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<div><div></div><div>JUVENILE PROCEDURES</div><div></div></div>				
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PURPOSE

The purpose of this standard operating procedure is to establish guidelines for a uniform method of handling all matters that involve juveniles; to coordinate services to the families of Charlotte County through cooperation, collaboration and the sharing of appropriate information by agencies within this jurisdiction. Specifically, to establish protocol for joint investigations in order to provide standard, consistent and thorough investigations; allow for the orderly collection of evidence in the criminal investigative process; maximize resources through a joint investigative process; ensure the provision of appropriate services when deemed necessary for children and their families; minimize the number of interviews for children who are victims of abuse or neglect; provide a forum for on-going communication and resolution of issues involving family safety in this community; and foster an effective collaboration among law enforcement, the State Attorney, the judiciary, domestic violence providers, child protection teams, the local school system, Department of Juvenile Justice (DJJ), and Department of Children and Families (DCF).

SCOPE

This procedure shall apply to all Punta Gorda Police Department personnel.

DISCUSSION

Florida law provides exclusive original jurisdiction of proceedings in which a child is alleged to be dependent or delinquent. It further provides that the judge, after a waiver hearing, may enter an order waiving jurisdiction, certifying the case for trial as if the child were an adult, if the child in question is fourteen (14) years of age or older. Any child under eighteen (18) years of age that is charged with a violation of Florida law punishable by death or life imprisonment is subject to the jurisdiction of the Juvenile Court unless and until an indictment on such charge is returned by the grand jury. In that event, the Juvenile Court is divested of jurisdiction under Florida law and the charge is made in the Circuit Court, Criminal Division. The child shall then be processed in every respect as if an adult.

DEFINITIONS

1. **Child Abuse/Neglect:** Harm or threatened harm to a child's physical or mental health or welfare by the acts or omissions of a parent, adult household member, or other person responsible for the child's welfare, or, for purposes of reporting requirements, by any person.
2. **Criminal Investigation:** An investigation conducted by an appropriate law enforcement agency for the purpose of uncovering evidence which may lead to an individual's prosecution for adult abuse, neglect, or exploitation, or child abuse, neglect, or abandonment, or other appropriate criminal charges.
3. **Delinquent Child:** A child who is found by a court to have committed a felony, a misdemeanor, contempt of court, or a violation of a local ordinance and whose case has not been prosecuted as an adult case.
4. **Dependent Child:** [Florida State Statute \(FS\) 39.01](#) defines a "child who is found to be dependent" as a child who is found by the court:
 - a. To have been abandoned, abused, or neglected by the child's parent or legal custodians;
 - b. To have been surrendered to the DCF, the former Department of Health and Rehabilitative Services, or a licensed child-placing agency for purpose of adoption;
 - c. To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the DCF, or the former Department of Health and Rehabilitative Services, after which placement, under the requirements of this chapter, a case plan has expired and the parent or parents or legal custodians have failed to substantially comply with the requirements of the plan;
 - d. To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption, and a parent or parents have signed a consent pursuant to the Florida Rules of Juvenile Procedure;

- e. To have no parent or legal custodians capable of providing supervision and care, or a child who was sexually exploited and has no parent/relative to provide supervision and care.
 - f. To be at substantial risk of imminent abuse, abandonment, or neglect by the parent or parents or legal custodians; or
 - g. To include a child offering to engage in prostitution, if the child is not under arrest or in delinquency proceedings or participating in sex trafficking.
5. **Domestic Violence:** Any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, or any criminal offense resulting in physical injury or death of a family or household member by another who is or was residing in the same single dwelling unit.
 6. **Emergency Placement – Child:** The temporary care of a child who is alleged to be, or who has been found to be dependent, pending further disposition, before or after adjudication or after execution of a court order. The placement may be with a relative, non-relative, or state licensed home or facility.
 7. **Family or household member:** Spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.
 8. **Guardian:** A person who is legally placed in charge of the affairs of a juvenile or is responsible for the protection and care of a juvenile.
 9. **Handle with Care:** A county-wide trauma informed response to child maltreatment and children’s exposure to violence.
 10. **Juvenile (Child):** Any unmarried person under the age of eighteen (18) alleged to be dependent or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached eighteen (18) years of age.
 11. **Juvenile Court:** The Juvenile and Domestic Relations Division of the Circuit Court of the twentieth Judicial Circuit of the State of Florida.
 12. **Joint Investigation:** Two agencies conducting concurrent criminal and protective investigations.
 13. **Parent:** The natural father or mother of a child. If the child has been legally adopted, the term “parent” means the adoptive mother or father of the child.

14. **Protective Investigation:** A fact finding and emergency service engagement process with the primary goal of protecting children, disabled adults, or elderly persons.
15. **Traumatic Event:** A traumatic event can be anything that could detrimentally affect a child's psyche. Examples of a traumatic event would be the arrest of a family member, witnessing malicious wounding, being exposed to a death, etc.
16. **Truant:** A child, age six or older, who is enrolled in and should be attending classes at school, who is absent from school without consent or permission.
17. **Violation of Law:** A violation of any law of the United States, the State of Florida, County or Municipality which is a misdemeanor or felony.
18. **Sexting:** A minor who knowingly uses a computer or any other device capable of electronic data transmission or distribution to transmit or distribute to another minor any photograph or video of any person which depicts nudity, and is harmful to minors. A minor who possesses a photograph or video of any person that was transmitted or distributed by another minor which depicts nudity and is harmful to minors.

PROCEDURE

I. INVESTIGATIVE PROCEDURES

- A. The Florida Central Abuse Hotline shall be responsible, as required by [FS 39.201\(2\)\(b\)](#) for transferring all calls with information that a child has been harmed by a non-caretaker to the Charlotte County Sheriff's Office (CCSO). CCSO shall then forward the report to the Punta Gorda Police Department if the harm occurred within this jurisdiction.
- B. The Punta Gorda Police Department is designated to receive non-caretaker abuse calls for the City of Punta Gorda. Hard copies of DCF reports documenting child-on-child sexual allegations will be forwarded to the appropriate agency as soon as practical.
- C. As required by law, all reports of alleged abuse or neglect of a child, elderly person, or disabled adult taken by the Central Abuse Hotline for the area under the jurisdiction of the Punta Gorda Police Department will be immediately transmitted to the local DCF office in Charlotte County.
- D. The DCF protective investigator retains the responsibility for notifying the Punta Gorda Police Department as required by [FS 39.301\(2\)\(a\)](#), immediately upon receipt of a report alleging or immediately upon learning, during the course of an investigation or when providing services that:
 1. The immediate safety or well-being of a child is endangered;
 2. The family is likely to flee;

3. A child received an observable injury as a result of neglect/abuse;
 4. A child has a medically diagnosed internal injury as a result of abuse/neglect;
 5. A child has died as a result of abuse/neglect;
 6. A child is the victim of aggravated child abuse as defined in [FS 827.03](#);
 7. A child is the victim of sexual battery ([827.071](#)) or of sexual abuse as defined in [FS 39.01\(i\)](#)
 8. A child is the victim of institutional abuse as defined in [FS 39.01](#) and as provided for in [39.302\(i\)](#).
- E. The protective investigator shall immediately notify the Punta Gorda Police Department, either by telephonic or electronic means, that the DCF has received a report or learned of a situation covered by Section I(D). A written copy of the report will be delivered to the Punta Gorda Police Department.
- F. The Punta Gorda Police Department is responsible for assessing and responding to potential criminal allegations enumerated under Section I(D) above. As required by Florida State Statute, the Punta Gorda Police Department will assume the lead in conducting any potential criminal investigations involving children in cases specified in Section I(D) above. The protective investigation will be coordinated with the criminal investigation. Evidence gathered in criminal investigations will be handled according to the policies and procedures of the Punta Gorda Police Department.
- G. Pursuant to the provisions of the Florida State Statute ([FS](#)) [943.0439 \(1\)](#) a law enforcement officer upon the request of an individual diagnosed with autism or an autism spectrum disorder or his or her parent or guardian, make a good faith effort to ensure that a psychiatrist, psychologist, mental health counselor, special education instructor, clinical social worker, or related professional is present at all interviews of the individual.
1. If the individual making the request does not have or know a particular professional to contact, the interviewing officer or their designee shall contact the following to seek assistance:
 - a. Riverside Behavioral Center, ([See Policy Appendix Section XII\(A\)\(1\)](#));
 - b. Crisis Stabilization Unit, ([See Policy Appendix Section XII\(A\)\(2\)](#)); or
 - c. Autism Source, www.autismsource.org
 2. Any and all attempts shall be documented in an incident report.

3. All sworn members shall receive initial training in this policy and Florida State Statute 943.0439 during the Field Training and Evaluation Program. Refresher training shall be completed by each member on a triennial basis.

II. SHARING OF INFORMATION

- A. Pursuant to Florida State Statutes and within statutory guidelines, Punta Gorda Police Officers are authorized to share with assigned DCF protective investigators Florida criminal history information accessed through the Florida Crime Information Center (FCIC) and not otherwise exempt from [FS 119.07](#).
 1. Such information may be used only in the furtherance of a specific child protective investigation, including the emergency placement of an endangered child.
 2. Such information may be provided by the assigned criminal investigator or through the Criminal Investigations Section Supervisor; and
 3. The release of such information will be documented in accordance with applicable FDLE FCIC procedures.
- B. Within statutory guidelines, the Punta Gorda Police Department will, upon request, provide to the designated child protective investigator a copy of all initial law enforcement reports relating to a domestic violence incident, including a narrative description of the incident and any subsequent, supplemental or related reports.
 1. Of primary interest to DCF are reports in which children are present when family violence occurs.
 2. Such reports shall be used only for the purpose of child protective investigations and placement of children under DCF care.
- C. Within statutory guidelines, DCF will provide to the assigned criminal investigator/ Criminal Investigations Supervisor copies of protective investigation reports during Criminal investigations. Copies of these reports shall include the identity of the reporter which remains confidential pursuant to Florida State Statutes.
- D. All information, reports, documents, etc., provided shall retain any confidential status provided under law and shall not be distributed outside the receiving agency unless otherwise authorized or mandated by law.
- E. The Punta Gorda Police Department and the Charlotte County Sheriff's Office agrees to conduct joint investigations as necessary. During the course of such investigations, the agencies agree to share information on an on-going and continuous basis. Both the Punta Gorda Police Department and the Charlotte County Sheriff's Office recognize that the

safety of the victim is of primary concern and that the request for protective investigation by DCF must be responded to by DCF within 24 hours of receipt of the report.

- F. Should the Punta Gorda Police Department request that the alleged perpetrator not be interviewed by the protective investigator, that request shall be honored. The DCF record must document the date and time of the request, the person making the request and the reason for the request. The Punta Gorda Police Department agrees to advise the DCF when and if a protective interview can be conducted and, when appropriate, share the results of any interview conducted by the Punta Gorda Police Department.
- G. The DCF will be responsible for assessing the immediate safety of the child and taking the necessary actions that will ensure the continued safety of the child. The DCF will also be responsible for determining and implementing necessary services to support the family.
- H. In accordance with *Florida State Statute 985.04*, when a child 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 law enforcement agency must notify the superintendent of schools that the child is alleged to have committed the delinquent act. If the child is a dual enrolled student at a postsecondary institution, the superintendent of schools, or their designee, must notify the chief of police or the public safety director of the postsecondary institution at which the student is dual enrolled within 1 business day after receiving the initial notification.

III. GENERAL PROCEDURE

A. Dependent Children

- 1. Florida law authorizes officers to take a child into custody when the criteria established for dependent children has been met and the child's welfare requires that appropriate action be taken.
- 2. Taking custody of a child without an order from a Circuit Court Judge, except for arrest for a delinquent act, is to be effected only in those instances where the circumstances are of an emergency nature and immediate action is necessary for the child's welfare.
 - a. In such cases, a supervisor shall be notified.
 - b. The DCF shall also be notified and given the circumstances requiring the child to be taken into protective custody. The Punta Gorda Police Officer and the DCF staff conducting the joint investigation shall consult with each other regarding whether a child is in immediate danger from their surroundings or if the child's removal is necessary to protect them. Any disagreements will be handled through the chain of command of both agencies.

3. When a child is not in immediate danger (taking into consideration the age of the child, physical and mental condition, and the source of danger) and the parents or other responsible adults are present, the child need not be taken into custody.
 4. When circumstances require, a dependent child shall be taken into custody by the Investigating officer and then transported to the appropriate receiving facility as directed by personnel of the DCF.
 - a. The child's parents shall be notified at the earliest possible time.
 - b. The name and location of the designated receiving home shall not be given to any person except those who are acting in an official capacity with a duly recognized governmental agency.
 - c. Inquiries about the child should be directed to the DCF.
 5. If arrest and prosecution is being considered against those persons responsible for the current condition of the child, reasonable care shall be exercised in obtaining evidence to support the charge.
 6. The child's welfare empowers entry into the premises. The gathering of evidence, physical or photographic, shall be undertaken in accordance with legal and Police department procedures. The lead investigator shall take into account the requirement of [FS 39.301\(16\)](#) that "no later than 60 days after receiving the initial report, the local office of the department shall complete its investigation". Regular meetings between the Department of Children and Families and the Punta Gorda Police Department to discuss the status of joint investigations shall be initiated.
 7. At any time, the protective investigator may call the Punta Gorda Police Department and request that an officer respond to protect them in a situation where there is concern for personal safety. This request to respond for protection should be specifically stated when the call is made and reiterated to the officer when they arrive.
- B. Child Neglect/Abuse – Any time an officer responds to a call for service and determines that a child has been abused or neglected or has reasonable cause to suspect that a child has been abused or neglected, a report must immediately be made via the DCF online reporting tool or placed to the Florida Central Abuse Hotline ([See Policy Appendix Section XII\(A\)\(3\)](#)). The officer may also call the local DCF office to request immediate assistance and inform the local office that a report has been made to the abuse hotline. The Charlotte County DCF office is open from 8:00a.m. To 5:00 p.m., Monday through Friday. Child protective investigator staff members are assigned on an on-call basis after hours and on the weekends and holidays. Specific telephone numbers may be released by the designated PGPD staff to an officer or detective who is investigating a specific child abuse case and has a need to contact a child protective investigator at home.

1. Pursuant to [FS 914.16](#), the 20th Judicial Circuit Court has ruled that reasonable limits be established on the number of interviews to which a victim of a violation of Chapters [39](#), [794](#), [800](#), [827](#), and [847](#), Florida Statutes, who is under the age of sixteen (16) must submit for law enforcement or discovery purposes. “Interview” “for the purposes of this order means any procedure by which the victim is required to provide a detailed account or demonstration of the nature and circumstances of the child or sexual abuse. “Interview” does not include any of the following:
 - a. A history obtained by any health care professional for the purposes of medical or psychological diagnosis or treatment;
 - b. Initial contact with the victim by law enforcement for the purposes of taking a complaint; or
 - c. Initial contact with the victim by the DCF to assess the validity of the complaint or the need to take protective measures on behalf of the victim.
2. In accord with the foregoing and the need to act in the best interest of victims of child or sexual abuse under the age of 16, the Punta Gorda Police Department shall be guided as follows:
 - a. No victim of child abuse or sexual abuse who falls within the age guideline of this order shall be required to submit to more than three interviews in the course of the investigation and prosecution of an episode of child abuse or sexual abuse except upon order of court as provided below.
 - b. The court directs that the three interviews by allotted to meet the needs of potential parties as follows:
 - 1) One interview collectively allotted to DCF, law enforcement and the child protection team.
 - 2) One interview allotted to the State Attorney; and
 - 3) One interview allotted to the representative of the person alleged to be responsible for the abuse.
 - c. Interested parties or agencies shall make every effort to gain all necessary information in the course of the same interview.
 - d. Interviews shall be conducted in a setting and in a manner designed to minimize the traumatic effects of the interview on the victim.
 - e. When more than one party or agency participates in a single interview, the interview shall be conducted by a single person who shall address the concerns of all parties in the course of the interview.

- f. A prosecuting attorney who intends to call a victim to testify at trial shall have, with the consent of the Guardian Ad Litem or other advocate appointed by the court, the right to additional interviews for the purpose of trial preparation.
 - g. The attorney for DCF in any dependency proceeding who intends to call a victim to testify at trial shall have, with the consent of the Guardian Ad Litem or other advocate appointed by the court, the right to additional interviews for the purpose of trial preparation.
 - h. When a child is a witness or victim in both a criminal and a dependency case, the representative(s) of the person(s) alleged to be responsible for the abuse will conduct only one deposition of the victim.
 - i. Additional interviews shall be allowed only by order of the court upon motion for good cause shown. Additional interviews shall be limited in scope to ensure the minimum possible impact on the victim.
3. Pursuant to [FS 914.17](#), a Guardian Ad Litem or other advocate appointed by the Court to represent a minor in a criminal proceeding, regardless of whether the minor is a witness or a victim of child abuse or neglect, has the right to be present at any interview and shall have access to all evidence and reports as provided in the cited statute. Any interested party of agency may, in the interests of the child and as justice may require, petition the court for a modification of this order upon motion for good cause shown.
- C. Runaways – In conformance with [F.S. 937.021](#), there will be no waiting period in the investigation or documentation of any runaway or missing child incident. All investigations of runaways or missing children shall be conducted in accordance with [SOP 1100.00 – Missing Persons](#).
- D. Truancy (Non-Criminal Behavior) - Because truancy is a strong indicator of future criminal activity and a precursor to failure in school, Police Department personnel will make every effort to involve parents from the onset, even if it is inconvenient to the parents.
- 1. School Check: An officer who encounters a juvenile believed to be truant will conduct a wanted/warrants check, and contact the juvenile's school to verify enrollment and confirm truancy.
 - 2. Processing: If the juvenile is confirmed to be truant, the officer will contact an available School Resource Officer and/or school officials of the school attended. An incident report shall be completed. Every effort will be made to contact a parent/legal guardian.

E. Delinquent Children

1. Florida laws of arrest and interrogation do not distinguish between adults and juveniles. Juveniles must be warned of their constitutional rights prior to interview when suspected of a crime. Parents, legal custodians, or attorneys should also be present, if possible, during interrogation.
 - a. At schools it is preferable that juveniles be questioned in the presence of the principal or dean of the school
 - b. In cases where the juvenile is to be taken to DCF, it is preferable that the child be questioned in the presence of a DCF intake counselor.
2. Appellate Courts have held that the admissibility of statements made by a juvenile during interrogation depends on whether a Miranda warning was given properly, whether the juvenile waived their rights and made such statements freely, voluntarily, knowingly, and intelligently. Among the factors which may be considered by the court in determining if such conditions were met is whether the interrogation was conducted in the presence of a parent or legal custodian of the juvenile or in the presence of juvenile authorities.
 - a. Officers should make an attempt to contact a parent or legal guardian prior to the interrogation.
 - b. Juveniles may be interrogated at a police facility, but cannot be detained for an unreasonable length of time. A juvenile can be held up to a maximum of six (6) hours in a jail facility after being booked.
 - c. The duration of the interrogation and the number of officers present shall be governed by the severity and nature of the crime under investigation. Supervisors shall be advised of complicated investigations and the need for lengthy interrogation of a juvenile suspect.
 - d. The interviewing officer shall inform the suspect and any parent or guardian present of the Police Department procedures regarding interrogation and the juvenile justice system as it related to their particular case.
 - e. Juveniles taken into custody for an act which would constitute a felony shall be photographed and fingerprinted in accordance with Standard Operating Procedures.
3. Only middle school SROs, high school SROs, and members of the Criminal Investigations Section shall have access to the Department of Juvenile Justice (DJJ) Criminal Justice Network (CJNET).
 - a. The Department of Juvenile Justice CJNET shall not be used for any personal purposes, including entertainment, personal business, or personal gain.

- b. Access to and transmission of any data or material deemed to be a violation of any federal, state, or local law or rule is prohibited.
 - c. Any information that is deemed confidential pursuant to sections 984.06 abd 985.04 of the Florida State Statutes shall not be accessed or distributed without written authority from DJJ.
 - d. Officers shall not provide access capabilities to anyone for any reason unless authorized by DJJ in writing.
 - e. Officers use of the DJJ CJNET may be monitored or audited by DJJ by various means, including monitoring or auditing that may occur without knowledge or prior notice.
- F. Detention Criteria – Officers arresting a juvenile offender shall adhere to the following Procedure:
- 1. Children younger than seven years of age shall not be arrested, charged, or adjudicated delinquent for a delinquent act or violation of law, unless the violation of law is a forcible felony.
 - 2. The officer shall receive approval from the Watch Commander prior to making an arrest of a juvenile under 12 years of age.
 - 3. The officer shall make the arrest and transport the juvenile to the jail.
 - 4. The officer must complete the arrest report and forward the Probable Cause Affidavit to detention staff.
 - 5. The Charlotte County Sheriff’s Office (CCSO) Corrections Deputies will contact the screening unit and also fax a copy of the arrest report to screening unit where it will be screened and a determination made. The DJJ Detention Screening unit can be reached 24 hours a day ([See Policy Appendix Section XII\(A\)\(4\)](#)).
 - 6. The screening unit will call the officer with the detention decision within a very short time.
 - 7. If the youth meets the criteria for secure detention, the youth shall be taken to the detention center by CCSO.
 - 8. If the juvenile meets no criteria, they can be released at that time to a parent, guardian or responsible adult per Florida Statutes.
 - 9. When a juvenile is presented to DJJ, the intake officer and the law enforcement agency having custody of the child shall jointly make the decision concerning the need for

detention. In those cases where an agreement cannot be reached between the intake officer and law enforcement agency, the State Attorney's Office shall make the decision.

- a. An officer may request detention of juveniles charged with a violation of law when:
 - 1) The charge is for a violent or major offense;
 - 2) The child has a history of repeated criminal offenses;
 - 3) There are reasonable grounds to believe that the child will fail to appear at a hearing.
 - 4) There are reasonable grounds to believe that the child may physically harm witnesses, victims, other persons, or property; or
 - 5) The child is charged with committing an offense of domestic violence against the child's parent, sibling, spouse and/or offspring.
 - b. In all other cases, the CCSO detention staff shall make an effort to release the child to a parent, legal custodian, or responsible adult relative. In those cases in which a responsible person will not accept the child or is unavailable, the child shall be presented to the DCF as a dependent child.
 - c. When it is decided that the child is to be delivered to the detention facility, every reasonable effort shall be made to notify the child's parents or guardians of the circumstances of detention and instruct them to contact the DCF intake officer in order to assist in the intake screening process.
- G. Fingerprints and Photographs – Florida law states that any law enforcement agency may fingerprint and photograph a child taken into custody upon probable cause that such child has committed a violation of law. Fingerprint records and photographs taken of juveniles shall be retained by the law enforcement agency in a separate file and shall be marked "Juvenile Confidential". Photographs of juveniles may be shown by a law enforcement officer to a victim or witness of a crime for the purpose of identifying the perpetrator of a crime.
1. The arresting officer shall transport the juvenile to the jail where the juvenile will be fingerprinted and photographed by corrections staff.
 2. The Records Section shall make the necessary disposition of the fingerprints and photographs.
 3. This procedure shall be followed regardless of the officer's or the DJJ's decision to release or detain the child.

H. Release to Parent or Guardian – Unless otherwise ordered by a judge, the arresting Officer shall, when practical, release the juvenile to a parent or legal guardian. The following criteria should be followed in making this determination:

1. There is proper supervision in the home;
2. Notify the child's parents before the child is interviewed or interrogated, if at all possible. The parents should be present during interviews or investigations. If the child is to be removed from the school, the parents are to be told at the time they are contacted; and
3. While interviewing the child at school or at other locations, and the child's parents cannot be present, it is advisable to have a responsible adult who is an objective disinterested third party (such as principal, dean, or juvenile counselor) present. Efforts to locate such a person should be made before interviewing the child.

K. Transporting Juveniles

1. Juveniles shall not be transported in a police vehicle or other vehicle that contains an adult prisoner unless the juvenile and the adult were involved in the same incident.
2. When a juvenile is transported, the officer shall advise the Communications Section of the juvenile's presence in the vehicle, the expected destination, and the starting mileage. Upon arrival at the destination, the officer shall advise the Communications Section and report the ending mileage.
3. Juveniles shall be transported to the Charlotte County Jail immediately unless emergency medical attention is needed.

IV. VICTIM NOTIFICATION FORM - Upon effecting a juvenile arrest, the arresting officer shall complete a Victim Notification Form. The original shall be submitted to the Charlotte County Jail along with the Probable Cause Affidavit. The arresting officer shall also make a copy and forward it to the Records Section for processing. This form must be completed any time a juvenile is arrested.

- A. In accordance with Marsy's Law, The Florida Constitution, Article 1, Section 16, refer to [SOP 1308.00 Victim Advocacy](#).

V. DEPARTMENT OF JUVENILE JUSTICE AGREEMENT

- A. The Punta Gorda Police Department agrees to immediately notify the Superintendent of Schools, or their designee, of juveniles within the Charlotte County educational jurisdiction who are arrested for crimes of violence or violations of law, which would be committed by an adult [[FS 985.04\(4\)\(a\)](#) and [FS 985.101\(1\)\(b\)](#)]. The arresting officer or

assigned case agent will notify the Records Section Supervisor to make contact with the Charlotte County School Board of any such arrest.

- B. The Punta Gorda Police Department agrees to provide Florida summary criminal history information to the Superintendent or their designee(s), upon request. Regarding juveniles who are students enrolled in or about to be enrolled in the Charlotte County education system when necessary for assessment, placement or security of persons or property.
 - 1. The Punta Gorda Police Department will establish, and forward to school districts procedures for receiving and processing such requests ([FS 985.047](#)).
 - 2. The Punta Gorda Police Department will ensure that information disseminate carries an appropriate warning regarding the reliability, confidentiality and control of further dissemination ([FS 943.0525](#)).
- C. The Punta Gorda Police Department agrees to provide technical assistance, educational support, and resource officers as provided through contracts and other agreements.
- D. The Punta Gorda Police Department agrees to develop policies and procedures that will reflect that the chief law enforcement officer or designee shall cause the appropriate school-based administrator to be notified in a timely manner of incidents or arrests involving students where there is possibility of on-going violence, victimization, or school disruption at the school site.
- E. The Punta Gorda Police Department agrees to follow a written interagency plan to determine procedures that should be taken when a child is identified as being truant from school.
- F. The Punta Gorda Police Department shall provide information to the School Superintendent or their designee regarding those students who meet the statutory definition under [FS 874.03\(2\)](#) as a criminal street gang member.
- G. The Punta Gorda Police Department agrees to serve as an active participant on the Charlotte county Juvenile Justice council.
- H. In accordance with the requirements of the Department of Justice Office of Juvenile Justice & Delinquency Planning (OJJDP), any juvenile who is a suspect or potential suspect that enters the Police Department at 1410 Tamiami Train, Punta Gorda shall be logged. An email shall be sent to Professional Standards with the following information:
 - 1. Juvenile's name;
 - 2. DOB;
 - 3. Race and Sex;

4. Date and time admitted;
 5. Date and time released;
 6. Most serious charge; and
 7. Area the juvenile was held.
- I. The Professional Standards Section Supervisor shall prepare a monthly report. The report shall be sent by the 20th of each month to the appropriate emails ([See Policy Appendix Section XII\(A\)\(5\)](#)).

VI. SEXTING OFFENSE

A. Levels of Offense

1. First Offense – non-criminal violation.
2. Second offense – misdemeanor of the first degree.
3. Third or subsequent offense – felony of the third degree.

B. Procedures – After determining if the minor has a previous citation(s) for same offense by checking in RMS and the Charlotte County Sheriff's the officer shall proceed as follows:

1. First Offense – If a violation is observed, issue the juvenile a sexting citation (P drive);
 - a. Complete the citation in its entirety;
 - b. Print two copies of the citation to include sexting citation instructions and community service hours worksheet;
 - c. Both citations shall be signed by the officer and the juvenile, as well as the parent, if available;
 - d. The juvenile shall provide a right thumb print;
 - e. Contact juvenile's parent or guardian to advise them of the incident and the requirements of the citation;
 - f. During the investigation it is not necessary to collect evidence i.e. photographs videos or electronic equipment;

- g. Complete a status 8 report, labeled sexting which will be marked confidential by records;
 - h. Add an advisory to juvenile's name labeled sexting with an expiration date of the juvenile's eighteenth birthday;
 - i. Submit the report along with the hard copy of the signed citation to records;
 - j. The investigating officer shall contact DCF to inform of the incident;
 - k. The follow-up section shall be labeled CIS to act as the liaison between DCF and this agency; and
 - l. Records shall submit the hard copy to the Charlotte County Clerk's Office.
2. Second Offense – If a juvenile has committed a second offense of sexting, the Juvenile has committed a first degree misdemeanor.
- a. Conduct the misdemeanor investigation;
 - b. Any and all evidence pertaining to the crime shall be collected to include pictures video and electronic devices;
 - c. Evidence shall be entered into the evidence section via property receipt.
 - d. The investigating officer shall contact the parent or guardian of the juvenile to inform them of the incident and request consent to search the electronic device of which the material was sent or received;
 - e. In the case where consent is not obtained, the officer shall seize the electronic device and file for a search warrant for said device;
 - f. If probable cause exists, the investigating officer shall issue a criminal notice to appear, if applicable. If not applicable, the investigating officer shall complete a misdemeanor case package for a summons request to the State Attorney's Office.
 - g. The investigating officer shall contact DCF to inform of the incident; and
 - h. The follow-up section shall be labeled CIS to act as the liaison between DCF and this agency.
3. Third or Subsequent offense – If a juvenile has committed a third or subsequent Offense of sexting, the juvenile has committed a third degree felony.
- a. Conduct the felony investigation;

- b. Any and all evidence pertaining to the crime shall be collected to include pictures, video and electronic devices;
 - c. Evidence shall be entered into the evidence section via property receipt;
 - d. The investigating officer shall contact the parent or guardian of the juvenile to inform them of the incident and request consent to search the electronic device of which the material was sent or received;
 - e. In the case where consent is not obtained, the officer shall seize the electronic device and file for a search warrant for said device;
 - f. If probable cause exists, the investigating officer shall place the juvenile under arrest;
 - g. The investigating officer shall contact DCF to inform of the incident; and
 - h. The case will then be forwarded to the criminal investigation section for any follow-up investigation.
4. Officers shall not obtain digital evidence by way of electronic transmission from the suspect or victim's device.

VII. HANDLE WITH CARE: Officers shall alert school officials whenever a child has been identified at the scene of a traumatic event, via the Handle with Care program. The program is intended to notify the school that a student has been exposed to a potentially traumatic event in the last 24 hours and may exhibit academic and/or behavioral problems.

A. Reporting Officer

- 1. The primary officer on a call in which a child has been exposed to a traumatic event is responsible for assessing that child for a Handle with Care report. If it is reasonable to believe that a child was exposed to a traumatic event, the officer will email the Handle with Care notice to the appropriate email ([See Policy Appendix Section XII\(A\)\(6\)](#)), as well as the on duty Watch Commander. This form will be utilized for all children under the age of 18, who are currently enrolled in a school which falls in the 20th Judicial Circuit.
- 2. The officer will not provide any details on the nature of the call or traumatic event and will only fill in the required information on the form.
- 3. The officer will document in their report that a Handle with Care notice was completed.

4. The officer will send this form regardless of whether school is currently in session. This form will be used for all children exposed to traumatic events.

B. Supervisor

1. The supervisor reviewing any report in which a child was feasibly exposed to a traumatic event will ensure that a Handle with Care notice has been emailed to the appropriate email ([See Policy Appendix Section XII\(A\)\(6\)](#)).
2. The Community Services Section Supervisor or designee will forward the Handle with Care Notice to the appropriate email ([See Policy Appendix Section XII\(A\)\(7\)](#)).

APPROVED



PAMELA R. SMITH, CHIEF OF POLICE

STAFF REVIEW DATES: 03-07-1992, 03-13-1996, 01-15-1997, 01-28-1998, 05-26-2000, 06-18-2002, 11-30-2005, 12-04-2007, 09-19-2011, 11-27-2012, 01-27-2015, 06-28-2016, 05-24-2017, 02-05-2019, 12-15-2020, 02-08-2024

Revision Dates: 03-07-1992, 09-14-1992, 03-13-1996, 01-15-1997, 01-28-1998, 05-26-2000, 06-18-2002, 11-30-2005, 12-04-2007, 09-19-2011, 11-27-2012, 01-27-2015, 06-28-2016, 09-23-2016, 10-18-2016, 05-24-2017, 02-05-2019, 09-26-2019, 10-16-2019, 12-15-2020, 02-25-2021, 07-08-2021, 05-25-2022, 09-05-2023, 10-25-2023, 11-14-2023, 02-08-2024, 08-01-2024