



Florida Highway Patrol Policy Manual

SUBJECT JUVENILE OPERATIONS	POLICY NUMBER 11.03	ISSUE DATE 02/01/1996
	TOTAL PAGES 11	REVISION DATE 12/14/2021

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. The Florida Highway Patrol will annually submit policies and procedures to the appropriate agencies for review to ensure that the Division provides for the appropriate handling of juvenile offenders. The Division will conduct an annual review and written evaluation, approved by the Director, of all 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 (Florida DJJ)** – 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 (Florida DCF)** – 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 they are underage. Most common examples are runaways, truancy, ungovernable/incorrigible, curfew violations, and underage possession of tobacco products or alcohol offenses.
- E. **CHILD or JUVENILE** – 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 that serve homeless, runaway, and troubled youth ages 10-17 and their families.

11.03.04 OBJECTIVES

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

11.03.05 RESPONSIBILITIES

- A. Troop commanders shall 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 district.
2. Maintain all juvenile criminal arrest records within their district.
3. Maintain and update a list of the DJJ and DCF area offices and telephone numbers within their district and provide the lists to the regional communications center (RCC) that services their area of responsibility.
4. Maintain a list of district school superintendents and their telephone numbers and provide the list to the RCC that services their area of responsibility.
5. Assign one district lieutenant to serve as the district juvenile coordinator.
6. Maintain information on civil citation or similar prearrest diversion programs for juveniles for each judicial circuit within their district.

C. District juvenile coordinators shall:

1. Assist the district commander with the juvenile operations in their 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. Routinely attend meetings and maintain communication with each county's Juvenile Justice Circuit Advisory Board and regularly appear at the District Juvenile Justice Circuit Advisory Board within their district.

- D. The troop legal advisor shall assist members in determining the availability and applicability of juvenile diversion programs within their troop of responsibility.
- E. The Chief of Public Affairs shall develop and implement programs related to the Florida Highway Patrol's responsibilities designed to prevent and control delinquent and criminal acts by juveniles. Such programs should be designed for serving juveniles that are students in elementary to college school grades.
- F. 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.
- G. All members shall be familiar with the delinquent, non-delinquent, criminal, and non-criminal juvenile procedures of this policy and the laws of the State of Florida.

11.03.06 PROCEDURES

- A. When dealing with juvenile offenders, members shall 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. A child younger than 7 years of age may not be arrested, charged, or adjudicated delinquent for a delinquent act or violation of law based on an act occurring before they reach 7 years of age, unless the violation of law is a forcible felony.
- C. Juvenile offenders under the age of seven shall be taken into custody and a case manager from the DJJ notified when they have committed a forcible felony or have a warrant for a forcible felony.
- D. All juvenile offenders at least 7 years of age shall:

1. Be taken into custody and a case manager from the DJJ 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, or
 - b. Involves a crime of violence.
- E. Per F.S. 985.11, unless a juvenile(s) is issued a civil citation or is participating in a similar diversion program pursuant to F.S. 985.12, a juvenile shall be fingerprinted, and their fingerprint cards shall be forwarded to the Florida Department of Law Enforcement (FDLE) marked "JUVENILE - CONFIDENTIAL" anytime such juvenile is charged with:
1. An offense that would be a felony if committed by an adult, or
 2. Any of the following charges:
 - a. Assault (unless classified as qualifying for a civil citation)
 - b. Battery (unless classified as qualifying for a civil citation)
 - 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 (unless classified as qualifying for a civil citation)
 - k. Cruelty to animals (unless classified as qualifying for a civil citation)
 - l. Arson
- F. Information regarding juvenile felony arrests may be released, if requested, to the media.
- G. Juveniles shall be taken into custody for alcohol related offenses and shall be released to a parent, guardian, or legal custodian unless they are issued a civil citation.
- H. 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
- I. Discretionary enforcement alternatives can be used when dealing with juveniles for violations of law, this includes participation in the civil citation process or a similar prearrest diversion program.
 - 1. The juvenile may be released with no further action taken to a parent, legal guardian, or other responsible adult.

2. The juvenile may receive simple treatment from the Florida Highway Patrol with mutually agreed upon supervision from the family.

a. For traffic infractions, a warning or Uniform Traffic Citation will be issued and the parents or guardians may be notified of the circumstances of the offense.

b. For traffic misdemeanor cases in which the juvenile is at least 7 years of age, a warning, Uniform Traffic Citation, or civil citation will be issued, and the parent(s) or guardian(s) may be notified of the circumstances of the charge, the consequences of future charges, and an explanation of the situation. In cases where a civil citation may be issued, the troop legal advisor will be contacted to confirm the juvenile's civil citation eligibility. If the troop legal advisor is unavailable, a Department of Juvenile Justice screener shall be contacted. A list of contacts for the Department of Juvenile Justice screeners is maintained at the following website: <http://www.djj.state.fl.us/docs/probation-policy-memos/civil-citation-program-information>

c. Members who encounter a juvenile who has committed a non-traffic misdemeanor offense (e.g. possession of drug paraphernalia) shall contact their local troop legal advisor prior to arrest or issuance of a notice to appear to determine:

1) Whether a pre-arrest civil citation diversion program option is available;

2) If the juvenile is eligible; and

3) If a referral to diversion is appropriate.

The troop legal advisor will advise on the necessary procedures and forms that must be completed. Should the troop legal advisor be unavailable, members shall contact the local Department of Juvenile Justice screener. A list of phone contacts for the Department of Juvenile Justice screeners is maintained at the following website: <http://www.djj.state.fl.us/docs/probation-policy-memos/civil-citation-program-information>

- d. Any issuance of a civil citation must conform with the requirements of the civil citation or similar pretrial diversion program established within the judicial circuit that the offense occurred.
- e. In non-traffic misdemeanor cases where a notice/summons to appear is justified, a case manager from the DJJ shall be contacted for screening of the youth. The following will be included on the arrest affidavit or notice to appear per F.S. 985.126(3)(b):
 - 1) Race, ethnicity, gender, age of the minor
 - 2) Offense committed and the specific law establishing the offense
 - 3) The judicial circuit and county where the offense was committed and the officer(s) who had contact with the minor
 - 4) Whether the minor was offered the opportunity to participate in a diversion program and;
 - a) If not offered, the reason why
 - b) If offered, whether the minor or parent or guardian declined participation.
- 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 DJJ 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 DJJ. In these cases (usually a felony), a case manager from the DJJ shall be notified.
- J. Juveniles at least seven years of age, committing misdemeanor traffic and infraction traffic offenses shall be treated in the same manner as adult offenders, with the exception of a potential civil citation. Members are strongly encouraged to consider all available alternatives prior to making a physical arrest for any juvenile misdemeanor offender.

- K. Juveniles taken into custody by members shall be restrained and transported without delay to the processing or detention facility, in accordance with FHP Policy 11.05, Restraining and Transporting Prisoners, unless the child needs 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.
- L. 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 DJJ shall be advised upon arrival.
 2. Notify the DJJ for proper proceedings on screening, detaining and assistance.
 3. Include in the arrest report the reason the juvenile was not referred to a pre-arrest diversion program (e.g. felony offense, youth not eligible based on local policy, etc.).
- M. Juveniles taken into custody for non-offender violations such as abuse, neglect, abandonment or where the juvenile has been harmed or there is reason to believe there is imminent danger to the juvenile's life or health, shall be transported without restraint to the county sheriff's office. The Florida DCF shall be contacted immediately for the processing of a child. To report abuse, phone the statewide DCF hotline at 1-800-962-2873 or online at <https://reportabuse.dcf.state.fl.us/> (a direct link to the reporting portal is available on the CJNET as well).
- N. 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 1-866-757-0634. After hours, a member may contact the DJJ for assistance.
- O. 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.

P. JUVENILE INTERVIEWS AND INTERROGATIONS

1. Juveniles may be interviewed without a parent, guardian or legal custodian present when they are a witness or victim. If at any time the juvenile becomes a suspect, questioning shall cease before the interrogation process begins, as outlined below.
2. Juveniles are entitled to the same constitutional protections regarding criminal matters as are adults except for the following:
 - a. The parent, guardian or legal custodian should be notified before any interrogation.
 - b. If, after a reasonable effort, a parent, guardian or legal custodian cannot be contacted or the parent, guardian or legal custodian is under the same criminal investigation, then questioning may be permitted.
3. Juveniles that are interrogated may confer with their parent, guardian, legal custodian or legal counsel.
4. During a juvenile interrogation, the number of officers present should be limited to two. However, the case manager may also be present.
5. The interrogation session should not continue over an hour without a ten-minute break.
6. The juvenile in question and their parents or guardian shall be advised of the agency direction in dealing with youths and explained the juvenile justice system procedures during the interrogation.

- Q. 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 DJJ for the assistance with the intake and detention procedures related to this policy.
- B. All supervisory personnel shall be well versed on these procedures for assistance to their subordinates when dealing with juveniles.

- C. As it relates to release of information dealing with juveniles, notwithstanding any other provisions of Section 985.04 Florida Statutes, the name, photograph, address, and crime or arrest report of a child shall not be considered confidential and exempt from Section 119.07(1), Florida Statutes, solely because of the child's age for the following:
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 Section 985.557, Florida Statutes, indicted under Section 985.56, Florida Statutes or waived under Section 985.556, Florida Statutes,
 4. Taken into custody by a law enforcement officer for a violation of law subject to Section 985.557(2)(b) or (d), Florida Statutes; or
 5. Transferred to the adult system but sentenced to the juvenile system under Section 985.565, Florida Statutes.
- 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 policy, 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.