identify a juvenile prior to transporting the juvenile to the JAC. Once at JAC, the transporting officer will wait until a positive ID is obtained via digital fingerprints.

73.6.1.8.9.2. Person and Property Search:

73.6.1.8.9.2.1. Officers will initiate post-arrest searches and remove any firearm, weapon, or contraband from the juvenile prior to admittance to the JAC. This should include all personal property with the exception of the clothes the juvenile is wearing.

73.6.1.8.9.3. Post-Arrest Documentation:

73.6.1.8.9.3.1. Officers should make every attempt to complete all necessary documentation prior to their arrival at the JAC. Complete paperwork will expedite the booking process.

73.6.1.8.9.4. Parent/Guardian Contact:

73.6.1.8.9.4.1. Pursuant to the requirements of Florida Statutes regarding the taking of a juvenile into custody, the arresting/transporting officer will attempt to make contact with the juvenile's parent, guardian, legal custodian, or responsible adult.

73.6.1.8.9.4.2. At the time of arrival to the JAC, the arresting/transporting officer will indicate on the Juvenile Probable Cause Affidavit if contact was made with the juvenile's parent, guardian, legal custodian, or responsible adult.

73.6.1.8.9.4.3. The arresting/transporting officer will obtain from or provide the following information to the contacted party:

73.6.1.8.9.4.3.1. Obtain the full name, address, social security number, driver's license number and relationship of the person to the juvenile.

73.6.1.8.9.4.3.2. Provide to the contacted person the necessary information concerning the criminal charges, name of the arresting Officer, and arresting agency.

73.6.1.8.9.4.3.3. Advise the contacted party that the juvenile will be transported to the JAC and, if possible, the time that transport will occur.

73.6.1.8.9.4.3.4. Advise the contacted party not to respond to JAC until contacted by JAC Personnel.

73.6.1.9. Enforcement Alternatives:

73.6.1.9.1. Officers dealing with juveniles during enforcement activities may exercise reasonable discretion in deciding on appropriate actions. Alternatives that may be considered:

73.6.1.9.1.1. Release without further action, unless the juvenile was taken into custody and formally charged with a crime.

73.6.1.9.1.2. Informal counseling to inform the youth of the consequences of their actions.

73.6.1.9.1.3. Informal referrals to community services.

73.6.1.9.1.4. Informal counseling of parents, legal guardians, or responsible adults.

73.6.1.10. Custodial Interview of Juveniles:

73.6.1.10.1. Officers will ensure that the constitutional rights of juveniles are protected. Prior to any custodial interview, juveniles will be advised of their Miranda Warnings via handheld card or Miranda Rights Form. Officers may also complete a Written Rights Waiver form. (CFA: 19.03A)

73.6.1.10.1.1. Officers will confer with the juvenile and the parent(s)/guardian(s) to explain agency policy and juvenile justice system procedures.

73.6.1.10.2. The parent or guardian cannot make the decision to invoke or waive a juvenile's rights; however, juveniles will be allowed to confer with them if requested, pending custodial interrogation. If a parent or guardian cannot be contacted, juveniles may still be questioned after they have been advised of their Miranda Warnings and officers have reasonable assurances that the juvenile(s) fully understand their constitutional rights. (CFA: 19.04A)

73.6.1.10.3. No more than two officers will interview a juvenile during an interview session. In some cases DCF Caseworkers, Sexual Assault Treatment Counselors, etc., may be present but should not become involved in the interview. (CFA: 19.04B)

73.6.1.10.4. Juvenile interviews shall be conducted for a reasonable length of time and will include periodic breaks and rest periods, allowing time for food, drinks, and restroom visits. Officers must take into account the subject's age, education, level of intellect, and physical and mental state when questioning a juvenile. (CFA: 19.04B)

73.6.1.10.4.1. Periodic breaks given during interviews of juveniles will be, at a minimum, ten minutes in duration. (CFA: 19.04B)

73.6.1.11. Notification of School Authorities:

73.6.1.11.1. Anytime an officer makes an arrest on school property either public or private they will notify the administrator of that school as soon as practical.

73.6.1.11.2. When a juvenile is arrested for a felony or violent misdemeanor, the school that the juvenile attends will be notified. Department members shall ensure that notification of the school authorities is accomplished. This shall be noted in the offense/incident report.

73.6.1.12. Referral of Juvenile Offenders: (CFA: 19.01A)

73.6.1.12.1. In Custody – Juveniles may be taken into custody via the following:

73.6.1.12.1.1. Juvenile Case Summaries.

73.6.1.12.1.2. Court Ordered Pick-Up Orders.

73.6.1.12.2. Not in Custody – An officer can refer a juvenile offender to the Criminal Justice System in lieu of custodial transport to the Juvenile Assessment Center (JAC) by the following: (CFA: 19.01B)

73.6.1.12.2.1. Notice to Appear for violation of Florida State Statute Tobacco Violations.

73.6.1.12.2.2. Uniform Traffic Citations – Juveniles may be issued citations for traffic related infractions and crime and provided a court date and released on scene.

73.6.1.12.2.3. Juvenile Case Summary – A juvenile case summary can be completed and submitted to the State Attorney's Office (via the Criminal Investigations Division) in the same manner as Adult Probable Cause Affidavits. This will only be accomplished when the juvenile is not physically present but there may be probable cause to believe that they have been involved in criminal activity.

73.6.1.13. Notification of the Criminal Investigations Division:

73.6.1.13.1. Officers will notify a Supervisor who will ensure that a Supervisor of the Criminal Investigations Division is notified during the following situations:

73.6.1.13.1.1. Whenever a juvenile is missing under suspicious circumstances or where foul play is suspected.

73.6.1.13.1.2. Whenever any juvenile is missing and all attempts have been made to locate them.

73.6.1.13.1.3. Whenever a juvenile has been arrested in connection with a major crime.

73.6.1.13.1.4. Whenever a juvenile is a victim of child abuse, sexual abuse/exploitation, neglect, abandonment, domestic violence, or when a parent in a child custody suit removes a juvenile over an extended period of time or under suspicious circumstances.

73.6.1.13.1.5. Any other circumstances in which it is determined that the expertise of a detective may be beneficial.

73.6.1.14. Interviewing Juvenile Suspects and Witnesses on School Property:

73.6.1.14.1. A student may be interviewed in the school if they are implicated in a crime against a person or serious property crime and the situation calls for immediate contact.

73.6.1.14.2. 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. The same will hold true for witnesses.

73.6.1.14.3. Prior to conducting an investigation on school grounds the officer will notify the school administration or the School Resource Officer.

73.6.1.14.4. Students may be taken into custody on school grounds; however the school administrator of that student or designee must be notified of the arrest.

73.6.1.14.5. When an arrest is made at a school, the student will be removed at a time and via a route that will draw the least amount of attention to the arrest and removal.

73.6.1.14.6. Department arrest procedures will apply for all arrests on school grounds.

73.6.1.14.7. All interviews will be conducted in the presence of the primary investigating officer, a backup or School Resource Officer, and the school administrator or their designee.

73.6.1.14.8. Parents will be notified before each interview. If circumstances permit reasonable notification and the parent(s) cannot be located, then it should be noted in the subsequent report as to the time and effort that was made to try and contact the parents.

73.6.1.14.9. Interviews at a school should be conducted when necessary and not as a convenience to the officer.

73.6.1.14.10. If the officer feels that the student poses a personal safety threat to any person, then the officer will use those procedures necessary to successfully handle the problem.

73.6.1.14.11. Interviews at elementary schools should not be conducted unless there is a public safety concern, the student is a victim of abuse, or some unforeseen reason precludes doing otherwise.