



# **TALLAHASSEE POLICE DEPARTMENT**

## **GENERAL ORDERS**

 Proudly Policing Since 1841	<b>SUBJECT</b> Prearrest Delinquency Citation Program		 Nationally Accredited 1986
	<b>CHIEF OF POLICE</b> <div style="text-align: center; margin-top: 10px;"><i>Signature on File</i></div>		
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### **AUTHORITY/RELATED REFERENCES**

FS 847.0141, Sexting  
 FS 985.12, Prearrest Delinquency Citation Program  
 General Order 6, Arrests and Alternatives to Arrest  
 General Order 32, Juvenile Procedures and Programs

### **ACCREDITATION REFERENCES**

CALEA Chapters      1, 44

### **KEY WORD INDEX**

<b>Criteria for Prearrest Delinquency Citation Issuance</b> <b>Documentation Requirements</b> <b>Prearrest Delinquency Citation Liaison Responsibilities</b> <b>Procedures for Issuing a Prearrest Delinquency Citation</b> <b>Supervisor Responsibilities</b>	Procedure I Procedure III Procedure V Procedure II Procedure IV
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### **POLICY**

Florida Statute authorizes the Department to establish a Prearrest Delinquency Citation Program to provide alternatives to arresting misdemeanor juvenile offenders while ensuring the juvenile is held accountable for their action without creating a criminal record. Members are responsible for adhering to established protocols concerning the issuance of a prearrest delinquency citation.

### **DEFINITIONS**

**Prearrest Delinquency Citation:** The PD Form (PD 405B) utilized to document a juvenile's participation in the Prearrest Delinquency Citation Program.

**Prearrest Delinquency Citation Case Manager:** An employee of DISC Village who coordinates the administration of the Prearrest Delinquency Citation Program and reports on each juvenile's progress in the program.

**Prearrest Delinquency Citation Program (PDC):** A formal process established through the Chief Judge of the 2nd Judicial Circuit, the State Attorney, and the Public Defender which permits an arresting officer to offer a juvenile in custody up to fifty (50) hours of community service in lieu of being charged with a criminal offense.

**Sexting:** Producing and distributing sexually explicit images or messages, as outline in FS 847.0141.

## **PROCEDURES**

### **I. CRITERIA FOR PREARREST DELINQUENCY CITATION ISSUANCE**

An officer shall issue a Prearrest Delinquency Citation (PDC) upon making contact with a juvenile offender who is subject to arrest when **all** of the following criteria are met:

- A. The juvenile must be under (18) years of age,
- B. The juvenile resides within the 2<sup>nd</sup> Judicial Circuit (Leon, Franklin, Wakulla, Liberty, Jefferson, or Gadsden County),
- C. The juvenile admits to committing a misdemeanor offense within the 2<sup>nd</sup> Judicial Circuit (Leon, Franklin, Wakulla, Liberty, Jefferson, or Gadsden County),
- D. The juvenile is not a validated gang member per FS 874,
- E. Any restitution must be determined and satisfied within 7(seven) days of entry into the program,
- F. The juvenile and a parent/guardian agree to the issuance of the PDC,
- G. The offense committed is not traffic-related,
- H. The offense committed did not involve a firearm,

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- I. If the offense is domestic-related, the officer shall use their discretion on whether to make an arrest or issue a citation (and should consider age of the involved, likelihood of future violence, severity of injuries, consult with their Sergeant, etc.),
- J. Sexting offenses are NOT eligible due to defined sanctions that are not compatible with PDCs,
- K. The juvenile does not have more than one failure to complete a prearrest delinquency citation,
- L. There is no limit to the number of prearrest delinquency citations for a juvenile; however, the juvenile shall not be enrolled in any diversionary program at the time of the offense,
- M. Reasonable attempts must be made to contact any victim(s) with an advisement of their rights per Marsy's Law.

### II. PROCEDURES FOR ISSUING A PREARREST DELINQUENCY CITATION

- A. Upon determining probable cause exists for the arrest of a juvenile, officers are responsible for determining the eligibility of the juvenile for issuance of a PDC as described in section I above:  
  
Officers can determine if a juvenile is currently participating in a PDC Program or has more than one failure to comply with sanctions by contacting the Juvenile Assessment Center (JAC) or by accessing the Juvenile Justice Information System (JJIS).
- B. Officers shall advise the juvenile of the option to refuse the PDC.
- C. If the juvenile offender refuses the PDC and is arrested, the officer shall transport the juvenile to the JAC without delay (unless the juvenile requires emergency medical treatment).
- D. The signature of the juvenile on the PDC attests to their agreement.
- E. Officers shall ensure the right thumbprint of the juvenile is placed in the bottom right corner on the PDC.

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- F. Officers shall explain the PDC program to the parent/guardian and should request the parent respond to pick up the juvenile.
- G. Officers shall not assess more than fifty (50) community service hours to a juvenile receiving a PDC.
- H. The Prearrest Delinquency Citation Case Manager may require participation in intervention services appropriate to the identified needs of the juvenile, including:
  - 1. Family counseling
  - 2. Urinalysis
  - 3. Monitoring
  - 4. Substance abuse counseling/treatment
  - 5. Mental health services
- I. Officers shall issue Miranda warnings prior to any questioning (or prior to obtaining the juvenile's signature on the PDC if the juvenile is not questioned).
- J. Officers shall explain to the juvenile the difference between an arrest and a PDC.
- K. If a camera is readily available, officers issuing a PDC should take a photo of the juvenile and upload it into the appropriate Department database.
- L. Juveniles issued PDCs shall not be transported to the JAC.

### **III. DOCUMENTATION REQUIREMENTS**

- A. Officers who interact with a juvenile offender who is subject to arrest shall document in the offense report or arrest paperwork the following information:
  - 1. The reason(s) the PDC was or was not issued,
  - 2. The date of the juvenile's last arrest or last PDC (if applicable), and
  - 3. The name of the JAC employee who completed the criminal

history/PDC inquiries.

- B. Officers shall document all PDC refusals in the offense and arrest paperwork.
- C. Officers shall document the results of their contact or attempted contact with the juvenile's parent/guardian in the offense and arrest reports.
- D. In situations where the parent declines to respond to take custody of a juvenile who has been issued a PDC, the officer shall document the refusal in the offense report.
- E. Officers shall include the elements of the crime and all pertinent information on the PD 405B and the offense report including:
  - 1. Height and weight,
  - 2. Race and gender, and
  - 3. Social Security Number (if known).

#### **IV. SUPERVISOR RESPONSIBILITIES**

In their review of juvenile arrest/PDC documents, supervisors are responsible for ensuring:

- A. Juvenile(s) issued PDCs meet the criteria for PDC issuance, or
- B. Officer clearly stated in a Probable Cause the reason the juvenile did not qualify for a Prearrest Delinquency Citation. And,
- C. Officer followed the documentation requirements as outlined in section III above.

#### **V. PDC LIAISON RESPONSIBILITIES**

- A. The PDC Liaison shall review all completed PDCs to ensure correctness and compliance with Department policy and take appropriate steps as directed to remedy any protocol or policy issues.
- B. When notified by the Prearrest Delinquency Citation Case Manager a juvenile has successfully completed the program, the PDC Liaison shall complete a supplemental report with an

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“exceptionally cleared” disposition.

- C. The PDC Liaison shall follow up and issue the appropriate offense/supplemental/arrest reports documenting the juvenile has committed a delinquent act if the juvenile:
  - 1. Fails to report for a work assignment in a timely manner,
  - 2. Fails to complete a work assignment,
  - 3. Fails to comply with the assigned intervention services within the prescribed time period,
  - 4. Commits a new offense prior to completion of the program, or
  - 5. Does not successfully complete the PDC program.
- D. In the event a juvenile commits a new offense prior to completing the program requirements, the PDC Liaison will charge the juvenile with the original offense.
- E. The PDC Liaison is responsible for the completion of an annual written review and evaluation of the effectiveness of the PDC program.

History: previous title (*missing juveniles*) – issued 10/01/1993, retired 05/05/1995. current title – issued 08/01/1997, revised 12/15/2000, 10/29/2001, 04/08/2004, 04/24/2009, 04/28/2014, 02/23/2018, and 02/28/2023.