


**FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION**

**DIVISION OF LAW ENFORCEMENT
GENERAL ORDERS**

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**1
POLICY**

- A** It is the policy of the FWC Division Law Enforcement to protect the youth of the State of Florida. When dealing with juveniles, members will use the least coercive method among reasonable alternatives, and consistent with preserving public safety, order and individual liberty.
- B** It is the policy of the FWC Division Law Enforcement to follow rules and procedures as dictated by each Florida County concerning juveniles. Each county may use different terminology and forms in the juvenile process.
- C** It is the policy of the FWC Division Law Enforcement that no person under 18 years of age will be treated or regarded as an adult by officers unless documentation of “emancipation” to adulthood or “adjudication” to adulthood is readily available (for example NCIC/ FCIC confirmation or court order).
 - (1)** Juveniles, who have been adjudicated as adults by Florida law, will be treated as adults in relation to arrests, custody, booking and detention procedures.
- D Definitions**
 - (1) Emancipated Juvenile** – Emancipation of a child by his/her parents involves an entire surrender of the right to the care, custody, and earnings of such child as well as a renunciation of parental duties.
 - (2) Juvenile Intake Facility (JIF)** – Facility to house those juveniles in custody.
 - (3) Juvenile** – Any married or unmarried person under the age of 18 years or any person who is charged with a violation of law occurring prior to the time that person reaches the age of 18 years.
 - (4) Juvenile Transcript** – the completion of a juvenile transcript may be required by some Juvenile Intake Facilities in lieu of or to supplement the Probable Cause Affidavit (FWC/ DLE-

390FO), depending on the county. This form may also be known under other names such as juvenile probable cause affidavit or juvenile complaint form.

2 RESPONSIBILITIES

A Regional Commanders

- (1) Regional Commanders shall ensure that all members under their command are familiar with the rules and procedures concerning juveniles as required by the counties in their assigned region.

B Members

- (1) Members will ensure that the constitutional rights of juveniles are protected.

3 PROCEDURES

A Allegations of Juvenile Harm

- (1) When encountering ill or injured juveniles the following will be adhered to:
 - (a) Non-Criminal:
 1. Medical Attention: Regardless of the purpose of contact, the summoning of medical attention or the application of first-aid for an ill or injured juvenile will be accomplished without unnecessary delay.
 2. Shelter Admission: If a juvenile is sick or intoxicated to the degree that the juvenile is unable to care for him/herself and a parent or guardian cannot be contacted, once medically cleared at a hospital, the Department of Children and Families (DCF) will be contacted for shelter admission.
 - (b) Criminal/Suspicious:
 1. Medical Attention: Regardless of the purpose of contact, the summoning of medical attention for an ill or injured juvenile, or the application of first aid, will be done without unnecessary delay.
 2. Conducting Preliminary Investigation: When making contact with a juvenile alleged to have been harmed, the member will make every effort to investigate the nature of the injury and contact the local jurisdiction, as necessary.
- (2) When encountering juveniles in danger, the following will be adhered to:
 - (a) In Danger: A juvenile is considered to be in danger if the juvenile alleges, or has been reported as being physically, mentally, or sexually abused by a person of familial or custodial authority, and the accused lives within the juvenile's residence or has ready access to the juvenile.
 - (b) Protective Custody: A juvenile may be taken into protective custody whenever a sworn member has reasonable grounds to believe that the juvenile has been abandoned, abused (physically or sexually), neglected, is suffering from illness, injury, or is in immediate danger from their surroundings and that removal is necessary to protect the juvenile. The officer will:
 1. Provide medical attention, if necessary.
 2. Notify a supervisor and the appropriate jurisdictional authority.
 3. Contact the Abuse Registry (The telephone number is available from the Communications Center) if the local agency will not respond. The Department of

Children and Families will then be notified to respond.

4. The member shall obtain a four digit case worker identification number from the Abuse Registry Operator. An Incident Summary Report shall be completed documenting the situation and include the case worker identification number.
5. If necessary, the child will be transported to an FWC Division of Law Enforcement office to await the arrival of a DCF authorized agent. When transporting children, a seat belt or child safety seat is required.
6. The lack of a criminal charge against the legal guardian or parent does not, in any way, affect the sworn member's authority to take a child into custody as outlined in section 39.401, Florida Statutes.

B Juveniles engaged in or alleged to have engaged in non-criminal behavior

- (1) Officers are encouraged to warn and disperse juveniles that they find engaged in or alleged to have engaged in inappropriate activities, disturbances, or other non-criminal misbehavior. Whenever practical, officers should advise the juvenile's parent or guardian of the incident. Alternative programs may also be recommended.
- (2) As an alternative to arrest, all sworn members should appreciate the discretionary intent of current juvenile law. Its purpose is to allow as many juveniles as practical to be diverted from the formal aspects of the Juvenile Justice System, and be placed into counseling, mentoring, or other alternative programs when in the best interest of the public and the juvenile. Sworn members must hold this mandate in consideration when they select legal procedures applicable to juvenile situations that they encounter. Members wishing to refer juveniles to a diversionary program will complete the necessary forms as mandated by the county in which the offense took place.

C Taking Juveniles into Custody

- (1) When a juvenile is taken into custody for a violation of law, the member will process the juvenile without undue delay, unless the juvenile is in need of medical attention which will be administered expeditiously.
- (2) Misdemeanors
 - (a) Juveniles arrested for misdemeanor offenses may require the completion of a Juvenile Transcript as dictated by each county, except in the following cases:
 1. If the juvenile is arrested for a misdemeanor traffic offense, a Probable Cause Affidavit (FWC/DLE-390FO) is to be completed.
 2. The juvenile is adjudicated an adult.
- (3) Felonies
 - (a) Juveniles arrested for ANY felony are to be processed as a juvenile. A Juvenile Transcript may need to be executed unless the juvenile is 16 years of age or older, wherein both a Probable Cause Affidavit and a Juvenile Transcript may be required.
- (4) Runaways
 - (a) A law enforcement officer has the authority to take a juvenile into custody when there are reasonable grounds to believe that the child has run away from his parents, guardian, or other legal custodian. The child is to be released to a parent, guardian, legal custodian, responsible adult relative, or a DCF Case Worker for placement in a shelter when located.
- (5) Strip or Body Cavity Searches
 - (a) As used in statute, the term "strip search" means having an arrested person remove or arrange some or all of their clothing so as to permit visual or manual inspection of the genitals; buttocks; anus; breasts, in the case of a female; or undergarments of such

person. Members are prohibited from conducting strip searches or body cavity searches.

- (6) Fingerprinting**
 - (a)** Juveniles who are arrested for a violation of law will be fingerprinted as part of the booking process in the same manner as adults and in accordance with Florida law. Members will not retain any copies of juvenile fingerprint cards.
- (7) No Contact between Juveniles and Adults**
 - (a)** Juveniles cannot be transported, held, or confined with adults. Per s. 985.101 (2), F.S., except in emergency situations, a child may not be placed into or transported in any police car or similar vehicle that at the same time contains an adult under arrest, unless the adult is alleged or believed to be involved in the same offense or transaction as the child.
 - (b)** Precautions will be taken to ensure that there is no regular visual or audible contact between adult prisoners/detainees and juvenile prisoners/detainees, other than haphazard or accidental.
- (8) Photographs of Juveniles**
 - (a)** Members may photograph juveniles under any circumstance that would justify or require the photographing of an adult.
 - (b)** The photographs of juveniles taken into custody must be marked "**Juvenile/Confidential**," and will be kept in confidential files separate from adult files, unless not required by Florida Law.
- (9) Parent/ Guardian Notification**
 - (a)** An active effort to notify the parent or guardian of a juvenile who is in police custody will be made, and will continue until notification occurs or custody is transferred:
 - 1.** Notification results will be included in the Incident Summary Report (FWC/DLE-045) and on any affidavits.
 - 2.** Unsuccessful notification attempts must be detailed in the Incident Summary Report and any affidavits, including whatever contact information was used in the effort to notify.
- (10) Release – Members have the following options when releasing a juvenile from custody:**
 - (a)** Juvenile Intake Facility (JIF): Deliver the juvenile to the appropriate county Juvenile Intake Facility. The intake officer must accept the child from the police officer even if the child does not meet the criteria for detention, according to s. 985.25 F.S.
 - (b)** Adults: Juveniles may be released to a parent, guardian, or legal custodian. If the juvenile's parent, guardian, or legal custodian is unavailable, unwilling, or unable to provide supervision for the juvenile, the juvenile may be released to a responsible adult.
 - 1.** Before releasing the juvenile to a responsible adult, (other than the parent, guardian or legal custodian), a criminal history check will be conducted on the perspective responsible adult.
 - 2.** If the person has a prior felony conviction or a conviction for child abuse, drug trafficking or prostitution, that person does not qualify as a responsible adult and the juvenile will not be released to such person.
- (11) Referring charges to the State Attorney's Office**
 - (a)** Members may refer criminal charges to the State Attorney's Office in lieu of making a physical arrest (example, an member detains a juvenile for a criminal violation then releases the juvenile to a parent or legal guardian without making a physical arrest or transporting the juvenile to the Detention Center for processing).
 - 1.** A Juvenile Transcript or other such type paperwork listing the criminal charges will be

completed and forwarded to the State Attorney's Office.

2. A parent or guardian must be notified. The circumstances will be documented on the Incident Summary Report and any affidavits.
3. Misdemeanors not committed in the member's presence can also be referred to the State Attorney's Office in this manner.

D Criminal Justice System

- (1) Criteria governing the Referral of Juvenile Offenders to Intake (In-Custody Arrests)
 - (a) A law enforcement officer has the authority to take a child into custody under the same circumstances, and in the same manner as an adult. Juveniles may be taken into custody via the following:
 1. Juvenile Transcripts: The completion of a Juvenile Transcript or other such type arrest affidavit paperwork documenting a violation(s) of criminal law.
 2. Pick-up Orders: Members will pick-up a juvenile when there is a court order directing the child to be apprehended.
 - a. The member shall confirm through NCIC/FCIC that there is a valid Pick-up Order for the juvenile. The member must also confirm whether the pickup order is for delinquency or dependency.
 - b. Once confirmed as a delinquency pickup order, the member shall notify local law enforcement for delivery of the juvenile to the appropriate JIF.
 - c. If the pickup order is for dependency, the child shall be delivered to appropriate personnel from the Department of Children and Families.
 - d. The member must an Incident Summary Report.
- (2) Criteria governing the Referral of Juvenile Offenders to Intake (Not-In-Custody Arrests)
 - (a) A law enforcement officer has the authority to refer a juvenile offender for intake, in lieu of arrest, by the following:
 1. Notice to Appear: Members shall follow the procedures outlined in the current version of General Order 02, *Warnings, Arrests, Traffic Enforcement and Interviews*.
 2. Written Citations: Juveniles stopped for traffic infractions will be treated as an adult. They may be issued a citation, assigned a court date when appropriate, and released on scene. Members shall follow the procedures outlined in the current version of General Order 02, *Warnings, Arrests, Traffic Enforcement and Interviews*.
 3. Juvenile Transcript: Juvenile Transcripts can be completed and submitted to the State Attorney's Office in the same manner as Adult Probable Cause Affidavits.
- (3) Juvenile Traffic Procedures
 - (a) Juvenile misdemeanor traffic offenses are not delinquent acts. Juvenile paperwork shall be processed in the same manner as adults. Members shall follow the procedures outlined in the current version of General Order 02, *Warnings, Arrests, Traffic Enforcement and Interviews*.

E Interviews

- (1) Procedures for the custodial interrogation of juveniles are as follows:
 - (a) Constitutional Rights of Juveniles – Miranda Warning: The Miranda Warning will be given verbally and if possible in writing prior to questioning. Members shall ask the detainee to complete the Miranda Rights Signature Form (FWC/DLE-207FO).
 - (b) Conferring with Parents or Guardians: The parent or guardian cannot make the decision

for the juvenile to invoke or waive their 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 their Miranda Warning has been read.

- (c) Number of Members Allowed to Interview a Juvenile: To prevent allegations of coercion, no more than two persons will interview juveniles during any interview session. Others, such as Investigators, DCF Case Workers, Rape Treatment Center Counselors, etc., may be present, but not involved in the interview.
 - (d) Duration: Juvenile interviews will be for reasonable lengths of time and will include periodic breaks and rest periods, allowing time for drinks, food, and rest room visits. The juvenile's age, apparent level of intellect, health, physical condition, and mental and emotional state will be considered.
- (2) The Division of Law Enforcement currently does not have any interview rooms within any of our facilities. Members using interview/processing rooms at other law enforcement facilities, or those obtained by the FWC Division of Law Enforcement in the future, shall adhere to the procedures outlined in the current version of General Order 02, *Warnings, Arrests, Traffic Enforcement and Interviews*.

F Notifications to School Authorities

- (1) When it is necessary for sworn member to take a juvenile student into custody, school authorities will be notified.
- (2) When a juvenile student is taken into custody during normal school hours, the member will notify the appropriate administrator at the school in which the juvenile is enrolled, as soon as possible. The member will document the notification in the Incident Summary Report.
- (3) Notifying the School of a Student Arrested for a Felony or Violent Misdemeanor: When a juvenile is arrested for a felony or violent misdemeanor, the school that the juvenile attends will be advised. If the juvenile is a "drop-out", ascertain which school the juvenile would normally attend and identify the school on the Juvenile Transcript.

G Found Child

- (1) When an officer encounters a found child, the following will be conducted:
 - (a) Area Check: A check of the immediate area should be made to obtain any information that could assist in identifying the child. If no information can be obtained as to the identity of the child, the child should be transferred to the local jurisdiction.
 - (b) Shelter for Unidentifiable Juveniles: In the event that the child is unable to supply information as to their identity and all attempts to locate the child's parents have failed, the officer will contact DCF or the local jurisdiction for temporary shelter arrangements.

H Truancy

- (1) Section 984.13, Florida Statutes authorizes members to take truant juveniles into custody. It is highly suggested that members notify local law enforcement, and turn over the truants in such situations if possible.
 - (a) Pat Down: Truants will be frisked when the officer reasonably believes that the juvenile is in possession of a weapon and the officer is in danger of physical injury. The frisk can be used to feel for any weapons and it is essentially a "pat down" of the suspect.
 - (b) Transporting: When it is necessary to transport a juvenile to school or JIF, or other locations, it will be done immediately. Members will also document the juvenile's behavior for future reference in the Incident Summary Report.
 - (c) Detention: Truants will not be placed in secure detention, or otherwise mixed or associated with juveniles being held for criminal or non-status violations.
 - (d) Options: Members have the following options and responsibilities regarding truants:

1. Release to JIF or other truancy sites as provided for in each separate county.
2. Release to a local law enforcement officer, who will deliver the juvenile to the appropriate facility.
3. Release the truant to the appropriate school.
4. Release the truant to a parent or guardian.

I Use of Juvenile Informants

- (1) Special precautions shall be taken with juvenile informants to include:
 - (a) No children will be used as informants unless prior approval has been granted by the sworn member's supervisor and the child's parent/guardian.
 - (b) The use of a paid child informant must be authorized by the Director.
 - (c) Any child that freely provides information will not be considered as an informant. (A child voluntarily giving information, or responding to questions during a field interview or in a custody interview would not be defined as an informant).

J Juvenile Records

- (1) Separate files for juvenile records shall be maintained. Juvenile records shall be marked "**Juvenile/Confidential**".
- (2) Division of Law Enforcement records pertaining to juveniles will be collected according to the procedures outlined in the current version of General Order 35, *Division Reports and Records*, and the Division will follow established guidelines set forth in the Florida Department of State Records Retention Schedules.
 - (a) Dissemination of Juvenile Incident Summary Reports: Copies of Division reports involving juveniles are released upon request as appropriate after any applicable fees are paid. The juvenile's name and identifying information are redacted from the report when applicable, pursuant to s. 985.04, F.S.
 - (b) Juvenile offender non-redacted records are confidential and may be disclosed only to the authorized personnel of the court, the Department of Juvenile Justice and its designees, the Department of Corrections, parole agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under s. 985.04, F.S., or by court order.
- (3) Dissemination of Juvenile Traffic Reports: Copies of Traffic Reports involving juveniles are released upon request as appropriate after applicable fees are paid. The juvenile's name and identifying information are not redacted from the report.

4 FORMS

FWC/DLE-045	Incident Summary Report
FWC/DLE-045A	Incident Summary Report Narrative
FWC/DLE-390FO	Probable Cause Affidavit
FWC/DLE-207FO	Miranda Rights Signature Form