

# Pennsylvania's Compliance Monitoring

## Policies and Procedures Manual

## **COMPLIANCE MONITORING POLICIES AND PROCEDURES INTRODUCTION**

Monitoring means to watch, observe, or check for a special purpose. In this case, the special purpose is to see that the goals of the Juvenile Justice Delinquency Prevention Act of 2002, are fulfilled: deinstitutionalization of status and non-offenders, the separation of alleged and adjudicated delinquents, status and non offender juveniles from adult offenders in institutions, and the removal of juveniles from adult jails and lockups. Monitoring also means the evaluation of how well the purposes of the JJDP Act are being met, and the taking of remedial action where necessary.

For these monitoring purposes the following policy and procedure manual will be utilized in carrying out these tasks.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) require that States participating in the Juvenile Justice and Delinquency Prevention (JJDP) Act have an adequate compliance monitoring system which includes the **ANNUAL**:

- Identification of the Monitoring Universe
- Classification of Facilities
- Inspection of Facilities
- Data Collection and Data Verification

This Compliance Monitoring Policy and Procedure Manual will describe each of these elements in detail and will serve as a Desk Manual for the Pennsylvania Commission on Crime and Delinquency's (PCCD) Office of Juvenile Justice and Delinquency Prevention (OJJDP).

## **Table of Contents**

### **Section 1 Compliance Monitoring Plan**

- 1.1 Barriers and Strategies
- 1.2 Required OJJDP Monitoring Tasks  
Monitoring Timetable
- 1.3 Monitoring Authority
  - a. Juvenile Training School Intro Letter
  - b. Adult Jail Intro letter
  - c. Juvenile Detention Intro letter
- 1.4 Definition of Terms

### **Section 2 Compliance Monitoring Tasks**

- 2.1 Identification of Monitoring Universe  
Monitoring Universe Master List format
- 2.2 Classification of Facilities
- 2.3 Inspection of Facilities
  - a. Sight and Sound Separation Checklist
  - b. Facility Update Form
  - c. Police Department Certification Form
  - d. Police Department Site Visit Checklist
  - e. Police Liaison Monthly Summary Log
  - f. Scared Straight Flyer
- 2.4 Data Collection and Verification
  - a. Juvenile Custody Summary Information Log
  - b. Adult Jail Report Log
  - c. Juvenile Detention Admission Log – D-2 and D-3
  - d. Juvenile Training School Admission Log
- 2.5 Violation Procedures  
Sample Follow up letter

### **Section 3 Office of Juvenile Justice and Delinquency Prevention Annual Reporting**

- 3.1 Deinstitutionalization of Status Offenders
- 3.2 Jail Removal
- 3.3 Sight and Sound Separation
- 3.4 Annual Compliance Monitoring Report Period
- 3.5 Method of Reporting Compliance with the JJDP Act

### **Section 4 Appendices**

# **SECTION 1**

## **COMPLIANCE MONITORING PLAN**

# 1. PENNSYLVANIA'S COMPLIANCE MONITORING PLAN

## Statement of Purpose:

Pennsylvania is required by OJJDP to have a written plan, which provides for an adequate system of monitoring secure and non-secure facilities to ensure that the core protections of the JJDP Act and Formula Grant Regulations are being complied with.

Assessing compliance affects Pennsylvania's eligibility for formula grant funding and participation in various programs offered through OJJDP. Non-compliance with any of the four core requirements results in a 20% reduction of the funds awarded to the state. An effective compliance monitoring system clarifies gaps in the continuum of care and highlights challenge areas in a state's juvenile justice system. As a result, compliance monitoring can represent a component in the process of state policy and program development. In addition, the Delinquency Prevention Program, under Title V of the JJDP Act, requires localities to provide certification of compliance in order to be eligible to apply for these funds. In addition PCCD requires localities to maintain this compliance as a condition of eligibility for Juvenile Accountability Block Grant (JABG) Funding as well as Formula Grant funding.

## Policy:

The monitoring plan must describe:

1. The barriers faced in implementing and maintaining a monitoring system, and the state and local strategies and plans to overcome such barriers.
2. The legislative and/or administrative procedures, which have been established for the state to receive, investigate, and respond to reports of compliance violations.
3. The detailed description of monitoring tasks which includes the identification of the agency responsible for each task.
4. The monitoring authority the State Planning Agency has been granted in order to perform the compliance monitoring tasks.
5. The definition of terms the State Planning Agency will use when conducting the compliance monitoring.

## 1.1 COMPLIANCE MONITORING BARRIERS AND STRATEGIES

### Statement of Purpose:

A description of the barriers faced in implementing a monitoring system as well as the state and local strategies and plans to overcome those barriers are necessary to maintain integrity within the compliance monitoring plan and system.

### Policy:

The following procedures to identify barriers and the plans to overcome those barriers will insure that Pennsylvania maintains an adequate monitoring system that is reviewed annually.

### Procedures:

1. The State Advisory Group, the Juvenile Justice and Delinquency Prevention Committee (JJDP), has designated the System Enhancement Subcommittee (SES) to review and advise on issues related to the Deinstitutionalization of Status Offenders (DSO), Jail Removal and Sight and Sound separation of adult and juvenile offenders. The SES meets quarterly and as part of its agenda reviews issues related to compliance monitoring.
2. The SES reports quarterly to the JJDP on any of the following:
  - a. Barriers faced in implementing and maintaining a monitoring system and barriers faced in maintaining compliance with the JJDP Act.
  - b. Recommendations for state and local strategies and plans to overcome those barriers.
  - c. Presents annually Pennsylvania's level of compliance related to DSO, Jail Removal and Sight and Sound Separation.
3. As needed workgroup meetings are convened with interested stakeholders from across PA that are involved with those that have the capacity to hold juveniles securely.
4. The PCCD Compliance Monitor will document PA's identified barriers and strategies and apply resolution as necessary. The PCCD Compliance Monitor is responsible with staying current with the protections of the Act and assessing compliance as well as advising the SES when changes to procedures are necessary.

### PA Specific Barriers and Strategies (Updated July 2008):

1. Communication with Police Departments - Pennsylvania has over 1300 police departments throughout the state. Often there are administrative changes and staff turnover within these departments that are not always communicated to PCCD in a timely fashion.

2. This gap in communication can result in an erosion of a department's understanding of the protections of the Act as well as present identification and classification challenges within Pennsylvania's Monitoring Universe.

Strategy:

- A Regional Police Liaison Structure was put in place to offer more frequent face-to-face contact with Police Departments. All departments that hold securely will be visited annually with those that have the capacity to hold securely being visited at least once every three years.
- The Police Liaisons will utilize regional Chiefs of Police Association meetings and annual Chiefs of Police conferences to educate on the protections of the Act as well as stressing the importance of timely notification to PCCD of any staff or departmental changes that occur.
- PCCD will capitalize on its designation to create more technologically sophisticated techniques for communicating relevant updates to the departments.
- PCCD will communicate PA's level of compliance with the Act to the Police community.

## 1.2 REQUIRED OJJDP MONITORING TASKS

### Statement of Purpose:

A detailed description of the monitoring tasks as well as the identification of the agency or agencies responsible for those tasks is a necessary element to a monitoring system. The following policy describes in general terms the PA compliance monitoring system. The PCCD Compliance Monitor is responsible for overseeing the monitoring effort and reporting under the Act.

### Policy:

The Juvenile Justice Specialist (JJS) advises OJJDP Deputy Director of the annual compliance monitoring expectations. The Deputy Director oversees the activities of the PCCD Compliance Monitor to accomplish these tasks.

### Procedures:

1. The PCCD Compliance Monitor participates in all scheduled federally sponsored compliance monitoring activities and reports relevant details to the Deputy Director.
2. The PCCD Compliance Monitor is responsible for outlining the tasks for inclusion in the annual formula grant application.
3. The Monitoring tasks are completed by the following agencies:
  - a. Pennsylvania Commission on Crime and Delinquency
  - b. Center for Juvenile Justice Training and Research (CJJT&R) (Secure Detention Monitor) – Responsible for the data collection, on site monitoring of secure juvenile detention centers and youth training schools through a grant from PCCD.
  - c. Pennsylvania Council of Chief Juvenile Probation Officers (Police Liaisons) – Responsible for classification and on site monitoring of Pennsylvania Police Departments.
4. The monitoring tasks, at a minimum, include:
  - a. Identification of the Monitoring Universe – Updated annually by the PCCD Compliance Monitor.
  - b. Classification of the Monitoring Universe – Ongoing updates are made to the universe as received by the PCCD Compliance Monitor. Updates are provided by the Secure Detention Monitor and the Police Liaisons directly to PCCD.
  - c. Inspection of Facilities – Facility Inspections are completed by PCCD, the secure detention monitor and the Police Liaisons.
  - d. Data Collection – Data is collected by PCCD and the secure detention monitor.
  - e. Verification – Data verification is completed by PCCD, the Secure Detention Monitor and the Police Liaisons.

5. Compliance Monitoring reports are provided to the SAG on a quarterly basis.
6. The PCCD Compliance Monitor completes the annual Monitoring report as well as the plan update that is included in the Formula Grant application.

Attachments: Compliance Monitoring of the JJDP Act Timetable

What	Who	When	How	Why
1. Certifications distributed to all police lock-ups, county jails, prisons, & state correctional facilities	PCCD	Annually	PCCD sends out certification forms and distributes results as needed to the Police Liaisons for on site verification.	Verify 1) facilities are not holding juveniles securely and 2) no Seared Straight/Prison Tour Programs are being implemented
2. Inspection of county jails, prisons, state correctional facilities, MH facilities & group homes	PCCJPO & PCCD	Annually	Departments that report that they have held juveniles securely during the year receive on site verification visits during the first six months of the following year so that data is verified prior to submission of the Annual Compliance Monitoring report. Visits are completed as described in the Compliance Monitoring Manual	To verify DSO, Sight and Sound separation and jail removal compliance. To insure adequate data management systems.
3. Data collection from county jails, prisons and state correctional facilities	PCCD	January	Self-reported data on individuals believed to be juveniles (as defined by the PA Juvenile Act) is forwarded to PCCD in the event that said juvenile is admitted to a State Prison or County Jail.	Verify compliance with federal jail removal regulations
4. Data verification of state correctional facility & county jail/prison jail removal data	PCCD	January - May	Site data verification visits made; records checked to verify that no uncertified juveniles are held; summary report form completed for each facility.	To verify jail removal data reported to PCCD
5. Data collection from juvenile secure detention facilities	CJIT&R	Monthly	Detention data reports are forwarded to the Secure Detention Monitor, at CJIT&R, by county court personnel or secure detention personnel	To record compliance with state detention guidelines & federal requirements
6. Data verification	CJIT&R	January - May	Site visits to all detention facilities; summary report form completed for each facility; forms filed at PCCD	To verify compliance with state detention guidelines & federal requirements
7. Data collection from police lock-ups	PCCJPO & PCCD	Monthly	Log forms to be completed by police on monthly basis & forwarded to PCCD; PCCJPO Police Liaison to make site visits to assist police with data forms & other problems relative to handling of juveniles	To record consistent police data relative to the processing/handling of juveniles
8. Police lock-up data verification	PCCJPO & PCCD	Monthly	Site visits made to 15% sample of existing lock-ups by PCCJPO's Police Liaison; log forms & records examined for comparability/accuracy	To verify data reported by police on log forms submitted monthly to PCCD
9. Receipt of compliance monitoring violation reports	DPW, CJIT&R, & PA	Daily	DPW's ChildLine toll-free number (24 hours/day, 7 days/week) serves as primary violation report receipt site; ChildLine & PCCD record information on violation reports received. Toll-free numbers & procedures disseminated to probation, detention, state correctional facilities, county jails/prisons, juvenile correctional facilities, police, etc.	To record information on violations so that follow-up action can be taken to correct & prevent recurrence
10. Processing of compliance monitoring data	CJIT&R & PCCD	Monthly	Information received from the Police Departments, Juvenile Detention Centers and Youth Training Schools is processed monthly.	To produce statistical reports for use by PCCD to report to OJJDP
11. Compliance monitoring plan implementation & operation oversight	SES	Quarterly	System Enhancement Subcommittee meets quarterly to brief members on overall operation of compliance monitoring system and to address any problems with system operation.	To "trouble-shoot" & refine compliance monitoring system
12. Update Monitoring Universe Database	PCCD	Ongoing	Query the Department of Public Welfare's provider database. Survey the Pennsylvania Council of Children, Youth and Family Services Survey the Pennsylvania Chiefs of Police Association	To ensure Universe is complete
13. MH/Group Home Verification	PCCD	Annually	Spot checks on these facilities are completed	Verify DSO and Group Homes are non-secure

### 1.3 COMPLIANCE MONITORING AUTHORITY

#### Statement of Purpose:

As the designated state agency for the Commonwealth of Pennsylvania, PCCD is charged with monitoring all facilities in which juveniles might be placed under public authority. The authority to monitor facilities should be sufficiently broad to permit PCCD to require each facility that could be classified as secure to be inspected for classification purposes, to maintain specific juvenile admission and release records and permit the designated compliance monitor to review these records at selected intervals during the year.

#### Policy:

1. PCCD will maintain sufficient authority to allow for the development of standards for all secure facilities that have the capacity to hold juveniles, to inspect the facilities for compliance with the JJDP Act, and to enforce sanctions when violations are not corrected.
2. The PCCD compliance monitor should be permitted to review records containing detention information with the verbal agreement that the monitors will respect the confidential nature of the information and will not knowingly record or divulge information, which might identify a specific child except as may be required to protect the child.

#### Procedures:

The authority to monitor facilities in PA is conveyed to PA in the following ways and is specific to the type of facility that is being monitored.

1. Police Lockups - The Commonwealth of Pennsylvania's Juvenile Act (42 Pa.C.S. Sec. 6325 – 6237) provides clear expectations as to the responsibilities of Police Departments related to the reporting of data. "**Reports regarding children held in custody.**--Law enforcement agencies shall provide information and reports regarding children held in secure and non-secure custody under subsections (c) and (d) as requested by the PCCD.
2. Adult Jails – Adult jails in Pennsylvania are county operated facilities with the administrative personnel of the jail reporting to the County Commissioners. In order to garner the support of Commissioners in supporting the conditions of the Act, PCCD provides regular updates to the County Commissioners Association and as needed will involve other agencies to resolve issues at individual jails. Key agencies of support in this area include the Juvenile Court Judges' Commission (JCJC), the Department of Corrections (DOC) and the County Commissioners Association.
3. Youth Detention Centers – All youth detention centers in PA are licensed to operate by DPW and are typically county operated under the supervision of the County Commissioners. DPW and the County Commissioners Association have long been involved in supporting the protections of the Act as well as providing support to PCCD in addressing areas of non-compliance. The JCJC will also intervene in the event that a court

is sending youth to detention for reasons other than those supported by the Act. Key agencies of support in this area include the JCJC, the County Commissioners Association and DPW.

4. Youth Training Schools – All PA Youth Training Schools are either licensed by or operated by DPW. DPW has long supported PCCD in enforcing the protections of the Act. Key agencies of support in this area include the JCJC, DPW and county probation departments.
5. Adult Prisons – The PA DOC has long been a partner with PCCD to insure that non-transferred or waived youth are not placed in adult prisons. In addition DOC supports PCCD in efforts to insure that prison tour programs that are in operation within their system are not in violation of the Act.

Note: PCCD's role as a primary grant administration agency along with relationships that are maintained with the key juvenile justice agencies, allows for quick and efficient resolution of issues of non-compliance. PCCD does not experience situations where an agency refuses to participate or come into compliance after a strategic intervention has taken place.

Attachments:

1. Sample letter to county operated jails
2. Sample letter to youth detention centers
3. Sample letter to youth training schools
4. Sample Police Lockup Certification

Commonwealth of Pennsylvania



PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

Walter M. Phillips, Jr., Esq.  
Chairman

Michael J. Kane, Esq.  
Executive Director

January 2, 2008

Dear Director, Warden, Sheriff/Warden:

**The Pennsylvania Commission on Crime and Delinquency (PCCD) is writing to solicit your support in ensuring that juveniles that are held securely in Pennsylvania are held in a manner that is consistent with the standards established in the Juvenile Justice and Delinquency Prevention Act of 2002 (Pub.L. 93-415). PCCD has been designated by the Federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) as the agency responsible for assuring that Pennsylvania is in compliance with the core protections of the Act. The Federal OJJDP requires that PCCD collect data related to the secure holding of all juveniles in Pennsylvania and that we verify this data through on-site visits to facilities. Pennsylvania receives considerable funding from the federal government that is contingent upon the verification that there is compliance with these protections. The four protections are as follows:**

- Deinstitutionalization of Status Offenders (DSO)
- Separation of juveniles from adults in institutions (separation)
- Removal of juveniles from adult jails and lockups (jail removal)
- Reduction of disproportionate minority contact (DMC), where it exists.

The portions of the Act that are most applicable to county jails are DSO, separation and jail removal. Section 223(a) (11) of the Act (DSO) states that Juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult shall not be placed in juvenile detention or correctional facilities. Examples of these types of offenses include runaway, curfew violations, truancy and possession of tobacco as a minor. Additionally, non-offenders, juveniles under the jurisdiction of the court for reasons other than legally prohibited conduct of the juvenile, are not to be held securely. Examples of non-offenses would include child abuse or neglect, danger to self, and abandonment. Section 223 (a) (12) of the Act (separation) states that juveniles will not be detained or confined in any institution in which they have contact with adult inmates. Section 223 (a)(13) of the Act (jail removal) states that juveniles accused of non status offenses who are detained in a jail or lock-up, not be detained for a period to exceed six (6) hours for purposes of processing, awaiting transfer to a juvenile facility or to make a court appearance.

In order to document Pennsylvania's continued compliance with the Act, we are requesting that you report admission data to PCCD annually and host the PCCD Compliance Monitor once every three years. In establishing an effective and unintrusive mechanism for collecting the necessary data, PCCD has had conversations with the Courts and Corrections committee of the County Commissioners Association of

P.O. Box 1167, Harrisburg, PA 17108-1167  
Toll Free: (800) 692-7292  
Web Site: [www.pccd.state.pa.us](http://www.pccd.state.pa.us)

PA (CCAP), the Department of Corrections County/State Liaison committee and the Department of Corrections Office of County Inspection and Services. During those interactions there was a common sentiment that there may be times that a juvenile is held in a county jail. The most commonly identified reasons for this holding was for purposes of booking/processing and in those instances when the true age of the individual being held is not known. **To satisfy the requirements of the Act PCCD is requesting that during the first quarter of each year, each county jail complete the attached County Jail Certification form and the County Jail Juvenile Holding log.** The information captured by the log and the certification will allow PCCD to report the necessary data to the federal OJJDP. We understand that specific juvenile data may not be available retroactively for calendar year 2007. We assure you that confidentiality of the names of juveniles detained at the facilities will be maintained. Both forms are available electronically and on the PCCD website at [www.pccd.pa.us](http://www.pccd.pa.us). To assist in the reporting of this information, PCCD will distribute the forms and any updates relative to the Act at the beginning of each year. Please return the attached forms to PCCD by **February 29, 2007**.

It is important to note that where a secure booking area, within the county jail, is all that is available, the juvenile is not considered to be in secure custody status as long as continuous visual supervision is provided throughout the booking process, and the juvenile remains in the booking area only long enough to be photographed and fingerprinted. Data would not need to be reported to PCCD for juveniles held in this manner. It is also important to note that the requirements of the JJDP Act do not apply to those under the age of eighteen that have been committed to the jail on adult charges.

**The Federal OJJDP has also asked states to confirm that Scared Straight type programs are not operating in a manner that would violate the Act.** We have recently become aware of some programs that are being marketed in Pennsylvania that could be violations of the Act. To assist you in determining what types of prison tour programs would be in violation of the Act, we have attached a description that describes the three criteria that must be in place for a prison tour program to be considered a violation. If you would please complete the section on the annual certification form related to prison tour programs, it would be very much appreciated.

Thank you for your support and assistance in helping Pennsylvania maintain compliance with the federal JJDP Act. If you have questions related to the Act or would like additional information please contact Steve Lynch, PCCD, at (717) 265-8457.

Sincerely,



Michael Pennington, Director  
Office of Juvenile Justice and Delinquency Prevention  
Pennsylvania Commission on Crime and Delinquency

Attachment

September 30, 2008

John Doe  
Chester County Detention Center  
505 South Wawaset Road  
Westchester, PA 19382

Dear Mr. Doe:

The purpose of this letter is to confirm the scheduling of your detention center's 2008 admissions' audit. As we arranged by phone, I will be at your center on..... at approximately 10 a.m.

Audits of all Pennsylvania secure juvenile detention centers are required by the Office of Juvenile Justice & Delinquency Prevention as part of our statewide monitoring system to assure compliance with the federal mandates of the 1974 Juvenile Justice and Delinquency Prevention Act. In an effort to keep pace with changing federal legislation, I will be reviewing your admissions records from January 2008 to September 2008 inclusively. A review of your intake files may be required only if further information on a particular juvenile's admission is necessary for clarification. Admission records from October 2008 through December 2008 will be audited by the Center for Juvenile Justice Training & Research through a review of your monthly submission of your D-3 packets and contact with each of the counties who detained children at your center.

In an effort to make the audit a smoother process and help you prepare for my visit I have enclosed a list of juveniles whose files I will need to review during the audit. On occasion additional files may be requested. I look forward to seeing you on.....; if you have any questions, please contact me at 717-477-1704.

Sincerely,

Seth W. Bloomquist  
Director of Detention Monitoring  
Juvenile Court Consultant

Cc: CJJT&R

Date

Address:

Dear :

**The Pennsylvania Commission on Crime and Delinquency (PCCD) is writing to solicit your support in ensuring that juveniles that are held securely in Pennsylvania are held in a manner that is consistent with the standards established in the Juvenile Justice and Delinquency Prevention Act of 2002 (Pub.L. 93-415). PCCD has been designated by the Federal Office of Juvenile Justice and Delinquency Prevention as the agency responsible for assuring that Pennsylvania is in compliance with the core protections of the Act. Pennsylvania receives considerable funding from the federal government that is contingent upon the verification that there is compliance with these protections. The four protections are as follows:**

- Deinstitutionalization of Status Offenders (DSO)
- Separation of juveniles from adults in institutions (separation)
- Removal of juveniles from adult jails and lockups (jail removal)
- Reduction of disproportionate minority contact (DMC), where it exists.

The portions of the Act that are most applicable to privately operated secure residential facilities are DSO and separation. Section 223(a)(11) states that Juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult shall not be placed in juvenile detention or correctional facilities. Examples of these types of offenses include runaway, curfew violations, truancy and possession of tobacco as a minor. Additionally, non-offenders, juveniles under the jurisdiction of the court for reasons other than legally prohibited conduct of the juvenile, are not to be held securely. Examples of non-offenses would include child abuse or neglect, danger to self, and abandonment. Section 223 (a)(12) of the Act states that juveniles will not be detained or confined in any institution in which they have contact with adult inmates. Juveniles who have been transferred to criminal court may not be held in juvenile facilities past the age of 18 years six months.

The Federal OJJDP requires that PCCD collect data related to the secure holding of all juveniles in Pennsylvania and that we verify this data through on-site visits to facilities. The Juvenile Court Judges' Commission's Center for Juvenile Justice Training and Research (CJJT&R) has partnered with PCCD to facilitate the collection and verification of secure confinement data for several years. In order to document Pennsylvania's continued

compliance with the Act, we are requesting that you report admission data to the staff at CJJT&R and cooperate with them in the facilitation of annual visits to your facility. CJJT&R staff may have already made contact with you in this regard. We assure you that confidentiality of the names of juveniles detained at the facilities will be maintained. If you have questions related to the Act or would like additional information please contact Steve Lynch, PCCD, at (717) 787-8559 or Seth Bloomquist, CJJT&R, at (717) 477-1704.

Sincerely,

Michael Pennington, Director  
Office of Juvenile Justice and Delinquency Prevention  
Pennsylvania Commission on Crime and Delinquency

cc: JCJC  
CJJT&R  
DPW

October 7, 2008

Dear Chief/Sheriff/Commissioner:

As you know, the federal Juvenile Justice Delinquency Prevention Act (JJDP) of 2002 mandates that each state monitors police lock-ups to ensure compliance with the core protections of Jail Removal and Deinstitutionalization of Status Offenders (DSO). The Pennsylvania Juvenile Act (42 Pa. C.S. §6326) provides clear expectations to Pennsylvania Police Departments regarding these protections as well as procedures for holding juveniles securely. Specifically §6386(e) of the Juvenile Act indicates that police departments must provide requested information regarding juveniles held secure or non-secure to the Pennsylvania Commission on Crime and Delinquency (PCCD).

Based on feedback that PCCD has received from the field related to the secure holding of juveniles and the reporting of information to PCCD, one very important change is being made to the reporting procedures and two very important clarifications are being made to the certification process. We very much appreciate the feedback that we have received and believe that these changes will simplify the reporting process and offer Police Departments more resources when trying to remove a youth from secure custody. As you all know, it is illegal to hold a juvenile securely for more than six hours. It is also illegal to hold a juvenile securely for an offense that would not be a crime if committed by an adult. Pennsylvania has a long history of maintaining compliance with this law and thanks the entire police community for their support.

Clarification of Certification Process:

**Clarification #1** - The Secure Holding of any juvenile must be reported to PCCD on a monthly basis.

In discussing the process for reporting information to PCCD, some police departments were operating with the understanding that if they certified that their policy was to not hold youth securely but maintained the ability to do so when necessary, they did not need to report to PCCD when they did indeed hold a youth securely. For purposes of clarification, regardless of a department's certification status, if a juvenile is held securely this holding must be reported to PCCD.

**Clarification #2** – Being included in the PCCD certification process does not necessarily mean that the department is classified as non-secure.

If a Police Department has the ability to hold a person securely (cell, locked room, hook up bar, cuffing ring etc.), the department is classified as secure regardless of policy or practice that indicates that the department will not hold securely.

As per Federal definition, Secure Holding is defined as facilities ...that include construction features designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures (cuffing rails, floor rings). It does not include facilities where physical restriction of movement or activity is provided solely through facility staff (28 CFR 31.304(b)).

In order to assist us with accurately classifying your department, enclosed you will find a Secure/Non-Secure Checklist. Please complete the checklist and return to PCCD.

To be included or to continue in the annual certification reporting system, you must sign and return the enclosed recertification form letter in the enclosed self-addressed postage-paid envelope provided for your convenience. Please return this form letter to maintain your exemption from the monthly submission of the Summary Information Log forms. Please be advised that failure to submit the enclosed form letter will result in your removal from the certification program. In that event, you will receive notification that you have been removed from the annual certification reporting system and have been returned to the monthly log reporting system. As indicated in the Commonwealth of Pennsylvania's Juvenile Act (42 Pa.C.S. Sec. 6326(e)), Police Departments are mandated to provide information on juveniles held in secure and non-secure custody as requested by the Pennsylvania Commission on Crime and Delinquency. All reporting of youth in secure custody will continue through the use of the *Summary Information Log* form that is located on the PCCD website at [www.pccd.state.pa.us](http://www.pccd.state.pa.us).

To support compliance with the JJDP, PCCD has established the following priorities and timeframes for on-site visits that will be completed by the Regional Police Liaisons.

- Priority #1 – **Police Departments that incurred a violation of the JJDP in 2007. On-site visit will take place shortly after the verification of the violation.**
- Priority #2 – **Police Departments that held juveniles securely. All departments that held a youth securely during the proceeding year will have an on-site visit completed in 2008.**
- Priority #3 – **Police Departments that have the capacity/ability to hold anyone securely. Departments that have cells, locked rooms, cuffing rails and/or rings constitute this ability and will be visited at least once every three years.**
- Priority #4 – **Police Departments that do not have the capacity to hold securely (non-secure). 10% of these departments will be visited per year to verify non-secure status.**

Changes to Reporting Requirements:

**Change #1** – Childline should only be called when a youth is held securely for more than six hours.

In evaluating the system for reporting to Childline, it was determined that a more logical progression of reporting would be that the County Children and Youth (C&Y) Office be contacted when the Police Department believes that it is likely that a youth in custody will be held for more than six hours. The County C&Y Office can serve as a resource to assist in making arrangements for the youth to be removed from secure custody. Childline, which is operated by the Department of Public Welfare (DPW), should be contacted in the event of a six -hour violation. DPW is in the best position to work with County C&Y Offices to address barriers to releasing youth from secure custody prior to six hours.

Based on increased expectations from the federal government related to the frequency of on-site inspection visits, PCCD adopted a regional Police Liaison structure that became fully operational in August 2008. Enclosed please find a PA map that shows the counties that are included in each of the

regions. In addition, an Information Update Form has been included and should be returned to PCCD to ensure that our records are complete and reflect accurate vital information relative to your department. Please provide your departmental Email address on this form.

Please complete and return the Secure/Non-Secure Checklist, the Information Update Form and the certification letter to PCCD no later than December 12, 2008. Your prompt response and cooperation will be sincerely appreciated. If you have any questions about the changes or clarifications, please contact me at (717) 265-8457 or (800) 692-7292 or your regional Police Liaison at one of the numbers listed below. Thank you for your ongoing support and the professional manner in which you handle and process juveniles.

Sincerely yours,

Steve Lynch  
Pennsylvania Compliance Monitor

CC: Harry Cloud, Police Liaison Eastern Region, 215-752-7247  
Ron Smeal, Police Liaison Central Region, 814-234-7441  
Mike Mastroianni, Police Liaison Western Region, 724-863-8668

Enclosures

## 1.4 DEFINITION OF TERMS

### Statement of Purpose:

In order to insure that Pennsylvania practice related to the secure confinement of juveniles is consistent with the protections of the Juvenile Justice and Delinquency Prevention Act, it is imperative that definitions related to the classification of facilities and juvenile behavior be identical.

### Policy:

The Pennsylvania Commission on Crime and Delinquency applies the federal definitions of facilities, juvenile offense classification and all other relevant area of compliance monitoring. Where there are differences in definition the federal definition supersedes state definition.

### Procedures:

1. When identifying and classifying facilities, the following federal definitions will be used:

#### Compliance Monitoring Definitions

Pennsylvania Definitions	Federal OJJDP Definitions
<p><b>Adult Inmate:</b> A person committed to the custody of the Department (Corrections) and incarcerated at any adult correctional facility (Pa.B.Doc. No. 01-2272)</p>	<p><b>Adult Inmate:</b> An adult inmate is an individual who has reached the age of full criminal responsibility under applicable state law and has been arrested and is in custody for or awaiting trial on a criminal charge or is convicted of a criminal offense (42 U.S.C. 5603 Sec 103 (26)).</p>
<p><b>Adult Jail:</b> Locked facilities across the Commonwealth operated by county agencies to detain adults either convicted of or charged with violating criminal law. Adult jails in PA may detain criminal offenders for a period of up to three years.</p>	<p><b>Adult Jail:</b> A locked facility, administered by state, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than 1 year (28 CFR 31.304 (m)).</p>
<p><b>Adult Lockup:</b> Facilities in PA that have the capacity to securely detain individuals who have allegedly committed a criminal offense. Adult lockups in PA are operated by local and state law enforcement agencies.</p>	<p><b>Adult Lockup:</b> Similar to an adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature that does not hold persons after they have been formally charged (28 CFR 31.304 (n)).</p>
<p><b>Civil-Type Juvenile Offender:</b> Federal definition is applied.</p>	<p><b>Civil-Type Juvenile Offender:</b> A juvenile offender who has been charged with or adjudicated for an offense that is civil in nature. Examples include non-criminal traffic violations and non-criminal fish and game violations.</p>
<p><b>Collocated Facility:</b> Not applicable in PA as there are no collocated facilities in the state. For purposes of definition, the federal definition would be applied.</p>	<p><b>Collocated Facilities:</b> Collocated facilities are facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds (42 U.S.C. 5603 Sec 103 (28)).</p>
<p><b>Contact (sight and sound):</b> Federal definition is applied. "Sustained contact" has been brought into question in PA,</p>	<p><b>Contact (sight and sound):</b> Any physical or sustained sight and sound contact between juvenile offenders in a</p>

<p>with the standard being established that contact is considered sustained if there is opportunity for harm to occur.</p> <p><b>Court Holding Facilities:</b> 36 secure, non-residential facilities that are operated by the county to temporarily detain individuals before or after court proceedings.</p> <p><b>Criminal-Type Juvenile Offender:</b> In PA criminal type juvenile offenders are those you charged with an offense that would be considered a crime if committed by an adult.</p> <p><b>Delayed Egress Device:</b> Federal definition is applied.</p> <p><b>Disproportionate Minority Contact (DMC):</b> Federal definition is applied.</p> <p><b>Placement Facility:</b> any facility, privately or publicly owned and operated, that identifies itself as either by charter, articles of incorporation or program description, to receive delinquent juveniles as a case disposition. Placement facilities include, but are not limited to, residential facilities, group homes, after-school programs, and day programs, whether secure or non-secure (42 Pa.C.S. Rule 120).</p> <p><b>Federal Ward:</b> Federal definition is applied.</p> <p><b>Juvenile Offender:</b> Federal definition is applied</p>	<p>secure custody status and incarcerated adults, including adult inmate trustees. Sight contact is defined as clear visual contact between incarcerated adults and juveniles within close proximity to each other. Sound contact is defined as direct oral communication between incarcerated adults and juvenile offenders (28 CFR 31.303 (d)).</p> <p><b>Court Holding Facilities:</b> A court holding facility is a secure, non-residential facility, that is not an adult jail or lockup, that is used to temporarily detain persons immediately before or after court proceedings.</p> <p><b>Criminal-type Juvenile Offender:</b> A juvenile offender who has been charged with or adjudicated for conduct that would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 31.304 (g)).</p> <p><b>Delayed Egress Device:</b> A device that precludes the use of exits for a pre-determined period of time.</p> <p><b>Disproportionate Minority Contact (DMC):</b> As amended by the JJDP Act of 2002, the concept of disproportionate minority confinement has been broadened to address the disproportionate numbers of minority youth who come into contact with the juvenile justice system at any point. The 2002 Act requires states to “address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of the minority groups, who come into contact with the juvenile justice system.” (42 U.S.C. 5633 Sec. 223(a) (22)).</p> <p><b>Facility:</b> A place, an institution, a building or part thereof, set of buildings, or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public and private agencies (28 CFR 31.304 ©).</p> <p><b>Federal Ward:</b> A juvenile that is in the custody of the federal government.</p> <p><b>Juvenile Offender:</b> An individual subject to the exercise of juvenile court jurisdiction for purposed of adjudication and treatment based on age and offense limitations as defined by State law, i.e., a criminal-type offender or a status offender, and no final adjudication has been made by the juvenile court (28 CFR 31.304(f)).</p>
--	---

<p><b>Juvenile who is accused of having committed an offense:</b> Federal definition is applied.</p> <p><b>Juvenile who has been adjudicated as having committed an offense:</b> termed delinquent child in Pennsylvania; a child ten years of age or older whom the court has found to have committed a delinquent act and is in need of treatment, supervision, and rehabilitation (42 P.A. C.S. §6302).</p> <p><b>Lawful Custody:</b> termed legal custody in Pennsylvania; means the legal right to make major decisions affecting the best interest of a minor child, including but not limited to, medical, religious, and educational decisions (231 Pa. Code Rule 1915.1).</p> <p><b>Non-Offender:</b> “Dependant Child” - is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals. A determination that there is a lack of proper parental care or control may be based upon evidence of conduct by the parent, guardian or other custodian that places the health, safety or welfare of the child at risk, including evidence of the parent's, guardian's or other custodian's use of alcohol or a controlled substance that places the health, safety or welfare of the child at risk;</p> <ul style="list-style-type: none"> <li>(2) has been placed for care or adoption in violation of law;</li> <li>(3) has been abandoned by his parents, guardian, or other custodian;</li> <li>(4) is without a parent, guardian, or legal custodian;</li> <li>(5) while subject to compulsory school attendance is habitually and without justification truant from school;</li> <li>(6) has committed a specific act or acts of habitual disobedience of the reasonable and lawful commands of his parent, guardian or other custodian and who is ungovernable and found to be in need of care, treatment or supervision;</li> <li>(7) is under the age of ten years and has committed a delinquent act;</li> </ul> <p><b>Non-Secure Custody:</b> Federal definition is applied.</p>	<p><b>Juvenile who is accused of having committed an offense:</b> A juvenile with respect to whom a petition has been filed in the juvenile court or other action has occurred alleging that such juvenile is a juvenile offender, i.e., a criminal-type offender or a status offender, and no final adjudication has been made by the juvenile court (28 CFR 31.304(d)).</p> <p><b>Juvenile who has been adjudicated as having committed an offense:</b> A juvenile with respect to whom the juvenile court has determined that such juvenile is a juvenile offender, i.e., a criminal-type offender or a status offender (28 CFR 31.304 (e)).</p> <p><b>Lawful Custody:</b> The exercise of care, supervision, and control over a juvenile offender or non-offender pursuant to the provisions of the law or of a judicial order or decree (28 CFR 31.304(j)).</p> <p><b>Non-Offender:</b> A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juvenile (28 CFR 31.304 (1)). These cases are referred to by many names including Children in Need of Services (CHINS), Children in Protective Services (CHIPS), and Families in Need of Services (FINS).</p> <p><b>Non-Secure Custody:</b> A juvenile may be in law enforcement custody and, therefore, not free to leave or depart from the presence of a law enforcement officer or at liberty to leave the premises of a law enforcement facility, but not be in a secure detention or confinement status. The November 2, 1988, <i>Federal Register</i> announcement, <i>Policy Guidance for Non-Secure Custody of Juveniles In Adult Jails and Lockups: Notice of final Policy</i>, states the following policy criteria, if satisfied, will constitute non-secure custody of a juvenile in an adult jail or lockup facility:</p>
--	--

1. The area(s) where the juvenile is held is an unlocked multipurpose area, such as a lobby, office, or interrogation room which is not designated, set aside, or used as a secure detention area or is not part of such an area, or, if a secure 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 use of the area(s) is limited to providing non-secure custody only long enough for and for the purposes of identification, investigation, processing, release to parents, or arranging transfer to an appropriate juvenile facility or to court;
4. In no event can the area be designed or intended to be used for residential purposes; and
5. The juvenile must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he or she is in non-secure custody.

In addition, a juvenile placed in the following situations would be considered in a non-secure status:

1. If certain criteria are met, a juvenile handcuffed to a non-stationary object: Handcuffing techniques that do not involve cuffing rails or other stationary objects are considered non-secure if the five criteria listed above are adhered to.
2. If certain criteria are met, a juvenile being processed through a secure booking area: Where a secure booking area is all that is available, and continuous visual supervision is provided throughout the booking process, and the juvenile remains in the booking area only long enough to be photographed and fingerprinted (consistent with state law and/or judicial rules), the juvenile is not considered to be in a secure detention status. Continued non-secure custody for the purpose of interrogation, contacting parents, or arranging an alternative placement must occur outside the booking area.
3. A juvenile placed in a secure police car for transportation: The JJDP Act applies to secure detention facilities and secure correctional facilities, so a juvenile placed in a secure police car for transportation would be in a non-secure status.
4. A juvenile placed in a non-secure runaway shelter, but prevented from leaving due to staff restricting access to exits: A facility may be non-secure if physical restriction of movement or activity is provided solely through facility staff.

<p><b>Other individual accused of having committed a criminal offense:</b> Federal definition is applied.</p> <p><b>Other individual convicted of a criminal offense:</b> Federal definition is applied.</p> <p><b>Reasonable Cause Hearing:</b> Federal definition is applied.</p> <p><b>Related Complex of Buildings:</b> Federal definition is applied.</p> <p><b>Residential:</b> termed Child Residential Facility in Pennsylvania; A premise or part thereof, operated in a 24-hour living setting in which care is provided for one or more children who are not relatives of the facility operator, except as provided in (55 PA.C.S. § 3800.3)</p> <p><b>Secure Custody:</b> Federal definition is applied</p> <p><b>Secure Detention Center or Correctional Facility:</b> termed secure detention in Pennsylvania; type of secure care located in a temporary 24 hour living setting, which one or more delinquent or alleged delinquent children are detained, generally in pre-adjudication status (55 P.a.C.S. § 3800.5). Secure correctional facilities in PA are operated by state and private agencies and are designed to provide long term rehabilitative services.</p>	<p><b>Other individual accused of having committed a criminal offense:</b> An individual, adult or juvenile, who has been charged with committing a criminal offense in a court exercising criminal jurisdiction (28 U.S.C. 31.304(k)).</p> <p><b>Other individual convicted of a criminal offense:</b> An individual, adult or juvenile, who has been convicted of a criminal offense by a court exercising criminal jurisdiction (28 U.S.C. 31.304(l)).</p> <p><b>Reasonable Cause Hearing:</b> In the context of the VCO Exception, the reasonable cause hearing (also referred to as a “probable cause hearing” or “preliminary hearing”) is a court proceeding held by a judge to determine whether there is sufficient cause to believe that a juvenile status offender accused of violating a valid court order has violated such an order and to determine the appropriate placement of such juvenile pending disposition of the violation alleged. (42 U.S.C. 5633 Sec. 223(a) (23) (C) (ii)).</p> <p><b>Related Complex of Buildings:</b> Related complex of buildings means 2 or more buildings that share physical features such as walls and fences, or services beyond mechanical services (heating, air-conditioning, water and sewer); or the specialized services such as medical care, food service, laundry, maintenance, engineering services, etc. (42 U.S.C. 5603 Sec. 103 (28)).</p> <p><b>Residential:</b> Pertains to facilities with the structural and operational capacity to securely detain juveniles overnight.</p> <p><b>Secure Custody:</b> As used to define a detention or correctional facility, this term includes residential facilities that include construction features designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restrictions of movement or activity is provided solely through facility staff (28 CFR 31.304(b)).</p> <p><b>Secure Juvenile Detention Center or Correctional Facility:</b> A secure juvenile detention or correctional facility is any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders. Many states use the term “training school” for juvenile correctional facilities.</p>
---	---

<p><b>Staff Secure Facility:</b> A premise or part thereof, operated in a 24-hour living setting in which care is provided for one or more children who are not relatives of the facility operator, except as provided in (55 PA.C.S. § 3800.3)</p> <p><b>Status Offender:</b> juveniles who have been charged with or adjudicated for conduct which would not, under the law, be an offense if committed by an adult. (i.e. runaways, truants, dependent/neglected juveniles, underage alcohol offenses)</p> <p><b>Valid Court Order:</b> Federal definition is applied.</p>	<p><b>Staff Secure Facility:</b> A staff secure facility may be defined as a residential facility (1) which does not include construction features designed to physically restrict the movements and activities of juveniles who are in custody therein; (2) which may establish reasonable rules restricting entrance to and egress from the facility; and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision.</p> <p><b>Status Offender:</b> A juvenile offender who has been charged with or adjudicated for conduct, which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 31.304(h)). The following are examples of status offenses:</p> <ul style="list-style-type: none"><li>Truancy.</li><li>Violations of curfew.</li><li>Runaway.</li><li>Underage possession and/or consumption of tobacco products.</li><li>Underage alcohol offenses. These offenses are considered status offenses, even though state or local law may consider them delinquent offenses.</li></ul> <p><b>Valid Court Order:</b> A valid court order is a court order given by a juvenile court judge to a juvenile who was brought before the court and made subject to the order, and who received, before the issuance of the order, the full due process rights guaranteed to such juvenile by the Constitution of the United States (42 U.S.C. 5603 Sec. 103(16)).</p>
---	--

## SECTION 2

# COMPLIANCE MONITORING TASKS

## 2.1 IDENTIFICATION OF THE MONITORING UNIVERSE

### Statement of Purpose:

OJJDP requires States (Formula Grant recipients) participating in the JJDP Act, as amended, to establish and maintain an adequate monitoring plan and system for purposes of compliance with the Act and for OJJDP audits. There are four elements to a compliance monitoring system: identification of the monitoring universe, classification of facilities in the monitoring universe, inspection of facilities and data collection/data verification. OJJDP requires that each task is completed annually. This policy addresses the annual identification of the monitoring universe.

**As defined in the Federal Register, May 31, 1995, page 28445**, the identification of the monitoring universe refers to: "The identification of all residential facilities which might hold juveniles pursuant to public authority and thus must be classified to determine if it should be included in the monitoring effort. This includes those facilities owned or operated by public or private agencies."

**As defined in the OJP Guideline Manual, page 2**, states: "This refers to the identification of all facilities which might hold juveniles pursuant to public authority. This list should include all jails, lockups, detention centers, juvenile correctional facilities, halfway houses, group homes, the number of foster homes, and any other secure or non-secure public and private facilities in which juveniles might be detained or placed. Depending on the scope of the jurisdiction and authority of the juvenile court, the list may need to include public or private mental health facilities, chemical dependency programs, and detoxification centers."

### Policy:

1. The PCCD Compliance Monitor will maintain a Compliance Monitoring Universe Spreadsheet which will contain listings of all facilities in the state that might hold juveniles pursuant to public authority.
2. As the facilities that have the capacity to hold juveniles securely are very diverse in PA, different strategies must be used to remain current with existence of each facility type. The PCCD Compliance Monitor will annually update the Compliance Monitoring Universe Database as described below. Keeping the monitoring universe current is an ongoing effort and requires that all involved actively consider the need to identify and add or remove facilities from the master list.

### Procedures:

1. Adult Lockup identification procedures
  - a. In October of each year the PCCD Compliance Monitor will send a mass mailing to the known adult lockups in the state. Among other information obtained these facilities are asked if they are still in operation and if changes to their structure have occurred.

- b. As part of the Police Liaison on-site inspection process – inquiries are made of existing adult lockups as to their knowledge of newly formed facilities. The Liaisons communicate this to PCCD for inclusion in the monitoring universe.
- c. Nearly all Adult Lockups in PA are operated by law enforcement agencies.

## 2. Adult Jails identification procedures

- a. On an annual basis, PCCD scans the PA Department of Corrections website (<http://www.cor.state.pa.us/portal/lib/county/countyoperations.pdf>) to determine if new adult jails have opened or existing adult jails have closed.
- b. The PCCD compliance monitor presents annually at the County Jail Administrators conference and inquires as to the existence of newly established facilities in the state.

## 3. Secure Juvenile Detention Centers identification procedures

- a. The Secure Detention Monitor at the Center for Juvenile Justice Training and Research is responsible for updating PCCD as to the formation of new detention facilities or the closure of others.
- b. The Secure Detention Monitor attends the quarterly meetings of the Juvenile Detention Center's Association of PA to remain informed relative to matters pertaining to Secure Detention.
- c. In that there are 23 Detention Centers in PA, the opening of a new or the closure of an existing center is well communicated throughout the Juvenile Justice field as a whole.

## 4. Training Schools identification procedures

- a. The PA Department of Public Welfare is responsible for licensing or operating all Training schools in PA. On an annual basis PCCD staff query the DPW website (<http://www.dpw.state.pa.us/PartnersProviders/>) which lists all licensed and operated facilities by licensed classification (Secure, detention, group home etc).

## 5. Group Homes identification procedures

- a. The PA Department of Public Welfare is responsible for licensing all Group home type facilities in PA. Group Homes in PA include a classification of facilities that include very large staff secure institutions where the youth is considered confined. On an annual basis PCCD staff query the DPW website (<http://www.dpw.state.pa.us/PartnersProviders/>) which lists all licensed and operated facilities by licensed classification (Secure, detention, group home etc).

6. Mental Health Facilities identification procedures

- a. The PA Department of Public Welfare is responsible for licensing Mental Health facilities in PA.
- b. PCCD conducts an annual query of the DPW website (<http://www.dpw.state.pa.us/ServicesPrograms/ChildCareEarlyEd/003670755.aspx>) to update the monitoring universe.

7. Adult Prisons identification procedures

- a. Adult Prisons in PA are operated by the PA Department of Corrections
- b. PCCD conducts an annual query of the DOC website (<http://www.cor.state.pa.us/portal/cwp/view.asp?a=376&q=126815&portalNav=|>) to update the monitoring universe.

8. Court Holding Facilities identification procedures

- a. As court proceedings in PA are facilitated by county agencies a bi-annual survey is conducted by PCCD to determine if changes have been made related to the manner in which youth are brought before the court.
- b. An annual survey is conducted of Chief Juvenile Probation Officers to update the monitoring universe.

Attachments:

Cover Letter to Chief Juvenile Probation Officers

Court Holding Facility Survey

Court Holding Facility Procedures

Monitoring Universe Sample

Commonwealth of Pennsylvania



PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

Walter M. Phillips, Jr., Esq.  
Chairman

Michael J. Kane, Esq.  
Executive Director

Date: October 15, 2008

Subject: Federal Regulations Relative to Handling of Juveniles in Court House Holding Facilities

To: Chief Juvenile Probation Officers

From: Steve Lynch  
State Compliance Specialist

The purpose of this memo is to inform all Juvenile Probation agencies of the changes included in the Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002. **This memo and the attached document explaining the Court House Juvenile Custody Policy/Procedures provide guidance and information relative to how juveniles are to be handled while in temporary secure custody in the Court House awaiting their hearing.**

As you are aware, the Pennsylvania Commission on Crime and Delinquency (PCCD) is the designated state agency responsible for monitoring compliance with the four core requirements of the JJDP Act of 2002 – which are as follows: (1) deinstitutionalization of status offenders; (2) removal of juveniles from adult jails and lockups; (3) separation of adult offenders from juveniles in institutions; (4) disproportionate minority contact. Participating states must demonstrate compliance with the core protections in order to receive Formula Grant and title V Community Prevention Grant funding. Meeting the core requirements is essential to creating a fair and consistent juvenile justice system that advances an important goal of the JJDP Act, which is to increase the effectiveness of juvenile delinquency prevention and control.

**Each participating state must develop and implement a strategy for achieving and maintaining compliance with the core requirements.** As part of the strategy for maintaining compliance, an adequate system of monitoring is critical to ensure that these core protections are met. On an annual basis, states must visit and collect information from the appropriate agencies to demonstrate compliance. This data is compiled in form of a Compliance Monitoring Report, which is submitted annually to the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP).

**To accomplish this task, PCCD will maintain an annual certification/monitoring program relative to the secure holding of juveniles in the Court House facilities. This system will parallel the one utilized to monitor the handling of juveniles in over 1,300 law enforcement facilities across the state.** To implement this initiative, we need to identify the agency responsible for handling the juveniles in the Court House awaiting their hearing.

If the Sheriffs Department is responsible for securing the juveniles in the Court House in your county, please pass along the **Court House Holding Facility Information Response** form to the appropriate person for completion and submission to PCCD. Once the correct agency and person is identified in your county, the information/reporting material and certification enrollment information will be provided. Placement on our annual certification program will eliminate the requirement for the monthly submission of the data required pursuant the procedures outlined in the **Court House Juvenile Custody Policy/Procedures** document. **It is important to remember that if a juvenile is held in a secure manner in the Court House they must be: 1) Sight and Sound Separate from adult prisoners; and 2) the juvenile can be held securely for no more than six hours before and no more than six hours after their court appearance.**

Thank you in advance for your cooperation and commitment to assisting Pennsylvania in achieving compliance with the federal regulations relative to the handling of juveniles in custody in the Court House holding facilities. Should you have questions or require technical assistance for your agency or personnel, please contact me at (717) 265-8457 or (800) 692-7292.

Pennsylvania Commission on Crime and Delinquency  
**Court House Holding Facility**  
*Information Response for Counties*

**County:** \_\_\_\_\_

**If your county has the ability to hold juveniles securely in a Court House holding facility:** *(Please check the appropriate response indicating which department is responsible for placing and monitoring the juveniles in the secure area. Please see the attached document for the Court House holding facility definition and regulations).*

- Juvenile Probation Department
- Sheriffs Department
- Other: \_\_\_\_\_
- County does not have the capacity to hold juveniles securely.
- Juveniles are not held securely while awaiting hearings.

**Contact person for future correspondence regarding Court House Holding Compliance:**

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Title: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Email Address: \_\_\_\_\_  
\_\_\_\_\_

**Name/Title/Signature of person completing this form and date of completion:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Thank you for completing and faxing this form by \_\_\_\_\_ to:**

**Mr. Steve Lynch  
Compliance Specialist  
PCCD  
FAX: (717) 772-0551**

# Court House Holding Facility Requirements For Juveniles

## Court House Holding Facilities

*Definition:* A secure facility, other than an adult jail or lockup, that is used to temporarily detain persons in the Court House immediately before or after detention hearings or other court proceedings.

## Requirements for Court House Holding Facilities

- Meets definition of a Court House holding facility.
- No overnight detention (i.e. must be nonresidential).
- Not used for punitive purposes or other purposes not related to a court appearance.
- **Sight and Sound separation** in all secure areas.

## Detaining Juveniles in Court Houses Holding Facilities

- A status offender may be detained in a Court House holding facility if the facility meets the stated requirements.
- A delinquent offender may be detained in a Court House holding facility if the facility meets the stated requirements.
- **Sight and Sound separation** must be provided at all times.

## Expansion of 6-Hour Hold Exception to Pre and Post Court Appearances

- A juvenile can be held up to six hours prior to the court appearance and up to six hours after the court appearance if necessary.
- All juveniles who are securely held must continue to be sight and sound separated from adult offenders.

October 15, 2008



## 2.2 CLASSIFICATION OF THE MONITORING UNIVERSE

### Statement of Purpose:

OJJDP requires that states, (Formula Grant recipients) participating in the JJDP Act establish and maintain an adequate monitoring system and plan for purposes of compliance with the Act and for OJJDP compliance audits. There are four elements to a compliance monitoring system: identification of the monitoring universe, classification of facilities in the monitoring universe, inspection of facilities and data collection/data verification. OJJDP requires that each task is completed annually. This policy relates to the annual classification process of the monitoring universe.

**As defined in the Federal Register, June 20, 1985, page 25558,** "This is the classification of all facilities to determine which ones should be considered as a secure detention or correctional facility, an adult correctional facility, an adult correctional institution, jail, lockup, or other type of secure or non-secure facility."

**The OJP Guideline Manual, page 3, states:** "The classification of all facilities to determine which should be considered secure detention or correctional facilities, adult correctional institutions, jails, lockups, or other types of secure facilities and thus should be monitored, requires an assessment of each facility based on the OJJDP regulations. Generally all jails, lockups, juvenile detention centers, training schools and other public and private facilities should be subject to classification."

### Policy:

The PCCD Compliance Monitor will annually classify and/or reclassify, all facilities listed in the within the Monitoring Universe Database.

For purposes of this Policy, and per federal requirements, there will be four categories for classification of each facility:

1. Public or Private (owned by State, local agency or owned by a private non or for profit agency)
2. Is it a juvenile facility (used exclusively for juveniles), adult facility (used exclusively for adults), or a facility used for both juveniles and adults.
3. Secure or Non-Secure
4. Residential or Non-Residential

### Procedures:

1. All facilities listed in the Compliance Monitoring Universe Database must be classified pursuant to the federal definitions: secure/non-secure; residential/non-residential public/private; adult/juvenile or both.

2. Based upon the classification, the list of facilities requiring an on-site inspection during the monitoring year will be generated.
3. The classification of facilities is not a one-time occurrence at a specified time during the course of the year. Rather, it is an on-going process. The classification is verified through on-site inspections as required.
4. When an existing facility is re-classified it is noted in the Facility File and in the Compliance Monitoring Universe Database.
5. The PCCD Compliance Monitor will annually classify all county jails, court holding facilities, adult lockups, and juvenile detention facilities as public, secure facilities that may be used for the incarceration of juveniles and/or adults. All of these facilities will be subject to on-site inspection and data collection/data verification procedures.
6. Adult Lockups classified as non-secure will have the opportunity to be certified annually and will be exempt from submitting monthly Summary Information Logs. This annual certification will provide written verification that the facility as a matter of practice does not hold juveniles securely, but in the event that they do hold securely they will report this to PCCD (Most all Law Enforcement agencies in PA are adult lockups).
7. Information used to complete the classification of facilities is garnered from the following sources:
  - a. Police Liaisons
  - b. Secure Detention Monitor
  - c. Licensing agency websites
  - d. Survey responses

## 2.3 INSPECTION OF FACILITIES

### Statement of Purpose:

Inspection of facilities is required to classify according to federal regulations and to review whether adequate sight and sound separation occurs for juveniles housed in facilities, which also confine adult offenders. Such inspections are necessary to provide the protections required by the Act and to determine whether adequate data are maintained to determine compliance with the three statutory core protections, separation of adult and juvenile offenders, deinstitutionalization of status offenders and jail removal.

### Process:

1. All facility administrators or contacts are provided with applicable information on compliance with the JJDP Act and related regulations. During each on-site inspection, the PCCD Compliance Monitor will make available a Manual for the Detention of Juveniles in Pennsylvania, which will contain, at a minimum:
  - a. An overview of the JJDP Act and purpose of the core requirements
  - b. The federal definition of terms that the compliance monitor uses exclusively
  - c. An explanation of the core requirements and how they relate to different types of facilities. This explanation should include what constitutes a violation at adult jails and lockups, court holding facilities and juvenile detention centers.
  - d. An explanation of secure and non-secure custody and how the requirements relate to each.
  - e. A sample Summary Information Log
  - f. References to the Juvenile Act
  
2. The PCCD Compliance Monitor, Police Liaisons, and Secure Detention Monitor complete onsite facility inspections to ensure an accurate assessment of each facility's classification and record keeping. The inspection includes:
  - a. A review of the physical accommodations to determine whether it is a secure or non-secure facility.
  - b. A “walk-through” of the facility as if the compliance monitor was a juvenile to determine the level of sight and sound separation between juveniles and incarcerated adults.
  - c. A review of the record keeping system to determine whether sufficient data are maintained to determine compliance with 223 (a) (11), (12), (13), and (23).
  - d. An exit interview with the facility administrator or contact to share onsite findings and concerns, to discuss methods to realize compliance if issues are present, to provide Core Mandate materials, and to discuss concerns expressed by the facility administrator or contact.

3. Reports on each facility's compliance or non-compliance will be made available to the facility as a record of findings of the inspection. Each facility will have an individual file, that will contain:
  - a. Information Update Form
  - b. A Monthly Summary of Juveniles Held based on information from the Summary Information Logs
  - c. Correspondence with the facility
  - d. Sight and Sound Separation Checklist
  - e. Classification Checklist
  - f. Annual Certification Form (if applicable)
  - g. Compliance Violation Forms sent to the facility
  - h. Copy of the facility layout indicating areas where juveniles are held securely and non-securely
  - i. Date of last inspection and approximate date of next scheduled inspection

Procedures:

1. Pennsylvania utilizes a number of compliance monitors, who have been assigned specific roles, to assist in the inspection of facilities across the Commonwealth:
  - a. PCCD Compliance Monitor  
The PCCD Compliance Monitor is responsible for the inspection of Adult Jails, Court Holding facilities, Youth MH Facilities and Group Homes. Responsibilities also include the certification of Police Departments, the review of Summary Information Logs and the primary oversight of the Police Liaisons and Secure Detention Monitor. The PCCD Monitor is responsible for the development and submission of the annual Federal OJJDP Compliance Monitoring Report.
  - b. Police Liaisons  
Funded by PCCD with Formula Grant funds, the Police Liaisons are responsible for the inspection of and providing technical assistance to Pennsylvania's Adult Lock-ups/Police Departments.
  - c. Secure Detention Monitor  
Funded by PCCD with Formula Grant funds, the Secure Detention Monitor is responsible for the inspection of Detention Centers and Training Schools. Data is submitted to and maintained by the Detention Monitor.
2. Each of Pennsylvania's compliance monitors are responsible for inspecting, investigating, and responding to violations that may occur in facilities identified in the Monitoring Universe. The processes in which these activities are conducted are as follows:

- a. Juvenile Detention Center/Training School Monitoring Procedures
- The Secure Detention Monitor is responsible for the scheduling and facilitation of on-site visits at all of the secure juvenile detention centers and secure training schools in PA.
  - 100% of these facilities receive an on-site inspection each year. Juvenile Detention Center visits are completed between October and January each year. Training school visits are completed between January and April of each year.
  - During the inspection the monitor verifies secure status, reviews client records to verify committing offenses for those cases that cannot be verified through JNET or JCMS, and determines the facility's compliance with the separation of adult and juvenile offender protection.
  - The Detention Monitor will determine if the on site record keeping system is sufficient to verify the data that has been submitted. In the event that the system is not adequate, the Detention Monitor will offer assistance in making improvements.
- b. Adult Lock-ups
- The Regional Police Liaisons are responsible for the scheduling and facilitation of on-site visits to the adult lock-ups in PA. Most all lock-ups are administered by state or local law enforcement agencies.
  - All visits are confirmed with hardcopy mailing.
  - Each of the three Police Liaisons will complete a minimum of 140 on-site inspections each year (420 total).
  - 100% of facilities that report the secure custody of juveniles are inspected annually. The on-site inspection of these facilities takes place between January and May each year.
  - Facilities that report the capacity to hold securely, but certify that their practices are to not supervise youth in this manner, are inspected at least once every three years. These visits take place throughout the year.
  - A minimum of 10% of the non-secure facilities are inspected each year. These visits take place throughout the year.
  - During the inspection the Police Liaisons confirm the department's secure/non-secure status, determine if site and sound integrity is maintained, assess compliance with six-hour jail removal exception and verify that status offenders are not being held securely.
  - The Police Liaisons will determine if the on-site record keeping system is sufficient to verify the data that has been submitted. In the event that the system is not adequate, the Detention Monitor will offer assistance in making improvements.
  - Each month the Police Liaisons forward to PCCD copies of the following:
    1. Summary of the facilities inspected and violations verified
    2. Sight and Sound Separation checklists for each facility inspected
    3. Facility diagrams
    4. Facility update form

5. Letter confirming the results of the visit.

c. Adult Jails

- The PCCD Compliance Monitor is responsible for scheduling and facilitating on-site inspections at adult jails.
- All visits are confirmed with hardcopy mailing.
- 100% of Adult jails will be inspected every three years with a minimum of 10% being inspected each year.
- During the inspection the monitor confirms that no juveniles are held in secure custody as PA law stipulates that juveniles will not be held in adult jails.
- On-site inspections will include:
  1. Walk through of the facility;
  2. Review of the juvenile case files to ensure all juveniles being held are certified, transferred or waived;
  3. Review of policies/procedures regarding the holding of juveniles securely;
  4. Review of the admission/arrest log to confirm whether or not any violation actually occurred;
  5. Discussion of the JJDP Act, specifically Jail Removal, Separation, and DSO; and
  6. Exit interview to discuss monitoring visit findings.
- A summary of findings report will be sent to the facility administrator. A copy of this report will be kept in the facility's file at PCCD. If violations have been identified, this report will outline the resolutions discussed during the exit interview.

d. Court Holding Facilities

- The PCCD Compliance Monitor is responsible for the inspections of Court Holding Facilities. These inspections involve:
  1. Review of the admissions log to ensure juveniles are not being held overnight;
  2. Visual inspection of the secure holding area (Sight and Sound);
  3. Discuss the JJDP Act, specifically separation; and
  4. An exit interview to discuss monitoring visit findings.
- A summary of findings report will be sent to the Court Holding Facility administrator. A copy of this report will be kept in the Facility's file at PCCD. If violations have been identified, this report will outline the resolutions discussed during the exit interview.

e. Group Homes

- The PCCD Compliance Monitor is responsible for the spot check inspection of Group Home Facilities. The inspection includes the on-site verification that the Group Home is non-secure. If the status of a Group Home changes to have the capacity to hold securely, the facility administrator will be notified during the exit interview. In addition to the notification of the classification change, the PCCD Compliance Monitor will also provide materials to the Administrator outlining the new monitoring guidelines. The PCCD Compliance Monitor will also update both the facility file and Monitoring Universe Database. Additionally, the PCCD Compliance Monitor will provide the facility with a formal letter indicating the classification change, as well as the new reporting requirements that were discussed during the exit interview.

f. Youth Mental Health Facilities

- The PCCD Compliance Monitor is responsible for the spot check inspection of 10% of the Youth Mental Health Facilities. The inspection of Youth Mental Health Facilities involves:
  1. Review of juvenile court orders to ensure they were committed
  2. under a civil commitment for mental health treatment,
  3. Discussion on the JJDP Act, specifically DSO, and
  4. Exit interview to discuss monitoring visit findings.
- A summary of findings report will be sent to the MH Facility Administrator. A copy of this report will be kept in the Facility's file at PCCD. If violations have been identified, this report will outline the resolutions discussed during the exit interview.

g. Adult Prisons

- Adult Prisons are asked to submit annual certifications to the PCCD Compliance Monitor verifying that as a matter of policy they do not hold juveniles in secure custody. Exceptions to this policy are those juveniles who have been transferred, waived, or certified as an adult offender. Additionally, Adult Prisons are asked to verify that they are not using Scared Straight/Prison Tour programs that are in violation of the JJDP Act.

If the Adult Prison is implementing a Scared Straight/Prison Tour program that may be in violation of the JJDP Act, the PCCD Compliance Monitor will observe the implementation of the program. If it is discovered that this program is out of compliance, the PCCD Compliance Monitor will discuss the violations with the Prison Administrator. A formal letter outlining the violations observed will be forwarded to the Administrator and kept in the Facility file at PCCD. If at all possible, the PCCD Compliance Monitor will work closely with the Administrator to bring the program into compliance.

The PCCD Compliance Monitor will be responsible for the spot check inspections of Adult Prisons. These inspections will involve:

1. Review of the Admission Data;
  2. Review of juvenile case files (DSO);
  3. Inspection of the secure holding areas;
  4. Discussion of the JJDP Act and the core protections of DSO and Separation;
  5. Exit interview; and
  6. Review of Prison tour programs if in operation
- A summary of findings report will be sent to the Adult Prison Administrator. A copy of this report will be kept in the prison's file at PCCD. If violations have been identified, this report will outline the resolutions discussed during the exit interview.
3. At all inspections of facilities that hold adults and juveniles a Sight and Sound Separation Inspection checklist will be completed (see attached form) to be retained in the Facility File. Separation questions will be asked at all types of facilities, including those that only hold juveniles. For example, a juvenile detention center may be located near an adult jail. Adult inmates may be asked to perform grounds work at the juvenile detention center and sight and sound separation may be an issue. The compliance monitor should obtain policies and procedures on how the facility ensures sight and sound separation.

The types of questions most helpful in determining separation include:

- a. Where are adults, at all times in all areas, when juveniles are in the facility;
- b. Are adult trustees used in the facility and if so for what (if so there is a separation issue);
- c. Does an officer remain with the juvenile at all times;
- d. What areas are dedicated for juvenile use;
- e. How is the juvenile brought into the facility and how are they processed through the facility;
- f. Is time-phasing used (using the same area for juveniles and adults, just not at the same time);
- g. Are policies in place to prohibit contact (obtain copies of all juvenile policies);
- h. Are support services provided and is separation guaranteed in recreation, education, counseling, medical and dental aid?
- i. How are special population needs served? (suicidal youth, under influence)

Note separation levels on the Sight and Sound Separation Checklist. Note secure areas and non-secure areas that are used for juveniles. Obtain a facility layout. Examine and become familiar with conditions of confinement, provide ideas or resources to address those concerns.

4. All facilities subject to inspections will also be subject to data collection and data verification if juveniles are being held securely.

5. All facility inspections include an assessment of whether scared straight type programs are in operation at the facility that may be in violation of the JJDP Act. The presence of the below list of conditions would constitute a prison tour program being in violation of the Act.
  - a. There is sight or sound contact between the youth and an adult offender.
  - b. The location where the contact takes place is secure.
  - c. The youth is participating in the program under conditions of public authority.
6. Instances of non-cooperation with the on-site inspectors will be immediately reported to PCCD who will in turn intervene with the support of the most appropriate agency stakeholders.

Attachments:

Adult Jail Inspection Checklist  
Court Holding Inspection Checklist  
Information Update Form  
Police Liaison Monthly Reporting form  
Police Lockup Inspection Checklist  
Sight and Sound Separation Checklist.  
Scared Straight flyer  
Regional Police Liaison Map

## ADULT JAIL VISIT CHECKLIST

ADULT JAIL:

ADDRESS:

WARDEN:

PHONE:

FAX:

1. IS JAIL ON ANNUAL CERTIFICATION PROGRAM? YES \_\_\_\_ NO \_\_\_\_ (EXPL.) \_\_\_\_\_
2. HOW MANY CERTIFIED JUVENILES UNDER THE AGE OF 18 ARE BEING HELD? \_\_\_\_\_  
VERIFIED DATA ATTCHED: \_\_\_\_\_
3. ARE THERE ANY SCARED STRAIGHT TYPE PROGRAMS BEING IMPLEMENTED? \_\_\_\_\_
4. REVIEWED AND DISCUSSED PRISON PREVIEW/PRISON TOUR INFORMATION SHEET \_\_\_\_\_
5. DOES JAIL HAVE A WRITTEN POLICY/PROCEDURE FOR THE HANDLING OF JUVENILES?  
\_\_\_\_\_ POLICY (REC'D) \_\_\_\_\_ POLICY (PROVIDED) \_\_\_\_\_.
6. ARE THEY AWARE THAT ANY JUVENILE NOT CERTIFIED AS AN ADULT MUST BE IMMEDIATELY REMOVED FROM THE FACILITY? \_\_\_\_\_
7. EXIT INTERVIEW HAS BEEN COMPLETED. \_\_\_\_\_
8. HAS THE JJDP ACT BEEN REVIEWED WITH THE FACILITY? \_\_\_\_\_.
9. WERE THERE ANY QUESTIONS/CONCERNS REGARDING THE JJDP ACT? \_\_\_\_\_. IF SO, PLEASE DESCRIBE:
10. HAS THE FACILITY INCURRED ANY JAIL REMOVAL/SIGHT & SOUND VIOLATIONS? \_\_\_\_\_  
. IS SO, PLEASE DESCRIBE:

SITE VISIT CONDUCTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

## COURT HOLDING VISIT CHECKLIST

COURT HOLDING FACILITY:

ADDRESS:

CHIEF:

JUV. OFC.

PHONE:

FAX:

NUMBER OF CELLS \_\_\_\_\_ LOCKED ROOMS \_\_\_\_\_ #OFFICERS \_\_\_\_\_ (FULL) \_\_\_\_\_ (PART) \_\_\_\_\_

1. ARE JUVENILES HELD IN LOCKED ROOMS(S)? \_\_\_\_\_ CELL(S)? \_\_\_\_\_ CUFFED TO STATIONARY OBJECT? \_\_\_\_\_.
2. ARE JUVENILES BEING HELD OVERNIGHT? \_\_\_\_\_.
3. ARE JUVENILES IN POLICE CUSTODY VISUALLY OBSERVED AT ALL TIMES? \_\_\_\_\_.
4. WHAT AGENCY IS RESPONSIBLE FOR THE SUPERVISION OF JUVENILES BEING HELD SECURELY? \_\_\_\_\_.
5. ARE JUVENILES BEING HELD SECURELY? \_\_\_\_\_.
6. WAS THE SIGHT AND SOUND CHECKLIST COMPLETED? \_\_\_\_\_.
7. ARE JUVENILES THAT ARE HELD SECURELY KEPT SIGHT AND SOUND SEPARATE FROM ADULT PRISONERS? \_\_\_\_\_.
8. IS THERE ANY ADMISSIONS DATA AVAILABLE? \_\_\_\_\_.
9. IS THERE A WRITTEN POLICY/PROCEDURE FOR THE HANDLING OF JUVENILES? \_\_\_\_\_ POLICY (REC'D) \_\_\_\_\_ POLICY (PROVIDED) \_\_\_\_\_.
10. ARE YOU AWARE THAT IF YOU REMOVE A SECURELY HELD JUVENILE FROM THE SECURE HOLDING AND HOLD THAT JUVENILE IN A NON-SECURE MANNER FOR THE REMAINDER OF THE TIME THAT JUVENILE IS HELD, THE SIX-HOUR CLOCK IS STOPPED? \_\_\_\_\_.
11. ARE YOU CURRENTLY HAVING ANY PROBLEMS RELEASING JUVENILES FROM COURT HOLDING? \_\_\_\_\_. IF SO, PLEASE DESCRIBE:
12. EXIT INTERVIEW HAS BEEN COMPLETED. \_\_\_\_\_
13. HAS THE JJDP ACT BEEN REVIEWED WITH THE DEPARTMENT? \_\_\_\_\_.
14. WERE THERE ANY QUESTIONS/CONCERNS REGARDING THE JJDP ACT? \_\_\_\_\_. IF SO, PLEASE DESCRIBE:
15. HAS THE DEPARTMENT INCURRED ANY VIOLATIONS? \_\_\_\_\_. IS SO, PLEASE DESCRIBE:
16. IF VIOLATIONS HAVE OCCURED WHAT RECOMMENDATIONS HAVE BEEN GIVEN?

SITE VISIT CONDUCTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

# INFORMATION UPDATE FORM

**PCCD currently has the following information regarding your department:**

**ORI #:** \_\_\_\_\_ **Police Department:** \_\_\_\_\_  
**Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_  
**Email:** \_\_\_\_\_

**If any of the above information is incorrect or if there is missing information, please make the changes/additions below:**

**Please return this form only if any of the following changes/additions apply:**

Check here

- New Chief \_\_\_\_\_
- New Address \_\_\_\_\_
- New Phone Number \_\_\_\_\_
- New Fax Number \_\_\_\_\_
- Email \_\_\_\_\_
- Department has disbanded.
- Other Pertinent Information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_ Submitted by \_\_\_\_\_  
Title \_\_\_\_\_

**POLICE LIAISON MONTHLY  
MONITORING SUMMARY FORM**

Police Liaison:  
Reporting Month:  
Date Submitted:

Total number of police lock-up visits completed: \_\_\_\_\_

Total number of police lock-up **Jail Removal** violations: \_\_\_\_\_

Total number of police lock-up **Sight & Sound** violations: \_\_\_\_\_

Total number of **DSO** violations: \_\_\_\_\_

**Attached documents include: Pre/Post Monitoring Letters, Sight and Sound Checklists, and Police Lock-Up Checklists.**

## POLICE LOCK-UP VISIT CHECKLIST

DEPARTMENT:  
ORI#  
ADDRESS:  
COVERAGE:  
CHIEF/SHERIFF:  
JUV. OFC.  
PHONE:  
FAX:

NUMBER OF CELLS \_\_\_\_\_ LOCKED ROOMS \_\_\_\_\_ #OFFICERS \_\_\_\_\_ (FULL) \_\_\_\_\_ (PART) \_\_\_\_\_

1. DOES THE DEPARTMENT HAVE THE CAPACITY TO HOLD JUVENILES SECURELY?  
YES \_\_\_\_\_ NO \_\_\_\_\_
2. IS DEPT. ON ANNUAL CERTIFICATION PROGRAM? YES \_\_\_\_\_ NO \_\_\_\_\_
3. WITH THE EXCEPTION OF STATUS OFFENDERS, ARE JUVENILES HELD IN LOCKED ROOMS(S)? \_\_\_\_\_ CELL(S)? \_\_\_\_\_ CUFFED TO STATIONARY OBJECT? \_\_\_\_\_.
4. ARE JUVENILES IN POLICE CUSTODY VISUALLY OBSERVED AT ALL TIMES? \_\_\_\_\_.
5. DOES THE P.D. HAVE A WRITTEN POLICY/PROCEDURE FOR THE HANDLING OF JUVENILES?  
\_\_\_\_\_ POLICY (REC'D) \_\_\_\_\_ POLICY (PROVIDED) \_\_\_\_\_.
6. ARE JUVENILE RECORDS KEPT SEPARATE FROM ADULT RECORDS? \_\_\_\_\_.
7. JUVENILE HOLDING LOGS HAVE BEEN CROSS-REFERENCED WITH POLICE LOGS. \_\_\_\_\_
8. WHAT IS THE AVERAGE TIME OF RELEASE FROM CUSTODY? \_\_\_\_\_ HOURS.
9. HOW MANY JUVENILES WERE RETURNED TO THE DEPARTMENT DURING \_\_\_\_\_ 2007?  
\_\_\_\_\_ 2008? \_\_\_\_\_
10. HOW MANY JUVENILES WERE HELD SECURELY DURING 2007? \_\_\_\_\_ 2008? \_\_\_\_\_
11. ARE JUVENILES THAT ARE HELD SECURELY KEPT SIGHT AND SOUND SEPARATE FROM ADULT PRISONERS? \_\_\_\_\_.
12. DEPARTMENT IS AWARE OF THE REQUIREMENT TO CALL CHILD LINE IF THEY ARE IN VIOLATION OF HOLDING A JUVENILE SECURELY OVER SIX HOURS? \_\_\_\_\_.
13. DEPARTMENT IS AWARE THAT IF YOU REMOVE A SECURELY HELD JUVENILE FROM THE SECURE HOLDING AND HOLD THAT JUVENILE IN A NON-SECURE MANNER FOR THE REMAINDER OF THE TIME THAT JUVENILE IS HELD, THE SIX-HOUR CLOCK IS STOPPED?  
\_\_\_\_\_.
14. IS DEPARTMENT CURRENTLY HAVING ANY PROBLEMS RELEASING JUVENILES FROM THE STATION? \_\_\_\_\_. IF YES, PLEASE EXPLAIN:

15. HAS THE JJDP ACT BEEN REVIEWED WITH THE DEPARTMENT? \_\_\_\_\_.
16. WERE THERE ANY QUESTIONS/CONCERNS REGARDING THE JJDP ACT? \_\_\_\_\_. IF SO, PLEASE DESCRIBE:
17. HAS THE FINGERPRINTING STATUTE IN THE JUVENILE ACT BEEN REVIEWED WITH THE DEPARTMENT? \_\_\_\_\_.
18. DOES THE DEPARTMENT HAVE A COPY OF THE FLOOR PLAN AVAILABLE? \_\_\_\_\_ IF NOT, WILL ONE BE PROVIDED? \_\_\_\_\_
19. HAS THE DEPARTMENT INCURRED ANY VIOLATIONS? \_\_\_\_\_.  
IF SO, PLEASE DESCRIBE:
20. IF VIOLATIONS HAVE OCCURED WHAT RECOMMENDATIONS HAVE BEEN GIVEN?
21. EXIT INTERVIEW HAS BEEN COMPLETED. \_\_\_\_\_
22. WAS THE SIGHT AND SOUND CHECKLIST COMPLETED? \_\_\_\_\_
23. WAS THE CHIEF/SHERIFF AWARE OF ANY SUBSTATIONS WITHIN THEIR LOCAL MALLS, AIRPORTS, OR SCHOOL DISTRICTS? \_\_\_\_\_ IF SO, WHO ARE THEY:
24. IS THE DEPARTMENT RECORD KEEPING SUFFICIENT TO VERIFY THE DATA SUBMITTED TO PCCD YES \_\_\_\_\_ NO \_\_\_\_\_

SITE VISIT CONDUCTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**Sight and Sound Separation Inspection Checklist  
(Copy to Facility Contact)**

Name of Department: \_\_\_\_\_ Date of Inspection: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Use the following codes to describe the level of separation. Walk through facility as if you were a juvenile being processed and detained. Obtain a facility layout for future reference.

- (1) Adult offenders and juveniles can have physical, visual and oral contact with each other (**NO SEPARATION**)
- (2) Adult offenders and juveniles can not have physical contact with each other, but they can see or hear each other (**PHYSICAL SEPARATION**)
- (3) Conversation possible between adult offenders and juveniles although they can not see each other or have physical contact with each other (**SIGHT SEPARATION**)
- (4) Adult offenders can see each other but no conversation is possible and they can not have physical contact with each other (**SOUND SEPARATION**)
- (5) Adult offenders and juveniles within the same facility can not see each other, can not have physical contact with each other and no conversation is possible (**SIGHT AND SOUND SEPARATION**)
- (6) Adult offenders and juveniles are not placed in the same facility (**ENVIRONMENTAL SEPARATION**)
- (7) Juveniles are not held securely in the facility (**DO NOT HOLD**)

Facility Area	Level of Separation	Narrative (Describe why you have coded it as such)
Booking/Admission		
Cells		
Transportation		
Hallways		

Police Liaison \_\_\_\_\_



## Prison Preview/Prison Tour Programs and the JJDP Act

In the Commonwealth of Pennsylvania, the Pennsylvania Commission on Crime and Delinquency (PCCD) is responsible for monitoring compliance with the core requirements of the federal Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as supported by state law (42 Pa.C.S. §6326-6327). The JJDP Act defines the conditions under which a juvenile may be held in secure confinement. Specifically relevant to prison tour type programs are the core requirements of **jail removal** (removing juveniles from adult jails and lockups) and **sight and sound separation** (juveniles must be sight and sound separated from adults in those instances when they are held).<sup>1</sup>

With the reauthorization of the federal JJDP Act in 2002, a renewed emphasis has been placed on the states (by the federal Office of Juvenile Justice & Delinquency Prevention) to ensure that sight and sound separation requirements are not being violated, in particular with regard to Prison Preview/Scared Straight programs. Some types of Scared Straight or “Shock Incarceration” programs may violate, i.e., be out of compliance with, the federal separation requirement (as well as state law).

These types of programs involve bringing juveniles into jails or correctional facilities and into contact with the adult inmates being held there for the purpose of “scaring” them out of their delinquent behaviors. Although traditional Scared Straight type programs are not known to be operating in PA, we want to inform you of the ways in which similar programs can be in violation of federal and state laws (especially those calling for removal of juveniles from adult facilities and for sight and sound separation of adults and juveniles).

According to Federal law accused or adjudicated delinquent offenders, status offenders and nonoffenders cannot have contact with adult inmates, including adult inmate trustees. Contact is defined to include any physical or sustained sight and/or sound contact. Sight contact is defined as clear visual contact between adult inmates and juveniles within close proximity to each other. Sound contact is defined as direct oral communication between adult inmates and juvenile offenders.<sup>2</sup> Adult offenders include those who are incarcerated because they have been convicted of a crime and those awaiting trial on criminal charges. States are required to verify that no juvenile offender shall enter under public authority, for any amount of time, into a secure setting or secure section of an adult jail or lockup, or a correction facility as a disposition of an offense or a means of modifying their behavior.

**In order for a situation to be out of compliance, all three of the following criteria must be true:<sup>3</sup>**

- **The juvenile is participating in the program under public authority** (e.g., if the juvenile is detained or confined in the institution/facility under some form of public order such as a probation requirement, or held securely as part of committing an offense).

---

<sup>1</sup> The federal transfer or waiver exception provides that juveniles who have been transferred or waived or are otherwise under the jurisdiction of criminal court do not have to be separated from adult criminal offenders; however, state law (42 Pa. C.S. § 6326(c)(3)) requires that “a child must be separated by sight and sound from incarcerated adult offenders...” Pennsylvania State law (42 Pa. C.S. §6327) also requires that “under no circumstances shall a child be detained in any facility with adults...”

<sup>2</sup> “Guidance Manual for Monitoring Facilities Under the JJDP Act of 2002,” Office of Juvenile Justice & Delinquency Prevention, U.S. Dept. of Justice, January 2007.

<sup>3</sup> From “Scared Straight/Prison Preview Programs and JJDP Act Compliance,” Governor’s Crime Commission, North Carolina Dept. of Crime Control and Public Safety, June 2003.

- **The facility in which the juvenile meets with adult offenders (as part of a program) is a physically secure facility** (“secure” includes a juvenile being cuffed to a stationary object or being in a locked room that cannot be unlocked by the juvenile from the inside).
- **The juvenile has sight or sound contact with adult offenders.**

**Examples that are not violations:**

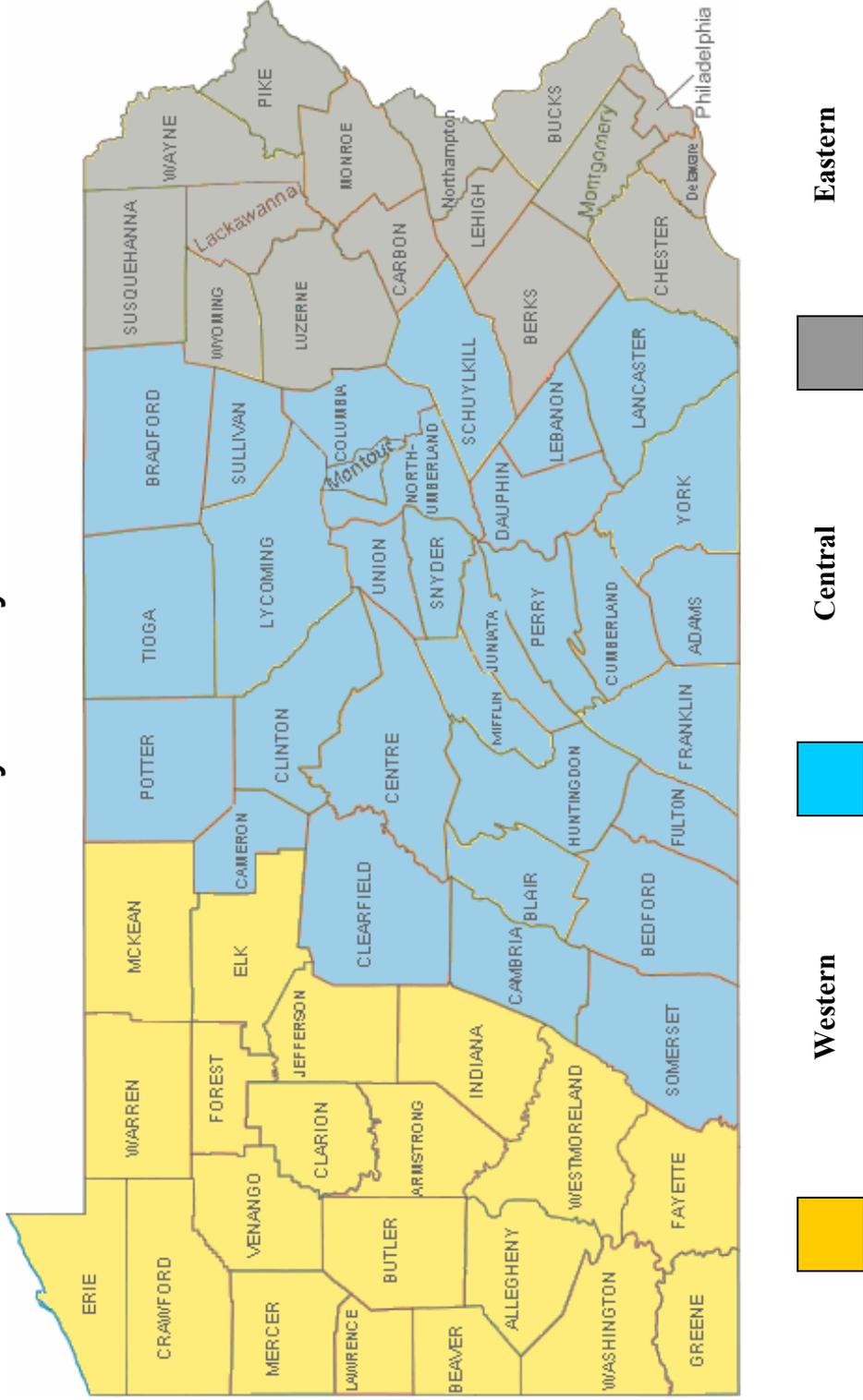
- A program that brings an incarcerated adult offender to a community center or church to speak to juvenile offenders would not be a violation of the separation requirement because the juveniles presumably would not be detained or confined securely in the community center or church.
- A juvenile visiting his parent in an adult prison would be confined in an institution (the prison) in which he/she has contact with an adult offender (the parent), but would not be there under a public order, so separation would not apply.
- A juvenile touring an adult jail as part of a high school class would not be there under a public order, so separation would not apply.
- In the case of a juvenile whose parent decides to arrange a jail or prison tour for their child, separation would not apply unless the juvenile has been instructed (either verbally or in writing) to participate by the courts or a public official.

**Instances that would be violations:**

- A juvenile offender who is placed in a juvenile detention center or youth development center or secure residential facility that participates in a jail/prison visit would be counted as a violation because the juvenile is participating as part of their public order which placed them in the juvenile facility.
- A juvenile offender who is required to visit incarcerated adults as part of the juvenile’s probation agreement would be in violation because he/she would be visiting under the public order of their probation agreement.
- A juvenile who is instructed to participate in a prison/jail tour as a condition of dismissing (or not filing) charges would be counted as a violation because the juvenile would be under public authority to participate as a condition of dismissing charges.
- If adult offenders who are currently incarcerated are brought to a juvenile detention center or secure residential program, this is a violation of the separation requirement.

If you have questions or need more information, please contact Mr. Steve Lynch either by phone at (717) 265-84557 or via email [slynch@state.pa.us](mailto:slynch@state.pa.us).

# Compliance Monitoring Regions By County



## 2.4 COMPLIANCE MONITORING DATA COLLECTION AND DATA VERIFICATION

### Statement of Purpose:

OJJDP requires that facilities identified in the Monitoring Universe be inspected every three years. A critical component of these inspections is the ability of the PCCD Compliance Monitor to collect data relevant to the core protections. This data serve as the basis for the on-site inspections conducted by the PCCD Compliance Monitor, Police Liaisons, and Secure Detention Monitor.

### Policy:

As the designated state agency for the Commonwealth of Pennsylvania, the PCCD is charged with the oversight of the state's compliance with the JJDP Act. The PCCD's Office of Juvenile Justice and Delinquency Prevention (OJJDP) is therefore responsible for receiving, investigating, and responding to reports of compliance violations.

1. The PCCD Compliance Monitor, Police Liaisons, and Secure Detention Monitor will be responsible for collecting data on all juveniles held securely in the Commonwealth.
2. Data collected by other entities other than the PCCD (Police Liaisons and Secure Detention Monitor) will be verified on-site by the PCCD Compliance Monitor. This verification process will take place annually.
3. The PCCD Compliance Monitor will be responsible for submitting a Compliance Monitoring report to the federal OJJDP by June 30 of each year.

### Procedures:

1. Facilities that have been identified within the Monitoring Universe Database will be required to self-report admissions data to the PCCD Compliance Monitor and Secure Detention Monitor.
2. Facilities that have been identified within the Monitoring Universe Database will be required to submit the following documents to the PCCD Compliance Monitor:
  - a. Annual Certification (if applicable)
  - b. Classification Checklist
  - c. Juvenile Custody Summary Information Logs (when youth are held securely)
  - d. Copy of Facility Layout
3. In Pennsylvania the following facilities have the ability to, within state law, hold juveniles securely. The data reporting and verification process for each is detailed below:
  - a. **Secure Juvenile Detention Centers**  
Information is collected on a monthly basis on each juvenile admitted to a secure juvenile detention center. Three specific forms are utilized to determine compliance

with the Juvenile Court Judges' Commission (JCJC) Standards Governing Secure Detention under the Juvenile Act and the federal JJDP Act. One form is used as a statement of facts and reasons relating to the use of secure detention (D-1). A second form was developed for Juvenile Court Judges and Masters that also serves as a Court Order (D-2). The third form was developed as a means to verify detention data reported on the other two forms and is a roster of all the youth admitted to a certain detention center (D-3). In addition to other required information, a Section Code from the Standards Governing the Use of Secure Detention must be recorded on all three forms when a juvenile is admitted to secure detention. The Section Codes correspond to either a specific criminal act or a juvenile's current case status or circumstances.

- The packet of forms from detention centers are to be received by the 10<sup>th</sup> of the month following the month data is being reported. When packets are received, the Secure Detention data analyst II makes sure forms are in order and that the names appear on the D3 form.
- The packet from the previous month is pulled and checked to make sure any juvenile who was not released in the previous month appears as a carryover on this month's D3 form. Any information that is missing or does not match the information from the previous month needs to be filled in or corrected. If there is any paperwork from previous months, it needs to be filed in the appropriate packet and information updated if necessary.
- Once the carryover cases have been reviewed, new admissions are then reviewed. Information on the D1, D2, or court order is compared to information on D3 to confirm spelling of names, dates of birth, etc. are correct. Crime codes are assigned to crimes listed on the D1s and D2s. A reason code is also assigned. The most serious crime listed on the documentation is written on the D3 along with an adjudication or consent decree date. If crime is not on D3, D1, or D2, record search or JNET is utilized to find missing information.
- Information from all twenty-two detention centers is entered into the Center for Juvenile Justice Training & Research (CJJT&R) Detention Database by the data analyst and an additional member of the Information and Technology Division who is also located at the CJJT&R.
- The data analyst also is responsible for reviewing and identifying errors and missing information from detention centers and, on occasion, is required to contact all 22 Pennsylvania Detention Centers who fail to comply with the detention documentation requirements.
- If one of the three forms is not included a letter is typed and mailed to the county probation office requesting documentation on each juvenile who does not have paperwork.
- The D3 is copied and the copy is given to the Director of Monitoring for audit. The Director of Monitoring then reviews the D3s and highlights cases that need further investigation based on section code and most serious

crimes. At this time, a record search of the Juveniles Case Management System (JCMS) and Pennsylvania Justice Network (JNET) are used to eliminate as many cases as possible. Any cases not cleared are entered into a list that will be reviewed at the on-site audit. Prior to the on-site audit, the Secure Detention Monitor goes through the packets and checks paperwork on juveniles not yet cleared. A letter is mailed to the detention center to confirm date and time of on-site audit and a list of juveniles to be reviewed is enclosed with the letter.

- Any cases that are not able to be verified during the on-site audit are put on a list that will be sent to the county probation office at the end of the year to be verified by probation personnel. At this time, any cases not confirmed as legal admissions are further investigated and cited as illegal admissions if documentation cannot be provided. These cases are documented in the year-end report.
- Philadelphia County is included in the monitoring effort for compliance with the federal guidelines. Therefore admissions to Philadelphia's secure detention center (Youth Study Center) are reviewed via the Philadelphia Uniform Admissions Log (UAL). The Youth Study Center forwards the completed UAL to the Secure Detention Monitor. Any admission recorded on the UAL that does not specify a delinquent offense will be reviewed during the on-site audit at the Youth Study Center. Through its automated record system, the Youth Study Center can confirm the validity of each admission during the on-site audit.

b. Youth Training Schools

- Information is collected on a monthly basis on each juvenile admitted to a secure juvenile treatment center (training school). The admission data is forwarded to the Secure Detention Monitor by each of the programs of this type. The use of secure placement in Pennsylvania's juvenile justice system is governed by the Department of Public Welfare, Office of Children Youth and Families. DPW has committed to work with PCCD in resolving any situations that may be violations of the JJDP Act.
- The Secure Detention Monitor at CJJT&R verifies data submitted by the training schools through the use of JNET, JCMS and telephone contact with the institution.
- The Monitor is to verify that status offenders are not being admitted and that separation integrity is being maintained. Youth in PA can be maintained in secure residential placements up to their 21<sup>st</sup> birthday.
- During on-site visits, the monitor reviews client files where the age of the child and the most serious offense could not be verified through the above mentioned strategies.

c. Adult Lockups

- PD data verification - In September of each year, the PCCD Compliance Monitor corresponds with all police departments (adult lockups) to communicate updates to the Compliance Monitoring system in PA as well as re-enforcing the need for all cases that involve the secure custody of juveniles to be reported each year.
- The annual mailing includes the following items:
  - a) Update letter from PCCD
  - b) Secure Custody Policy Certification
  - c) Sample Secure Custody Policy
  - d) Secure/Non Secure Checklist
  - e) Juvenile Custody Summary Information Form
  - f) Regional Police Liaison Map
- Police Department certification states that except in extreme/emergency situations the police department will supervise juveniles non-securely. In the event that a juvenile is held securely this will be reported to PCCD at the conclusion of the month that the secure holding took place.
- Police Departments that do not certify that it is their policy to not hold juveniles securely are required to report their custody activity to PCCD each month.
- All reporting of juveniles held is done so using the Juvenile Custody Summary Information Log. The Log contains the following elements:
  - a) Juvenile specific identifying information
  - b) Arresting/Committing offense
  - c) Time in and out of secure custody
  - d) Type of secure confinement used
  - e) Where/Who the youth was release to
  - f) Race
  - g) Date
- Monthly summary information logs are reviewed by the PCCD Compliance Monitor and forwarded to the Regional Police Liaisons for on site verification.
- The certification status of each department is communicated to the Police Liaison staff.
- Police department who certify they will not use secure custody will not be required to report monthly logs to PCCD. These departments will be considered to have not held any juveniles securely and will be verified during on-site visits.
- Police Departments that do not respond to the annual certification questionnaire are contacted directly by PCCD to verify their status.

- All Data that is submitted to PCCD by the Police Departments is verified by the Police Liaisons during on-site visits. This includes verification of the following:
  - a) Does their practice of holding juveniles coincide with the data that is submitted to PCCD
  - b) Is the facility secure or non-secure
  - c) Does the department have sufficient data management systems to allow for verification
  - d) Does the department maintain sight and sound separation

d. Adult Jails

- In January of each year, the PCCD Compliance Monitor corresponds with all adult jails in PA. The correspondence asks for the following information:
  - a) Any juveniles that were admitted to the adult jail for the preceding year
  - b) Certification that prison tour programs that may be in operation are being facilitated in a manner that is consistent with the protections of the JJDP Act.
- The Compliance Monitor makes contact with any jail that reports that they held a juvenile to verify the court order resulting in the situation of confinement.
- Data that is submitted to PCCD is verified by the PCCD compliance monitor through on-site facility inspections.
- At least 10% of adult jails are visited each year with all being visited at least once every three years. The on-site visits consist of the following verifications:
  - a) Does the jail operate scared straight type programs, and if so, is it in violation of the Act.
  - b) Verification that those under the age of 18 that have been admitted to the jail have been admitted on criminal offenses.

4. Data Projections – For those facilities that do not report data to PCCD for the reporting year, violations will be projected using the violation rate for like facilities. The violation rate will be determined by the dividing the number of verified violations by the number of reporting facilities and multiplying that rate by the total number of facilities in that classification.

Example:

15 violations divided by 1000 reporting adult lockups = .015 violation rate

1300 total adult lockups multiplied by .015 violation rate = 19.5 total violations

Attachments:

Detention 1 form

Detention 2 form

Detention 3 form

Detention/Training School coding form

Philadelphia Detention Form

Police Department Classification Checklist

Adult Lockup sample Policy

Adult jail summary information form

Adult jail certification

**STATEMENT OF FACTS AND REASONS ACCOMPANYING THE DETENTION OF A CHILD  
BY A PROBATION OFFICER/INTAKE OFFICER PURSUANT TO 42 PA.C.S. §§ 6304, 6225, AND 6331.**

I. Name of Child: \_\_\_\_\_ (Last) (First) (Middle Initial) II. Date of Birth: \_\_\_\_\_ (Month) / \_\_\_\_\_ (Day) / \_\_\_\_\_ (Year)

III. Date Detention Authorized: \_\_\_\_\_ (Month) / \_\_\_\_\_ (Day) / \_\_\_\_\_ (Year) IV. Time of Authorization: \_\_\_\_\_ : \_\_\_\_\_  a.m.  p.m.

V. There is a reasonable basis to believe that the above named child:

A.  has committed:

- 1. \_\_\_\_\_ court(s) of (\_\_\_\_) \_\_\_\_\_ crime
- 2. \_\_\_\_\_ court(s) of (\_\_\_\_) \_\_\_\_\_ crime
- 3. \_\_\_\_\_ court(s) of (\_\_\_\_) \_\_\_\_\_ crime
- 4. \_\_\_\_\_ court(s) of (\_\_\_\_) \_\_\_\_\_ crime
- 5. \_\_\_\_\_ court(s) of (\_\_\_\_) \_\_\_\_\_ crime
- 6. \_\_\_\_\_ court(s) of (\_\_\_\_) \_\_\_\_\_ crime

If more than six crimes are alleged, list the six most serious crimes. In the parentheses (\_\_\_\_) provide the code letter for the type of crime as follows:  
a = the crime of  
b = an attempt to commit  
c = solicitation to commit  
d = conspiracy to commit

B.  Other (when a delinquent act is not alleged) Explain: \_\_\_\_\_

VI. This child is not believed to be excluded from the jurisdiction of Juvenile Court by age or any other reason.

VII. This child's detention is permitted and authorized pursuant to Section(s) \_\_\_\_\_ of the "Standards Governing the Use of Secure Detention Under the Juvenile Act" as set forth in the JCJC Detention Handbook.

VIII. The alternatives to secure detention which were considered and rejected:  parent(s) / guardian(s)  relative(s)  electronic monitoring  
 in-home detention / house arrest  foster care  shelter care  other (specify) \_\_\_\_\_

IX. The reason or reasons why secure detention is required and alternatives are not appropriate: \_\_\_\_\_

If detention was authorized pursuant to Section 701 of the Standards, this statement must include an explanation of why an exception was warranted and why non-secure options were rejected.

Name of Probation Officer/Intake Officer Authorizing Detention:

Print Name \_\_\_\_\_ (Last) (First) (Middle Initial) Signature \_\_\_\_\_ Date: \_\_\_\_\_ (Month) / \_\_\_\_\_ (Day) / \_\_\_\_\_ (Year)

Send WHITE AND YELLOW COPIES of this form completed through Section IX to the Detention Center within one court business day of this child's admission to detention.

To Be Completed by Detention Staff After Child's Admission to Detention, or After the Informal Detention Hearing:

Social Security Number: \_\_\_\_\_

X. Name of Detention Center \_\_\_\_\_ XI. Date of admission of above named child: \_\_\_\_\_ (Month) / \_\_\_\_\_ (Day) / \_\_\_\_\_ (Year)

XII. Time of Admission: \_\_\_\_\_  a.m.  p.m.

XIII. Detention/Release Status:

A.  Child released prior to informal detention hearing. Date of Release: \_\_\_\_\_ (Month) / \_\_\_\_\_ (Day) / \_\_\_\_\_ (Year) Time of Release: \_\_\_\_\_ : \_\_\_\_\_  a.m.  p.m.

B.  Child released at informal detention hearing. Date of Release: \_\_\_\_\_ (Month) / \_\_\_\_\_ (Day) / \_\_\_\_\_ (Year) Time of Release: \_\_\_\_\_ : \_\_\_\_\_  a.m.  p.m.

C.  Child continued in detention following informal detention hearing. Date of Detention Hearing: \_\_\_\_\_ (Month) / \_\_\_\_\_ (Day) / \_\_\_\_\_ (Year)

D.  Other (explain): \_\_\_\_\_

Name of Detention Center Staff Completing This Section:

Print Name \_\_\_\_\_ (Last) (First) (Middle Initial) Date: \_\_\_\_\_ (Month) / \_\_\_\_\_ (Day) / \_\_\_\_\_ (Year)

Complete Sections X - XIII upon the child's release from detention or following the informal detention hearing whichever occurs first. Send completed WHITE COPY to: CJT&R (Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257) with the Monthly Detention Summary (JCJC-D-3) which reports this child's admission to detention.

Social Security Number: \_\_\_\_\_

**STATEMENT OF FACTS AND REASONS ACCOMPANYING COURT ORDER AUTHORIZING THE  
DETENTION/CONTINUED DETENTION OF A CHILD BY A JUDGE OR MASTER PRIOR TO ADJUDICATION**

I. Name of Child: \_\_\_\_\_ (Last) \_\_\_\_\_ (First) \_\_\_\_\_ (Middle Initial) II. Date of Birth: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(Month) (Day) (Year)

III. Type of Proceeding/Order:  
 Informal Detention Hearing pursuant to 42 P.A.C.S. § 6332  Order of Court/no hearing  
 Hearing To Continue Pre-adjudication Detention pursuant to 42 P.A.C.S. § 6335

IV. Detention Center: \_\_\_\_\_ V. Date of Admission to Detention: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(Month) (Day) (Year)

VI. It has been determined that probable cause exists that the above named child:  
A.  has committed:

- |  |  |
|--|--|
| 1. _____ count(s) of ( _____ ) _____ crime | 4. _____ count(s) of ( _____ ) _____ crime |
| 2. _____ count(s) of ( _____ ) _____ crime | 5. _____ count(s) of ( _____ ) _____ crime |
| 3. _____ count(s) of ( _____ ) _____ crime | 6. _____ count(s) of ( _____ ) _____ crime |

If more than six crimes are alleged, list the six most serious crimes. In the parentheses ( \_\_\_\_\_ ) provide the code letter for the type of crime as follows:  
a = the crime of \_\_\_\_\_ c = solicitation to commit  
b = an attempt to commit \_\_\_\_\_ d = conspiracy to commit \_\_\_\_\_

B.  Other (when a delinquent act is not alleged) Explain: \_\_\_\_\_  
\_\_\_\_\_

VII. This child is not believed to be excluded from the jurisdiction of Juvenile Court by age or any other reason.

VIII. This child's detention is permitted and authorized pursuant to Section(s) \_\_\_\_\_ of the "Standards Governing the Use of  
Secure Detention Under the Juvenile Act" as set forth in the JCJC Detention Handbook.

IX. The alternatives to secure detention which were considered and rejected:  parent(s) / guardian(s)  relative(s)  electronic monitoring  
 in-home detention / house arrest  foster care  shelter care  other (specify) \_\_\_\_\_

X. The reason or reasons why secure detention is required and alternatives are not appropriate: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If detention was authorized pursuant to Section 701 of the Standards, this statement must include an explanation of why an exception was warranted and why non-secure  
options were rejected)

Judge/Master \_\_\_\_\_ Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(No signature or date needed here if Order of Court entered below)

IN THE INTEREST OF: \_\_\_\_\_ A. Minor No. \_\_\_\_\_

DOB: \_\_\_\_\_ **ORDER OF COURT**

AND NOW This \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ (If a hearing having been held)

it is hereby  ORDERED  RECOMMENDED

that the above named child be detained in the \_\_\_\_\_ until further Order of this Court.  
Detention Center

RECOMMENDED: \_\_\_\_\_  
Master

Subject to Approval by and further Order of this Court.

APPROVED: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(Month) (Day) (Year)

BY THE COURT:

Judge \_\_\_\_\_

BY THE COURT:

Judge \_\_\_\_\_

Send completed YELLOW AND PINK COPIES of the form to the detention center within one court business day of the Order of Court committing child to detention. If a  
separate Order of Court is used, attach YELLOW AND PINK COPIES of this form to detention center copy of ORDER. DETENTION CENTER: Send YELLOW COPY to the  
CLUTSR (Shippensburg University), 1871 Old Main Drive, Shippensburg, PA 17257 with the Monthly Detention Summary (JCJC-D-3).

# MONTHLY DETENTION SUMMARY

Return White Copy to:  
CJ/J&R, Horton Hall, Shippensburg University  
1871 Old Main Drive, Shippensburg, PA 17257  
by the 10th of month following report period

Listing All Children Admitted to Detention  
During the Month or Remaining in Detention  
From the Preceding Month

Report for \_\_\_\_\_ (month) \_\_\_\_\_ 19\_\_\_\_ (year)

Detention  
Center Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_

	CHILD'S NAME Last, First, Middle Initial	Gender (Insert code) +	Race (Insert code) +	D.O.B. mm/dd/yy	Committing County	Date of admission mm/dd/yy	Authorization for Detention (Insert code) *	Host Site Code at Admission	Court Status at Time of Admission (Insert code) ●	Section # of J.C.J.C. Detention Standards	Date of Release (if appropriate) mm/dd/yy	Disposition (if known)
1.												
2.												
3.												
4.												
5.												
6.												
7.												
8.												
9.												
10.												
11.												
12.												
13.												
14.												
15.												
16.												
17.												
18.												
19.												
20.												

Attach appropriate copies of  
Forms JCJC-D-1 and JCJC-D-2  
or other documentation received  
at admission.

➕ GENDER CODES

- 1 = Male
- 2 = Female

➕ RACE CODES

- 1 = White
- 2 = Black
- 3 = Hispanic
- 4 = Other

★ AUTHORIZATION CODES

- 1 = Probation/Parole Officer
- 2 = Order of Court - Juvenile
- 3 = Order of Court - Criminal
- 4 = Other (please specify)

● COURT STATUS CODES

- A = Awaiting Adjudication Hearing
- B = Awaiting Disposition Hearing
- C = Awaiting Transfer or Return to Other Jurisdiction
- D = Awaiting Transfer or Return to Placement
- E = Awaiting Disposition Review Hearing
- F = Awaiting Adjudication After Transfer From Criminal Court
- G = Awaiting Disposition After Criminal Court Conviction
- H = Awaiting Criminal Trial After Transfer From Juvenile Court
- I = Other (please specify)

**STANDARDS GOVERNING  
THE USE OF  
SECURE DETENTION UNDER THE JUVENILE ACT**

(Coded and Annotated)

---

**1. CIRCUMSTANCES UNDER WHICH SECURE DETENTION MAY BE AUTHORIZED ON THE BASIS OF AN ALLEGED OFFENSE OR ON THE BASIS OF AN ALLEGED OFFENSE AND THE CHILD'S CURRENT STATUS WITH THE COURT OR PRIOR RECORD:**

---

The child is alleged to be a delinquent child on the basis of acts which would constitute the commission of, conspiracy, solicitation, or an attempt to commit:

**Section**

101 Criminal Homicide (18 Pa. C.S. §2502, Murder; §2503, Voluntary Manslaughter, §2504, Involuntary Manslaughter).

102 Rape (18 Pa. C.S. §3121)

103 Robbery (18 Pa. C.S. §3701)

103.1 Robbery of Motor Vehicle (18 Pa. C.S. §3702)

104 Aggravated Assault (18 Pa. C.S. §2702)

105 Involuntary Deviate Sexual Intercourse (18 Pa. C.S. §3123)

105.1 Aggravated Indecent Assault (18 Pa. C.S. §3125)

106 Kidnapping (18 Pa. C.S. §2901)

107 Arson (18 Pa. C.S. §3301)

108 Burglary involving a structure occupied by a person at the time of the offense or a structure adapted for overnight accommodation (18 Pa. C.S. §3502)

109 Terroristic Threats (18 Pa. C.S. §2706)

109.1 Stalking { 18 Pa. C.S. §2709 (b) (1) (2) }

110 Causing or Risking Catastrophe (18 Pa. C.S. §3302)

111 Riot (18 Pa. C.S. §5501)

112 **Felonious** Violations of "the Controlled Substance, Drug, Device and Cosmetic Act" (35 P.S. §780-101 et seq.)

113 **Felonious Intimidation of Witnesses or Victims (18 Pa. C.S. §4952)**

**Note: The offense is a felony of the third degree if:**

- (1) the actor employs force, violence or deception, or threatens to employ force or violence, upon the witness or victim or, with the requisite intent or knowledge upon any other person.
- (2) The actor offers any pecuniary or other benefit to the witness or victim or, with the requisite intent or knowledge, to any other person.
- (3) The actor's conduct is in furtherance of a conspiracy to intimidate a witness or victim.
- (4) The actor solicits another to or accepts or agrees to accept any pecuniary or other benefit to intimate a witness or victim.
- (5) The actor has suffered any prior conviction for any violation of this title or any predecessor law hereto, or has been convicted, under any Federal statute or statute of any other state, of an act which would be a violation of this title if committed in this State.

Otherwise the offense is a misdemeanor of the second degree.

113.1 **Felonious Retaliation Against Witness or Victim (18 Pa. C.S. §4953).**

**Note: The offense is a felony of the third degree if:**

- (1) The actor employs force, violence or deception, or threatens to employ force or violence, upon the witness or victim or, with the requisite intent or knowledge, to any other person.
- (2) The actor offers any pecuniary or other benefit to the witness or victim or, with the requisite intent or knowledge, to any other person.
- (3) The actor's conduct is the furtherance of a conspiracy to intimate a witness or victim.
- (4) The actor solicits another to or accepts or agrees to accept any pecuniary or other benefit to intimidate a witness or victim.
- (5) The actor has suffered any prior conviction for any violation of this title or any predecessor law hereto, or has been convicted, under any Federal statute or statute of any other state, of an act which would be a violation of this title if committed in this State.

Otherwise the offense is a misdemeanor of the second degree.

114 The child is alleged to be a delinquent child on the basis of an offense which involved the use of possession of a firearm or explosives

**Note: An allegation of delinquency made solely on the basis of possession of a firearm or explosive can be the basis for ordering or authorizing detention under this section.**

115 The child is alleged to be a delinquent child on the basis of an offense which involved the use but not mere possession of a deadly weapon other than a firearm or explosives, or an offense (other than mere possession) during which the child had in his possession a deadly weapon as defined at 18 Pa. C.S. §2301.

**Note: The mere possession of a firearm or explosive can be the basis for authorizing detention under Section 114.**

Pursuant to 18 Pa C.S. §2301:

**Deadly Weapon:** Any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or serious bodily injury, or any other device or instrumentality which, in the manner in which it is used or intended to be used, is calculated to produce death or serious bodily injury.

**Serious Bodily Injury:** Bodily injury which creates a substantial risk of death or which causes serious. Permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

- 116 The child is alleged to be a delinquent child on the basis of an offense which is classified as a **felony** and the child is currently on probation, being supervised under a Consent Decree, or is otherwise under the supervision of the Court following an adjudication of delinquency
- 117 The child is alleged to be a delinquent child on the basis of an offense which is classified as a **felony** and the child has been found to be a delinquency child within the preceding 18 months.
- 118 The child is alleged to have committed **any delinquent act** and the child is on probation or is otherwise under supervision of a Court following an adjudication of delinquency, **based on a felony**.
- 119 The child is on probation or is otherwise under the supervision of a Court following an adjudication of delinquency, **based on a felony**, and the child is alleged to have **twice violated technical conditions** of such probation or other post-adjudication supervision.
- 120 The child is alleged to be a delinquent child and is in violation of conditions of house arrest, in-home detention, electronic monitoring, shelter care, or other non-secure placement, ordered or authorized as an alternative to secure detention.

**Note: The following “Standards Governing Hearings and Administrative Reviews for Children Held in Secure Detention” apply to secure detention admissions under sections 101-120:**

I. Pre-Adjudication Detention

Within 72 hours of the admission of a child to secure detention, the informal detention hearing shall be held.

The adjudication hearing shall be held pursuant to the provisions of 42 Pa. C.S. §6335.

V. Detention Pending a Disposition Review Proceeding for violation of Probation.

Within 72 hours of the admission of a child to secure detention for a Violation of probation, an informal detention hearing shall be held.

Within 20 days of the most recent court proceeding, the disposition review hearing or a hearing to determine the need for continued secure detention shall be held.

Until a specific disposition order is entered, the Court shall hold a hearing by the 20<sup>th</sup> day from the most recent court proceeding to review the status of the case and to determine the need for continued Secure detention.

---

**2. CIRCUMSTANCES UNDER WHICH SECURE DETENTION MAY BE AUTHORIZED ON THE BASIS OF A CHILD'S STATUS AS AN ABSCONDER OR FUGITIVE; ON THE BASIS OF A CHILD'S RECORD OF FAILING TO APPEAR AT PREVIOUS JUVENILE HEARINGS; OR BECAUSE OF EXTRAORDINARY CIRCUMSTANCES WHICH REQUIRE SECURE DETENTION TO PREVENT A CHILD FROM ABSCONDING:**

---

**Section**

- 201 The child is an absconder from an institution or other placement to which he/she was committed as a result of a previous adjudication of delinquency.
- 202 The child has willfully failed to appear at the hearing on the petition (adjudication hearing) or other hearing after having been served with a court order or summons to appear.
- 203 The child has a recent demonstrable record of willful failure to appear at previous juvenile court hearings.
- 204 The child has been verified to be a fugitive from another jurisdiction, an official from which as requested that said child be detained.
- 205 The child absconded from secure detention, shelter care, in-home detention, house arrest, or other non-secure placement, or while subject to electronic monitoring, ordered or authorized pending a court hearing or placement.
- 206 The child presents extraordinary circumstances requiring secure detention to prevent him/her from absconding. (Such circumstances may include, but are not limited to, the child's age, character, mental condition, ties to the community, the nature of the child's family relationships, drug or alcohol addition or substance abuse).

**Note:** Consult the "Standards Governing Hearings and Administrative Reviews for children Held in Secure Detention" to determine which Standard applies to secure detention admissions under Sections The applicable Standard will vary depending on the status of the case.

---

**3. CIRCUMSTANCES UNDER WHICH SECURE DETENTION MAY BE AUTHORIZED ON THE WRITTEN REQUEST OF THE CHILD OR CHILD'S ATTORNEY:**

---

**Section**

- 301 The child has voluntarily, and in writing, requested to be placed in secure detention for his/her protection.
- 302 The child's attorney has voluntarily, and in writing, requested that the child be placed in secure detention for the protection of the child.

**Note:** Immediate release must occur upon the request of the child or child's attorney.

---

**4. CIRCUMSTANCES UNDER WHICH SECURE DETENTION MAY BE ORDERED PENDING DISPOSITION, SUBSEQUENT TO A FINDING THAT A CHILD COMMITTED A DELINQUENT ACT OR IS A DELINQUENT CHILD:**

---

**Section**

- 401 The child was found to have committed a delinquent act, or adjudicated delinquent, on the basis of an offense for which detention was or could have been authorized or ordered pursuant to Sections 101-120.
- 402 The child was initially detained, was eligible for detention, or based on more recent information, would now be eligible for detention under Sections 201-206.
- 403 The Court has determined that placement of the child at disposition is **probable** and continued detention is required prior to disposition based upon consideration of the following factors:
- (a) the nature of the substantiated offence;
  - (b) the child's employment and student status;
  - (c) the nature of the child's family relationships;
  - (d) the child's past and present residences;
  - (e) the child's age, character, mental condition, previous juvenile record, and drug and alcohol addition or substance abuse.
  - (f) If the child has previously been released pending a court proceeding, whether the child appeared as required.
  - (g) Any other facts relevant to whether the child has strong ties with the community or is likely to flee the jurisdiction.

Note: **The following "Standard Governing Hearings and Administrative Reviews for Children Held in Secure Detention" applies to secure detention admissions under Section 401-403:**

II. Post-Adjudication/Pre-Disposition Detention.

Within 20 days of the date of the adjudication, a disposition hearing or a hearing to determine the need for continued secure detention shall be held.

Within 20 days of this hearing, if the disposition hearing has not been held or a court order entered, a hearing shall be held to review the status of the case and to determine the need for continued secure detention.

Until a disposition or a specific placement is ordered by the Court, the Court shall hold a hearing by the 20<sup>th</sup> day from the Most recent court proceeding to review the status of the case and to determine the need for continued secure detention.

---

**5. CIRCUMSTANCES UNDER WHICH SECURE DETENTION MAY BE ORDERED FOLLOWING DISPOSITION PENDING TRANSFER TO PLACEMENT:**

---

**Section**

- 501 The child was found to be a delinquent child on the basis of an offense for which secure detention would be permitted pursuant to Sections 101-120.
- 502 The child was initially detained, was eligible for detention, or based on more recent information, would not be eligible for detention pursuant to Sections 201-206.
- 503 The child is awaiting placement in a Youth Development Center Secure Unit or other secure residential treatment program.
- 504 The child is awaiting placement and the Court has determined that secure detention is required pending transfer to such placement based upon consideration of the following factors:
- (a) the nature of the substantiated offense;
  - (b) the child's employment and student status;
  - (c) the nature of the child's family relationships;
  - (d) the child's past and present residence;
  - (e) the child's age, character, mental condition, previous juvenile record, and drug or alcohol addiction or substance abuse;
  - (f) if the child has previously been released pending a court proceeding, whether the child appeared as required;
  - (g) any other facts relevant to whether the child has strong ties to the community or is likely to flee the jurisdiction.

**Note: The following "Standard Governing Hearings and Administrative Reviews for Children Held in Secure Detention: applies to secure detention admissions under Sections 501-501:**

II. Post-Disposition/Pre-Placement Detention.

At the 10<sup>th</sup> and 20<sup>th</sup> days from the most recent court proceeding, the Court or designee shall administratively review the status of the case and determine the need for continued secure detention

Within 30 days of the most recent court proceeding, a hearing shall be held to review the status of the case and to determine the need for continued secure detention.

Subsequent administrative reviews and hearings shall continue to be held pursuant to these time frames until the child is admitted to a dispositional placement or is otherwise released from secure detention.

---

**6. CIRCUMSTANCES UNDER WHICH SECURE DETENTION MAY BE AUTHORIZED ON THE BASIS OF THE CHILD'S STATUS PENDING OR SUBSEQUENT TO A DISPOSITION REVIEW HEARING:**

---

**Section**

- 601 A Disposition Review Hearing is pending or has been held and the child is in placement in, or is awaiting transfer to, a Youth Development Center Secure Unit or other secure residential treatment program.
- 602 A Disposition Review Hearing is pending or has been held and the child was returned from placement for failure to adjust.
- 603 A Disposition Review Hearing is pending or has been held and secure detention is required based upon consideration of the following factors:
- (a) the nature of the substantiated offense;
  - (b) the child's employment and student status;
  - (c) the nature of the child's family relationships;
  - (d) the child's past and present residences;
  - (e) the child's age, character, mental condition, previous juvenile record, and drug or alcohol addiction or substance abuse;
  - (f) if the child has previously been released pending a court proceeding, whether the child appeared as required;
  - (g) any other facts relevant to whether the child has strong ties to the community or is likely to flee the jurisdiction.

**Note: Consult the "Standards Governing Hearings and Administrative Reviews for Children Held in Secure Detention" to determine which Standard applies to secure detention admissions under Sections 601-603:**

The following Standards may be applicable depending on the status of the case:

- IV. Detention Pending a Disposition Review Proceeding for Failure to Adjust to Placement.
- V. Detention Pending a Disposition Review proceeding for Violation of Probation.
- VI. Detention Subsequent to an Order resulting from a Disposition Review Proceeding, where a specific Placement or Disposition has been Ordered.

---

**7. CIRCUMSTANCES UNDER WHICH SECURE DETENTION MAY BE AUTHORIZED ON THE BASIS OF EXTRAORDINARY AND EXCEPTIONAL CIRCUMSTANCES:**

---

**Section**

- 701 The child is not otherwise eligible for secure detention pursuant to the preceding standards; however, the facts present extraordinary and exceptional circumstances which require the use of secure detention. (The statement of reasons which accompanies and detention under this Section must

include an explanation of why an exception was warranted and why non-secure options were rejected).

**Note:** Detention under this Section may not be authorized routinely or because non-secure alternatives do not exist in adequate numbers, but only in the exceptional and extraordinary case.

Secure detention is not to be used when a child **alleged** to be delinquent Cannot be released **solely** because there is no parent, guardian or custodian **able** to assume responsibility or adequately supervise the child.

**Consult the “Standards Governing Hearings and Administrative Reviews for Children Held in Secure Detention” to determine which Standard applies to secure detention admissions under Section 701. The applicable Standard will vary depending on the status of the case.**

JANUARY

COURT OF COMMON PLEAS OF PENNSYLVANIA  
MORRIS COUNTY DETENTION SUMMARY  
LISTING ALL CHILDREN ADMITTED TO DETENTION  
DURING THE MONTH OR REMAINING IN DETENTION  
FROM THE PRECEDING MONTH

REPORT FOR:

DETENTION CENTER NAME: YOUNG STUDY CENTER

CONTRACT PERSON: STEVEN D. MASCIAMANDO

PAGE 1

CHILD'S NAME

GNDR. ETH  
RACE

D.O.B. COUNTY

ADMS FOR DET.

MOST SER  
OFF CD

CRT STAT  
AT AXX

DATE OF  
RELEASE

DISP.  
CODE

DISP.

### Police Department Classification Checklist

1. \_\_\_\_\_ The room where the juvenile or adult is held, is within a larger secure perimeter.
2. \_\_\_\_\_ The juvenile or adult offender can be cuffed to a cuffing rail or other stationary object.
3. \_\_\_\_\_ The room contains construction features designed to physically restrict the movement and activities of persons in custody such as a lock on the door (whether or not the is actually locked), a cuffing rail, steel bars, floor ring etc.
4. \_\_\_\_\_ The room contains delayed egress devices where the delay is greater than 30 seconds.
5. \_\_\_\_\_ Juveniles are left in a secure booking area after being photographed and fingerprinted.
6. \_\_\_\_\_ Juveniles are being processed through a secure booking area when an un-secure booking area is available within the department.

**You may access the Summary Information log via the PCCD website at <http://www.pccd.state.pa.us/pccd/cwp/view.asp?A=1430&Q=574745> or by contacting Mr. Steve Lynch at (717) 265-8457.**

**Please submit your completed checklist to PCCD by no later than December 12, 2008. The completed checklists can be forwarded by:**

**By Mail:**

**Attn: Steve Lynch  
Pennsylvania Commission on Crime and Delinquency  
3101 North Front Street  
Harrisburg, Pennsylvania 17110**

**By Fax:**

**Attn: Steve Lynch  
(717) 772-0551**

Department Name \_\_\_\_\_  
ORI \_\_\_\_\_

## **JUVENILE CUSTODY POLICY/PROCEDURES**

**Date Issued:** September 1, 2007

**Review Date:** September 1, 2008

**Related Policies:** All Other Juvenile Policies

**Related Legislation:**

1. Juvenile Justice and Delinquency Prevention Act of 2002, as amended
2. OJJDP Policy Guidance for Non-secure Custody of Juveniles in Adult Jails and Lockups (53 Federal Register 44366, November 2, 1988)
3. Juvenile Act (42 PA. C.S. 6301 et seq.)
4. Act 9 of 1991

**Statement of Purpose:**

All persons taken into custody by this department shall be treated in a manner which provides for: the safety of all concerned; a respect for human dignity; the preservation of the legal rights and property of the individual; accurate documentation; and administrative efficiency. Juveniles, those persons under the age of 18, require unique considerations pursuant to state law and federal regulations.

**Procedures:**

Status Offenders:

1. Status offenders are defined as juveniles, who have been charged with or adjudicated for, conduct which would not, under the law, be an offense if committed by an adult. Examples include: runaways; truants; dependent/neglected juveniles; underage alcohol offenses; or abused juveniles.
2. **Status offenders may not be placed in secure custody;** handcuffed to a stationary object or cuffing rail; placed in a holding cell or placed in a locked room under any circumstances.
3. Status offenders shall be placed in a non-secure area such as the lobby, an office, interview room or general purpose room until release arrangements can be made and the juvenile leaves the facility.
4. The officer shall immediately notify the parent, guardian or other custodian of the apprehension of the child and his/her whereabouts.
5. The child must be under continuous visual supervision by a law enforcement officer or other facility staff during the period of non-secure custody.

### Accused Delinquents: (Criminal Type Offender)

1. Accused delinquents are juveniles who have been charged with or adjudicated for conduct that would be a crime if committed by an adult.
2. It is the practice of this department to detain accused delinquents non-securely while in custody. Exceptions include violent or combative juveniles who cannot be subdued and pose a threat to the officer or themselves. **Those exceptions must be documented.**

### Secure Custody:

1. Secure custody is defined as an accused delinquent being cuffed to a stationary object or cuffing rail, being placed in a holding cell, or being placed in a locked room.
2. Should a juvenile be placed in secure holding, a Juvenile Summary Information Log Form will be submitted to PCCD for that month.
3. The secure holding shall only be for the purpose of identification, investigation, processing, releasing or transferring the child to the parent, guardian, juvenile court or county children and youth official, or to shelter care.
4. The secure holding shall be limited to the minimum time necessary to complete the above listed procedures, **but in no case may such holding exceed six hours.**
5. If so held, a child must be separated by sight and sound from incarcerated adult offenders and must be under the continuous visual supervision of law enforcement officials or facility staff.
6. If it appears that a securely held juvenile will not be released within the six-hour limit, assistance should be requested by calling the Department of Public Welfare ChildLine at (800) 932-0313.



**Pennsylvania Commission on Crime and Delinquency**  
Telephone Reporting System Information

*When you have a juvenile who remains at your Police Department for more than six (6) hours,  
Please call the DPW ChildLine toll –free number (800) 932-0313 and report the following basic information:*

- Your Name:
- Your Telephone Number:
- Name and Location of your Police Department:
- The fact that you are reporting that a juvenile has been held at your Department for more than six (6) hours

The PCCD toll-free line will usually have manned coverage during normal working hours (Monday through Friday, 8:30 am to 5:00 pm). At other times, or if toll-free staff are busy with another report, the back-up number will be covered by an answering machine which will record your message and the staff will get back to you by telephone for more specific information.

Once we have specific information on the cases reported through ChildLine or PCCD, Every effort will be made to help you solve the problem and prevent it from re-occurring in the future.

---

At the end of each month, please use a PCCD self-addressed envelope to return the original log form (please make a copy for your departmental records) to PCCD at the below listed address:

Mr. Steve Lynch  
Compliance Monitor  
Office of Juvenile Justice and Delinquency Prevention  
Pennsylvania Commission on Crime and Delinquency  
P.O. Box 1167  
Harrisburg, PA 17108-1167

If you have any questions concerning completion of this form, please call Mr. Steve Lynch at (717) 265-8457 or (800) 692-7292 and Mr. Lynch will return your call.

If you would be interested in receiving the log form electronically, please contact Sharon Miller at (717) 265-8481 or (800) 692-7292, or via email

at [ra-pdjuvreports@state.pa.us](mailto:ra-pdjuvreports@state.pa.us)

**CERTIFICATION YEAR 2009**

**ORI #** \_\_\_\_\_

(P.D. name and address here.)

Mr. Steve Lynch

Office of Juvenile Justice and Delinquency Prevention  
Pennsylvania Commission on Crime and Delinquency  
P.O. Box 1167  
Harrisburg, Pennsylvania 17108-1167

Dear Mr. Lynch:

The \_\_\_\_\_ requests exemption from the monthly reporting currently required under the federal Juvenile Justice and Delinquency Prevention Act and Act 1991-9. This department has also adopted a written policy—effective as of the date indicated below—and has established a practice which prohibits the secure holding of juveniles in our facilities. **A copy of our written policy is attached.** This prohibition applies to all sections of our facility, including any lockup, locked offices, locked interview rooms, etc. Our policy also forbids handcuffing juveniles to any fixture or fixed object.

Our departmental policy and practice allows one exception in the case of extreme circumstances, which permits the secure holding of juveniles who are out of control or are a danger to the community—for a period of time not to exceed six hours. Should a juvenile be temporarily held securely under this exception, we will submit the required juvenile reporting form for the month during which this secure holding occurred. However, our routine practice is to supervise juveniles in non-secure areas.

Further, it is understood that the Pennsylvania Commission on Crime and Delinquency (PCCD) may conduct a monitoring visit during the year to verify that our reported juvenile practices are fully in operation. Department staff is willing and able to assist PCCD staff during such a visit.

Sincerely yours,

\_\_\_\_\_  
Chief / Sheriff

\_\_\_\_\_  
Date

## 2.5 COMPLIANCE VIOLATION PROCEDURES

### Statement of Purpose:

Once a compliance monitoring system has been established to monitor secure and non-secure facilities to ensure that the core protections of the JJDP Act and Formula Grant Regulations are being complied with; it is critical to then outline the administrative procedures, which will be used by PCCD to receive, investigate, and respond to reports of compliance violations.

Inspections or other mechanisms, which identify incidences of non-compliance, or other deficiencies which may be dangerous to confined juveniles, are only of value when PCCD can act to correct or eliminate the identified problem. Written violation policies and procedures should be available so all concerned will know what is expected of them and what action may be taken.

In 1994, Congress stipulated that all communities interested in applying for Title V funds had to first be certified as being in compliance with the four core protections (DSO, Jail Removal, Sight and Sound and Disproportionate Minority Contact). It is the responsibility of the PCCD Compliance Monitor to inform all law enforcement agencies of this stipulation so they may direct their efforts towards compliance prior to their community applying for funds.

### Policy:

As the designated state agency for the Commonwealth of Pennsylvania, the PCCD is charged with the oversight in complying with the JJDP Act. The PCCD's Office of Juvenile Justice and Delinquency Prevention (OJJDP) is therefore responsible for receiving, investigating, and responding to reports of compliance violations.

All classified facilities should have available to them, through the PCCD Compliance Monitor, Police Liaisons, and Secure Detention Monitor, the JJDP Act Core Mandates and federal OJJDP Regulations.

### Procedures:

1. The PCCD Compliance Monitor will provide oversight to the monitoring of classified facilities each year. Monitoring responsibilities are as follows:
  - a. PCCD Compliance Monitor will perform statewide monitoring of all Court Holding Facilities, Adult Jails, Adult Prisons, and Youth MH Facilities and Group Homes.
  - b. Police Liaisons will perform statewide monitoring to all Police Lockups.
  - c. Secure Detention Monitor will perform statewide monitoring of all Juvenile Detention Centers and Juvenile Training Schools.

2. Potential violations are reported as follows:

- a. Police Lockups – Self reported to PCCD monthly by police departments utilizing the Juvenile Custody Summary Information Log. Violations of the jail removal exception are reported to Childline as they occur. Childline reports to PCCD for investigative follow up.
- b. Youth Detention Centers – Self report all youth admitted during the month. Report is submitted to the Secure Detention Monitor at the CJJT&R.
- c. Youth Training Schools - Self report all youth admitted during the month. Report is submitted to the Secure Detention Monitor at the CJJT&R.
- d. Adult Jails – Data is submitted to PCCD annually.

3. Violation Investigation occurs as follows:

- a. Police Lockups
  - The PCCD Compliance Monitor will be responsible for reviewing all Summary Information Logs on a monthly basis. Potential Violations are forwarded to Police Liaisons for follow up.
  - The Police Liaison will contact (by phone) police lock-ups who have been identified as having violations – as determined through self-reported monthly Summary Information Logs.
  - If after telephone contact, it appears that a violation occurs, the Police Liaison will conduct on-site inspections of lock-ups to review arrest logs and juvenile case files to verify information exchanged during phone contact. In many cases, incorrect information is recorded on the Summary Information Log and the entry may appear to be a violation. Upon further investigation it may be revealed that the times or charges were recorded incorrectly. All violations will be discussed with the facility administrator or contact to explain why they were violations and what remedial actions may be taken to prevent future violations.

b. Youth Detention Centers

- Youth Detention Centers will submit admission data to the CJJT&R no later than the 10<sup>th</sup> day of each month. Information is submitted on standardized forms for all detention centers excluding Philadelphia. The forms are as follows:
  1. Detention Form 1 (d-1) – Statement of case specific facts for the use of secure detention completed by the juvenile probation department
  2. Detention Form 2 (d-2) – Statement of case specific facts explaining the use of secure detention completed by the order judge or district magistrate
  3. Detention Form 3 (d-3) – A total roster of the youth committed to a detention center for the month
- CJJT&R staff verify the committing offense through the statewide JCMS or JNET. Items that cannot be verified through this system are confirmed at the onsite visit, and/or direct interaction with the committing probation department.
- Committing authorities are informed by the Secure Detention Monitor in cases that appear to be violations.
- Apparent violations are reviewed and confirmed by the Juvenile Judges Commission.

c. Youth Training Schools

- Youth Training Schools submit admission data to CJJT&R on a monthly basis.
- CJJT&R staff verify the committing offense through the statewide Juvenile Case Management System or JNET. Items that cannot be verified through this system are confirmed at the onsite visit and/or through direct interaction with the committing probation department.
- Committing authorities are informed by the Secure Detention Monitor in cases that appear to be violations.
- Apparent violations are reviewed by the Juvenile Court Judges' Commission and either confirmed or dismissed. In situations that appear to be systematic issues, the Executive Director of the Commission will make contact with the committing judge or magistrate to resolve.

d. Adult Jails

- Adult Jails submit to PCCD on an annual basis the number of youth held in secure custody. PA law prohibits the holding of juvenile offenders in adult jails. The annual response also includes a certification that scared straight type programs are not operational within the confines of the jail.
- The PCCD Compliance Monitor analyzes the submitted data and completes telephone follow-up to further investigate potential violations.
- Youth that are committed to adult jails for a period of time exceeding six hours or are in contact with adult inmates are violations.

4. Violation Follow-up

- a. Police Lockups – Official correspondence is forwarded to the Police Chief of the department confirming that a violation did occur as well as offering a description of potential solutions. The correspondence is sent from the Police Liaison.
- b. Youth Detention Centers - In situations that appear to be systematic issues, the Executive Director of the Commission will make contact with the committing judge or magistrate to resolve the conditions that resulted in a violation.
- c. Youth Training Schools - In situations that appear to be systematic issues, the Executive Director of the Commission will make contact with the committing judge or magistrate to resolve the conditions that resulted in a violation.
- d. Adult Jails – PCCD will make contact with the Jail to determine the conditions that resulted in a violation. Upon determining at what decision making point the violation occurred, PCCD would determine the course of action most appropriate. For example, if the decision were made by a judge to commit a youth to a jail, PCCD would involve the Juvenile Court Judges' Commission in the process of resolution.

Attachment:

Pre-Monitoring Visit Letter

Follow-up - Violation Letter

Follow-up - No Violation Letter



**Pennsylvania Council of Chief Juvenile Probation Officers  
Technical Assistance Police Liaison Project**

DATE

Address

Dear Chief:

This letter is to confirm arrangements for the upcoming monitoring visit, which I discussed with you on February 27, 2008. As we discussed, I will be conducting a site visit with you and/or your staff on Wednesday, March 5, 2008 at 5:15 p.m.

The purpose of this visit is to ensure that your Department is in compliance with the following core protections outlined within the JJDP Act of 2002. These protections are as follows:

- **Deinstitutionalization of Status Offenders (DSO)**
- **Separation of juveniles from adults in institutions (separation)**
- **Removal of juveniles from adult jails and lockups (jail removal)**

The visit consists of the following activities: (1) review of materials, processes and procedures related to the processing of juveniles as related to the JJDP Act of 2002; (2) review of any possible issues/concerns; and (3) an exit interview. To satisfy federal monitoring standards, I will need to review the following during my visit:

- **Juvenile admission logs**
- **Department's policy and procedures for handling juveniles**
- **Facility layout**

If you have any questions, please contact me at 814-574-0017. I look forward to seeing you on Wednesday, March 5, 2008 at 1715 hours.

Sincerely,

W. Ronald Smeal  
Project Coordinator  
Police Liaison Project



**Pennsylvania Council of Chief Juvenile Probation Officers  
Technical Assistance Police Liaison Project**

DATE

Address

Dear:

Thank you for the time and assistance that Officer Stephen Halstead provided during the Pennsylvania Commission on Crime and Delinquency visit on Wednesday, July 31, 2008. The visit was scheduled to review five juvenile incidents. All five were reported on your monthly submission of "Summary Information on Juveniles Held at Police Departments" reports.

Our meeting found that the first report #0711021492 was related to an Auto Theft incident on November 16, 2007. This juvenile was requested to come to your headquarters at 0930 and was interviewed until 1338 at which time he was placed into secure holding until 1853 hours for a total of five hours, fifteen minutes which is NOT in VIOLATION of the Act.

On March 27, 2008, Incident #00803041981 was related to a burglary where a gang of seven actors held the victim at gunpoint, tied him up, beat him and threatened to hang him if he did not give them money. It appears as though the juvenile was held securely for six hours, fifty seven minutes which IS in VIOLATION of the ACT.

On May 14, 2008, Incident #0805015696 involved a juvenile apprehended and charged with Assault and Theft from a Vehicle. The incident started with patrol making a vehicle stop at 0337 hours, transporting and interviewing the subject who was later held securely and released six hours and fifty-three minutes later. However the juvenile was not held securely more than the six hour limit which is NOT in VIOLATION of the Act.

On May 21, 2008, incident #0805024651 involved a burglary and the arrest of two juveniles, one 15 years old and the other 13 years old. There was a third actor that was an 18 year old and all three were apprehended on foot leaving the scene of the incident.

Lieutenant Stephen A. Skiles  
August 24, 2008  
Page 2

A loaded, colt 38 caliber revolver was seized from the 15 year old juvenile during the apprehension. Both juveniles were placed into secure holding, removed from secure holding for interview, then placed back into secure holding until their release some eight hours twenty-five minutes for juvenile one and eight hours five minutes for juvenile two. Therefore this accounts for two VIOLATIONS of the Act.

As we discussed during our July 18, 2008 meeting, these are three (3) violations of the Critical Provisions of Section 6326 of the Juvenile Act. It is suggested that officers be more specific in their recording of time on their initial incident and follow up reports in order to account for secure holding and interview times. In addition it would be well served if there could be time notations within the report that relate to the juveniles being turned over to detectives, released from secure holding an/or turned over to other authorities at the conclusion of secure holding. Finally, another safeguard would be for the desk sergeant(s) to more closely monitor interview times to avoid placing a juvenile back into secure custody, which would continue to run the six-hour clock from the start of the original holding and therefore in all likelihood become a violation of the 6-hour limitation under the Act.

I remain confident that as a result of our meetings and review of the Juvenile Act, a better understanding about the core protections outlined within the JJDP Act of 2002 has taken place.

If you have any further questions concerning the site visit, or would like additional information and/or technical assistance, please do not hesitate to contact me at 814-234-7441 or 814-574-0017. I look forward to continuing to work with you and your staff in the future.

Sincerely,

W. Ronald Smeal  
Project Coordinator  
Police Liaison Project



**Pennsylvania Council of Chief Juvenile Probation Officers  
Technical Assistance Police Liaison Project**

DATE

Address

Dear:

Thank you for the time and assistance that you provided during the Pennsylvania Commission on Crime and Delinquency Monitoring visit on March 5, 2008. The visit provided valuable information about how juveniles are being handled within your Department.

No violations or problems requiring formal resolution were identified during the site visit. The Mifflin Borough Police Department appears to be in compliance with the core protections identified within the JJDP Act of 2002. I commend you for the hard work and dedication put forth toward ensuring that juveniles are being handled in a manner consistent with federal requirements.

If you have any further questions concerning the site visit, or would like additional information an/or technical assistance, please do not hesitate to contact me at 814-574-0017. I look forward to continuing to work with you and your staff in the future.

Sincerely,

W. Ronald Smeal  
Project Coordinator  
Police Liaison Project

## SECTION 3

# OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION ANNUAL REPORTING

### 3.1 DEINSTITUTIONALIZATION OF STATUS OFFENDERS \ DSO

#### Statement of Purpose:

- The JJDP Act states that no status or non-offender may be held in secure facilities. However, the JJDP Act provides statutory exceptions and the federal regulations provide a regulatory exception. Both exceptions only apply to Juvenile Detention Centers. It is clearly the intent of the JJDP Act that these are the exceptions and not the rule.

#### Intent of the DSO Core Requirement

- The DSO Core Requirement has been part of the JJDP Act since its inception in 1974. The principles are as follows:
  1. Holding status and non-offenders in secure confinement, although expedient, is an inappropriate strategy for handling juveniles who have not engaged in any criminal behavior.
  2. Historically, status offenders, when handled as delinquents, have been placed in environments that lead to physical and emotional harm.
  3. The punishment of status offenders, often abused and neglected children, simply represents a continuation of the cycle of mistreatment.
  4. The JJDP Act does not ignore the problems of status and non-offenders. Instead, the JJDP Act has supplied federal funds to the states, who meet the core requirements, to develop a comprehensive continuum of care. The JJDP Act encourages the creation and implementation of community based treatment, diversion and delinquency prevention programs as appropriate, cost effective alternatives to secure confinement. The maintenance of this requirement promotes just policies concerning status and non-offenders, and it upholds the necessary distinction in treatment strategies for the status and non-offenders versus the more serious juvenile offender.
  5. OJJDP, which regulates compliance, provides for two primary types of exceptions; statutory and reporting exceptions. Reporting exceptions are violations which the Federal regulations allow states to subtract from the total number of violations via regulatory definitions. Where the JJDP Act is silent on an issue, reporting exceptions define the limited circumstances under which a state will not be penalized. Statutory exceptions are defined in the JJDP Act and established by Congress. Their interpretation is strictly defined by statute.

Statutory Exceptions:

- possession of a handgun
- Valid Court Order
- Out of State runaways when held pursuant to the Interstate Compact.

Statutory exceptions allow states to remove from consideration, for compliance purposes, offenses that constitute the violation of a Valid Court Order or a violation of Section 922(X) of Title 18 or similar State laws (handgun possession).

### **3.2 THE REMOVAL OF JUVENILES FROM ADULT JAILS AND LOCKUPS**

#### Statement of Purpose:

The JJDP Act states: “Provide that no juvenile shall be detained or confined in any jail or lockup for adults.” There are two reporting exceptions that Pennsylvania uses; they are contained in the consolidated federal register. The first states that accused criminal-type offenders may be held in a sight and sound separated area for up to 6 hours for processing purposes only. The second states that alleged or adjudicated juvenile criminal-type offenders may be held for up to 6 hours prior to or following a court appearance. See also the Rural Exception in the OJJDP Guidance Manual.

#### Intent of the Jail Removal Core Requirement

The Jail Removal requirement was added to the JJDP Act in 1980, in part as a method of addressing the unintended consequence of the separation requirement. In order to meet the separation requirement, many juveniles were held in solitary confinement for long periods of time. Research indicated an increase of suicides of those juveniles held in adult jails versus juvenile detention centers. In order to provide consistent protection of juveniles, the sight and sound separation requirement necessitated the addition of the jail removal requirement. The removal of juveniles from adult jails and lockups is supported by widespread consensus on the appropriate handling of juveniles. Juveniles held in adult jails and lockups remain at risk for physical, mental and sexual abuse at the hands of adults. In addition, they are frequently exposed to and educated about how to become better criminals. The National Council on Crime and Delinquency, the Coalition for Juvenile Justice, the National Sheriffs Association, the Institute for Judicial Administration, the National Advisory Commission on Law Enforcement, and essentially every national organization representing law enforcement and the judicial system, recommends or mandates standards that forbid the jailing of children. The intent of jail removal is not to release juveniles who, because of their offenses and their history, need to be securely detained but to promote the appropriate secure confinement of these juveniles in juvenile facilities. Juvenile facilities can provide both public safety and specific evaluation and treatment needs of juveniles.

#### Statutory Exception:

Juveniles who are waived into adult court, or their case is filed directly in adult court are not considered juveniles under the JJDP Act and are therefore excluded from the regulations.

### 3.3 SIGHT AND SOUND SEPARATION

#### Statement of Purpose:

Provides that no juvenile will be confined in circumstances where they have contact with incarcerated adults in a secure custody status. The exact wording in the JJDP Act is: “juveniles alleged to be or found to be delinquent, as well as status offenders and non-offenders, will not be detained or confined in any institution in which they have contact with adult inmates.”

The JJDP Act of 2002 further requires that “there is in effect in the state a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, to have been trained and certified to work with juveniles.”

In addition, in accordance with OJJDP policy and proposed regulation, the state must assure that no juvenile offender shall enter under public authority, for any amount of time, into a secure setting or secure section of any jail, lockup or correctional facility as a disposition of an offense or as a means of modifying their behavior (e.g. Shock Incarceration, Scared Straight or Shape Up).

#### Intent of the Separation Core Requirement:

1. This requirement has been part of the JJDP Act since its inception in 1974. It was passed by Congress in response to the fact that juveniles placed in adult facilities where they had contact with adult inmates and correctional staff were frequently victims of physical, mental, sexual and emotional abuse, and the discovery that juveniles in contact with adult prisoners were exposed to the tools and training necessary to engage in criminal behavior.

In addition to protecting juveniles against abuse and corruption, sight and sound separation reinforces acceptable professional guidelines. The separation of juveniles from adults allow for the immediate mobilization of effective, appropriate services for juveniles. The separation requirement maintains the safety of juveniles while focusing attention on their diversion to community resources.

The American Correctional Association, the American Bar Association, and the Bureau of Indian Affairs support standards requiring separation, therefore, the sight and sound separation requirement represents the minimum standard for safe jail policy. Separation does not apply, nor do any of the requirements apply, to juveniles direct filed or waived to adult court.

The consolidated federal regulation states: “The term contact is defined to include any physical or sustained sight and sound contact between juvenile offenders in a secure custody status and incarcerated adults, including inmate trustees. A juvenile offender in a secure custody status is one who is physically detained or confined in a locked room or other area set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody. Secure detention or confinement may result either from being placed in such a room or area and/or from being physically secured to a cuffing rail or other stationary object.

1. **Sight contact** is defined as clear visual contact between incarcerated adults and juveniles within close proximity to each other.
2. **Sound contact** is defined as direct oral communication between incarcerated adults and juvenile offenders.

Separation must be accomplished architecturally or through policies and procedures in all secure areas of the facility, which include, but are not limited to, such areas as admissions, sleeping, and shower and toilet areas. Brief and inadvertent or accidental contact between juvenile offenders in a secure custody status and incarcerated adults in secure areas of a facility that are not dedicated to use by juvenile offenders and which are nonresidential, which may include dining, recreational, education, vocational, health care, sally ports or other entry areas, and passageways (hallways), would not require a facility or the State to document or report such contact as a violation. However, any contact in a dedicated juvenile area, including any residential area of a secure facility, between juveniles in a secure custody status and incarcerated adults would be a reportable violation.” Juveniles are not to have any “contact” with incarcerated adults while they are in “secure” custody.

Brief and accidental contact between juveniles and incarcerated adults in secure areas of the facility that are dedicated to use by juvenile offenders and which are nonresidential would not require a facility or State to report a violation. Those areas include: Dining, recreational, educational, vocational, health care, sally ports or other entry areas and passageways (hallways).

Any contact in a dedicated juvenile area, including any residential area of a secure facility, between juveniles in a secure custody status and incarcerated adults would be a violation. Added during the 2002 reauthorization is a prohibition of “Scared Straight or Shape Up” type of programming. In accordance with current OJJDP policy and proposed regulation, the state must assure that no juvenile offender shall enter under public authority, for any amount of time, into a secure setting or secure section of an adult jail, lockup, or correctional facility as a disposition of an offense or as a means of modifying their behavior.

### **3.4 Annual Compliance Monitoring Report Period**

#### Statement of Purpose:

OJJDP's Formula Grant Regulation requires states to submit compliance information annually. The reporting periods should provide 12 months of data but shall not provide less than 6 months of data. The due dates established by OJJDP for the Annual Compliance Monitoring Report are: Calendar Year – June 30; Federal Fiscal Year – March 31; and State Fiscal Year – December 31.

#### Policy:

The PCCD Compliance Monitor will submit Pennsylvania's Annual Compliance Monitoring Report to OJJDP at the end of each calendar year – no later than June 30.

### **3.5 Method of Reporting Compliance with the JJDP Act**

#### Statement of Purpose:

In order to receive its full fiscal year allocation of Formula Grants program funds, a state must first demonstrate compliance with the DSO, jail removal, separation, and disproportionate contact core protections. Compliance with the first three core protections is demonstrated through data provided in the state's annual Compliance Monitoring Report, of which all data must be analyzed and verified prior to submission.

#### Policy:

1. The PCCD Compliance Monitor will collect, analyze and aggregate all data verified and reported to PCCD by the Police Liaisons and Secure Detention Monitor.
2. The PCCD Compliance Monitor will utilize data to complete the annual Compliance Monitoring Report, which will be submitted to OJJDP no later than June 30 of each year.

#### Procedures:

1. **Adult Lock-ups** – The PCCD Compliance Monitor will review and aggregate all verified data that had been submitted via the Monthly Summary Logs to PCCD by each of the three Police Liaisons. This data includes any DSO, Jail Removal, or Separation violations and the total number of monitoring visits conducted during the preceding calendar year. Aggregated data and the total number of adult lock-ups identified in the Monitoring Universe will then be entered into the OJJDP Compliance Monitoring Report Technical Assistance Tool.
2. **Adult Jails** – The PCCD Compliance Monitor will review and aggregate all verified data that has been recorded on the Adult Prison/Jail Checklist in which he/she has obtained via monitoring visits during the course of the preceding calendar year. Aggregated data and the total number of adult jails identified in the Monitoring Universe will then be entered into the OJJDP Compliance Monitoring Report Technical Assistance Tool.
3. **Court Holding Facilities** – The PCCD Compliance Monitor will review and aggregate all verified data that has been recorded on the Court Holding Facility Checklist in which he/she has obtained via monitoring visits during the course of the preceding calendar year. Aggregated data and the total number of court holding facilities identified in the Monitoring Universe will then be entered into the OJJDP Compliance Monitoring Report Technical Assistance Tool.
4. **Adult Prisons** – The PCCD Compliance Monitor will review and aggregate all verified data that has been recorded on the Adult Prison/Jail Checklist in which he/she has obtained via monitoring visits during the course of the preceding calendar year. Aggregated data and the total number of adult prisons identified in the Monitoring Universe will then be entered into the OJJDP Compliance Monitoring Report Technical Assistance Tool.

5. Juvenile Detention/Training Schools – The Secure Detention Monitor is required to submit an Annual Federal Audit report to PCCD summarizing the findings from each monitoring visit conducted during the preceding calendar year. The PCCD Compliance Monitor will review and aggregate all verified data that has been submitted by the Secure Detention Monitor via quarterly program reports and the Annual Federal Audit Report. Aggregated data and the total number of juvenile detention/training schools identified in the Monitoring Universe will then be entered into the OJJDP Compliance Monitoring Report Technical Assistance Tool.
6. The PCCD Compliance Monitor will review all data entered into the OJJDP Compliance Monitoring Report Technical Assistance Tool to ensure data is correct and accurate.
7. The PCCD Compliance Monitor will forward the completed Compliance Monitoring Report to PCCD's OJJDP Deputy Director for review and approval.
8. PCCD's OJJDP Deputy Director will forward to PCCD's OJJDP Director for review and approval.
9. The PCCD Compliance Monitor will submit approved report to the federal OJJDP for approval by later than June 30 of each calendar year.

Attachments:

2007 Annual Federal Audit Report

2007 Pennsylvania Compliance Monitoring Report

May 7, 2008

Michael Pennington, Director  
Office of Juvenile Justice Delinquency Prevention  
Pa. Commission on Crime and Delinquency  
P.O. Box 1167  
Harrisburg, PA 17108-1167

Dear Mr. Pennington:

The information contained in the attached 2007 Compliance Monitoring Project is based on a review of the admission reports that we receive each month, along with an on-site visit to each of Pennsylvania's secure detention centers and juvenile training schools, we are reporting the following information:

- Accused Status/Non-Offenders held in secure juvenile detention centers held any length of time: 10
  - 1) State violations: Accused under 24 hours: 2
  - 2) Federal violations: Accused greater than 24 hours: 8
- Adjudicated Status Offenders held in secure juvenile detention centers for any length of time: 34
- Accused Status/Non-Offenders held in juvenile training schools held any length of time: 0
- Adjudicated Status Offenders held in juvenile training schools for any length of time: 0
- Out of State Runaways held in secure juvenile detention centers beyond 24 hours solely for the purpose of being returned to proper custody in another state: 0
- Federal Wards held in secure juvenile detention centers pursuant to a written contract or agreement with a Federal agency and for the specific purpose of affecting a jurisdictional transfer, appearance as a material witness, or for return to their lawful residence or country of citizenship: 66

These numbers are generated from the monthly population information provided by the Pennsylvania detention centers, a review of the Center for Juvenile Justice Training and Research data base. On-site visits were conducted at each of Pennsylvania's secure detention centers and juvenile training schools. The numbers in the above categories have been confirmed through contact with each of the 67 county juvenile probation departments. If you have any other questions or concerns feel free to contact me at (717) 477-1704.

Sincerely,

Seth W. Bloomquist  
Director of Detention Monitoring

JCJC  
CJJT&R  
PCCD

**COMPLIANCE MONITORING PROJECT**

**FEDERAL AUDIT REPORT**

**2007**

## **INTRODUCTION:**

In the Commonwealth of Pennsylvania, only youth who are alleged to be or who have been found to be, delinquent children can be admitted to secure juvenile detention centers. Youth who are court ordered as part of a disposition into a juvenile training school must be adjudicated delinquent prior to their admission. The admission of a child to a secure detention center or a juvenile training school who meets the Federal definition of “status offender” or “non-offender” is a very rare occurrence.

(See Appendix A for a complete listing of the secure juvenile detention centers and juvenile training schools in Pennsylvania)

## **DEFINITIONS:**

### **Delinquent Act**

The Pennsylvania Juvenile Act (42 Pa. C.S. § 6301 et seq.) at § 6302 defines the term “delinquent act.” Essentially the term includes acts designated as crimes under the law of this Commonwealth, or of another state if the act occurred in that state, or under Federal law. The term does not include summary offenses, unless a child fails to comply with a lawful sentence imposed thereunder. Neither does the term include the crime of murder or other designated felonies that fall within original criminal court jurisdiction. However, these serious crimes can be transferred from the criminal court to the juvenile court for processing if the criminal court determines that the transfer will serve the public interest based on criteria set forth in statute.

### **Delinquent Child**

The Juvenile Act defines the term “delinquent child” at § 6302 as “a child ten years of age or older whom the court has found to have committed a delinquent act and is in need of treatment, supervision or rehabilitation.”

### **Dependent Child**

The Juvenile Act also defines the term “dependent child” at § 6302. Included within this definition are circumstances where children are abused or neglected, as well as circumstances where children are ungovernable or chronically truant, or where children are under age 10 and have committed a delinquent act.

### **Secure Juvenile Detention Center or Correctional facility**

A secure juvenile detention or correctional facility is any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders.

## **DETENTION OF DELINQUENT AND DEPENDENT CHILDREN**

The Pennsylvania Juvenile Act at § 6327(a) stipulates that a child alleged to be delinquent may be detained only in a licensed foster home or other home approved by the court, a facility operated by a licensed child welfare agency or approved by the court, or in a detention home or other facility for delinquent children that is approved by the Department of Public Welfare. This section further stipulates that under no circumstances, shall a child be detained in any facility with adults, or where the child is apt to be abused by other children.

The detention of a dependent child is governed by § 6327(e), which stipulates that a child alleged to be dependent may be detained or placed only in a Department of Public Welfare approved shelter facility. This section specifically prohibits the detention of dependent children in any jail or other facility intended or used for the detention of adults charged with criminal offenses, but does allow alleged dependent children to be housed in the same shelter care facilities as alleged or adjudicated delinquent children.

## **REGULATION OF SECURE DETENTION CENTERS**

The Regulations of the Department of Public Welfare (55 Pa. Code Chapter 3760) govern the operations of secure detention centers in Pennsylvania.

## **JUVENILE COURT JUDGES' COMMISSION STANDARDS**

In addition to the Commonwealth's Juvenile Act and the Department of Public Welfare's regulatory law, Pennsylvania's procedures governing the use of secure detention are further guided by the "Standards Governing the Use of Secure Detention Under the Juvenile Act" promulgated by the Pennsylvania Juvenile Court Judges' Commission. (37 Pa. Code Chapter 200.1) The Standards are the guidelines used by Juvenile Court Judges, Masters, and Juvenile Probation Officers when making the decision to authorize secure detention.

These Standards were developed and initially implemented as a result of the Federal civil rights class action *Coleman v. Stanziani*, No. 81-2215, filed in 1982 in the United States District Court for the Eastern District of Pennsylvania. The suit challenged the constitutionality of secure detention practices in Pennsylvania as they applied to juveniles. On April 18, 1986, settlement was reached which became effective on September 1, 1986 and had the force of law in the Commonwealth until June, 1996.

The settlement assigned the Juvenile Court Judges' Commission (JCJC) the role of monitoring compliance with the "Standards Governing the Use of Secure Detention" among the Juvenile Courts and Probation Departments in Pennsylvania. Under this settlement, 66 of the state's 67 counties reported all juvenile detention activity to the JCJC at its Center for Juvenile Justice Training and Research (CJJT&R) located at Shippensburg University. Philadelphia County is the only county in Pennsylvania that was not bound by the Consent Decree in the *Coleman v. Stanziani* case. Secure detention activity in Philadelphia is controlled by the settlement in *Santiago v. City of Philadelphia*, Civil Action No. 74-2589, which pre-dated the *Coleman* case.

Prior to the expiration of the Consent Decree in the *Coleman* case in 1996, a statewide planning group convened to prepare post-*Coleman* detention procedures. The "Standards Governing the Use of Secure

Detention,” with which the courts and probation departments had been complying during the 10-year settlement, were revised in July 1996 and made a condition for participation by counties in the JCJC grant-in-aid program for the improvement of juvenile probation services. All counties, except Philadelphia, must abide by these Standards. Philadelphia remains bound by the *Santiago* Consent Decree.

(See Appendix B for the JCJC Standards Governing the Use of Secure Detention under the Juvenile Act.)

### **SECURE DETENTION MONITORING PROCEDURES**

Information is collected on a monthly basis on each child admitted to a secure juvenile detention center. Three forms are utilized to determine compliance with the JCJC Standards Governing Secure Detention under the Juvenile Act and to the federal reporting requirements. (See Appendix C)

One form is used as a statement of facts and reasons relating to the use of secure detention. A second form was developed for Juvenile Court Judges and Masters that also serves as a Court Order. The third form was developed as a means to verify detention data reported on the other two forms. In addition to other required information, a Section Code from the Standards Governing the Use of Secure Detention must be recorded on all three forms when a juvenile is admitted to secure detention. The Section Codes correspond to either a specific criminal act or a juvenile’s current case status or circumstances.

As previously noted, Philadelphia County is included in the monitoring effort for compliance with the federal guidelines. Therefore admissions to Philadelphia’s secure detention center (Youth Study Center), are reviewed via the Uniform Admissions Log. The Youth Study Center forwards completed Uniform Admissions Logs to CJJT&R. Any admission recorded on the UAL that does not specify a delinquent offense will be reviewed during the on-site audit at the Youth Study Center. Through its automated record system, the Youth Study Center can confirm the validity of each admission during the on-site audit.

The use of secure detention in Pennsylvania's juvenile justice system is governed by a process of checks and balances established by the Juvenile Act (statutory law), Secure Detention Facility Regulations (regulatory law), and the Standards Governing the Use of Secure Detention. Consequently, the isolated infractions that do occur can readily be documented.

### **FEDERAL REPORTING PROVISIONS:**

The Office of Juvenile Justice and Delinquency Prevention revised its guidance provided to states in September 2003 to comply with the Juvenile Justice and Delinquency Prevention Act of 2002.

### **DEINSTITUTIONALIZATION OF STATUS OFFENDERS PROVISION**

#### **TYPE I VIOLATION:**

**1. Number of accused status offenders and non-offenders held any length of time: a) Detention Centers: 10 cases**

**b) Youth Training Schools: 0 cases**

**2. Number of accused status offenders and non-offenders held in adult jails, lockups, or unapproved collocated facilities < 24 hours:**

**\* N/A in 2007 for adult jails in Pennsylvania;**

**\* N/A in 2007 for unapproved collocated facilities < 24 hours.**

\*In 2007, all juveniles held in adult jails in Pennsylvania were held after being certified, transferred or excluded from the Juvenile Court to the Criminal Court for prosecution as adults.

#### **TYPE II VIOLATION:**

**3. Number of adjudicated status offenders and non-offenders held for any length of time: a) Detention Centers: 24 cases**

**b) Youth Training Schools: 0 cases**

**4. Number of status offenders held in juvenile detention/correctional facilities after VCO:**

**\* N/A in Pennsylvania.**

**5. Number of juveniles held due to Youth Handgun Safety Act violations: 0**

\* Pennsylvania's Juvenile Act, the Standards Governing the Use of Secure Detention, and the Department of Public Welfare Regulations for Secure Detention Facility do not allow status or

non-offenders to be held in secure juvenile detention centers. Dependent youth (status and non-offenders) who have violated a Valid Court Order (VCO) by absconding from a Court-Ordered placement are not eligible for secure detention in Pennsylvania.

## SEPARATION PROVISION

### TYPE III VIOLATION:

**1. Number of juveniles held in secure detention, not separated in facilities, whose alleged acts do not meet the definition of the term delinquent act or have been found guilty in a criminal proceeding for a crime other than a summary offense:** a) Detention Centers: 3 cases  
b) Youth Training Schools: 0 cases

**2. Number of juveniles not separated in facilities used for both juveniles and adult criminal offenders, including adult jails, lockups, and unapproved collocated facilities:**

\* N/A in 2007 for adult jails;

\* N/A in 2007 for unapproved collocated facilities.

**3. Number of juveniles in approved collocated facilities that were not separated from the security or direct care staff on the adult portion of the facility:**

\* N/A in Pennsylvania.

\*Pennsylvania previously had one collocated facility. It was located in the Allegheny County Jail. It was an approved collocated facility, included in Pennsylvania's monitoring universe each year, and was in full compliance with federal separation provisions during each year of its existence. On May 28, 1998 the collocated facility reverted to the all-adult Allegheny County Jail. While operating as a collocated facility, the facility maintained a separate staff of Correctional Officers for security and direct care in the adult portion of the facility, and a separate staff of Detention Counselors for security and direct care in the juvenile portion of the facility.

# STATEWIDE SECURE DETENTION ADMISSIONS DURING 2007

## Cases Reviewed at Audit and Confirmed Violations

The following table shows admissions to each secure detention center during 2007. The table also shows the number of admissions or cases reviewed during the on-site audit. The admissions reported on the Monthly Detention Summary are compared with admissions records of the detention centers. The final column shows the number of admissions in violation of Pennsylvania's secure detention procedures. In 2007 there were 37 violation admissions statewide.

<b>DETENTION CENTER BY COUNTY</b>	<b>ADMISSIONS</b>	<b>CASES REVIEWED</b>	<b>VIOLATIONS</b>
ALLEGHENY	3208	2743(86%)	8
BEAVER	218	183 (84%)	0
BERKS	854	727(85%)	1
BLAIR	86	69 (80%)	0
BUCKS	698	620 (89%)	3
CAMBRIA	147	114 (77%)	0
<b>CENTRE</b>	281	241 (86%)	1
CHESTER	376	282 (75%)	0
CORNELL-ABRAXAS	288	211 (73%)	0
DAUPHIN	1235	975 (79%)	2
DELAWARE	1275	854 (67%)	0
ERIE	437	354 (80%)	1
LACKAWANNA	266	226 (85%)	13
LANCASTER	989	679 (69%)	0
LEHIGH	709	522 (74%)	0
LUZERNE	451	367 (81%)	0
MONTGOMERY	564	414 (73%)	1
NORTHAMPTON	321	247 (77%)	0
PHILADELPHIA	5738	2969(52%)	3
TIOGA	252	191 (75%)	2
WESTMORELAND	311	252 (81%)	2
YORK	263	228 (87%)	0
<b>TOTALS</b>	<b>18,967</b>	<b>13,468(71%)</b>	<b>37</b>

# STATEWIDE JUVENILE TRAINING SCHOOLS ADMISSIONS DURING 2007

## Cases Reviewed at Audit and Confirmed Violations

The following table shows admissions to each public and private juvenile training school during 2007. The table also shows the number of admissions or cases reviewed during the on-site audit. Every admission reported on the Monthly Juvenile Training School Summary is analyzed using the Commonwealth of Pennsylvania Justice Network Database (JNET). The final column shows the number of admissions in violation of Pennsylvania's statutory requirements related to the confinement of juveniles in public and private training schools. In 2007 there were zero violations to report statewide.

JUVENILE TRAINING SCHOOLS BY CENTER	ADMISSIONS	CASES REVIEWED DURING ON SITE AUDIT	VIOLATIONS
Abraxas Academy- Morgantown	60	22	0
Alternative Rehabilitation Communities, Inc.	18	5	0
Cove Prep	17	12	0
Cresson Secure	61	17	0
Gannondale Secure – New Horizons	22	10	0
Loysville Secure	166	54	0
Mathom House	27	18	0
MiddleCreek I	37	6	0
MiddleCreek II	36	9	0
Newcastle YDC Secure Treatment	97	23	0
Newcastle YDC Sex Offender	25	14	0
Newcastle YDC Specialized Recovery	102	30	0
North Central Secure Treatment	39	11	0
North Central Secure Mental Health	31	11	0
North Central Secure Drug & Alcohol	29	8	0
North Central Secure Girls Unit	35	9	0
Northwestern	83	19	0

Intermediate			
Northwestern Intensive	69	23	0
PA Child Care	109	48	0
South Mountain Secure	35	14	0
Western PA Child Care	129	33	0
TOTALS	1227	396	0

### **STATE AND FEDERAL SECURE ADMISSION VIOLATIONS**

In Pennsylvania, only juveniles adjudicated delinquent for misdemeanor or felony offenses or juveniles pending adjudication for misdemeanor or felony offenses are eligible for admission to secure detention. Juveniles charged with summary offenses, when not occurring with misdemeanor or felony allegations, are not eligible for admission to secure detention. Juveniles placed in public or private juvenile training schools must be adjudicated delinquent prior to admission. The Pennsylvania Crimes Code defines summary offense as one for which conviction thereof may result in a person being sentenced to a term of imprisonment, maximum of which is not more than 90 days.

Summary offenses charged to juveniles typically result in issuance of a citation, a release to parents if the juvenile is in police custody, and a subsequent appearance before a magisterial district judge. Magisterial district judges presiding at these hearings typically impose a fine and court costs against the juvenile or may divert the case. These courts are not considered a court of record, and do not have the legal authority to place a juvenile in secure detention, or to hold adjudicatory proceedings for juveniles relative to delinquency allegations. Holding a juvenile in secure detention based upon summary offenses, status offenses, or other dependency issues is a violation of Pennsylvania's secure detention procedures.

The federal Juvenile Justice and Delinquency Prevention Act of 1974 defines three types of violations which are reported on in this document:

**TYPE I:** Accused status offenders and non-offenders held in public or private secure detention and correctional facilities.

#### **Pennsylvania's Type I Violations in 2007.**

- a) Detention: 10 Violations**
- b) Juvenile Training Schools: 0**

**TYPE II:** Adjudicated status offenders and non-offenders held in public and private secure detention and correctional facilities for any length of time.

**Pennsylvania's Type II Violations in 2007.**

- a) Detention: 24 Violations**
- b) Juvenile Training Schools: 0**

**TYPE III:** Juveniles held in secure detention, not separated in facilities, whose alleged acts do not meet the definition of the term delinquent act or have been found guilty in a criminal proceeding for a crime other than a summary offense.

**Pennsylvania's Type III Violations in 2007.**

- a) Detention: 3 Violations**
- b) Juvenile Training Schools: 0**

**TYPE I VIOLATIONS: ACCUSED STATUS OFFENDERS AND NON-OFFENDERS HELD IN SECURE DETENTION**

In 2007, there were ten cases involving Type I violations in Pennsylvania.

Cases one through two involve state violations where an accused status offender was held in secure detention less than 24 hours and the accused offender was not found to be delinquent. Cases three through ten involve state and federal violations where an accused status offender or non-offender was held in secure detention in excess of 24 hours.

**CASES 1 through 2:**

**PENNSYLVANIA STATE VIOLATION:** Accused status offenders held in secure detention less than 24 hours and not found to be delinquent.

1. County: Allegheny (Summary Offense)  
Center: Shuman Total time in secure detention: Under 24 hours.
2. County: Westmoreland (Summary Offense)  
Center: Westmorland Total time in secure detention: Under 24 hours

**CASES 3 through 10:**

**PENNSYLVANIA & FEDERAL VIOLATION:** Accused status offenders and non-offenders held in secure detention in excess of 24 hours and not found to be delinquent.

3. County: Allegheny (Summary Offense)  
Center: Shuman Total time in secure detention: Approximately 2 days.
4. County: Allegheny (Summary Offense)  
Center: Shuman Total time in secure detention: Approximately 2 days.
5. County: Allegheny (Summary Offense)  
Center: Shuman Total time in secure detention: Approximately 39 days.
6. County: Westmoreland (Summary Offense)  
Center: Westmoreland Total time in secure detention: Approximately 3 days.
7. County: Dauphin (Summary Offense)  
Center: Dauphin Total time in secure detention: Approximately 3 days.
8. County: Bucks (Summary Offense)  
Center: Bucks Total time in secure detention: Approximately 14 days.
9. County: Bucks (Summary Offense)  
**Center: Bucks** Total time in secure detention: Approximately 15 Days.
10. County: Bucks (Summary Offense)  
Center: Bucks Total time in secure detention: Approximately 2 Days.

**A. TYPE II VIOLATIONS: ADJUDICATED STATUS OFFENDERS AND NON-OFFENDERS HELD IN SECURE DETENTION**

In 2007, there were 24 cases involving Type II violations in Pennsylvania.

**Cases eleven through thirty-four have been consolidated because all present similar circumstances. All juveniles involved were adjudicated status offenders or non-offenders at the time of detention, none had outstanding delinquency allegations pending court action, and none had active records of delinquency.**

**CASES 11 through 34:**

**PENNSYLVANIA & FEDERAL VIOLATION:** Adjudicated status offenders or non-offenders held in secure detention, regardless of length of stay.

<u>COUNTY</u>	<u>CENTER</u>	<u>STATUS/NON-OFFENDERS</u>
Allegheny	Shuman	3
Philadelphia	Youth Study Center	3
Juniata	Centre	1
Lackawanna	Tioga	1
Lackawanna	Lackawanna	12
Montgomery	Montgomery	1
Erie	Erie	1
Dauphin	Dauphin	1
Berks	Berks	1

**B. TYPE III VIOLATIONS: JUVENILES FOUND GUILTY IN A CRIMINAL PROCEEDING HELD IN SECURE DETENTION**

In 2007, there were three cases involving Type III violations in Pennsylvania. Cases thirty-five through thirty-seven have been consolidated because all present similar circumstances. All juveniles were held in secure detention, not separated in facilities, whose alleged acts do not meet the definition of the term delinquent act or who have been found guilty in a criminal proceeding for a crime other than a summary offense.

**CASES 35 through 37:**

**PENNSYLVANIA STATE VIOLATION:**

<u>COUNTY</u>	<u>CENTER</u>	<u>CRIMINAL OFFENDERS</u>
Allegheny	Shuman	1
Wayne	Lackawanna	1
Lycoming	Tioga	1

Total Number of cited violations: 37

**VIOLATIONS RELATED TO ACCUSED/ADJUDICATED STATUS OFFENDERS AND NON-OFFENDERS HELD IN JUVENILE TRAINING SCHOOLS**

A detailed case analysis for public and private juvenile training school was not necessary because there were zero violations to report.

# APPENDIX A

## PENNSYLVANIA'S SECURE JUVENILE DETENTION CENTERS

ALLEGHENY COUNTY  
Shuman Detention Center  
7150 Highland Drive

LACKAWANNA DETENTION CENTER  
415 North Washington Avenue  
Scranton, PA 18503  
Pittsburgh, PA 15206

BEAVER COUNTY  
Allencrest Detention Center  
173 Friendship Circle  
Beaver, PA 15009

LANCASTER COUNTY  
Lancaster Youth Intervention Center  
235 Circle Ave.  
Lancaster, PA 17602

BERKS DETENTION CENTER  
RR1, 124A, County Road  
Leesport, PA 19533

LEHIGH DETENTION CENTER  
370 South Cedarbrook Road  
Allentown, PA 18104

BLAIR DETENTION CENTER  
1001 Grant Avenue  
Altoona, PA 16602

LUZERNE  
701 Sathers Drive  
Pittston Township, PA 18640

BUCKS DETENTION CENTER  
1750 Easton Road  
Doylestown, PA 18901

MONTGOMERY DETENTION CENTER  
540 Port Indian Road  
Norristown, PA 19403

CAMBRIA DETENTION CENTER  
P.O. Box 284, Loretto Road  
Ebensburg, PA 15931

NORTHAMPTON DETENTION CENTER  
656 Ferry Street  
Easton, PA 18042

CENTRE COUNTY  
148 Paradise Road  
Bellefonte, PA 16823

NORTHWESTERN DETENTION CENTER  
3800 State Road, Route 61  
Coal Township, PA 17866

CHESTER DETENTION CENTER  
505 Wawaset Road  
West Chester, PA 19037

PHILADELPHIA COUNTY  
Youth Study Center  
2020 Pennsylvania Avenue  
Philadelphia, PA 19130

CORNELL ABRAXAS DETENTION  
P.O. Box 334  
10058 South Mountain Road  
Building #3  
South Mountain, PA 17261

TIOGA DETENTION CENTER  
P.O. Box 766  
Wellsboro, PA 16901

DAUPHIN COUNTY  
Schaffner Detention Center  
911 Gibson Boulevard  
Steelton, PA 17113

WESTMORELAND DETENTION CENTER  
2490 South Grande Boulevard  
Greensburg, PA 15601

DELAWARE DETENTION CENTER  
370 North Middletown Road  
Lima, PA 19037

YORK DETENTION CENTER  
3564 Heindel Road  
York, PA 17402

ERIE COUNTY  
E.L. Thomas Detention Center  
4728 Lake Pleasant Road  
Erie, PA 16504

## PENNSYLVANIA JUVENILE TRAININGSCHOOLS

### **ABRAXAS ACADEMY**

Cornell Companies, Inc.  
1000 Academy Drive  
Morgantown, PA 19543

### **ALTERNATIVE REHABILITATION COMMUNITIES, INC.**

2743 North Front Street  
P.O. Box 2131  
Harrisburg, PA 17105-2131

### **COVE PREP**

White Deer Run, Inc.  
Torrance State Hospital  
Torrance, PA 15779

### **CRESSON SECURE TREATMENT UNIT**

Justice Resource Institute, Inc  
P.O. Box 269  
Cresson, PA 16630

### **LOYSVILLE YOUTH DEVELOPMENT CENTER**

10 Opportunity Drive  
Loysville, PA 17047

### **MATHOM HOUSE**

Edison Court, Inc.  
1740 Easton Road  
Doylestown, PA 18901

### **MIDDLE CREEK I AND II**

Adelphoi Village, Inc.  
1119 Village Way  
Latrobe, PA 15650

### **NEWCASTLE YOUTH DEVELOPMENT CENTER**

RR6 Box 21A  
New Castle, PA 16101

### **NEW HORIZONS INTENSIVE TREATMENT CENTER**

Gannondale, Inc.  
4635 East Lake Road  
Erie, PA 16511

### **NORTH CENTRAL SECURE TREATMENT UNIT**

Danville State Hospital  
210 Clinic Road  
Danville, PA 17821

### **NORTHWESTERN ACADEMY**

Northwestern Youth Services, Inc.  
2000 Northwestern Drive  
Coal Township, PA 17866

### **PA CHILDCARE**

Mid-Atlantic Youth Services Corp.  
Grimes Industrial Park  
Pittston, PA 18640

### **SOUTH MOUNTAIN SECURE TREATMENT UNIT**

10058 S. Mountain Road  
South Mountain, PA 17261

### **WESTERN PA CHILD CARE LLC**

Mid Atlantic Youth Services Corp.  
12 Dakota Drive  
Emlenton, PA 16373

**2007 Federal OJJDP Report would be inserted here.**

**SECTION 4**  
**APPENDICES**

## **Appendix 1**

Pennsylvania Juvenile Act.....	Section 1.3 (Monitoring Authority)
House Bill 1333.....	Section 1.3 (Monitoring Authority)
House Bill 1044.....	Section 1.3 (Monitoring Authority)
Act No. 1991-91.....	Section 1.3 (Monitoring Authority)
DPW Letter of Support.....	Section 1.3 (Monitoring Authority)

## **Appendix 2**

55 Pa. Code §3800.271-3800.272.....	Section 2.3 (Inspection of Facilities)
PA Department of Corrections Letter.....	Section 2.4 (Data Collection and Verification)

## **Appendix 3**

DPW Special Transmittal

## **Appendix 4**

PA Chiefs of Police Association Accreditation Standards

## **Appendix 5**

PCCD Compliance Monitoring Pamphlet

## **Appendix 6**

Federal OJJDP Compliance Monitoring Clarifications

Federal Register: November 2, 1988

- (1) Pursuant to an order of the court under this chapter. Prior to entering a protective custody order removing a child from the home of the parent, guardian or custodian, the court must determine that to allow the child to remain in the home is contrary to the welfare of the child.
- (2) Pursuant to the laws of arrest.
- (3) By a law enforcement officer or duly authorized officer of the court if there are reasonable grounds to believe that the child is suffering from illness or injury or is in imminent danger from his surroundings, and that his removal is necessary.
- (4) By a law enforcement officer or duly authorized officer of the court if there are reasonable grounds to believe that the child has run away from his parents, guardian, or other custodian.
- (5) By a law enforcement officer or duly authorized officer of the court if there are reasonable grounds to believe that the child has violated conditions of his probation.

Cross References. Section 6324 is referred to in -sections 6321, 6327 of this title; section 6315 of Title 23 (Domestic Relations).

#### **§6325. Detention of child**

A child taken into custody shall not be detained or placed in shelter care prior to the hearing on the petition unless his detention or care is required to protect the person or property of others or of the child or because the child may abscond or be removed from the jurisdiction of the court or because he has no parent, guardian, or custodian or other person able to provide supervision and care for him and return him to the court when required, or an order for his detention or shelter care has been made by the court pursuant to this chapter.

Cross References. Section 6325 is referred to in sections 6326, 6331, and 6332 of this title.

#### **§6326. Release or delivery to court**

- (a) **General rule.**--A person taking a child into custody, with all reasonable speed and without first taking the child elsewhere, shall:
  - (1) notify the parent, guardian or other custodian of the apprehension of the child and his whereabouts;
  - (2) release the child to his parents, guardian, or other custodian upon their promise to bring the child before the court when requested by the court, unless his detention or shelter care is warranted or required under section 6325 (relating to detention of child); or
  - (3) bring the child before the court or deliver him to a detention or shelter care facility designated by the court or to a medical facility if the child is believed to suffer from a serious physical condition or illness which requires prompt treatment. He shall promptly give written notice, together with a statement of the reason for taking the child into custody, to a parent, guardian, or other custodian and to the court.

Any temporary detention or questioning of the child necessary to comply with this subsection shall conform to the procedures and conditions prescribed by this chapter and other provisions of law.

- (b) **Detention in police lockup generally prohibited.**--Unless a child taken into custody is alleged to have committed a crime or summary offense or to be in violation of conditions of probation or other supervision following an adjudication of delinquency, the child may not be detained in a municipal police lockup or cell or otherwise held securely within a law enforcement facility or structure which houses an adult lockup; 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.
  
- (c) **Detention in police lockup under certain circumstances.**--A child alleged to have committed a crime or summary offense' or to be in violation of conditions of probation or other supervision following an adjudication of delinquency may be held securely in a municipal police lockup or other facility which houses an adult lockup only under the following conditions:
  - (1) The secure holding shall only be for the purpose of identification, investigation, processing, releasing or transferring the child to a parent, guardian, other custodian, or juvenile court or county children and youth official, or to a shelter care or juvenile detention center;
  - (2) The secure holding shall be limited to the minimum time necessary to complete the procedures listed in paragraph (1), but in no case may such holding exceed six hours; and
  - (3) If so held, a child must be separated by sight and sound from incarcerated adult offenders and must be under the continuous visual supervision of law enforcement officials or facility staff.
  
- (d) **Conditions of detention.**--Notwithstanding other provisions of law, a child held in non-secure custody in a building or facility which houses an adult lockup may be so held only under the following conditions:
  - (1) The area where the child is held is 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;
  - (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 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
  - (4) The child must be under continuous visual supervision by a law enforcement officer or other facility staff during the period of non-secure custody.

- (e) **Reports regarding children held in custody.**--Law enforcement agencies shall provide information and reports regarding children held in secure and non-secure custody under subsections (c) and (d) as requested by the Pennsylvania Commission on Crime and Delinquency.
- (f) **Enforcement of undertaking to produce child.**--if a parent, guardian, or other custodian, when requested, fails to bring the child before the court as provided in subsection (a), the court may issue its warrant directing that the child be taken into custody and brought before the court.

### §6327 Place of detention.

- (a) **General rule.**--A child alleged to be delinquent may be detained only in:
  - (1) a licensed foster home or a home approved by the court.
  - (2) a facility operated by a licensed child welfare agency or one approved by the court.
  - (3) a detention home, camp, center or other facility for delinquent children which is under the direction or supervision of the court or other public authority or private agency, and is approved by the Department of Public Welfare.
  - (4) any other suitable place or facility, designated or operated by the court and approved by the Department of Public Welfare.

Under no circumstances shall a child be detained in any facility with adults, or where the child is apt to be abused by other children.

- (b) **Report by correctional officer of receipt of child.**--The official in charge of jail or other facility for the detention of adult offenders or persons charged with crime shall inform the court immediately if a person who is or appears to be under the age of 18 years is received at the facility and shall bring him before the court upon request or 'deliver him to a detention or shelter care facility designated by the court.

(c) **Detention in jail prohibited.**--It is unlawful for any person in charge of or employed by a jail knowingly to receive for detention or to detain in the jail any person whom he has or should have reason to believe is a child unless, in a criminal proceeding, the child has been charged with or has been found guilty of an act set forth in paragraph (2)(i); (ii), (iii) or (v) of the definition of "delinquent act" in section 6302 (relating to definitions).

- (d) **Transfer of child subject to criminal proceedings.**--If a case is transferred for criminal prosecution the child may be transferred to the appropriate officer or detention facility in accordance with the law governing the detention of persons charged with crime. The court in making the transfer may order continued detention as a juvenile pending trial if the child is unable to provide bail.

- (e) **Detention of dependent child.**—A child alleged to be dependent may be detained or placed only in a Department of Public Welfare approved shelter care facility as stated in subsection (a)(1), (2) and (4), and shall not be detained in a jail or other facility intended or used for the detention of adults charged with criminal offenses, but may be detained in the same shelter care facilities with alleged or adjudicated delinquent children.
- (f) **Development of approved shelter care programs.**-- The Department of Public Welfare shall develop or assist in the development in each county of this Commonwealth approved programs for the provision of shelter care for children needing these services who have been taken into custody under section 6324 (relating to taking into custody) and for children referred to or under the jurisdiction of the court.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**

**No. 1333** Session of 1977

---

INTRODUCED BY MESSRS. RHODES, SCIRICA, BERSON, IRVIS, DOYLE,  
PRATT, DeMEDIO, MILLER, BITTINGER, KATZ, D. S. HAYES,  
HOPKINS, D. M. FISHER, SPENCER, WHITE, RICHARDSON, HOFFEL  
AND WILLIAMS, JUNE 15, 1977

---

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
SEPTEMBER 27, 1978

---

AN ACT

Establishing the Pennsylvania Commission on Crime and Delinquency, providing for its powers and duties establishing several advisory committees within the commission and providing for their powers and duties.

The General Assembly finds and declares that:

- (a) crime and delinquency are essentially State and local problems;
- (b) crime and delinquency are complex social phenomena requiring the attention and efforts of the criminal justice system, State and local governments, and private citizens alike;
- (c) the establishment of appropriate goals, objectives and standards for the reduction of crime and delinquency and for the administration of justice must be a priority concern;
- (d) the functions of the criminal justice system must be coordinated more efficiently and effectively;
- (e) the full and effective use of resources affecting State and local criminal justice systems requires the complete cooperation of State and local government agencies; and
- (f) training, research, evaluation, technical assistance and public education activities must be encouraged and focused on the improvement of the criminal justice system and the generation of new methods for the prevention and reduction of crime and delinquency.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Definitions

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Commission." The Pennsylvania Commission on Crime and Delinquency.

Section 2. Pennsylvania Commission on Crime and Delinquency.

(a) Establishment.--There is hereby established the Pennsylvania Commission on Crime and Delinquency as an administrative commission in the Governor's Office.

(b) Composition.--The commission shall consist of the following members:

- (1) The Attorney General
- (2) The Chief Justice of the Supreme Court of Pennsylvania
- (3) The court Administrator of Pennsylvania
- (4) A Judge of a court of common pleas
- (5) Commissioner of State Police
- (6) The chairmen of the House and Senate Majority Appropriations Committees
- (7) The chairman of the Juvenile Advisory Committee
- (8) Four members of the General Assembly, of whom one shall be designated by, and serve at the pleasure of the President Pro tempore of the Senate, one by the Minority Leader of the Senate, one by the Speaker of the House of Representatives and one by the Minority Leader of the House of Representatives.
- (9) FOUR members appointed by the Governor, one representative of local law enforcement agencies, one representative of adult correctional rehabilitative agencies, one representative of local elected officials and one district attorney representative.
- (10) Seven private citizens appointed by the Governor, at least two of which serve on the Juvenile Advisory Committee.
- (11) SUCH ADDITIONAL MEMBERS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF FEDERAL LAW.

(c) Judicial appointment.--The judge of a court of common pleas shall be appointed by the Governor from a list of no less than three nominees for each position submitted by the Chief Justice. If the Chief Justice cannot or does not choose to serve, an Associate Justice of the Supreme Court of Pennsylvania shall be appointed by the Governor from a list of no less than three nominees submitted by the Chief Justice. If the Court Administrator cannot or does not choose to serve, another appropriate judicial administrative officer of the State shall be appointed by the Governor from a list of no less than three nominees submitted by the Chief Justice.

(d) Term of office.--Except for the Chief Justice of the Supreme Court AND COURT ADMINISTRATOR OF PENNSYLVANIA COURTS AND COMMISSIONER OF THE PENNSYLVANIA STATE POLICE members shall serve for a four-year term, and may be appointed for no more than one additional consecutive term. The terms of those members who serve by virtue of the public office they hold shall be concurrent with their service in the office from which they derive their membership.

- (e) Vacancies.--Should any member cease to be an officer or employee of the agency he is appointed to represent, his membership on the commission shall terminate immediately and a new member shall be appointed in the same manner as his predecessor to fill the unexpired portion of a term. Other vacancies occurring, except those by the expiration of a term, shall be filled for the balance of the unexpired term in the same manner as the original appointment.
- (f) Chairman.--The chairman shall be chosen BY THE GOVERNOR and shall serve AT THE PLEASURE OF THE GOVERNOR. A vice chairman shall be designated by the chairman and shall preside at meetings in the absence of the chairman.
- (g) Quorum.--TWELVE members shall constitute a quorum and a vote of the majority of the members present shall be sufficient for all actions.
- (h) Termination of appointment.--Three consecutive unexcused absences from regular monthly meetings, except for temporary illness, or failure to attend at least 50% of the regularly called meetings in any calendar year shall be considered cause for termination of appointment.
- (i) Compensation and expenses.--Members who are not Commonwealth officers or State, county, or municipal employees shall be paid \$75 a day for attendance at any official meeting. Reasonable expenses incurred by members shall be allowed and paid upon the presentation of itemized vouchers therefor.
- (j) Executive director.--An executive director shall be appointed by the GOVERNOR AFTER CONSULTATION WITH THE MEMBERS OF THE COMMISSION. THE EXECUTIVE DIRECTOR SHALL BE PAID SUCH COMPENSATION AS THE EXECUTIVE BOARD MAY DETERMINE.
- (k) Employees.--The executive director may employ such personnel and contract for such consulting services as may be necessary and authorized to carry out the purposes of this act. STAFF OF THE COMMISSION, OTHER THAN THE EXECUTIVE DIRECTOR, shall be employed in accordance with and subject to the provisions of the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act."
- (l) Advisory committees.--The commission may establish such advisory committees, in addition to those provided for in this act, as it deems advisable but only the commission may set policy or take other official action. Members of advisory committees shall serve without compensation but may be reimbursed for necessary travel and other expenses in accordance with applicable law and regulations.
- (m) Meetings.--All meetings of the commission and of its advisory committees, at which formal action is taken, shall conform to the act of July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law.

- (n) Records.--The commission and any advisory committee established for the purposes of this act shall provide for public access to all records relating to its functions under this act, except such records ~s are required to be kept confidential by any provision of State or Federal law.
- (o) State Planning Agency.--The commission is hereby designated as the State Planning Agency for the purposes of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351), as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415), as amended.

### Section 3. Powers and duties of the commission.

The commission shall have the power and its duty shall be:

- (1) To prepare and periodically update a comprehensive juvenile and criminal justice plan on behalf of the Commonwealth based on an analysis of the Commonwealth's criminal justice needs and problems, including juvenile justice and delinquency prevention.
- (2) To apply for, contract for, receive, allocate, disburse and account for funds, grants-in-aid, grants of services and property, real and personal, particularly those funds made available pursuant to the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351), as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415), as amended.
- (3) To receive applications for financial assistance from State agencies, units of general local government and combinations thereof, private nonprofit organizations and other proper applicants, and to disburse available Federal and State funds to such applicants in accordance with the provisions of applicable statutes and regulations and in conformity with the comprehensive plan.
- (4) To establish such fund accounting, auditing, monitoring and evaluation procedures as may be necessary to assure fiscal control, proper management and disbursement of grant funds, INCLUDING THE REQUIREMENTS OF SUPPORTING PAPERS BEING SUBMITTED TO THE DISBURSING AGENCY BY PERSONS REQUIRING REIMBURSEMENT, and to establish such procedures as may be necessary to assure compliance with nondiscrimination requirements.
- (5) To audit the books and records of recipients of financial assistance and of their contractors and, for the purpose of such audits, to have access to all pertinent books and records required to be kept by recipients of financial assistance and by their contractors. The commission shall have the power to subpoena witnesses, books, records and papers in the execution of its auditing responsibilities and, upon certification to it of failure to obey ANY such subpoena, the Commonwealth Court is empowered after hearing to enter, when proper, an adjudication of contempt and such other order as the circumstances require.

- (6) To monitor and evaluate program effectiveness, funded in whole or in part by the Commonwealth through the commission aimed at reducing or preventing crime and delinquency and improving the administration of justice as deemed appropriate.
- (7) To define, develop and correlate programs and projects and establish priorities for crime prevention and for improvement in law enforcement and criminal justice, including juvenile justice and delinquency prevention, throughout the Commonwealth.
- (8) Provide for A PERIODIC forum in which leaders and recognized professionals of juvenile and criminal justice programs for both the public and private sectors to discuss major issues and philosophical concerns confronting the Commonwealth's justice system. The forum shall serve to promote communications and coordination between the agencies, but shall not be involved in the direct disposition nor management of applications for State or Federal assistance. The chairman of the Pennsylvania Commission on Crime and Delinquency shall serve as the chairman of the forum and shall appoint no more than 30 members TO SERVE ON THIS FORUM. The forum shall meet at the call of the chairman but not less than four times a year.
- (9) To cooperate with and render technical assistance to the General Assembly or a standing committee of the General Assembly, State agencies, units of general local government and public and private agencies relating to the improvement of the criminal and juvenile justice system, including the implementation of special conferences or workshops relating to special issues or professional improvement of criminal justice organizations.
- (10) To establish, and the chairman of the commission appoint, such subcommittees as it deems proper.
- (11) To submit an annual report to the Governor and the General Assembly concerning its work during the preceding fiscal year. Other studies, evaluations and reports may be submitted to the Governor or the General Assembly as deemed appropriate.
- (12) To promulgate such rules and regulations as the commission deems necessary for the proper administration of this act.
- (13) TO REVIEW CRIMINAL JUSTICE PLANS DEVELOPED BY OTHER STATE AGENCIES SO AS TO PROMOTE COORDINATION IN THE DEVELOPMENT AND IMPLEMENTATION OF PROGRAMS TO IMPROVE CRIMINAL JUSTICE AND JUVENILE JUSTICE SERVICES THROUGHOUT THE COMMONWEALTH.
- (14) UPON REQUEST ADVISE AND ASSIST THE EXECUTIVE AND LEGISLATIVE BRANCHES OF STATE GOVERNMENT IN DEVELOPING POLICIES, PLANS, PROGRAMS AND BUDGETS FOR IMPROVING THE COORDINATION, ADMINISTRATION AND EFFECTIVENESS OF THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS.

(15) TO PREPARE SPECIAL REPORTS AND STUDIES OF CRIMINAL JUSTICE ISSUES UPON THE REQUEST OF THE GOVERNOR OR THE GENERAL ASSEMBLY OR A STANDING COMMITTEE OF THE GENERAL ASSEMBLY.

Section 4. Duties of the commission relative to criminal statistics.

The commission shall have the power and its duty shall be:

- (1) To obtain data necessary from all persons and agencies listed in section 5 and from any other appropriate source.
- (2) To prepare and distribute to all such persons and agencies, cards or other forms used in reporting data to the commission. Such cards or forms may, in addition to other items, include items of information needed by Federal bureaus or departments engaged in the development of national and uniform criminal statistics.
- (3) To request the form and content of records which must be kept by such persons and agencies in order to insure the correct reporting of data to the commission.
- (4) To instruct such persons and agencies in the installation, maintenance and use of such records and in the reporting of data to the commission.
- (5) To process, tabulate, analyze and interpret the data obtained from such persons and agencies.
- (6) To supply, at their request, to Federal bureaus or departments engaged in the collection of national criminal statistics data they need from this Commonwealth.
- (7) To present to the Governor and the members of the General Assembly on or before July 1 of each year a report containing the criminal statistics of the preceding calendar year and to present at such other times as the commission deems necessary reports on the special aspects of criminal and juvenile statistics. The annual report shall contain statistics showing:
  - (i) the number and types of offenses known to the public authorities;
  - (ii) the personal and social characteristics of criminals and delinquents; and
  - (iii) the administrative actions taken by law enforcement, judicial, penal and correctional agencies in dealing with criminals or delinquents.
- (8) The commission, at the request of any of the following, may assist or advise in a statistical and research capacity the Bureau of Correction, the Pennsylvania Board of Probation and Parole, the Pennsylvania State Police, the Juvenile Court Judges' Commission and the State Court Administrator.
- (9) It shall be the duty of the commission to give adequate interpretation of such statistics and so to present the information that it may be of value in guiding the policies of the commission and of those in charge of the apprehension, prosecution and treatment of the criminals and delinquents, or concerned with the present state of crime and delinquency. The report shall

include also statistics which are comparable with national uniform criminal statistics published by Federal bureaus or departments heretofore mentioned

- (10) The commission shall take advantage of all available Federal funds and establish new programs as well as undertake a continuous analysis of future data needs.

#### Section 5. Duties of public agencies and officers in reporting criminal statistics

It shall be the duty of every constable, chief of police, county police *force*, sheriff, coroner, district attorney, chief probation officer and of the Bureau of Correction in the Department of Justice, the Pennsylvania Board of Probation and Parole, the Pennsylvania State Police, the State Court Administrator, the Juvenile Court Judges' Commission, the Department of Public Welfare, State Fire Marshal, Pennsylvania Liquor Control Board, the Philadelphia Municipal and Traffic Courts, justices of the peace, county prison wardens, and every other person or agency dealing with crimes or criminals or with delinquency or delinquents, when requested by the commission:

- (1) To install and maintain records and recording systems needed *for* the correct reporting of statistical data required by the commission.
- (2) To report statistical data to the commission at such times and in such manner as the commission prescribes.
- (3) To give to the staff of the commission access to statistical data *for* the purpose of carrying out the duties of the commission relative to criminal statistics.

#### Section 6. Juvenile Advisory Committee.

- (a) Establishment and membership.--There is hereby established the Juvenile Advisory Committee within the commission. The members of the committee shall be appointed by the Governor and shall include representation of units of local government, law enforcement and juvenile justice agency probation personnel, juvenile court judges, public and private agencies and organizations concerned with delinquency prevention or treatment and services to delinquency prevention or treatment and services to dependent children, community-based prevention in-treatment programs, organizations concerned with the quality of juvenile justice or that utilize volunteers to work with delinquent or dependent children, businesses employing youth, youth workers involved with alternative youth programs, and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities.
- (b) Number and qualifications.--The committee shall consist of NO LESS THAN 25 members OR MORE THAN 33 MEMBERS, all of whom shall have had training or experience in juvenile justice. A majority of the members shall not be full-time employees of the Federal, State or local governments. At least one-third of the membership shall be under the age of 26 at the time of appointment. At least three of those members of the committee under 26 years of age at the time of appointment shall have been or are currently under the jurisdiction of the juvenile justice system.

- (c) Conditions of appointment.--The committee and its members are subject to the same limitations and conditions imposed upon the commission as prescribed in section 2(d), (e), (f), (i), (m) and (n).
- (d) Quorum.--A majority of the members shall constitute a quorum and a vote of the majority of the members present shall be sufficient for all actions.
- (e) Chairman.--THE GOVERNOR SHALL APPOINT a chairman from among the committee which shall serve a two-year term. A vice chairman shall be designated by the chairman and preside at meetings in the absence of the chairman. The committee shall meet at the call of the chairman, but not less than four times a year.

Section 7. Powers and duties of the Juvenile Advisory Committee.

The Juvenile Advisory Committee shall have the power, and its duty shall be:

- (1) SERVE IN AN ADVISORY CAPACITY TO THE COMMISSION THROUGH THE COMMITTEE'S PARTICIPATION IN THE DEVELOPMENT OF THAT PART OF THE COMMISSION'S COMPREHENSIVE PLAN RELATING TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION.
- (2) THOSE FUNCTIONS RELATED TO THE DIRECT APPROVAL AND DISBURSEMENT OF FINANCIAL ASSISTANCE SHALL BE IN AN ADVISORY CAPACITY ONLY, BUT THE ADVISORY COMMITTEE SHALL HAVE THE OPPORTUNITY TO REVIEW AND COMMENT ON SUCH APPLICATIONS WITHIN 30 DAYS AFTER RECEIPT OF THE APPLICATION FROM THE COMMISSION.
- (3) TO ADVISE THE COMMISSION ON THE DEFINITION, DEVELOPMENT AND CORRELATION OF PROGRAMS AND PROJECTS AND THE ESTABLISHMENT OF PRIORITIES FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION.
- (4) TO DEVELOP STANDARDS, METHODS AND PROCEDURES FOR EVALUATING AND MONITORING SERVICES FOR DELINQUENT AND DEPENDENT CHILDREN.
- (5) UPON REQUEST PROVIDE WHATEVER ASSISTANCE AND ADVICE TO THE COMMISSION ON ANY OTHER MATTERS RELATING TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION.
- (6) STAFF SUPPORT SHALL BE MADE AVAILABLE TO THE JUVENILE ADVISORY COMMITTEE BY THE EXECUTIVE DIRECTOR IN ORDER TO ADEQUATELY PERFORM THE DUTIES PROVIDED FOR IN

SECTION 7. THE CHIEF OF THE SECTION FOR JUVENILE PLANNING SHALL SERVE AS EXECUTIVE SECRETARY FOR ITS ADVISORY COMMITTEE.

## Section 8. Regional Advisory Committees

(a) Establishment and composition.--There shall be Regional Advisory Committees within the commission which shall BE COMPOSED AS FOLLOWS:

- (1) NOT LESS THAN 24 MEMBERS, INCLUDING THE CHAIRMAN ALL OF WHICH SHALL BE APPOINTED BY THE GOVERNOR.
- (2) MEMBERS SHALL BE SELECTED TO REPRESENT THE INTERESTS OF LOCAL LAW ENFORCEMENT, JUDICIARY, CORRECTIONS, PROSECUTION, DEFENSE, HEALTH AND WELFARE PLANNING BODIES, PRIVATE AGENCIES AND CITIZENS GROUPS, COMMUNITY GROUPS, AND ORGANIZATIONS CONCERNED WITH CRIME AND DELINQUENCY; PUBLIC AND PRIVATE AGENCIES ACTIVE IN JUVENILE DELINQUENCY PREVENTION; AND SHALL INCLUDE A MAJORITY OF LOCAL ELECTED OFFICIALS SELECTED IN CONFORMITY WITH LAW.
- (3) A MEMBER SHALL SERVE A TWO-YEAR TERM UNLESS TERMINATED BY THE GOVERNOR OR TERMINATED, IN THE CASE OF AN ELECTED OR APPOINTED PUBLIC OFFICER, BY THE END OF SUCH SERVICE, AND SHALL CONTINUE TO SERVE UNTIL NOTIFIED OF TERMINATION OR REAPPOINTMENT.
- (4) THREE CONSECUTIVE UNEXCUSED ABSENCES FROM REGULAR MEETINGS, EXCEPT FOR TEMPORARY ILLNESS, OR FAILURE TO ATTEND AT LEAST 50% OF THE REGULAR MEETINGS IN ANY CALENDAR YEAR SHALL BE CONSIDERED CAUSE FOR TERMINATION OF APPOINTMENT AND SHALL BE REPORTED TO THE GOVERNOR BY THE CHAIRMAN OF THE COUNCIL.

(B) BYLAWS.--EACH ADVISORY COMMITTEE SHALL ESTABLISH BYLAWS TO GOVERN ITS OPERATION AND INTERNAL ADMINISTRATION. THESE BYLAWS SHALL BE SUBJECT TO APPROVAL BY THE EXECUTIVE DIRECTOR OF THE COMMISSION TO INSURE THAT THEY ARE IN ACCORDANCE WITH STATE AND FEDERAL LAWS, REGULATIONS, GUIDELINES AND COMMISSION POLICIES.

(C) POWERS AND DUTIES.--THE REGIONAL ADVISORY COMMITTEES SHALL ASSIST THE COMMISSION BY DEVELOPING AND ADOPTING COMPREHENSIVE LAW ENFORCEMENT AND CRIMINAL JUSTICE AND JUVENILE DELINQUENCY PLANS. ALL SUCH ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH ESTABLISHED COMMISSION POLICIES, GUIDELINES, PROCESSES AND TIMETABLES. THE REGIONAL ADVISORY COMMITTEES SHALL MAKE A REVIEW OF, AND DEVELOP RECOMMENDATIONS CONCERNING, COMPREHENSIVE PLANS DEVELOPED BY UNITS OF GENERAL LOCAL GOVERNMENT, INCLUDING MINI-BLOCK GRANT PLANS, TO DETERMINE CONSISTENCY WITH THE COMMISSION'S COMPREHENSIVE PLAN AND ALL RELEVANT GUIDELINES, POLICIES, PROCESSES, AND TIMETABLES AND MAKE RECOMMENDATIONS TO THE COMMISSION FOR THE FUNDING OF PROJECTS CONSISTENT WITH THE COMMISSION'S COMPREHENSIVE PLAN, ESTABLISHED FUNDING GUIDELINES

AND CONDUCIVE TO LOCAL AND REGIONAL LAW ENFORCEMENT, CRIMINAL JUSTICE AND JUVENILE DELINQUENCY NEEDS.

(D) LOCAL PLANNING AGENCY STAFF.--NO UNIT OF GENERAL LOCAL GOVERNMENT OR COMBINATION OF SUCH UNITS SHALL BE ELIGIBLE TO RECEIVE FUNDS FOR THE ESTABLISHMENT AND OPERATION OF A CRIMINAL JUSTICE PLANNING AGENCY UNLESS THE STAFF OF SUCH AGENCY IS HIRED AND RETAINED ON MERIT PRINCIPLES.

(E) CITIES OF THE FIRST CLASS.--WHENEVER ANY CITY OF THE FIRST CLASS SHALL ESTABLISH A REGIONAL ADVISORY COMMITTEE WHICH COMPLIES WITH FEDERAL REQUIREMENTS, SUCH ADVISORY COMMITTEE SHALL BE THE ADVISORY COMMITTEE FOR THAT CITY AND, IN SUCH INSTANCE, THE CHIEF EXECUTIVE OF THE CITY SHALL APPOINT THE MEMBERS OF THE ADVISORY COMMITTEE.

#### Section 10. Cooperation by other departments

It shall be the duty of the various administrative departments, boards and commissions to cooperate so far as practicable with the commission in the performance of its duties under this act, except as provided in sections 4 and 5.

#### Section 11. Transfer of personnel, assets and appropriations

All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations, and other materials which are used, employed or expended by the Governor's Justice exercised under this act by the commission are hereby transferred to the commission with the same force and effect as if the appropriations had been made to and said items had been the property of the commission in the first instance and as if said contracts, agreements and obligations had been incurred or entered into by said commission.

#### Section 12. Abolition of Justice Commission

The Governor's Justice Commission is hereby abolished.

#### Section 13. Termination of commission

On December 31, 1980 the commission shall be abolished. The Judiciary Committees of the House of Representatives and Senate shall conduct a review of the performance and effectiveness of the commission and make public a report of their findings, conclusions and recommendations, including proposed legislation for such extension or reorganization of the commission as deemed appropriate. Such review shall be conducted not later than nine months prior to the termination.

Section 14. Repealer

Section 924, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," is repealed

Section 15. Effective date

23 This act shall take effect December 31, 1978.

**THE GENERAL ASSEMBLY OF PENNSYLVANIA**

---

**HOUSE BILL**

**No. 1048 session 2001**

---

INTRODUCED BY MACKERETH, R. MILLER, ALLEN, ARGALL, BARD, BARLEY, BENNINGHOFF, BIRMELIN, BUNT, CAPPELLI, CLARK, L. I. COHEN, DALEY, DeWEESE, FEESE, FLEAGLE, FLICK, FRANKEL, FREEMAN, GABIG, GRUCELA, HARHAI, HARHART, HARPER, HENNESSEY, PERZEL, HERMAN, JAMES, KENNEY, LYNCH, MAITLAND, MAJOR, MANDERINO, McNAUGHTON, MUNDY, NAILOR, NICKOL, ORIE, PICKETT, PISTELLA, RAYMOND, READSHAW, ROSS, SAYLOR, SCHULER, B. SMITH, S. H. SMITH, STRITTMATTER, STURLA, E. Z. TAYLOR, J. TAYLOR, THOMAS, TRELLO, TULLI, VANCE, WALKO, WATSON, WILT, WOGAN, YOUNGBLOOD, MANN, S. MILLER, C. WILLIAMS, DiGIROLAMO, MYERS, COLAFELLA, COLEMAN AND STETLER, MARCH 19, 2001

---

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MAY 21, 2001

---

AN ACT

Amending the act of November 22, 1978 (P.L.1166, No.274), entitled "An act establishing the Pennsylvania Commission on Crime and Delinquency, providing for its powers and duties establishing several advisory committees within the commission and providing for their powers and duties, further providing for composition of the Pennsylvania Commission on Crime and Delinquency and for powers and duties of the commission; changing the name of the Juvenile Advisory Committee; providing for the powers and duties of the Juvenile Justice and Delinquency Prevention Committee; and further providing for the membership of the Juvenile Justice and Delinquency Prevention Committee.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2(b) of the act of November 22, 1978 P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, amended December 15, 1999 P.L.922, No.60), is amended to read:

Section 2. Pennsylvania Commission on Crime and Delinquency

\* \* \* \* \*

(b) Composition.--The commission shall consist of the following members:

- (1) The Attorney General
- (2) The Chief Justice of Pennsylvania
- (3) The Court Administrator of Pennsylvania
- (4) A judge of a court of common pleas
- (5) Commissioner of State Police
- (6) The chairman of the house and Senate Majority Appropriations Committee
- (7) The chairman of the Juvenile [Advisory] Justice and Delinquency Prevention Committee
- (8) Four members of the General Assembly, of whom one shall be designated by, and serve at the pleasure of the President pro tempore of the Senate, one by the Minority Leader of the Senate, one by the Speaker of the House of Representatives and one by the Minority Leader of the House.
- (9) [Four] SEVEN members appointed by the Governor, one representative of local law enforcement agencies, one representative of [adult correctional rehabilitative agencies] local correctional facilities, one representative of local elected officials [and] one district attorney representative, one representative of county sheriff, one representative of a local victims' service agency AND ONE REPRESENTATIVE OF COUNTY COMMISSIONERS.
- (10) Seven private citizens appointed by the Governor, at least two of which serve on the Juvenile [Advisory] Justice and Delinquency Prevention Committee.
- (11) Secretary of Corrections
- (12) The Victim Advocate
- (13) Secretary of Public Welfare
- (14) Secretary of Education
- (15) Secretary of Health
- (16) Chairman of the Board of Probation and Parole
- (17) Executive Director of the Juvenile Court Judges' Commission

[ (13 )] (18) Such additional members appointed by the Governor as are necessary to implement programs authorized by State and Federal law.

\* \* \*

Section 2. Section 3(7) of the act is amended and the section is amended by adding paragraphs to read:

Section 3. Powers and duties of the commission

The commission shall have the power and its duty shall be:

\* \* \*

(6.1) To define and collaborate with all State agencies on planning and programming related to juvenile delinquency prevention and the reduction and prevention of violence by and against children.

(6.2) To design and promote comprehensive research-based initiatives to assist communities and community-based organizations in reducing risk to and promoting the positive development of children and in preventing juvenile delinquency and youth violence.

(6.3) To provide support to law enforcement and community partnerships whose mission includes comprehensive, targeted crime prevention efforts and a planning process for the revitalization of high-crime and distressed communities.

(7) To define, develop and [correlate] coordinate programs and projects and establish priorities for crime prevention and for improvement in law enforcement [and] criminal justice [including] and juvenile justice [and delinquency prevention,] throughout [the] this Commonwealth.

\* \* \*

Section 3. Sections 6 heading and (a) and 7 of the act, amended or added December 17, 1981 (P.L.429, No.134), are 9 amended to read:

Section 6. Juvenile [Advisory] Justice and Delinquency Prevention Committee.

- (a) Establishment and membership.--There is hereby established the Juvenile [Advisory] Justice and Delinquency Prevention Committee within the commission. The members of the committee shall be appointed by the Governor and shall include representation of units of local government, law enforcement and juvenile justice agency probation personnel, juvenile court judges, the Executive Director of the Juvenile Court Judges' Commission, public and private agencies and organizations concerned with delinquency prevention or treatment and services to delinquency prevention or treatment and services to dependent children, community-based prevention in-treatment programs, organizations concerned with the quality of juvenile justice or that utilize volunteers to work with delinquent or dependent children, businesses employing youth, youth workers involved with alternative youth programs, persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities and representatives of public agencies concerned with special education. Members shall serve for a four-year term, and may be appointed for no more than one additional consecutive term.

\* \* \*

Section 7. Powers and duties of the Juvenile [Advisory] Justice and Delinquency Prevention Committee.

The Juvenile [Advisory] Justice and Delinquency Prevention Committee shall have the power, and its duty shall be:

- (1) Serve in an advisory capacity to the commission through the committee's participation in the development of that part of the commission's comprehensive plan relating to juvenile justice and delinquency prevention.
- (2) Those functions related to the direct approval and disbursement of financial assistance shall be in an advisory capacity only, but the advisory committee shall have the opportunity to review and comment on such applications within 30 days after receipt of the application from the commission.
- (3) To advise the commission on the definition, development and correlation of programs and projects and the establishment of priorities for juvenile justice and delinquency prevention.
- (4) To develop standards, methods and procedures for evaluating and monitoring services for delinquent and dependent children.
- (5) Upon request provide whatever assistance and advice to the commission on any other matters relating to juvenile justice and delinquency prevention.
- (6) Staff support shall be made available to the Juvenile [Advisory] Justice and Delinquency Prevention Committee by the executive director in order to adequately perform the duties provided for in this section.
- (7) Submit to the Governor and the General Assembly such reports as may be required by Federal Law.
- (8) To advise the commission in defining collaborating with all State agencies on planning and programming related to juvenile delinquency prevention and the reduction and prevention of violence by and against children.
- (9) To advise and assist the commission in designing and promoting comprehensive research-based initiatives to assist communities and community-based organizations in reducing risk to and promoting the positive development of children.

Section 4. This act shall take effect in 60 days.

House Amended

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

# ACT NO. 1991-9

---

INTRODUCED BY GREENLEAF, FATTAH, GREENWOOD AND LAVALLE,  
JANUARY 29, 1991

---

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 17, 1991

---

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for detention of children.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 6326 and 6327(f) of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:

§ 6326. Release or delivery to court.

- (a) General rule.--A person taking a child into custody, with all reasonable speed and without first taking the child elsewhere, shall:
- (1) notify the parent, guardian or other custodian of the apprehension of the child and his whereabouts;
  - (2) release the child to his parents, guardian, or other custodian upon their promise to bring the child before the court when requested by the court, unless his detention or shelter care is warranted or required under section 6325 (relating to detention of child); or
  - (3) bring the child before the court or deliver him to a detention or shelter care facility designated by the court or to a medical facility if the child is believed to suffer from a serious physical condition or illness which requires prompt treatment. He shall promptly give written notice, together with a statement of the reason for taking the child into custody, to a parent, guardian, or other custodian and to the court

Any temporary detention or questioning of the child necessary to comply with this subsection shall conform to the procedures and conditions prescribed by this chapter and other provisions of

- (b) Detention in police lockup generally prohibited.--Unless a child taken into custody is alleged to have committed a crime or summary offense or to be in violation of conditions of probation or other supervision following an adjudication of delinquency, the child may not be detained in a municipal police lockup or cell, or otherwise held securely within a law enforcement facility or structure which houses an adult lockup. 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
- (c) Detention in police lockup under certain circumstances.--A child alleged to have committed a crime or summary offense or to be in violation of conditions of probation or other supervision following an adjudication of delinquency may be held securely in a municipal police lockup or other facility which houses an adult lockup only under the following conditions:
- (1) the secure holding shall only be for the purpose of identification, investigation, processing, releasing or transferring the child to a parent, guardian, or juvenile court or county children and youth official, or to a shelter care or juvenile detention center;
  - (2) the secure holding shall be limited to the minimum time necessary to complete the procedures listed in paragraph (1); but in no case may such holding exceed six hours; and
  - (3) if so held, a child must be separated by sight and sound from incarcerated adult offenders and must be under the continuous visual supervision of law enforcement officials or facility staff.
- (d) Conditions of detention.--Notwithstanding other provisions of law, a child held *in* non-secure custody in a building or facility which houses an adult so held only under the following conditions:
- (1) the area where the child is held is 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;
  - (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 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
  - (4) the child must be under continuous visual supervision by a law enforcement office or other facility staff during the period of non-secure custody.
- (e) Reports regarding children held in custody.-- Law enforcement agencies shall provide information and reports regarding children held in secure and non-secure custody under subsections (c) and (d) as requested by the Pennsylvania Commission on Crime and Delinquency.

[(b)] (f) Enforcement of undertaking to produce child.--If a parent, guardian, or other custodian, when requested, fails to bring the child before the court as provided in subsection (a), the court may issue its warrant directing that the child be taken into custody and brought before the court.

§ 6327. Place of detention.

\* \* \*

(f) Development of approved shelter care programs.--The Department of Public Welfare shall develop or assist in the development in each county of this Commonwealth approved programs for the provision of shelter care for children needing these services who have been taken into custody under section 6324 (relating to taking into custody) and for children referred to or under the jurisdiction of the court.

Section 2. This act shall take effect in 60 days.

SIGNED INTO LAW JUNE 14 1991 BY  
ROBERT P. CASEY  
GOVERNOR  
TO TAKE EFFECT AUGUST 11 1991



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE  
OFFICE OF CHILDREN, YOUTH AND FAMILIES  
P.O. BOX 2675  
HARRISBURG, PENNSYLVANIA 17105-2675

Richard J. Gold  
Deputy Secretary for  
Children, Youth and Families

OCT 20 2008

Phone: (717) 787-4756  
Fax: (717) 787-0414

Mr. Michael Pennington, Director  
Office of Juvenile Justice and Delinquency Prevention  
Pennsylvania Commission on Crime and Delinquency  
3101 North Front Street  
Harrisburg, Pennsylvania 17110

Dear Mr. Pennington:

I am writing to express our continued support and partnership in maintaining compliance with the core protections of the federal Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002, which mandates that states have a system in place to monitor the manner in which juveniles are held securely throughout the state.

As the licensing authority for all secure juvenile facilities in Pennsylvania, the Department of Public Welfare's Office of Children, Youth and Families (OCYF) has long been a partner of the Pennsylvania Commission on Crime and Delinquency (PCCD) in working to maintain compliance with the JJDP Act. If there are any issues related to the timely reporting of data or situations that may violate the Act, we will work with you to resolve those issues in a timely manner.

OCYF understands the importance of attending to the unique needs of juvenile offenders who are involved in the juvenile justice system and supports the PCCD in maintaining compliance with the core protections of the JJDP Act.

Very truly yours,

Richard J. Gold

The  
Pennsylvania



PREVIOUS · NEXT · CHAPTER · TITLE · BROWSE · SEARCH · HOME  
TOC TOC

## SECURE CARE

### § 3800.271. Criteria.

Secure care is permitted only for children who are alleged delinquent, or adjudicated delinquent and court ordered to a secure facility.

#### Cross References

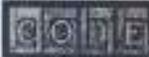
This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types).

---

No part of the information on this site may be reproduced for profit or sold for profit.

This material has been drawn directly from the official Pennsylvania Code full text database. Due to the limitations of HTML or differences in display capabilities of different browsers, this version may differ slightly from the official printed version.

The  
Pennsylvania



[PREVIOUS](#) - [NEXT](#) - [CHAPTER](#) - [TITLE](#) - [BROWSE](#) - [SEARCH](#) - [HOME](#)  
[TOC](#) [TOC](#)

### **§ 3800.272. Admission to secure care.**

Prior to accepting a child in secure care, the facility shall request the following documents from the committing court:

- (1) A description of the offenses and circumstances that make secure care necessary.
- (2) The child's needs to be addressed during placement.
- (3) The court order committing the child to a secure care facility.

#### **Cross References**

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types).

---

No part of the information on this site may be reproduced for profit or sold for profit.

This material has been drawn directly from the official Pennsylvania Code full text database. Due to the limitations of HTML or differences in display capabilities of different browsers, this version may differ slightly from the official printed version.

# PA DEPARTMENT OF CORRECTIONS OFFICE OF COUNTY INSPECTION AND SERVICES

**SUBJECT:** PCCD Request for Juvenile Justice and  
Delinquency Prevention Act information

**TO:** All Directors, Wardens, Sheriff/Wardens

**FROM:** Edward C. Pfister   
Corrections Evaluation Supervisor

**DATE:** January 08, 2008

On December 7, 2007 the State / County Liaison Committee meeting was held at the York County Prison. During that meeting, Deputy Director Derin Myers, Office of Juvenile Justice and Delinquency Prevention, Pennsylvania Commission on Crime and Delinquency, gave a presentation. The focus of Deputy Director Myers presentation was the following:

- Deinstitutionalization of Juvenile Status Offenders (DSO)
- Separation of juveniles from adults in institutions (separation)
- Removal of juveniles from adult jails and lockups (jail removal)
- Reduction of disproportionate minority contact (DMC), where it exists.

Deputy Director Myers' presentation generated interested discussion among those Committee members present.

As a result of Deputy Director Myers' presentation, the State / County Liaison Committee voted to use the Office of County Inspection and Services as a conduit for relaying Deputy Director Myers request for information to the counties. Enclosed, please find the following:

- Letter explaining the requirements of the "Juvenile Justice and Delinquency Prevention Act of 2002" (Pub.L. 93-414)
- "Certification Year 2007"
- "County Jail Secure Juvenile Holding Log"
- "Prison Preview/Prison Tour Programs and the JJDP Act"

Completed forms/logs should be returned to:

Mr. Steve Lynch  
Office of Juvenile Justice and Delinquency Prevention  
Pennsylvania Commission on Crime and Delinquency  
P.O. Box 1167  
Harrisburg, Pennsylvania 17108-1167  
Fax (717) 772-0551

Inquiries concerning completion of the requested forms or requirements of the JJDP Act should be directed to:

Mr. Derin Myers, Deputy Director  
Office of Juvenile Justice and Delinquency Prevention  
P.O. Box 1167  
Harrisburg, Pennsylvania 17108-1167  
(717) 265-8460  
1-800-692-7292  
e-mail address: [dmeyers@state.pa.us](mailto:dmeyers@state.pa.us)

Please do not contact the Office of County Inspection and Services with inquiries. This will only delay a response. Likewise, please do not mail, or fax, completed forms to this Office.

On behalf of the Pennsylvania Commission on Crime and Delinquency, Office of Juvenile Justice and Delinquency Prevention, I wish to thank you for your attention to the requirements of the Juvenile Justice and Delinquency Prevention Act.

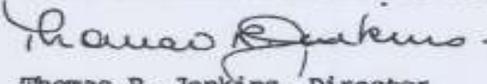
COMMONWEALTH OF PENNSYLVANIA

JUL 11 1982

OCYP SPECIAL TRANSMITTAL

**SUBJECT:** Responsibility for  
Juveniles in Police Custody

**TO:** County Children and Youth Agencies  
County Commissioners  
Juvenile Court Judges Commission  
Juvenile Court Judges  
Chief Juvenile Probation Officers

  
**FROM:** Thomas R. Jenkins, Director  
Bureau of County Children and Youth Programs  
Office of Children, Youth and Families

PURPOSE

To clarify the responsibilities of children and youth agencies in giving assistance to law enforcement officers who must release securely detained juveniles from custody when responsible caregivers are not available.

BACKGROUND

Since 1987 the Commonwealth of Pennsylvania has been in the process of working toward full compliance with the Federal Juvenile Justice and Delinquency Prevention Act through a subcommittee of the Pennsylvania Commission on Crime and Delinquency. The Act mandates the following:

- status offenders shall not be held in secure detention or delinquency correctional facilities;
- juveniles shall not be held in adult jails and lock-ups; and
- if juveniles and adults are held at the same facility, juveniles shall be separated by sight and sound from adult offenders.

While the Commonwealth achieved compliance with these mandates in 1982, states receiving federal funds are required to monitor the level of compliance on a routine basis. Among the requirements established by the Federal Government to show acceptable

compliance is a maximum six-hour limit by which time a juvenile held securely must be released from police custody whether or not charged with a criminal offense or a delinquent act. This is particularly important since many police departments do not have staff or facilities to detain juveniles separate from adults.

#### DISCUSSION

As part of its duty to serve dependent and abused children, the county children and youth system is occasionally called upon to accept responsibility for juveniles who have been in the custody of law enforcement officials. Specifically, the system must respond when the juveniles no longer require detention and there is no parent or substitute caregiver available to provide care. Usually these youths have not committed a delinquent act (\*) or a minor crime for which they could be charged.

As part of the Commonwealth's effort to comply with federal requirements, it is incumbent upon the county children and youth system to promptly respond to the requests for assistance to ensure that juveniles are not unnecessarily detained. While action on these requests are not to supercede response to reports of suspected child abuse or other emergency situations, the county children and youth system should not delay involvement when staff are available, including those providing emergency coverage after hours. An agency may elect to arrange this service through contract or agreement with another agency.

These juveniles may be determined to be at risk due to the lack of shelter or supervision resulting from the caregivers unavailability. While this situation may be of short duration, prompt action is required to meet the child's immediate needs.

According to the most recent data available, (calendar year 1989), the number of such instances was 99 in a 12-month period for all counties excluding Philadelphia and cases handled by the Pennsylvania State Police.

Through its Police Liaison Project (PLP) the Pennsylvania Commission on Crime and Delinquency has developed the attached procedure which specifies action to be taken in

(\*) Non-delinquent acts generally include those identified in §6302 of the Juvenile Act under the definition of dependent child: A child who "has committed a specific act or acts of habitual disobedience of the reasonable and lawful command of his parent, guardian, or other custodian and who is ungovernable and found to be in need of care treatment or supervision."

attempting resolution prior to seeking assistance from the county children and youth system. In advance of a mailing distribution of the procedures, PLP staff have been visiting police departments during the last year to discuss implementation on a localized basis.

As the police procedure suggests, it is anticipated that in most instances the police will transport the juvenile to a shelter, home or office for the temporary care arranged by the county children and youth staff. When feasible, the staff should maintain telephone contact regarding the arrangements and estimated time of implementation.

Of equal concern is the safety of staff, shelter employees and foster families when accepting juveniles under these conditions. Although law enforcement officers will not always know the potential for acting-out behavior by the juvenile, there is no expectation that the children and youth system accept a youth who presents a serious risk to the safety of others.

#### POLICY GUIDELINES

- (a) The county children and youth system shall be responsible to assist law enforcement officials who must discharge from custody a juvenile who has not committed a detainable offense or who is a non-delinquent offender. The assistance is to be provided or arranged in a manner which will promptly respond to requests to accept such juveniles ready for release. The response may be delayed only if one of the following exists:
  - (1) staff are responding to a report of suspected child abuse;
  - (2) staff are responding to a case emergency other than child abuse; or
  - (3) the law enforcement official has not implemented the attached procedure.
- (b) A response may be refused if the presenting information clearly indicates the juvenile poses a threat to the safety of county children and youth staff, its agents, or its providers.
- (c) This policy is considered a minimum course of action. Counties which have a policy in effect at the time of issuance of this transmittal which meets or exceeds the minimum course of action may retain the existing policy upon receipt of concurrence from the County Court.

- (d) This policy is effective immediately. It is based on Department regulations found in 55 PA Code, Chapter 3130, §3130.12(c), relating to the Responsibility for Children and Youth Services. A statement of policy will be published in the Pennsylvania Bulletin and codified in 55 PA Code Chapter 3130 relating to these policy guidelines.

Attachment

cc: Nancy Rorem  
Ron Heinlen  
Gary O'Connor  
Ruth Williams

The Pennsylvania Chiefs of Police Association introduced the Pennsylvania Law Enforcement Accreditation Program to the Commonwealth in July 2001. Since then, over 270 agencies have enrolled and 60 agencies currently have attained accredited status.

Accreditation is a progressive and time-proven way of helping institutions evaluate and improve their overall performance. The cornerstone of this strategy lies in the promulgation of standards containing a clear statement of professional objectives. Participating administrators then conduct a thorough analysis to determine how existing operations can be adapted to meet these objectives. When the procedures are in place, a team of independent professionals is assigned to verify that all applicable standards have been successfully implemented. The process culminates with a decision by an authoritative body that the institution is worthy of accreditation.

The Pennsylvania Law Enforcement Accreditation Program was designed and developed by professional law enforcement executives to provide a reasonable and cost effective plan for the professionalization of law enforcement agencies within the Commonwealth. The underlying philosophy of the program is to have a user-friendly undertaking for the departments that will result in a "success" oriented outcome.

Your law enforcement peers want the program to be consistent and achievable for all types and sizes of law enforcement agencies within Pennsylvania. That perspective has been used in the development of the program and in its implementation. Whether your agency has 10 personnel, 100 members, or a cadre of 1000, you and your department can successfully undertake and complete the Pennsylvania Law Enforcement Accreditation Program of the Pennsylvania Chiefs of Police Association.

Of course there will be complex work involved, but that is true of any professional project that is worth accomplishing. However, the Commission members, the accreditation staff, and the accreditation coalition support groups in various parts of the state are in place to assist you and your personnel with the process leading to accredited status and Commission recognition and certification.

It is the goal of the Pennsylvania Law Enforcement Accreditation Program to be affordable, Pennsylvania-specific, and user-friendly. We will continue to endeavor to accomplish those purposes for the law enforcement agencies of the Commonwealth of Pennsylvania.

## STANDARDS FOR STAFF SUPPORT RESPONSIBILITIES

**3.1.11** – A written directive requiring that an intake form, developed by the agency, shall be completed for every person booked into the cell and that it contains at least the following information:

- a. personal identification information;
- b. arrest information;
- c. property inventory and disposition;
- d. current health of the detainee;
- e. medications taken by the detainee;
- f. behavior, involving state of consciousness and mental status; and
- g. any body deformities, trauma markings, bruises, etc.

**Narrative:** *A formal intake process is necessary in order to manage a cell. An intake form must be completed for each person detained in the facility. Certain information must be documented as determined by the agency.*

**3.1.12** - A written directive specifying the procedures required for the detention and separation of males and females within the cell(s). If adults and juveniles are detained at the same time, their detention areas shall be separated from each other by sight and sound and in conformance to the laws and regulations of the Commonwealth of Pennsylvania. **(O)**

**Narrative:** *The detention of prisoners by age and gender in the cell(s) shall be segregated by sight and with provisions made to assure normal sound from any segregated area is not audible where others are held.*

*Detainees who may be considered a risk, who may be self-destructive, or who are likely to create unusual concern for the staff should be observed more frequently and at irregular intervals not to exceed 10 minutes.*

**3.1.13** – A written directive prescribing methods for holding, detaining, and segregating persons in the cell(s) who are under the influence of alcohol, drugs, or who are violent or self-destructive.

**Narrative:** *These detainees may be at risk to themselves or to other prisoners, as well as possibly being victimized by other inmates.*

**3.1.14** – A written directive prescribing space arrangements and procedures to follow in the event of group or mass arrest situation that exceeds the maximum capacity of the cell area.

**Narrative:** *It is necessary for the agency to develop a contingency plan in the event that the cell(s) is not sufficient to house detainees in cases of mass arrests. When such group arrests occur, it becomes necessary to find alternative detention facilities.*

**3.1.15** – A written directive requiring the identity of any detainee released from the cell be verified prior to release.

**Narrative:** *It is a necessary precaution that all detainees being released or transferred from the cell, for whatever reason, be identified. It is also important and necessary to identify and verify the authority of the official taking custody of a detainee.*

## Section 2

### TEMPORARY HOLDING AREA

*Temporary Holding Area – Any location controlled by the law enforcement agency that is used for a brief period of time to process and/or question a person in custody, control or care of the law enforcement agency. In the Temporary Holding Area the detainee will be routinely physically attended by agency personnel. Periods of non-supervision may occur, not exceed 10 minutes and the detainee must be secured during that period.*

#### Temporary Detention

**3.2.1** – A written directive describing the use of temporary holding areas, which identifies the following procedures:

- a. supervision and accountability for temporary detainees;
- b. authorization for use of the temporary holding area;
- c. temporary restraint of detainees by securing them to fixed objects; and
- d. separation of adults and juveniles in accordance with the laws and administrative regulations of Pennsylvania.

**Narrative:** *Most law enforcement agencies have an area within the agency for the temporary control or temporary detention of individuals. Those areas are primarily used for the temporary custody of people being questioned, processed, or tested by a law enforcement officer.*

*Due to the use of temporary holding areas within the agency, it is necessary that regulations and procedures are developed to provide for their use.*

**3.2.2** – A written directive establishing the minimum physical conditions for the temporary holding area and requiring access to potable water and a toilet. **(0)**

**Narrative:** *These are the minimum physical conditions necessary for a temporary holding area within a law enforcement agency.*

**3.2.3** – If a detainee is to be secured to an immovable object, a written directive shall be prepared that identifies which objects were designed and intended for such use within the temporary holding area. **(0)**

**Narrative:** *If it is necessary to secure the person being detained to an immovable object in the temporary holding area, the object shall have been designed or fabricated for that purpose. The use of such immovable objects may be appropriate for the temporary detention if no other accommodation is available.*

## PENNSYLVANIA LEGAL MANDATES

**4.1.6** - A written directive regarding the legal mandate that the peace officers or law enforcement officials of the law enforcement agency comply with Section 6311 of the *Pennsylvania Child Protective Services Law* (23 Pa.C.S.A. §6301, et seq.) in regard to persons required to report suspected child abuse per section 6313(a), immediately by telephone and in writing within 48 hours.

**4.1.7** - A written directive regarding the legal mandate that the law enforcement agency comply with Section 6308 of the *Pennsylvania Juvenile Act* (42 Pa. C.S.A. § 6301, et seq.) in regard to law enforcement records including:

- a. 6308(a) juvenile records and files are kept separate from adult arrest files.
- b. 6308(b) juvenile records and files are not released to public.
- c. 6308(c) conditions when photographs and fingerprints of a juvenile may be taken for felony and misdemeanor charges.

**Narrative:** Section 3929 (f) of the *Pennsylvania Crimes Code* (Title 18), provides for the fingerprinting of juveniles 16 years of age or older accused of retail theft.

**4.1.8** - A written directive regarding the legal mandate that the law enforcement agency comply with Sections 9798 and 9797 of the *Pennsylvania Judicial Code* (Title 42) in reference to written notifications made by the police department in the municipality where a sexually violent offender resides as required by 42 Pa..C.S.A. §9791, et seq. including:

- a. 9798(a)(1) the Chief Law Enforcement Officer of the municipality where a sexual predator lives providing notice containing information required in (i) through (v) of the subsection.
  - i. name of the convicted predator.
  - ii. address(s) which he resides.
  - iii. offense convicted of.
  - iv. determined by court order to be a sexually violent predator and order is current.
  - v. photograph of predator, if available.
- b. 9798(b) notifications to persons designated in subsections 1 through 5.
  - (1) neighbors of predator.
  - (2) director of county children and youth service agency in county where the predator resides.
  - (3) superintendent or equivalent, of each school district, private and parochial schools enrolling students up through grade 12 in the municipality where the predator resides or is located within one mile of where he resides.
  - (4) licensee or owner/operator of each certified day care center, licensed preschool program or registered family day care home in the municipality where the predator resides.
  - (5) president of each college, university and community college located within 1,000 feet of a predator's residence.
- c. 9798(c) notifications within time frames indicated in subsections 1 and 2.
  - (1) neighbors, within 5 days after information of the predator's release date and residence has been received by the chief law enforcement officer. Verbal notification may be used if written notification would delay meeting this time requirement.
  - (2) all others may be provided information with 7 days of notification of release.

## PENNSYLVANIA LEGAL MANDATES

- d. 9798(d) all information indicated in 9798(a) shall be available, upon request, to the general public. Information may be provided by electronic means.
- e. 9798(e) sections applicability to interstate parolees designated as sexually violent offenders.
- f. 9797 (a)(1) when an individual is determined to be a sexually violent predator under section 9795.4, the local municipal department or the Pennsylvania State Police where no municipal police jurisdiction exists shall give written notice to the sexually violent predator's victim. This notice must be given within 72 hours after the agency receives official notification of a change in address. The notice shall contain the predator's name and address(es) where he resides.

**4.1.9** - Compliance with the requirements of the *Pennsylvania Municipal Police Officers' Education and Training Act*, as amended, (53 Pa.C.S.A. §2161, et seq.) in regard to municipal police officer training and agency responsibilities including:

- a. 2164(8) physical fitness standards and educational prerequisites to employment.
- b. 2164(12) certification of all officers.  
*\*\*Refer to Standards 1.5.2, 1.5.3, 1.10.3, and 1.10.5 that also relate to the training standards required by the Pennsylvania Municipal Police Officers' Education and Training Commission.*

**4.1.10** - A written directive regarding the legal mandate that the law enforcement agency comply with the requirements of the *Pennsylvania Protection From Abuse Act*, as amended, (23 Pa. C.S.A. §6101, et seq.) in regard to the responsibilities of law enforcement agencies under the provisions of Section 6105 including:

- a. 6105(a) a written domestic violence policy and information included in trainees' curriculum.
- b. 6105(b) the agency providing abused persons with oral and written notification of the availability of a safe shelter and domestic violence services in the community. The written notice is to be in English and Spanish, including the required statement.
- c. 6105(d) the agency making a reasonable effort, within 24 hours of arraignment, to notify an adult or emancipated minor protected by an order of an arrest.
- d. 6105(e) PSP establishing a statewide registry of protection orders, available at all times.

**4.1.11** - A written directive regarding the legal mandate that the law enforcement agency comply with section 6326 of *Pennsylvania Juvenile Act* (42 Pa.C.S.A. §6321, et. seq.) in regard to temporary detention of child:

- a. 6326(b) detention in a lockup where adult prisoners are housed is generally prohibited.
- b. 6326(c) a child in custody due to crime, summary offense, violation of probation or supervision following adjudication of delinquency may be held in secure custody in adult lockup when:
  - (1) held for identification, investigation, processing, releasing or transferring to parent, guardian, other custodian, juvenile officials, or shelter.
  - (2) time limited to complete processing, but no more than six hours.
  - (3) separated by sight and sound from adults and under continuous observation.
- c. 6326(d) non-secure custody of child in facility with adults is appropriate when:
  - (1) unlocked multipurpose area or area used only for processing purposes.

## PENNSYLVANIA LEGAL MANDATES

- (2) not physically secured in any way.
- (3) non-secure custody only long enough to accomplish purpose.
- (4) continuous visual supervision occurs.
- d. 6326(e) reports of children held per 6326(c) and (d) provided to PCCD as requested.

**4.1.12** – Comply with the *Pennsylvania Right to Know Act*, (Act 100 of 2002) in regard to responsibilities of state and local law enforcement agencies including:

- a. Section 8(a) establishing written policies and promulgating regulations necessary to implement this act.
- b. Section 8(b) policies shall include the name of the office to which requests for access shall be addressed and a list of applicable fees.
- c. Section 8(c) a policy or regulation may not include:
  - (1) limitation on the number of public records, which may be requested or made available for inspection or duplication.
  - (2) A requirement to disclose the purpose or motive in requesting access to records, which are public records.
- d. Section 8(d) policies shall be conspicuously posted at the agency and may be made available by electronic means. **(0)**

***Narrative:*** *It is sufficient if the municipality has a policy regarding the Right to Know Act that also regulates the Police Department.*



## Enrolled Agencies

Accreditation Home

What is Accreditation?

Three Phases

Benefits of Accreditation

What Chiefs Say

Accredited Agencies

Manuals

PLEAC By-Laws

Commission Members

Contacts

Photo Gallery

What's New

Enrolled Users

### ADAMS COUNTY (2)

Carroll Valley Borough  
Conewago Township

### ALLEGHENY COUNTY (33)

Allegheny County  
 Bellevue Borough  
 Bethel Park Municipality  
 Carnegie Borough  
 Carnegie Mellon University  
 Clairton City  
 Duquesne University  
 Elizabeth Township  
 Findlay Township  
 Forest Hills Borough  
 Forward Township  
 Green Tree Borough  
 Hampton Township  
 Harrison Township  
 McCandless Town  
 Monroeville Municipality  
 Mt. Lebanon  
 Munhall Borough  
 Northern Regional  
 Oakmont Borough  
 Penn Hills Municipality  
 Pittsburgh City  
 Pittsburgh Housing Authority  
 Pleasant Hills Township  
 Plum Borough  
 Richland Township  
 Ross Township  
 Shaler Township  
 South Fayette Township  
 University of Pittsburgh  
 West Deer Township  
 Whitehall Borough  
 White Oak Borough

### BEAVER COUNTY (3)

Hopewell Township  
New Sewickley Township  
Rochester Borough

### BERKS COUNTY (9)

[Insurance Discounts](#)

[PCPA Home Page](#)

Amity Township  
Berks-Lehigh Regional  
Central Berks Regional  
Cumru Township  
Exeter Township  
Hamburg Borough  
Muhlenberg Township  
Reading City  
Spring Township

**BLAIR COUNTY (1)**

Altoona City

**BUCKS COUNTY (18)**

Chalfont Borough  
Doylstown Township  
Dublin Borough  
Falls Township  
Lower Makefield Township  
Lower Southampton Township  
Middletown Township  
Newtown Township  
Northampton Township  
Pennridge Regional  
Solebury Township  
Teford Borough  
Quakertown Borough  
Upper Makefield Township  
Upper Southampton Township  
Warminster Township  
Warrington Township  
Warwick Township

**BULTER COUNTY (2)**

Jackson Township  
Slippery Rock University

**CAMBRIA COUNTY (8)**

Carrolltown Borough  
Johnstown City  
Northern Cambria Borough  
Richland Township  
Saint Francis University  
Susquehanna Township  
University of Pittsburgh at Johnstown  
West Hills Regional

**CARBON COUNTY (3)**

Kidder Township  
Mahoning Township  
Walnutport Borough

**CENTRE COUNTY (4)**

Ferguson Township  
Patton Township  
State College Borough  
The Pennsylvania State University

**CHESTER COUNTY (17)**

Birmingham Township  
Cain Township  
Coatesville City  
Downingtown Borough  
East Fallowfield Township  
Easttown Township  
East Vincent Township  
Kennett Square Borough  
North Coventry Township  
Oxford Borough  
Parkesburg Borough  
Phoenixville Borough  
Schuylkill Township  
Uwchlan Township  
West Chester Borough  
West Goshen Township  
Westtown/East Goshen Township

**CLEARFIELD COUNTY (1)**

DuBois City

**COLUMBIA COUNTY (4)**

Berwick Borough  
Bloomsburg  
Briar Creek Township  
South Centre Township

**CRAWFORD COUNTY (1)**

Titusville City

**CUMBERLAND COUNTY (13)**

Camp Hill Borough  
Carlisle Borough  
Cumberland County CID  
East Pennsboro Township  
Hampden Township  
Lower Allen Township

Mechanicsburg Borough  
Middlesex Township  
Shippensburg Borough  
Shiremanstown Borough  
Silver Spring Township  
Upper Allen Township  
West Shore Regional

**DAUPHIN COUNTY (12)**

Capital Police  
Dauphin County CID  
Derry Township  
Harrisburg City  
Hummelstown Borough  
Lower Paxton Township  
Lower Swatara Township  
Lykens Borough  
Penbrook Borough  
Susquehanna Regional Airport Authority (HIA)  
Susquehanna Township  
Swatara Township

**DELAWARE COUNTY (7)**

Chester Housing Authority  
Delaware County Sheriff's Office  
Haverford Township  
Nether Providence Township  
Newtown Township  
Swarthmore Borough  
Upper Darby Township

**FRANKLIN COUNTY (2)**

Chambersburg Borough  
Waynesboro Borough

**INDIANA COUNTY (1)**

Homer City

**LACKAWANNA COUNTY (8)**

Carbondale City  
Clark's Summit Borough  
Dunmore Borough  
Lackawanna County CID  
Moscow Borough  
Old Forge Borough  
Scranton City  
The University of Scranton

**LANCASTER COUNTY (11)**

East Lampeter Township  
Franklin & Marshall College  
Lancaster City  
Lititz Borough  
Manheim Township  
Mount Joy Borough  
Southern Regional  
Strasburg Borough  
Warwick Township  
West Earl Township  
West Lampeter Township

**LAWRENCE COUNTY (2)**

Bessemer Borough  
Neshannock Township

**LEBANON COUNTY (4)**

Annville Township  
Cleona Borough  
Lebanon City  
Palmyra Borough

**LEHIGH COUNTY (7)**

Allentown City  
Catasauqua Borough  
Emmaus Borough  
Fountain Hill Borough  
South Whitehall Township  
Upper Saucon Township  
Whitehall Township

**LUZERNE COUNTY (9)**

Butler Township  
Dallas Township  
Hanover Township  
Kingston Township  
Municipality of Kingston  
Swoyersville Borough  
West Pittston Borough  
Wilkes-Barre City  
Wright Township

**LYCOMING COUNTY (1)**

Montoursville Borough

**MERCER COUNTY (1)**

Hermitage City

**MIFFLIN COUNTY (1)**

Mifflin County Regional

**MONTGOMERY COUNTY (28)**

Abington Township  
Cheltenham Township  
County Sheriff  
Douglass Township  
East Norriton Township  
Franconia Township  
Hatfield Township  
Horsham Township  
Jenkintown Borough  
Lansdale Borough  
Limerick Township  
Lower Gwynedd Township  
Lower Merion Township  
Lower Providence Township  
Lower Salford Township  
Montgomery Township  
Norristown Borough  
Plymouth Township  
Pottstown City  
Springfield Township  
Towamencin Township  
Upper Dublin Township  
Upper Gwynedd Township  
Upper Merion Township  
Upper Mooreland Township  
West Norriton Township  
Whitemarsh Township  
Whitpain Township

**MONROE COUNTY(1)**

Stroud Area Regional Police Department

**NORTHHAMPTON COUNTY (13)**

Bangor Borough  
Bethlehem City  
Bethlehem Township  
Colonial Regional  
County Sheriff  
Easton City  
Forks Township  
Lehigh University  
Lower Saucon Township

Moore Township  
Northampton Borough  
Palmer Township  
Wilson Borough

**NORTHUMBERLAND COUNTY (4)**

Coal Township  
Milton Borough  
Northumberland Borough  
Point Township

**PHILADELPHIA COUNTY (2)**

Philadelphia Housing Authority  
Southeastern PA Transit Authority

**SCHUYLKILL COUNTY (3)**

Coaldale Borough  
Mahanoy City Borough  
Pottsville City

**SOMERSET COUNTY (3)**

Paint Township  
Somerset Borough  
Windber Borough

**WARREN COUNTY (1)**

Warren City

**WESTMORELAND COUNTY (12)**

Allegheny Township  
Greensburg City  
Latrobe City  
Ligonier Borough  
Lower Burrell City  
Manor Borough  
Murrys ville Borough  
New Kensington City  
North Huntingdon Township  
Penn Township  
Rostraver Township  
Washington Township

**WYOMING COUNTY (1)**

Tunkhannock Township

**YORK COUNTY (14)**

Fairview Township

Hanover Borough  
Newberry Township  
Northeastern Regional  
Penn Township  
Southern Regional  
Southwestern Regional  
Spring Garden Township  
Springettsbury Township  
Stewartstown Borough  
West Manchester Township  
West Manheim Township  
York Area Regional  
York City Police Department

**STATEWIDE (2)**

Pennsylvania Fish and Boat Commission  
Pennsylvania State Police

The Juvenile Justice  
and Delinquency  
Prevention Act Says:



- Juveniles alleged to be or found to be delinquent will not be detained or confined in any institution in which they have contact with adult inmates.
- Status offenders and non-offenders will not be detained or confined in any institution in which they have contact with adult inmates.
- Within the United States Department of Justice, the federal Office of Juvenile Justice and Delinquency Prevention dictates that states must assure that no juvenile offender shall enter under public authority, for any amount of time, into a secure wing or secure section of an adult jail, lockup, or correctional facility as a disposition of an offense or as a means of modifying their behavior. The federal Office of Juvenile Justice and Delinquency Prevention specifically includes Shock Incarceration and Scared Straight Programs in this definition.
- The federal JJDCP also dictates that nonoffenders may never be placed in a secure facility where they have contact with juvenile offenders or adult offenders.

Questions about the PCCD's work with the federal compliance monitoring efforts should be directed to Steve Lynch at 717-787-8559, extension 3036.



Prepared by the Pennsylvania Commission on Crime and Delinquency, Office of Juvenile Justice and Delinquency Prevention.



3101 North Front Street  
Harrisburg PA 17108  
(800) 692-7292



Office of Juvenile  
Justice &  
Delinquency  
Prevention

Pennsylvania's  
Federal Compliance  
Monitoring Initiative



3101 North Front St.  
Harrisburg PA 17108

Tel: (800) 692-7292

### Compliance Monitoring Initiative

- In 1974 the Federal Government passed the Juvenile Justice and Delinquency Prevention Act to help state and local governments prevent and control juvenile delinquency and to improve the juvenile justice system. An important element in this Act was to protect juveniles in the juvenile justice system from exposure to adult inmates.
- Adherence to the mandates of the federal Juvenile Justice and Delinquency Prevention (JJDP) Act allowed states to participate in the federal Formula Grant Program, and qualify to receive annual funds which can be dedicated toward juvenile justice system improvement.
- The Commonwealth of Pennsylvania has participated in the federal Juvenile Justice and Delinquency Prevention Formula Grant Program since 1975. As a participant in this program, Pennsylvania is required to work to achieve compliance with the mandates of the federal Juvenile Justice and Delinquency Prevention Act.



### Compliance Monitoring Initiative

- The Juvenile Justice and Delinquency Prevention Committee (JJJPC) of the Pennsylvania Commission on Crime Delinquency (PCCD) is responsible for ensuring that PA remains in compliance with mandates of the JJDP Act. The four core mandates as established under the JJDP Act are:
  - Deinstitutionalization of status offenders
  - Separation of juveniles from adults in institutions
  - Removal of juveniles from adult jails and lockups
  - Reduction of disproportionate minority contact, where it exists
- PCCD has established two separate projects in order to ensure that Pennsylvania maintains compliance with the first three mandates.
  - The Secure Detention Monitoring Project audits the admissions of all secure detention centers to ensure that status or non-offending juveniles are not admitted. These audits take place annually at each of the detention centers in Pennsylvania. The Secure Detention Monitor, who is contracted by PCCD through the Center for Juvenile Justice Training & Research (CJJTR), provides training and guidance to probation and detention personnel related to this issue.
  - The Police Liaison Project is responsible for working with police departments to ensure that juveniles are not held securely in police lockups beyond the six-hour time limit permitted under the state and federal jail removal legislation. There are 1,300 police entities in the Commonwealth, and the project requires annual on-site monitoring visits to at least 15% of this total to collect and verify reported data on juveniles held in police custody.

### Compliance Monitoring Initiative

- The fourth core mandate established under the JJDP Act is addressed by the JJJPC Disproportionate Minority Contact Subcommittee, which provides oversight to efforts designed to reduce disproportionality within the juvenile justice system.
- PCCD works in partnership with the Juvenile Court Judges' Commission (JCJC) and the Council of Chief Juvenile Probation Officers (CCJPO) to ensure compliance with the federal mandates.
- The PCCD Office of Juvenile Justice and Delinquency Prevention is required to submit annual monitoring reports to the federal OJJDP to demonstrate Pennsylvania's compliance with the federal mandates.





U.S. Department of Justice

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

Office of the Administrator

Washington, D.C. 20531

MEMORANDUM

FEB 13 2008

TO: State Agency Directors  
Juvenile Justice Specialists  
State Advisory Group Chairs

FROM: J. Robert Flores   
Administrator, OJJDP

SUBJECT: Compliance Monitoring Guidance

As many of you are aware, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) staff and state juvenile justice specialists convened to discuss compliance monitoring issues at the 2007 OJJDP National Training held in Denver, Colorado, in October 2007. At the Juvenile Justice Specialist Business Meeting, OJJDP was provided a document that raised concerns with six specific issues: 1) the definition of an adult lockup; 2) the expansion of the monitoring universe; 3) the expansion of inspection requirements; 4) the definition of an adult inmate; 5) subjectivity of an "adequate monitoring system"; and 6) guidance and approval for use of the rural exception. This meeting also resulted in the creation of a compliance monitoring working group of juvenile justice specialists who agreed to work with OJJDP staff to address these issues, which were a concern to a number of states. Subsequent discussions between the working group and OJJDP staff resulted in the group providing OJJDP with a more detailed document expanding on their concerns, and proposing resolutions. Based on a careful review of these communications and analysis of law and regulation, this letter is a response addressing the concerns raised. In addition to providing statutory background, it proposes to clarify OJJDP's interpretation of the Juvenile Justice and Delinquency Prevention Act (JJDP A) in the OJJDP Compliance Monitoring Guidance Manual and future regulations.

**Definition of an Adult Lockup**

With limited exceptions, JJDP A § 223(a)(13) (the "Jail Removal Requirement") requires State plans to "provide that no juveniles will be detained or confined in any jail or lockup for adults." The term "jail or lockups for adults," in turn, is defined in Section 103 of the JJDP A as—

(22) ...a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

- (A) pending the filing of a charge for violating a criminal law;
- (B) awaiting trial on a criminal charge; or
- (C) convicted of violating a criminal law.

The foregoing statutory language indicates that the Jail Removal Requirement contemplates facilities that are—(1) capable of being used to lock individuals in, physically; (2) used by a law enforcement authority (State, local, tribal, etc.); and (3) used (i.e., by way of formal designation or past use) for the purpose of detaining or confining adults held on criminal law violations (pending filing of charges, awaiting trial, or upon conviction). For example, a mental-health facility used for civil commitments would not fall within the class of facilities contemplated by the jail removal requirement, because adults are not typically detained in such facilities pending the filing of criminal charges, while awaiting trial, or upon criminal conviction; nor, in principle, would a group home for juveniles, or a facility used to detain only juveniles fall within this Jail Removal Requirement.

A “facility” is defined as “something that is built, installed, or established to serve a particular purpose.” *Merriam-Webster’s Collegiate Dictionary (10<sup>th</sup> ed., 1993)* Therefore, “jail or lock-up” may be understood as a reference to places having construction features for locking and unlocking individuals in, as well as to places actually used for the purpose of detaining or confining adults charged with criminal violations. Under such an understanding, the term encompasses a typical jail cell, as well as locations that have construction features capable of being locked and unlocked and intended to accomplish physical detention, such as law enforcement locations equipped with cuffing benches or cuffing rails.

In addition to jails, detention facilities, and correctional facilities, JJDPa § 223(a)(14), also mandates that States have an adequate system of monitoring “non-secure” facilities. As the Deinstitutionalization of Status Offenders (DSO), Separation, and the Jail Removal Requirements do not expressly reference “non-secure” facilities, an appropriate interpretation of this provision is that States should be expected to monitor “non-secure” facilities to ensure that the use of such facilities has not changed in a way that might make one or more of the core requirements applicable (e.g., a cuffing rail newly installed in a police station). Additionally, the term “non-secure facilities” reasonably may be understood in context to refer also to residential facilities not otherwise covered; this understanding informs 28 C.F.R. § 31.303(f).<sup>1</sup>

<sup>1</sup> This regulation addresses the monitoring of jails, detention facilities, correctional facilities, and non-secure facilities. As stated in 28 C.F.R. § 31.303(f)(1)(A) and (B), the identification of the monitoring universe “refers to the identification of all residential facilities which might hold juveniles pursuant to public authority and thus must be classified to determine if it should be included in the monitoring effort. This includes those facilities owned or operated by public and private agencies.” In addition, “[classification of the monitoring universe] is the classification of all facilities to determine which ones should be considered as a secure detention or correctional facility, adult correctional institution, jail, lockup, or other type of secure or nonsecure facility.” 28 C.F.R. § 31.303(f)(1)(C) also provides that “[i]nspection of facilities is necessary to ensure an accurate assessment of each facility’s classification and record keeping. The inspection must include: (1) A review of the physical accommodations to determine whether it is a secure or non-secure facility or whether adequate sight and sound separation between juvenile and adult offenders exists and (2) A review of the record keeping system to determine whether sufficient data are maintained to determine compliance with section 223(a)(12), (13) and/or (14).

## State Monitoring System

To clarify concerns raised with respect to the subjectivity of an "adequate monitoring system," and the expansion of the monitoring universe and inspection requirements; it is important to review the language contained within JJDP § 223(a)(14) (which refers to jails, detention facilities, correctional facilities and non-secure facilities) and its implementing regulation, 28 C.F.R. § 31.303(f), which adds only residential facilities to the monitoring universe:

Section 223(a) of the JJDP provides that –

[i]n order to receive formula grants under [Part B of the JJDP], a State shall submit a plan for carrying out its purposes [and] such plan shall:

\* \* \* \* \*

(14) provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of paragraphs (11), (12), and (13) ["core requirements"] are met....

To facilitate the States' understanding of what constitutes an adequate State system of monitoring, it is incumbent on OJJDP to identify those kinds of facilities where the related core requirements are applicable.<sup>2</sup>

With a few limited exceptions, JJDP § 223(a)(11)(the "DSO Requirement," which relates to deinstitutionalization of status offenders) requires that juveniles "who are charged with or who have committed an offense that would not be criminal if committed by an adult ["status offenders"]...shall not be placed in secure detention or secure correctional facilities...." The definitions provided in the JJDP § 103, in turn, identify the characteristics of the facilities subject to the DSO Requirement. The term "secure detention facility" is defined as—

(12) ...any public or private residential facility which –

<sup>2</sup> These three core requirements require that States, in order to receive formula grants, prepare plans that—

(11) shall in accordance with rules issued by the Administrator, provide that—  
(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult...shall not be placed in secure detention facilities or secure correctional facilities; and  
(B) juveniles—  
(i) who are not charged with any offense; and  
(ii) who are—  
(1) aliens; or  
(2) alleged to be dependent, neglected, or abused;  
shall not be placed in secure detention facilities or secure correctional facilities;

(12) provide that—  
(A) juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have contact with adult inmates...; and

(13) provide that no juvenile will be detained or confined in any jail or lockup for adults [with limited exceptions]...

(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals in lawful custody in such facility; and

(B) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.

The definition of the term "secure correctional facility" largely tracks that of "secure detention facility," differing only in that the latter relates to facilities used "for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense," JJDP A § 103(13). Thus, States must monitor public and private residential facilities that have construction features for physically restricting offenders held in lawful custody; this would include traditional juvenile correctional and detention facilities, adult jails, and lockups, and prisons. The purpose of monitoring such facilities is to determine whether status offenders, aliens, or children alleged to be dependent, neglected, or abused, are confined in secure residential facilities in violation of the JJDP A Section 223 (a)(11)(A) & (B).

#### **Inspection Requirements**

OJJDP has provided consistent guidance on the rate of on-site facility inspections and what it deems to be the characteristics of an "adequate system of monitoring," in this regard, under Section 223(a)(14) of the JJDP A. Facilities where core requirement violations are likely to occur, must be monitored, on-site, by the designated state agency. Such on-site monitoring "must take place at a minimum of 10% of the facilities in each classification category, ..." [See OJJDP M 7140.7A, "OJJDP Guideline Manual, Audit of Compliance Monitoring Systems," August 21, 2000]. In addition, States should strive to inspect all secure facilities once every three years.

#### **Definition of an Adult Inmate**

Under the JJDP A § 223(a)(12)(the "Separation Requirement"), State plans shall "provide that juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) shall not be detained or confined in any institution in which they have contact with adult inmates." Within the context of this provision, the term "institution" must be understood as a reference to facilities where one reasonably may expect to find "adult inmates," itself a defined statutory term, at JJDP A § 103:

(26) the term "adult inmate" means an individual who—

— (A) has reached the age of full criminal responsibility under applicable State law; and

(B) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense.

Both juveniles and adult inmates may be found in prisons (e.g., where 'scared straight' type programs might be implemented), court holding facilities, juvenile detention facilities (e.g., where adult inmate trustees might be performing work on the grounds, or within the facility), juvenile correctional facilities (e.g., where transferred, certified or waived juveniles have been placed, and have reached the age of criminal responsibility), and adult jails and lockups. Thus the monitoring universe, for purposes of requiring an adequate system of monitoring with respect to the separation requirement, would include such institutions or facilities.

#### **Removal Exception (for Rural Areas)**

Section 223(a)(13)(B) (Removal Exception) of the JJDP Act articulates the specific circumstances where State reliance on the Removal Exception to the Jail Removal Requirement of the JJDP Act is appropriate. This statutory provision excepts:

- (B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup –
  - (i) that –
    - (I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;
    - (II) is located where conditions of distance to be traveled or the lack of highway, road or transportation do not allow for court appearances within 48 hours...; or
    - (III) is located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel;

OJJDP has implemented a consistent approach for implementing the Removal Exception to the Jail Removal Requirement. States wishing to utilize the Removal Exception, for any facility with the State, must obtain prior approval from OJJDP. See 28 C.F.R. 31.303(f)(4)(v). OJJDP reviews such requests to insure that the States have adequately addressed the statutory exception requirements, cited above, and to insure that exceptions are issued in a consistent manner.

OJJDP has never issued a blanket approval for a State to utilize the Removal Exception, at its discretion, and does not believe that such an approach would be in keeping with the spirit of the Jail Removal Requirement or the intent of those legislators who drafted the Removal Exception. Finally, States that wish to continue to use the Removal Exception must provide OJJDP with an

annual certification, verifying that all conditions continue to be present and all requirements continue to be met.

### **Summary**

In sum, based on the current statutory requirements of the JJD Act, and accompanying Federal Regulation, State's are expected to annually inspect a minimum of 10 percent of all secure adult jails and lockups; court holding facilities; and juvenile detention and correctional facilities. OJJDP also encourages States to spot check, on an annual basis, those law enforcement facilities that have annual written certification that they are nonsecure. Such on-site monitoring is necessary to ensure that the nonsecure nature of such facilities has not changed, through the possible installment of secure custody features.

I would like to take this opportunity to particularly thank those individuals on the compliance monitoring working group, for sharing your thoughts and concerns on these important issues. I know that all of you are committed, as am I, to serving the needs of children, youth and families, particularly those most at-risk of becoming involved in the juvenile justice system. I appreciate your dedication to this effort, and look forward to working with all of you in the New Year.

In closing, I would also like to share with you some changes which have recently been implemented within OJJDP. As of January 14, 2008, programmatic functions for compliance monitoring will be handled by the State Relations and Assistance Division (SRAD). Policy issues pertaining to compliance monitoring will remain in the OJJDP Policy Office. Should you have any specific questions with respect to compliance monitoring, please contact your SRAD State Representative.



U.S. Department of Justice

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

Office of the Administrator

Washington, D.C. 20531

MEMORANDUM

AUG 18 2008

**TO:** State Agency Directors  
Juvenile Justice Specialists  
State Advisory Group Chairs

**FROM:** J. Robert Flores *JRF*  
Administrator, OJJDP

**SUBJECT:** Compliance with section 223(a)(12) (Separation Requirement) of the Juvenile Justice and Delinquency Prevention Act of 2002

Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act ("JJDP"), 42 U.S.C. § 5633(a)(12) ("Separation Requirement"), requires states to ensure that no juvenile is "detained or confined in any institution in which they have contact with adult inmates." State compliance with this provision is a key requirement to qualify for JJDP Part B formula funds. Failure to comply results in the imposition of funding penalties authorized by Section 223(c)(1) of the JJDP.

On October 30, 2003, the Office of Juvenile Justice and Delinquency Prevention ("OJJDP") provided guidance ("Guidance") to states regarding compliance with the Separation Requirement, specifically with respect to juveniles transferred, certified or waived into the adult criminal justice system, while detained in juvenile facilities. Stated another way, these are juvenile offenders who age into adulthood after having committed offenses and after having been taken into custody as juveniles ("TCW population"). The Guidance directed states to separate members of the TCW population, from the juvenile populations in juvenile facilities. Recognizing that compliance with the Guidance may have required state law, policy and practice changes, OJJDP allowed states a period of six months to develop plans for accomplishing separation between the juvenile and adult (including TCW) populations, and an additional two years for plan implementation.

Based on genuine issues of concern raised by the states, I sought legal guidance, from within the Department, regarding permissible interpretations of the JJDP definition of "adult inmate," as that term is used in the Separation Requirement, as well as the scope of my discretionary authority as Administrator of OJJDP. Based upon the guidance received, I believe it to be within my discretion to determine, as I have now done, that no individual who reaches the age of full criminal responsibility only *after* arrest or conviction will be understood to be an "adult inmate" within the meaning of the Act until he reaches the state's maximum age of extended juvenile jurisdiction. The result is that the continued placement of a member of the TCW population in a juvenile facility, not to exceed the state's maximum age of extended juvenile jurisdiction, does not constitute a sight and

# **federal register**

---

**Wednesday  
November 2, 1988**

---

**Part V**

**Department of  
Justice**

---

**Office of Justice Programs**

**Office of Juvenile Justice and  
Delinquency Prevention**

---

**28 CFR Part 31**

**Policy Guidance for Nonsecure Custody  
of Juveniles in Adult Jails and Lockups;  
Notice of Final Policy**

## DEPARTMENT OF JUSTICE

## Office of Justice Programs

Office of Juvenile Justice and  
Delinquency Prevention

## 28 CFR Part 31

Policy Guidance for Nonsecure  
Custody of Juveniles in Adult Jails and  
Lockups

**AGENCY:** Office of Justice Programs,  
Office of Juvenile Justice and  
Delinquency Prevention, Justice.

**ACTION:** Notice of final policy.

**SUMMARY:** The Office of Juvenile Justice and Delinquency Prevention (OJJDP), pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, (JJDP Act) is publishing a policy to provide guidance to states participating in the JJDP Act Formula Grants Program for determining when a juvenile held within a building that houses an adult jail or lockup facility is considered to be in nonsecure custody for purposes of state monitoring for compliance with section 223(a)(14) of the JJDP Act.

**EFFECTIVE DATE:** This policy is effective November 2, 1988.

**FOR FURTHER INFORMATION CONTACT:**  
Emily C. Martin, Director, State  
Relations and Assistance Division,  
Office of Juvenile Justice and  
Delinquency Prevention (OJJDP), 633  
Indiana Avenue, NW., Room 768,  
Washington, DC 20531; telephone (202)  
724-6921.

## I. Introduction and Background

In an effort to comply with the jail lockup removal mandate, section 223(a)(14) (42 U.S.C. 5633(a)(14)) of the JJDP Act, staff of state administering agencies and facility administrators are often called upon to identify alternatives to holding juveniles in jail cells or lockups while law enforcement officers carry out their responsibilities of identification, investigation, processing, release to parent(s) or guardian, hold for transfer to an appropriate juvenile detention or shelter facility, or transfer to court. The OJJDP recognizes that during this interim period, a balance must be struck between the statutory objective of not holding juveniles in jail cells or lockup areas beyond the six hour temporary holding period permitted for accused criminal-type offenders (a juvenile alleged to have committed, or charged with an offense that would be a crime if committed by an adult); and, not allowing juveniles in temporary law enforcement custody to disrupt police

operations or to leave a police, sheriff or municipal facility without authorization.

Section 31.304(m) of the OJJDP Formula Grants Regulation published in the June 20, 1985, Federal Register on pages 25550-25561 (28 CFR Part 312, defines an adult jail as:

A locked facility, administered by state, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than one year.

Section 31.304(n) of the Formula Grants Regulation defines an adult lockup as:

Similar to an adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.

While these definitions provide general parameters, the efforts of state agency staff to monitor compliance with the JJDP Act jail and lockup removal requirement and to identify alternatives indicate a need for specific guidelines to identify when a juvenile is being securely detained or confined in an adult jail or lockup area. In making this determination, it is critical to distinguish between nonsecure custody and secure detention or confinement (for purposes of this policy, the terms secure detention or confinement, secure custody, and secure holding are synonymous). A juvenile may be in law enforcement custody and, therefore, not free to leave or depart from the presence of a law enforcement officer or at liberty to leave the premises of a law enforcement facility, but not be in a secure detention or confinement status.

A secure detention or confinement status has occurred within a jail or lockup facility when a juvenile is physically detained or confined in a locked room, set of rooms, or a cell that is designated, set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody. Secure detention or confinement may result either from being placed in such a room or enclosure and/or from being physically secured to a cuffing rail or other stationary object.

This policy is designed to assist state agency staff and facility administrators in identifying non-secure alternatives for custody of juveniles within law enforcement facilities. The policy assumes that immediate access or transfer of a juvenile to a juvenile detention center or appropriate nonsecure facility is not possible, and

that no area is available within the building or on the grounds that qualifies as a separate juvenile detention facility under the requirements set forth in the Formula Grants Regulation at 28 CFR 31.303(e)(3)(i). This policy provides guidance in identifying practices that do not constitute violations of the statutory jail removal requirement. As such, it reflects the effective strategies many law enforcement jurisdictions are using to achieve jail removal. The policy is not offered as standards for practice, nor does it supersede any state laws, policies or guidelines.

## II. Discussion of Comments

A proposed policy was published was published in the Federal Register on January 26, 1988, for public comment. Comments were received from 12 national, state, and local organizations. All comments have been considered by the OJJDP in the issuance of a final policy.

The following is a summary of the comments and the response by OJJDP:

1. **Comment:** Booking areas used to process juveniles and adults are different to classify because there are wide variations in their configurations and levels of security. Respondents indicated that it is unclear whether OJJDP considers booking areas to be secure or nonsecure.

**Response:** While a booking area may be secure, a juvenile being processed "through" this area is not considered to be in a secure detention status.

Where a secure booking area is all that is available, and continuous visual supervision is provided throughout the booking process, and the juvenile only remains in the booking area long enough to be photographed and fingerprinted (consistent with state law and/or judicial rules), the juvenile will not be considered in a secure detention status. Continued nonsecure custody for the purposes of interrogation, contacting parents, or arranging an alternative placement must occur outside the booking area.

2. **Comment:** Two respondents indicated that a prohibition on handcuffing juveniles to a cuffing rail or other stationary objects is not a viable restriction given safety and cost considerations.

**Response:** OJJDP understands that many juveniles taken into custody pose a potential risk to self and/or law enforcement officers. Clearly, the officer taking a juvenile into custody must rely on his or her judgement of the level of risk posed by the juvenile.

It is, however, OJJDP's responsibility to clearly define when a juvenile taken

into custody enters a secure detention status. Where an officer determines that a juvenile taken into custody as an accused criminal-type offender must be handcuffed to a cuffing rail or other stationary object, or placed in a cell or lockup area, this is permissible under § 21.302(f)(5)(i)(H) of the OJJDP Formal Grants Regulation (28 CFR 21) for up to six hours. It should be noted, however, that for monitoring purposes, the six hour "grace period" begins to run when the juvenile enters a secure detention status and ends six hours later.

It is also important to point out that handcuffing techniques that do not involve cuffing rails or other stationary objects will be considered nonsecure custody where the additional criteria for nonsecure custody set forth in this policy are adhered to. Thus, juvenile offenders can be considered in nonsecure custody, even though handcuffed, where necessary, so long as a stationary object is not in use.

**3. Comment:** Two respondents expressed concern that without a time limit on nonsecure custody, juveniles could end up spending more time in law enforcement facilities than at present. It was recommended that nonsecure custody be limited to six hours.

**Response:** One criterion in the policy for determining that custody is nonsecure is that the area where the juvenile remains not be designed or intended for use as a residential area. This reflects OJJDP's policy that if a juvenile is to remain in custody long enough to require residential services, the juvenile should be moved to an appropriate juvenile residential facility as soon as this need is identified. Once an area of a jail or lockup facility begins to be used for residential purposes, the juvenile will be considered to be in a secure detention status.

Beyond this "nonresidential" requirement, and the other limiting criteria in this policy, the JJDP Act does not confer upon the OJJDP the authority to limit the length of nonsecure custody.

**4. Comment:** One respondent stated that recordkeeping deficiencies at the facility level often make it difficult to determine when juveniles are placed in cells or other secure holding areas, and that this problem will also exist in attempting to monitor the handcuffing of juveniles to cuffing rails or other stationary objects.

**Response:** Each participating state is required, pursuant to section 223(a)(15) of the JJDP Act, to have an adequate monitoring system. It is expected that states will work with local facilities to develop adequate recordkeeping procedures.

As for recording juveniles placed in a holding cell or other secure area, many police departments handle this by adding the designation "cell" or "secure" to their juvenile admission/booking log. Departments should be particularly willing to do this when liability factors are taken into consideration, i.e., in the event of litigation, departments need to know if a juvenile was or was not placed in a secure area or in a secure detention status, and if so, for how long.

**5. Comment:** Three respondents suggested that the policy does not address the separation provision, section 223(a)(13) of the JJDP Act.

**Response:** The policy is designed to identify nonsecure alternatives for the custody and handling of juveniles within law enforcement facilities. The section 223(a)(13) separation requirement of the JJDP Act does not apply to juveniles in a nonsecure custody status.

**6. Comment:** One respondent indicated that court holding facilities should be subject to the Deinstitutionalization of Status Offenders provision, section 223(a)(12)(A) of the JJDP Act. Another suggested adding requirements for staff supervision and time limits for court holding facilities.

**Response:** Section 223(a)(12)(A) of the JJDP Act requires the removal of status and nonoffenders from secure detention and correctional facilities. Section 105 of the Act defines both facility categories to mean "residential" facilities.

This policy clearly states that in order for a court holding facility to be exempt from the adult jail and lockup removal provision of the JJDP Act, it must be nonresidential. The policy also states that the court holding facility cannot be used for punitive purposes or other purposes unrelated to a court appearance, and it confirms that the section 223(a)(13) separation requirement applies to court holding facilities. These requirements pertain to status and nonoffenders, as well as to criminal-type offenders.

As for time limitations, the nonresidential requirement does impose an inherent or practical time limitation. That is, the juvenile must be brought to and removed from the facility during the same judicial day.

The final policy does not address the level of supervision necessary in court holding facilities. However, it is clearly essential that sufficient levels of supervision be provided to ensure the safety of those juveniles before the court, and the integrity of the court process itself.

#### Executive Order 12291

This notice does not constitute a "major" rule as defined by Executive Order 12291 because it does not result in: (a) An effect on the economy of \$100 million or more, (b) a major increase in any costs or prices, or (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprises.

#### Regulatory Flexibility Act

This policy does not have a "significant" economic impact on a substantial number of small "entities", as defined by the Regulatory Flexibility Act (Pub. L. 94-354).

#### Paperwork Reduction Act

No collection of information requirements are contained in or effected by this guideline (See the Paperwork Reduction Act, 44 U.S.C. 3504(h)).

#### List of Subjects in 28 CFR Part 21

Grant programs—law, juvenile delinquency, Reporting and recordkeeping requirement.

#### III. Policy: Criteria for Law Enforcement Facilities

The following policy criteria, if satisfied, will constitute nonsecure custody of a juvenile in a building that houses an adult jail or lockup facility:

(1) The area(s) where the juvenile is held is an unlocked multi-purpose area, such as a lobby, office, or interrogation room which is not designated/set aside or used as a secure detention area or is not a part of such an area, or, if a secure 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 use of the area(s) is limited to providing nonsecure custody only long enough and for the purposes of identification, investigation, processing, release to parents, or arranging transfer to an appropriate juvenile facility or to court; (4) In no event can the area be designed or intended to be used for residential purposes; and (5) The juvenile must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he or she is in nonsecure custody.

#### IV. Policy: Criteria for Court Holding Facilities

A court holding facility is a secure facility, other than an adult jail or lockup, that is used to temporarily detain persons immediately before or after detention hearings, or other court proceedings. Court holding facilities, where they do not detain individuals

overnight [i.e., are not residential] and are not used for punitive purposes or other purposes unrelated to a court appearance, are not considered adult jails or lockups for purposes of section 223(a)(14) of the JIDP Act. However, such facilities remain subject to the section 223(a)(13) (42 U.S.C. 5633(a)(13)) separation requirement of the Act.

Verna L. Spahr,  
Administrator, Office of Juvenile Justice and  
Delinquency Prevention  
[FR Doc. 88-25378 Filed 11-1-88; 8:45 am]  
BILLING CODE 6150-16-01