



Temple University Department of Public Safety

POLICIES AND PROCEDURES

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PURPOSE

The purpose of this policy is to provide guidelines for officers when interacting with juveniles in enforcement and custody situations. It is the responsibility of all members of this agency to familiarize themselves with established procedures for handling both delinquent and criminal juvenile incidents as defined in this policy. These procedures shall be consistent with applicable state law and the requirements of the Federal Juvenile Justice and Delinquency Prevention Act (JJDP A).

POLICY (CALEA 44.1.1)

It is the policy of Temple University Department of Public Safety (TUDPS) to take all appropriate measures to effect positive, lawful, and constructive outcomes in matters involving juvenile offenders. Officers are expected to act in a manner that promotes the safety and well-being of the community, the juvenile, and the juvenile's family, while also ensuring compliance with applicable laws and procedural safeguards.

TUDPS recognizes its responsibility to develop, support, and coordinate juvenile operations programs aimed at both the prevention and control of juvenile delinquency. All components and personnel of the agency share in this responsibility and are expected to support the juvenile function as part of their broader role in community policing.

In keeping with best practices, officers shall use the least harmful and most appropriate means available when disposing of cases involving juveniles, provided that such action effectively addresses the offense and supports the juvenile's rehabilitation.

The department further commits to building positive, consistent, and ongoing relationships between law enforcement and youth. Where appropriate, the agency will support or help initiate youth-focused community programming, including recreational initiatives, mentoring, and outreach activities. Once such programs are established, TUDPS encourages their long-term management by professional recreation staff or community-based organizations, with continued participation by agency personnel on a voluntary basis.

DEFINITIONS:

Child/Juvenile: An individual who is 10 years of age or older but has not yet reached their 18th birthday. For purposes of enforcement, custody, detention, and procedural protections, such individuals shall be treated as juveniles in accordance with applicable law, unless otherwise specified by a valid court order.

Continuous Visual Supervision: The act of maintaining a constant physical presence with an unobstructed view of a detainee(s) being held in custody. Continuous visual supervision may be maintained through clear glass, transparent windows so that the personnel responsible for supervising the detainee(s) do not cease monitoring the detainee at any time. Video monitoring or similar electronic surveillance equipment does not qualify as continuous visual supervision.

Custodian: A person other than a parent or legal guardian, who stands in loco parentis to the child, or a person to whom legal custody of the child has been given by order of a court.

Diversion: Intervention strategies that redirect youths away from formal processing in the juvenile justice system, while still holding them accountable for their actions.

Non-Secure Custody: A condition under which a juvenile's freedom of movement is controlled by members of this agency, and the juvenile is:

1. Held in an unlocked multipurpose area that is not designated or used as a secure detention area or is not part of a secure detention area;
2. The child is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility;
3. The area is limited to providing nonsecure custody only long enough for the purposes of identification, investigation, processing, or release to parents or for arranging transfer to another agency or appropriate facility; and
4. The child must be under continuous visual supervision by a law enforcement officer or other facility staff during the period of nonsecure custody.

Responsible Adult: In the absence of a juvenile's parents or legal guardian, an individual who has reached the age of majority under the laws of the jurisdiction and who is responsible for the physical custody of a juvenile or who is another acquaintance of the juvenile's parents or legal guardian who

agrees and reasonably demonstrates the ability to provide supervision for the juvenile until a parent or legal guardian can assume that responsibility in accordance with applicable jurisdictional statutes.

Secure Custody: A condition in which a juvenile is physically detained or confined in a locked room, cuffing port, or other stationary objects, or a cell that is designated, set aside, or used for the specific purpose of securely detaining persons who are in law enforcement custody or when the juvenile is physically secured to a stationary object.

Status Offenders/Non-Offenders: A juvenile who has been charged with or adjudicated for conduct that would not, under the law, be an offense if committed by an adult. Examples include runaways, truants, dependent/neglected juveniles, juvenile victims of human trafficking, or abused juveniles.

PROCEDURES:

I. Options For Handling Juvenile Offenders

A. Officers engaging with juveniles in enforcement roles should be given reasonable discretion, as outlined in this policy, in deciding on appropriate actions. This discretion shall be based on agency operating procedures; applicable laws and, where applicable, constitutional considerations; and other requirements. Options that may be considered include:

1. Release to a parent, legal guardian, or responsible adult with no further action; (CALEA 44.2.1 a)
2. Informal counseling to caution the juvenile regarding the consequences of their actions;
3. Referral to another agency, school-based program, or community service for diversion alternatives, where appropriate and available; (CALEA 44.2.1 c)
4. Issuance of a written warning, summons, citation, or written allegation when the nature of the offense, age, and other factors support non-custodial resolution; (CALEA 44.2.1 b)
5. Arrest under non-secure custody (i.e. dependent/abused in-state runaway, truant, curfew violations, possession of tobacco);
6. Arrest under secure custody (underage drinking, disorderly conduct, public drunkenness, any misdemeanor and/or felony); and
7. Referral to juvenile court. (CALEA 44.2.1 d)
 - a) Referral court shall occur in cases involving criminal offenses that meet the statutory requirements for delinquency, when diversion is not appropriate, or when mandated by law due to the seriousness of the offense.

- B.** In dealing with juvenile offenders, all officers will use the least invasive action among reasonable alternatives, consistent with preserving public safety, order, and individual liberty. Any action taken must conform to and not be in violation of Title 42 of the Pennsylvania Consolidated Statutes pertaining to the Juvenile Court.
- C.** Officers should take into consideration the following factors when deciding to utilize enforcement alternatives:
 - 1. The nature of the alleged offense.
 - 2. The age and circumstances.
 - 3. The alleged offender's record, if any.
- D.** Officers shall, however, ensure that releasing a juvenile without taking any formal action serves in the interest of justice.

II. Juvenile Custody

- A.** An officer may take a juvenile into custody:
 - 1. Pursuant to a court order;
 - 2. Pursuant to the laws of arrest;
 - 3. When there are reasonable grounds to believe that the juvenile is suffering from illness or injury or is in imminent danger from their surroundings and that the removal is necessary; (CALEA 44.2.2 b)
 - 4. When there are reasonable grounds to believe the child has run away from their parents, guardian, or other legal custodian;
 - 5. When there are reasonable grounds to believe that the child has violated conditions of probation; or
 - 6. When a bench warrant has been issued by a court.
- B.** A child taken into custody shall not be detained or placed in shelter care prior to the hearing on the petition unless their detention or care is:
 - 1. Required to protect the person or property of others or of the child; or
 - 2. The child may abscond or be removed from the jurisdiction; or
 - 3. They have no parent, guardian, custodian or other person able to provide supervision and care for them and return them to the court when required; or
 - 4. An order for their detention or shelter care has been made by the court pursuant to this chapter.

C. When taking a juvenile into custody, officers shall:

1. Immediately transport the juvenile to TUDPS unless they require immediate medical treatment. If necessary, ensure prompt medical treatment and/or transportation to a medical facility by Emergency Medical Services (EMS) personnel is provided.
 - a) Juveniles shall never be transported in any vehicle with any adult prisoner.
2. Determine whether the juvenile is alleged to have engaged in criminal or noncriminal misbehavior. (CALEA 44.2.2 a)
3. Transport the juvenile to the temporary holding area or PPD without unnecessary delay, unless the juvenile is in need of emergency medical treatment. (CALEA 44.2.2 d)
4. Consult with the Juvenile Probation Office to determine if the child should be released or lodged at a juvenile detention facility.
5. Officers shall notify the juvenile's parents, guardians, or responsible adult of the following when a juvenile is in custody: (CALEA 44.2.2 e)
 - a) The apprehension of the juvenile;
 - b) The reason for the arrest or custody; and
 - c) The whereabouts of the juvenile.
6. The juvenile should be informed of the procedures that will be followed with regard to custody, release, and transport to another facility or to a custody hearing.

D. Custody Analysis

1. When determining whether a juvenile is in custody officers should consider the following:
 - a) Whether the juvenile feels that they can leave at any time;
 - b) The juvenile's age;
 - c) The location where the juvenile is located, including whether there is a lock on the door;
 - d) The length of time the juvenile is being held;
 - e) Whether the juvenile is restrained in any manner; and
 - f) Whether the juvenile is being constantly observed.

III. Status Offenses And Juvenile Non-Criminal Behavior

- A. Juveniles taken into custody for status offenses should normally be frisked for weapons prior to being transported.
- B. Status offenders and other juveniles taken into custody for non-criminal behavior shall not be placed in secure detention unless warranted by the totality of the circumstances (i.e., an attempted escape by a child).

Note: The Interstate Compact for Juveniles (ICJ) provides a specific exemption for the use of secure custody as it pertains to runaway juveniles from an out-of-state jurisdiction. Non-delinquent juveniles who are reported missing or have run away from a jurisdiction outside of Pennsylvania **AND** present a danger to themselves or others may be detained securely until such time they are returned to their legal guardian or custodial agency of their home state.

- C. Status offenders and other juveniles taken into custody for non-criminal type offenses shall not be fingerprinted or photographed for purposes of record.

IV. Criminal Offenses

- A. Juveniles arrested for criminal offenses are subject to the same security requirements as adults and may be handcuffed or otherwise restrained as necessary during transport and processing in accordance with department policy.
- B. Juveniles shall be searched incident to arrest.
- C. All juveniles over the age of ten (10) arrested for committing misdemeanor or felony offenses are to be photographed and fingerprinted in the same fashion as adults.

(PLEAC 4.7.1 c)

- 1. Juveniles shall be fingerprinted and photographed in accordance with this department's [Arrest Procedures Policy](#).
- D. Refer the case to the juvenile justice system through the initiation of a written allegation or criminal complaint.
 - 1. Generally, juveniles arrested for criminal offenses are treated differently than adults in that they are charged via a written allegation and relinquished to the jurisdiction of the Juvenile Court system. This remains the standard procedure in most juvenile cases, particularly "Status Offenses."
 - a) Whenever summary traffic or non-traffic offenses are committed in conjunction with other delinquent acts (i.e., misdemeanors or felonies), they are to be included in the written allegation.
 - 2. The Juvenile Act excludes from Juvenile Court jurisdiction **certain enumerated violent offenses** committed by a child, **15 years or older**, who employs a **deadly**

weapon (as defined in Section 2301 of the Crimes Code). The enumerated offenses are:

- a) Rape
- b) Involuntary Deviate Sexual Intercourse
- c) Aggravated Assault (First degree felonies only)
- d) Robbery (First degree felonies only)
- e) Robbery of Motor Vehicle
- f) Aggravated Indecent Assault
- g) Kidnapping
- h) Voluntary Manslaughter
- i) An attempt, conspiracy or solicitation to commit murder or any of these crimes.

3. Therefore, if a child **15 years or older**, commits one of the above offenses with a deadly weapon, upon arrest, they are to be charged as an adult who committed the same crime(s). The juvenile offender, 15 years or older, upon approval from the District Attorney's Office, may be charged by way of an Affidavit of Probable Cause and Criminal Complaint.

4. A juvenile who is 15 years or older and who commits any of the above offenses (except Aggravated Assault) **without a deadly weapon** will also be excluded from the Juvenile Court's jurisdiction if that juvenile has been **previously adjudicated delinquent** on the basis of one of the above-listed felonies.

E. Juveniles under ten years of age cannot be subject to criminal prosecution.

V. Juvenile Detention

A. All juveniles in custody, whether secure or non-secure, shall be provided access to water and restroom facilities as needed. Juveniles shall also be provided food when needed.

B. Detention in the lock-up where adult prisoners are housed is generally prohibited.
(PLEAC 4.7.2 a)

C. Non-Secure Detention (PLEAC 4.7.2 e)

1. A juvenile may be held in non-secure custody only under the following conditions:

- a) The area where the juvenile is being held is an unlocked multipurpose area or area used only for processing purposes.
- b) The juvenile is not physically secured.
- c) The area is limited to providing non-secure custody only long enough for the purposes of identification, investigation, processing, or release to parents or for arranging transfer to another agency or appropriate facility; and
- d) The juvenile is under continuous visual supervision.

- 2. For the purpose of this policy, the interview room shall generally be used for the non-secure detention of juveniles. Temporary holding rooms may also be used for this purpose, provided there are no adult detainees present.

D. Secure Detention (PLEAC 4.7.2 b)

- 1. A child shall be deemed to be held securely only when physically detained or confined in a locked room or cell or when secured to a cuffing rail or other stationary object within the facility.
- 2. A juvenile in custody due to a crime, summary offense, violation of probation, or supervision following adjudication of delinquency may be held in secure custody only under the following conditions:

- a) The secure holding is for the purpose of identification, investigation, processing, releasing, or transferring to a parent, guardian, other custodian, juvenile officials, or shelter.
- b) The secure holding is limited to the minimum time necessary to complete the aforementioned tasks, but no more than six hours.

(1) If after 6 hours officers are unsuccessful in making proper arrangements for the release of the juvenile, officers shall contact the Childline and request assistance with the placement or release of the juvenile.

- c) Juveniles must be separated by sight and sound from adults and under continuous observation.

E. Officers shall document all attempts to contact the juvenile's parent, guardian, or responsible adult, noting the time and number called.

F. Officers releasing juveniles shall:

1. Advise the juvenile's parent, guardian, or responsible adult of the juvenile's rights and responsibilities under the criminal justice system as they pertain to the juvenile.
2. Document the following information:
 - a) Date and time of release;
 - b) Name, address, telephone number, and relationship of person the juvenile was released to.

G. Documentation

1. All applicable sections of the [Detention Report](#) shall be completed whenever a juvenile is taken into custody.
2. Additionally, the Juvenile Admission Log shall be completed by the detaining officer for all juveniles held non-securely or securely. The officer shall notify the Juvenile Officer via email upon completion of the paper log. (PLEAC 4.7.2 d)
 - a) The Juvenile Admission Log will be maintained in the temporary detention area.
 - b) The Juvenile Officer will transmit this information by the 10th of each month to the [Pennsylvania Commission on Crime and Delinquency \(PCCD\)](#).
3. The Vice President/Chief of Police or their designee will provide information and reports regarding juveniles held in secure and non-secure custody to the [Pennsylvania Commission on Crime and Delinquency \(PCCD\)](#) by the 10th of each month.

VI. Records

- A. All enforcement contacts with juveniles, including non-custodial alternatives, informal enforcement contacts, and custodial arrests, shall be documented in an incident report as required by the [Field Reporting policy](#). These reports shall clearly identify the juvenile(s) involved, the nature of the incident, and any action taken.
- B. Juvenile records and files shall be clearly marked as such and shall be kept separate from adult arrest records and files. (PLEAC 4.7.1 a)
- C. With the exception of juvenile records enumerated in Section 6308(b) of the Juvenile Act, juvenile records and files shall not be released to the public. According to Section 6308(b) of the Act, the following must apply to juvenile records before being released: (PLEAC 4.7.1 b)
 1. The child has been adjudicated delinquent by a court as a result of an act or acts committed when the child was 14 years or older and the conduct would have constituted one or more of the following offenses if committed by an adult:

- a) Murder;
 - b) Voluntary manslaughter;
 - c) Aggravated assault as defined in 18 Pa.C.S. 2702 (1 or 2) (relating to aggravated assault);
 - d) Sexual Assault as defined in 18 Pa.C.S. 3124.1 (relating to sexual assault);
 - e) Aggravated indecent assault as defined in 18 Pa.C.S. 3125 (relating to aggravated indecent assault);
 - f) Arson as defined in 18 Pa.C.S. 3301 (a1) (relating to arson and arson offenses);
 - g) Burglary as a felony in the first degree as defined in 18 Pa.C.S. 3502 (c1) (relating to burglary);
 - h) Involuntary deviate sexual intercourse;
 - i) Kidnapping;
 - j) Rape;
 - k) Robbery as defined 18 Pa.C.S. 3701 (a1(i, ii or iii)) (relating to robbery).
 - l) Robbery of a motor vehicle;
 - m) Violation of 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles); or
 - n) Attempt or conspiracy to commit any of the offenses in this subparagraph.
- D.** The Vice President/Chief of Police or their designee shall handle all release of juvenile records and files.
- E.** Juvenile records will be maintained in accordance with the procedures located in the following:
- 1. Pa. Law Title 18 Sect. 9123; and
 - 2. Pa. Historical and Museum Commission Municipal Records Manual.
- F.** Upon receipt of a court-ordered expungement, departmental procedures for expungement will be followed, including the permanent deletion of all computer entries.

VII. Juvenile Interviews And Interrogations

- A.** All interviews and interrogations of juveniles shall be in accordance with this Department's [Interview and Interrogation Policy](#).