

HAVERFORD TOWNSHIP POLICE DEPARTMENT OPERATIONS MANUAL		
Issue Date February 2021	Review Date February 2022	Directive Number 4.7.1
Accreditation Index: 4.7.1; 4.7.2		Rescinds: Directive 4.1.7 of November 2019
Chapter: One – Legal Mandates		Section: Four – Pennsylvania Legal Mandates
Chief of Police: <i>John F. Viola</i>		

SUBJECT: HANDLING AND CUSTODIAL CARE OF JUVENILES

I. PURPOSE

The purpose of this policy is to establish guidelines for managing juvenile contacts and regulating the processing of juvenile offenders in compliance with the sections 6308 and 6326 of the Pennsylvania Juvenile Act (42 Pa. C.S.A. §6301 and §6321, et seq.).

II. POLICY

It shall be the policy of this Department that persons under the age of eighteen years, who are taken into custody, shall be handled in accordance with the provisions of the Juvenile Act. All officers shall follow the procedures contained in this Directive.

III. DEFINITIONS

- A. **Investigatory Stops** – Occurs when a juvenile is stopped and detained as a result of observations of the officer or information received from the Communications Center that would lead a reasonable officer to believe criminal activity is occurring or that the subject(s) is connected with criminal activity being investigated by a law enforcement agency.
- B. **Status Offender** – A juvenile taken into custody for behavior which would not be a crime if committed by an adult and would not result in the adult being taken into custody (i.e. truancy, runaway, etc.)
- C. **Secure Custody** – A juvenile is considered in secure custody when the juvenile is placed in a locked cell, a locked room or group of rooms or the juvenile is secured to a stationary object.

- D. **Non – Secure Custody** – The detention of a juvenile where the juvenile is not placed in a locked cell, a locked room or group of rooms, or secured to a stationary object. A juvenile may be handcuffed to himself or to another juvenile and still be considered in non-secure custody.

IV. PROCEDURES

- A. When taking a juvenile into police custody, officers must comply with Section 6326 of the Pennsylvania Juvenile Act (42 Pa. C.S. §6321, et seq.), in regard to temporary detention of a juvenile.
(PLEAC 4.7.2)
- B. Detention in a lockup where adult prisoners are housed is generally prohibited.
(PLEAC 4.7.2a)
- C. Status Offenders
 - 1. Status Offenders encountered by officers of this department shall not be placed into secure custody, handcuffed to a stationary object, placed in a holding cell or placed in a lockable room under any circumstances.
- D. Conditions of Non-Secure Custody
 - 1. Notwithstanding other provisions of law, a child held in non-secure custody in a building or facility which houses an adult lockup may be so held only under the following conditions.
 - a) The area where the child 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, it is used only for processing purposes;
 - b) The child 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 or release to parents or for arranging transfer to another agency or appropriate facility; and
 - d) The child must be under continuous visual supervision by a law enforcement officer or other facility staff during the period of non-secure custody.
(PLEAC 4.7.2c (1), c(2), c(3), c(4))
- E. Detention in police lockup (secure custody) under certain circumstances.
 - 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 adjudication of delinquency may be held securely in a municipal police holding cell or other facility which houses an adult cell only under the following conditions;
 - a) The secure holding shall only be for the purpose of identification, investigation, processing, releasing or transferring the child to a parent, guardian, other custodian, or

juvenile court or county children and youth official, or to a shelter care or juvenile center.

- b) The secure holding shall be limited to the minimum time necessary to complete the procedures listed in paragraph (a) above but in no case may such holding exceed six hours; and;
- c) If so held, a child must be separated by sight and sound from incarcerated adult offenders and must be under the continuous visual supervision of law enforcement officials or facility staff.
 - (1) If placed in a cell audio and video equipment satisfies this observation requirement.

(PLEAC 4.7.2 b(1), b(2), b(3))

- 2. Juveniles taken into custody for violations of law may be held securely even if it is decided that no charges will be filed.
 - 3. When a juvenile is taken into custody and is to be petitioned for a felony, a violation of the Uniform Firearms Act or a crime in which another weapon is utilized, a violation of Act 64 involving the delivery of or attempt to deliver drugs, or a crime involving domestic violence, or when there is any indication that the juvenile may abscond, officers will contact representatives of Delaware County Juvenile Court Services to determine if the juvenile is to be placed in detention rather than released. During business hours the Juvenile Probation Supervisor will be contacted and advised of the nature of the incident and charges. After normal business hours the “On Call” Delaware County Juvenile Probation Supervisor shall be contacted. See Appendix “A” for current contact procedure. If it is determined that the juvenile will be placed in detention, a Juvenile Petition will be prepared along with a Detention Request Form and the juvenile will be transported to the Detention Center. The personnel at that facility must sign the Detainee Intake Form.
 - 4. When a juvenile is taken into custody and is to be petitioned for any offense not listed in the preceding paragraph, or if the juvenile is to be cited for a summary offense, officers shall attempt to contact the parents(s), guardian or other responsible adult and arrange for the release of the juvenile from the police station. The Detainee Intake Form shall be signed by the person to whom the juvenile is released.
- F. Juveniles who must be photographed and fingerprinted may be processed in the processing room even if an adult is incarcerated. However, after being processed, the juvenile must be removed from the processing room/ cell block area if an adult is incarcerated.
- G. Juveniles shall not be held in custody in the Haverford Township Police Station in excess of Six Hours (6).
- 1. For the purposes of time computation, custody begins when the juvenile is brought into the police station and his identity is known. However, if at some point in time after being brought into the

police station, it is determined that fictitious information was given, the six hour limitation does not begin until his identity is established. Custody ends when the juvenile is united with a parent, guardian, or other adult at the police station or when he is removed from the police station to be transported elsewhere by officers of this Department.

- H. To ensure compliance with this six hour limitation, the following guidelines will apply:
1. If the juvenile in custody is to be petitioned and a determination has been made that he/she is to be placed in the Juvenile Detention Center, the juvenile shall be removed from the premises of the Haverford Township Police Station prior to the expiration of six hours from when custody began;
 - a) The officer will contact the Delaware County Probation Office Supervisor during business hours or the “On Call” Juvenile Probation Supervisor after business hours and describe the nature of the incident, charges and inability to release the juvenile. See Appendix “A” for current contact procedure as required by the Delaware County District Attorney’s Office. If a decision is made to place the juvenile in detention, a Juvenile Petition and Juvenile Detention Request form will be completed and the juvenile will be transported prior to expiration of the six hours.
 - b) If authorization to place the juvenile in the Detention Center is not granted, Delaware County Children and Youth Services will be contacted and advised of the nature of the incident, charges and inability to release the juvenile. CYC shall be notified to begin to make arrangements for placement in the Youth Shelter. However, after this notification is made, officers shall continue efforts to locate someone to whom to release the juvenile. If after five (5) hours these efforts are still unsuccessful, CYC is to be made aware that the Department has been unable to contact anyone. CYC will designate a Youth Shelter for placement. If CYC cannot arrange transportation, officers of this Department will transport the juvenile to the designated shelter prior to the expiration of six hours from when custody began. Officers will ensure the shelter employee taking custody of the juvenile signs the Detainee Intake Form.
 2. If the juvenile in custody is a status offender only, he/she is to be released as indicated previously. The On-Duty Supervisor may permit a juvenile to be transported to a parent, guardian or other responsible adult based on available personnel, time constraints, and distance. However, if no parent, guardian, relative or other responsible adult will assume responsibility for the juvenile’s release within six hours, officers shall contact CYC and follow the procedures indicated in the preceding paragraph.

- I. When a juvenile is taken into custody, prepared reports will indicate the most serious offense known, even though a decision is made not to charge the juvenile for that offense. The investigating officer(s) shall document the time custody begins, all efforts to arrange for the release of the juvenile, and the time custody ends. A Detainee Intake Form must be signed by the person accepting responsibility for the juvenile.
- J. The guidelines mandated by Directive 2.5.0, Handling and Custodial Care of Persons Arrested, that are not superseded by the requirements of this Directive, remain in effect and shall be adhered to.
- K. If a juvenile that is taken into custody, whether held securely or non-securely is not released within six hours, a call must be placed to Child Line at 1-800-932-0313 and the requested information must be furnished.
- L. When officers detain juveniles, officers will ascertain the identity of the primary caretaker of that juvenile. If the detention involved secure custody of the juvenile (handcuffed or being placed in a police vehicle) and/or, if the detention required the juvenile be identified by the complaining witness, or if the detention exceeded in length of time a mere encounter the juvenile's primary caretaker will be notified as soon as possible of the detention and the reasons for the detention. The officer's supervisor will ensure that this notification is made in a timely fashion. If contact with a primary caretaker cannot be made during the current shift, the supervisor will ensure that the oncoming shift supervisor is provided with the notification material. Transport to juvenile's residence will be made whenever the supervisor determines that the safety of the juvenile requires it. All notifications will be documented on the incident report indicating the date, time, name of person contacted, and their relationship to the juvenile.
- M. **Reports regarding children held in custody.**—The department shall provide information and reports regarding children held in secure and non-secure custody under subsections (c) and (d) as requested by the Pennsylvania Commission on Crime and Delinquency.
(PLEAC 4.7.2 d)

V. JUVENILE RECORDS

- A. Title 42, The Pennsylvania Consolidated Statutes, Section 6308, subsection (a) of the Juvenile Act requires that law enforcement records concerning a child shall be kept separate from the records and files of arrests of adults.
 - 1. Juvenile records shall be maintained separately from adult records and files of arrest by the Detective Division. These records shall be kept secure, and shall be maintained as required by law. The Detective Division Commander shall have responsibility to ensure the maintenance and security of these juvenile records.
(PLEAC 4.7.1 a)
 - a) The contents of juvenile law enforcement record or file shall not be disclosed to the public unless any of the following apply:

- (1) The child has been adjudicated delinquent by a court as a result of an act or acts committed:
 - (a) when the child was 14 years of age or older and the conduct would be considered a felony if committed by an adult; or
 - (b) when the child was 12 or 13 years of age and the conduct would have constituted one or more of the following offenses if committed by an adult:
 - (i) Murder.
 - (ii) Voluntary manslaughter.
 - (iii) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault).
 - (iv) Arson as defined in 18 Pa.C.S. § 3301(a)(1) (relating to arson and related offenses).
 - (v) Involuntary deviate sexual intercourse.
 - (vi) Kidnapping.
 - (vii) Rape.
 - (viii) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).
 - (ix) Robbery of motor vehicle.
 - (x) Attempt or conspiracy to commit any of the offenses in this subparagraph.
- (2) A petition alleging delinquency has been filed alleging that the child has committed an act or acts subject to a hearing pursuant to section 6336(e) (relating to conduct of hearings) and the child previously has been adjudicated delinquent by a court as a result of an act or acts committed as outlined in paragraph (a) or (b) of this section of the Directive above.

(PLEAC 4.7.1 b)

VI. FINGERPRINTING AND PHOTOGRAPHING JUVENILES

- A. Title 42, The Pennsylvania Consolidated Statutes, Section 6308, subsection (c) (1) states:

Law enforcement officers shall have the authority to take or cause to be taken the fingerprints or photographs, or both, of any child who is alleged to have committed an act designated as a misdemeanor or felony under the laws of

this Commonwealth or of another state if the act occurred in that state or under Federal law. If a child is found to be a delinquent child pursuant to section 6341 (relating to adjudication) on the basis of an act designated as a misdemeanor or felony, or the child's case is transferred for criminal prosecution to section 6355 (relating to transfer to criminal proceedings), the law enforcement agency that alleged the child to be a delinquent child shall take or cause to be taken the fingerprints and photographs of the child, if not previously taken pursuant to this case, and ensure that these records are forwarded to the central repository pursuant to section 6309(c) (relating to juvenile history record information). If a child was alleged to be delinquent by other than a law enforcement agency, the court shall direct the Juvenile Probation Department to ensure that the delinquent child's fingerprints and photographs are taken by a law enforcement agency.

(PLEAC 4.7.1c)

- B. Pursuant to the Crimes Code section 3929 (Retail Theft) sub-section (g), prior to the commencement of trial or entry of plea of a defendant 16 years of age or older accused of the summary offense of retail theft, the issuing authority shall order the defendant to submit within 5 days of such order for fingerprinting by the municipal police of jurisdiction in which the offense allegedly was committed. Fingerprints so obtained shall be forwarded immediately to the PSP for determination as to any prior convictions of retail theft.
- C. The District Attorney of Delaware County or his representative has established local rules for processing juveniles. These local rules are established and outlined in a letter to this department for the Processing Juvenile Offenders and that letter is attached to this directive as Appendix "B"
- D. Officers shall ensure that juveniles are processed in compliance with sections "A", "B" and "C" above.
- E. Fingerprint and photographic records may be disseminated to law enforcement officers of other jurisdictions, the Pennsylvania State Police and the Federal Bureau of Investigation and may be used for investigative purposes.
- F. Fingerprints and photographic records of children shall be kept separately from adults and shall be immediately destroyed upon notice of the court as provided under section 6341(a) (relating to adjudication) by all persons and agencies having these records if the child is not adjudicated delinquent or not found guilty in a criminal proceeding for the alleged act(s).

BY ORDER OF THE CHIEF OF POLICE



OFFICE OF THE DISTRICT ATTORNEY
DELAWARE COUNTY COURTHOUSE
MEDIA, PENNSYLVANIA 19063
(610) 891-4161

JOHN J. WHELAN
DISTRICT ATTORNEY

October 06, 2014

RE: Updated protocol for detention of juveniles

Delaware County Police Chiefs:

It has recently come to our attention that Delaware County Juvenile Court Services has changed their protocol for the detention of juvenile offenders. As such, please be advised of the following:

Any police department seeking detention of a juvenile must first have the charges approved by our office. During regular business hours contact the District Attorney's Office, Juvenile Unit (610) 891-4770, or (610) 891-4769 (office) or Deputy District Attorney Dominick N. Spigarelli (610) 659-9750 (cell phone). After normal business hours please contact the "On-call" DA. If you are unable to contact the "On-call" DA, contact Deputy District Attorney Dominick N. Spigarelli at (610) 659-9750 (cell phone).

Once the charges have been approved the arresting agency seeking detention of a juvenile (or multiple juveniles) should follow the protocol outlined below.

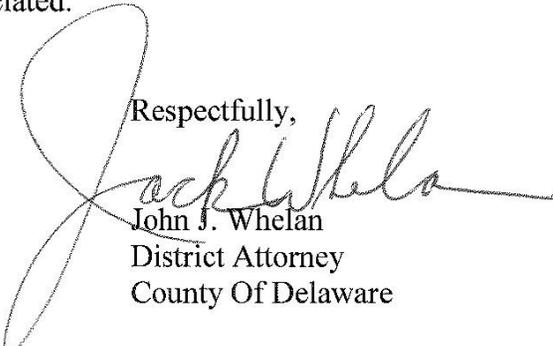
During normal county business hours, 8:30 a.m. through 4:30 p.m., the arresting agency should first contact Delaware County Juvenile Probation Supervisor Melanie Govan. Ms. Govan may be reached at (610) 891-4721 or (610) 891-4722.

After county business hours, 4:30 p.m. through 8:30 a.m., the arresting agency should contact the "On-call" Delaware County Juvenile Probation Supervisor at (610) 316-9493.

If you have any questions regarding the above protocol please do not hesitate to me at (610) 891-4168 or contact Deputy District Attorney Dominick N. Spigarelli at (610) 891-4770 (office) or (610) 659-9750 (cell phone).

As always, your consideration is most appreciated.

Respectfully,



John J. Whelan
District Attorney
County Of Delaware



OFFICE OF THE DISTRICT ATTORNEY
DELAWARE COUNTY COURTHOUSE
MEDIA, PENNSYLVANIA 19063
(610) 891-4161

JOHN J. WHELAN
DISTRICT ATTORNEY

May 29, 2013

RE: Processing of juvenile offenders for retail theft

Haverford Township Police Department:

In response to your recent inquiry, please allow this letter to reiterate that, pursuant to Title 18 §9112, Mandatory fingerprinting; the fingerprints of all persons arrested for a felony, misdemeanor or summary offense which becomes a misdemeanor on a second arrest after conviction of that summary offense, shall be taken by the arresting authority, and within 48 hours of the arrest, shall be forwarded to, and in a manner and such a form as provided by, the central repository.

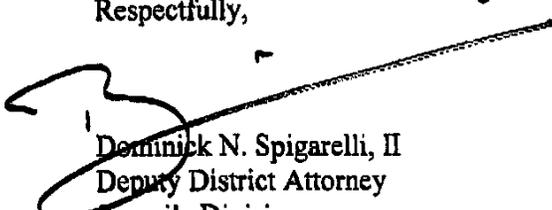
As such, any person, whether adult or juvenile, may be processed when charged with the summary offense of Retail Theft. This is due to the increase in the grading of the offense for second and subsequent offenses. For this reason identification of repeat offenders is crucial.

Our office would request that each arresting agency process each juvenile at the time the written allegation is prepared for felony and/or misdemeanor charges. Additionally, every juvenile charged with summary Retail Theft should, pursuant to Title 18 §9112, be processed as well.

If you have any questions please do not hesitate to ask. (610) 891-4770

As always, your consideration is most appreciated.

Respectfully,



Dominick N. Spigarelli, II
Deputy District Attorney
Juvenile Division