


# FLORIDA HIGHWAY PATROL POLICY MANUAL

	<b>SUBJECT</b> JUVENILE OPERATIONS	<b>POLICY NUMBER</b> 11.03
		<b>ISSUE DATE</b> 02/01/96
	<b>APPLICABLE CALEA STANDARDS</b> Chapter 44	<b>REVISION DATE</b> 07/01/11
		<b>TOTAL PAGES</b> 8

### 11.03.01 PURPOSE

To establish policy, guidelines and operational procedures for the Florida Highway Patrol involving all aspects of juvenile delinquency.

### 11.03.02 POLICY

It is the policy of the Florida Highway Patrol to actively protect the public from acts of delinquency and reduce juvenile delinquency through discretionary enforcement efforts when dealing with youthful offenders involved in traffic offenses and other crimes. It is also the policy of the Florida Highway Patrol to actively participate in the prevention of juvenile delinquency through educational programs in schools and the support of all programs intended to prevent delinquent and criminal acts by youths. It is the policy of the Florida Highway Patrol to annually submit policies and procedures to the appropriate agencies for review to ensure that the Department provides for the appropriate handling of juvenile offenders. The Department will annually evaluate enforcement and prevention programs relating to juveniles.

### 11.03.03 DEFINITIONS

- A. **DELINQUENT ACT** - Any illegal act committed by a youth under the age of 18 who has not been sentenced as an adult for a felony.
- B. **THE DEPARTMENT OF JUVENILE JUSTICE** - The State agency that handles juveniles when arrested or referred by law enforcement officers for the punishment or rehabilitation options afforded to youths.
- C. **THE DEPARTMENT OF CHILDREN AND FAMILIES** - The State agency that handles juveniles that have been taken into custody for abuse, neglect or abandonment.
- D. **STATUS OFFENSE** - A juvenile who commits a minor act that is considered illegal only because he/she is underage. Most common examples are runaways, truancy, ungovernable/incorrigible, curfew violations, and underage possession of tobacco products or alcohol offenses.
- E. **CHILD or JUVENILE** means any unmarried person under the age of 18 who has not been emancipated by order of the court and who has been found or alleged to be dependent, in need of services, or from a family in

need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years. Section 985.03, Florida Statutes.

- F. **CIVIL-TYPE OFFENSE** – A charge or an adjudication of an offense that is civil in nature. Examples include non-criminal traffic or non-criminal fish and game violations.
- G. **NON-OFFENDER** – A juvenile who is subject to juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of a juvenile. Examples of these would include: child abuse, neglect, immigration violations, danger to self or other, and abandonment.
- H. **YOUTH AND FAMILY SERVICES** - The Florida Network of Youth and Family Services, Inc. is a not-for-profit statewide association representing agencies which serve homeless, runaway and troubled youth ages 10-17 and their families.

#### **11.03.04 OBJECTIVES**

- A. To encourage all members of the Florida Highway Patrol to actively participate in and support the role of the Patrol in reducing the amount of juvenile crime in the State of Florida.

#### **11.03.05 RESPONSIBILITIES**

- A. Troop Commanders shall:
  - 1. Command the juvenile operations within their respective troops/geographic areas.
- B. District Commanders shall:
  - 1. Oversee and keep records for the juvenile operations within their districts.
  - 2. Maintain all juvenile criminal arrest records within his/her district.
  - 3. Maintain and update a list of the Department of Juvenile Justice and the Department of Children and Families area offices and telephone numbers within his/her district and provide the lists to the Regional Communications Center (RCC) that services his/her area of responsibility.
  - 4. Maintain a list of district school superintendents, and their telephone numbers; and provide the list to the RCC that services his/her area of responsibility.
  - 5. Assign one District Lieutenant to serve as the District Juvenile Coordinator.
- C. District Juvenile Coordinators shall:

1. Assist the District Commander with the juvenile operations in his/her respective district.
  2. Assist in coordinating or referring investigations involving juvenile offenders to the appropriate agency.
  3. Establish and maintain liaison with agencies and organizations involved in juvenile matters.
  4. Assist in the coordination or preparation of court cases upon the request of members or agencies.
  5. Assist in the revision process of juvenile operations.
  6. Attend meetings, (or his/her designee), of each county's Juvenile Justice Council and regularly appear at the District Juvenile Justice Council within his/her district.
- D. The Chief Public Affairs Officer shall:
1. Develop and implement programs related to the Florida Highway Patrol's responsibilities designed to prevent and control delinquent and criminal acts by juveniles.
  2. Such programs should be designed for serving students in primary and elementary school grades.
- E. All members should:
1. Identify juvenile program needs and forward the material up the chain of command.
  2. Be encouraged to participate in or organize voluntary youth programs in their community.
  3. Participate in the education of juveniles in some form within their community.
- F. All members shall be familiar with the delinquent, non-delinquent, criminal, and non-criminal juvenile procedures of this chapter and the laws of Florida.

**11.03 .06 PROCEDURES**

- A. When dealing with juvenile offenders, members will use the least coercive action among the reasonable alternatives available while considering the preservation of the public safety, order, the liberty of individuals and the laws of the State of Florida.
- B. All juvenile offenders shall:
1. Be taken into custody and a case manager from the Department of Juvenile Justice notified for the following offenses or orders:

- a. By order of the court, including contempt orders and pick-up orders.
    - b. For an offense that would be a felony if committed by an adult, including all traffic related felonies.
    - c. For an offense that involves a crime of violence.
    - d. For an offense that involves a crime in which a deadly weapon was used.
  - 2. Have their name and offense immediately reported to the district school superintendent with educational jurisdiction by the arresting member for any delinquent act that:
    - a. Would be a felony if committed by an adult, including all traffic related felonies.
    - b. Involves a crime of violence.
- C. Juveniles shall be fingerprinted and their fingerprint cards shall be forwarded to the Florida Department of Law Enforcement marked "JUVENILE - CONFIDENTIAL" anytime such juvenile is charged with:
- 1. An offense that would be a felony if committed by an adult, or
  - 2. For any of the following charges:
    - a. Assault.
    - b. Battery.
    - c. Carrying a concealed weapon.
    - d. Unlawful use of destructive devices or bombs.
    - e. Child abuse and negligent treatment of children.
    - f. Assault or battery on law enforcement officers, firefighters, intake officers or other specified officers.
    - g. Open carrying of a weapon.
    - h. Exposure of sexual organs.
    - i. Unlawful possession of a firearm.
    - j. Petit theft.
    - k. Cruelty to animals.
    - l. Arson.
- D. Information regarding juvenile felony arrests may be released, if requested, to the media.

- E. Juveniles shall be taken into custody for alcohol related offenses and shall be released to a parent, guardian or legal custodian.
- F. When dealing with juveniles for the lesser misdemeanor non-traffic offenses, enforcement action should be based on the consideration of the following:
  - 1. Nature of the alleged offense.
  - 2. The age of the juvenile and relevant circumstances.
  - 3. The juvenile's past record, if known.
  - 4. Availability of applicable rehabilitation programs and facilities.
  - 5. The juvenile's safety and best interests.
- G. Discretionary enforcement alternatives can be used when dealing with juveniles for violations of law.
  - 1. The juvenile may be released with no further action taken. In these cases, parents or guardians should be notified.
  - 2. The juvenile may receive simple treatment from the Florida Highway Patrol with mutually agreed upon supervision from the family.
    - a. For infractions and traffic misdemeanor cases, a warning or Uniform Traffic Citation will be issued and the parents or guardians may be notified, explained the circumstances of the charge, the consequences of future charges, and be acceptable to the explanations.
    - b. In non-traffic misdemeanor cases a warning may be issued and the parents or guardians shall be notified and explained as in Section 2(a), above.
    - c. In non-traffic misdemeanor cases where a notice/summons to appear is justified, a case manager from the Department of Juvenile Justice shall be contacted for screening of the youth.
  - 3. The juvenile may receive mutually agreed upon extended counseling through Youth and Family Services on a voluntary basis. In these cases, a notice/summons to appear is justified to be issued and a case manager from the Department of Juvenile Justice shall be notified for screening of the youth. The parents or guardians must ensure the youth receives help from a social service agency.
  - 4. The juvenile may be arrested and referred to the Department of Juvenile Justice. In these cases (usually a felony) a case manager from the Department of Juvenile Justice shall be notified.
- H. Juveniles committing misdemeanor traffic and infraction traffic offenses shall be treated in the same manner as adult offenders, but members are strongly encouraged to use discretion when the option of physical arrest is present.

- I. Juveniles taken into custody by members shall be restrained and transported, without delay in accordance with Florida Highway Patrol Policy Manual, Chapter 11.05, unless the child is in need of emergency medical treatment. Then the child shall be transported without delay to the nearest medical facility. However, Juveniles taken into custody for status, non-offender, or civil-type offenses shall not be restrained in any manner.
- J. When a juvenile is taken into custody for any offense, it shall be the responsibility of the custodial officer to:
  - 1. Make every reasonable effort to contact the child's parent, guardian or legal custodian. Anytime a member is unable to make contact for release with a parent, guardian or legal custodian, a case manager with the Department of Juvenile Justice shall be advised upon arrival.
  - 2. Notify the Department of Juvenile Justice for proper proceedings on screening, detaining and assistance.
- K. Juveniles taken into custody for non-offender violations such as; abuse, neglect, abandonment or where there is imminent danger to the juvenile's life or health, shall be transported without restraint to the county sheriff's office. The Department of Children and Family shall be contacted immediately for the processing of a child. The statewide Department of Children and Family telephone number for this service is 1-800-96-ABUSE.
- L. Juveniles taken into custody for status or civil-type offenses shall be transported without restraint to the county sheriff's office. The Youth and Family Services shall be contacted immediately for the processing of the child. A statewide Youth and Family Service telephone number for this service during office hours is 1-800-226-7187. After hours a member may contact the Department of Juvenile Justice for assistance.
- M. Juveniles taken into custody shall not be incarcerated in a jail with adult prisoners, unless so ordered by the courts. This includes the pending release or waiting period for a case manager.
- N. Juveniles may be interviewed without a parent, guardian or legal custodian present when he/she is a witness or victim. If at any time the juvenile becomes a suspect, questioning shall cease before the interrogation process, as outlined below, begins.
- O. Juveniles are entitled to the same constitutional protections regarding criminal matters as are adults except for the following:
  - 1. The parent, guardian or legal custodian should be notified before any interrogation.
  - 2. If, after a reasonable effort, a parent, guardian or legal custodian cannot be contacted or the aforementioned is under the same criminal investigation, then questioning may be permitted.
- P. Juveniles that are interrogated may confer with their parent, guardian, legal custodian or legal counsel.

- Q. During a juvenile interrogation, the number of officers present should be limited to two. However, the case manager may also be present.
- R. The interrogation session should not continue over an hour without a ten minute break.
- S. The juvenile in question and his/her parents or guardian shall be advised of the agency direction in dealing with youths and explained the juvenile justice system procedures during the interrogation.
- T. All reports involving juveniles taken into custody shall be marked "JUVENILE" and copies shall be forwarded to the district station for filing within seven days.

#### **11.03.07 REGULATIONS**

- A. All members shall call upon a case manager from the Department of Juvenile Justice for the assistance with the intake and detention procedures related to this chapter.
- B. All supervisory personnel shall be well versed on these procedures for assistance to their subordinates when dealing with delinquent youths.
- C. As it relates to release of information dealing with juveniles, notwithstanding any other provisions of 985.04 f.s., the name, photograph, address, and crime or arrest report of a child:
  - 1. Taken into custody if the child has been taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony;
  - 2. Found by a court to have committed three or more violations of law which, if committed by an adult, would be misdemeanors;
  - 3. Transferred to the adult system under s. [985.557](#), indicted under s. [985.56](#), or waived under s. [985.556](#);
  - 4. Taken into custody by a law enforcement officer for a violation of law subject to s. [985.557\(2\)\(b\)](#) or (d); or
  - 5. Transferred to the adult system but sentenced to the juvenile system under s. [985.565](#)

shall not be considered confidential and exempt from s. [119.07\(1\)](#) solely because of the child's age.

- D. A law enforcement agency may release a copy of the juvenile offense report to the victim of the offense. However, information gained by the victim under this chapter, including the next of kin of a homicide victim, regarding any case handled in juvenile court, must not be revealed to any outside party, except as is reasonably necessary in pursuit of legal remedies.