

	LOWER MERION TOWNSHIP POLICE DEPARTMENT Ardmore, Pennsylvania	
	Policy 3.8.9	
Subject:		Distribution:
Handling of Juveniles		All Sworn Personnel
Date of Issue:	Expiration Date:	Rescinds:
01-24-2019	Until Amended or Rescinded	Policy 3.8.9 (06-01-2014)
References:		
CALEA: 44.1.1, 44.2.1, 44.2.2, 44.2.3, 82.1.2; PLEAC: 3.2.1 – 3.2.6, 4.1.7, 4.1.11, 4.7.2		
By Authority of:		
		Superintendent of Police

PURPOSE

The purpose of this policy is to establish guidelines for handling juvenile contacts and for the uniform processing of juvenile offenders in compliance with the mandates of the Pennsylvania Juvenile Act (42 PA C. S. A. Sec. 6301 and 6321 et seq.).

POLICY

It is the policy of this Department to comply with the Pennsylvania Juvenile Act and respond, investigate, and be sensitive to the special nature of all matters pertaining to juveniles.

DEFINITIONS

Processing - The term processing, as referenced in this document, shall mean the completion of necessary reports and other documentation relating to a specific incident and is not to be construed as the process of photographing and fingerprinting.

Direct Filing - Under the conditions described in this policy, the process of addressing the illegal acts of a juvenile offender in precisely the same manner as those of an adult offender including matters of preparing a criminal complaint, arraignment, bail and commitment to the Montgomery County Correction Facility.

Status Offenses - Acts which are prohibited solely by virtue of the offender's status as a juvenile.

PROCEDURES

A. Juvenile Operations (CALEA 44.1.1)

1. Juvenile Unit - The Department has established a Juvenile Unit within the Investigations Unit that is responsible for:
 - a. Follow up and/or review of juvenile delinquency activity and arrests (felony and misdemeanor);
 - b. Assisting or handling investigations in which juveniles are suspects or victims of crime;
 - c. Working with the Youth Aid Panel;
 - d. Maintaining liaison with the Montgomery County Juvenile Court;
 - e. Serving as a resource on juvenile-related matters.

B. Juvenile Non-Custodial Contacts (CALEA 44.2.3 b)

1. Officers coming into contact with juveniles during the course of an investigation are to contact a parent or other responsible adult to advise them of the reason for the police contact with the juvenile.
2. If an immediate contact is not possible, every effort shall be made to make a contact within a reasonable time period.

C. Enforcement Alternatives

1. In dealing with juvenile offenders, all members will use the best corrective action among reasonable alternatives, consistent with preserving public safety, order, and individual liberty. Any action taken must conform to; the Crimes Code, the Juvenile Act, and Police Department policy.
2. Keeping with this philosophy, members may utilize the below listed alternatives, which include referral to Juvenile Court:
 - a. Release with no further action. This can also include giving a verbal warning at the scene. **(CALEA 44.2.1 a)**
 - b. Parent/juvenile conference or reprimand and release; the juvenile is then released to a parent or guardian.
 - c. Citation, either traffic or non-traffic. **(CALEA 44.2.1 b)**
 - d. Diversionary or treatment programs. **(CALEA 44.2.1 c)**
 - e. Referral to the juvenile court system. **(CALEA 44.2.1 d)**
 - f. Criminal charges in adult court.

D. 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, and underage alcohol offenses.

(CALEA 44.2.2 a)

E. Arrests Without a Warrant in Certain Summary Cases

1. Act 25 of 1995 (42 PA C. S. Section 8902) took effect on January 16, 1996, and concerns arrests without warrant in certain summary cases. While this law applies to all offenders, it has special application to juveniles since one of the enumerated offenses is underage drinking. The law provides that police officers, upon view, shall have the same right of arrest without warrant upon probable cause, when there is ongoing conduct that imperils the personal security of any person or endangers public or private property.
2. The offenses for which an officer can make a warrantless arrest under this law are:
 - a. Disorderly Conduct (Section 5503)
 - b. Public Drunkenness (Section 5505)
 - c. Obstructing Highways/Public Passages (Section 5507)
 - d. **Purchase/Consumption/Transportation of Liquor or Malt or Brewed Beverages (Section 6308)**
3. Pursuant to 42 PA C. S. Section 8902, any sworn officer of the Police Department of the Township of Lower Merion may effect an arrest without a warrant upon probable cause for the summary offenses enumerated above, only where there is ongoing conduct that imperils the personal security of any person or endangers public or private property. Upon arrest, the defendant may be immediately transported to the Police Department for processing and issuance of a citation. The term "processing," as referenced herein, simply refers to the completion of necessary paperwork relating to the offense and is not to be construed as photographing and fingerprinting under normal circumstances.
 - a. If a juvenile is taken into custody, he/she must be transported without delay to the Police Department, unless he/she requires immediate medical treatment. Whether transported or not, defendant shall be processed without unnecessary delay and furnished a copy of the citation. **(CALEA 44.2.2 d)**
 - b. After processing, the defendant will be released, provided he/she no longer exhibits conduct that imperils the personal security of any person or endangers public or private property.

F. Issuance of Summary Citations

1. Whenever summary traffic or non-traffic offenses are committed in conjunction with other delinquent acts (i.e., misdemeanors or felonies), they are to be included in the Juvenile Written Allegation.

G. Direct Filing

1. Juveniles arrested for criminal offenses are treated differently than adults in that they are charged via a Juvenile Written Allegation and relinquished to the jurisdiction of the Juvenile Court system. This remains the standard procedure in most juvenile cases, particularly "Status Offenses." The Juvenile Act excludes from Juvenile Court jurisdiction **certain enumerated violent offenses** committed by a child, **15 years or older**, who employs a **deadly weapon** (as defined in Section 2301 of the Crimes Code). The enumerated offenses are:
 - a. Rape
 - b. Involuntary Deviate Sexual Intercourse
 - c. Aggravated Assault (First degree felonies only)
 - d. Robbery (First degree felonies only)
 - e. Robbery of Motor Vehicle
 - f. Aggravated Indecent Assault
2. Therefore, if a child **15 years or older**, commits one of the above offenses with a deadly weapon, upon arrest, he or she is to be charged as an adult who committed the same crime(s). The juvenile offender, 15 years or older, upon approval from the Montgomery County District Attorney's Office, may be charged by way of an Affidavit of Probable Cause and Criminal Complaint, and will be securely held at the police station until arraignment.
3. Juvenile offenders will be afforded the same bail rights as adult offenders. Following arraignment by the District Justice, they will be committed to the Montgomery County Correctional Facility for detention unless they are released on bail. This exclusion of a child from the Juvenile Court jurisdiction is automatic when the above conditions are met and is referred to as a **Direct Filing**.
 - a. A juvenile who is 15 years or older and who commits any of the above offenses (except Aggravated Assault) **without a deadly weapon** will also be excluded from the Juvenile Court's jurisdiction if that juvenile has been

previously adjudicated delinquent on the basis of one of the above listed felonies.

- b.** In all instances in which a juvenile is arrested under circumstances warranting a direct filing, immediate notification is to be made to the Investigations Unit Supervisor.
- c.** Juveniles charged with all other felony and misdemeanor offenses are to be charged via a Juvenile Written Allegation.

H. Taking Juveniles into Custody

- 1.** The procedures for taking juveniles into custody are outlined in the rules of the Juvenile Act, Title 42, Chapter 63 ss. 6324. Pursuant to these guidelines a juvenile may be taken into custody:
 - a.** 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.
 - b.** Pursuant to the laws of arrest.
 - c.** 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. **(CALEA 44.2.2 b)**
 - d.** 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.
 - e.** 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.
- 2.** The officer taking a juvenile into custody will notify the parent, guardian or other custodian of the juvenile's apprehension and his/her whereabouts. **(CALEA 44.2.2 e)**
- 3.** The juvenile shall be released to a parent, guardian or responsible person after processing and issuance of a citation.
- 4.** If after a period of six hours, a parent, guardian or responsible person cannot be contacted or upon contact refuses to accept custody, the assigned personnel

will contact the on-duty Juvenile Probation Officer at the Office of Montgomery County Juvenile Probation to arrange shelter for the juvenile.

I. Temporary Detention (PLEAC 4.1.11)

1. Detention in the lock up where adult prisoners are housed is generally prohibited.

2. Secure Detention

- a. 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.
- b. A juvenile in custody due to a crime, summary offense, violation of probation or supervision following adjudication of delinquency, may be held in secure custody in the adult lock up only under the following conditions:
 - 1. The secure holding is for the purpose of identification, investigation, processing, releasing or transferring to a parent, guardian, other custodian, juvenile officials or shelter.
 - 2. The secure holding is limited to the minimum time necessary to complete the aforementioned tasks, **but no more than six hours**.
 - a. Secured detention of a juvenile in excess of six hours must first be approved by the District Attorney's Office.
 - 3. Juveniles must be separated by sight and sound from adults and under continuous observation.

3. Non-Secure Detention

- a. A juvenile may be held in non-secure custody only under the following conditions:
 - 1. The area the juvenile is being held is an unlocked multipurpose area or area used only for processing purposes.
 - 2. The juvenile is not physically secured.
 - 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 juvenile is under continuous visual supervision.

4. The Investigations Unit Commander will provide information and reports regarding juveniles held in secure and non-secure custody as listed above when requested by the Pennsylvania Commission on Crime and Delinquency (PCCD).

J. Temporary Juvenile Holding Area

1. The only areas authorized for use as a temporary juvenile holding area are Room #204 and #208 in the Juvenile Unit. **(PLEAC 3.2.1)**
2. Detainees will not be left unattended in the temporary juvenile holding area and must be supervised by an officer at all times. **(PLEAC 3.2.1, 3.2.5)**
3. Securing detainees to fixed objects shall only be accomplished by using the designated eyebolt attached to the wall in the interview room. The separation of adults and juveniles is to be maintained in accordance with the laws and administrative regulations of Pennsylvania. **(PLEAC 3.2.1, 3.2.3, 3.2.5)**
 - a. When a juvenile is placed in Room #204 or #208 whether secured or not, the appropriate log, (AUX-40) located in the Juvenile Unit, shall be completed. The log is routinely reviewed by the Juvenile Detectives for proper reporting purposes with the PCCD.
www.pccdjheld.pa.gov/JHELD/Login.aspx **(PLEAC 4.7.2)**
4. Law Enforcement personnel from outside jurisdictions will also adhere to this policy.
5. The following minimum conditions will be provided in the temporary juvenile holding area: **(PLEAC 3.2.2)**
 - a. Access to a toilet and drinking water.
 - b. First Aid Kit available.
6. Fire Prevention System **(PLEAC 3.2.4)**
 - a. The Temporary Juvenile Holding Area must be equipped with the following systems:
 1. Automatic fire alarm
 2. Heat and smoke detection system
 3. Fire extinguisher
7. Emergency Evacuation Plan

- a. In the event of a fire, Communications Center personnel will immediately notify Montgomery County Radio to dispatch the appropriate fire companies in accordance with established 911 procedures.
- b. The emergency evacuation plan shall be posted in the Investigations Unit, along with a designated and signed emergency exits directing evacuation of persons to hazard-free areas.
- c. Upon discovery of an evacuation emergency, the officer will immediately notify the Communications Center to summon adequate personnel to assist in the evacuation of the detainees.
- d. Detainees will be evacuated and secured in the prisoner transport van at a safe location in the parking area.
- e. If detainees will be unable to return to the juvenile holding area within a reasonable period of time, arrangements will be made to transport the detainees to facilities in surrounding jurisdictions.

8. Security and Control Procedures (PLEAC 3.2.5)

- a. Weapons are prohibited in the temporary juvenile holding area. They must be secured in the Investigations Unit security lock boxes. If circumstances dictate such a need, a cover officer(s) may retain OC spray and/or an ECW, but the cover officer(s) should generally remain outside of the door.
- b. Personnel working in the juvenile holding area will be equipped with a portable radio for use in case of an emergency.
- c. Because of the release requirements for juveniles, adult family members, (mother, father, adult siblings) may be allowed in the Temporary Juvenile Holding Area. They will be subject to searches before entering the area.
- d. All juvenile detainees will be thoroughly searched prior to transport to headquarters. At headquarters, all prisoners are to be searched with a metal detector as an additional step to locate weapons and contraband. Metal detectors are located in the Investigations Unit.
- e. Prior to securing a detainee in the temporary juvenile holding area, a security inspection of the area will be conducted for any contraband, weapons, etc.

9. Training

- a. All sworn personnel shall receive training in the use of the Temporary Juvenile Holding Area. **(PLEAC 3.2.6)**

K. Juvenile Custodial Interrogation (CALEA 44.2.3 a)

1. Any Officer questioning any juvenile offender taken into custody will advise the juvenile and his/her parent(s) or legal guardian(s) of the juvenile's constitutional rights. Officers shall refer to Policy 3.8.5 for the proper procedure for issuing Miranda warnings. **(CALEA 44.2.2 c)**
2. Before questioning, members should ensure that the juvenile and his/her parent(s) or legal guardian(s) understand the procedures used for dealing with juvenile offenders and implications that may be forthcoming in the juvenile justice system.
3. Members shall abide by the following guidelines when conducting juvenile custodial interrogations:
 - a. Prior to custodial interrogations of juveniles, the juveniles and their parent or guardian must be given opportunity to discuss the case in private.
 - b. Custodial interrogations of juveniles shall normally be conducted at police headquarters at reasonable hours;
 - c. Duration of a custodial interrogation of juveniles shall be limited to a reasonable amount of time.
 - d. Custodial interrogations of juveniles shall be conducted by no more than two officers.
 - e. Custodial interrogation of a juvenile may be conducted outside the presence of his/her parent(s) or legal guardian(s). Consideration may be given as to the age of the juvenile being questioned, his/her past juvenile record, and the severity of the alleged delinquent act.
4. The interviewing/interrogation of juveniles in school buildings during school hours is discouraged. However, if exigent circumstances exist, a school official may authorize such interviews/interrogations. Interviews/interrogations in school buildings during school hours will be conducted in accordance with school policy.
5. The interviewing member will inform the juvenile and parents (if present) of the Department's procedures and the procedures of the Montgomery County Juvenile Court. This may include explaining such topics as:
 - a. The recommended course of action (i.e., referral, mediation,

community service, no action);

- b. What to expect in the future.
- c. What to expect out of the court system.
- d. How the court system functions.
- e. The member should also be prepared to discuss any future implications of the arrest.

L. Records

1. Juvenile records and files are to be kept separate from adult arrest files and shall not be released to the public in accordance with 42 PA C.S.A. § 6308 of the Pennsylvania Juvenile Act. **(CALEA 82.1.2 a, c) (PLEAC 4.1.7)**
2. The juvenile records will only be accessible by one of the assigned Juvenile Detectives. **(CALEA 82.1.2 c)**
3. Juvenile records will be maintained in accordance with the procedures located in the following: **(CALEA 82.1.2 d)**
 - a. Pa. Law Title 18 Sect. 9123
 - b. Pa. Historical and Museum Commission Municipal Records Manual
4. Upon receipt of a court ordered expungement, departmental procedures for expungement will be followed, including the permanent deletion of all computer entries. **(CALEA 82.1.2 e)**
5. Older juvenile records which are still legally maintained by the department may be stored in the Police Evidence room in a locked cabinet only accessible by the assigned Juvenile Detectives. **(CALEA 82.1.2 c)**

M. Fingerprinting Juveniles

1. All juveniles over the age of ten (10) arrested for committing misdemeanor or felony offenses are to be photographed and fingerprinted in the same fashion as adults. Juveniles 16, years of age or older, who commit summary retail theft offenses shall only be fingerprinted. **(CALEA 82.1.2 b) (PLEAC 4.1.7)**

RESPONSIBILITY

It is the responsibility of all supervisory personnel to ensure that all personnel under their immediate supervision comply with this policy.