

## CHAPTER FORTY-THREE

### JUVENILE OPERATIONS

#### I. PURPOSE

The purpose of this directive is to establish guidelines for a uniform method of action in all matters brought to the attention of the Sheriff's Office pertaining to juveniles.

#### II. DISCUSSION

This directive shall apply to all Sheriff's personnel. It is the policy of the Sheriff that the Office is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. This goes beyond enforcing the law. The responsibility for participating in a /or supporting the Juvenile Operations functions shall be shared by all Office components and personnel. When dealing with juveniles, members should always make use of the last coercive reasonable alternative as long as it is consistent with preserving public safety, order, and individual liberty. Therefore, the functions of the Juvenile Operations Unit shall include: designing and implementing programs intended to prevent and control delinquent and criminal behavior by youths; follow-up processing of youth arrests; coordinating or preparing Court cases in which a juvenile offender is involved; and diverting juvenile offenders out of the juvenile justice system and adjusting cases. [CALEA 44.1.1]

The Juvenile Operations component falls within the under the Special Investigations Division. The Members of this component are directly responsible to the Supervisor in charge of the Special Investigations Division.

Florida Law provides exclusive original jurisdiction of proceedings in which a child is alleged to be dependent or delinquent. It further provides that the judge, after a Waiver Hearing, may enter an Order Waiving Jurisdiction, certifying the case for trial as though the child were an adult, proving the child in question is fourteen (14) years of age or older.

The Circuit Court has jurisdiction of juvenile traffic offenses providing the Monroe County Traffic Court waives jurisdiction and certifies the case to the Circuit Court.

Any child under eighteen (18) years of age, charged with a violation of Florida Law punishable by death or life imprisonment, is subject to the jurisdiction of the Juvenile Court unless and until an indictment or such charge is returned by the Grand Jury. In that event, the Juvenile Court is divested of jurisdiction under Florida Law and the charge is made in the Circuit Court, Criminal Division. The child shall then be processed in every respect as an adult.

#### III. DEFINITIONS

1. Juvenile (Child) - Any unmarried person under the age of eighteen (18) 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 eighteen (18) years old.
2. Delinquent Child - A child who is found by a Court to have committed a felony, a misdemeanor, contempt of Court, or a violation of a local ordinance and whose case has not been prosecuted as an adult case.
3. Dependant Child - A child who: [CALEA 44.2.2]
  - a. Has been abandoned, abused or neglected by his/her parents or other custodians.

- b. Has been surrendered to the Department of DCF or a licensed child placing agency for purposes of adoption.
  - c. Has been voluntarily placed with a licensed child-caring agency, or a licensed child placing agency, or the Department, whereupon, pursuant to the requirements of Section 409.168, FSS, a performance agreement has expired and the parent or parents have failed to substantially comply with the requirements of the agreement.
4. "Child in Need of Services" means a child for whom there is no allegation or suspicion of abuse, neglect, or abandonment and who, pursuant to this Chapter, is found by the Court: [CALEA 44.2.2]
- a. To have persistently run away from his parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include voluntary participation by the child's parents or legal custodians and the child in family mediation, services, and treatment offered by the Department of DCF; [CALEA 44.2.2]
  - b. To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to Florida Statute 232.19, FSS, and through voluntary participation by the child's parents or legal custodians and by the child in family mediation, service, and treatment offered by the Department of DCF; or [CALEA 44.2.2]
  - c. To have persistently disobeyed the reasonable and lawful demands of his parents or legal custodians, and to be beyond their control despite efforts by the child's parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family or individual counseling. [CALEA 44.2.2]
5. Juvenile Court - The Juvenile and Domestic Relations Division of the Circuit Court of the 16th Judicial Circuit of the State of Florida. [CALEA 44.2.2]
6. Violation of Law - A violation of any law of the United States, or the State of Florida which is a misdemeanor or felony. Violation of law also means a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult. [CALEA 44.2.2]

#### **IV. POLICY AND PROCEDURE**

##### **A. Dependant Children**

- 1. Florida Law authorizes deputies to take a child into custody when the criteria established for dependent children has been met and the child's welfare requires that appropriate action be taken.
- 2. Taking custody of a child without an order from a circuit Court Judge, except "the taking into custody" for a delinquent act, is to be effected only in those instances where the circumstances are of an emergency and immediate action is necessary for the child's welfare.
- 3. When a child is not in immediate danger (taking into consideration the age of the child, physical and mental condition, and other source of danger) and the parents or other responsible adults are present, the child need not be taken into custody.

(REVISED ON 8-24-00)

- 4. When circumstances require, a dependent child shall be taken into custody by the investigating Deputy (or intake officer) and then transported to the appropriate receiving facility or directed by personnel of the Department of Children and Family Services.

- a. The juvenile's parents must be notified at the earliest possible time.
  - b. The name and location of the designated receiving home shall not be given to any person except those who are acting in an official capacity with a duly recognized governmental agency.
  - c. Inquiries pertaining to the child's whereabouts should be handled by advising that the child is in official custody and that further information is available only through Children and Family Services.
  - d. If arrest and prosecution is under consideration for those persons responsible for the existing condition of the child, care shall be taken in obtaining the evidence to support the charge.
5. The child's welfare empowers entry into the premises. The gathering of evidence, physical or photographic, shall be undertaken in accordance with legal and Office procedures.

## **B. Delinquent Children**

- 1. Florida Laws of arrest and interrogation do not distinguish between adults and juveniles. Juveniles are entitled to the same constitutional protections regarding criminal matters as are adults and must be warned of their Constitutional Rights prior to an interrogation when suspected of violating the law. [CALEA 44.2.2] [44.2.3]
- 2. The Deputy taking a child into custody shall promptly attempt to notify the parent, guardian, or legal custodian of the child. When contact is made with the parent or legal guardian the interrogating officer shall confer with them concerning the circumstances of the interrogation to include the need for, nature of and information sought/learned. [CALEA 44.2.2] [44.2.3]
- 3. Appellate Courts hold that admissibility of statements made by a juvenile during interrogation depends on whether a Miranda Warning was given properly, whether the child understood the warning, and whether the juvenile waived his/her rights and made such statements freely, voluntarily, knowingly, and intelligently. [44.2.3]
  - a. Juveniles may be interrogated at a Sheriff's facility but they must not be detained for an unreasonable length of time. [44.2.3]
  - b. Juveniles shall not be interrogated for an unreasonable length of time not to exceed 6 (six) hours. The nature and severity of the crime under investigation, age, intelligence, education and condition of the juvenile shall govern the length of an interrogation session. The juvenile shall be given a ten-minute break after each hour of interrogation. [44.2.3]
  - c. During a juvenile interrogation, the number of officers present should be limited to two. [44.2.3]
  - d. The interrogating Deputy shall inform the suspect and any parent or guardian present of the Sheriff's Office procedure regarding interrogation and the juvenile justice system as it relates to their particular case. [44.2.3]
  - e. The Deputy taking the child into custody shall continue such attempt until the parent, guardian, or legal custodian of the child is notified or the child is delivered to, DJJ. At that time, the responsibility to notify the parent, guardian, or legal custodian of the child transfers to that intake counselor. [CALEA 44.2.2] [44.2.3]
  - f. Juveniles shall be transported to the DJJ facility without delay, unless the juvenile is in need of emergency medical treatment. [CALEA 44.2.2] [44.2.3]

### **C. Detention of Children**

1. A Deputy shall request detention of a juvenile charged with a violation of the law when:
  - a. The charge is for a violent or major offense.
  - b. The child has a history of repeated criminal offenses.
  - c. There are reasonable grounds to believe that the child will fail to appear at a hearing.
  - d. There are reasonable grounds to believe that the child may physically harm witnesses, victims, other persons, or property.
  - e. In cases where detention has been requested by a Member, yet referred by DCF, such information shall be included in the case report.
2. In all other cases, the Deputy Sheriff shall make an effort to release the child to a parent, legal guardian, or responsible adult relative. In those cases in which a responsible person will not accept the child or is unavailable, the child shall be held as a dependent child. Prior to release, following criteria should be followed in making this determination:
  - a. There is proper supervision in the home.
  - b. The juvenile is not ungovernable and will not run away prior to a Court hearing.
  - c. The juvenile is not a danger to society or himself. (Consideration should be given to the type of crime involved, seriousness, etc.)
3. Unless otherwise ordered, the arresting Deputy may, when a juvenile is arrested during school hours, release the juvenile to a school dean or principal. The parents or legal guardians of the child must be notified of the disposition as soon as possible.

### **D. Transporting Juveniles**

1. Juveniles shall not be transported in a Sheriff's vehicle which contains an adult prisoner.
2. When a female juvenile is transported, the Deputy transporting shall advise Communications of the juvenile's presence in the vehicle, the expected duration, and starting mileage. Upon arriving at the destination, the transporting Deputy shall advise Communications and give the ending mileage.

### **E. Interviewing Juveniles: [CALEA 44.2.3]**

(Revised 01/25/10)

Deputies shall afford juveniles the same respect and rights as are afforded adults, whether the juvenile is a suspect, a victim, or a witness.

There is no legal requirement to notify the juvenile's parent or guardian prior to the Deputy's interview or interrogation of the juvenile.

All custodial interrogations of juveniles shall meet constitutional requirements.

All custodial interrogations of juveniles shall be limited to two hours, with sufficient break time to allow for personal necessities and/or rest periods. No more than two law enforcement officers shall be present during the custodial interrogation of a juvenile.

In the event a juvenile must be interviewed or interrogated at school, the law enforcement officer shall notify the school authorities of the law enforcement presence on the campus. The LEO is not required to inform the school authorities of the reason for their presence on the campus. Should there be any question of this policy by the school authorities or parents, the Deputy shall immediately contact his/her supervisor for support and advice.

Consistent with the necessities and timing of the investigation, the law enforcement officer shall notify a juvenile suspect or victim's parent or guardian of the interview or interrogation. The Deputy shall use good judgment as to the timing of the parental notification. If notifying the parent or guardian will jeopardize the investigation in the Deputy's judgment, the Deputy may proceed with the interrogation or interview.

**(Revised 3/23/11)**

## **F. Fingerprints and Photographs**

Upon the taking into custody of a juvenile for a violation of the law, either misdemeanor or felony, the arresting Deputy shall adhere to the following guidelines regarding fingerprinting and photographing of the alleged juvenile offender:

1. The arresting Deputy shall transport the juvenile to the Monroe County Jail or respective District Station, where the juvenile will be fingerprinted and photographed. In cases in which the juvenile is to be released to the custody of a parent / guardian, the arresting Deputy shall have the discretion of allowing the parent / guardian to bring the juvenile to the Jail or respective District Station at the earliest opportunity for processing.
  - a. The booking section shall make the necessary disposition of the fingerprints and photographs, including submitting to FDLE ; the arresting Deputy shall be responsible for the proper disposition of the child.
  - b. This procedure shall be followed regardless of the Deputy's decision to recommend release or detention of the child.
  - c. Two (2) fingerprint cards, (one for the Sheriff's Office and one for the Florida Department of Law Enforcement) are to be made along with the photograph of the juvenile.
2. Traffic violations - Nothing in this procedure shall prohibit the fingerprinting and photographing of child traffic violators as prescribed in Florida Law.
3. Fingerprint records and photographs of juveniles taken into custody must be marked "Juvenile Confidential" and kept in a separate file so that they are not accidentally disclosed to the public.

## **G. Diversion**

Juvenile offenders may be dealt with along a continuum of programmatic responses. The least aggressive intervention: the officer may detain, admonish, counsel and release a child with no further action. The most aggressive intervention: the youth may be referred to an extended program of supervision, and treatment requiring participation in intervention services appropriate to identified needs. Formal diversion after processing is determined by the Assistant State Attorney, in concert with Department of Juvenile Justice, and the Court. The Sheriff's Office shall cooperate with the victim, the State Attorney, social service agencies, and department of juvenile justice in the collection and recording of all available information in order to ensure an effective diversion program is maintained. [CALEA 1.1.3] [CALEA 44.2.1]

(revised on 6-27-01)

1. Juvenile Civil Citation: The Juvenile Civil Citation program was designed for use as a form of diversion. Florida Statute 985.301 allows for a civil citation to be issued to a juvenile who commits a non-serious delinquent act, a misdemeanor or violation of a city or county ordinance. The juvenile can then be issued a citation and referred for enrollment into the program. Failure to comply with the program will result in the youth's referral to the Assistant State Attorney with a recommendation for prosecution in Juvenile Court using the citation as the charging document. [CALEA 1.1.3, 1.2.6] [CALEA 44.2.1]
  - a. Procedures for filling out the form - Filling out the form is self-explanatory and fill-in-the-blank. On the reverse side of the Agency copy is victim information. This victim information is needed for UCR and must be carboned or otherwise copied onto the Juvenile Civil Citation copy so they will have the information. [CALEA 44.2.1]
    - 1) Send a copy of the citation to the victim
    - 2) A copy of the citation is for prosecution purposes
  - b. The Juvenile Civil Citation may be issued in lieu of taking a juvenile into custody if the Deputy can determine to his/her satisfaction that the juvenile: [CALEA 1.1.3] [CALEA 44.2.1]
    - 1) Has committed a criminal misdemeanor or a violation of a County ordinance [CALEA 1.1.3] [CALEA 44.2.1]
    - 2) Note that when both the above circumstances exist, the Deputy may use his/her discretion in determining whether the child should be issued a Juvenile Civil Citation, thereby diverting the juvenile from the criminal justice process, or should be taken into custody and booked at a Monroe County Detention Facility. The Deputy retains the authority to take a juvenile into custody, even if both the above conditions exist. [CALEA 1.1.3] [CALEA 44.2.1]
  - c. The Deputy must take the juvenile into custody and is not authorized to issue a Juvenile Civil Citation if any of the following circumstances exist: [CALEA 44.2.1]
    - 1) The charge is any felony
    - 2) The charge is any criminal traffic offense
    - 3) If the juvenile has already received prior citations (**IF** the Deputy has personal knowledge or is able to get reliable information that this is the case)
    - 4) The charge is a misdemeanor that involves a malicious act of violence, or is a hate crime
  - d. Policy for use of the form:
    - 1) Upon observing a juvenile committing a crime that falls within the guidelines for issuing the form, a citation will be completed and a copy given to the juvenile. The Deputy shall explain the procedure the juvenile must follow. These instructions are on the back of the juvenile's copy of the citation. [CALEA 44.2.1]

(revised on 6-27-01)

- 2) For offenses not witnessed by the officer, but arrestable (i.e., shoplifting), a citation may be issued. The officer shall ensure that the case is prepared for possible criminal prosecution, which involves photographing returned items and/or completing property receipts for seized property. Property receipt number(s) should be noted on the citation. When a citation is issued

for consumption of alcohol or drugs, it shall be the policy of the Sheriff that before the juvenile is released, the officer make contact with the parent or legal guardian of the juvenile(s). The parent or guardian will be asked for authorization to release the juvenile or the officer will detain the juvenile until the adult can respond to take custody. In cases of possession without consumption, a citation may be issued and the juvenile released without parental consent. [CALEA 44.2.1]

2. Deputies investigating a non-felony offense committed by a juvenile may elect to, release the child without charges after evaluating all the circumstances involved in the offense. [CALEA 44.2.1]
3. A Deputy's Supervisor may approve diversion of a juvenile who has committed a violation of law, provided the following criteria are met: [CALEA 44.2.1]
  - a. The offense must be a violation of law in which the Deputy could effect an immediate arrest
  - b. The juvenile has no record of previous delinquency
  - c. The juvenile admits to committing the offense
  - d. The juvenile has an attitude favorable for rehabilitation
  - e. The extent of the juvenile's involvement in the offense, and
  - f. The attitude of the parents or legal guardian is positive and supportive
  - g. The age of the juvenile offender should be considered
4. The Deputy shall complete an incident report detailing the facts of the investigation. The Deputy shall complete a juvenile affidavit form in the same manner as if the juvenile had been taken into custody. [CALEA 44.2.1]
5. The Deputy's immediate Supervisor shall review the incident report for accuracy and determine if all criteria for diversion are present. [CALEA 44.2.1]

#### **H. Juvenile Case Management**

Juvenile Case Management shall be under the command of the Special Crimes and Operations Division Commander, Juvenile Unit and shall be responsible for:

1. The review of all incident reports which involve juvenile suspects and or victims, to insure that:
  - a. The report has been properly completed, all information required to complete the report is present, and the incident has been properly classified.
  - b. The preliminary investigation is complete with respect to interviews of witnesses, victims and suspects, and that each lead has been followed as far as practicable by the originating Deputy.
2. Maintenance of a suspense file to insure that all incident reports are returned for correction, and incident reports which require follow-up investigations by the originating Deputy.
3. The review of any supplements to existing incident reports for completion and accuracy.
4. Receiving and logging DCF letters of disposition, and forwarding same to arresting Deputy's Supervisor.

5. Receiving and distributing correspondence from DCF counselors to arresting deputies.
6. Routing of incident reports
  - a. The investigating Deputy shall, in addition to the normal routing procedure, prepare one (1) additional copy of all incident reports which involve juvenile suspects and/or victims. This copy shall be forwarded to Juvenile Special Crimes and Operations Unit.
  - b. Incomplete and/or inaccurate incident reports shall be returned to the originating Deputy through his/her Supervisor. An action slip detailing the necessary corrections and a suspense date indicating the date by which corrections must be made shall be attached to the report copy.
  - c. The originating Deputy shall make all necessary changes and/or additions to the original report at the Records Section.
7. Case assignment
  - a. Active cases shall be assigned follow-up status at the originating District.
  - b. In the event a determination is made that a victim / suspect is in actuality an adult and not a juvenile, or a juvenile and not an adult, the follow-up investigator shall:
    - 1) If a juvenile, supplement the original incident report and forward a copy of the supplement to the Juvenile Officer, who shall obtain a copy of the original report for review.

**I. Juvenile Medical Attention**

1. Deputies coming in contact with juveniles who are in need of medical attention due to drug ingestion, intoxication, mental disorder, or physical injury, and whose parents, spouse, or legal guardians cannot be contacted, shall arrange for the juvenile to be transported to an appropriate treatment facility.
2. Deputies taking into custody a juvenile who is experiencing an emotional disorder, and who is a danger to himself/herself or others, shall transport him/her to the County Jail or respective District Station where Monroe County Mental Health will be contacted to respond.
3. Deputies taking into custody a juvenile who is under the influence of drugs or intoxicating liquors, or is suffering from physical injuries to the extent that his/her health or safety is in jeopardy, shall arrange for transportation of the juvenile to Florida Keys Memorial Hospital in District I, the nearest hospital in Districts II and III, respectively.
  - a. After arrival at the treatment facility, and if the juvenile is unmarried, the Deputy shall contact the Florida Department of Children and Family Services (DCF) and advise the intake officer of the surrounding circumstances. A joint decision shall be made as to the disposition of the juvenile.
  - b. If DCF decides to respond, the Deputy shall remain at the facility with the juvenile until arrival of the intake officer, completion of an initial evaluation, and immediate disposition of the child is determined. The Deputy's presence during the intake officer's evaluation interview with the juvenile shall be determined by the intake officer, unless the legal status of the juvenile makes this inadvisable.
  - c. If admission to the treatment facility is required, the Deputy shall remain until the admission procedure has been completed.

- 1) Non-criminal Incidents - Custody situations which do not require that criminal charges be brought against the juvenile shall be referred to DCF by completing the appropriate report. Unless otherwise instructed by DCF, the Deputy shall advise the treatment facility to contact DCF when the child is to be discharged.
- 2) Criminal Incidents (Non-Felony) - In addition to contacting DCF and making a dependent child referral, the Deputy shall document in the appropriate report the criminal charge and facts surrounding the charge. The treatment facility shall be instructed to contact DCF for further disposition of the juvenile when he/she is to be discharged.
- 3) Criminal Incidents (Felony) - The Deputy shall confer with the DCF intake officer to determine arrangements for secure detention.
  - a) The Deputy shall complete the appropriate report indicating that the subject is a dependent child and documenting supporting facts for the criminal charge.
  - b) If the juvenile is not under Sheriff's Office guard, the Deputy shall instruct the receiving treatment facility to notify the Sheriff's Office Communications Section when the subject is to be discharged. He/she shall also initiate a memo to the Juvenile Officer advising that the subject is being committed and the circumstances involved in the detention.
    - (1) A Deputy shall be dispatched to the facility and shall determine the proper disposition of the juvenile, as dictated by circumstances and Sheriff's Office procedures.
    - (2) The assigned Deputy shall transport the juvenile to the Sheriff's Office Booking Section for fingerprinting and photographing.
    - (3) Upon completion of the assignment, the Deputy shall supplement necessary offense reports pertaining to the criminal violations involved.
  - d. If admission to the treatment facility is not necessary, the juvenile shall be released to the Deputy for disposition, as indicated by the circumstances. The evaluating treatment facility shall provide the Deputy with a release statement indicating that the condition of the child is such that he or she may be confined in a detention facility.
  - e. Incidents involving juveniles who require medical treatment for conditions which are not life-threatening and in which the parents or guardian refuse to provide or give consent for such care shall be evaluated on a case by case basis. The Deputy shall contact the DCF on-duty intake officer to determine the course of action to be followed. Nothing in this procedure shall prevent a Deputy from initiating an investigation into the surrounding circumstances and, if warranted, bringing criminal charges against the parents or guardian, in accordance with Florida Law.

## **J. Juvenile Records**

1. Fingerprint cards and records relating to juvenile offenders and delinquent children shall not be open for public inspection except as authorized by Chapter 39, Florida Statute, and shall not be combined with fingerprints cards and records relating to adult offenders.
2. Regardless of the gravity of an alleged offense, fingerprints of minors shall not be used to create an adult criminal history or arrest record unless and until the minor is transferred for prosecution as an adult in accordance with Section 39.09, Florida Statute.

3. All records pertaining to juveniles shall be considered confidential and shall only be available to personnel after written approval from a Division Head. Such written approval shall state the reason(s) for requesting review and shall in no wise conflict with any law pertaining to such records. The approval memo shall be presented to the Juvenile Officer or Director of CJIS.
4. Disposition of records when reaching adult age - Such records shall remain on file until an Order from the Court allows their removal. Chapter 39.12(2) Florida Statute.
5. Record expunction for juveniles - Upon the receipt of a Court Order to expunge or seal a criminal history record, the Records Supervisor shall initiate the following procedural steps to insure that the requirements of law are met (All Court Orders must be certified).
  - a. Identify the subject of the Court Order or document requesting expunction or correction with the subject's arrest record, case number, and date of arrest.
  - b. Prepare a letter of transmittal, citing specific identification of the subject and arrest information to be expunged or corrected. The letter shall have the signature of the Sheriff or his designee.
  - c. Attach a copy of the Court Order or document requesting expunction or correction to the letter of transmittal and forward to:
 

Florida Department of Law Enforcement  
 Crime Information Bureau-Records Control Unit  
 Post Office Box 1489  
 Tallahassee, Florida 32302
  - d. Notify all agencies to which the subject's affected record has been disseminated.
  - e. All expunged / sealed records shall be held in a pending status until a reply letter has been received from the Florida Department of Law Enforcement. Upon receipt of the reply letter, complete expunge / seal or any other action cited in the Court Order or document requesting expunction or correction.
6. The identity or address of a juvenile must be treated as confidential unless the child is sixteen (16) years of age or older and has been taken into custody for a violation of law, which if committed by an adult would be a felony, or the name and address of any child sixteen (16) years of age or older who has been found by a Court to have committed at least three or more violations of law which, if committed by an adult, would be misdemeanors.
7. The records section, Information Management Director, and the Juvenile Officer shall be responsible for the collection, dissemination, and retention of juvenile records.

**K. Evaluations**

Annually all juvenile and preventive programs will be evaluated to determine if a program should be continued, modified, or eliminated. The designee in charge of the program will complete a report and forward it to the sheriff or the designee.

CALEA 44.1.3

**L. Establishment of Policies**

In the establishment of juvenile policies and procedures by the Office, Sheriff's Office, especially the Juvenile Operations component will maintain liaison with Department of Children and Families and Department of Juvenile Justice to solicit their input.

[CALEA 44.1.2]

### **M. Services Listing**

An updated listing of social service agencies in Monroe County, that provides services to youths, shall be maintained by Dispatch. Such a list should prove an invaluable aid to those who must choose among available social service agencies when the decision to divert a juvenile must be made.

### **N. Juvenile School Attendance Violation Notice**

1. The Monroe County Sheriff's Office will exercise options included in the Florida State Procedural Laws Chapter 39.421, (taking into custody a child alleged to be from a family in need of services or to be a child in need of services), and Florida School Laws Chapter 232 (Compulsory School Attendance; Child Welfare), in regard to on-view truancy violators. [CALEA 1.1.3]
2. All sworn members of the Office shall be governed by this policy in their contact with truant juveniles. [CALEA 1.1.3]
3. All sworn members of the Office shall familiarize themselves with and utilize the School Attendance Violation Notice described within this order and follow the state procedural laws for truancy violators. [CALEA 1.1.3]
  - a. When a Deputy encounters a juvenile away from school during school hours, he/she shall first determine if the juvenile is truant or is an approved home-study or homebound student by one of the following procedures:
    - 1) Personal interview with juvenile
      - a) Sector 1
        - (1) If the juvenile is in the home-study program, contact Glynn Archer elementary School to confirm, regardless of where the juvenile is enrolled.
        - (2) If the juvenile is a homebound student, contact the school of enrollment to confirm.
      - b) Sectors 4/5
        - (1) The Deputy should contact the attendance office (through the communications Center) of either the Marathon High School or Stanley Switlik School to confirm that the student should be in or out of school. If excused, no form will be completed. (NOTE: The home study program does not apply in the Marathon area).  
(revised on 6-27-01)
      - c) Sectors 6/7
        - (1) A truant juvenile should be returned to the school facility which the juvenile is registered to attend.
        - (2) If a juvenile is untruthful as to the school that he/she attends, the juvenile's identify or other information which obstructs the Deputy's performance regarding the disposition of the juvenile, additional action would be indicated.

- 2)** Request dispatch to phone the school attendance office where the juvenile is enrolled and check for permission of the juvenile to be away from school or if the juvenile is an approved homebound student.
- 3)** Request dispatch to phone the juvenile's parent(s) and/or legal guardian to check for permission of the juvenile to be away from school.
  - a)** This option should be exercised only if dispatch is unable to make contact with the school.
  - b)** Once the Deputy determines that the juvenile is a truancy violator, he/she shall then fill out the School Attendance Violation Notice.
    - (1)** The Deputy will obtain a case number and place the number in the top right hand corner of the violation notice.
    - (2)** The Deputy will complete the form by filling in the blanks as instructed.
    - (3)** If the juvenile is between the ages of 6 through 15, the Deputy will:
      - (a)** Check the box - "Regular School Attendance Required, ages 6 through 15."
      - (b)** Briefly describe the circumstances of the encounter with the violator including the location of the juvenile at the time of the stop.
      - (c)** Instruct the violator(s) that they must have their parents sign their copy of the School Attendance violation Notice and return the notice to the school where they are enrolled within four days.
      - (d)** Have the violator sign the School Attendance Violation Notice as indicated on the form (if the violator refuses to sign, write "REFUSES TO SIGN" in the Violator Signature space).
      - (e)** Transport the juvenile to the school where the juvenile is enrolled. Record the mileage in the appropriate space.
      - (f)** Once at the school, deliver the violator to the attendance office and leave the school personnel the original or white copy of the School Attendance violation Notice.
    - (4)** If the juvenile is between the ages of 16 through 17, the Deputy will do the following:
      - (a)** Check the box – "Student Non-Enrollment and Non-Attendance; Non-Issuance or Suspension of Driver's License."
      - (b)** Briefly describe the circumstances of the encounter with the violator including the location of the juvenile at the time of the stop.
      - (c)** Explain to the violator(s) that the school will initiate action towards suspension of their driver's license or the non-issuance of the driver's license due to their non-attendance at school.
      - (d)** Have the violator sign the School Attendance Violation Notice as indicated on the form (if the violator refuses to sign, write "REFUSES TO SIGN" in the violator signature space).

- (e)** Give the violator his/her copy of the School Attendance Violation Notice.
- (f)** It is not mandatory for a truancy violator in this age category to be transported back to school. The Deputy should offer the transport and if accepted, record the mileage in the appropriate space. The Deputy should deliver the violator and the original or white copy of the School Attendance violation Notice to the school office. If the violator refuses the transport, the school should be notified by phone indicating the location of the violator and that a School Attendance Violation Notice was issued.
- (g)** If the Deputy does not transport the violator to the school, he/she should do one of the following with the school's copy (white) of the School Attendance Violation Notice:
  - (i)** Personally deliver the copy to the school where the violator is currently enrolled.
  - (ii)** Leave the school's copy of the Attendance violation Notice in the School Resource Officer's mailbox, if the juvenile attends that School Resource Officer's school.
- c)** In cases where the violator refuses to provide the information necessary for the Deputy to investigate a truancy violation, the Deputy may initiate an arrest for "Resisting officer Without Violence" as outlined in 843.02 Florida Statute.
- d)** This procedure does not require an offense report be written by the Deputy, unless the Deputy makes an arrest for resisting. If an arrest is made, the Deputy will be required to prepare all necessary paperwork for a juvenile misdemeanor arrest and follow the standard juvenile arrest procedure.
- e)** The Deputy should forward copies of the documentation through the Supervisor / Shift Commander for review and forward to the Records Unit.
  - (1)** White - school's copy
  - (2)** Green - office's copy
  - (3)** Goldenrod - officer's copy
  - (4)** Yellow - violator's copy