


# **GAINESVILLE POLICE DEPARTMENT**

## **GENERAL ORDER**

	<b>TITLE</b> Juvenile Delinquent Acts, Disposition, Arrest and Custodial Procedures	<b>ACCREDITATION</b> CALEA 1.2.6; 1.2.7; 1.2.8.c; 44.1.1; 44.1.2; 44.2.1.a.b.c.d; 44.2.2.a.b.c.d.e; 44.2.3.a.b; 61.1.3.b; 71.3.1.e	
	<b>PROPOSER UNIT</b> Youth and Community Services Division	<b>PRIOR REVISIONS</b> 03/27/00, 01/21/02, 06/24/02, 02/27/04, 06/08/12, 01/05/17  <b>ATTACHMENT: 0</b>	
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**I. PURPOSE:** This Order establishes guidelines for arrest and custodial procedures for juvenile offenders.

**II. DISCUSSION:** The Department recognizes that the juvenile population is in a critical transition between child- and adulthood. Juveniles who behave against the social order need to experience the consequences of their actions within a system that supports them as people, but does not excuse their behavior. Since members of the Department have a significant opportunity to influence their future, they shall handle juveniles fairly and in accordance with applicable Florida State Statutes, while protecting their constitutional rights. The department encourages periodic review by other juvenile justice associations in the development of agency policies and procedures related to juveniles. [CALEA 44.1.2]

**III. POLICY:** It shall be the policy of this Department to deal with juvenile offenders in the least coercive manner possible. All officers of this department will respect the juvenile's family autonomy and will use the most reasonable alternatives consistent with preserving public safety, order, and individual liberty. All members regardless of duty assignment are charged with the responsibility of participating in and supporting the Department's juvenile operations function. Each officer shall be familiar with the unique requirements of juvenile matters and shall respond to those requirements by ensuring that the constitutional rights of the juveniles are protected, as provided by procedure or statute. The police role in juvenile justice and delinquency prevention must be responsive to community needs. Officers must focus on both enforcement and prevention functions, realizing neither role at the expense of the other. The Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. [CALEA 44.1.1]

### **III. DEFINITIONS:**

A. Juvenile: Any married or unmarried person who is charged with a violation of law which incident occurred prior to the time that person reached the age of 18 years.

For the purposes of this Order, a limited definition will be used and will apply only to those juveniles meeting the criteria for an arrest.

B. In Custody: Situations where the individual is under arrest or when a "reasonable person" in the suspect's position would feel that his or her freedom of action has been restricted to the degree consistent with a formal arrest.

C. Delinquent Act: An act which, if committed by an adult, would be a violation of law, to include felonies, misdemeanors, criminal traffic violations, violations of City ordinances, and, when applicable, violations of federal law.

D. Responsible Adult: A parent, guardian, legal custodian, responsible adult relative, responsible agent of an approved crisis home, or an adult previously approved by the court.

E. Juvenile Assessment Center (JAC): The Juvenile Assessment Center (JAC) is an institution where juvenile arrestees are booked and processed for the purpose of screening, determining disposition, and making referrals for treatment/counseling.

F. Forcible Felony: For the purposes of this policy will be defined as; Murder, manslaughter, sexual battery, carjacking, home/invasion robbery, robbery, armed or occupied residential or business burglary, arson, kidnapping, aggravated assault, aggravated battery, aggravated stalking, unlawful throwing/placing or discharging of a destructive device or bomb.

G. Non-Custody/Custodial: Situations where the individual is not in custody and is free to leave at any time nor has his or her freedom been restrained to a degree associated with a formal arrest.

H. Status Offender: Status Offenders are identified as youth who have been detained for behaviors that are not illegal for adults. Examples include truancy, runaways, possession of tobacco, and curfew violators. While detained, these youths must be held in a non-secure area of a facility. Youths must be separated from sight or sound of any adult offender.

#### IV. PROCEDURE:

A. Custody: Department members take juveniles into custody under a variety of circumstances, and may utilize a wide range of alternatives when dealing with juvenile offenders, ranging from warnings to arrest. Department members will ensure the rights of juveniles are protected. [CALEA 44.2.2.c]

**1. Runaways / Truants / Status Offenders/ Other Non-Delinquent Instances:**  
See G.O. 44.2, "Children in Need of Services and Dependent Juveniles". [CALEA 44.2.2.a]

**2. Taking A Delinquent Child Into Custody:** A child may be taken into custody for the following circumstances:

i. Pursuant to an order of the circuit court issued pursuant to the provisions of Florida State Statute Chapter 985, based upon sworn testimony, either before or after a petition is filed; or

ii. For a delinquent act or violation of the law, pursuant to Florida law pertaining to a lawful arrest, if the juvenile does not qualify for an intervention or diversion program (i.e. Juvenile Civil Citation, domestic violence diversion, or the like).

Taking a juvenile under the age of 13 into custody is permissible under the following conditions and must be documented in the incident report:

1. The juvenile has committed a Forcible Felony, as defined above,

2. The Taking in to Custody is approved by a supervisor.

iii. For failing to appear at a court hearing after properly being noticed.

**3. Assessment of Well-Being:** [CALEA 44.2.2.b] Any time a member takes a juvenile into custody, he/she shall assess the juvenile to determine if the child:

i. Has been harmed, is alleged to have been harmed, or is in danger of being harmed. The member shall:

1. Check the juvenile for signs of illness or injuries;

2. Ask the juvenile if any conditions exist (with family, friends, etc) which could cause harm to him/her.

ii. Is under the influence of alcohol or other chemical substance, or

iii. Is mentally or emotionally disturbed.

**4. Contact with Adult Arrestees:** Juvenile arrestees shall not be in the presence of any adult detainee. Juveniles shall be separated from adult detainees by sight and sound.

**5. Contact with Other Gender(s):** Juvenile arrestees shall not be held in the presence of detainees of a different gender- juvenile or adult.

If males/females are required to be detained at the same time, they shall be separated from each other by sight and sound. [CALEA 71.3.1.e]

**B. Screening and/or Treatment for Medical Conditions and/or Mental Illness:**

Regardless of the ultimate disposition or charge, members shall obtain immediate treatment for juveniles who require medical attention or screening under the Baker or Marchman Acts. [CALEA 44.2.2.b & 44.2.2.d]

**C. Disposition Alternatives:** The Gainesville Police Department shall use the least coercive among reasonable alternatives when dealing with the disposition and release of juveniles. [CALEA 44.2.1] Juvenile offenders shall be addressed without undue delay, and in a proper manner while keeping the safety of the public in mind. [CALEA 1.2.7]

Alternatives for disposing of situations involving juveniles include, but are not limited to, the following:

### **1. No Charges Filed, and Juvenile Is:**

- i. Released with no further action. [CALEA 44.2.1.a]
- ii. Taken home and/or released to a parent or other responsible adult. [CALEA 44.2.1.a]
- iii. Taken to the Truancy Center, Interface, or other facility, if applicable.[CALEA 44.2.1.c]

### **2. Non-Criminal Civil Citations:[CALEA 1.2.6 & 44.2.1.b ]**

**i. Diverted regarding Specified Misdemeanor Charges/Juvenile Civil Citation:** Per [FSS 985.12](#), if eligible for the program, the juvenile may be issued a civil citation and released in accordance with procedures set forth in GO 44.5 Juvenile Civil Citation Procedures.

**ii. Juvenile Non-Criminal Sexting Violation:** Per FSS 847.0141 Juveniles who have committed the offense of Sexting, specifically for first time juvenile violators, may be issued a civil citation and released in accordance with procedures set forth in GO 44.6 Juvenile Non-Criminal Sexting Violation.

**iii.** If a juvenile is charged with a non-criminal violation of possession of tobacco they will be issued a civil citation (on the NTA/Civil Citation form) under the provisions of FSS 569.11.

The issuing officer will pull a case report number and complete a FI card, in lieu of an incident report. Officers should make every attempt to contact the parent/legal guardian of the juvenile and inform them of the state requirements associated with this non-criminal civil infraction. Officers will add the guardian information and whether or not the guardian was notified in the narrative section of the FI card

### **3. Juvenile Arrested, and: [CALEA 44.2.1.d]**

Taken to the designated juvenile receiving facility,

- i. Unless ineligible, all juveniles who are arrested shall be transported to the designated juvenile receiving facility for processing.
- ii. Juveniles' dispositions there may include being released to a parent or responsible adult.

**D. Searches:** Department Members will follow the same procedures set forth in General Order 1.4 Searches and Legal Bulletin 2011-02 Search of Juvenile Runaways or Truants. [CALEA 1.2.8.c]

**E. Transportation:** Once an investigation is concluded, Department members will transport juveniles to the applicable processing or intake facility without delay unless there is a need for emergency medical treatment. [CALEA 44.2.2.d]

1. Members will refer to GO 71.1 for guidelines for transporting persons in custody (PCs).
2. When transporting a juvenile to the receiving facility the arresting officer may, in order to expedite processing, request that the teletype operator notify the facility that he/she is enroute with a client.
3. Juveniles will not be transported with adults.
4. If an adult (over the age of 18) is the subject of an outstanding juvenile pick-up order or arrested for on-view juvenile probation violations they will be placed under arrest and transported to the Juvenile Assessment Center (JAC). The Department member will notify JAC via teletype that they are en-route with an adult and the associated juvenile pick-up order/or violation.
5. Department members transporting juveniles of either gender will notify the dispatcher of beginning and ending mileage and destination either over the radio or by manually entering it into the call notes.

**F. Processing of Juveniles in Custody:** **Juvenile Assessment Center (JAC):** Is the designated juvenile receiving facility and shall be utilized for processing all eligible juvenile arrestees/detainees.

**1. General:** Juvenile Assessment Center (JAC) is located at 3440 N.E. 39 Ave., (352) 955-2105 is open 24 hours a day, seven days a week, unless a state of emergency exists which causes the Center to close.

**2. Arrests:** Juveniles who are arrested anytime under the following circumstances shall be processed through Juvenile Assessment Center (JAC).

- i. Criminal charges (felony and/or misdemeanor);
- ii. Felony traffic charges;
- iii. Warrants / pick-up orders for delinquent acts.

### **3. Juvenile Receiving Facility Regulations:**

**i. Pre-Admission Screening Requirements (Medical/Mental):** Juvenile arrestees MUST be treated and stabilized at, and released from, the appropriate medical / receiving facility before they can be accepted under the following circumstances. Those who:

- a. Require medical treatment,

**b.** Meet the criteria for involuntary examination (due to mental illness), or

**c.** Are severely intoxicated (due to alcohol or drugs).

**ii. Restraints:** Juveniles must remain handcuffed until formally admitted to the facility.

**iii. Weapons:** Firearms, weapons, and ammunition are not permitted in the facility; therefore, members shall secure these items in the trunk of the police vehicle.

**iv. Arrest Documentation:** To book a juvenile arrestee into the facility, the arresting member shall complete the appropriate arrest document (e.g., mittimus or traffic citation).

**a. Completion:**

1). **Mittimus:** The mittimus shall be completed as customary, **except** for the following:

**i).** Juvenile disposition:

**ii).** Guardian information and whether or not the guardian was notified.

**2). Traffic Citation:** For misdemeanor and felony criminal traffic charges, a traffic citation shall be used along with the mittimus.

**b. Distribution:**

**1). Mittimus:** The agency copy of the mittimus shall be submitted and forwarded to GPD Records. The remaining copies of the mittimus shall be left at the Juvenile Assessment Center (JAC).

**2). Traffic Citation (if applicable):** The top copy of the citation shall be left at the facility (along with the defendant's copy) and the remaining copies shall be forwarded to Records.

**v. Disposition:**

**a.** The member may return to service after completing the appropriate reports and delivering the juvenile to the designated receiving facility (once custody is transferred).

**b.** Juvenile detainees brought to the designated receiving facility will be fingerprinted and photographed by receiving facilities staff.

c. The receiving facility is responsible for evaluating and placing the juvenile (e.g., releasing to guardian or taking to the Juvenile Detention Center).

**vi. Fingerprints and Photographs:** The receiving facility will be responsible, at a minimum, for obtaining photographs and fingerprints of juveniles with misdemeanor or felony charges in compliance with State Statute.

**G. Other Custodial Dispositions: [CALEA 61.1.3.b]**

**1. DUI:** Due to the unique nature of DUI investigations, Department Members shall follow the below procedures when a juvenile is arrested.

i. The arresting officer shall immediately upon arrest for DUI shall make all reasonable efforts to notify the child's parent, guardian, or legal custodian or, if the child's parent, guardian, or legal custodian is unavailable, unwilling, or unable to provide supervision for the child, any responsible adult of the juvenile's arrest and that the person so notified should be prepared to pick up the child from the Department of the Jail (ASODOJ) Center 8 hours after the time of the arrest.

The arresting officer should obtain contact information for the person so notified, so that when the juvenile is able to be released, the arresting officer, or other shift officer can assist in tracking the person so notified to have the juvenile arrestee picked up from the jail should the juvenile be able to be released earlier than anticipated.

ii. The transporting officer shall request that a Department breath testing operator respond to the department breath test room or to the appropriate facility. The Department members shall adhere to the procedures set forth below in section "N" regarding the juvenile **Arrest Log**. Juvenile arrestees brought into any Gainesville Police Department facility must have their applicable case information entered into the *Florida JJDP A Monthly Compliance Monitoring Form*.

iii. Department members shall adhere to the procedures set forth in General Order 72.2 Breathalyzer Room. While at the Department, Juveniles shall remain separated by sight and sound from adults.[CALEA 71.3.1.e]

iv. After the juvenile is tested, or refuses, the member shall transport the juvenile to a hospital or medical facility to be medically cleared.

v. Upon medical clearance, the juvenile should be transported and booked into the Department of the Jail (ASODOJ).

The juvenile will **NOT** be taken to the Juvenile Assessment Center (JAC).

The arresting officer should contact the jail prior to arriving to notify them that a juvenile DUI arrestee is going to be delivered, and the estimated

time of arrival, so that the jail staff can clear the booking area of all adult detainees. The arresting officer may have to wait in the sally port with the juvenile until the jail staff has cleared the booking area.

The arresting officer shall be available to assist the Department of the Jail in locating family members of the juvenile, should no one show up to pick the juvenile up from the jail. If this occurs during the arresting officer's shift change, the supervisor of the arresting officer shall notify the oncoming supervisor to have an officer available to assist.

vi. Should the juvenile not be medically cleared by the hospital or other medical facility, the child shall be admitted to the medical facility.

**2. Misdemeanor Traffic:** A sworn member who takes a juvenile into custody for a misdemeanor criminal traffic violation shall issue a criminal traffic citation with an appropriate court date and, unless additional charges exist, shall release the juvenile to a parent, guardian, or other responsible adult.

Misdemeanor traffic citations are processed via the misdemeanor adult court.

**3. Felony Traffic:** A sworn member who takes a juvenile into custody for a felony criminal traffic offense may issue a sworn complaint as an alternative to arrest. Juveniles placed under arrest for felony traffic offenses will be transported and processed through the Juvenile Assessment Center (JAC).

**4. Combinations:** Juveniles committing non-criminal traffic offenses in addition to other violations of law may be issued a citation for the traffic offense(s), and processed accordingly for the additional violation(s).

**H. Pick-up Orders Related to Dependency:** Members detaining juveniles on dependency warrants or pick-up orders shall contact the Dependency / Foster Care program to determine placement.

1. Weekdays during working hours, call (352) 955-5186.

2. After hours and on weekends, call the Dependency / Foster Care Supervisor, (via Communications), to assist with placement.

**I. Runaways / Truants:** Juvenile runaways or those who are truant shall NOT be taken to the Juvenile Assessment Center (JAC). (See G.O. 44.2)

**J. Baker or Marchman Acts (see G.O. 1.7 for custodial criteria):** Juveniles who are taken into custody under Baker or Marchman Acts **and** who cannot be or are not being turned over to the parents shall be delivered as follows (Members assigned to special-needs schools may have a different procedure):

1. **Baker Act:** Children taken into custody under the Baker Act shall be transported to the appropriate receiving facility.



**2. Marchman Act:** Children taken into custody under the Marchman Act shall be taken to the appropriate receiving facility.

**K. Notifications:**

**1. Parent/Legal Guardian:** When a Department member makes contact with a juvenile pursuant to a criminal investigation, takes a child into custody or for any reason, completes a Sworn Complaint, the member shall attempt to notify the child's parent, guardian, or legal custodian. [CALEA 44.2.2.e]

The member shall continue such attempt until the parent, guardian, or legal custodian is notified or the child is delivered to an intake counselor, whichever comes first.

**i. Arrest:** The member shall notify the intake counselor if no contact was made with a responsible adult.

The following information shall be included in the *Investigative Report*:

- a.** Name of the person the member attempted to contact,
- b.** If contact was made and if not;
- c.** Whether the contact efforts were turned over to JAC personnel.

**ii. Sworn Complaint:** Whenever a department member completes a sworn complain on a juvenile, he/she shall make a diligent effort to contact and provide parent/guardian information. If unable to identify and contact the parent/guardian document the efforts in the investigative report.

**iii. School Board:** Department members shall, within 48 hours, notify the Alachua County Office of the Superintendent of Schools, or other jurisdictional school board, whenever a student is charged with a delinquent act during school hours, a delinquent act which would be a felony if he/she were an adult, if the act involves a firearm, or is a crime of violence.

**a. Included Educational Institutions:** This statutory provision includes other educational providers, such as the Florida School for the Deaf and Blind, university developmental research schools, and private elementary and secondary schools.

**b. Investigating Officer:** Shall complete the Notification of School Board electronic form on the GPD intranet.

**c. Department of Children and Families (DCF):** In cases or situations where a juvenile is involved in activities or circumstances which indicate no crime has been committed, but in

some other manner may jeopardize the safety and/or well-being of the juvenile, DCF shall be notified for follow-up investigation and/or intervention.

### **L. Interviews and Interrogations:**

**1. Custodial Interviews:** [CALEA 44.2.2.c & 44.2.3.a] Department members shall ensure the rights of juveniles are protected. Members shall adhere to the procedures set forth in General Order 72.1 Temporary Detention of Persons at the Main Police Facility.

i. **Custody:** Department members will adhere to FSS 985.211(5) Upon taking a child into custody, a law enforcement officer may deliver the child, for temporary custody not to exceed 6 hours, to a secure booking area of a jail or other facility intended or used for the detention of adults, for the purpose of fingerprinting or photographing the child or awaiting appropriate transport to the department or as provided in subsection (4), provided no regular sight and sound contact between the child and adult inmates or trustees is permitted and the receiving facility has adequate staff to supervise and monitor the child's activities at all times.

ii. **Advisement:** The interviewing member shall inform the juvenile and any parent or legal custodian present of the procedures regarding the interrogation and the juvenile justice system process as it relates to the particular case.

iii. **Miranda Rights:** Miranda rights must be read to juveniles in a custodial interrogation.

The parents or guardians cannot make the decision for the juvenile to invoke or waive Miranda rights.

iv. **Right to Confer with Parent, Guardian, and Attorney:** Juveniles have certain recognized rights regarding parents, guardians, and legal custodians after being arrested.

a. The interview need not be postponed until a parent is contacted, nor is the Department member required to ask the parent, if already contacted, if they would like to be present.

b. If a juvenile requests to speak with a parent before being interviewed, the request shall be accommodated and a reasonable amount of time allowed for the parent to arrive.

c. If a parent states they wish to be present before a juvenile is interviewed, the request shall be accommodated and a reasonable amount of time given for the parent to arrive provided the juvenile wants the parent present.

The juvenile's desire that parents not be present overrides the parents and should be documented in the *Investigative Report*.

d. If the juvenile, after being advised of Miranda rights, requests an attorney, the interview shall terminate upon request of an attorney.

**v. Number of Interviewers:** No more than two interviewers should be present during the interview.

**vi. Duration:** Juveniles shall not be interviewed for an unreasonable length of time, and the duration of the interview shall be governed by the nature and severity of the crime(s) under investigation.

Normally, interviews should be limited to two-hour sessions, and should cease after three (3) such consecutive sessions.

**2. Non-Custodial Interviews:** [CALEA 44.2.3.b]

i. When reasonably possible, the juvenile's parent or legal guardian should be contacted. The legal custodian need not be present during the interview.

ii. The interview should be limited in time and reasonable breaks provided before subsequent questioning.

iii. Where possible, dress in plainclothes.

iv. Be on the juvenile's level; sit with the juvenile rather than across a table or standing over him or her.

v. Begin by introducing all involved parties by first and last name and explaining the purpose of the interview. Refer to the juvenile by name.

vi. Do not make promises or other coercive statements, whether direct or implied.

vii. Speak in non-threatening tones and attempt to create a sense of honesty and openness. Keep an open posture.

viii. Build rapport prior to questioning. Find common ground and start with a topic that addresses the juvenile's interests such as his or her favorite television show or activity.

ix. Allow the juvenile to talk freely - do not interrupt.

x. Emphasize the importance of telling the truth and reinforce the idea of honesty if appropriate in the interview.

xi. Remain neutral to the juvenile's responses.

xii.. Use follow-up questions to clarify any ambiguities only after the information available from open-ended questions has been exhausted.

xiii. Close the interview by asking the juvenile if he or she has any questions.

**M. Documentation:**

**1. Report Required:** Whenever a Department member takes a juvenile into custody, an *Investigative Report* shall be completed and submitted by the end of the member's tour of duty.

This includes any related notifications or attachments, such as the *Notification of School Board electronic form*; property vouchers, etc.

**2. Exceptions:**

i. An *Investigative Report* is **NOT** required when juveniles are taken into custody for truancy only (G.O. 44.2), when a juvenile civil citation is the incident disposition (G.O. 44.5) and who have not committed a delinquent act (G.O. 44.2).

ii. In accordance to FSS 569.11, when an officer completes a civil citation for possession of tobacco by a minor the officer will also complete an FI card in lieu of an incident report.

iii. For protracted investigations, and/or for those incidents in which several juvenile offenders are being processed, the supervisor may extend the deadline for the submission of the supplemental reports.

In all cases, the arrest mittimus shall be completed prior to the end of the member's tour of duty.

**3. Arrest Mittimus:** An Eighth Judicial Circuit Mittimus shall be completed and submitted for all juveniles charged with a criminal offense.

**N. Arrest Log:** Juvenile arrestees brought into any Gainesville Police Department facility must have their applicable case information entered into the *Florida JJDPA Monthly Compliance Monitoring Form*.

1. A log will be maintained in each of the Operations and Investigations Bureaus. The respective bureau commander shall determine the location of the log within each bureau.

2. Members entering information on the log will ensure that it is accurate, complete and legible.

3. Department members will make every effort to not hold a juvenile in secure holding over the allowed six (6) hours. In the event that a juvenile is held over the allowed 6 hours the department member shall notify a supervisor and complete a statement as to the reason why this occurred in their report. A copy of the statement shall be forwarded to the department member's respective Lieutenant and the Accreditation Unit.

4. Absent exigent circumstances Juveniles who are being held for status offenses only shall not be held in secure detention (this includes interview rooms). Any deviation from this shall be documented in the original or supplement report.

5. The Accreditation Unit shall be responsible for collecting the logs monthly and forwarding them to the Florida Department of Juvenile Justice. The assigned member shall review the collected forms for proper content prior to submitting them to the DJJ, and to ensure readiness for the Department of Juvenile Justice's routine audits.

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**By Order of**

*Signed Original on File in the  
Accreditation Unit*

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**Tony R. Jones  
Chief of Police**