**JUVENILE HOLDING SAMPLE POLICY**

for Court holding facilities

(attachment to designation section)

DEPARTMENT NAME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ORI: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ DATE ISSUED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Purpose**

This regulation establishes Department policy and procedures regarding juvenile offenders. All personnel shall adhere to the requirements of this regulation, applicable statutes, and any policies or procedures established by local juvenile authorities.

\*2021 OJJDP revised guidance redefined all court holding cells, those used to securely detain juveniles for court purposes only as follows: a secure facility used by a State, unit of local government or other law enforcement authority to detain adults.

Thus, Pursuant to 34 U.S.C. § 11133(a)(13), all court holding facilities, now all considered adult lockups (police departments). No juvenile shall be securely detained or confined within these facilities unless: Juveniles remain sight and sound separation from adult inmates at all times, must not be securely detained within the secure holding area greater than six hours (jail removal), juveniles in secure holding must be observed at all times, and juveniles who have been adjudicated as delinquent may not be detained or confined for any length of time in an adult jail or lockup following an adjudication hearing.

Secure holding areas classified as juvenile only by the Pennsylvania Commission on Crime and Delinquency recommend that juveniles only are required to comply with these same requirements with secure detained not to be greater than twelve hours/one business day and may use the secure holding facility following an adjudication of delinquency.

State compliance with this statue must include documentation, at or near the time of detention (secure holding) appropriate information on all juveniles securely detained or confined, including date of birth, date/time in, date/time out, and most serious offense. This information must be documented within the PCCD Jheld electronic reporting system.

**Policy**

1. **General:** All matters involving juveniles shall be handled according to applicable laws, mandates of juvenile authorities, and Department regulations
2. **Juvenile Rights:** Juvenile offenders shall be afforded the same rights and protections provided to adults by the United States Constitution, the Constitution of the Commonwealth of Pennsylvania, applicable statutes, and court decisions.
3. **Handling:** Juvenile offenders shall be dealt with in the least coercive manner possible, consistent with protecting the welfare, rights, and safety of the juvenile and the community. Methods for managing juvenile incidents range from handling within the Department, issuing or filing a citation in lieu of a custodial arrest, referring a juvenile to court or probation authorities, referring a juvenile to welfare or other agencies, to placing the juvenile in a detention facility and other related formal hearings.

Definitions

The following definitions shall apply when handling juvenile incidents/offenders:

1. **Accused Delinquent:** A juvenile who has committed a crime that would also be a crime if committed by an adult; also includes a juvenile in violation of conditions of probation or other supervision following an adjudication of delinquency.
2. **Adult inmate:** An individual who has reached the age of full criminal responsibility under the applicable state law and was arrested and is in custody for or awaiting trial on criminal charges or is convicted of a criminal offense. This does not include an individual who, at the time of the offense was younger than the maximum age at which a youth can be held in a juvenile facility under applicable state law or was committed to the care and custody or supervision, including post-placement or parole supervision, of a juvenile correctional agency by a court or competent jurisdiction or by operation of applicable state law.
3. **Concerned Adult:** An adult who is informed of the juvenile's rights and is interested in the welfare of the juvenile, e.g., parents, family members.
4. **Custody:** The arrest or deprivation of freedom of action of an individual who is not free to leave.
5. **Non-secure custody:** When the juvenile is held non-securely in an unlocked, multipurpose area which is not designated or used as a secure detention area or is not part of a secure detention area; or if the area is a secure booking or similar area, it is used only for processing purposes.
6. **Secure custody:** Should only be used for an accused delinquent who is held securely either by being cuffed to a stationary object or cuffing rail, placed in a secure holding cell, or placed in a locked room. An accused delinquent who is only handcuffed or shackled is not considered to be securely held providing the accused delinquent is not secured to a stationary object or cuffing rail.
7. **Non-securely detain or securely confine:** to hold, keep or restrain a person, such that he or she is not free to leave, or such that a reasonable person would believe that they are not free to leave.
8. **Juvenile only secure holding area:** A secure holding area is only used for juveniles, who are securely detain, within a courthouse who cells are sight and sound separated from adult inmates during all juvenile court proceedings. This would include secure elevators, hallways, court room areas, booking and processing and transportation. Separation can be achieved architecturally, through time-phasing, and/or day to day management including a court calendar.
9. **Parent:** A legal guardian or concerned adult.
10. **Sight and/or Sound contact:** Any physical, clear visual, or verbal contact that is not brief and inadvertent.

**Status Offender:** Status offenders are defined as juveniles who have been accused of, or charged with conduct, which would not, under law, be an offense if committed by an adult. Pennsylvania’s status offenses are as follows: runaway, truancy, dependent/neglected juveniles, curfew, and possession of tobacco). See: Interstate Compact for juvenile for related exception.

Duties and Responsibilities:

**Director, Bureau of Inspector General:** Ensure information received via Juvenile Compliance Monitoring **Administrative Notifications/Messages** is provided monthly to the Pennsylvania Commission on Crime and Delinquency (PCCD) per Title 42, Section 6326(e), juveniles who are non-securely or securely detained within any Department shall submit this information through the PCCD JHELD Electronic System: <https://www.pccdjheld.pa.gov> as required. The information shall be recorded by the holding officer using a PCCD Police paper log to ensure that this information is transmitted to PCCD as required in a timely manner. For assistance please contact:

* + - * + Seth W. Bloomquist, Director of Secure Monitoring

Juvenile Court Judges’ Commission

Center for Juvenile Justice Training and Research

Shippensburg University

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Office of Justice Programs

Pennsylvania Commission on Crime and Delinquency

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1. **Facility Supervisors:**
2. Ensure compliance with Juveniles in Custody pursuant to Title 42, Section 6326(c), a juvenile in the custody of a member/ enforcement officer shall not be held securely at a Department installation or elsewhere in excess of six hours or the recommend twelve hours/one business day for those facilities classified as juvenile only.
3. The Pennsylvania Department of Public Welfare ChildLine shall be contacted for assistance as soon as it becomes apparent that a juvenile in the custody of a member/enforcement officer may be held securely at a department installation or elsewhere in excess of six hours. In any case, violations of the six-hour limitation on holding juveniles in secure custody shall be reported to the Pennsylvania Department of Public Welfare ChildLine. Secure juvenile only areas should not exceed the recommend twelve- hours/one business day for those facilities classified as juvenile only.
4. Any member/enforcement officer who non-securely or securely detains any juvenile must ensure compliance with the reporting requirements of the Pennsylvania Commission on Crime and Delinquency (PCCD). The Juvenile Compliance Monitoring Administrative personnel shall provide monthly to the Pennsylvania Commission on Crime and Delinquency (PCCD) per Title 42, Section 6326(e), information on juveniles who are non-securely or securely detained within any Department facility and must submit this information through the PCCD JHELD Electronic System: https://www.pccdjheld.pa.gov as required. The information shall be recorded by the officer responsible for the juvenile using a PCCD Police paper log to ensure that this information is transmitted to the PCCD as required in a timely manner.

**Pennsylvania Interstate Compact for Juveniles/Out-of-State Runaway Policy:**

Interstate Compact for Juveniles (ICJ) is a contract among all states that regulates the interstate movement of juveniles who are under court supervision or who have run away from home/placement and left their state of residence. States ratifying the Compact are bound by federal law to observe the terms of the agreement. Pennsylvania ratified the Compact through the enactment of Act 54 of 2004.

<http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2004&sessInd=0&smthLwInd=0&act=54> (11 P.S. § 890.1 et seq.)

These ICJ Rules specifically take precedence over the provisions of the Juvenile Act that prohibit an alleged or adjudicated dependent child, including a Pennsylvania runaway, from being held securely in a police lockup or otherwise held securely in a police facility that houses an adult lockup (42 Pa. C.S. § 6326(b)) and which prohibit an alleged dependent child from being detained in a secure juvenile detention center (42 Pa. C.S. § 6327(e)). It is noteworthy that the federal Juvenile Justice and Delinquency Prevention (JJDP) Act also provides an exception to the prohibition of securely detaining status and non-offenders for youth who are being held in accordance with ICJ Rules (34 USC § 1113(a) (11)).

Juvenile Probation: The Probation Officer/Court Intake Worker, upon receiving a phone call, shall complete an intake approval process and shall assist law enforcement on properly detaining the juvenile as required by the ICJ. NCIC verification of the out of state missing juvenile shall be given to the Probation Officer/detention center. For further assistance please contact the Interstate Compact Office located in Harrisburg at 717-787-6134.

1. **Taking Juveniles into Custody:**
2. Juveniles may be taken into custody:
	1. Pursuant to a court order.
	2. Pursuant to the laws of arrest.
	3. If there are reasonable grounds to believe the juvenile is suffering from illness, injury, or is in imminent danger from their surroundings and removal is necessary.
	4. If there are reasonable grounds to believe the juvenile is a status offender.
	5. If there are reasonable grounds to believe the juvenile has violated conditions of their probation.
	6. Pursuant to Interstate Compact for Juveniles.
3. Processing of a juvenile taken into custody shall be completed without delay, barring exigent circumstances (e.g., the juvenile needs medical treatment, weather, state of emergency) Juveniles must remain sight and/or sound separated from adult inmates at all times.
4. The member/enforcement officer who detains or apprehends a juvenile for any reason upon arrest must:
	1. Make personal notification, as soon as possible, to a parent/guardian of the juvenile, and furnish the time, reason for detainment or apprehension, the name and location of the investigating officer, and the name of the detention facility, if applicable.
	2. Record the name of the parent/guardian notified, the time of notification, number of unsuccessful attempts, if applicable, and reasons for any delay in notification in the appropriate report.
5. An accused delinquent may only be detained in:
	1. A licensed foster home or a home approved by the court.
	2. A detention home, camp, center, or other facility for delinquent children under the direction or supervision of the court or other public authority or private agency, which has been approved by the Pennsylvania Department of Human Services.
	3. A facility operated by a licensed child welfare agency or one approved by the court.
	4. Any other suitable place or facility designated or operated by the court and approved by the Pennsylvania Department of Human Services.

**NOTE:** Under no circumstances shall a child be detained in any facility with adult inmates, or where the child is likely to be abused by other children. With the exception of Juveniles who are, criminally charged as adults or are under the direction of adult court and/or are under criminal court jurisdiction.

1. Juveniles may be temporarily non-securely detained or placed in shelter care or other approved holding, pending a hearing or transfer to another jurisdiction, at the request of the investigating officer of the court for the below given circumstances and upon approval of the County Children and Youth Services agency or by Juvenile Court.
	1. To protect the person or property of the juvenile or others.
	2. To prevent the juvenile from fleeing or being removed from the jurisdiction of the court.
	3. When the juvenile has no parent, guardian, custodian, or other person capable of providing supervision, care, and return to court.
	4. In compliance with a court order for detention or shelter care following a hearing.
2. When a child is placed in detention, a petition shall be promptly made and presented to the court by a member of the court within 24 hours or the next court business day of the admission of the child to detention or shelter care. JCJC required documentation includes: D1, D2, bench warrants, court orders, and all relevant information related to a juvenile’s placement into a secure detention center.
3. **Juveniles in Custody:**
4. Any juvenile in custody, held non-securely or securely detained, shall be under the direct, continuous, personal observation of a member/enforcement officer at all times.
5. It is the policy of the Department to detain accused delinquents non-securely while in custody, when possible.
6. The secure holding of an accused delinquent shall be limited to the minimum time necessary to identify, investigate, process, release, or transfer the juvenile to a parent, guardian, or other custodian; a juvenile court or county children and youth official; or to a shelter care or juvenile detention center, but in no case shall such holding exceed six hours or twelve hours/one business day for those facilities classified as juvenile only.
7. Accused delinquents while being processed or while waiting in the processing area. No sight and/or sound contact with an adult is allowed. Any contact with adult inmates must be documented and reported to the Pennsylvania Commission on Crime and Delinquency (PCCD) as a violation of the JJDPA.
8. A securely held accused delinquent shall be separated by sight and/or sound from incarcerated adults at all times. Contact between juvenile and adult inmates must be documented and reported to the Pennsylvania Commission on Crime and Delinquency (PCCD) as a violation of Title 42 and of the Federal Juvenile Justice Delinquency Prevention Act JJDPA.
9. Any member/enforcement officer who non-securely or securely detains any juvenile holds must ensure compliance with the reporting requirements of the Pennsylvania Commission on Crime and Delinquency (PCCD). The Juvenile Compliance Monitoring Administrative personnel shall provide monthly reports to the Pennsylvania Commission on Crime and Delinquency (PCCD) per Title 42, Section 6326(e), regarding juveniles who are non-securely or securely detained within any Department and shall submit this information through the PCCD JHELD Electronic System: https://www.pccdjheld.pa.gov as required. The information shall be recorded by the officer, responsible for the juvenile using a PCCD Police paper log to ensure that this information is transmitted to PCCD as required in a timely manner.
10. The Pennsylvania Department of Public Welfare ChildLine shall be contacted by the investigating officer at 800-932-0313 for assistance as soon as it becomes apparent that an accused delinquent in the custody of a member/enforcement officer may be held securely at a Department installation or elsewhere in excess of six hours. The secure holding of an accused delinquent in excess of six hours is a violation of Title 42, Section 6326(c) and of the Federal Juvenile Justice Delinquency Prevention Act (JJDPA). Therefore, no accused delinquent in custody shall be held in excess of six hours. Violations of the six‑hour limitation on holding accused delinquents in secure custody shall be reported to the Pennsylvania Department of Public Welfare ChildLine. If ChildLine cannot be reached, the PCCD back-up telephone number, 800‑692‑7292, is available Monday through Friday, 8:00 a.m. to 5:00 p.m. There is voice-mail coverage on this line. Provide the investigating officer's name, telephone number, Station/District Office name and location, and the circumstances preventing the release or transfer of the juvenile. All violations of this rule must be documented and report the Pennsylvania Commission on Crime and Delinquency (PCCD) as a violation of Title 42, section6326(e), request for documentation and reporting and of the Federal Juvenile Justice Delinquency Prevention Act JJDPA. A member of PCCD will contact you and request further information as confirmation of the violation.
11. Status offenders shall not be held securely, handcuffed to a stationary object or cuffing rail, placed in a secure holding cell, or placed in a locked room under any circumstances. Excluded: a juvenile who is held in accordance with the Interstate Compact on Juveniles as enacted under 11 P.S. § 890.1 et seq. Violent or combative status offenders who cannot be subdued and pose a threat to the member/enforcement officer or themselves may be handcuffed or shackled, provided they are not secured to a stationary object or cuffing rail.
12. Juveniles in custody who are non-securely detained shall only be under the following conditions:
	1. The area where the juvenile is held is an unlocked, multipurpose area which is not designated or used as a secure detention area or part of a secure detention area; or if the area is a secured booking or similar area, is used only for processing purposes.
	2. The juvenile 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 non-secure custody only long enough for the purposes of identification, investigation, processing, release to a parent, or for arranging transfer to another agency or appropriate facility.
	4. The juvenile is under direct, continuous, personal observation of a member/enforcement officer at all times.
13. **Child Abuse:** Members/enforcementofficers coming in contact with a child, an individual under 18 years of age, exhibiting evidence of serious physical or mental injury, abuse, or neglectshall:
14. Determine if the injury is explainable as:
	1. Accidental.
	2. Consistent with the child's past medical history.
	3. Related to religious tenets of an organized church.

NOTE: Prior to making any determination about injuries, the investigating officer shall confer with the Supervisor.

1. Immediately contact ChildLine or the child protective services unit of the appropriate county children and youth agency in suspected and verified situations of abuse. Record all attempts and contacts (date, time, name, title, and telephone number) in the appropriate investigative report.
2. **Fingerprinting and Photographing of Juveniles:**
3. Fingerprint and photograph any juvenile charged with any misdemeanor or felony.
4. Submit one set of fingerprints on the State Police Fingerprint Card, Form SP 4-123, or an electronic fingerprint submission via Live Scan, and a single photograph to the Central Repository, Bureau of Records and Identification, within 48 hours in accordance with Title 42 section 6308, Arrest Processing, Fingerprinting, and Photographing.

**Juvenile Act: Title 42 subsection 6308:**

\*Law enforcement officers shall have the authority to take or cause to be taken the fingerprints or photographs, or both, of any child who is alleged to have committed an act designated as a misdemeanor or felony under the laws of this Commonwealth or of another state if the act occurred in that state or under Federal law. If a child is found to be a delinquent child pursuant to Section 6341 (relating to adjudication) on the basis of an act designated as a misdemeanor or felony, or the child’s case is transferred for criminal prosecution pursuant to Section 6355 (relating to transfer to criminal proceedings), the law enforcement agency that alleged the child to be a delinquent child shall take or cause to be taken the fingerprints and photographs of the child, if not previously taken pursuant to this case, and ensure that these records are forwarded to the central repository pursuant to section 6309(c) (relating to juvenile history record information). If a child was alleged to be delinquent by other than a law enforcement agency, the court shall direct the juvenile probation department to ensure that the delinquent child’s fingerprints and photographs are taken by a law enforcement agency.

1. Retention and disposition of fingerprints and photographs shall be governed by the requirements in Title 42.
2. **Transporting Juveniles to Detention Facilities:** The transporting member(s)/enforcement officer(s) shall adhere to all policies related to Prisoner Security and Transportation, and other applicable Department regulations. Additionally, the person in charge of the facility shall be furnished with:
3. The juvenile's identification, including full name, date of birth, and telephone number, if available.
4. The full name and address of a parent or guardian.
5. The incident, type of offense, and name and address of the victim.
6. The reason for requesting detention rather than releasing the juvenile to the custody of a parent.
7. Ensure that Authorization for the detention admission is approved by the Juvenile Court/Juvenile Probation prior to transportation to the approved detention facility.
8. **Referred to Welfare Agencies:** Applied to cases where the investigating officer conferred with the juvenile probation office and arranged for the juvenile and/or their family to receive aid from a community-based agency (e.g., a mental health clinic, family or children's services agency, charitable organizations).
9. **Referred to Other Agency:** Applied to cases when a juvenile is apprehended for an offense occurring in another police department's jurisdiction and turned over to that department for further action. This includes returning an escaped juvenile to the institution without filing additional petitions.
10. **Referred to Criminal or Adult Court:** Applied to cases where the court officials make the decision to prosecute in adult court in accordance with the provisions of Title 42 as definition of the term “delinquent”.

Confidentiality of Juvenile Records

1. **Law Enforcement Records:**
2. Except as permitted by Title 42, the law enforcement records/files of juveniles shall be kept separate from the records/files of adults.
3. Juvenile records/files shall only be accessible to the public in accordance with Title 42, this regulation, and any other related Department regulations.
4. Individuals and agencies permitted to inspect the records/files of juveniles include:
	1. The court having the juvenile before it.
	2. Counsel for a party to the proceeding.
	3. Officers of the institution(s) or agency(s) to whom the child is committed.
	4. Law enforcement officers when necessary for the discharge of their official duties.
	5. A court in which the juvenile is convicted for the purpose of a presentence report or other disposition proceedings.
	6. Officials of the penal institution(s) or other penalfacility(s) where the juvenile is committed.
	7. A parole board considering the juvenile's parole or discharge, or exercising supervision of the juvenile.
	8. Juvenile probation officers.
	9. Designated Personnel of the Pennsylvania Commission on Crime and Delinquency (PCCD) per Title 42, Section 6326(e) in conjunction with the Juvenile Justice Delinquency Prevention Act (JJDPA).

**CARE OF JUVENILES UPON ARREST OF PARENT/GUARDIAN**

When an arrest of an adult who may be the caretaker of children is anticipated, members shall consider the welfare of any juveniles who may be present or affected. Members/enforcement officers shall:

1. Consider, if practical, the welfare of involved children when planning the logistics of arrest, including the possibility of making the arrest out of view of children or at a time when they are not present.
2. Ask arrested adults about the presence of children elsewhere in a home, or about children not present for whom they have responsibility. Be alert for items in a home indicating the presence of children.
3. Allow the arrested parent to speak briefly with any children present to reassure them. Explain the situation in age appropriate terms to the children if the parent is not able to.
4. Allow the parent to make arrangements for a responsible caregiver to assume care of the children. If children are at school, allow arrangements to be made for their pick‑up and subsequent care.
5. If the parent is not able to arrange for a responsible adult to serve as caregiver, the member shall confer with the Supervisor in charge of juvenile matters or Department Supervisor, who shall ensure contact is made with the child protective services unit of the appropriate county children and youth agency to arrange for protective custody.
6. Remain with affected children until the arrival of the designated caregiver or child protective services worker.
7. If it is necessary to take the child into temporary protective custody pending the location of a caregiver or protective services worker, the juvenile shall be under direct, continuous, personal observation of a member/enforcement officer.