

FLORENCE POLICE DEPARTMENT GENERAL ORDER

Subject: JUVENILE OPERATIONS	Procedure: General Order 22.1.1 CALEA 44.1, 44.2	Total Pages: 11
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I. POLICY

It is the policy of this Department to be committed to the development, implementation, and perpetuation of programs designed to prevent and control juvenile delinquency within the community. Officers are encouraged to divert juveniles away from delinquency through referrals, counseling, and education. When formal court referral is indicated, police officers shall be fair and impartial while being mindful that their official action will take into account what is in the best interest of the juvenile offender and the community as a whole. **All departmental personnel dealing with juvenile offenders are encouraged to use the least coercive methods among reasonable alternatives, consistent with preserving public safety, order, and individual liberty.**

II. PURPOSE

This written order establishes guidelines and procedures for handling cases and situations involving juveniles (children under 18 years of age).

III. SCOPE

This written order is applicable to all personnel.

IV. RESPONSIBILITY

It shall be the responsibility of all employees to comply with this directive and to support juvenile operations.

V. DEFINITIONS

- A. **JUVENILE:** Any person under eighteen years of age.
- B. **CHILD IN NEED OF SUPERVISION.** A child who has been adjudicated by a juvenile court for doing any of the following and who is in need of care, rehabilitation, or supervision:

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1. Being subject to the requirement of compulsory school attendance is habitually truant from school as defined by the State Board of Education in the Alabama Administrative Code. Notwithstanding the foregoing, a child shall not be found in need of supervision pursuant to this subdivision if the juvenile court determines that the parent, legal guardian, or legal custodian of the child was solely responsible for the nonattendance of the child.
 2. Disobeys the reasonable and lawful demands of his or her parent, legal guardian, or legal custodian and is beyond the control of the parent, legal guardian, or legal custodian.
 3. Leaves, or remains away from, the home without the permission of the parent, legal guardian, legal custodian, or person with whom he or she resides.
 4. Commits an offense established by law but not classified as criminal.
- C. **DELINQUENT ACT:** An act committed by a child that is designated as a violation, misdemeanor or felony offense under the law of this state or of another state if the act occurred in another state or under federal law or a violation of municipal ordinance; provided, however, that traffic offenses, other than those charged pursuant to Title 32-5A-191 and committed by one 16 years of age or older shall not fall within the jurisdiction of the juvenile court. Provided further, such term shall not include any criminal act, offense or violation committed by a child who has previously been transferred for criminal prosecution pursuant to Title 12-15-34 and convicted or adjudicated as a youthful offender on the criminal charge.

VI. PROCEDURES

- A.** A substantial portion of the work load of this Department involves dealing with juveniles. Included within the functional area of juvenile operations are:
1. Conducting preliminary and follow-up investigations of cases involving juvenile offenders;
 2. Processing juvenile offenders;
 3. Preparing and presenting court cases involving juveniles;
 4. Diverting juvenile offenders out of the criminal justice system.
- B. INFORMAL HANDLING/DIVERSION OF JUVENILE OFFENDERS**
1. Personnel of this Department should consider diverting the juvenile offender from the juvenile justice system, any juvenile for whom legal proceedings would be inappropriate, or the use of other

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resources more effective. Referral to another agency or service for potential diversion alternatives regarding juveniles is coordinated and strictly handled by the Lauderdale County Juvenile Probation Office. Factors to be considered in reaching the decision should be:

- a. The nature of the alleged offense;
- b. The age and circumstances of the alleged offender;
- c. The alleged offenders record, if any;

Apart from referring juveniles to juvenile courts, officers should consider release of juveniles or alternative remedies. Alternative remedies to be considered are warnings, consulting with and arranging for corrective action by parents, and outright release with no further action. Factors to be considered should be:

- a. The cooperation and attitude of all parties (child, parent, victim/complainant), and the possibility of the offense being repeated;
 - b. The degree of wrongful intent, violence, premeditation, knowledge of violation; and
 - c. It is likely that corrective action can be taken by the parent.
3. After consideration is given and the officer decides that it is in the best interest of the youth to be released, the officer shall utilize one of the following procedures:
 - a. Warning and release to a parent or guardian;
 - b. Requiring the parents to pick up the juvenile;
 - c. Taking the youth home and informing the parents of the reasons for his/her being picked up.
 4. Generally, first offense situations involving the following types of offenses may be handled in this manner; however, the list is not complete and officer's good judgment and discretion are important.
 - a. Annoying telephone calls;
 - b. Disorderly conduct;
 - c. Minor traffic violations;
 - d. Other status offenses (non-criminal behavior).
 5. When handling a juvenile offender in this manner, the police officer should keep in mind that the objective of the juvenile justice system is to rehabilitate, rather than punish.

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6. When handling a juvenile informally, the officer should respect the youth's right to privacy. Any information gained should be provided to others only on a "need to know" basis.
7. Even when handled informally, a juvenile has all the constitutional rights that an adult would have in the same situation and those rights shall not be violated.

C. FORMAL HANDLING OF JUVENILE OFFENDERS

1. Formal handling occurs when the juvenile's case is referred to the juvenile investigator/juvenile court for disposition.

Generally, the following situations will require formal handling of the juvenile:

- a. Delinquent acts that if committed by an adult would be felonies;
- b. Delinquent acts involving weapons;
- c. Delinquent acts involving alcohol or drugs;
- d. Delinquent acts involving aggravated assaults and batteries;
- e. Delinquent acts committed by a juvenile under probation, or with a case pending;
- f. Delinquent acts which are repeated; or
- g. When parental supervision or diversion programs have proved ineffective.

D. TAKING JUVENILES INTO CUSTODY

1. MISDEMEANORS:

- a. In cases of misdemeanors, the officer will attempt to contact the parents or legal guardian and advise them of the situation.
- b. If parents cannot be located, the on-call JPO will be notified.
- c. If parents or guardians are located, the proper paperwork will be completed, including a Juvenile Supplement Report documenting to whom the juvenile was released, and the juvenile will be released to the parent or guardian.

2. FELONIES:

- a. If an officer takes a juvenile into custody for committing a felony, the on-call Juvenile Probation officer should be contacted.

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- b. Custodial arrangements will be determined by the Juvenile Probation officer.
 - c. The proper paperwork is to be completed including the Juvenile Supplement Report. A Juvenile Complaint Form will only be completed if requested by the Juvenile Probation Officer.
3. REMANDED TO THE JUVENILE DETENTION CENTER:
After speaking with a JPO representative, an officer is told to transport a juvenile to the Juvenile detention center, the officer will complete the necessary paperwork, including the Juvenile Supplement Report and transport the juvenile after calling in the mileage at the beginning of the transport, and upon conclusion of the transport. A Juvenile Complaint Form will only be completed if requested by the Juvenile Probation Officer.
4. SUBSTANTIAL DANGER: A juvenile will be taken into custody when there is a substantial danger to life or health (the child has been harmed or to be in danger of harm); and/or when an officer has probable cause to believe a child has either run away from home or is without adult supervision at night and in circumstances when an officer reasonably concludes there is clear and substantial danger to the child's welfare.
5. In situations where juvenile have been harmed or may be in danger of being harmed, the Alabama Department of Human Resources **will** be contacted to determine an appropriate course of action.
6. PICKUP ORDER: If an officer has reason to believe and/or has confirmed that a legal order of the court exists for an officer to take a juvenile into custody, the officer will take the juvenile into custody, complete the necessary paperwork, and notify the on-call JPO for further instructions.
7. Depending upon the circumstances, the officer may release the juvenile to a parent or guardian. The officer should contact Juvenile Services for assistance in the disposition of the juvenile.
8. Notification of parents or guardians is required in every case when a juvenile is taken into custody to inform them of the circumstances and/or to pick up the juvenile.
9. In no case shall a juvenile be transported with adults suspected of or charged with criminal acts.
10. Any juveniles taken into custody shall be advised by the officer of their constitutional rights before they are interrogated. Officers shall ensure that all constitutional rights of juveniles are protected.

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11. All applicable laws regarding the custody of juveniles will be adhered to, including the “sight and sound” law which states that juveniles are not to be within “sight or sound” of any adult prisoner.

E. CUSTODIAL INTERVIEWS

1. CONFERRING WITH PARENTS OR GUARDIANS:

As early as possible after taking a juvenile into custody, the juvenile’s parents or guardians will be contacted and provided an explanation of the juvenile justice procedures. The requirements of the Juvenile Miranda Warning will be followed. If a child under the age of 18 is the focus of an investigation, the Juvenile Miranda Warning should be read prior to any questioning related to the crime.

NOTE: The Juvenile Miranda should be read even if the juvenile is being charged as an adult. If there is any question about Miranda, read and explain both, if necessary.

2. DURATION OF INTERVIEW: Officers should keep in mind that when questioning a juvenile, they should not prolong the interview period any longer than is needed in order to complete their investigation. The interview of any juvenile suspect/offender should never exceed four (4) hours absent mitigating circumstances. In such a case, the District Attorney’s office will be consulted before continuing the interview.
3. The interrogation should be handled by one officer if at all possible in order to lessen the chance of the juvenile feeling intimidated or pressured. Very few instances would ever require any more than two (2) detectives present during the interview.
4. EXPLANATION OF PROCEDURES: Because in many cases juveniles may not understand what is happening to them during the interrogation process, the officer should explain to them what to expect as far as procedures are concerned and how the court system works.

- F. NON-CUSTODIAL INTERVIEWS: A non-custodial interview can range from an informal field interview or crime scene inquiry, to an elaborate, and lengthy, office session. Care must be taken not to violate the juvenile interviewee’s rights. A juvenile witness to a crime does not have to be advised of his/her Constitutional Rights. However, if during the course of the interview, the juvenile becomes a suspect in the case under investigation, or any other criminal act, he/she must be advised of his/her rights against self-incrimination pursuant to this policy.

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G. TRAFFIC VIOLATIONS

1. Traffic violations involving juveniles under the age of 16 are handled by juvenile court.
2. Other than DUI, juveniles ages 16 and 17 will be issued a regular traffic ticket for all traffic violations and these will be handled by Municipal Court like any other traffic violation.
3. DUI cases involving 16 and 17 year-old juveniles require a traffic UTC for DUI, Incident Offense Report, and an arrest report. The officer that writes the DUI citation, will be required to swear to the citation at the JPO office. **Only the DUI citation goes to juvenile court. All other accompanying citations are sworn to at Municipal Court.** (The juvenile courts recognize the probable cause citations are handled by Municipal Court.)

H. CHARGING AS ADULTS: Prior to charging a juvenile as an adult in a criminal case, the Juvenile Probation Office and the District Attorney's office should be consulted.

I. JUVENILE FINGERPRINTS, PHOTOGRAPHS AND OTHER FORMS OF IDENTIFICATION: Under Alabama Law, juvenile proceedings are not criminal in nature. Consequently, there are special considerations when taking photographs, fingerprints, blood samples, etc., of juvenile suspects (Reference Code of Alabama 12-15-102).

1. Fingerprints of a child who has been charged with an act of delinquency shall be taken by the agency taking the child into custody. The prints may be retained in a local file and a copy shall be filed with the Alabama Bureau of Investigation.
2. If latent fingerprints are found during the investigation of an offense and a law enforcement officer has reason to believe that they are those of the child in custody, the officer may fingerprint the child regardless of age or offense for purpose of immediate comparison with the latent fingerprints. The prints may be retained in a local file and copies shall be sent to the Alabama Bureau of Investigation.
3. The court shall, by rule, require special precautions be taken to insure that the fingerprints will be maintained in a manner and under safeguards as to limit their use to inspection for comparison purposes by law enforcement officers or by staff of the depository only in the investigation of a crime.
4. A child who is charged with an act of delinquency shall be photographed for criminal identification purposes. A child in custody for any other reason shall not be photographed for criminal

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identification purposes without the consent of the court. The photographs shall be retained in a local file with the same safeguards in place as for fingerprints.

5. Blood or other samples necessary for DNA testing may be taken for criminal identification purposes from a child who is charged with an act that would constitute a Class A or B felony if committed as an adult. The samples, if taken, shall be submitted for DNA testing and the DNA records shall be filed with the Alabama Department of Forensic Sciences. The court shall, by rule, require special precautions be taken to ensure that the DNA records will be maintained in a manner and under safeguards that will limit their use to inspection for identification purposes by law enforcement officers or by staff of the testing facility only in the investigation of a crime.
6. Any person who willfully violates this section shall, upon conviction thereof, be guilty of a Class A misdemeanor within the jurisdiction of the juvenile court.
7. Officers may photograph any juvenile, regardless of that juvenile's status as a suspect, when the juvenile is in a public setting and is not physically detained by police for the purposes of taking a photograph.
8. Fingerprints and photographs of a child may be taken by sworn personnel investigating the commission of an act which would be a felony if committed by an adult, and if there is probable cause to believe that the child may have been involved in the felonious act being investigated. Officers may temporarily physically detain the juvenile to secure such prints or photographs.

J. POLICY REVIEW:

This Department will maintain positive relationships with the Lauderdale County Juvenile Probation Office and the Alabama Department of Human Resources. In maintaining this relationship, representatives from JPO, DHR, and/or other elements of the juvenile justice system will be encouraged to assist in the development and review of this department's policies and procedures relating to juveniles. Comments and recommendations from them regarding updates in juvenile policy and procedure will be welcomed.

K. PROGRAM EVALUATION:

All juvenile enforcement and prevention programs will be evaluated annually. Evaluations should consider both the quantitative and qualitative elements of each program, lending itself to decisions whether a specific

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program should function as is, be modified, or be discontinued. Evaluations will be submitted to the Chief of Police via chain of command.

- L. The Florence Police Department recognizes and complies with the Federal “sight and sound” law. No juveniles will be placed within “sight or sound” of adult detainees.

M. JUVENILE RECORDS

1. ACCOUNTABILITY FOR JUVENILE RECORDS: The Records Division Commander will be accountable for the collection, dissemination and retention of juvenile records. The Criminal Investigations Division Administrative Assistant maintains a secure file containing Juvenile Complaint forms, and the Juvenile Investigator’s investigative case files. The juvenile information is stored in a secure manner and includes the following:

- a. The CID administrative assistant keeps a ledger of all juveniles taken into custody and assigns the juvenile a file number.
- b. The names are also included in an excel computer program by name and assigned file number. Additional information in this file includes address, DOB, sex, race, and related Florence Police case numbers. Only the CID administrative assistant and the CID investigator have access to this file.
- c. Once a person turns 19 years of age, the juvenile files maintained by the CID administrative assistant are shredded and so noted in the computer.

2. COLLECTION: Whenever a juvenile is arrested, an arrest report will be submitted to Records Division. The officer submits a Juvenile Supplement Report with all juvenile arrests. When requested by the Juvenile Probation Officer, the officer will complete a Juvenile Complaint Form and the officer shall then forward all Juvenile Complaint forms to the Criminal Investigations Division Administrative Assistant. Information from Incident Reports, Supplement Reports, and Arrest Reports will be entered into the computer system by Records Division personnel. On missing and runaway juveniles, a missing persons Incident Report will be required.

3. DISSEMINATION: Juvenile records, including case reports, are confidential. Such information will not be disseminated to anyone outside the Criminal Justice System without the approval of the court.

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- a. Juvenile arrest information will be provided only to Florence Police Officers and approved agencies that require such information in the performance of their duties. All other agencies requesting information will be referred to the Lauderdale County Office of Juvenile Probation. This control applies to all juvenile records, even though the individual may have reached the age of majority. Offense reports concerning juvenile offenders will be maintained in the Records Division and subjected to authorized dissemination procedures.
4. RETENTION: Retention information is outlined in the directive governing Records Division.
5. SEALING: When the Lauderdale County Juvenile Court orders the sealing of a juvenile record, that record and other associated documents will be removed from the file and sealed in an envelope. The outside of the envelope will contain the name of the individual, the name of the court, the case number and the date of sealment. Sealed records will be maintained in a secured file in the Criminal Investigations Division. Sealed records will not be opened or reviewed for any purpose without an order from the Lauderdale County Juvenile Court.
- N. JUVENILE REPORTS: Instructions for properly completing juvenile reports are found in the “Juvenile Reports Instruction Manual”.

VII. GRANTING TEMPORARY CUSTODY OF JUVENILES:

When an officer has occasion to place a juvenile in the temporary custody of another person, the officer will record in a report, the following information for the person granted temporary custody:

1. Name of person taking temporary custody
2. Address of person taking temporary custody
3. Phone Number of person taking temporary custody
4. Relationship to juvenile

For example, if an officer arrests an adult for DUI (or any charge) and a juvenile is present, the officer will need to find someone to take temporary custody of the juvenile. The officer needs to record the above information for whoever is granted temporary custody. This information is vitally important so DHR can conduct a mandatory follow up visit.

VIII. JUVENILE CRIME PREVENTION

A. SCHOOL RESOURCE OFFICERS:

1. The Police Department, through the School Resource Officer Program, will actively encourage and participate in crime prevention and awareness programs in each of the city schools.
2. The School Resource Officers will maintain liaison with the schools in responding to requests for programs related to crime prevention and control of delinquent and criminal behavior by youths. Department personnel act as resources with respect to delinquency prevention, provide guidance on ethical/leadership issues in a classroom setting, provide individual student counseling, and explain the law enforcement role in society to the students.
3. All officers are encouraged to interact with and develop a cooperative relationship with students and faculty, and to make suggestions as to how the Police Department and we, as individuals, can maintain and control criminal behavior in youths.
4. Investigative contacts necessary with juveniles while they are in school or at school activities will be initiated by contacting school administrative personnel at the school office prior to contacting the juvenile.
5. The primary role of the School Resource Officer Program is to promote a safe school environment that is conducive to learning whereby the students, faculty, and staff can focus their time and attention on education. The SRO will coordinate their efforts with the school administration to ensure they are meeting the needs of the school system.