


PBP FORM 290  PITTSBURGH BUREAU OF POLICE <i>"...accountability, integrity and respect."</i>		SUBJECT: "JUVENILE POLICY-LEGAL MANDATES REGARDING JUVENILE CUSTODY AND DETENTION"		ORDER NUMBER: 43-10.3
		PLEAC STANDARD: 4.7.2		PAGE 1 OF 3
ISSUE DATE: 12/1/2016	EFFECTIVE DATE: 5/1/2012	ANNUAL REVIEW DATE: AUGUST	RESCINDS: 5/1/2012	AMENDS: NONE

1.0 CRITICAL PROVISIONS OF SECTION 42 Pa C.S. 6324 (Juvenile Act):

- 1.1 Status offenders/non-offenders may never be held securely.
- 1.2 Juveniles in custody must be kept under constant visual supervision by police personnel at all times.
- 1.3 Juveniles that are held securely must be kept sight and sound separate from adult prisoners.
- 1.4 Juveniles held securely must be released from secure holding within six hours.
- 1.5 Once a juvenile is held securely that juvenile is considered to be held securely until he/she is ready to be released, is released from secure holding, and the parent or guardian are notified to pick up the juvenile from custody. If the juvenile is returned to secure holding, the six hour clock continues to run from the start of the original holding.
- 1.6 Juveniles who are placed in a cell, a locked room or a group of rooms or who are handcuffed to any stationary object are considered to be held securely.
- 1.7 Juveniles who are handcuffed to themselves or another juvenile(s) are NOT considered to be held securely.
- 1.8 Processing areas or booking areas are not considered to be "secure" for the purpose of processing through the areas. However, juveniles cannot be kept in these areas and be considered as being held non-securely.

2.0 STATUS OFFENDER PROCEDURES

- 2.1 A status offender is a juvenile who is taken into custody for an incident or behavior which would not be a crime if committed by an adult and would not result in an adult being taken into custody (i.e., truancy, runaway, curfew violations, underage drinking, ungovernable).
- 2.2 Status offenders may not be placed in a secure custody, handcuffed to a stationary object or detention bench, placed in a holding cell or locked room under any circumstances.
- 2.3 Status offenders shall be placed in a non-secure area such as the lobby, an office, interview room or general purpose room until release arrangements can be made and the juvenile leaves the Pittsburgh Bureau of Police duty location.
- 2.4 The officer shall immediately notify the parent, guardian or other custodian of the apprehension of the juvenile and his/her whereabouts.
- 2.5 The juvenile must be under continuous visual supervision by a law enforcement officer during the period of non-secure custody.

3.0 ACCUSED DELINQUENT OFFENDERS MAY BE HELD SECURELY

- 3.1 Accused delinquent offenders can be held securely for no more than six hours. If it is necessary for a securely held delinquent offender to remain in police custody for more than six hours, the offender must be removed from secure holding and held in a non-secured custody status for the remaining time spent in custody. A securely held delinquent offender must be separated by sight and sound from incarcerated adults and must be under visual supervision at all times.

4.0 RELEASE OR DELIVERY TO COURT (Juvenile Act 42 Pa C.S. 6326):

4.1 General rule: A person taking a child into custody, with all reasonable speed and without first taking the child elsewhere, shall:

4.1.1 Notify a parent, legal guardian or other custodian of the apprehension of the child and his/her whereabouts;

4.1.2 Release the child to his/her parents, legal guardian or other custodian upon their promise to bring the child before the court when requested by the court, unless the child's detention is warranted;

4.1.3 Bring the child before the court or deliver him/her to a detention center (Shuman Center) or shelter care facility designated by the court or medical facility if the child is believed to suffer from a serious physical condition or illness which requires prompt treatment.

4.1.4 Detention in cells or secure holding areas is generally prohibited. Exceptions are found in Sec.4.2.

4.2 Detention in Pittsburgh Police facilities under certain circumstances:

4.2.1 A child alleged to have committed a crime or summary offense or to be in violation of conditions of probation or other supervision following an adjudication of delinquency may be held in a Pittsburgh Bureau of Police facility under the following conditions:

4.2.1.1 The secure holding shall only be for the purpose of identification, investigation, processing, releasing or transferring the child to a parent, guardian, custodian, juvenile court, county Children and Youth official, shelter care or juvenile detention facility.

4.2.1.2 The secure holding shall be limited to a minimum time necessary to complete the processing, but in no case may such holding exceed six hours.

4.2.1.3 Should circumstances exist that a juvenile is held beyond six hours the following procedure shall be completed without delay:

4.2.1.3.1 In the event a juvenile must remain at a Pittsburgh Bureau of Police facility for more than six hours a phone call shall be made to the Department of Public Welfare Child line at [REDACTED]. This phone number is staffed 24 hours a day, seven days a week. If for any reason you are unable to complete a phone call to Child line, a phone call shall be made to the Pennsylvania Commission on Crime and Delinquency at [REDACTED]. Should you be connected to voice mail, give your name and badge number, police department, date and time, CCR#, and juvenile's name and charges. Additionally, give your zone phone number and supervisors name. All phone calls to Childline or PCCD shall be clearly written into your investigative report (PBP form 3.0). Include the name(s) of the person(s) whom you reported to and specific directives that you may have received from either agency.

4.2.1.4 If so held, a juvenile must be separated by sight and sound from detained/arrested adults and must be under continuous visual supervision of a police officer.

4.3 Non- secure custody of a child in Pittsburgh Police Facilities with adults is appropriate when:

4.3.1 The area where the child is held is an unlocked multipurpose area or area used only for processing purposes.

4.3.2 The child is not physically secured.

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

4.3.4 The child must be under continuous visual supervision by law enforcement personnel.

5.0 REQUIREMENT OF LAW ENFORCEMENT AGENCIES TO REPORT JUVENILES IN CUSTODY (42Pa C.S. 6326 (e))

- 5.1 Law enforcement agencies shall provide information and reports regarding children held in secure and non secure custody as requested by the Pennsylvania Commission on Crime and Delinquency.
- 5.2 PCCD SUMMARY INFORMATION LOG FORM: (Juvenile Act 42 C.S. 6326(e) Juveniles brought into any Pittsburgh Bureau of Police duty location, regardless of whether they are in a non-secure or secure status, must be recorded on the Pennsylvania Commission on Crime and Delinquency (PCCD) Summary Information Log Form located on each duty location desk.
- 5.2.1 Effective June 1, 2009, all officers must complete the "Pennsylvania Commission on Crime and Delinquency (PCCD) Summary Information log on all juveniles held at their duty location.
- 5.2.1.1 Information requested must be completed for each juvenile held at the duty location.
- 5.2.1.2 Officers must place a check mark in the appropriate column or provide the requested information.
- 5.2.1.3 Each duty location must maintain this form at the front desk, accessible to all officers.
- 5.2.1.4 "Held securely" means that the juvenile was held in a locked cell or locked room, or handcuffed to a stationary object.
- 5.2.1.5 The above form is meant to be a monthly log of all juveniles held at the duty location. All officers at a duty location will enter the juveniles' information into the form designated for the present month.
- 5.2.1.6 At the end of each calendar month, each duty location is responsible for submitting the monthly log (original) to the office of the Assistant Chief of Administration, no later than the 5th day of the following month.
- 5.2.1.7 Each duty location will enter all information for juveniles detained in the PCCD electronic system for each respective month. The PCCD electronic log will be submitted to the PCCD no later than the 15th of each month by the Accreditation Manager.
- 5.2.1.8 When a juvenile is initially determined to be a "runaway" from a court ordered facility (Ex. Three Rivers Youth, George Jr Republic, Residential Placements ordered by CYF, etc) the juvenile may be held securely.
- 5.2.1.9 For purposes of the PCCD form, a juvenile who is determined to be "runaway" from a court ordered facility must be identified on the PCCD form as an "escape" or "5121" (PaCC). The officer must write "Escape or 5121" in the designated column identified as "Reason Held". Regardless, if the juvenile runaway will not be charged with escape.

Approved by:



Scott Schubert
Acting Chief of Police