

Juvenile Justice and Delinquency Prevention (JJDP) Act Rules and Regulations FOR POLICE DEPARTMENTS

Definition of Terms under the JJDP Act:

- Secure:** Juvenile is physically detained or confined in a locked building, room, holding cell or handcuffed to a stationary object. All juveniles held in this manner in any area of the Police Department are recorded on the log. A building or room that can be locked (even if it is not locked when a juvenile is placed in it) is considered secure. Unlocked rooms/areas inside a secure perimeter are also considered secure. A non-secure room within a non-secure perimeter but contains a cuffing rail or bench is considered secure.
- Non-secure:** The juvenile may be in custody but there are no secure doors to prevent their leaving the building. You may handcuff the juvenile to him/herself but not to a stationary object. You may place them in a room that does not have the capability of locking from the outside, does not have any stationary cuffing devices, and is not within a secure perimeter.

Type of Juvenile	JJDP Act Requirements (Only applies to secure holding)
Non-offender (Juvenile under age 18 who is dependent, neglected, abused or with mental health needs, or not alleged to have committed a delinquent offense or status offense)	Shall <i>not</i> be held securely for any period of time.
Alleged or Adjudicated Status Offender (Status offender is a juvenile under the age of 18 who has committed an offense that would not be a crime if committed by an adult: runaway, undisciplined, ungovernable, underage alcohol purchase/possession, underage purchase or accepting receipt of tobacco, truancy, curfew violation, gambling, etc.)	Shall <i>not</i> be held securely for any period of time. May be transported and held non-securely at a police department.
Alleged Delinquent (Juvenile under the age of 18 who is alleged of committing an offense that would be a crime if committed by an adult)	<i>May be held securely for up to 6 hours</i> for processing/questioning/release to parents or guardian. See 6-Hour Rule. Or, may be held for up to 6 hours prior to a court appearance and for an additional 6 hours following a court appearance. Juvenile must be sight and sound separated from adult offenders the entire time.
Adjudicated Delinquent (Juvenile under the age of 18 who has been adjudicated delinquent)	<i>May be held securely for up to 6 hours prior to a court appearance and for an additional 6 hours following a court appearance.</i> Juvenile must be sight and sound separated from adult offenders the entire time.
Juvenile who has been direct-filed, waived or indicted to Adult Court (Juvenile who the court has found to be an adult and will be tried as an adult)	<i>The JJDP Act and requirements do not apply.</i> If the juvenile is held prior to being direct filed, waived or indicted, treat as an alleged delinquent and follow the 6-Hour Rule.

6-Hour Rule:

The 6-Hour “clock” begins the moment the juvenile is placed in a secure area. Once the clock starts, it cannot be turned off (even if the juvenile is removed for interviews, medical attention or bathroom breaks) until the juvenile is permanently removed from the secure area.

6-Hour Rule does not apply when a juvenile is placed into a locked squad car; the juvenile is handcuffed to him/herself outside a secure setting; or the juvenile is in an unlockable area (not inside a secure perimeter).

The following are violations of the JAIL REMOVAL Requirement:

1. A non-offender or alleged/adjudicated status offender is held in a secure area – for any period of time.
2. An alleged delinquent is held in a secure area for over six hours for any reason.
3. An adjudicated delinquent is sentenced to the facility by a Judge.

The following is a violation of the DEINSTITUTIONALIZATION OF STATUS OFFENDERS Requirement:

A non-offender or alleged/adjudicated status offender is held in a secure area – for any period of time.

NOTE: This includes any juvenile detained for underage alcohol purchase/possession and underage purchase or accepting receipt of tobacco **if that is the most serious charge** for that juvenile.

The following is a violation of the SIGHT AND SOUND SEPARATION Requirement:

A non-offender, an alleged/adjudicated status offender or a delinquent is held in a secure area that is not sight and sound separated from any adult arrested, charged or incarcerated.