

"Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods."

ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE

1203.7, JUVENILE DELINQUENCY CITATION PROGRAM

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CHIEF OF POLICE:	ERIC D. SMITH

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1. PURPOSE

The purpose of this policy is to establish guidelines for the issuance of Juvenile Delinquency Citations in accordance with Florida Statutes [985.12](#), which provides for the use of a delinquency citation in lieu of taking a juvenile into custody for non-serious delinquent acts under certain circumstances. The Orlando Police Department will use the Juvenile Delinquency Citation as an alternative means of handling non-serious misdemeanor offenders who meet the criteria set forth in the policy and in accordance with state statutes.

2. POLICY

The Juvenile Delinquency Citation is the primary alternative to an arrest or other formal judicial handling of eligible offenses with the intent to avoid entering the juvenile offender into the juvenile justice system. The program holds the juvenile immediately accountable for their actions with the opportunity to alleviate an arrest record. If the juvenile fails to complete the program, then the case will be referred to the State Attorney's Office. The program has seven days to contact the family upon receipt of the citation to schedule intake. The juvenile is in services between 30-60 days from the issuance of the citation.

3. DEFINITIONS

Juvenile (Child) – 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 before the time that person reached the age of 18 years.

Juvenile Delinquency Citation – A state-mandated diversion program in which a civil citation is issued in lieu of making an arrest for non-serious misdemeanor violations. It is an alternative to arrest and judicial handling for eligible misdemeanor offenses authorized in Florida Statutes 985.12. Upon completion of the conditions of the program, the violation is not recorded on the juvenile's criminal history.

4. PROCEDURES

4.1 CRITERIA AND ELIGIBILITY

The Juvenile Delinquency Citation (Attachment A) is intended for use in misdemeanor cases such as minor criminal mischiefs (graffiti) and thefts, as well as simple batteries with no physical injury to the victim, excluding domestic and dating violence cases. This program will provide an efficient, effective, and innovative alternative to a custodial arrest. This citation would be issued in lieu of booking the juvenile through the Juvenile Assessment Center (JAC). (The Juvenile Delinquency Citation forms are available in the Quartermaster Unit.)

Florida Statute [985.12](#) allows law enforcement making contact with a juvenile who admits to having committed a misdemeanor the discretion to:

- issue a simple warning
- inform the child's guardian or parents of the child's infraction,
- issue a delinquency citation or require participation in a similar diversion program.

Based on the assessed needs of the juvenile, the diversion program may assess restitution and up to 50 community service hours and require participation in intervention services such as family counseling, urinalysis monitoring, educational support, life skills, job training, mentoring and substance abuse and mental health treatment services.

A. Criteria for Issuance

Prior to the issuance of the Juvenile Delinquency Citation, the following criteria must be met:

- a. The juvenile must reside in the State of Florida.
- b. Probable cause must be established by the officer.
- c. The identity of the juvenile must be confirmed.
- d. The juvenile must admit guilt to the offense after being given his/her Miranda Warning.
- e. The juvenile is 13-17 years of age. A citation can be issued for juveniles 10-12 years of age with watch commander approval. Refer to P&P 1204, Juvenile Procedures regarding arrest considerations for juveniles under 12.

Use of the delinquency citation or similar diversion program is not limited to first-time misdemeanors and may be used in up to two subsequent misdemeanors. **If an arrest is made in lieu of issuing a juvenile delinquency citation, law enforcement must provide written documentation as to why the arrest is warranted.** The reasons for not issuing a juvenile delinquency citation will be provided to the Department of Juvenile Justice to comply with the reporting requirements established in FS 985.126.

B. Specific Circumstances and Ineligible Offenses

Under no circumstances will the citation be issued if any of the following circumstances exist:

- a. The juvenile fails or refuses to give necessary information necessary to complete the citation.
- b. The identification of the juvenile is in question.
- c. The juvenile has been issued three or more Juvenile Delinquency Citations.
- d. The juvenile is on Intake Status with charges pending.
- e. The juvenile is on active Juvenile Supervision.
- f. The juvenile has any criminal convictions.
- g. The juvenile is unwilling or unable to complete the conditions of the program

The following are ineligible offenses:

- a. The offense involves possession or use of a firearm or other weapon.
- b. The officer believes the juvenile may harm him/herself or others.
- c. The offense is a criminal traffic offense.
- d. The offense is exposure of sexual organs or other lewd or lascivious behavior.
- e. The offense is animal cruelty.
- f. The offense is directly or indirectly related to gang activity.
- g. The offense is stalking or injunction violation.
- h. The offense falls within the definition of domestic or dating violence.
- i. The offense is a misdemeanor in which the offender conspired with other defendants with the purpose of committing, or attempting to commit, any felony.

C. Considerations for Issuance

The following factors should be considered when evaluating the issuance of a juvenile delinquency citation:

- a. Age of the juvenile
 - 1. For juveniles under 12, the offense should be serious enough to warrant the sanctions imposed with the citation. Officers are reminded that if the juvenile is non-compliant, criminal charges can result so all of the criminal elements must exist.
- b. Extent of the juvenile's previous contact with the juvenile justice system
- c. Cooperation of the juvenile
- d. Degree of wrongful intent, violence, premeditation and knowledge of violation
- e. Degree of parental involvement and ability to supervise compliance with the program
- f. The offense is a misdemeanor, but there are aggravating circumstances

The juvenile can consent to the issuance of the citation over the objection of their parent/guardian as long as they are able to comply with the requirements of the citation. For example, if the parent objects but the juvenile has their own transportation, then the citation can be considered.

4.2 PROCESS OF ISSUING CITATION

The issuing officer shall complete the criminal investigation in accordance with current Department policy. During the criminal investigation, precautions must be made to ensure that no visual or audible contact occurs between adult prisoners except when the juvenile has been adjudicated as an adult by federal guidelines.

A. Investigation

- a. The juvenile must be given a Miranda Warning prior to questioning.
- b. The officer shall obtain all necessary written statements.
- c. The officer should not mention the possibility of a citation being issued until the criminal investigation is completed.
- d. **Prior to issuing the citation, the officer must call the Juvenile Delinquency Citation Coordinator/Detention Screening at 407.836.8880 or 407.836.8800 (monitored 24 hours) to verify any prior contact with the Department of Juvenile Justice (DJJ) for other delinquent acts and that the juvenile is eligible for issuance of a juvenile delinquency citation.**
- e. Officers attempt to notify the parent/legal guardian as soon as reasonably possible regarding detaining the juvenile.

B. Issue Citation

Once the criminal investigation is concluded, and the officer has concluded that a citation is appropriate, the officer must inform the juvenile of the following:

- a. They have the right to refuse to sign the citation. The officer would then either process the juvenile at JAC, issue a juvenile NTA or file the case at large with the State Attorney.
- b. They may refuse the conditions of the program at any time prior to the completion of the work assignment or other intervention requirements. The case would then be referred to the State Attorney's Office for prosecution.
- c. By accepting the citation, they waive their right to a speedy trial for such a time as is necessary to complete all the conditions given to them by the Delinquency Citation Coordinator.

Officers will then ensure:

- a. The juvenile signs the citation in the Juvenile's Signature of the citation and agree to abide by the conditions set forth.
- b. The juvenile's thumbprints shall be ink stamped on the citation. Ink stamps are available for each officer in the Quartermaster Unit.
- c. The officer will indicate the victim notification in the designated section of the form. The citation can still be issued if the victim objects.
- d. Prior to the end of their tour of duty, officers shall complete an incident report. These reports shall include that Miranda Warnings were read and any incriminating statements made by the juvenile. The officer shall note in the incident report that a Delinquency Citation was issued to the juvenile.
- e. The officer shall indicate in their report that the Juvenile Delinquency Citation Program was thoroughly explained to the victim.
- f. Officers should make every effort to notify the juvenile's parents/guardian of the issuance of the citation. The parent/guardian will be required to contact the Delinquency Citation Coordinator within seven (7) working days after the date of issuance of the citation, The instruction sheet is on the parent/guardian page of the citation packet.

4.3 REQUIRED DOCUMENTATION AND ROUTING

The issuing officers are required to ensure that the following documents are complete when issuing a juvenile delinquency citation:

- a. Incident Report
- b. Current agency approved Juvenile Delinquency Citation (All **five** pages)
- c. Written statements
- d. Supporting documentation (e.g., evidence receipt)

The five (5) copies of the citation will be distributed as follows:

- a. State Attorney Copy – Attach the incident report and statements, and then forward to the Criminal Intake Unit for subsequent delivery to the State Attorney's Office and the Delinquency Citation Coordinator
- b. Records/Agency Copy – Forward to the Records Unit
- c. Juvenile/Youth Copy – The juvenile will be issued their copy with instructions to notify their parent/guardian
- d. Parent/Guardian Copy – If a parent or guardian is present or readily available, they shall be given a copy
- e. Victim Copy – Provide to victim

Officers should submit a complete APS package with the juvenile delinquency citation to their supervisor for review prior to the end of their tour of duty. It is the Criminal Intake Unit's responsibility to ensure that the State Attorney and DJJ copies of the citation are distributed no later than four days from the date of issuance.

Any copies of statements obtained will be forwarded to the Records/ID Unit. The current Juvenile Delinquency Citation form is available in the Quartermaster Unit.

4.4 PROGRAM COMPLIANCE

A. Compliance by the Juvenile

The Criminal Intake Unit shall forward the letter of compliance to the Records/ID Unit.

B. Non-Compliance by the Juvenile

If the juvenile fails to contact the Delinquency Citation Coordinator within seven days of issuance or does not complete the requirements of the program, the State Attorney's Office will immediately review the case for filing.

- a. If the state requires additional documentation, the Criminal Intake Unit will receive a written notice of non-compliance from the Delinquency Citation Coordinator.
- b. The Criminal Intake Unit will retain the original notice and forward a copy of the notice to the issuing officer's supervisor.
- c. The supervisor shall ensure that the issuing officer retrieves the necessary paperwork from the Records/ID Unit and forwards it to the State Attorney's Office.

The issuing officer's supervisor is responsible for ensuring that the officer files the additional documentation within three calendar days of receipt of a non-compliance notice from the Criminal Intake Unit.

5. FORMS AND APPENDICES

ATTACHMENT A – Juvenile Delinquency Citation