



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

JUVENILE POLICY AND PROCEDURE

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
15	June 09, 2020	October 30, 2017	All Sworn Members and Duty Officers

References

S. 39.401 F.S.; 984.13, F.S., 985.04, F.S., 985.101, F.S., 985.25, F.S., 985.11 F.S. and GO 02;
CFA 16.01M, 16.02M, 16.03M, 16.04M, 18.01, 21.01M, 26.08

1 POLICY

- A** It is the policy of the Division to protect the youth of the State of Florida. When dealing with juveniles, members shall use the least coercive method among reasonable alternatives, and shall be consistent with preserving public safety, order, individual liberty, and the laws of the State of Florida.
- B** It is the policy of the Division 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 Division that no person under 18 years of age 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 shall 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) **“Child” or “juvenile” or “youth”** – Any person under the age of 18 years or any person who is alleged to have committed a violation of law occurring prior to the time that person reaches the age of 18 years.
- (4) **The Florida Department of Juvenile Justice (DJJ)** – The State agency responsible for juveniles upon arrest, incarceration, or when they are otherwise involved in the justice system.
- (5) **The Florida Department of Children and Families (DCF)** – The State agency responsible for juveniles that have been taken into custody due to abuse, neglect or abandonment.

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 shall ensure that the constitutional rights of juveniles are protected.

3 PROCEDURES

A Allegations of Juvenile Harm

- (1) Regardless of the purpose of the contact, when encountering ill or injured juveniles, a member shall summon medical assistance or render first-aid without unnecessary delay and the following shall be adhered to:
 - (a) 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) shall be contacted for shelter admission.
 - (b) If conducting an investigation with a juvenile alleged to have been harmed, the member shall 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 shall be adhered to:
 - (a) 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) 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 sworn member shall:
 1. Provide medical attention, if necessary.
 2. Notify a sworn supervisor and the appropriate jurisdictional authority.
 3. Sworn members shall immediately contact the statewide DCF hotline at 1-800-962-2873 to report abuse. The sworn member shall obtain a 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.
 4. If necessary, the child shall be transported to a Division or local agency office to await the arrival of a DCF authorized agent. When transporting children, a seat belt or child safety seat is required.
 5. 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) Sworn members 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. When practical, sworn members should advise the juvenile's parent or guardian of the incident. Alternative programs may also be recommended.

C Taking Juveniles into Custody

- (1)** When a juvenile is taken into custody for a violation of law, the sworn member shall process the juvenile without undue delay, unless the juvenile is in need of medical attention which shall be administered expeditiously.
- (2)** As an alternative to arrest, all sworn members should appreciate the discretionary intent of 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. Sworn members wishing to refer juveniles to a diversionary program shall complete the necessary forms as mandated by the county in which the offense took place.
- (3)** Misdemeanors
 - (a)** Juveniles arrested for misdemeanor offenses shall require the completion of an Incident Summary Report and any other paperwork which may be required by each county.
 - 1.** If the juvenile is arrested for a misdemeanor traffic offense, a Probable Cause Affidavit (FWC/DLE-390FO) shall be completed.
- (4)** Felonies
 - (a)** Juveniles arrested for ANY felony are to be processed as a juvenile. Additional reports for juveniles may be required by a local jurisdiction when processing a juvenile.
- (5)** Runaways
 - (a)** A law enforcement officer has the authority to take a juvenile into custody when there are reasonable grounds to believe 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.
- (6)** 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.
- (7)** Fingerprinting
 - (a)** Juveniles who are arrested for a violation of law shall be fingerprinted and the fingerprint cards shall be forwarded to the Florida Department of Law Enforcement (FDLE) marked "**Juvenile/Confidential**" in accordance with Florida law.
 - (b)** Sworn members shall not retain any copies of juvenile fingerprint cards.
- (8)** No Contact between Juveniles and Adults
 - (a)** Juveniles cannot be transported, held, or confined with adults. Per 985.101 (2), Florida Statutes, 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 shall be taken to ensure there is no regular visual or audible contact between adult prisoners/detainees and juvenile prisoners/detainees, other than haphazard or accidental.

- (9) Photographs of Juveniles
 - (a) Sworn 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 shall be marked “**Juvenile/Confidential**,” and shall be kept in confidential files separate from adult files, unless not required by Florida Law.
- (10) Parent/Guardian Notification
 - (a) An active effort to notify the parent or guardian of a juvenile who is in police custody shall be made, and shall continue until notification occurs or custody is transferred:
 - 1. Notification results shall be included in the Incident Summary Report and on any affidavits.
 - 2. Unsuccessful notification attempts must be detailed in the Incident Summary Report and any affidavits, including any contact information that was used in the effort to notify.
- (11) Release – Members have the following options when releasing a juvenile from custody:
 - (a) Deliver the juvenile to the appropriate county Juvenile Intake Facility. The intake officer must accept the child from the sworn member even if the child does not meet the criteria for detention, pursuant to s. 985.25 Florida Statutes.
 - (b) 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 shall be conducted on the potential 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 shall not be released to such person.
- (12) Referring charges to the State Attorney’s Office
 - (a) Sworn members may refer criminal charges to the appropriate State Attorney’s Office in lieu of making a physical arrest (example, a sworn 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. An Incident Summary Report, and any other paperwork as required by the State Attorney’s Office documenting the criminal charges shall be completed and forwarded to the State Attorney’s Office.
 - 2. A parent or guardian must be notified.
 - 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 sworn member 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. The completion of an Incident Summary Report and any other arrest affidavit paperwork, as required by the intake facility, which documents the violation(s) of criminal law.

2. Sworn members shall take a juvenile into custody when there is a court order directing the child to be apprehended.
 - a. The sworn member shall confirm through NCIC/FCIC that there is a valid Pick-up Order for the juvenile. The sworn member must also confirm whether the pickup order is for delinquency or dependency.
 - b. If 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 complete an Incident Summary Report.
- (2) Criteria governing the Referral of Juvenile Offenders to Intake (Not-In-Custody Arrests)
 - (a) A sworn member has the authority to refer a juvenile offender for intake, in lieu of arrest, as follows:
 1. When issuing a Notice to Appear, sworn members shall follow the procedures outlined in the current version of General Order 02, *Warnings, Arrests, Traffic Enforcement and Interviews*.
 2. Juveniles stopped for traffic infractions shall 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. Incident Summary Reports and any other paperwork required by the local jurisdiction shall 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) The Miranda Warning shall be given verbally and if possible in writing prior to questioning. Sworn members shall request the detainee to complete the Miranda Rights Signature Form (FWC/DLE-207FO).
 - (b) The parent or guardian cannot make the decision for the juvenile to invoke or waive their rights; however, juveniles shall 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) To prevent allegations of coercion, no more than two persons shall 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) Juvenile interviews shall be for reasonable lengths of time and shall 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 shall be considered.
- (2) The Division of Law Enforcement currently does not have any interview rooms within any of our facilities. Sworn 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 a juvenile student is taken into custody, the sworn member shall notify, or shall direct the Regional Communications Center to notify, the appropriate school administrator in accordance with the local jurisdiction's interagency agreement as soon as possible. The sworn member shall document the notification in the Incident Summary Report.
- (2) When a juvenile of any age is taken into custody by a law enforcement officer for an offense that would have been a felony if committed by an adult, or a crime of violence, the sworn member must notify the superintendent of schools that the child is alleged to have committed the delinquent act. The sworn member may direct the Regional Communications Center to make the notification. The sworn member shall document the notification in the Incident Summary Report.
- (3) If the juvenile is a "drop-out", the sworn member shall ascertain which school the juvenile would normally attend and identify the school on the Incident Summary Report and any other reports required by the local jurisdiction.

G Found Child

- (1) When a sworn member encounters a found child, the following shall be conducted:
 - (a) 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) In the event the child is unable to supply information as to their identity and all attempts to locate the child's parents have failed, the sworn member shall contact DCF or the local jurisdiction for temporary shelter arrangements.

H Truancy

- (1) Section 984.13, Florida Statutes authorizes sworn members to take truant juveniles into custody. Sworn members should notify local law enforcement and turn over the truants, if possible.
 - (a) Truants shall be frisked when the sworn member reasonably believes that the juvenile is in possession of a weapon and the sworn member 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 subject.
 - (b) When it is necessary to transport a truant juvenile to school, JIF, or other location, it shall be done immediately. Sworn members shall also document their juvenile's behavior in the Incident Summary Report for future reference.
 - (c) Truants shall not be placed in secure detention, or otherwise mixed or associated with juveniles being held for criminal or non-status violations.
 - (d) Sworn members have the following options and responsibilities regarding truants:
 1. Release to JIF or other truancy sites as provided for in each county.
 2. Release to a local law enforcement officer, who shall 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) Unless prior approval has been granted by the sworn member's supervisor and the child's parent/guardian, no juvenile shall be used as informants
- (b) The use of a paid juvenile informant must be authorized by the Division Director.
- (c) Any juvenile that freely provides information shall not be considered an informant. (A juvenile 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) Incident Summary Reports shall be marked "**Juvenile**" and submitted via the Division approved electronic reporting system.
- (2) Division of Law Enforcement records pertaining to juveniles shall be collected according to the procedures outlined in General Order 35, *Division Reports and Records*, and the Division shall follow established guidelines set forth in the Florida Department of State Records Retention Schedules.
 - (a) 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 only be disclosed to authorized court personnel, 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) 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

FORM NUMBER	FORM TITLE
	Incident Summary Report
	Incident Summary Report Narrative
FWC/DLE-390FO	Probable Cause Affidavit
FWC/DLE-207FO	Miranda Rights Signature Form