



TALLAHASSEE POLICE DEPARTMENT GENERAL ORDERS

 Proudly Policing Since 1841	SUBJECT Juvenile Procedures and Programs		 Nationally Accredited 1986
	CHIEF OF POLICE <i>Signature on file</i>		
NUMBER 32	ORIGINAL ISSUE 07/15/1985	CURRENT REVISION 12/10/2019	TOTAL PAGES 13

AUTHORITY/RELATED REFERENCES

FS Chapter 985, Juvenile Justice; Interstate Compact on Juveniles
 General Order 6, Arrests and Alternatives to Arrest
 General Order 36, News Media Relations
 General Order 53, Impaired Driving Enforcement
 General Order 59, Prisoner Transporting and Booking Procedures
 General Order 62, Management of Confidential Informants
 General Order 71, Juvenile Civil Citation Program

ACCREDITATION REFERENCES

CALEA Chapters 1, 42, 44, 82
 CFA Chapter 26

KEY WORD INDEX

<p> Arrests, Transporting/Booking, Fingerprinting Enforcement and Diversion Options Interagency Cooperation and Juvenile Programs Interviews and Interrogations Juvenile Confidential Informants Juvenile Program Descriptions Release of Information Concerning Juveniles Student Arrest Notifications to School Superintendent Traffic Offenses Truants and Runaways </p>	<p> Procedure IV Procedure I Procedure II Procedure III Procedure IX Appendix One Procedure VIII Procedure VII Procedure V Procedure VI </p>
---	---

TALLAHASSEE POLICE DEPARTMENT

POLICY

The Department is committed to the development and continuance of programs designed to prevent and control juvenile delinquency. Members are responsible for participating in or supporting the Department's juvenile operations function, and shall adhere to appropriate laws, guidelines, and procedures when interacting with juveniles.

DEFINITIONS

Interrogation: The process of questioning a particular suspect or arrested person in order to obtain information about a criminal event and/or a confession or admission concerning their involvement.

Interview: A sworn member's information-seeking dialogue with a person having knowledge of events or circumstances of an incident.

Juvenile: Any person under the age of eighteen (18) years, regardless of marital status.

Protective Custody: The action of a sworn member physically removing a juvenile from their present surroundings because the current situation creates a reasonable fear for the juvenile's life, or physical or mental health.

Runaway: A child who left home without parental consent.

Truant: A student, six to 16 years old, who did not attend school or left school without a school official's or parent's consent.

PROCEDURES

I. ENFORCEMENT AND DIVERSION OPTIONS

- A. Members coming in contact with a juvenile offender who is subject to arrest shall use the least coercive among reasonable alternatives, including:
1. Physical arrest,
 2. Diversion programs, and
 3. Verbal warnings with release to a parent or guardian.

TALLAHASSEE POLICE DEPARTMENT

B. Regardless of the action taken, members are responsible for documenting in an offense report any contact with a juvenile who is subject to arrest.

C. Determining Warrants and Pick-up Order Status –

1. Members shall make inquiries regarding juvenile warrants and authorized pick-up orders by contacting the Juvenile Assessment Center (JAC).
2. Upon discovering a warrant or pick-up order, members shall take appropriate enforcement action, and transport the juvenile to the JAC for processing.

D. Enforcement Action –

1. If probable cause exists to believe a juvenile has committed a crime, the member may elect to arrest the juvenile.
2. Members shall transport arrested juveniles to the JAC for processing.
 - a. No other processing or release of an arrested juvenile is authorized.
 - b. Juveniles are not eligible for release by a Notice to Appear.

E. Diversion Action –

Members may elect to exercise diversion actions in lieu of making an arrest, when appropriate.

1. When diverting first-time juvenile misdemeanor offenders into community-based alternatives, members shall adhere to the protocols set forth in General Order 71 (Juvenile Civil Citation Program).
2. In the case of minor misdemeanor or city ordinance violations, the member may elect to issue a stern warning and release the juvenile to a parent, guardian, or another responsible person without formal charges.

TALLAHASSEE POLICE DEPARTMENT

II. INTER-AGENCY COOPERATION AND JUVENILE PROGRAMS

- A. The Department is a member of the Inter-Agency Work Group (IAWG), which is comprised of local criminal justice agencies, social service agencies, the court system, and schools with the common goal of reducing incidents of juvenile crime.
- B. The Juvenile Services Unit (JSU), organizationally within the Criminal Investigations Bureau, manages the Department's juvenile operations function, and represents the Department on the IAWG.
- C. The Department encourages review and comment by other agencies of the IAWG in the development of Department policies and procedures relating to juveniles.
- D. The Department's enforcement and prevention programs relating to juveniles are found in Appendix One.
- E. On an annual basis, the CIB Commander shall coordinate a review and written evaluation of all Department enforcement and prevention programs relating to juveniles.

III. INTERVIEWS AND INTERROGATIONS

No Contact With Adults –

- A. Members shall take appropriate precautions to ensure adult and juvenile detainees are not within sight or sound of one another in the process of conducting interviews and interrogations.

Interviews –

- B. In conducting an interview of a juvenile, members shall be mindful of the special legal status of juveniles, and are responsible for:
 - 1. Making contact with the juvenile's parent or guardian, if possible, prior to conducting the interview,
 - 2. Denoting in the appropriate offense report the contact or attempted contact of the juvenile's parent or guardian in the manner described in subsection L below, and

TALLAHASSEE POLICE DEPARTMENT

3. Explaining any applicable juvenile justice system or Department procedures to the juvenile and the parent or guardian.

Interrogations (With an Arrest) –

- C. Prior to the interrogation of a juvenile, the arresting member shall, as soon as possible, make reasonable efforts to contact a parent or guardian of the arrested juvenile.
- D. Whenever an investigator is involved in the investigation and is not the arresting member, both members are responsible for coordinating efforts in contacting a parent or guardian of the arrested juvenile.
- E. The member conducting the interrogation shall advise the juvenile of their “Miranda Rights” prior to the interrogation and be cognizant of the following:
 1. The “rights” are individual rights for the arrested juvenile, and
 2. A parent or guardian cannot make the decision for the juvenile to invoke or waive their “Miranda Rights.”
- F. If the juvenile waives their rights, the member conducting the interrogation should, if possible:
 1. Complete a Statement of Rights/Acknowledgement of Rights form (PD 130) supporting the juvenile’s decision to talk with the member, and
 2. Have the PD 130 signed by a witness (other than the person conducting the interrogation).
- G. Members involved in the interrogation of a juvenile where parental or guardian contact has been made shall inform the parent or guardian of:
 1. Department and juvenile justice procedures,
 2. The reason for the interrogation, and
 3. Their right to:
 - a. Be present during questioning of the juvenile,

TALLAHASSEE POLICE DEPARTMENT

- b. Arrange for a lawyer to be present during questioning of the juvenile, should the juvenile invoke their right to counsel, and
 - c. Delay questioning of the juvenile a reasonable period of time until they arrive (see subsection H below).
- H. Members involved in the interrogation of a juvenile shall determine the reasonableness of the period of time to delay questioning based upon the circumstances in each situation. For example:
- 1. It would be *reasonable* to delay questioning for 30 minutes for a parent or guardian to leave home or work and drive to the location of the questioning.
 - 2. It would *not be reasonable* to delay questioning for two (2) hours for a parent or guardian to travel to Tallahassee from another state.
- I. When a parent or guardian is present for the interrogation of a juvenile, the appropriate member is responsible for advising the parent or guardian of the following:
- 1. The “Miranda Rights” are individual rights for the arrested juvenile, and
 - 2. The parent or guardian cannot:
 - a. Make the decision for the juvenile to invoke or waive their “Miranda Rights,” or
 - b. Refuse to allow the juvenile to be interrogated.

Interrogations (Without an Arrest) –

- J. The interrogation protocols of this entire section are equally applicable in situations when the juvenile is not under arrest.

Special Legal Protections –

- K. Members conducting interrogations of juveniles shall be mindful of the special legal protections afforded juveniles, and ensure the below protocols are adhered to.

TALLAHASSEE POLICE DEPARTMENT

1. Being mindful of a juvenile's need for restroom/comfort breaks and making appropriate arrangements for breaks, water and/or nourishment as warranted.
2. Interrogations in excess of six (6) hours may continue only with supervisory approval.
3. Members engaging in the interrogation are limited to only those involved in the investigation.
4. Absent exigent circumstances (e.g., a fight or an escape attempt) or supervisory approval to do otherwise, the number of members directly involved in an interrogation at any one time is two (2).
5. During the interrogation, Department and juvenile justice procedures are described to the juvenile.

Contact/Attempted Contact Documentation –

- L. Members are responsible for documenting the contact or attempted contact of a parent or guardian in an offense report for the incident, noting the following:
 1. The person's name and relationship to the juvenile,
 2. The date and time of the contact or attempted contact(s),
 3. The address location(s) or telephone number(s) of the contact or attempted contact, and
 4. The member who made contact with the parent or guardian.

IV. ARRESTS, TRANSPORTING/BOOKING, AND FINGERPRINTING

Arrests –

- A. When arresting juveniles, members shall adhere to the protocols outlined in General Order 6 (Arrests and Alternatives to Arrest).

Transporting and Booking –

TALLAHASSEE POLICE DEPARTMENT

- B. When transporting and booking juveniles, members shall adhere to the protocols outlined in General Order 59 (Transporting and Booking Procedures).
- C. Whenever a juvenile is arrested, the arresting member, or designee, shall promptly transport the juvenile to the JAC, unless:
 - 1. Emergency medical treatment is required for the juvenile,
 - 2. A recorded interrogation of the juvenile is to be conducted by a member at the Department, or
 - 3. The juvenile is already in the custody of the Department of Juvenile Justice at the Leon County Juvenile Detention Center (in which case, the member is only required to deliver the arrest paperwork to the JAC).
- D. Members are not responsible for photographing, fingerprinting, or assessing the detention criteria of the arrested juvenile. The JAC staff is responsible for the following:
 - 1. Intake/booking procedures,
 - 2. Contacting the juvenile's parent or guardian as part of the intake/booking process, and
 - 3. Post-intake/booking transportation of the juvenile.

Fingerprinting –

- E. Juveniles may be fingerprinted in the following instances:
 - 1. When the juvenile is arrested, or
 - 2. At the direction of a court order.
- F. When a member is requesting to fingerprint a juvenile for a reason other than those listed in subsection E above, the member shall first obtain permission of the juvenile and their parent or guardian.

TALLAHASSEE POLICE DEPARTMENT

G. When seeking to fingerprint a juvenile for latent comparison purposes without a court order or when the juvenile is not under arrest, the member wanting the fingerprints should advise the juvenile of the following:

1. Their right to refuse fingerprinting, and
2. Any evidence obtained via the fingerprinting can be used against them in a criminal investigation.

V. TRAFFIC OFFENSES

A. Members shall follow the procedures in General Order 76 (Traffic and Parking Enforcement) in investigating traffic-related offenses involving juveniles, being cognizant of the following:

1. All non-felony traffic offenses are filed in the County Traffic Court,
2. Felony traffic offenses are filed in the Juvenile Division of the Circuit Court,
3. Pedestrian and bicycle violations are addressed in the same manner as with an adult (warning or citation), and
4. Juveniles are not eligible for release by signing and accepting a *criminal* Uniform Traffic Citation (i.e., Juveniles charged with a criminal traffic violation shall be arrested and transported to JAC).

B. Members shall follow the procedures in General Order 53 (Impaired Driving Enforcement) for dealing with juvenile suspects in DUI and Underage Drinking and Driving cases.

VI. TRUANTS AND RUNAWAYS

Truants –

TALLAHASSEE POLICE DEPARTMENT

- A. When in contact with a truant who is not legally detained for some other purpose, officers should take the student into protective custody, and promptly deliver the truant to the appropriate school representative or the truant's parent or guardian.
 - 1. The officer may transport the student or request the school representative, parent or guardian to travel to the officer's location.
 - 2. Officers are not authorized to deliver the truant to the JAC.
- B. Absent articulable circumstances legally justifying a search of the person, officers are not authorized to conduct a search of the truant based solely upon the truancy status.
- C. Officers shall conduct a pat-down of the truant prior to placing the person in a Department vehicle.

Runaways –

- D. When in contact with a runaway juvenile who is not legally detained for some other purpose, officers should take the juvenile into protective custody, and:
 - 1. If appropriate, deliver the juvenile to their parent or guardian, or
 - 2. Inquire with the local runaway shelter (Capital City Youth Services – CCYS) about available housing for the juvenile and, if housing is available, deliver the juvenile to CCYS.
- E. Officers are not authorized to deliver a runaway juvenile to the JAC.
- F. Absent articulable circumstances legally justifying a search of the person, officers are not authorized to conduct a search of the runaway based solely upon the runaway status.
- G. Officers shall conduct a pat-down of the runaway prior to placing the person in a Department vehicle.

VII. STUDENT ARREST NOTIFICATIONS TO SCHOOL SUPERINTENDENT

- A. When a juvenile is arrested by a member for a felony offense or for a crime of violence, the Chief of Police or designee (currently the JAC per

TALLAHASSEE POLICE DEPARTMENT

the JAC Inter-Agency Agreement) shall notify the appropriate school superintendent's office.

- B. As the designee, JAC staff will deliver appropriate arrest reports and arrest tickets to the school superintendent's office on a daily basis. Arrests occurring Friday through Sunday or on holidays will be delivered the following workday.

VIII. RELEASE OF INFORMATION CONCERNING JUVENILES

- A. Members shall follow the protocols delineated in General Order 36 (News Media Relations) in releasing information concerning arrested juveniles.
- B. Intelligence documents/reports identifying a juvenile as a gang member shall not be publicly released.

IX. JUVENILE CONFIDENTIAL INFORMANTS

- A. See General Order 62 (Management of Confidential Informants) for the definition of a confidential informant.
- B. A juvenile shall not be used as a confidential informant (CI) unless prior approval has been granted by the:
 - 1. Member's immediate supervisor,
 - 2. Juvenile's parent or guardian, and
 - 3. Chief of Police.
- C. Members shall adhere to General Order 62 when utilizing a juvenile as a CI.
- D. A juvenile who simply provides crime-related information to a member is not considered a CI.

History: previous title (*juvenile procedures*) – issued 07/15/1985, revised 01/01/1991, 02/01/1991, 03/10/1992, 01/04/1996, 10/15/2001 (*title change – juvenile procedures and programs*), 05/13/2004, 03/17/2008, 07/10/2009, 09/18/2009, 03/21/2013, 11/24/2014 and 02/16/2018.

**GENERAL ORDER 32 – JUVENILE PROCEDURES AND PROGRAMS
APPENDIX ONE**

JUVENILE PROGRAM DESCRIPTIONS

I. ENFORCEMENT PROGRAMS

A. Juvenile Habitual Offender (JHO) Program

The JHO Program is designed to monitor juveniles who meet specific Department-established criteria while on intake status or probation, and during aftercare. The program involves the collection of criminal intelligence, home/curfew and school attendance checks, and a proactive arrest posture for criminal acts perpetrated by program participants. The primary objectives are to protect the public, reduce recidivism, and increase personal responsibility of the affected juvenile.

B. Prolific Juvenile Offender (PJO) Program

The PJO Program, a partnership with the Department of Juvenile Justice and the LCSO, is designed to closely monitor and, as needed, take prompt enforcement action against juveniles who are designated as a prolific juvenile offender by the court (i.e., meeting the criteria established by Florida Statute) while on intake status or probation, and during aftercare. The primary objectives are to protect the public, reduce recidivism, and increase personal responsibility of the affected juvenile.

C. Responding Against Delinquency & Recidivism (RADAR) Program

The RADAR program is a partnership between the Department of Juvenile Justice, the LCSO and the Department. RADAR identifies juvenile offenders currently on probation and teams law enforcement and probation officers to conduct probation compliance checks. By monitoring and holding juvenile offenders accountable, RADAR seeks to reduce recidivism and encourage them to successfully complete their probation requirements.

II. PREVENTION PROGRAMS

A. At-Risk Assistance Program (A-RAP)

TALLAHASSEE POLICE DEPARTMENT

A partnership with the IAWG, A-RAP is a voluntary participation program designed to identify juveniles at risk of being involved in criminal street gangs. The program utilizes a variety of early prevention and intervention methods (e.g., mentorship, tutoring, parental assistance) with the primary objectives of creating a more responsible and productive youth in society.

B. Juvenile Civil Citation Program

Authorized by Florida Statute, the Juvenile Civil Citation Program provides efficient and innovative alternatives to arresting a first-time misdemeanor juvenile offender, and ensures the juvenile is expeditiously held accountable, supervised and receives appropriate intervention services without creating a criminal record.