



THE STATE OF RHODE ISLAND  
AND PROVIDENCE PLANTATIONS

# JUVENILE STANDARDS

Guidelines for the Handling  
of Youthful Offenders  
and Non-Offenders



2007  
RHODE ISLAND JUSTICE COMMISSION



**THE STATE OF RHODE ISLAND  
AND PROVIDENCE PLANTATIONS**

# **JUVENILE STANDARDS**

## **Guidelines for the Handling of Youthful Offenders and Non-Offenders**

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(Updated)

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## **Forward**

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**T**he Rhode Island Justice Commission (RIJC) has administered the federal Juvenile Justice and Delinquency Prevention (JJDP) Act for the state of Rhode Island since 1975. Since that time, over 25 million dollars in JJDP grant funds have been distributed to state, city, town and community groups to help combat juvenile delinquency and intervene in the lives of troubled youths. Further, the Rhode Island Justice Commission, in conjunction with its permanent subcommittee – the Juvenile Justice Advisory Committee (JJAC) – directly undertakes delinquency prevention/ intervention projects intended to improve the juvenile justice system. This Juvenile Standards document is one such project.

To maintain Rhode Island eligibility for JJDP funds, we request that all agencies which take custody of youthful offenders and non-offenders make a good faith effort to adhere to the guidelines set forth in this manual. Working together, we can continue to improve the juvenile justice system in Rhode Island, while at the same time, fulfill our unequivocal commitment to full compliance with JJDP Act statutory regulations.

The RIJC welcomes input regarding this manual. Questions, comments, or suggestions may be directed to the Juvenile Justice Specialist at (401) 222-4494 or faxed to (401) 222-1294.

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**Thomas H. Mongeau**

May 2007



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## **I. Definitions**

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### **Law Enforcement Terminology**

1. **Accused** – A juvenile alleged to have committed a delinquent or wayward act.
2. **Adjudicated** – the allegations of delinquency or waywardness are heard and judged upon in a Family Court proceeding.
3. **Adult inmate** – An adult inmate is an individual who has reached the age of full criminal responsibility under applicable state law and has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense (42 U.S.C. 5603 Sec 103 (26)).
4. **Adult Jail** – A locked facility, administered by state, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than 1 year (28 CFR 31.304 (m)). Rhode Island currently has no adult jails.
5. **Adult lockup** – Similar to adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature that does not hold persons after they have been formally charged (28 CFR 31.304 (n)).
6. **Booking** – The administrative process of recording the offense and identifying data when the child is taken into custody
7. **Civil-type juvenile offender** – A juvenile offender who has been charged with or adjudicated for an offense that is civil in nature. Examples include non-criminal traffic violations and non-criminal fish and game violations.



## **Definitions** *(Cont.)*

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8. **Criminal-type juvenile offender** – A juvenile offender who has been charged with or adjudicated for conduct that would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 31.304(g)).
9. **Court holding facility** –A court holding facility is a secure, nonresidential facility, that is not an adult jail or lockup, that is used to temporarily detain persons immediately before or after court proceedings.
10. **Delayed egress device** – A device that prohibits the use of exits for a predetermined period of time.
11. **DCYF – The Rhode Island Department of Children, Youth and Families.**
12. **RIJC – The Rhode Island Justice Commission** – the state’s planning and coordinating agency for criminal and juvenile justice; designated administering and monitoring agency for the U.S. Department of Justice’s Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002.
13. **Host Home** – A temporary shelter home directly accessible to state/municipal law enforcement personnel for placement of juveniles who are unable or unwilling to immediately return to their families, but do not necessarily require police or DCYF custody. (See Appendix B)
14. **Intake** – The Family Court function of preliminary screening to determine if any action should be taken regarding the juvenile, and if so, what form that action would be.
15. **JJAC – The Juvenile Justice Advisory Committee** – a permanent subcommittee of the RIJC that develops program and project priorities for JJDP Act Formula grant funding.

16. **The Juvenile Justice and Delinquency Prevention Act** was passed by Congress in 1974, reauthorized in 1980, 1984, 1988, 1992, and 2002. The JJDP Act is administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice, Washington, DC. The main intents of the Act are to remove status offenders from juvenile correctional facilities; remove juveniles from jails, lockups and detention centers intended for adults; and to diminish the disproportionate confinement of minorities in secure detention. (See Appendix A)
17. **Juvenile** – A child in the state of Rhode Island who has yet to reach 18 years of life. (A juvenile becomes an adult at midnight, the night before his/her 18<sup>th</sup> birth date.)
18. **Juvenile Offender** – An individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by State law, i.e. a criminal type offender or a status offender (28 CFR 31.304(d)).
- a. **Delinquent** – The term applied to a juvenile who has committed any offense, which if committed by an adult, would constitute a felony.
  - b. **Wayward** – Two classifications:
    - Misdemeanant Offender** – a juvenile who has committed any act which, if committed by an adult, would constitute a misdemeanor offense.
    - Status Offender** – a juvenile who has committed any offense, which if committed by an adult, would not be a misdemeanor or felony violation (in essence, an age-related offense).

## **Definitions** *(Cont.)*

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According to Rhode Island Law, status offenses under the Wayward Classification would include the following:

- Truancy from school (under age 16)
- Runaway from home
- Violation of curfew
- Disobedient, out of control

**A juvenile accused of simple possession or consumption of alcohol (in a case that would not be an adult criminal offense) should be considered and handled as a status offender.**

### **19. Non-Offender –**

**Nonoffender** – a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juvenile (28 CFR 31.304(i)). These cases are referred to by many names including Children in Need of Services (CHINS), Children in Protective Services (CHIPS), and Families in Need of Services (FINS).

- a. A juvenile taken into custody for questioning purposes.

20. **Non-Secure Detention** – temporary pre-dispositional or post-adjudication care of a juvenile in an unlocked, non-residential (no bed or cot) multi-purpose area (dispatch, lobby, office, interview/conference room) which is not designated, set aside or used as a secure area, with the provision that the juvenile is not physically secured to a stationary object.

**DUI/Breathalyzer Refusal**

**A first offense for refusal to take a breathalyzer test is a civil offense in Rhode Island and therefore does not justify secure detention.**

21. **RITSY – The Rhode Island Training School for Youth** – the state’s secure juvenile detention/correctional facility.
22. **Secure Detention** – Confinement of a juvenile in a physically restrictive area (locked room/cell) designed to ensure the juvenile’s continued custody during either pre-dispositional or post-adjudication detention. This definition would include police lockups, the RI Training School, NFI (ACE Program), or any other facility used to hold a child securely prior to or after final disposition.

## **Definitions** *(Cont.)*

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**Handcuffing a juvenile to any stationary object (eyebolt, cuffing rail, heavy desk, etc.) is considered secure detention.**

23. **Taking into Custody** – the detaining of a juvenile against his/her volition; an act which would be governed by the laws of arrest under the criminal code if the subject perpetrating the act were an adult. A child taken into custody is subject to all Constitutional and statutory protections which are afforded an adult upon arrest.
24. **VCO – Valid Court Order** – a court order given by a Family Court judge to a juvenile who has been brought before the court and made subject to a court order, and who received before the issuance of the order the full due process rights guaranteed to such juvenile by the Constitution of the United States (42 U.S.C. 5603 Section 103 (16)). The word “valid” permits the secure detention of juveniles for violation of a valid court order only if they received their full due process rights as guaranteed by the U.S. Constitution.

## **Juvenile Unit/Officer**

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1. Each police department should establish a juvenile unit or have officers specially trained in the handling of juvenile cases to:
  - a. effect the arrest of juveniles when arrest is necessary;
  - b. make decisions regarding the release of the juvenile; and
  - c. immediately review every case in which an arrest has been made, for whatever reason, by another member of the department, who declines to release the juvenile.
2. All arrest warrants, summonses, capias, and possible petition referrals involving accused juveniles should be handled by this unit or the specific juvenile officer.
3. Officers and administrators from each of the three daily shifts should be trained in the handling of juveniles and be expected to work closely with the specific juvenile officer.

### **III. Immediate Release/Transfer**

#### **Status/Non-Offense**

Each police department should establish policy requiring immediate release of a juvenile taken into custody to a parent/guardian or DCYF if the juvenile is accused of committing a status or non-offense, or lesser misdemeanor offenses, under the condition that the public safety is not threatened and that the juvenile's appearance in court is assured.

#### **Criminal (Misdemeanor/Felony) Offense**

1. Each police department should establish policy requiring immediate transfer of a juvenile taken into custody for a serious offense to the Rhode Island Training School (RITSY) for temporary secure holding pending a court hearing.
2. Should the criminal/delinquent offense be deemed serious enough to warrant the juvenile's transfer to the RITSY, the arresting officer or shift supervisor should consider releasing the accused delinquent to his/her parent(s), guardian, or primary caretaker – under the condition that the public safety is not threatened and that the juvenile's appearance in court is assured.

**Per Section (223)(a)(13) of the JJDP Act, an accused criminal-type juvenile offender must be released/transferred after a maximum of six (6) hours in secure detention.**

## **IV. Custody of Accused Status and Non-Offenders**

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**When a juvenile is taken into custody for a status- or non-offense, the juvenile officer or arresting officer should:**

1. Consider immediate release of the youth to a parent or guardian after securing a promise from both the juvenile and parents to return for a hearing if necessary, unless the juvenile:
  - is in need of emergency medical treatment,
  - requests protective custody, or
  - is determined to be in a fugitive status.
2. Place and monitor the juvenile in a non-secure area of the police department (if the parent/guardian is unavailable, for whatever reason). The non-secure area should be completely separated from adult offenders (with both sight and sound considerations per RI General Law 14-1-26 and JJDP Act Sec. 223(a)(11)(A)).

**A law enforcement representative  
must maintain visual contact  
with the juvenile for the entire  
length of the juvenile's detention  
in the non-secure area.**



### **Custody of Accused Status- and Non-Offenders** *(cont.)*

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3. Insure that the juvenile not be held for more than twenty-four (24) hours at the local police station while waiting for parents, guardians, or transfer to an alternative temporary placement, or an order by a Family Court judge.
4. **Host Home Alternative** – (details in Appendix B) Place the juvenile in a host home, if one is available in the community or immediate geographical region, contingent upon the following criteria:
  - a. a parent or guardian cannot be contacted, or, refuses to pick up the child;
  - b. either the parent(s) or child, or both, require a “cooling off” period (limited from one day to two weeks) as determined by the arresting officer after consultation with either the parents, juvenile or both;
  - c. DCYF is unable or unwilling to take custody of the juvenile.
5. **DCYF Alternative** – If a host home is not available and parents refuse to pick up child, or the family situation otherwise necessitates the removal of the child from his/her home, DCYF should be contacted. The juvenile officer should make this determination as quickly as possible after the child has been taken into custody and DCYF contacted immediately thereafter. Transfer to a group home, temporary foster placement or shelter should also take place within the 24-hour temporary detention time limit.

## **V. Custody of Accused Criminal-Type Juveniles**

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1. **Probable Cause** – An order should not be issued nor a juvenile taken into custody without an order unless there is probable cause to believe that the juvenile falls within the delinquency jurisdiction of the Family Court and it is determined that issuance of a summons or citation would not: adequately protect the jurisdiction or process of the Family Court; protect the juvenile from an imminent threat of serious bodily harm; or reduce the risk of the juvenile inflicting serious bodily harm on others or committing serious property offenses prior to adjudication.

**In making this determination, the Family Court judge or law enforcement officer must consider:**

- a. the nature and seriousness of the alleged offense;
- b. the juvenile's record of delinquency offenses, including whether the juvenile is currently subject to dispositional authority of the Family Court or released pending adjudication, disposition, or appeal;
- c. the juvenile's record of willful failures to appear following the issuance of a summons or citation;
- d. the availability of non-custodial alternatives, including the presence of a parent, guardian, or other suitable person able and willing to provide supervision and care for the juvenile and to assure compliance with a summons or citation.

## **Custody of Accused Criminal-Type Juveniles** *(cont.)*

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**A youth in secure detention should be completely separated from adult offenders with both sight and sound considerations per RIGL Sec. 14-1-26 and JJDP Act Sec. 223(a)(12).**

2. **Secure Detention** – The officer who takes a juvenile into custody for committing an offense that, if committed by an adult would constitute a criminal offense (either a felony or misdemeanor), may hold the accused juvenile in secure detention not to exceed six (6) hours before release to parents, or transfer to RITSY (dependent on a judge’s order ) or to DCYF.
  - a. In the event a juvenile is taken into custody for a serious felony offense – including the hours between 11:00pm and 7:00am – the arresting officer or night shift supervisor should contact the appropriate Family Court judge to acquire permission to transfer the juvenile to the RITSY for temporary secure detention pending an arraignment the following morning – per Family Court Administrative Order #88-9. (See Appendix C)
  - b. Should the criminal/delinquent offense not be deemed serious enough to warrant the juvenile’s transfer to the RITSY, the arresting officer or shift supervisor should consider releasing the accused delinquent to his/her parent(s), guardian, or primary caretaker under the condition that the public safety is not threatened and that the juvenile’s appearance in court is assured.

**Custody of Accused**  
*(cont.)* **Criminal-Type Juveniles**

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- c. A juvenile accused of a misdemeanor offense may be securely detained according to the JJDP Act, however, depending on the circumstances, may be held in non-secure detention if facilities and/or personnel permit.

**The six (6) hour time limit begins only when the youth has been placed in secure detention – not at time of arrest or at the start of questioning/booking procedures. It also includes any time youth is removed from secure detention. The clock continues to run while youth is removed for medical treatment, meals, bathroom breaks, etc.**

3. The arresting officer should have the following duties with regard to the interim status of an accused criminal-type juvenile:
- a. **Notify Parents** – The arresting officer should make all reasonable efforts to contact a parent of the accused juvenile during the period between arrest and the presentation of the juvenile to any detention facility.
  - b. **Inform Juvenile of Miranda Rights** –
    - **At the time of arrest** – the arresting officer should immediately inform the juvenile, in clearly understandable language, the Miranda warnings required by the U.S. Supreme Court. The officer should also inform every arrested juvenile who is not promptly released from custody, of his/her right to have their parents contacted by the department. In any situation in which the accused

## **Custody of Accused Criminal-Type Juveniles** *(cont.)*

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does not understand English, or in which the accused is bilingual and English is not his/her principal language, the officer should provide the necessary information in the accused's native language, or provide an interpreter who will assure that the juvenile is fully informed and clearly understands his or her rights.

- **Prior to Formal Questioning** – the arresting officer or other officer who is administering the rights, should have the juvenile, in addition to parent(s) or guardian, if available, physically sign or initial each Miranda right on a written form that details each Constitutional right for purposes of preserving the juvenile's Constitutional rights, insuring the admissibility of any statements made by the juvenile and alleviating any questions of whether the juvenile understands those rights.

#### **4. Interrogation/Formal Statements:**

- a. Juveniles accused of committing a delinquent offense or engaging in non-criminal misbehavior should not be questioned regarding accused offenses or conduct, and formal, oral or written statements should not be elicited until the juvenile's parent(s), guardian, primary caretaker, or legal counsel has been contacted and is present.
- b. Before accepting a formal written or oral statement from a juvenile, law enforcement officers or other public officials working on the juvenile's behalf should ensure that the juvenile fully understands the matters explained to him/her and that the statement is voluntary, not only in the sense that it is not coerced or suggested, but also that it is not the product of adolescent fantasy, fright, or despair.

## **Custody of Accused (cont.) Criminal-Type Juveniles**

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5. **Transport to Facility** – The police should, within six (6) hours of placing a youth in secure detention, either release the juvenile or transport the juvenile without delay to the state’s juvenile detention facility (RITSY). Juveniles must not be transported with adult offenders to the RITSY or to Family Court per RI General Law Sec. 14-1-26.

**The 2002 Reauthorization of the JJDP Act, Sec. 223(a)(12) prohibits any contact between delinquent, status and non-offender juveniles with adult offenders in secure institutions.**

## **VI. Record Detention Data**

1. Information on all juveniles taken into custody, for any reason, should be recorded on self-report forms provided by the Rhode Island Justice Commission or on a computer database. The following juvenile detention data should be recorded:
  - a. **Departmental case reference number;**
  - b. **Age, Sex, Race** – (W)White, (B)Black/African American, (H)Hispanic, (A)Asian/Pacific Islander, (N)Native American
  - c. **Specific reason detained or taken into custody;**
  - d. **Category of offense** – (C)Criminal, (S)Status, (N)Non-offense
  - e. **Type of custody** –  
**Secure** – held in a cell or locked detention room or handcuffed to a stationary object.  
**Non-secure** – held in an unlocked, multi-purpose room, not intended for residential or secure use.
  - f. **Length of custody** – date and time entered detention and date and time released/transferred.
  - g. **Separation**-whether the youth was sight/sound separated from any adult offender/inmates.
2. Self-report forms should be submitted to the Rhode Island Justice Commission on a monthly basis.
3. If the juvenile is held securely for longer than six (6) hours, the circumstances should be recorded in the arrest report and disclosed to the juvenile, counsel, parents and the Rhode Island Justice Commission.

## **VII. Fingerprints/Records**

**Fingerprinting** - A juvenile in non-secure detention may remain in a secure booking area only long enough to be photographed and fingerprinted so long as a secure booking area is all that is available and continuous supervision is provided throughout the booking process. Continued non-secure custody for the purposes of interrogation, contacting parents, or arranging an alternative placement must occur outside the booking area.

**RIGL 14-1-64 Disposition of juvenile records.** –  
“All police records relating to the arrest, detention, apprehension, and disposition of any juveniles shall be kept in files separate and apart from the arrest records of adults and shall be withheld from public inspection, but the police report relating to the arrest or detention of a juvenile shall be open to inspection and copying upon request and upon payment of copying costs in accordance with § 38-2-4 by the parent, guardian, or attorney of the juvenile involved...”

**RIGL 42-28.7-1 Disclosure of records.** –  
“Whenever the Rhode Island State Police, or any city or town police or public safety department, or any other law enforcement agency in the state of Rhode Island engages in the practice of fingerprinting minors pursuant to any voluntary plan or program, or at the voluntary request of any minor’s parents or guardian, the original, duplicate, and photocopy of the fingerprinting record shall be given to the minor’s parents or guardian immediately upon completion of the fingerprinting process. The provisions of this section shall not be waived by any parent or guardian.”

## **VIII. Juveniles in Need of Medical Care**

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**1. Medical Attention**

Whenever a juvenile is taken into custody, whether for a delinquent or non-criminal offense, the arresting officer should determine if the child is in need of immediate medical care and insure that the appropriate medical attention is provided.

If the juvenile is transported in an emergency vehicle, the officer taking custody of the juvenile should accompany him/her in the rescue vehicle.

**Cases of severe  
alcohol intoxication or  
drug overdoses should be  
treated as medical emergencies.**

**2. Custody of Juvenile**

In all cases where a juvenile requires medical attention, that juvenile remains the officer's official responsibility until the juvenile has been released to his/her parents or guardian, DCYF or transferred to the RITSY.

**Appendix A**

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**JJDP Act Statutory Regulations**

### **Section 223(a)(11)(A)**

**Deinstitutionalization of Status Offenders (DSO)** – “...juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult-excluding juveniles who are charged with or who have committed a violation of Section 922(x)(2) of title 18, United States Code, or of a similar state law; juveniles who are charged with or who have committed a violation of a valid court order; and juveniles held in accordance with the Interstate Compact on Juveniles as enacted by the State – shall not be placed in secure detention facilities or secure correctional facilities; and juveniles who are not charged with any offense and who are aliens; or alleged to be dependent, neglected or abused shall not be placed in secure detention facilities or secure correctional facilities.

### **Section 223(a)(12)**

**Sight and Sound Separation** – “...juveniles alleged to be or found to be delinquent within the purview of paragraph (11) will not be detained or confined in any institution in which they have contact with adult inmates.”

### **Section 223(a)(13)**

\* **Jail Removal** – “... No juvenile shall be detained or confined in any jail or lockup for adults except juveniles who are accused of non status offenses who are detained in such jail or lockup for a period not to exceed 6 hours, for processing or release; while awaiting transfer to a juvenile facility; or in which period such juvenile make a court appearance, and only if such juveniles do not have contact with adult inmates..”

*\*except for a six hour time period that an accused criminal-type juvenile may be held securely...”to allow law enforcement to carry out responsibilities of identification, investigation, processing, release to parents or guardian, hold for transfer to an appropriate juvenile detention or shelter facility or transfer to court.” -  
” – 42 U.S.C. 5633(a)(14)*

### **Section 223(a)(22)**

**Disproportionate Minority Contact (DMC)** – “...address

the juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system...”

# **RIJC Authority to Monitor Compliance to JJDP Act**

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## **JJDP Act Section 223(a)(14)**

**Compliance Monitoring Mandate** – [The State Administering Agency (the RIJC) must] “...provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of paragraph (11)(A), paragraph (12) and paragraph (13) are met, and for annual reporting of the results of such monitoring...”

## **Rhode Island General Laws (RIGL)**

### **RIGL 42-26-4(1) gives the RIJC the authority to...**

“Serve as the state planning agency for administration of federal criminal justice related grant programs including, but not limited to the Juvenile Justice and Delinquency Prevention Act of 1974, as amended...”

### **According to RIGL 42-26-4(10), the RIJC has...**

“ the authority to collect from the department of corrections and any state or local government departments and agencies, such public information, data, reports, statistics, or other material which is necessary to carry out the commission's functions; and to collect from non-profit organizations which receive state or federal funds all information necessary to carry out the commission's functions...”

### **RIGL 42-26-11 dictates that...**

“All other departments and agencies of the state government are hereby authorized and directed to cooperate with the commission and to furnish such information as the commission shall require.”

## **Appendix B**

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### **Host Homes • Crossroads RI**

**Host Homes** – The Host Home network in Rhode Island consists of trained and licensed volunteer families who will provide temporary shelter of up to 21 days to adolescents, ages 12-17, who are experiencing family crises. The Host Home program is not intended for multi-problem, chronic runaways.

**Criteria for acceptance into a Host Home include:**

- Being a first or second time runaway
- Having no active involvement with drugs or alcohol
- Having no criminal record other than status offenses
- Not being an open DFYC case
- Having a willingness to follow house rules
- Attending school, except during vacations
- Agreement by youth and parents to attend counseling or mediation sessions

Each case is reviewed individually by the agency sponsoring the Host Home.

**Crossroads of Rhode Island**

Crossroads participates in the Host Homes program by operating a 24 hour referral hotline (see number below). In addition to Host Home referrals, Crossroads can provide a wide range of services including the provision of food, clothing, shelter, medical assistance, alcohol/drug treatment, family mediation, job development and other referrals for runaways and other juveniles in need. For more information, contact the Crossroads Youth Services department during business hours at (401)521-2255 or the

**Crossroads 24-Hour Hotline  
521-SAFE (521-7233)**

# **Appendix C**

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## **Family Court Orders**

### **Administrative Order 88-5**

**OFFICE OF THE CHIEF JUDGE  
FAMILY COURT OF THE STATE OF RHODE ISLAND  
ONE DORRANCE PLAZA, PROVIDENCE, RI 02903**

June 8, 1988

**I**n order to comply with the Juvenile Justice and Delinquency Prevention Act guidelines, authorization is hereby given to the Rhode Island State Police and to all City and Town Police Departments to call the assigned Duty Judge between the hours of 11 pm and 7 am for emergency detention [*of accused delinquent offenders*] prior to adjudication in accordance with Rule 8 of Rules of Juvenile Proceedings of the Family Court of Rhode Island.

*Calls within these hours should be made only in ultimate emergencies.*

This authorization is also extended to the Department of Environmental Management Enforcement Division.

**Jeremiah S. Jeremiah, Jr., Chief Judge**

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**OFFICE OF THE CHIEF JUDGE  
FAMILY COURT OF THE STATE OF RHODE ISLAND  
ONE DORRANCE PLAZA, PROVIDENCE, RI 02903**

October 30, 1992

**P**lease be advised that a new law affecting the operation of your department was passed at the end of the [1992 legislative session]...based on Section 223 A (14) of the federal Juvenile Justice and Delinquency Prevention (JJDP) Act. [Text of the new law – RIGL 14-1-26.1 – can be found in Appendix D, p. 21]

Stated simply, [the new law requires that] those juveniles taken into custody for committing a status offense or such non-offenses as being missing, abused or neglected are to be held non-securely at your department or barracks. The whole issue of “secure” vs. “non-secure” detention is explained in greater detail in the Federal Register (Volume 53, No. 212, November 2, 1988/Rules and Regulations, pages 44, 366-44, 368). [See pertinent excerpts in appendix E, pp. 22-23].

...As a result of the passage of [RIGL 14-1-26.1], all Rhode Island police departments are hereby expected to comply fully with this new state law and this directive of the Family Court. Failure to do so may result in the loss or jeopardy of the case that you are presenting or prosecuting while at the same time, drastically increase the degree of liability facing you, your department, officers, and municipality should the affected juvenile be injured while being held in violation of [the new law]...

**Jeremiah S. Jeremiah, Jr., Chief Judge**

## **Appendix D**

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### **Pertinent Rhode Island Laws**

#### **14-1-26. Separation from Adult Offenders**

In case a delinquent or wayward child is taken into custody or detained before or after the filing of a petition, or pending a hearing thereon, the child shall not be confined in any prison, jail, lockup, or reformatory, or be transported with, or compelled or permitted to associate or mingle with, criminal, vicious, or dissolute persons, but shall be kept under the care of the person arresting the child, or of a police matron as provided in § 14-1-24, until by order of the court other disposition is made of the child as provided in this chapter; and if the child is ordered to be detained, or confined in any of the institutions mentioned in this chapter, the child shall not be conveyed to or from the institution with adult offenders.

#### **14-1-26.1 Temporary custody of Status/Non-Offenders**

A juvenile taken into custody at a state, municipal, or college police department for an offense that would not be classified as criminal if committed by an adult, or non-offender juveniles, such as dependent or neglected children, shall be held for identification, investigation, and processing purposes only, in an unlocked, multi-purpose room that is not designated for residential use or secure detention. The child shall not be handcuffed to a stationary object and must remain in continuous visual supervision of an agency representative.

#### **14-1-11 Authorizing and Filing Petition**

...No child shall be ordered detained at the training school, unless there is pending against the child a petition setting forth facts which would constitute a felony or misdemeanor if committed by an adult or which alleges a violation of a valid court order, or unless the child is adjudged in contempt of court.



## **Appendix E**

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### **Secure vs. Non-Secure Custody**

*Excerpts from the Federal Register  
(Volume 53, No. 212, November 2, 1988/Rules and  
Regulations, pages 44, 366-44, 368)*

#### **I. Introduction and Background**

*...A juvenile may be in law enforcement custody and therefore, not free to leave or depart from the presence of a law enforcement officer or at liberty to leave the premises of a law enforcement facility **but not be in a secure detention or confinement status.***

A **secure detention** or confinement status has occurred within a jail or lockup facility when a juvenile is physically detained or confined in a locked room, set of rooms or a cell that is designated, set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody. Secure detention or confinement may result either from being placed in such a room or enclosure and/or from being physically secured to a cuffing rail or other stationary object.

#### **II. Discussion of Comments**

*...[H]andcuffing techniques that do not involve cuffing rails or other stationary objects will be considered non-secure custody where the additional criteria for non-secure custody set forth [on p. 23] are adhered to. **Thus, juvenile offenders can be considered in non-secure custody, even though handcuffed, where necessary, so long as a stationary object is not in use...***

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*(cont.)* **Secure vs. Non-Secure Custody**

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**III. Policy Criteria for Law Enforcement**

**Non-secure Custody Criteria** – The following policy criteria, if satisfied, will constitute non-secure custody of a juvenile in a building that houses an adult jail or lockup facility:

- (1) The area(s) where the juvenile is held is an unlocked multi-purpose area, such as a lobby, office or interrogation room which is not designated, set aside or used as a secure detention area or is not a part of such an area, or is a secure area, is used only for processing purposes;
- (2) The juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility;
- (3) The use of the area(s) is limited to providing non-secure custody only long enough and for the purposes of identification, investigation, processing, release to parents, or arranging transfer to an appropriate juvenile facility or to court;
- (4) In no event can the area be designated or intended to be used for residential purposes; and
- (5) The juvenile must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he or she is in non-secure custody.

**IV. Policy Criteria for Court Holding Facility**

A court holding facility is a secure facility, other than an adult jail or lockup, which is used to temporarily detain persons immediately before or after detention hearings, or other court proceedings. Court holding facilities where they do not detain individuals overnight (i.e. are not residential) and are not used for punitive purposes or other purposes unrelated to a court appearance, are not considered adult jails or lockups for purposes of section 223(a)(13) of the JJDP Act. However, such facilities remain subject to the section 223(a)(13)(42 U.S.C. 5633(a)(13)) separation requirement of the Act.

## **Appendix F**

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### **Juvenile Service Agencies**

**T**he following is a partial listing of agencies that provide various services for juveniles and/or their families. If unsure of an agency's services, fees, or office hours, contact the agency first before referring a juvenile.

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#### **Statewide Organizations**

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- Alcoholics Anonymous** .....800-439-8860  
*Fellowship/support for those who wish to stop drinking*                   **438-8860**
- Al-Anon Family Groups**..... 781-0044  
*Support groups for family/friends of alcoholics*
- Anorexia & Bulimia Association** ..... 861-2335  
*Support and Family Groups, Education/Prevention*
- Big Brothers of RI**..... 432-9955  
*Older male friendship, group activities*
- Big Sister Association of RI**..... 461-0310  
*Older female friendship, group activities*
- Center for Non-Violence** ..... 351-1695  
*(formerly Brother to Brother) Abuse prevention for adolescents*
- Butler Hospital** ..... 455-6200  
*Short-term psychiatric and substance abuse treatment*
- Caritas House** ..... 722-4644  
*Residential substance abuse treatment for adolescent females*
- Catholic Social Services**..... 467-7200  
*Parent/Child counseling, parent education*

(cont.) **Juvenile Service Agencies**

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- Crossroads of RI** ..... 521-2255  
*Mental health, medical, educational, shelter, advocacy, and case management services; Referrals; Runaway outreach*
- Family Service (Providence)** ..... 331-1350  
*Family counseling; AIDS, pregnancy, sexual/substance abuse information/treatment*
- Gay and Lesbian Helpline** ..... 751-3322  
*Empathetic listeners, support, information, referrals*
- Groden Center** ..... 274-6310  
*Early intervention, behavioral difficulties*
- Jewish Community Center of RI** ..... 861-8800  
*Educational, leadership and recreational activities*
- Jewish Family Service** ..... 331-1244  
*Counseling; Personal adjustment; Parenting Information*
- Justice Assistance** ..... 222-1330  
*Victim counseling; Restitution program; Job placement assistance*
- Little Flower Home** ..... 568-0106  
*Residential program for pregnant girls; Tests, counseling, advocacy*
- Marathon, Inc.** ..... 331-4250  
*Substance abuse treatment; Counseling; Shelter services*
- Mothers Against Drunk Driving** ..... 421-0800  
*Youth education; Public awareness* 885-4552
- Narcotics Anonymous (NA)** ..... 800-736-4597  
*Fellowship/support for those who wish to stop using drugs* 461-1110
- Planned Parenthood** ..... 421-9620  
*Gynecological services; Reproductive educational programs*
- RI Council on Alcoholism** ..... 725-0410  
*Information/referral service for alcohol and other substance abuse*

**Juvenile Service Agencies (cont.)**

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**RI Project AIDS Hotline .....800-726-3010**

*AIDS Information*

**RI Sexual Assault and Trauma**

**Resource Center ..... 421-4100**

*Support, advocacy, counseling and assault prevention programs*

**RI Youth Guidance Center ..... 725-0450**

*Family/group/individual therapy; Prevention programs*

**Right to Life Services..... 521-1860**

*Alternatives to abortion; Counseling; Material provisions for pregnant girls*

**St. Mary's Home for Children..... 353-3900**

*Residential/counseling programs*

**Samaritans .....800-365-4044**

*24 hour suicide/crisis hotline* **272-4044**

**Society for Young Victims.....800-999-9024**

*Locate missing children; Education; Family support (also 847-5083)*

**Transition House..... 767-2300**

*Residential program for girls with babies; Special education living program*

**Urban League of RI ..... 351-5000**

*Counseling, advocacy and referrals for minority families*

## **Governmental Agencies**

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**Attorney General (Juvenile Prosecution)..... 274-4400**

*Prosecution of criminal cases including felony offenses, arson, fraudulent practices, and family violence; processes juvenile and victim witness; maintains information charges*

**Department for Children, Youth & Families**

• **Child Protective Services .....222-5221**

*Intake, evaluation and assessment for the protection of children and their families; responds to and investigates reports of child abuse and/or neglect; provides screening/assessment services*

• **Direct Services .....528-3502**

*Care and treatment of children and supportive services to their families for children in foster homes, licensed child care agencies, or within their own home; investigates adoption petitions and child marriage applications*

• **Community Resources .....528-3797**

*Develops, monitors and coordinates a network of residential and community programs to serve youth; arranges placements and services for youth requiring substitute care; administers children's mental health services*

**RI Training School for Youth (RITSY)**

• **Superintendent .....462-7241**

• **Detention Center ..... 462-7307**

*Short-term detention center for male adolescents awaiting further court action for criminal-type offenses*

• **Youth Correction Center.....462-7270**

• **Girls Unit ..... 462-7303**

*Short-term detention center for female adolescents awaiting further court action for criminal-type offenses*

• **Juvenile Probation/Parole .....528-3525**

**Office of the Public Defender..... 222-3492**

*Represent indigent persons charged with crimes throughout the state in District, Family, Superior and Supreme Courts*

**Court Administration Office..... 222-3266**

## Governmental Agencies (cont.)

### **Department of Human Services**

- **Adol. Self-Sufficiency Collaborative.... 462-6829**

### **Rhode Island Family Court**

- **Intake.....458-3250**
- **Counseling Unit .....458-3420**  
*Provides counseling for families and individual family members who are experiencing problems or difficulties in marriage*
- **Alcohol Counseling Unit .....458-5020**  
*Individual, family and group counseling for alcohol troubled persons; prevention activities*
- **Court Appointed Special Advocate.....458-3330**  
*Monitors care of children placed through court as a result of child abuse or neglect. Utilizes trained volunteers to conduct interviews relative to the care of each child; reports finding to the Court*

### **Office of the Child Advocate..... 222-6650**

*Advocacy of children in the custody of DCYF including litigation, legislative advocacy and public education; Family Court representation of children voluntarily placed in DCYF custody; investigation of institutional child abuse/neglect; public reports on issues concerning children in DCYF care*

### **Rhode Island Justice Commission..... 222-2620**

*State's planning and coordinating agency for criminal and juvenile justice; administers the federal Juvenile Justice and Delinquency Prevention (JJDP) Act including the disbursement of formula grant funds; monitors for compliance to juvenile-related statutory regulations and state law; develops training for law enforcement and other juvenile justice system participants; research studies and statistical analysis*

### **Office of the Mental Health Advocate..... 462-2003**

*Legal services for patients in psychiatric facilities. Investigates complaints about conditions in psychiatric facilities and group homes; takes all necessary action to protect rights of patients in psychiatric facilities, residents of group homes and clients of community mental health centers*

## **Other Regional Agencies**

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### **Northern Region**

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**Community Counseling Center ..... 722-5573**

*Family counseling; substance abuse counseling; residential counseling program for behaviorally disordered youth; crisis intervention (CES) Central Falls and Pawtucket*

**Family Resources, Inc..... 766-0900**

*Individual/family counseling; substance abuse treatment; child abuse prevention; parent education (CES) Woonsocket, Lincoln, Cumberland, Burrillville, North Smithfield*

**Northern RI Mental Health ..... 762-1577**

*Mental health/alcohol/crisis intervention svcs. 765-8585*

**Pawtucket Addictions Counseling ..... 726-8080**

*Out-patient substance abuse counseling; group therapy*

**Progresso Latino ..... 728-5921**

*Social services for Hispanic population*

**ROAD Counseling Program ..... 769-3100**

*Out-patient drug/alcohol counseling; family therapy*

**SER Jobs for Progress ..... 724-1820**

*Job training; substance abuse prevention*

**Sojourner House ..... 765-3232**

*Conflict resolution program; family violence prevention*

**Blackstone Valley Community Action .... 723-4520**

*Emergency food/clothing; rental assistance; GED program; adolescent pregnancy*

**Woonsocket Shelter Community Action. 766-0844**

*Emergency food/clothing/shelter; parenting program; summer youth program*



**Other Regional Agencies (cont.)**

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**Greater Providence**

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**John Hope Settlement House ..... 421-6993**

**CES..... 455-2330**

*Recreation programs; residential emergency shelter for girls; crisis intervention; parent education; counseling (CES) Providence*

**Nickerson Community Center ..... 351-2241**

*Recreation/education programs; individual/group/family counseling; day camp*

**Providence Center..... 274-2500**

*Individual/group/family counseling; adolescent mental health; outpatient alcohol treatment program*

**Providence Community Action..... 273-2000**

*Emergency food/shelter services; employment training*

**SER Jobs for Progress ..... 724-1820**

*Job training; substance abuse prevention*

**Sojourner House ..... 658-4334**

*Conflict resolution; family violence prevention*

**(YDP) Youth Diversionary Program** providing diversionary services (90 day limit) for first-time offenders, ages 9-17, and

**(CES) Comprehensive Emergency Services** (60 day limit), available 24 hours a day for juveniles facing emergency crisis situations (abuse, neglect, dependency).

**Services through CES and YDP programs are contingent upon continued state funding.**

*(cont.)* **Other Regional Agencies**

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**Aquidneck Region**

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**Child and Family Services of Newport ... 849-2300**

*Individual/group/family counseling and therapy;  
substance abuse treatment; residential counseling  
program for girls*

*(CES) Newport, Middletown, Portsmouth, Tiverton, Little Compton,  
Jamestown*

**Stopover Services of Newport County .... 683-1824**

*Crisis intervention; individual/group/family counseling;  
short-term shelter placements; family mediation*

*(YDP) Newport, Tiverton, Middletown, Portsmouth, Little Compton*

**Martin Luther King Center ..... 846-4828**

*After-school programs; summer camp;  
recreation/education programs; emergency food*

**Newport County Mental Health ..... 846-1213**

*Mental health services; outpatient treatment; emergency  
and referral services*

**New Visions for Newport County ..... 847-7821**

*Emergency food/clothing; health center; summer youth  
employment*

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**Mid State**

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**Cranston Community Action Program .. 467-9610**

*Alcohol prevention/treatment; crisis intervention;  
adolescent parenting program; sexual abuse treatment*

*(CES, YDP) Cranston, Johnston, Scituate, Smithfield, Foster,  
Glocester, North Providence and (YDP) includes Burrillville*

**Tri-Town Community Action ..... 231-2750**

*Adolescent pregnancy; emergency food/clothing; health  
center; summer youth employment*

**Mental Health Services of Northwest RI 273-8100**

*Mental health services; counseling; school-based  
programs*

**Other Regional Agencies (cont.)**

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**East Bay**

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- Family Service, Inc. .... 331-1350**  
*Individual/family counseling; outpatient substance abuse treatment; services for pregnant teens and teen parents/families*  
*(CES, YDP) East Providence, Barrington, Bristol, Warren*
- Self-Help ..... 437-1000**  
*Emergency food/clothing; health services*
- East Bay Mental Health ..... 246-1195**  
*Outpatient mental health/alcohol services***24 Hr. 246-0700**

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**Kent County**

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- Kent County Mental Health Center ..... 732-5656**  
*Mental health services; individual/group/family counseling*  
*(CES) West Warwick, Warwick, East Greenwich, West Greenwich, Coventry*
- Tides Family Services ..... 822-1360**  
*Works with acting-out teens and families; emphasis on conjoint family therapy*  
*(YDP) Warwick, East Greenwich, West Warwick, Coventry, West Greenwich*
- Substance Abuse Treatment Program .... 828-6373**  
*Individual/group/family counseling with drug-related problems; psychological evaluation*
- Warwick Community Action ..... 732-4660**  
*Alcohol/drug counseling; employment/training program for youth; emergency food/shelter services*

*(cont.)* **Other Regional Agencies**

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**South County**

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**South Shore Mental Health Center, Inc. 789-1166**

*Individual/group/family counseling; alcohol and drug abuse; group therapy; psychological testing/evaluation (CES) North Kingstown, South Kingstown, Kingston, Exeter, Narragansett, Charlestown, Westerly, New Shoreham, Hopkinton, Richmond*

**South County Community Action Pgm ..... 789-3016**

*Youth employment programs; emergency food/shelter; host-home placements*

*(YDP) North Kingstown, Charlestown, Exeter, Hopkinton, Richmond, Narragansett, New Shoreham, Westerly, Jamestown*

**North Kingstown Regional Health ..... 295-9706**

*Medical treatment; family planning/counseling; AA Group*

**Sympatico ..... (Hotline) 783-0650**

*24 hour hotline for referral; information, support and crisis intervention; individual/group/family counseling*

## **Notes**

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Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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