

Tarentum Borough Police Department

Guideline:
Procedures 4.12

Juvenile Holding Policies and

Effective Date: November 9th, 2021

Revision Date:

Issued by: William S. Vakulick, Chief of Police

Purpose:

PURPOSE

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

4.12.1 Policy:

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

DEFINITIONS

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

- A. **Accused Delinquent**: A juvenile who has committed a crime that would also be a crime if committed by an adult; also includes a juvenile in violation of conditions of probation or other supervision following an adjudication of delinquency.
- B. **Admission**: A voluntary statement, acknowledgment, or concession of the existence of a fact or truth of an allegation, made orally or in writing, which operates against the interest of the individual who made it.
- C. **Adult inmate**: An individual who has reached the age of full criminal responsibility under the applicable state law and was arrested and is in custody for or awaiting trial on criminal charges or is convicted of a criminal offense. This does not include an individual who, at the time of the offense was younger than the maximum age at which a youth can be held in a juvenile facility under applicable state law or was committed to the care and custody or supervision, including post-placement or parole supervision, of a juvenile correctional agency by a court or competent jurisdiction or by operation of applicable state law.
- D. **Coercive Action**: Any type of officially imposed action which significantly limits an individual's freedom of movement or choice.
- E. **Concerned Adult**: An adult who is informed of the juvenile's rights and is interested in the welfare of the juvenile; e.g., parents, family members.

F. **Confession:** An admission of a crime which acknowledges guilt of the crime.
G. **Custodial Interrogation:** Questioning an individual in custody by words, conduct, or their functional equivalent intending to elicit an admission or confession.

H. **Custody:** The arrest or deprivation of freedom of action of an individual.

1. **Non-secure custody:** When the juvenile is held non-securely in an unlocked, multipurpose area which is not designated or used as a secure detention area or is not part of a secure detention area; or if the area is a secure

area; or if the area is a secure booking or similar area, it is used only for processing purposes.

2. **Secure custody:** Should only be used for an accused delinquent who is held securely either by being cuffed to a stationary object or cuffing rail, placed in a holding cell, or placed in a locked room. An accused delinquent who is handcuffed or shackled is not considered to be securely held providing the accused delinquent is not secured to a stationary object or cuffing rail.

NOTE: Although the Department does not have holding cells in any of its facilities, circumstances may arise where an accused delinquent may be in a member's/enforcement officer's custody in other than a Department facility.

These other non-Department facilities may only be employed in exceptional circumstances, including those involving violent or combative juveniles who cannot be subdued and pose a threat to the member/enforcement officer or themselves. Secure custody shall only be for the purpose of identification, investigation, processing, releasing, or transferring the child to the parent, guardian, juvenile court, county children and youth official, or to shelter care. The Department in which the juvenile is detained shall adhere to the reporting requirement of PCCD.

3. **Non-securely detain or securely confine:** to hold, keep or restrain a person, such that he or she is not free to leave, or such that a reasonable person would believe that they are not free to leave.

I. **Interview:** A consensual conversation with a complainant, victim, witness, or potential suspect regarding an incident. The person is not considered a suspect, not in custody, and is free to leave at any point in the conversation.

J. **Noncustodial Interrogation:** The gathering of information by police from a person that is not yet officially considered a suspect for the offense being investigated. An interviewee is not in police custody and is free to leave at any time.

K. **Parent:** A legal guardian or concerned adult.
School Authority: The school principal or designee.

L. **Sight and/or Sound contact:** Any physical, clear visual, or verbal contact that is not brief and inadvertent.
Status Offender: Status offenders are defined as juveniles who have been accused of, or charged with conduct, which would not, under law, be an offense if committed by an adult. Pennsylvania's status offenses are as follows: runaway, truancy, dependent/neglected juveniles, curfew, and possession of tobacco). See: Interstate Compact for juvenile for related exception.

Duties and Responsibilities:

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

- Seth W. Bloomquist, Director of Secure Monitoring
Juvenile Court Judges' Commission
Center for Juvenile Justice Training and Research
Shippensburg University
Shippensburg, PA 17257
C (717) 706-5437

- Greg Young, Deputy Director of Juvenile Justice Initiatives
Office of Justice Programs
Pennsylvania Commission on Crime and Delinquency
Post Office Box 1167

A. Criminal Investigation Section Commanders:

1. Ensure a member at each Station is assigned to act as the "Youth Aid Supervisor" (see below) to ensure proper procedures are adhered to when a juvenile is non-securely or securely detained within the department.

2. Ensure the rules and policies of the applicable juvenile courts and judges are adhered to.

NOTE: Bureau of Liquor Control Enforcement personnel shall adhere to this regulation in conjunction with the Bureau of Liquor Control Enforcement Bureau Procedures Manual. Directors of all other Bureaus/Offices shall assign a member to act as the Youth Aid Supervisor if there is an operational need.

B. Youth Aid Supervisors:

1. Monitor juvenile-related cases including, but not limited to:

a. Interviews of juvenile victims, suspects, and accused.

b. Requests for detention of juveniles.

c. Immediate notification of a parent of a juvenile who is to be detained.

d. Other parental contacts.

e. The investigating officer's demeanor and attitude when dealing with a juvenile.

f. Length of custody. Secure custody not to exceed six hours.

g. Transportation of juveniles.

h. Release of information.

i. Maintaining liaison with county juvenile court authorities and other law enforcement agencies, regarding the disposition of juvenile cases, court policies, etc.

j. Reporting the investigator status or disposition of suspected child abuse cases to the appropriate county agency in accordance with Title 23.

k. Ensuring that the Department is represented in non-contested juvenile court proceedings when appropriate. This is contingent upon the approval of the individual juvenile court judge having jurisdiction.

2. Monitor and identify patterns of juvenile criminal behavior or offenses occurring within their area of coverage.

3. Maintain a working relationship with agencies dealing with the protection, health, welfare, and rehabilitation of juveniles, and encourage input on existing/proposed policies and procedures relating to juveniles.

4. Ensure compliance with Juveniles in Custody pursuant to Title 42, Section 6326(c), a juvenile in the custody of a member/enforcement officer shall not be held securely at a Department installation or elsewhere in excess of six hours. The Pennsylvania Department of Public Welfare ChildLine shall be contacted for assistance as soon as it becomes apparent that a juvenile in the custody of a member/enforcement officer may be held securely at a Department installation or elsewhere in excess of six hours. In any case, violations of the six-hour limitation on holding juveniles in secure custody shall be reported to the Pennsylvania Department of Public Welfare ChildLine.

5. Any member/enforcement officer who non-securely or securely detains any juvenile must ensure compliance with the reporting requirements of the Pennsylvania Commission on Crime and Delinquency (PCCD). The Juvenile Compliance Monitoring Administrative personnel shall provide monthly to the Pennsylvania Commission on Crime and Delinquency (PCCD) per Title 42, Section 6326(e), information on juveniles who are non-securely or securely detained within any Department facility and must submit this information through the PCCD JHELD Electronic System: <https://www.pccdjhheld.pa.gov> as required. The information shall be recorded by the officer responsible for the juvenile using a PCCD Police paper log to ensure that this information is transmitted to the PCCD as required in a timely manner.

Procedures

The investigating officer in juvenile incidents shall adhere to the following procedures:

A. Interview: When the juvenile is not in custody and no formal or coercive action will be taken against a juvenile, even in circumstances when the juvenile has confessed:

1. Seek permission from a parent, guardian, or concerned adult before conducting the interview.

2. Explain the presence of a parent, guardian, or a concerned adult at the interview is the prerogative of the juvenile and that adult prior to conducting the interview.
3. Notify the parent, guardian, or concerned adult of the results of any interview.
4. Do not contact or interview the juvenile in a setting that would embarrass or create an impression of coercion.

B. Interrogation: When the juvenile is in custody and formal or coercive action against a juvenile will be taken:

1. Ensure the juvenile and parent, guardian, or concerned adult understand their Miranda Rights, and complete and sign the Juvenile Rights Warning and Waiver.
2. Ensure the juvenile's parent, guardian, or concerned adult is present and consents to the interrogation. If the juvenile is willing to be interrogated but the parent, guardian, or concerned adult objects, no interrogation shall be conducted.
3. Contact or interrogate the juvenile where embarrassment or the stigma of being interrogated is at a minimum, whenever possible.
4. Conduct the interrogation with dignity, sensitivity, and in a nonthreatening atmosphere.
5. Explain relevant Department and juvenile justice system procedures to the juvenile and parent.
6. Return the juvenile to the place of initial contact or their home upon completion of an interrogation when transported elsewhere to be interrogated.
7. Notify a parent of the results of every interrogation, whether positive or negative.

NOTE: Members/enforcement officers are not required to notify the parent, guardian, or concerned adult of the results of the interview/interrogation, if they are a suspected accomplice or adversary of the juvenile.

C. Custodial Interrogation:

1. In custodial situations:
 - a. Obtain the uncoerced, voluntary approval for conducting the interrogation from the juvenile and parent, guardian or concerned adult, or the juvenile's counsel, if applicable, prior to the commencement of the interrogation.
 - b. Ensure the juvenile and parent understand their Miranda Rights and complete and sign the Juvenile Rights Warning and Waiver.
 - c. Never state or otherwise imply to the juvenile or parent that the right to counsel should or should not be exercised.
 - d. Stop the interrogation immediately when the juvenile or parent expresses a desire to terminate the interrogation for any reason.
 - e. Do not resume questioning when the interrogation is terminated to allow the retention of counsel, until counsel is obtained and is present at the interrogation. The only exception is if the juvenile and parent voluntarily re-initiate the interrogation.
2. Ensure the juvenile's parent, guardian or concerned adult does not join with the juvenile in waiving the juvenile's Miranda Rights when the parent, guardian or concerned adult:
 - a. is a complainant in the offense under investigation.
 - b. is suspected of being an accomplice in the offense under investigation.
 - c. expresses strong hostility toward the juvenile.
 - d. does not, in the investigating officer's judgment, comprehend the implications of such a waiver.
3. Request can be made that the parent, guardian or concerned adult not be physically present during the interrogation if there is articulable justification; however, parental presence is a prerogative of the juvenile and parent, guardian or concerned adult.
4. Ensure the length of the interrogation does not exceed six hours unless consultation with the appropriate district attorney or attorney general has taken place. Breaks should be provided at least every three hours, dependent upon the circumstances of the individual interrogation (e.g., age of minor, minor's mental or medical condition).
5. Ensure there are never more than two law enforcement officers present in the room during the interrogation.

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

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

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

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

a. Investigating officer shall notify Juvenile Probation and/or Court Intake (whichever is applicable) by phone that they have a missing juvenile from out of state who they will not be able to release within six hours. Officers shall request permission to take the juvenile to the secure juvenile detention center as recommended by the ICJ rule. ICJ regulations state that a runaway who is a danger to him/herself or others may be detained in a secure facility until released to a legal guardian or other custodian or is otherwise returned by the home state, as provided by Interstate Compact for Juveniles Rules 6-102 and Rule 6-103. Below are examples of two situations and type of verification officers will adhere to in order to get youth admitted into secure custody.

i. Police stop a juvenile (curfew, investigation, summary arrest, etc.) and verify by NCIC that the juvenile is reported missing from outside of Pennsylvania. Police will contact juvenile probation and make arrangements to transport the juvenile to a secure juvenile detention center and will provide a print-out from NCIC verifying the youth is an out-of-state runaway.

ii. Police stop a juvenile and the juvenile self-reports as a runaway from out of state but for whatever reason is NOT in NCIC. Police will contact juvenile probation and make arrangements to transport the juvenile to a secure juvenile detention center.

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

D. Taking Juveniles into Custody:

1. Juveniles may be taken into custody:

a. Pursuant to a court order.

b. Pursuant to the laws of arrest.

c. If there are reasonable grounds to believe the juvenile is suffering from illness, injury, or is in imminent danger from their surroundings and removal is necessary.

d. If there are reasonable grounds to believe the juvenile is a status offender.

e. If there are reasonable grounds to believe the juvenile has violated conditions of their probation.

f. Pursuant to Interstate Compact for Juveniles.

2. Processing of a juvenile taken into custody shall be completed without delay, barring exigent circumstances (e.g., the juvenile needs medical treatment, weather, state of emergency) Juveniles must remain sight and/or sound separated from adult inmates at all times.

3. A parent of a juvenile charged by petition, Non-Traffic Citation, or in conjunction with an indictable traffic offense in Title 75, Vehicle Code, shall be notified as soon as possible. The date, time, and name of the individual notified shall be included on the applicable report.

4. The member/enforcement officer who detains or apprehends a juvenile for any reason must:

a. Make personal notification, as soon as possible, to a parent/guardian of the juvenile, and furnish the time, reason for detainment or apprehension, the name and location of the investigating officer, and the name of the detention facility, if applicable.

b. Record the name of the parent/guardian notified, the time of notification, number of unsuccessful attempts, if applicable, and reasons for any delay in notification in the appropriate report.

5. An accused delinquent may only be detained in:
 - a. A licensed foster home or a home approved by the court.
 - b. A detention home, camp, center, or other facility for delinquent children under the direction or supervision of the court or other public authority or private agency, which has been approved by the Pennsylvania Department of Human Services.
 - c. A facility operated by a licensed child welfare agency or one approved by the court.
 - d. Any other suitable place or facility designated or operated by the court and approved by the Pennsylvania Department of Human Services.

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

6. Juveniles may be temporarily detained or placed in shelter care or other approved holding, pending a hearing or transfer to another jurisdiction, at the request of the investigating officer for the below given circumstances and upon approval of the County Children and Youth Services agency or by Juvenile Court.
 - a. To protect the person or property of the juvenile or others.
 - b. To prevent the juvenile from fleeing or being removed from the jurisdiction of the court.
 - c. When the juvenile has no parent, guardian, custodian, or other person capable of providing supervision, care, and return to court.
 - d. In compliance with a court order for detention or shelter care.
7. When a child is placed in detention, a petition shall be promptly made and presented to the court within 24 hours or the next court business day of the admission of the child to detention or shelter care.

E. Juveniles in Custody:

1. Any juvenile in custody, held non-securely or securely detained, shall be under the direct, continuous, personal observation of a member/enforcement officer at all times.
2. It is the policy of the Department to detain accused delinquents non-securely while in custody, when at all possible. There is an exception to this policy for violent or combative accused delinquents who cannot be subdued and pose a threat to the member/enforcement officer or themselves. When an accused delinquent is held securely under the exception, the member/enforcement officer shall document the event, including the facts justifying the exception.
3. The secure holding of an accused delinquent shall be limited to the minimum time necessary to identify, investigate, process, release, or transfer the juvenile to a parent, guardian, or other custodian; a juvenile court or county children and youth official; or to a shelter care or juvenile detention center, but in no case shall such holding exceed six hours.
4. Accused delinquents shall not be handcuffed to any object while being processed or while waiting in the processing area. When processing is completed, the juvenile shall be removed from the processing area. No sight and/or sound contact with an adult is allowed. Any contact with adult inmates must be documented and reported to the Pennsylvania Commission on Crime and Delinquency (PCCD) as a violation of the JJDPA.
5. A securely held accused delinquent shall be separated by sight and/or sound from incarcerated adults at all times. Contact between juvenile and adult inmates must be documented and reported to the Pennsylvania Commission on Crime and Delinquency (PCCD) as a violation of Title 42 and of the Federal Juvenile Justice Delinquency Prevention Act JJDPA.
(information in #1 – repeated)
6. Any member/enforcement officer who non-securely or securely detains any juvenile holds must ensure compliance with the reporting requirements of the Pennsylvania Commission on Crime and Delinquency (PCCD). The Juvenile Compliance Monitoring Administrative personnel shall provide monthly reports to the Pennsylvania Commission on Crime and Delinquency (PCCD) per Title 42, Section 6326(e), regarding juveniles who are non-securely or securely detained within any Department and shall submit this information through the PCCD JHELD Electronic System: <https://www.pccdjhheld.pa.gov> as required. The information shall be recorded by the officer, responsible for the juvenile using a PCCD Police paper log to ensure that this information is transmitted to PCCD as required in a timely manner.
7. The Pennsylvania Department of Public Welfare ChildLine shall be contacted by the investigating officer at 800-932-0313 for assistance as soon as it becomes apparent that an accused delinquent in the custody of a member/enforcement officer may be held securely at a Department installation or elsewhere in excess of six hours. The secure holding of an accused delinquent in excess of six hours is a violation of Title 42, Section 6326(c) and of the Federal Juvenile Justice Delinquency Prevention Act (JJDPA). Therefore, no accused delinquent in custody shall be held in excess of six hours. Violations of the six hour limitation on holding accused delinquents in secure custody shall be reported to the Pennsylvania Department of Public Welfare ChildLine. If ChildLine cannot be reached, the PCCD back-up telephone number, 800 692 7292, is available Monday through Friday, 8:00 a.m. to 5:00

p.m. There is voice-mail coverage on this line. Provide the investigating officer's name, telephone number, Station/District Office name and location, and the circumstances preventing the release or transfer of the juvenile. All violations of this rule must be documented and report the Pennsylvania Commission on Crime and Delinquency (PCCD) as a violation of Title 42, section 6326(e), request for documentation and reporting and of the Federal Juvenile Justice Delinquency Prevention Act JJDP. A member of PCCD will contact you and request further information as confirmation of the violation.

8. Status offenders shall not be held securely, handcuffed to a stationary object or cuffing rail, placed in a secure holding cell, or placed in a locked room under any circumstances. Excluded: a juvenile who is held in accordance with the Interstate Compact on Juveniles as enacted under 11 P.S. § 890.1 et seq. Violent or combative status offenders who cannot be subdued and pose a threat to the member/enforcement officer or themselves may be handcuffed or shackled, provided they are not secured to a stationary object or cuffing rail.

9. Juveniles in custody who are non-securely detained shall only be under the following conditions:

a. The area where the juvenile is held is an unlocked, multipurpose area which is not designated or used as a secure detention area or part of a secure detention area; or if the area is a secured booking or similar area, is used only for processing purposes.

b. The juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility.

c. The area is limited to providing non-secure custody only long enough for the purposes of identification, investigation, processing, release to a parent, or for arranging transfer to another agency or appropriate facility.

d. The juvenile is under direct, continuous, personal observation of a member/enforcement officer at all times.

F. Contacts at Schools: School authorities act in "loco parentis" within their respective jurisdictions from the time the juvenile leaves home for school and until the juvenile returns home from school. School authorities have the right to deny permission for contact with juveniles during school hours. Members/enforcement officers shall endeavor to avoid contacting juvenile offenders, victims, or witnesses at school, but when unavoidable:

1. Obtain permission from school authorities prior to contacting the juvenile, unless the member/enforcement officer:

a. Is in fresh pursuit of the juvenile.

b. Is acting pursuant to a warrant or court order.

c. Has probable cause to believe that a felony has been committed.

d. Witnesses a felony or misdemeanor committed in his presence.

e. Has probable cause when the offense is a misdemeanor not committed in the presence of the member/enforcement officer and an arrest without a warrant is specifically authorized by law.

2. Abide by whatever restrictions or conditions school authorities deem necessary.

3. As soon as possible, advise the appropriate school authority when a juvenile has been taken into custody during school hours.

4. Request the school authority provide a representative to be present during any interview.

G. Child Abuse: Members/enforcement officers coming in contact with a child, an individual under 18 years of age, exhibiting evidence of serious physical or mental injury, abuse, or neglect shall:

1. Determine if the injury is explainable as:

a. Accidental.

b. Consistent with the child's past medical history.

c. Related to religious tenets of an organized church.

NOTE: Prior to making any determination about injuries, the investigating officer shall confer with the Youth Aid Supervisor or, if unavailable, the Shift Supervisor.

2. Immediately contact ChildLine or the child protective services unit of the appropriate county children and youth agency in suspected and verified situations of abuse. Record all attempts and contacts (date, time, name, title, and telephone number) in the appropriate investigative report. Within 48 hours, complete a Report of Suspected Child Abuse, Form CY 47, in original and one copy. Submit the original to the county child protective services unit, and append the copy to the Station/District Office with a copy of the investigative report.

H. Fingerprinting and Photographing of Juveniles:

1. Fingerprint and photograph any juvenile charged with any misdemeanor or felony.

2. Submit one set of fingerprints on the State Police Fingerprint Card, Form SP 4-123, or an electronic fingerprint submission via Live Scan, and a single photograph to the Central Repository, Bureau of

Records and Identification, within 48 hours in accordance with Title 42 section 6308, Arrest Processing, Fingerprinting, and Photographing.

Juvenile Act: Title 42 subsection 6308:

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

3. Retention and disposition of fingerprints and photographs shall be governed by the requirements in Title 42.

I. Transporting Juveniles to Detention Facilities: The transporting member(s)/enforcement officer(s) shall adhere to all policies related to Prisoner Security and Transportation, and other applicable Department regulations. Additionally, the person in charge of the facility shall be furnished with:

1. The juvenile's identification, including full name, date of birth, and telephone number, if available.
2. The full name and address of a parent or guardian.
3. The incident, type of offense, and name and address of the victim.
4. The reason for requesting detention rather than releasing the juvenile to the custody of a parent.
5. Ensure that Authorization for the detention admission is approved by the Juvenile Court/Juvenile

Probation prior to transportation to the approved detention facility.

Dispositions:

Disposition of Juvenile Cases:

A. Handled within the Department and Released: Applied in cases when the interest of justice would be best served by settling the matter informally.

B. Referred to Juvenile Court or Probation: Applied when a juvenile petition is filed, or a juvenile probation officer takes action without a juvenile petition being filed. When the decision to refer a case to juvenile court has been made, the investigating officer shall provide the juvenile probation officer:

1. The facts of the incident.
2. The full name, address, and date of birth of the juvenile.
3. The full name and address of a parent or guardian.
4. Names and addresses of all complainants and victims; an assessment of their attitudes; and an estimation of their losses, injuries, or damages.
5. Information regarding previous police contacts with the juvenile.
6. All available information derived from the investigating officer's observations regarding the juvenile's home situation, including parental attitudes and interest in the juvenile.
7. A copy of the appropriate investigative report, if requested. The investigative report shall be annotated as required by department policy.

C. Referred to Welfare Agencies: Applied to cases where the investigating officer conferred with the juvenile probation office and arranged for the juvenile and/or their family to receive aid from a community-based agency (e.g., a mental health clinic, family or children's services agency, charitable organizations).

D. Referred to Other Agency: Applied to cases when a juvenile is apprehended for an offense occurring in another police department's jurisdiction and turned over to that department for further action. This includes returning an escaped juvenile to the institution without filing additional petitions.

E. Referred to Criminal or Adult Court: Applied to cases where the court officials make the decision to prosecute in adult court in accordance with the provisions of Title 42 as definition of the term "delinquent".

F. Processed Through Minor Judiciary: Applied exclusively to summary offenses for which Non-Traffic Citations have been filed with a district justice.

Confidentiality of Juvenile Records

- A. Law Enforcement Records:

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

B. Public Availability:

1. In accordance with Title 42, Section 6308(a), the records of a juvenile may be disclosed to the public:
 - a. When a charge of delinquency is transferred for criminal prosecution.
 - b. In the interest of national security.
 - c. By order of the court in the interest of the juvenile.
2. The records of juveniles may also be disclosed to the public in accordance with Title 42, Section 6308(b).
3. The court or the appropriate law enforcement agency shall disclose the name, age, and address of the juvenile; the offense(s) charged; and the disposition of the case. (should this be a subsection of #2?)
4. The master or judge who adjudicates a juvenile delinquent shall specify the particular offense(s), the number of counts which the juvenile has committed and include them on the appropriate record or file disclosed to the public, as provided in accordance with Title 42. (should this be a subsection of #2?)

CARE OF JUVENILES UPON ARREST OF PARENT/GUARDIAN

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

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

(SEE ATTACHED FORMS AND EXAMPLES)

Pennsylvania Commission on Crime and Delinquency

ChildLine Telephone Reporting

Procedures to Report Juveniles Held Securely over 6 Hours

If a juvenile remains at your police department for more than six hours, call the Department of Human Services' ChildLine toll-free number (800) 932-0313 and report the following:

- Your name;
 - Your telephone number;
 - The name and location of your police department; and
 - Report that a juvenile has been held at your police department more than six hours.
-
- The ChildLine toll-free number has 24-hour manned coverage, 7 days a week. If you are asked to leave a message, provide clear, complete details for the return call to your department.
 - Once detailed information has been received by ChildLine, the circumstances preventing the release or transfer of the juvenile from the police department within six hours will be reviewed in an effort to help the department resolve the problem and prevent its future reoccurrence.

Any questions related to Juvenile Holding Procedures in police custody should be directed to Seth Bloomquist at (717) 706-5437 or Monica Iskric at (717) 991-2156

Please Post in Processing Area

Pennsylvania Commission on Crime and Delinquency Juvenile Holding Log: Juveniles Held at Police Departments

Police Department _____ Reporting Period _____
 County _____ ORI # _____
 Chief of Police _____ Point of Contact _____ Telephone _____
 Police Email _____ Point of Contact Email _____

Complete the following information for each juvenile held at your department. Please spell out "Yes" or "No"

Name	Reason Held (Enter statute number only, e.g. 5503, 6103, etc.)	Race: Asian Black N. Amer N.Pacific White	Hispanic Yes No	D.O.B	Sex (m/f)	In-Station				Securely Detained		Outcome (Released to:) P = parent/responsible adult SH = shelter facility JD = juvenile detention JP = juvenile probation CYS = county youth services O = other (specify)	ChildLine Reporting If Juvenile was securely held over 6 hours, was this reported to ChildLine? 800-932-0313 Yes No	
						Date	Time Entered Dept	Time Left Dept	Time in Secure Custody	Time Out Secure Custody	Total Time (Hrs. & Mins.)			Was it necessary to securely detain juvenile to a stationary object or hold in a locked room/cell? Yes No

Telephone reporting system information is provided on the reverse side of this form.
Please submit your information electronically in the JHELD System

Pennsylvania Commission on Crime and Delinquency Telephone Reporting System Information

If a juvenile is held securely at your police department longer than the 6-hour limit, please call the Department of Human Services 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

When you call ChildLine, a staff person will answer and take the basic report information noted above. The ChildLine toll-free number has coverage 24 hours a day, seven days a week.

By the 10th day of the following month for which the Juvenile Holding Log is being submitted, please enter your information electronically in the JHELD System at www.pccdjheld.pa.gov. Do not mail or fax paper copies.

If you have any questions concerning completion of this form online, please call Seth Bloomquist at (717) 706-5437 or Monica Iskrac at (717) 477-1709.