

## JUVENILES

### 7.01 PURPOSE

This regulation establishes Department policy and procedures regarding juvenile offenders.

### 7.02 POLICY

- A. General: All matters involving juveniles shall be handled according to applicable laws, Department regulations, and in cooperation with the various juvenile authorities.
- B. Juvenile Rights: Juvenile offenders shall be afforded all relevant rights and protections provided 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.

### 7.03 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, and/or 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. Coercive Action: Any type of officially imposed action which significantly limits an individual's freedom of movement or choice.
- D. Concerned Adult: An adult who is informed of the juvenile's rights and is interested in the welfare of the juvenile (e.g., parent[s], family member[s], guardian[s]).
- E. Confession: An admission of a crime which acknowledges guilt of the crime.
- F. Custodial Interrogation: Questioning an individual in custody by words, conduct, or their functional equivalent, with the intent to elicit an admission or confession.
- G. 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 booking or similar area, it is used only for processing purposes.

NOTE: An accused delinquent who is handcuffed or shackled is not securely held if the accused delinquent is not secured to a stationary object or cuffing rail.

- 2. Secure custody: When an accused delinquent is held securely either by being cuffed to a stationary object or cuffing rail, placed in a holding cell (non-Department), or placed in a locked room. An accused delinquent held in a secure booking or similar area is not securely held provided the area is only used for processing purposes.

NOTE: Status offenders shall never be held securely.

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 a non-Department facility. Non-Department facilities may only be used 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, other custodian, juvenile court, county children and youth official, shelter care, or juvenile detention center.

- H. Interrogation: Questioning by words, conduct, or their functional equivalent, intended to elicit a statement, acknowledgment, or concession of a fact or truth regarding a crime.
- I. Interview: A consensual conversation with a complainant, victim, witness, or potential suspect regarding an incident.
- J. Noncustodial Interrogation: Questioning by words, conduct, or their functional equivalent, intended to elicit an admission or confession from an individual not in custody regarding a crime.
- K. Parent: A legal guardian or concerned adult.
- L. School Authority: The school principal or designee.
- M. 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 (e.g., runaway, truancy, dependent/neglected juveniles, or underage offenses).

#### 7.04 DUTIES AND RESPONSIBILITIES

- A. Director, Bureau of Criminal Investigation: Ensure information received via Juvenile Compliance Monitoring Administrative Notification/Message is provided monthly to the Pennsylvania Commission on Crime and Delinquency (PCCD) per Title 42, Section 6326(e), when a juvenile is held securely or non-securely in any Department facility. The information shall be submitted to PCCD through the PCCD PA Juveniles Held (JHELD) Online Compliance Tool.
- B. Criminal Investigation Section Commanders:
  - 1. Ensure a member at each Station is assigned to act as the Youth Aid Supervisor.
  - 2. Ensure compliance with the rules and policies of the applicable juvenile courts.

3. Ensure each county district attorney, excluding Allegheny and Philadelphia Counties, is contacted annually to discuss establishing/reviewing existing child abuse investigation protocol in accordance with Title 23, Domestic Relations, Chapter 63, Child Protective Services.

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.

C. 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 or guardian of a juvenile who is to be detained.
  - d. Other parental/guardian contacts.
  - e. The investigating officer's demeanor and attitude when dealing with a juvenile.
  - f. Length of custody.
  - 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 investigative status or disposition of suspected child abuse cases to the appropriate county agency in accordance with Title 23.
  - k. Ensuring 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. A listing of these agencies shall be maintained at each Station and District Office.
4. Ensure compliance with Section 7.05.E, Juveniles in Custody, of this regulation. 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 facility 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 facility 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. Youth Aid Supervisors are responsible for verifying compliance with this requirement.
5. Ensure a Juvenile Compliance Monitoring Administrative Notification/Message is completed and submitted to the Director, Bureau of Criminal Investigation, via the PSPiNet, when a juvenile who is in the custody of a member/enforcement officer has been held securely or non-securely at a Department facility.

## 7.05 PROCEDURES

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

- A. Interview: When no formal or coercive action will be taken against a juvenile, even in circumstances when the juvenile has confessed:

1. Seek parental/guardian permission before conducting the interview.
  2. Explain parental/guardian presence at the interview is the prerogative of the juvenile and parent or guardian prior to conducting the interview.
  3. Notify the parent or guardian 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 formal or coercive action against a juvenile will be taken:
1. Ensure the juvenile and parent or guardian understand their Miranda Rights, and complete and sign the Juvenile Rights Warning and Waiver, Form SP 7-0019B (refer to OM 7-2, Chapter 20, Rights Warning and Waiver— Juvenile Rights Warning and Waiver).
  2. Ensure the juvenile's parent or guardian is present and consents to the interrogation. If the juvenile is willing to be interrogated but the parent or guardian 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 or guardian.
  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 or guardian of the results of every interrogation, whether positive or negative.  
NOTE: Members/enforcement officers are not required to notify the parent or guardian of the results of the interview/interrogation if the parent or guardian is 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 or guardian, or the juvenile's counsel, if applicable, prior to the commencement of the interrogation.
    - b. Ensure the juvenile and parent or guardian understand their Miranda Rights and complete and sign the Juvenile Rights Warning and Waiver.
    - c. Never state or otherwise imply to the juvenile, parent, or guardian that the right to counsel should or should not be exercised.
    - d. Stop the interrogation immediately when the juvenile, parent, or guardian 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 or guardian voluntarily reinitiate the interrogation.
  2. Ensure the juvenile's parent or guardian does not join with the juvenile in waiving the juvenile's Miranda Rights when the parent or guardian:
    - 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 the parent or guardian not be physically present during the interrogation if there is articulable justification; however, parental/guardian presence is a prerogative of the juvenile and parent or guardian.

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.

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.
2. Processing of a juvenile taken into custody shall be completed without delay, barring exigent circumstances (e.g., the juvenile needs medical treatment, the transporting unit experiences mechanical problems).
3. A parent or guardian 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 or 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 or 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 Public Welfare ChildLine.
  - 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 Public Welfare ChildLine.

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

6. Juveniles may be temporarily detained or placed in shelter care, pending a hearing or transfer to another jurisdiction, at the request of the investigating officer:
- 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 securely or non-securely, 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. 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.
  5. A securely or non-securely held accused delinquent shall be separated by sight and sound from incarcerated adults and shall be under the visual supervision of a member/enforcement officer at all times.
  6. A member/enforcement officer who securely or non-securely holds an accused delinquent **in a Department facility** shall complete and submit a Juvenile Compliance Monitoring Administrative Notification/Message to the Director, Bureau of Criminal Investigation, via the Administrative Notifications/Messages Entry System.

The Administrative Notifications/Messages Entry System can be accessed via the PSPiNet, Administrative Center.

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 facility 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). 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 voicemail 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. Once this information is received, assistance will be provided to resolve the situation.
8. Status offenders shall not be held securely, handcuffed to a stationary object or cuffing rail, placed in a holding cell (non-Department), or placed in a locked room under any circumstances. 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 held non-securely shall only be held 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 is not part of a secure detention area; or if the area is a secure booking or similar area 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 guardian, 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; however, when it is 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, when an arrest without a warrant is specifically authorized by law.
  - 2. Abide by whatever restrictions or conditions school authorities deem necessary.
  - 3. Wear civilian attire and use unmarked vehicles, when practicable.

4. As soon as possible, advise the appropriate school authority when a juvenile has been taken into custody during school hours.
  5. 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. Submit the original to the county child protective services unit and **scan, upload, and attach** a copy to **the appropriate** 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 Livescan, and a single photograph to the Central Repository, Bureau of Records and Identification, within 48 hours in accordance with AR 9-32, Arrest Processing, Fingerprinting, and

Photographing. No Federal Bureau of Investigation Fingerprint Card shall be prepared.

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 FR 7-2, 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 or guardian.
    5. The requesting member's/enforcement officer's name and Station/District Office address.

## 7.06 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/guardian 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 AR 6-1, Department Information.
- 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.
- F. Processed Through Minor Judiciary: Applied exclusively to summary offenses for which Non-Traffic Citations have been filed with a district justice.

## 7.07 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 **and separated by "Role," with juvenile being the designation within the Records Management System (RMS).**

2. Juvenile records/files shall only be accessible to the public in accordance with Title 42, this regulation, AR 6-1, and any other related Department regulations.
3. **The release of all investigative reports shall be done through the RMS “Release Tracking” function**, and the report shall be annotated as required by AR 6-1.
4. 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.

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 appropriate law enforcement agency shall disclose the name, age, and address of the juvenile; the offense(s) charged; and the disposition of the case.
4. The master or judge who adjudicates a juvenile delinquent shall specify the particular offense(s) and 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.

#### 7.08 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 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 or guardian to speak briefly with any children present to reassure them. Explain the situation in age-appropriate terms to the children if the parent or guardian is not able to.
- D. Allow the parent or guardian 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 or guardian is not able to arrange for a responsible adult to serve as caregiver, the member shall confer with the Youth Aid Supervisor or Shift 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.