



East Norriton Township Police Department

GENERAL ORDER 1.2.6 CUSTODY OF CHILDREN/JUVENILES

Subject:

PA Legal Mandates/PA Juvenile Act

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Index Words

Records & Temporary Detention of a Child

1.2.6 Custody of Children/Juveniles

- A. It shall be the policy of this Department that all procedures as mandated by the following are complied with:
1. The Juvenile Act (42 Pa C.S. 6301 et-seq.).
 2. Juvenile Justice and Delinquency Prevention Act of 2002.
 3. OJJDP Police Guidance for Non-secure Custody of Juveniles in Adult Jails and Lockups (53 Federal Register 44366, November 2, 1988).
 4. Act 9 of 1991
- B. 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 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.
- C. **STATUS OFFENDERS**
1. 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. Examples include: runaways; truants; dependent/neglected juveniles or abused juveniles.
 2. Status Offenders may not be placed in secure custody, handcuffed to a stationary object or cuffing rail or placed in a holding cell under any circumstances.
 3. Status Offenders shall be placed in a non-secure area such as a 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 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.

D. ACCUSED DELINQUENTS (Criminal Type Offender)

1. Accused Delinquents are juveniles that have committed an act that would also 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 in the officer's incident report.

E. 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 and Prisoner Cell Log Form shall be completed. The Juvenile Summary Information Form will be submitted to the Pennsylvania Commission on Crime and Delinquency (PCCD).
3. Secure holding shall only be for the purpose of identification, investigation, processing, releasing or transferring the child to the parent, guardian, or 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 (6) hours.
5. If so held, a child must be separated by sight and sound from incarcerated adult offenders and must be under continuous visual supervision of law enforcement officials.
6. If it appears as though the juvenile will not be released within the six (6) hour limit, the Duty Supervisor shall contact the on-call probation officer at Juvenile Probation Department and request assistance with custody. Further assistance may be requested by calling Department of Public Welfare ChildLine at 1(800)932-0313.

F. The procedures for taking a juvenile into custody are outlined in the rules of the Juvenile Act, Title 42, Chapter 63, sub-section 6324. Pursuant to these guidelines, a juvenile may be taken into custody:

1. pursuant to an order of the court under this chapter,
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 the surroundings, and that 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 probation.
 6. 42 Pa. C.S. Section 8902 provides that a police officer shall, upon view, have the right of arrest without a warrant upon probable cause when there is ongoing conduct that imperils the personal security of any person or endangers public or private property, for the following offenses under Title 18 when such offense constitutes a summary offense:
 - a. Disorderly Conduct (5503)
 - b. Public Drunkenness (5505)
 - c. Obstructing Highways/Public Passages (5507)
 - d. Purchase/Consumption/Transportation of Liquor or Malt or Brewed Beverages (6308)
 7. If a juvenile is taken into custody for any of the above listed offenses the following procedures shall be followed:
 - a. Upon arrest, the defendant shall be transported to the Township Police Department for processing and issuance of the citation.
 - b. The defendant shall be processed without unnecessary delay and furnished with a copy of the citation.
 - c. The juvenile shall be released to a parent, guardian or responsible person.
 8. If a juvenile is taken into custody for a misdemeanor or felony statute violation the following procedures shall be followed:
 - a. The parent, guardian or equally responsible person shall immediately be notified of the juvenile's arrest and detention.
 - b. No statement, beyond obtaining the necessary information for the arrest report shall be taken until the parent/guardian is present and the juvenile, along with the parent/guardian, has been advised of their Miranda Rights.
 - c. After processing the juvenile may be:
 - 1) Released to parent/guardian, pending the filing of a juvenile petition,
 - 2) Held in Temporary Detention at the East Norriton Township Police Department pending further detention/transfer to the Montgomery County Youth Center,
 - 3) With prior approval, can be transferred to the Montgomery County Youth Center along with the juvenile petition and all necessary paperwork.
 - d. Detention temporary holding will only be done with prior approval of the Montgomery County Juvenile Probation Department.
- G. Title 42 Pa. 6308 (c) Fingerprinting and Photographing of Child/Juveniles
1. A child, as defined under 42 Pa. 6302, that is arrested for a crime that is a Misdemeanor

or a Felony shall be fingerprinted and photographed at the time of arrest.

2. Once processed, these records shall be forwarded to the Pa. State Police Central Repository within 48 hours pursuant to 42 Pa. 6309.
3. Fingerprint and photograph records may be disseminated to law enforcement officers of other jurisdictions, the Pa. State, and the FBI, and may be used for investigative purposes.
4. The release of any fingerprint or photograph record shall first be approved by the Duty Supervisor or OIC. Specifics detailing who requested the information, when and why the information was requested will be documented so appropriate records can be kept should the juvenile be found not guilty.
5. All fingerprint and photograph records of children shall be kept separately from adult records and shall be immediately destroyed if the juvenile is not adjudicated delinquent, or not found guilty in a criminal proceeding for the alleged act(s).

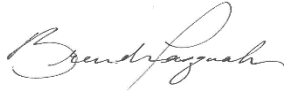
H. Juvenile Records

1. Title 42 Pa. 6308 (a) *General Rule*- Law enforcement records and files concerning a child shall be kept separate from the records and files of arrested adults. Unless a charge of delinquency is transferred for criminal prosecution, the interest of national security requires, or the court otherwise orders in the interest of the child, the records and files shall not be open to public inspection or their contents disclosed to the public, except as provided 42 Pa. 6308 (b) BUT inspection of the records and files is permitted by:
 - a. The Court having the child before it in any proceeding,
 - b. Counsel for a party to the proceeding,
 - c. The officers of institutions or agencies to whom the child is committed,
 - d. Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties,
 - e. A court in which the child is convicted of a criminal offense for the purpose of a pre-sentence report or other disposition proceeding, or by officials or penal institutions and other penal facilities to which the juvenile is committed, or by a parole board in considering parole or discharge, or in exercising supervision over the juvenile.
 - f. The Department of Welfare for use in determining whether an individual named as the perpetrator of an indicted report of child abuse should be expunged from the statewide database.
2. Public Availability— the contents of law enforcement records and files concerning a child shall not be disclosed to the public unless the release is authorized by the exceptions listed in **42 Pa. 6308 (b) Public Availability**.
 - a. If the conduct of the child meets the requirements for disclosure as set forth 42 Pa. 6308 (b) paragraph (1) then the court or law enforcement agency shall disclose the name, age, and address of the child, the offenses charged and the disposition of the case.

I. Custodial Interrogation of Juveniles

1. Officers are allowed to question juveniles in custody or in detention only when at least one parent, guardian, or counsel for the juvenile is present and consent has been given.
2. Officers shall advise the juvenile and his parents/guardian of their Constitutional Rights prior to any questioning. The officer shall allow the juvenile and the parent/guardian ample time to discuss those rights alone to ensure that they understand those rights and so they can make an informed decision.
 - a. A "Juvenile Rights and Waiver" form shall be completed and signed.
3. Officers should make certain that the juvenile and his parent/guardian understand the Department's procedures in juvenile cases and the implications that may be forthcoming in the juvenile justice system.
4. The number of officers involved in a custodial interrogation shall be limited to two.
5. The duration of the interrogation should be limited to a reasonable amount of time and should not be structured to cause undue stress to the juvenile.

By order of:



Brandon Pasquale
Chief of Police