
	Florida State University Police Department	
Juvenile Arrest and Custodial Procedures		
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Policy – Juvenile Arrest and Custodial Procedures Policy

The Florida State University Police Department (FSU PD) fully recognizes the need to develop and support programs aimed at preventing and controlling juvenile delinquency. Therefore, it shall be the policy of the FSU PD to follow applicable Florida Statutes, specifically Chapter 39, F.S., when handling offenses committed by juveniles or when dealing with situations affecting the safety of juveniles. In addition, the FSU PD shall coordinate its activities with the Florida Department of Juvenile Justice and the Florida Department of Children and Families.

Procedures

A. Diversion

Generally, diversionary strategies and actions should be precluded for offenses that, if committed by an adult, would be classified as felonies. Crimes involving weapons, gang-related activities, acts of violence to another, crimes committed by juveniles on parole or probation with case pending, and incidents of repeated criminal occurring within the previous twelve months should also be excluded from diversion.

FSU PD officers should consider the nature and circumstances of the offense, age, record of the offender, and recommendations of complainants and victims when considering effecting diversionary strategies.

B. Dependent Children

Florida law authorizes officers 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.

1. Taking custody of a child without an order from a Circuit Court Judge, except when arresting for a delinquent act, is to be affected only in those instances where the circumstances are of an emergency nature and immediate action is necessary for the child’s welfare. [CFA 16.02B]
2. When a child is not in immediate danger (taking into consideration the age of the child, physical and mental condition, and the source of the danger), and if the parents or other responsible adults are present, the child need not be taken into custody.
3. When circumstances require, a dependent child shall be taken into custody by the responding officer or investigator and then transported to the appropriate receiving facility as directed by personnel from the Florida Department of Children and Families (DCF).
 - a. The juvenile’s parents must be notified at the earliest possible time.

- b. The name and location of the designated receiving facility shall not be given to any person except those who are acting in an official capacity with a duly recognized government 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 the Florida Department of Children and Families (DCF).
4. The child's welfare empowers an officer's entry into the premises. The gathering of evidence shall be undertaken in accordance with applicable statutes and general orders of the FSU PD.

C. Child Abuse Victims [CFA 16.02B]

When an incident of child abuse is reported, initial contact will be made by a uniformed patrol officer, who will establish whether the incident took place within the FSU PD's jurisdiction.

1. If the incident occurred in another jurisdiction, the officer will advise Communications to contact the agency with jurisdiction. The officer will not investigate the incident or interview the child but will stand by until an officer from the agency who has jurisdiction arrives at the scene.
2. If the incident occurred in this agency's jurisdiction, the officer will advise Communications to contact DCF to request that a DCF investigator respond before any interview is conducted with the child. The Investigations Section shall also be notified, and an FSU investigator shall respond.
3. Interviews shall be conducted in a setting and manner intended to minimize the traumatic effects of the interview. The number of interviews in child abuse and child sexual abuse cases shall be limited to two (2) interviews by the investigating law enforcement agency, including the initial interview by the assigned officer/investigator and follow-up interview.
4. The assigned officer/investigator shall meet with the DCF investigator and obtain additional information on the victim and alleged abuse.
 - a. Photograph any injuries using a digital camera. If necessary, assistance from another agency may be requested to have a crime scene specialist respond in order to take pictures or video.
 - b. In addition, in accordance with Section 301(17), F.S., a law enforcement agency participating in a child abuse investigation must also take pictures or video of the child's living environment.
5. If the offense is founded, the assigned officer/investigator shall do the following:
 - a. Contact the Florida Abuse Hotline at (800) 962-2873.
 - b. Notify the appropriate authorities if a public or private school coach, teacher, or employee is involved.
 - c. Separate and interview parents, relatives, and/or witnesses.
 - d. Write the incident report and forward to the Investigations Section.
6. In accordance with Chapter 39, F.S., the criteria for mandating the reporting an incident of child abuse, neglect, or abandonment to the Florida Abuse Hotline are satisfied when there is reasonable cause to suspect that a child:
 - a. Is a Florida resident, can be located in Florida, or is temporarily out of the state, but expected to return.

- b. Has been harmed or is believed to be threatened with harm (as defined by statute) by a parent, legal custodian, caregiver, or other person responsible for the child's welfare.
 - c. Is not a Florida resident, but can be located in Florida and has been harmed in Florida or is believed to be threatened with harm in Florida (as defined by statute) by a parent, legal custodian, caregiver, or other person responsible for the child's welfare.
7. Should no arrest be made at the time of the initial investigation, and probable cause exists subsequently to charge a suspect, the assigned officer/investigator shall complete an incident report and an arrest warrant that shall be forwarded to the Office of the State Attorney.

D. Truants [CFA 16.01B]

A truant is defined as a juvenile under the age of 16 who is enrolled in a public school and is absent from school without permission. The assigned officer or investigator shall:

- 1. Obtain the identification of the juvenile and verify his/her current status, i.e., suspended, expelled, or withdrawn, by contacting the Truant Center located at the Juvenile Assessment Center (JAC).
- 2. Take a child 6 – 15 years of age into custody when the officer contacts the child and has reason to believe the child is truant from school.
 - a. Complete a Field Contact Card (FCC) and place in the Remarks Section, "TRUANT CHILD, NO CRIMINAL CHARGES/NO WANTS."
 - b. Provide a complete written report detailing the initial action and follow-up action taken by the officer.
 - c. Provide a copy of the FCC to personnel at the JAC, providing additional details as necessary.
- 3. Complete the following actions when encountering a truant child 16-17 years of age.
 - a. Complete an FCC and forward it to the Capital City Youth Services, 2407 Roberts Ave., (850) 576-6000. [CFA 16.01A]
 - b. Transport the 16-17-year-old to the school in which he/she is enrolled.
 - c. Instruct the 16-17-year-old to return to the school in which he or she is enrolled if the juvenile is operating a motor vehicle. However, the truant's vehicle shall not be impounded unless circumstances (other than the truancy) dictate such an action.

E. Runaways [CFA 16.01A; 16.02A]

When an officer encounters a runaway child listed as a missing person in FCIC/NCIC, the officer shall contact the originating agency to request instructions and follow the provisions of the General Order titled, "Missing Persons.

- 1. If there is no pick-up order for the child or other extenuating circumstances, such as delinquency, abandonment, allegation of abuse or violence, the child may be released to his/her parents.
- 2. If there are extenuating circumstances, or if the officer is unable to locate a parent, guardian, or responsible adult relative, the child may be released to Capital City Youth Services. [CFA 19.01A] After release, the officer shall attempt to notify the parents as soon as possible.
- 3. In all cases involving runaways, the officer shall complete and submit an incident report.

F. Hospitalization for Juveniles [CFA 16.03D]

Officers coming into contact with juveniles or minors 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 juveniles to be transported to an appropriate treatment facility.

1. For a juvenile under the influence of alcohol or drugs requiring medical attention, the officer shall contact EMS for transport to the nearest medical facility, Tallahassee Memorial Hospital.
2. Should a juvenile under the influence of alcohol or drugs need medical treatment and is facing criminal charges, the child shall be treated and given medical clearance before transportation to JAC.
3. Juveniles believed to be mentally ill taken into custody under the provisions of a Baker Act or Marchman Act shall be transported to the Apalachee Center Receiving Facility (hereinafter referred to as the "Central Receiving Facility"), 2634 Capital Circle, NE, Tallahassee, FL 32308 per the guidelines in the General Order titled "Baker/Marchman Act & Crisis Services/Support." However, juveniles requiring medical treatment must be transported to the nearest medical facility. Tallahassee Memorial Psychiatric Center for Baker Act screening and a Baker Act form shall be completed. [CFA 16.03D]
 - a. If admission into the treatment facility is required, the officer shall remain until the admission procedures have been completed.
 - b. If admission to the treatment facility is not necessary, the juvenile shall be released to the officer for disposition as indicated by the circumstances.
4. Incidents involving juveniles requiring medical treatment for conditions which are not life-threatening, and in which the parents or guardian refuse to provide or consent to such care, shall be evaluated on a case-by-case basis. The officer shall contact the DCF hotline (800) 962-2873) to determine the appropriate course of action.

G. Delinquent Children

Florida laws of arrest and interrogation do not distinguish between adults and juveniles. Juveniles must be warned of their Constitutional rights prior their being interviewed when suspected of a criminal violation. [CFA 16.03A]

1. Officers shall read the juvenile his/her Miranda Rights prior to beginning an interrogation. [CFA 16.03A] The officer, upon writing the incident report, shall explicitly state that he/she read the juvenile his/her Miranda Rights and that these Rights were understood by the juvenile. If the juvenile is interrogated in the FSU PD facility, officers should utilize the agency-approved Miranda Rights form.
2. Parents, legal custodians, or attorneys should be notified during the interrogation of a juvenile. [CFA 16.03B; 16.04A]
3. Appellate courts hold that admissibility of statements made by a juvenile during an interrogation depends on whether a Miranda Rights warning was given properly, whether the child understood the warning, and whether the child waived his/her rights and made such statements freely, voluntarily, knowingly, and intelligently. In order to demonstrate this, the officer shall have the juvenile sign a Parent Notification and Waiver of Rights forms and have the signature witnessed by another individual. A juvenile shall be advised that he/she has the right to have a parent or guardian present during questioning, just as he/she as the right to have an attorney present. This is the right of the child, not the parent/guardian. The juvenile can waive

these rights at any time. Among the factors which may be considered by the courts in determining if such conditions were met, one of the most critical is whether the interrogation was conducted in the presence of a parent/legal guardian or in the presence of juvenile authorities. [CFA 16.03B]

Juveniles may be interrogated at the FSU PD facility, but they must not be detained for an unreasonable length of time. The duration of the interrogation shall be governed by the nature and severity of the crime under investigation. Supervisors shall be advised of complicated investigations and the need for lengthy interrogations of juvenile suspects and they shall monitor the activity. [CFA 16.04B]

- a. There shall be no more than two officers/investigators present during the interrogation of a juvenile. [16.04C]
 - b. The interviewing officer shall inform the suspect and any parent present of the Department's procedures regarding interrogation and the juvenile justice system as such procedures pertaining to the particular case. [CFA 16.04A]
4. There must be sight and sound separation between adult and juvenile detainees as required by federal guidelines regarding the handling of juvenile detainees and the Juvenile Justice and Delinquency Prevention Act. These guidelines pertain only to juvenile detainees in a police facility. [CFA 16.03E] Juveniles shall not be detained in the FSUPD substation.
- a. The juvenile has previously been Direct Filed, Waived, or Indicted for criminal prosecution as an adult on felony charges.
 - b. The juvenile has been found to have committed the offense for which he/she has been transferred to adult status.
 - c. All sanctions imposed by the court were adult sanctions.

H. Felony and Misdemeanor Arrests [CFA 16.01A]

Adult jails and lockups cannot hold status offenders, non-offenders, or civil-type offenders in a secure manner at any time, e.g., FSU PD Booking Room. A status offender is defined as a juvenile offender who has been charged with or adjudicated for conduct which would not, under law of the jurisdiction in which the offense was committed, be a crime if committed by an adult. The simplified test is—it is a juvenile crime as defined by age of the offender.

The following are examples of status offenses: Truancy, Violation of Curfew, Underage Possession and/or Consumption of Tobacco Products, and Underage Alcohol Offense. These offenses are considered status offenses even though state or local law may consider them as delinquent offenses.

A juvenile who committed a status offense listed above may be taken to the Police Department for the completion of arrest paperwork. The juvenile(s) will not be placed in the interview room and secured to the bar. The arrested juvenile must remain outside the interview rooms. However, the juvenile can be seated in a chair near the desk while the arresting officer is completing the paperwork. If the arrested juvenile is not going to be immediately transported to JAC but will be released to a parent/guardian, the arrested juvenile must be moved from the booking room following the completion of the arrest paperwork to the front lobby area.

If the juvenile has committed a crime that is not a status offense, the following procedures may apply:

1. Transport the juvenile to the FSUPD facility for processing if required, i.e., the completion of arrest paperwork.

2. When an officer has decided that a child is to be delivered to JAC, every reasonable effort shall be made to notify the child's parents or guardians of the circumstances of detention and instruct them to go directly to the JAC in order to assist in the intake screening processing. [CFA 16.03B]
 - a. The officer shall deliver the child to the designated detention facility (JAC) without undue delay unless the juvenile needs emergency medical treatment. [CFA 16.03D]
 - b. When the juvenile is booked into JAC, the juvenile shall be fingerprinted and photographed by JAC. [CFA 16.03C]
3. When the juvenile is in the custody of JAC and the parents have not been contacted, the JAC shall assume the responsibility for notifying the parents or legal custodian [CFA 16.03B]. If the juvenile arrested is a registered student at FSU, additional information shall be provided to the staff from the Office of Resident Student Life and Office of the Dean of Students.
4. The officer shall complete the appropriate incident report.
5. Prior to leaving the JAC, the arresting officer shall complete a Probation, Medical, and Mental Health Clearance Form.
6. The officer shall file a Juvenile Arrest affidavit.
7. If the juvenile is a student at the Florida State University School (Florida High), the incident report shall be sent to the Director of the Florida State University School or designee.
8. If the juvenile is affiliated with a special program occurring on the FSU campus, e.g., Cheerleading Camp, Indian Youth Group, Academic Excellence Programs, etc., the program's management shall be notified of this Department's action.
9. All photographs, fingerprints, incident reports, and arrest paperwork involving juveniles shall be plainly marked as "Juvenile" and maintained in accordance with the specific provisions of the General Order titled, "Records Management."

I. Traffic Violations [CFA 16.01B]

Juveniles shall be issued uniform traffic citations for traffic violations in the same manner as those issued to adult in accordance with the provisions of the General Order titled, "Traffic Enforcement and Administration." Citing officers may mail a copy of the citation to the juvenile's parents or legal custodian for informational purposes.

J. Transporting Juvenile Offenders

Adult and juvenile prisoners shall not be transported in the same vehicle unless the juvenile and adult were involved in the same offense. [CFA 16.03E] However, if feasible, persons involved in the same offense should be transported *separately* to minimize communication between them.

1. When transporting juveniles, the officer shall advise the Communications Section of the destination, vehicle number, and starting mileage.
2. Upon arrival at the destination, the transporting officer shall advise the Communications Section of the ending mileage.
3. The arresting officer shall complete the Florida JJDP A Compliance Monitoring Reporting Form located in the booking room.
4. A juvenile should not be transported if he/she is injured. The arresting officer should ensure that medical attention is obtained for the juvenile. [CFA 16.03D]

K. Release from Custody

Pursuant to Chapter 39, F.S., a juvenile shall be released from custody as soon as reasonably possible. A Wants or Pick-up order verification shall be made prior to release (if not done previously). However, the release of a juvenile formally charged with a crime shall be the responsibility of JAC.

L. JJDPA Compliance Monitoring Reporting Log

Any juvenile held at FSUPD facilities under the care or custody of the FSUPD must be documented on the Florida JJDPA Compliance Monitoring Reporting Form located in the FSUPD booking area. This includes juveniles who are not securely detained using mechanical or construction features.

Glossary

Child (Juvenile) – An unmarried person under the age of 18 alleged to be dependent, in need of services, or from a family in need of services, or married or unmarried person who is charged with a violation of law prior to the time that the person reached the age of 18 years.

Delinquent Act – See **Violation of Law**.

Designated Facility – A facility designated by the Department of Juvenile Justice to provide treatment for juvenile offenders.

Diversion – Any procedure that: (1) substitutes non-entry for official entry into the criminal justice system; (2) substitutes the suspension of criminal or juvenile proceedings for the continuation of those proceedings; (3) substitutes less supervision or referral to a non-criminal justice agency or no supervision for conventional supervision; or (4) substitutes any kind of non-confinement status for confinement.

Intake Counselor – An authorized agent of the Department of Juvenile Justice performing the intake or case management function for a child alleged to be delinquent or in need of services, or from a family in need of services.

Legal Custody – A legal status created by court order of letter of guardianship which bests in a custodian of the persons or guardian, whether an agency or individual, the right to have physical custody of the child and the right and duty to protect, train, discipline the child; and to provide the child with food, shelter, education, and ordinary medical, dental, psychiatric, and/or psychological care.

Parent – The natural father or mother of a child. If a child has been legally adopted, the term “parent” means the adoptive mother or father of the child.

Status Offense – An offense that is a juvenile crime only.


Violation of Law – A violation of the laws of Florida, the U. S., or any other state. The violation is a misdemeanor or felony, or a violation of a county or municipal ordinance, which, of committed by an adult, would be punishable by incarceration.

JJDPA – Juvenile Justice Delinquency Prevention Act of 2002.

Attachments – None

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Approved: 
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