



# SOUTH MIAMI POLICE DEPARTMENT

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<b>CFA STANDARD:</b> 19 <b>SUBJECT:</b> <i>Juvenile Operations - OPERATIONS</i>	<b>NEW (X) RESCINDS (X)</b> <b>AMENDS ( ) OTHER ( )</b>	<b>By Order Of:</b>   <b>Rene Landa, CHIEF OF POLICE</b>	

**CFA STANDARD:** 19.01, 19.02, 19.03M, 19.04M.

**SECTIONS:**

- |               |                                      |
|---------------|--------------------------------------|
| <b>21.2.1</b> | <b>Handling Juvenile Offenders</b>   |
| <b>21.2.2</b> | <b>Procedures for Custody</b>        |
| <b>21.2.3</b> | <b>Custodial Interrogation</b>       |
| <b>21.2.4</b> | <b>School Liaison Program</b>        |
| <b>21.2.5</b> | <b>Community Recreation Programs</b> |

**RESCINDS:** All existing orders in conflict.

**PURPOSE:** To establish departmental policy and provide guidelines for the control and appropriate disposition of juveniles in custodial situations.

**SCOPE:** All departmental personnel.

**POLICY:** It is the policy of the South Miami Police Department, when dealing with juveniles, to make use of the least coercive method among reasonable alternatives and consistent with preserving public safety, order, and individual liberty. When juveniles are taken into custody, this department will attempt to provide the protection afforded them under Chapter 39, Florida State Statutes.

**DEFINITIONS:**

**Child or youth:** Any unmarried person under the age of 18 years who has not been emancipated by order of the court and who has been alleged or found to be dependent.

**Child found to be dependent:** A child who, pursuant to Chapter 39, is found by the court:

1. To have been abandoned, abused, or neglected by the child's parent or parents, legal custodians, or caregivers;

2. To have been surrendered to the department (DCF), the former Department of Health and Rehabilitative Services, or a licensed child-placing agency for purpose of adoption;
3. To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the department (DCF), or the former Department of Health and Rehabilitative Services, after which placement, under the requirements of Chapter 39, a case plan has expired and the parent or parents, legal custodians, or caregivers have failed to substantially comply with the requirements of the plan;
4. To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption, and a natural parent or parents have signed consent pursuant to the Florida Rules of Juvenile Procedure;
5. To have no parent, legal custodian, or caregiver to provide supervision and care;  
or
6. To be at substantial risk of imminent abuse, abandonment, or neglect by the parent or parents, legal custodians, or caregivers.

**Child found to have committed a delinquent act:** A child who, pursuant to the provisions of Chapter 985, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court.

**Child in need of services:** A child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency.

**Family in need of services:** A family that has a child for whom there is no pending investigation into an allegation of abuse, neglect, or abandonment or no current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must also have been referred to a law enforcement agency or the Department of Juvenile Justice for:

1. Running away from parents or legal custodians;
2. Persistently disobeying reasonable and lawful demands of parents or legal custodians and being beyond their control; or
3. Habitual truancy from school.

## PROCEDURES:

### 21.2.1 Handling Juvenile Offenders

Officers dealing with juvenile offenders will use the least coercive among reasonable alternatives. All juveniles may be eligible for release provided they do not meet any of the criteria set forth in Section 21.2.1 (C). Officers will consider the following factors in making a recommendation for outright release, release with a referral to juvenile court, or taking into custody:

1. The nature of the alleged offense;
2. The circumstances and age of the alleged offender;
3. The alleged offender's record, if any;
4. The officer's personal knowledge of the juvenile and past activities;
5. The recommendations for diversion from complainants or victims; and
6. The availability of community-based rehabilitation programs.

Consistent with preserving public safety, order, and individual liberty, juvenile offenders may be dealt with by officers in one of the following ways: [CFA16.01M(b)]

- A. **Outright release with no further action:** After review of the factors listed above and a review of the total circumstances, an officer may elect to release a juvenile offender. Prior to release, the officer will contact the juvenile's parents or legal guardian and make them aware of the encounter, document the incident, and complete an appropriate incident or offense report, depending on the circumstances of the encounter.

The following procedures are for the release of juveniles not in need of services, not considered dependent or who have not committed an act of delinquency.

1. Taking a juvenile who is not considered dependent, in need of services, nor has committed an act of delinquency into "protective custody" or "adult supervision" until a parent responds.
  - a. Release on initial contact: Age (17 years of age or under) should be taken into consideration when an officer makes contact, late at night or during early morning hours, with a juvenile to determine if a parent should be contacted or the juvenile released.
  - b. Pursuant to FSS 985, officers may release the juvenile on scene to 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, to any responsible adult.
    - (1) If the person has a prior felony conviction, or a conviction for child abuse, drug trafficking, or prostitution, that person is not a responsible adult for the purposes of this section.

- (2) The person to whom the child is released shall agree to inform the Department of Children and Families or the officer releasing the child of the child's subsequent change of address and to produce the child in court at such time as the court may direct, and the child shall join in the agreement.
  - c. Transport to the station and await the arrival of an individual listed above.
    - (1) Have the parent/guardian/responsible adult respond to take custody of the juvenile;
    - (2) Obtain juvenile and parental/guardian/responsible adult information and include it on the offense or incident report;
    - (3) When the parent/guardian/responsible adult arrives, explain the incident and the juvenile's involvement, in detail, and then release the juvenile to his/her custody.
- 2. Informal referrals: Referral to parents or school authorities with possible recommendations for a relatively prolonged program of treatment on a voluntary basis, necessitating the services of one or more social agencies, and/or simple treatment by the department alone, consisting of referral to an active diversion program.
  - a. School: If during school hours, an incident occurs for which the juvenile is not arrested, and parent/guardian contact cannot be made, the following criteria apply:
    - (1) Contact a Miami- Dade Schools Police Resource Officer assigned to his/her school if available;
    - (2) Return the juvenile to his/her school;
    - (3) Advise the principal/school official of the incident. Release the juvenile to school custody;
    - (4) Contact the parent/guardian as soon as possible.
- 3. Parental contact and counseling.
- 4. Juvenile traffic violators: The traffic citation procedures should be followed in routine traffic law violations (i.e. speeding, failed to yield right of way, etc.) and the juvenile released if there are no serious circumstances involved.

**B. Release A Juvenile Offender In Lieu Of Custodial Arrest:**

- 1. When electing to release a juvenile offender in lieu of custodial arrest the following factors must be considered:
  - a. The juvenile is not designated as a Serious Habitual Offender (SHO);
  - b. The juvenile is cooperative;

- c. The attitude of the parents, legal guardian, or responsible adult relative is positive and supportive; and
  - d. Input from the complainant or victim will be considered when using alternate enforcement methods.
2. Officers electing to release a juvenile offender will cite all circumstances in an appropriate offense or incident report.
  3. Referral to State Attorney's Office (SAO): When the victim of a misdemeanor (not one of the misdemeanor exceptions) indicates the desire to pursue charges against a juvenile subject, the officer will refer the victim to the SAO.
  4. When applicable, traffic citations will be issued to juvenile offenders for misdemeanor criminal traffic violations in lieu of taking the offender into custody. The Juvenile Assessment Center (JAC) does not receive juveniles who are solely stopped for traffic violations such as no valid driver's license, license suspended, etc., unless accompanied by an additional criminal charge (felony, misdemeanor, or traffic felony). Citations will be issued in accordance with General Order 29.1.3(B).
  5. A Promise to Appear (P.T.A.) arrest affidavit ***will not be issued*** to juvenile offenders in lieu of taking them into custody, with the exception of tobacco product smoking violations, county or city non-criminal ordinance violations, criminal traffic violations, and issues dealing with violations of curfew laws.

The JAC does not receive juveniles who are cited for these violations. After the complaint/arrest affidavits are completed, the juvenile(s) will be released to a parent or responsible adult.

- C. **Referral to Juvenile Court:** Referral for formal legal proceedings should be restricted to those cases involving serious criminal conduct or repeated criminal violations. In general, delinquent acts that require referral to the juvenile justice system would include all delinquent acts that, if committed by an adult, would be felonies; all delinquent acts involving weapons; all serious gang-related delinquent acts.

All delinquent acts involving aggravated assault and battery; all delinquent acts committed by juveniles on probation or parole or by those with a case pending; and all repeated delinquent acts (within the preceding twelve (12) months).

Other cases that may require referral to the juvenile justice system include juveniles who have been selected for a diversion program but have refused to participate, and cases in which it has been determined that parental supervision is

not effective. Florida law generally encourages use of a home environment as much as possible for children awaiting a court hearing. Florida State Statutes authorize the detention of juveniles, provided one or more of the following criteria are met:

1. The juvenile is alleged to be an escapee or absconded from a commitment program, a community control program, furlough, aftercare supervision, or the child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony;
2. The juvenile has been charged with a delinquent act or violation of law and requests in writing, through legal counsel, to be detained for protection from an imminent physical threat to their personal safety;
3. The juvenile is charged with a capital felony, life felony, felony of the first degree, felony of the second degree, or a felony that is a crime of violence;
4. The juvenile is charged with a serious property crime such as burglary, auto theft, any offense involving the use of a firearm, or any second or third degree felony drug violation, and the juvenile has:
  - a. Previously been detained or released and is awaiting final disposition of his/her case;
  - b. A record of failure to appear at court hearings;
  - c. A record of law violations prior to court hearings;
  - d. A record of violent conduct resulting in physical injury to others.

**NOTE: Officers are urged to reference current Florida Statutes (Chapter 985) for further explanation of applicable criteria.**

### **21.2.2 Procedures for Custody**

**NOTE: For the purpose of this directive the term “taking into custody” encompasses the concept of protective custody for juveniles.**

Prior to taking a juvenile (child) into custody, the concerned officer will, at a minimum:

- A. Determine whether the juvenile is alleged to have engaged in misbehavior of a non-criminal nature (i.e. a “status offender” - truancy, tobacco violations, a run-away, traffic infractions, etc.). The following procedures should be followed:  
[CFA16.02(a)]

**NOTE: According to Federal regulations, a juvenile “Status Offender”, non-offender, or civil-type offender cannot be securely detained for any length of time in a holding cell or secured room, or any room used to secure offenders (i.e. roll call**

**room and/or Intoxilyzer room). These juveniles must be kept supervised in the main area of the Police Station, the lobby, or in a supervisor's office.**

1. **Truants:** There is no arrest authority when a juvenile is only alleged to be a truant from school or to be beyond the control of his/her parents. Truancy should be reported to the juvenile's parents and a MDCPS School Resource Officer. The MDCPS Officer will decide to what school the truant juvenile will be returned. If school is in session, the juvenile will be brought back to his/her school or to the nearest school.

School personnel, along with the School Resource Officer, will contact the parents/guardians. In cases where the school is not willing to accept the juvenile, the officer will release the juvenile to a parent, legal guardian, or responsible adult relative.

2. **Runaways:** After verification that a juvenile is missing, either through FCIC/NCIC or telephone call to the parents or guardians, law enforcement officers have the authority to take the runaway into custody. If there is no Pickup Order for the juvenile or other extenuating circumstances (i.e. alleged abuse by parents) the juvenile may be released to the parents or guardians.

If there are extenuating circumstances or if the officer is unable to locate a parent, guardian, or responsible adult relative, the officer may release the juvenile to a Department of Children and Families (DCF) approved runaway shelter. Running away from home is not a delinquent act.

Unless a juvenile commits a violation of the law, an officer must continue to take the juvenile into custody, then either release him/her to an approved adult relative, or DCF approved shelter. Officers will ensure that an Offense Incident or Report supplement is completed on the incident and that the juvenile is removed from NCIC/FCIC if in the system.

3. **Non-arrestable infractions (possession of tobacco products, traffic infractions, etc):** Officers have the ability to either warn or cite the juvenile. If cited for the offense after properly identifying the juvenile, officers should use the correct charging document, have the juvenile sign the document, thus acknowledging that they understand that the matter will be referred to the courts. Officers will notify the juvenile's parents or guardians of the incident when charging an infraction that will require a court appearance.

- B. Determine whether the juvenile is alleged to have been harmed or to be in danger of harm. A juvenile may be taken into protective custody whenever an officer has

reasonable grounds to believe that the juvenile has been abandoned, abused, neglected, is suffering from illness, injury, or is in immediate danger from his/her surroundings and that removal is necessary to protect the juvenile. In these cases, an officer will complete an Offense Incident report documenting the facts of the case, notify his supervisor of the incident, and make the required notifications [CFA16.02(b)]

The Child Abuse Registry (1-800-962-2873) must be called and a Child Protection Investigator will be assigned and will take the juvenile into custody. Dependent juveniles cannot be placed in detention facilities unless there are allegations of delinquency.

**Dependent juvenile:** A juvenile is considered in immediate 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.

1. **Physically abused:** The local Department of Children and Families office will be contacted by the Abused Registry; the case facts will dictate the necessity of immediate response of a DCF case worker. It is the case worker who is responsible for determining whether the juvenile should remain at home with a parent, be placed in a temporary shelter, or be released to a nonresident parent, relative, or court-appointed adult.
  - a. Miami-Dade Fire/Rescue will be contacted to respond to any location where a juvenile is in need of immediate attention.
  - b. DCF will be contacted through the Abuse Registry at 1-800-96-ABUSE.
2. **Mentally abused or impaired:** When necessary and as case facts dictate, an officer may be instructed by the Department of Children and Families to take a juvenile, without delay, to a DCF worker, the Miami Bridge facility, or a mental health facility. All officers should be familiar with the Involuntary Examination criteria, Baker Act, FSS 394.
3. **Sexually abused:** A Miami-Dade Police Department sexual battery investigator will be contacted immediately. It will be the sexual battery investigator's responsibility to contact the Department of Children and Families if the accused lives within the juvenile's residence or has ready access to the juvenile.
4. **Intoxicated or drug impaired:** Juveniles who are under the influence of alcohol or drugs sufficient to cause obvious physical impairment will not be admitted to the Juvenile Assessment Center until they receive a detoxification evaluation and release.
  - a. Notify Miami-Dade Fire/Rescue.

- b. Contact the juvenile's parents or legal guardians. If the parents cannot be contacted and the juvenile needs medical attention, the DCF will be notified through the Abuse Registry.
5. **Dependency Pick-up Orders:** Juveniles with dependency pick-up orders will only be transported to the JAC if the order specifies secure detention. Otherwise, they will be taken to the Department of Children and Families at 401 N.W. 2nd Ave. during business hours. After business hours, contact the DCF at 305-377-5772/5773 or 305-628-7001 for instructions.
- C. Ensure that the constitutional rights of juveniles are protected. The fact that a juvenile has not reached the age of majority does not negate any of their rights guaranteed by federal or state law. [CFA16.03M(a)] In addition to the above factors, the concerned officer will determine if the child must be taken into custody. Florida State Statutes only allow for taking a child (juvenile) into custody under the following conditions: [CFA16.01M(a)]
1. When a law enforcement officer has reasonable grounds to believe that the child has run away from his parents, guardian, or other legal custodian.
  2. When a law enforcement officer has reasonable grounds to believe that the child is absent from school without authorization.
  3. Pursuant to an order of the Circuit Court based upon sworn testimony, either before or after a petition is filed under the provisions of Florida State Statutes.
  4. When the child voluntarily agrees to or requests services pursuant to this part or placement in a shelter.
  5. **Warrants/pick-up orders:** The officer has a duty to pick up a juvenile when there is a warrant or pick-up order directing that the juvenile be apprehended. Confirmation of both is first required through MDPD Warrants Section at 305-471-1700.
  6. The child is wanted in another jurisdiction for an offense, which, if committed by an adult, would be a felony (extradition must be confirmed prior to transporting to the JAC).
  7. The child is charged with a delinquent act or violation of law and requests in writing through legal counsel to be detained for protection from an imminent physical threat to his or her personal safety.

8. The child is charged with committing an offense of domestic violence as defined in FSS Chapter 741 and is detained as provided in current State Statutes regarding juveniles.
  9. The child is charged with a capital felony, a life felony, a felony of the first degree, a felony of the second degree that does not involve violation of FSS Chapter 893, or a felony of the third degree that is also a crime of violence, including any such offense involving the use or possession of a firearm; the child is charged with any other felony or misdemeanor.
- D. A law enforcement officer has authority to take a juvenile into custody in the same manner as if the juvenile were an adult on the criteria listed above and in this section. Copies of case reports, complaint/arrest affidavits, and related files may be forwarded to the appropriate School Resource Officer(s) when juveniles are involved.

Generally, arrested juveniles are transported to the Juvenile Assessment Center (JAC), 275 N.W. 2nd St., Miami, FL, for processing. As part of the intake process, the juvenile will be fingerprinted and photographed at the JAC, and NCIC/FCIC records and local warrants checks will be conducted. Fingerprinting of the arrested juvenile will not be done at South Miami Police Headquarters. [CFA16.03M(c)] The following guidelines will be adhered to when arresting and processing juvenile offenders:

**NOTE: Federal regulations allow for a 6-hour grace period that permits the secure detention in a holding cell or secured room (i.e. roll call room or Interview room) of those juveniles accused of committing criminal-type offenses. Under this exception, the juvenile cannot have sight or sound contact with detained adults during the time the juvenile is in a secure custody status within the station. [CFA16.03M(e)]**

- **An alleged delinquent could be detained for up to 6 hours for the purposes of identification, processing, and to arrange for release to parents or transfer to the JAC. Any holding of juveniles should be limited to the absolute minimum time necessary to complete these purposes, not to exceed 6 hours.**
- **All juveniles that are being temporarily detained in the South Miami Police facility, either in the roll call room or Interview room, must be logged-in using the Juvenile Monitoring Reporting Form located in the Juvenile Log Book.**

1. The JAC will receive juveniles who are under arrest for any misdemeanor, felony, or felony traffic offense. County or City non-criminal ordinance violations (i.e. curfew and smoking violations), or for traffic violations (DWLS, no valid license, etc.) will not be processed through the JAC.

2. Juveniles who are under arrest for any number of offenses which are the result of consumption of alcohol or drugs will not be admitted to the JAC until they receive a detoxification evaluation and release form.
  3. Juveniles who are injured in any manner by any means will not be accepted by the JAC until they receive a medical evaluation and written release.
    - a. If the juvenile is complaining of serious injury prior to transport, notify Miami-Dade Fire/Rescue to respond to the arrest location.
    - b. Any injured juvenile must have a signed release from a medical facility.
    - c. Once this is completed, the juvenile will be accepted at the JAC and a copy of the release must accompany the juvenile and will be kept in his/her JAC file.
  4. Conduct search of the arrested juvenile and remove firearms, weapons, contraband, and personal property from the juvenile prior to arrival at the JAC.
  5. No weapons are permitted in the first floor, secure area of the JAC. Officers are to leave their firearms, ASP, TASER, and pepper spray in the trunk of their patrol car until the booking process is complete.
  6. Officers will have their arrest affidavits and offense/incident reports completed and the records check completed prior to arrival at the JAC facility. The JAC staff will inventory and secure all prisoner property to be impounded in the presence of the arresting/transporting officer.
- E. The parents or legal guardians of the juvenile taken into custody will be notified without unnecessary delay. [CFA16.03M(b)] The arresting officer will be required to contact the juvenile's parent/guardian prior to transporting the juvenile to the JAC to advise them of the general circumstance of the arrest and the location to where their child will be transported. Advise the parent/guardian to not go to the JAC immediately after the arrest, the JAC staff will contact the parents when the child is ready. When juveniles are taken into police custody, they will be taken to JAC or other appropriate intake facility without undue delay unless the juvenile is in need of emergency medical treatment. [CFA16.03M(d)]

### 21.2.3 Custodial Interrogation

All juveniles **under arrest** will be advised of their constitutional rights **before** the interview. Upon indicating their understanding of those rights, juveniles must either invoke or waive them for themselves. The decision may **NOT** be made by a parent or guardian; however, juveniles will be allowed to confer with parents/guardians if

requested. Written statements will be made on a departmental statement form and the Miranda rights will be given both verbally and in writing on the Miranda Rights Waiver form. The following procedures will be used for the custodial interrogation of juveniles:

- A. Whenever feasible, officers will make an attempt to confer with the juvenile's parents or guardians. [CFA16.04M(a)] If parents/guardians cannot be contacted, the juvenile(s) may still be questioned after their rights have been read, if applicable.
  - 1. Consent of the person representing the best interests of the juvenile (i.e. parents, guardian, legal custodian, or attorney) is desirable but not essential if the juvenile is capable of understanding his/her rights and the significance of waiving those rights.
  - 2. Officers may interview the juvenile with or without the parent/guardian present during the actual interview. The assigned officer will use discretion after evaluating case facts to determine what is in the best interest of the case solvability without ignoring the juvenile's constitutional rights.
- B. The duration of interrogation and the number of officers engaging in the interrogation will be reasonable, and will be limited and governed by the severity and nature of the crime under investigation. [CFA16.04M(b)]
  - 1. To prevent allegations of coercion, juveniles will normally be interviewed by no more than two (2) persons during any one interview session. Others (investigators, Department of Children and Families case workers, counselors, etc.) may be present, but not involved in the interview at the same time.
  - 2. The interview of a juvenile suspect will include periodic breaks and rest periods, allowing time for water and rest room visits. The interview may be conducted at the station, but the atmosphere must be non-intimidating and separate from any other adult suspects.
- C. Officers will make every reasonable effort to explain police department procedures governing juvenile interrogations, as well as the juvenile justice system procedures, prior to juveniles being interrogated and during the interview process.

#### **21.2.4 School Liaison Program**

When operational, the South Miami Police Department's School Liaison Program functions through Drug Abuse Resistance Education (DARE) officers assigned to local

public schools within the City of South Miami, which at a minimum incorporates the following:

- A. They will act as a resource with respect to delinquency/truancy prevention.
- B. They provide guidance on ethical and moral issues (i.e. behavioral, drugs, laws, etc.) at the various schools and/or in a classroom setting, such as Drug Abuse Resistance Education (D.A.R.E.) where officers will instruct students in the D.A.R.E. curriculum as outlined by D.A.R.E. America.
- C. They provide individual counseling and/or mentoring to students when requested by school officials, parents, or students themselves. Additionally, they may attend Parent Advisory and/or Parent/Teacher Organization meetings when necessary.
- D. They explain what role law enforcement plays in today's society.
- E. DARE will operate when the school and Department make a decision that there is sufficient resources and time to run the program. The decision not to run the program can be made by either the school or the Department.
- F. The DARE program is not functioning at this time.

#### **21.2.5 Community Recreation Program**

The South Miami Police Department maintains a fully operational Police Explorer Program, coordinated by Detectives or Officers, to assist in the proper guidance of local area youth volunteers (see G.O. 6.3 – *Explorers, & Interns*).

The South Miami Police Department may also participate in the Police Athletic League (P.A.L.) program in close cooperation with the Parks and Recreation Department.