


PBP FORM 290		 <p style="text-align: center;">PITTSBURGH BUREAU OF POLICE</p> <p style="text-align: center;"><i>"...accountability, integrity and respect."</i></p>		SUBJECT:		ORDER NUMBER:	
				"JUVENILE POLICY- REGULATIONS AND PROCEDURES"		43-10	
		PLEAC STANDARD:				PAGE 1 OF 7	
		NONE					
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1.0 PURPOSE/POLICY

1.1 PURPOSE

Juveniles require unique considerations pursuant to State law. The purpose of this general order is to provide procedures regarding the custody of delinquent or dependent juveniles.

1.2 POLICY

It is the policy of the Pittsburgh Bureau of Police to abide by the provisions of this general order and the laws of the Commonwealth of Pennsylvania.

2.0 DEFINITIONS

Refer to General Order #12-4, "Glossary of Terms" for definitions on the following terms: Juvenile/Child, Dependent Child, Delinquent Child, Delinquent Act, Status Offender, Secure Custody, Non Secure Custody, Other Custodian.

3.0 CONSTITUTIONAL RIGHTS OF JUVENILES

3.1 Juveniles shall be afforded the same constitutional rights as adult offenders. These rights include, but are not limited to:

3.1.1 Miranda Warnings

3.1.2 Rights against self-incrimination

3.1.3 Conviction only upon proof of a delinquent act beyond a reasonable doubt.

3.1.4 Valid out of court confessions when the child is under 18 years of age is insufficient to support adjudication of delinquency unless it is corroborated by other evidence.

3.1.5 Rights to an attorney

3.2 Police Interrogation of Juveniles

3.2.1 Generally, before engaging in an interrogation of a child which is intended to elicit an incriminating statement, the juvenile and his parents, or other adult primarily interested in the welfare of the juvenile should be informed of his Miranda Warnings and they should be given time to consult with the juvenile in regard to these warnings.

3.2.2 Generally, unless such constitutional warnings are given and these rights are waived by the child after consultation with an interested adult, no statement or admission can be used against him/her in an adversary proceeding.

3.2.3 However, there is no presumption that a juvenile is incompetent to waive his Miranda rights without first having an opportunity to consult with an interested and informed adult. However, acquiring the presence of an interested adult is clearly preferable.

- 3.2.4 Determination of whether a juvenile knowingly waived his Miranda rights and made a voluntary confession is to be based on a consideration of the totality of the circumstances, including consideration of the juvenile's age, experience, comprehension, intelligence, background, capacities, prior criminal record and the presence or absence of an interested adult.

4.0 TAKING INTO CUSTODY (42 Pa C.S. 6324)

4.1 A child may be taken into custody:

- 4.1.1 Pursuant to an order of the court under this chapter.
- 4.1.2 Pursuant to the laws of arrest.
- 4.1.3 By a law enforcement officer if there are reasonable grounds to believe that the child is suffering from illness or is in imminent danger from his surroundings, and that his/her removal is necessary.
- 4.1.4 By a law enforcement officer if there are reasonable grounds to believe that the child has run away from his/her parents, legal guardian or other custodian.
- 4.1.5 By a law enforcement officer if there are reasonable grounds to believe that the child has violated conditions of his/her probation.

4.2 Juveniles who have committed a summary offense

- 4.2.1 The Juvenile Act of 2005 excludes summary offenses from the jurisdiction of the Juvenile Court. Under the Act, a summary offense is not a delinquent act. It only becomes a delinquent act, and thus within the jurisdiction of the juvenile court, when the juvenile fails to pay the fine levied against him/her upon a finding of guilt.
- 4.2.2 Summary offenses should be handled through the summary citation process, except for curfew violations. (Refer to PBP General Order #40-6, "Arrest Procedures for Violation of City of Pittsburgh Curfew Ordinance")
- 4.2.3 Members of the Bureau of Police, when circumstances warrant, shall issue a standard traffic citation to juveniles who have violated provisions of the Pennsylvania Vehicle Code or City traffic and parking ordinances. The citation shall be prepared, issued and adjudicated in the same manner as for adults.

4.3 Juveniles who have committed a delinquent act

- 4.3.1 Because a delinquent act is a broad term covering both minor and serious offenses, police personnel have, and must exercise, discretion in deciding what course of action to take at that time. Permissible courses of action are:
 - 4.3.1.1 Warn and release the juvenile (curbside warning). A curbside warning may be given to the juvenile by the officers on the scene and is to be used for minor offenses when the police officer believes it to be appropriate.
 - 4.3.1.2 Warn and release the juvenile to his or his/her parents, legal caregiver or other custodian.
 - 4.3.1.3 Prosecute the juvenile by referral to Juvenile Court and release the juvenile to his/her parents, legal guardian, or other custodian.
 - 4.3.1.4 Detention of juvenile at Shuman Center.

4.4 Misdemeanor and Felony Cases

- 4.4.1 A referral case is one in which the police officer has decided that prosecution is necessary. The prosecution is initiated by sending the reports to Juvenile Court and releasing the juvenile to his/her parents or guardian.

4.5 Guidelines for Remedial Arrests (also called referrals or paper arrests)

- 4.5.1 Parent, Guardian or Custodian of the juvenile has agreed to assure the juvenile's appearance at Juvenile Court.
- 4.5.2 Parent, Guardian or other Custodian has the ability to control the child and he/she does not pose a threat to abscond.

- 4.5.3 A "Remedial" arrest of a juvenile can only occur for a charge that constitutes a misdemeanor or felony that did not occur in the presence of the officer. For all other misdemeanor and felony offenses, officers will follow the current procedure for processing juvenile arrests.
- 4.5.4 Approval for all remedial arrests will be at the discretion of the District Attorney.
- 4.6 Paperwork required for Remedial Arrests
- 4.6.1 If the juvenile has committed an offense that constitutes an M-3 or higher, the arresting officer shall first contact Shuman Center (regardless if it is a remedial arrest or a physical arrest) to determine if an attachment exists for the juvenile. The officer shall then complete the following paperwork:
- 4.6.1.1 Offense/Incident Report (PBP Form #2.0) No juvenile names, addresses or personal identifiers should appear anywhere on PBP Form #2.0.
- 4.6.1.2 Investigative Report (PBP Form #3.0)
- 4.6.1.3 Arrest Report (PBP Form #6.0)
- 4.6.1.4 The arresting officer will check "Juvenile" in the "Arrestee" block of the arrest report.
- 4.6.1.5 The arresting officer will also check "Remedial" in the type block of the arrest report.
- 4.6.1.6 The arresting officer will write the word "Juvenile" in the OTN block of the arrest report.
- 4.6.1.7 Juvenile Court Allegation Form: Police referrals **will not be accepted** without the "Juvenile Allegation form".
- 4.6.1.8 The arresting officer will bring all paperwork related to the remedial arrest to the CRRU/ Warrant Office where the "R" arrest number will be assigned.
- 4.7 The juvenile shall be taken to the appropriate duty location where he/she shall be detained pending completion of the arrest paperwork. (*Refer to General Order #43-10.3 "Juvenile Policy-Legal Mandates Regarding Juvenile Custody and Detention"*).
- 4.8 For fingerprinting and photographing of a juvenile refer to *General Order #43.10.2 "Juvenile Policy Mandates Regarding Juvenile Records, Photographs and Files"*.
- 4.9 If a juvenile is to be transported to Shuman Center and is to be remanded to their custody, the member transporting the juvenile to Shuman Center shall remain with the juvenile until he/she is in the care and custody of the detention officer and they receive a receipt for the juvenile. Each juvenile taken to Shuman Center must be accompanied by the proper reports.
- 4.9.1 When a juvenile is released to Shuman Center, the transporting officer **must** obtain a receipt (a.k.a. body receipt).
- 4.9.2 The receipt **must** be kept in the case file.
- 5.0 ARREST AND TRANSPORTATION OF JUVENILES**
- 5.1 Generally, members of the Bureau of Police shall employ the same procedures governing the use of force, search of detainee/prisoner, use of restraints and transportation protocol in place for adult prisoners.
- 5.2 The use of seatbelts is required on all prisoners. If an officer is unable to secure a prisoner (size, being combative, etc.) then the transporting Officer shall notify communication with this information prior to transport. This information is also required to be documented in the officer's report. If a transport unit was used then the officers providing the transport are required to notify the arresting officer to document the reason why a seatbelt was unable to be used.
- 5.3 **ALL** juveniles must be transported in a vehicle equipped with functioning seatbelts.
- 5.3.1 All children under the age of four (4) years old will be secured in a child passenger restraint system (Car Seat) during transport. Children must be transported in a car/suv.
- 5.3.2 All juveniles four (4) years old and older, but under eight (8) years of age, will be secured in a child booster seat during transport. Children must be transported in a car/suv.
- 5.3.3 All juveniles under the age of eighteen (18) and over the age of eight (8) will be secured in a properly adjusted and fastened safety seat belt system during transport. Juveniles may be transported in a PBP wagon

if it is equipped with functioning seatbelts. Supervisors may use their discretion regarding the use of wagons to transport juveniles (i.e., age of juvenile, size of juvenile, level of combativeness, etc.).

This order complies with the Pa Motor Vehicle Code: Chapter 45: Other Required Equipment § 4581. Restraint systems.

5.2 The transporting officer(s) **must** notify the dispatcher by radio when leaving any on-scene or PBP duty location. The officer will advise the dispatcher of the age and sex of the child(ren) being transported. The transporting officer shall give his/her vehicle mileage and obtain a time check. This information is to be documented on the transporting officer(s) daily activity report (run sheet).

5.3 Upon arrival at destination, the transporting officer(s) shall notify the dispatcher of their arrival and must give his/her vehicle mileage and obtain a time check.

6.0 ACCEPTANCE OF JUVENILE DEFENDANTS TO THE ALLEGHENY COUNTY JAIL (ACT 33)

6.1 Juvenile suspects brought to the Allegheny County Jail for confinement will not be accepted without one of the following conditions:

- 6.1.1 Act 33 charges being presented by the arresting agency upon entrance to the Allegheny County Jail.
- 6.1.2 A court order signed by a judge of the Court of Common Pleas directing placement into the Jail.
- 6.1.3 No juvenile will be accepted into the Allegheny County Jail on the condition that the arresting agency will lodge adult charges at a later time.
- 6.1.4 When a juvenile is being criminally charged in accordance with Act 33, the member will complete all paperwork required in an adult arrest. The juvenile will be processed through the Warrant Office/CRRU as an adult arrest.

7.0 RE-FILING CRIMINAL ALLEGATIONS IN JUVENILE CASES

7.1 The case constable should first discuss the decision to resubmit Juvenile Allegations with the Allegheny County Juvenile Probation Officer assigned to the case. If the Juvenile Probation Officer agrees with the decision, the case constable will be directed to complete a new "Juvenile Court Allegation Form". The Juvenile Probation Officer will generate a juvenile petition and submit it to Juvenile Court.

- 7.1.1 The case constable will exchange current contact information with the Probation Officer for necessary follow up. The officer will receive their court date by subpoena.
- 7.1.2 When the Probation Officer disagrees with the re-filing of a "Juvenile Court Allegation Form", the case constable may contact the Supervising District Attorney of Juvenile Court during daylight hours at [REDACTED] to discuss the case.
- 7.1.3 The Supervising District Attorney of Juvenile Court will hear the officer's explanation for re-filing a "Juvenile Court Allegation Form". The Supervising District Attorney will make the final decision on whether the allegations against the juvenile can be re-filed with Juvenile Court.
- 7.1.4 If permission is granted by the Supervising District Attorney to re-file the allegations against the juvenile, the supervising District Attorney will give the case constable direction, at that time, on all necessary paperwork needed to proceed with the case.

8.0 PROCEDURE FOR PARENT, LEGAL GUARDIAN OR CUSTODIAN NOTIFICATION

8.1 In those situations where parent/guardian notification is required the following procedure will be followed:

- 8.1.1 Upon entering a PBP duty location, the immediate supervisor will be notified of the juvenile's presence.
- 8.1.2 The detaining officer will begin the parent, legal guardian or other custodian notification process by telephone if the phone number is known.

- 8.1.3 If telephone contact is not possible, all reasonable attempts to contact or locate the parent, legal guardian or other custodian must be made by the detaining officer. If the juvenile's residence or known location of the juvenile's parent/guardian is outside the detaining officer's zone, the detaining officer will contact the appropriate immediate supervisor of the zone where the location is found to request assistance with the notification. The patrol unit sent to the location will make a personal notification of the status of the juvenile and:
- 8.1.3.1 Confirm a telephone number for the parent, guardian or other custodian to be immediately relayed to the detaining officers.
 - 8.1.3.2 Document the time and location of notification with the full name, address and telephone number of the person contacted.
- 8.1.4 If the location of the juvenile's residence or place known where a parent/guardian can be found is outside the City of Pittsburgh, the detaining officer will follow through with the parent, guardian or other custodian notification by contacting the appropriate outside police agency and requesting a patrol unit be sent to the location to make a personal notification.
- 8.1.5 If no contact is made with a parent, legal guardian or other custodian after reasonable attempts to do so, the detaining officer may notify Allegheny County Children Youth and Families (CYF) and file a complaint. The officer will document in the investigative report the name of the CYF representative, case referral number and all directives or special instructions to be carried out by the detaining officer.

9.0 PROCEDURE FOR RELEASE OF JUVENILE TO PARENT, GUARDIAN OR OTHER CUSTODIAN

- 9.1 When the parent or guardian or other custodian is notified, he/she shall be informed of the circumstances of the apprehension and the eventual disposition of the case.
- 9.2 When practical, the juvenile shall be transported to his/her residence by the detaining officer without taking him/her to the duty location.
- 9.3 When not practical or when there is a group, the detaining officers shall take the juvenile(s) to the duty location for release to his/her parents, guardian or other custodian.
- 9.4 If the release cannot be accomplished, the Allegheny County Children, Youth and Families (CYF) should be consulted for assistance.
- 9.5 The paperwork will then be processed and distributed as follows by the CRRU/Warrant Office:
- 9.5.1 Originals to the CRRU/Record Room.
 - 9.5.2 One copy of arrest report only to Juvenile Court Liaison.
 - 9.5.3 One copy to the arresting officer for the respective duty location.

10.0 PHYSICAL ARREST OR INVESTIGATION OF A JUVENILE WITHIN SCHOOLS

- 10.1 Physical arrest or investigation of a juvenile within a school shall be conducted only when absolutely necessary. However, when it is imperative for such an investigation or arrest, the following procedures shall be occur:
- 10.1.1 Contact the Pittsburgh Public School Police dispatch at [REDACTED]. When possible, request a Pittsburgh Public School Police Officer to assist you prior to entering the school.
 - 10.1.2 The Pittsburgh Public School Police Officer will assist you with notifying the appropriate school official and parent/guardian or custodian when necessary.
 - 10.1.3 If you are serving an arrest warrant on a **student**, follow the normal arrest protocol. In non-emergency situations, permit the Pittsburgh Public School Police and appropriate school official to create the environment to take the student into physical custody (Principal's Office, Counselor Office, private stairway, etc.). Once the juvenile has been removed from the building, every reasonable attempt to contact a parent/guardian or custodian must be made to inform them of the arrest. Include the date, time, name of

person(s) you notified in your investigation/arrest report.

10.1.4 If you are serving an arrest warrant on a **school staff member**, reasonable attempts must be made to make the physical arrest outside the presence of students and staff. When possible, permit the Pittsburgh Public School Police and/or appropriate school official to assist you with creating the environment for the physical arrest. They will offer the proper protocol, ensure privacy from student and staff and recommend exits from the school building to minimize exposure and detection by students.

10.2 In emergency situations, where the commission of a criminal offense has been witnessed by a PBP officer, the officer has a duty and a legal right to take direct and unhindered action in school in such a situation where they are engaged in HOT PURSUIT. The Principal and Pittsburgh Public School Police shall be notified of the action as soon as possible.

10.2.1 Generally, no member shall make an arrest in the classroom, except, in HOT PURSUIT or ARREST ON VIEW or at the request of the Principal or Pittsburgh Public School Police.

11.0 REMOVAL OF A JUVENILE FROM A CORRECTIONAL INSTITUTION FOR INVESTIGATION

11.1 When it is necessary to remove a juvenile committed to a correction institution by Allegheny County Juvenile Court for the purpose of interviews or investigation, a request shall initially be made to the *Chief Probation Officer* of Juvenile Court or his staff. The Chief Probation Officer shall assume the responsibility of notifying the institution involved and shall notify the Bureau of Police when clearance has been made.

11.2 When the juvenile is being detained at Shuman Center and an officer wants to have him/her removed for investigation, the officer should contact the juvenile's probation officer who will arrange the release of the juvenile for this purpose.

12.0 MISSING AND RUNAWAY JUVENILES

12.1 For Missing and runaway Juveniles refer to General Order #43-2 "Missing Person Investigations."

13.0 DEPENDANT JUVENILES

13.1 Officers who have reason to believe a juvenile is sick, injured or under the influence of drugs, alcohol or some other intoxicant shall deliver the juvenile to the nearest hospital and:

13.1.1 Notify the parent, guardian or other custodian.

13.1.2 All dependent and neglected children who have been taken into custody by the Bureau of Police because they have been deserted by their parents or their parents have been arrested and when there is no one to care for them shall be taken to the zone station where the incident occurred and a police report shall be initiated and completed. The narrative section of this report shall describe the reason and circumstances. Describe the condition of the home, the number of children, ages, sex, names and addresses of close relative. If a child has been abused he/she shall be taken to a hospital first.

13.1.3 Dependent and neglected children shall be conveyed to the appropriate shelter or hospital. Children Youth and Families of Allegheny County must be contacted by phone prior to transporting the child.

13.1.4 When notified to attend a Juvenile Dependency Petition hearing, officers are to take a court card with them and have a Hearing Officer or clerical staff sign the card verifying attendance. Officer will complete the court card and submit it at their duty locations.

Approved by:



Cameron McLay
Chief of Police