



NORTH MIAMI POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES



JUVENILE PROCEDURES 300.08

EFFECTIVE DATE: 08-04-23

APPROVED: _____



Chief of Police

SUPERSEDES: 03-29-22

CFA: 16.01, 16.02, 16.03, 16.04

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I. PURPOSE

To provide guidelines for officers when interacting with juveniles during law enforcement and protective custody situations. In addition, to promote the Department's commitment to prevent juvenile delinquency by providing likely candidates with positive diversion and intervention strategies.

II. POLICY

It is the policy of the North Miami Police Department that officers, with discretion, and whenever reasonable and justified under this policy, may take the necessary measures to effect positive changes in juvenile offenders that are consistent with applicable laws, while promoting the safety and security interests of the community, the juvenile, and the juvenile's family.

III. SCOPE

This policy applies to all members of the Department.

IV. PROCEDURES

Officers shall conform to all current Florida State Statutes relative to juveniles specified in Chapter 985, in addition to the guidelines set forth in this policy. In addition, the “Florida Juvenile Handbook” (available in PowerDMS) provides additional guidance in juvenile matters, to include information on missing children; interview techniques for juvenile offenders, victims/witnesses; sexual exploitation; dependency, and other topics.

V. DEFINITION

- A. **Juvenile/Child:** For purposes of this policy, an unmarried person under the age of 18 years, 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.
- B. **Diversion:** Intervention strategies that redirect youths away from formal processing in the juvenile justice system, while still holding them accountable for their actions.
- C. **Non-secure Protective Custody:** A condition under which a juvenile’s freedom of movement is controlled by members of the Department and the juvenile is:
 - 1. Held in an unlocked, multipurpose area, such as a report-writing room or an office.
 - 2. Held under continuous visual supervision until released.

VI. GUIDELINES

- A. Crime/Incidents Leading to Custody:

Officers interacting with juveniles in enforcement roles have discretion, as outlined in this policy, in deciding on appropriate actions. This discretion

shall be based on the Department's policies and procedures, applicable laws and, where applicable, constitutional considerations.

Options that may be considered include the following:

1. Release with no further action.
2. Informal counseling to caution the juvenile regarding the consequences of their actions.
3. Release and notification to a parent, legal guardian, or school authorities.
4. Release to a representative of the Florida Department of Children and Families, or location approved by them.
5. After release to a qualified adult, officers can refer the juvenile to the Miami-Dade County Prevention Initiative, which provides services to at-risk juveniles experiencing behavioral and familial difficulties. Their goal is to provide early intervention to prevent them from entering the juvenile justice system.

a. The current referral contact information is:

Elena Angulo, LCSW
Phone: 305-755-6248

6. Referral to the Miami-Dade County's Juvenile Prevention and Diversion Program by way of a Juvenile Civil Citation.
7. Arrest and transport to the Juvenile Assessment Center (JAC).

B. Runaways: CFA 16.02 A,B

1. After verification that a juvenile is missing, either through the Florida Crime Information Center/National Crime Information Center (FCIC/NCIC), or through contact with a parent, legal guardian, or other responsible adult, law enforcement officers have the authority to take the runaway into protective custody.
2. If there is no Court Order/Pickup Order for the juvenile, or other extenuating circumstances, i.e., alleged abuse by a parent, the juvenile can be released to a parent, legal guardian, or responsible

adult relative.

3. If there are extenuating circumstances, i.e., alleged abuse, neglect, abandonment, or delinquency, or if the officer is unable to locate a parent, legal guardian, or responsible adult relative, the officer can release the juvenile to a representative from the Florida Department of Children and Families (FDCF), or a FDCF approved runaway shelter.
4. Officers must be mindful that 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 protective custody and release him/her to an approved adult, as noted in this policy.

CFA 16.02 A, B

C. Dependent Juvenile:

If a juvenile's welfare is in such danger that removal from his/her surroundings is necessary, the officer will take the juvenile into protective custody and will contact Abuse Hotline at 1-866-532-2873.

- Dependent juveniles shall not be placed in the Department's Temporary Holding Facility.

D. 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. The juvenile will be brought back to his/her school, or to the nearest school of equivalent grade level. The student will be turned over to appropriate administrative personnel, an incident report will be completed. The report will include the officer's actions, and to whom the juvenile was released.

E. Ill or Injured Juveniles:

Regardless of the reason for making contact with a juvenile, the summoning of medical attention for an ill or injured juvenile, or the application of first aid, will be done without unnecessary delay.

VII. JUVENILE ASSESSMENT CENTER (JAC)

- A. The JAC does not receive juveniles who are under arrest for Miami-Dade County, or North Miami municipal ordinances, which includes the curfew

violation ordinance.

- B. Also not accepted are juveniles who are charged with misdemeanor traffic violations, such as No Valid Driver's License, or Driving While License Suspended, unless there are other companion criminal charges. Where no accompanying charges are applicable, the juvenile can be cited and released to a parent, legal guardian, responsible adult relative, or FDCF approved shelter. **CFA 16.01A**

VIII. JUVENILE CIVIL CITATION CRITERIA

- A. The Miami-Dade County Civil Citation Program allows eligible juvenile misdemeanor offenders, with the State Attorney's Office's (SAO) approval, to receive services in lieu of being entered into the juvenile justice system.

Eligible cases are as follows:

1. All juvenile misdemeanor cases, up to three (3) times, with the exception of those involving:
 - a. The possession/use of a firearm;
 - b. Exposure of sexual organs or other sexual related behavior, (i.e., prostitution, lewd and lascivious behavior); and
 - c. Any misdemeanor that is directly related to (or part of) gang activity.
2. Other misdemeanor charges that may be potentially eligible for a Civil Citation, with approval of victim/family, and/or the SAO, include:
 - a. Simple Battery (includes domestic violence);
 - b. Simple Assault;
 - c. Weapon possession cases (non-firearm);
 - d. Animal cruelty; and
 - e. Graffiti/Criminal Mischief. (restitution may be required).

IX. JUVENILE CIVIL CITATIONS PROCEDURES

- A. Issuing a Juvenile Civil Citation in the Field (**juvenile released**):
 1. The officer must positively identify the juvenile with the assistance of the JAC (24/7) at (305) 755-6130, and cross reference the identity by

using a Florida ID card/driver's license, school picture ID, and/or parents.

2. The officer will complete the Miami-Dade Juvenile Services Department's Juvenile Civil Citation Form, along with the original Arrest Affidavit and the Notice to Appear Release Agreement, using the 50-day court calendar obtained through the JAC (24/7) at (305) 755-6130, or through the Coordinator listed below. The officer can then release the juvenile to a parent, relative, legal guardian, or other responsible adult.
 - a. For further information on completing the above-listed forms, officers can refer to the Miami-Dade Juvenile Civil Citation Program LEO Training Guide available in PowerDMS (under search tag "juvenile citation").
3. After releasing the juvenile to a parent, legal guardian, or other responsible adult relative, the officer will contact (or leave a message) the Juvenile Services Referral Reduction Coordinator at (305) 755-6239, and will fax a copy of the package (A-Form, Juvenile Civil Citation Form, and Release Agreement) to him/her at (305) 755-6301.
4. The officer will then submit the original packet to the Records Unit, where it will be forwarded within 48 hours to the Juvenile Services Department at:

275 NW 2 Street
Miami, Florida 33128

B. Issuing a Juvenile Civil Citation with **transport to the JAC**:

1. If the officer decides to transport the juvenile to the JAC for positive identification and civil citation processing, the JAC will provide the officer with the Juvenile Civil Citation Form to complete.

X. JUVENILE ARRESTS

A law enforcement officer has authority to take a juvenile into custody in the same manner as if the juvenile was an adult, following the guidelines listed below: **CFA 16.01A,B**

A. Misdemeanor Arrest: A juvenile can be taken into custody for a

misdemeanor, only if committed in the presence of the officer; however, there are permitted exceptions with probable cause, as listed on the “Warrantless Arrest” section of the Florida Law Enforcement Handbook. The arresting officer will then take the juvenile to the JAC, or proceed with a Juvenile Civil Citation.

- B. Felony Arrest: A juvenile can be taken into custody for a felony, if probable cause exists. The juvenile will then be transported to the JAC by the arresting officer, or other transport officer.
- C. Court Orders/Pickup Orders: The officer has a duty to pick up a juvenile when there is a Court Order, or Pick-up Order, directing that the juvenile be apprehended. If it is an out-of-county, verified Court Order, or Pickup Order, the juvenile must be transported to Miami-Dade County Warrants, where the arrest affidavit will be written. The arresting officer will then transport the juvenile to the JAC. If there is a felony warrant or Pick-up Order within the County, the officer must contact Miami-Dade County Warrants, at (305) 471-1700, to verify that the warrant is still active. If so, the officer will complete an A-form and transport the juvenile to the JAC.
- D. When a juvenile is arrested, the guidelines below will be followed:
 - 1. Arrested juveniles shall not be placed in any police vehicle with an arrested adult, unless the adult was involved in the same offense or transaction with the juvenile.
 - 2. Unless a juvenile is in need of emergency medical treatment, arrested juveniles will be brought directly to the JAC, or the Department’s Temporary Holding Facility (only if necessary), or other applicable juvenile facility, without delay. **CFA 16.03D**
 - 3. The juvenile’s information on the police report shall be entered into the Records Management system as a “Juvenile.”
 - 4. The arresting officer shall check FCIC/NCIC to determine if the juvenile is wanted for any other delinquent act on a warrant, Court Order/Pick-Up Order, or is a reported missing person.
 - 5. Once an arrest affidavit is completed, the required accompanying report(s) shall be submitted for review as soon as practicable, and prior to the end of the shift during which the offense occurred.
 - 6. If a juvenile complains of a serious injury prior to transport, notify Miami-Dade Fire Rescue to respond to the arrest location; however,

if the juvenile has only minor injuries, the arresting officer will arrange for Miami-Dade Fire Rescue to meet him/her, and the juvenile offender, at the station. Only if necessary, will the juvenile be brought into the Department's Temporary Holding Facility following the guidelines below (#10). **CFA 16.03D**

7. An attempt will be made to notify the juvenile's parent, or legal guardian, of the juvenile's in-custody status, type of incident/offense, and location. Officers will document their attempt(s) or, if successful, the name of the parent or legal guardian notified.
8. Juveniles will be photographed and fingerprinted at the JAC in accordance with FSS 985.11. **CFA 16.03C**
9. Only if necessary for processing and transport, will juveniles be transported to the Department's Temporary Holding Facility. If so, officers will notify the on-duty Uniform Patrol supervisor of their intent, and shall follow the procedures established in the Arrestee and Detainee Transportation/Temporary Holding Facility Procedures policy, 300.01, which includes the following:
 - a. Mandatory separation from sight and sound between juveniles and adults. **CFA 16.03E**
 - b. Completing the Department's Temporary Holding Facility Log.
 - c. Completing the Florida's Juvenile Justice and Delinquency Prevention Act (JJDP) Compliance Monitoring Form.
 - d. Completing the Department's Juvenile (10 minute) Observation Log.
10. Pursuant FSS 985.115(3), juveniles may only be held for temporary custody in a facility intended for the detention of adults for a period of time not to exceed six (6) hours. The areas within our agency that fall under this description are the Temporary Holding Facility and the interview rooms located within the Investigative Section. Therefore, if an arrested juvenile is placed in the Temporary Holding Facility and later brought to the GIU for an interview, the totality of the time spent by the juvenile in both locations will count towards the six (6)-hour limit. To ensure compliance:
 - a. Concerned officers or GIU investigators shall notify their on-duty supervisor immediately if any circumstances delay the processing, interview and transport of a juvenile. Said supervisor will promptly make the necessary arrangements to

ensure compliance.

- b. The processing of juveniles shall be expedited at every step and all times will be documented, to include:
 - 1). Transport to any facility via notice to the Communications Unit.
 - 2). Entry/Exit time from the Temporary Holding Facility via the JJDPA Compliance Monitoring Form.
 - 3). Entry/Exit time from an Investigative Section interview room via the JJDPA Compliance Monitoring Form.
- c. In the event of extenuating circumstances where the time spent by a juvenile in temporary custody exceeds the six (6)-hour limit, the reasons for said delay will be documented and prompt notification will be made to the Florida JJDPA via the contact information noted on the JJDPA Compliance Monitoring Form.

XI. JUVENILE INTERVIEW/INTERROGATION

- A. Procedures for the custodial interrogation of juveniles will be as follows:
CFA 16.04A,B

- 1. Regardless of their location, juveniles in custody will be monitored continuously.
- 2. Juveniles shall be afforded the same constitutional rights as adults regarding Miranda rights. **CFA 16.03A**
- 3. The parent, or legal guardian, cannot make the decision for the juvenile to invoke or waive his/her rights; however, juveniles shall be allowed to confer with a parent, or legal guardian, if requested, pending custodial interrogation. **CFA 16.04A**
- 4. If a parent, or legal guardian, cannot be contacted, juveniles may still be questioned after their Miranda rights have been read (via form) and the juvenile has waved his/her rights.
- 5. Officers may conduct an interview/interrogation of a juvenile, with or without the parent, or legal guardian, present. The assigned officer shall use discretion after evaluating the facts of the case to determine

what is in the best interest for case solvability with full consideration of the juvenile's constitutional rights. **CFA 16.04A**

6. Juveniles will be interviewed by no more than two (2) investigators at the same time during any interview/interrogation session. Only if absolutely necessary, and with supervisor approval, others (FDCF case workers, Rape Treatment Center counselors, etc.) may be present, but will not be directly involved during the investigator's interview. **CFA 16.04C**
7. The interview/interrogation of a juvenile will continue only as long as necessary to obtain adequate information about the matter of concern; however, the interview/interrogation of a juvenile will not exceed four (4) hours, and will include periodic breaks and rest periods allowing time for drinks, food, and restroom visits.
CFA 16.04B
 - a. If for any reason the interview/interrogation of a juvenile is projected to exceed the four (4)-hour limit, the investigator will notify the Investigative Section supervisor immediately for approval and mutual monitoring of the six (6)-hour detention time limit noted in this policy.
8. If the assigned officer, or investigator, prior to or during the interview/interrogation, learns that the juvenile is currently on medication, the officer/investigator will summon Miami-Dade Fire Rescue if a medical condition exists that requires attention.
9. Officers will consider during all juvenile custodial and non-custodial interviews/interrogations the following:
 - a. The time of day.
 - b. The length of time of the interview/interrogation.
 - c. Total detention time.
 - d. The juvenile's age, experience, education, background, mental/emotional state, and mental capacity.
 - e. The juvenile's physical condition, to include any medical conditions (if known), whether they are suffering from an injury or pain, and any other significant factors or influences experienced by the juvenile.
 - f. The necessity for periodic breaks and rest periods allowing time for drinks, food and restroom visits, as needed and documented.
 - g. Parent or legal guardian notification attempts.

XII. PROCEDURES FOR DEPENDENT JUVENILES

- A. A juvenile may be taken into non-secure protective custody whenever an officer has reasonable grounds to believe that the juvenile has been abandoned, abused, neglected, is suffering from illness, or is in immediate danger from his/her surroundings, and removal is necessary to protect the juvenile. **CFA 16.02 B**
- B. 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 access to the juvenile.
- A. Dependent juvenile procedures:
 - 1. Miami-Dade Fire Rescue will be contacted to respond to any location where a dependent juvenile is in need of immediate attention.
 - 2. Physically abused and/or neglected:
 - a. The Department's Investigative Section will be notified immediately.
 - b. The initial responding officer will contact the FDCF through the Abuse Registry Hotline at (866) 532-2873. The case facts will dictate the necessity of immediate response of a caseworker. The FDCF caseworker 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 non-residing parent, adult relative, or court-appointed adult.
 - 3. Mental Health Crisis:
 - a. When necessary, and as case facts dictate, an officer may be instructed by the FDCF to take a juvenile, without delay, to a case worker, Miami Bridge, a mental health facility, or a FDCF representative may respond to them.
 - b. Officers must be familiar with the Involuntary Examination criteria, Baker Act, pursuant to FSS 394.463, and Departmental policy.
 - 4. Sexually abused:
 - a. Whether the subject is known or unknown, the General Investigations Unit will be notified immediately.

- b. If the subject is known, it will be the investigator's responsibility to contact the FDCF.
 - c. If the offender is unknown, the reporting officer will contact the FDCF.
- 5. Intoxicated or drug impaired:
 - a. Notify Miami-Dade Fire Rescue, if necessary.
 - b. Contact the juvenile's parent, or legal guardian.
 - c. If a parent cannot be contacted, and the juvenile requires medical attention, FDCF will be notified through the Abuse Registry at (866) 532-2873.