

## SCRANTON POLICE DEPARTMENT POLICY

*Effective Date:*  
**August 12, 2019**

*Policy Number:*  
**08-021**

*Policy Subject:*  
**Handling and Custodial Care of Juveniles**

*Reevaluation Date:*  
**August 12, 2020**

*No. Pages:*  
**5**

*PLEAC Standard(s):*  
**4.7.1, 4.7.2**

### **I. PURPOSE**

The purpose of this order is to establish policy and procedures for the safe, efficient and effective handling and custodial care of juveniles by members of the Scranton Police Department.

### **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**

*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, underage drinking etc.).

*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.

*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.

*Juvenile* – A person ten (10) to eighteen (18) years old at the time of the delinquent act. If under ten (10) years of age, the person is considered “dependent” not “delinquent”.

#### IV. PROCEDURES

- A. A child may not generally be detained in a municipal police lockup or cell or otherwise held securely within a law enforcement facility or structure which houses an adult lockup. Exceptions to this are indicated below in section C1.
- B. Status Offenders
  - 1. Status offenders shall be held in unlocked multipurpose areas or areas used only for processing purposes (eg., lobby, lobby interview room with unlocked door).
  - 2. Status offenders taken into custody **shall not** be held securely in any way.
  - 3. Upon identifying the juvenile, officers shall initiate efforts to arrange for the juvenile's release to a parent, guardian, or other responsible adult. Juveniles shall only be held long enough to accomplish this purpose. The name of the parent, guardian or other responsible adult that the juvenile is released to shall be included in the initial police report.
  - 4. 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 Children and Youth Services and follow the procedures indicated below in section C4.
  - 5. Officers shall record the juvenile's information on the Juvenile Contact Report (Pennsylvania Commission on Crime and Delinquency's [PCCD] Summary Information On Juveniles Held At Police Departments Log) maintained in the wagon area. Reports shall be provided to the PCCD as requested.
- C. Accused Delinquent Offenders
  - 1. Accused delinquent offenders (non-status offenders) may be held securely while in custody due to the commission of a crime, summary offense, and violation of probation or supervision following adjudication of delinquency for the purpose of identification, investigation, processing, releasing or transferring to parent guardian, other custodian, juvenile officials or a shelter.
  - 2. Accused delinquent offenders may be held securely, if necessary, but only for a period of no more than six (6) hours. If it is necessary for a securely held delinquent offender to remain in police custody for more than six (6) hours, the offender should be removed from secure holding after six (6)

hours, if possible, and held non-securely for the remaining time spent in police custody.

3. **A securely held delinquent offender must be separated by sight and sound from incarcerated adults and must be under visual supervision, either in person or via CCTV monitoring, at all times.**
  4. If it appears that a securely held delinquent offender cannot be released from police custody within the six (6) hour limit, due to an unresolved problem, assistance should be requested by calling Childline at (800) 932-0313 or the Pennsylvania Commission on Crime and Delinquency (PCCD) at (800) 692-7292, extension 3033.
  5. If a juvenile offender is not going to be detained in a juvenile detention center the officer shall arrange for the juvenile to be released to a parent, guardian, or other responsible adult. The name of the parent, guardian or other responsible adult that the juvenile is released to shall be included in the initial police report.
  6. If the offense may require the juvenile to be detained in the Lackawanna County Juvenile Detention Center or other approved Juvenile Detention facility the following shall be followed:
    - a. The officer shall contact the on-duty Lackawanna County Assistant District Attorney and describe the nature of the incident, potential charges and inability to release the juvenile.
    - b. The officer shall contact the on-duty Lackawanna County Juvenile Probation Officer and describe the nature of the incident, charges and inability to release the juvenile. The Juvenile Probation Officer shall determine if the juvenile offender is to be detained in a juvenile detention facility.
    - c. If a decision is made to place the juvenile in detention, a Juvenile Petition will be completed and the juvenile shall be transported prior to the expiration of the six (6) hours.
    - d. The guidelines mandated by Policy 08-020 Temporary Holding Facilities that are not superseded by the requirements of this Directive remain in effect and shall be adhered to.
  7. Officers shall record the juvenile's information on the Juvenile Contact Report (Pennsylvania Commission on Crime and Delinquency's [PCCD] Summary Information On Juveniles Held At Police Departments Log) maintained in the wagon area. Reports shall be provided to the PCCD as requested.
- D. 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 and ends, in addition to all efforts to arrange for the release of the juvenile.

- E. 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 the length of time of 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 the juvenile's residence can be made whenever the supervisor determines that the safety of the juvenile requires it. All notifications will be documented on the case report indicating the date, time, name of person contacted, and their relationship to the juvenile.

## **V. FINGERPRINTING AND PHOTOGRAPHING JUVENILES**

- A. Title 42, The Pennsylvania Consolidated Statutes, Section 6308, subsection (c) (1) states that 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.
- B. All defendants 16 years of age and older accused of the summary offense of retail theft shall be fingerprinted when possible.
- C. Officers shall ensure that juveniles are processed as outlined by Title 42, Pennsylvania Consolidated Statutes, Section 6308, subsection (c) (1) and Title 18, Section 3929, subsection (g).

## **VI. 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.

Juvenile records shall be maintained separately from adult records and files of arrest. These records shall be kept secure, and shall be maintained as required by law.

- B. A juvenile petition shall contain the following:
  1. The juveniles name/age/address; address of parent/guardian/custodian;

2. Factual allegations (like criminal complaint affidavit);
  3. Required language: “It is in the best interests of the child and the public that the proceeding be brought and that the child is in need of treatment, supervision, or rehabilitation”.
- C. A “Direct File” may be completed under the following:
1. Murder (automatic direct file).
  2. Actor is fifteen (15) years or older **and** used a deadly weapon during one of the following charges, **or** actor is fifteen (15) years or older and was previously adjudicated delinquent of one of the following charges: rape, involuntary deviant sexual intercourse, robbery, robbery of a motor vehicle, aggravated indecent assault, kidnapping, voluntary manslaughter, or attempt/conspiracy/solicitation of the above.
- D. Summary offenses shall be handled through the District Justice, not the Juvenile Probation or District Attorney’s Office.

All officers shall be familiar with the Pennsylvania Juvenile Act and their action(s) shall be guided by said Act.

By Order Of:

---

Chief Carl R. Graziano  
Superintendent of Police  
Scranton Police Department