

CUSTODY & PLACEMENT OF JUVENILES IN MASSACHUSETTS

Law Enforcement Dimensions, LLC & John Sofis Scheft, Esq. (Current as of December 11, 2023)

Age	PROTECTIVE CUSTODY (PC)		CRIMINAL DELINQUENCY	
	6 to 17		12 or 13	14, 15, 16 or 17
Reason	CRA Runaway CRA Warrant 119, § 39H	Alcohol 111B, § 8 Drugs 111E, § 9A Drug Presence 94C, § 36 Mental Health 123, § 12	Arrest for Any Crime	Arrest for Any Crime Exception: If accused of murder, treated like adult throughout process
Field Procedures	<ul style="list-style-type: none"> Always search body Inventory containers No handcuffs No police wagon No transport with adults 	<ul style="list-style-type: none"> Always search body Inventory containers Handcuffs permitted No wagon No adults 	<ul style="list-style-type: none"> Always search body Search containers if PC evidence related to arrest Handcuffs permitted No wagon No adults 	<ul style="list-style-type: none"> Always search body Search containers if PC evidence related to arrest Handcuffs permitted No wagon No adults
Placement	CRA Runaway <ul style="list-style-type: none"> Transport to or reunite with legal custodian (LC) Call 211 & place with shelter Transport to juvenile court CRA Warrant <ul style="list-style-type: none"> Only transport to juvenile court with arrival no later than 4:30 p.m. Otherwise, direct juvenile & legal custodian to go to juvenile court on next business day 	Alcohol incapacitation 111B <ul style="list-style-type: none"> Police discretion: Hospital, home, police station Notify LC ASAP Release to LC on demand Drug incapacitation 111E <ul style="list-style-type: none"> Hospital ED only Notify LC ASAP Release by hospital Present with Class A, B or C 94C <ul style="list-style-type: none"> Police station only Notify LC ASAP Release to LC on demand Maximum 4 hour hold at station Danger to self or others 123 <ul style="list-style-type: none"> Hospital ED only Notify LC ASAP Release or commitment by hospital after clinical exam 	If court in session: Book & transport to court for arraignment If court <u>not</u> in session: <ul style="list-style-type: none"> Do not notify probation Must release to LC LC signs release form **If LC refuse to pick up child, counsel &, if necessary, file 51A 	If court in session: Book & transport to court for arraignment If court <u>not</u> in session: <ul style="list-style-type: none"> Do not notify probation 1st option: Release to LC **LC signs release form **If LC refuse to pick up child, counsel &, if necessary, 51A 2nd option: Hold juvenile if: <ul style="list-style-type: none"> + Arresting officer request in writing, or + Warrant directs it + Always notify bail commissioner who makes final decision + LC may bail and sign release form, or + Juvenile held at Overnight Arrest Program (OAP). Police transport to OAP & to court

Age & Reason Continued	PC Continued		Delinquency Continued	
	6 to 17		12 or 13	14, 15, 16 or 17
	CRA Runaway CRA Warrant 119, § 39H	Alcohol 111B, § 8 Drugs 111E, § 9A Drug Presence 94C, § 36 Mental Health 123, § 12	Arrest for Any Crime	Arrest for Any Crime Exception: If accused of murder, treated like adult throughout process
Station Detention Issues	<p><u>No Booking</u></p> <ul style="list-style-type: none"> No photo/prints unless necessary to ID No CJIS entry <p><u>For runaway: May bring to station before LC pickup or 211 placement</u></p> <ul style="list-style-type: none"> <u>No</u> handcuffs in station Never attach to cuffing rail Never place in juvenile cell Hold in unlocked room <ul style="list-style-type: none"> Sight and sound separate from adult prisoners Continuous visual supervision **Must be by a person – e.g., dispatcher, secretary, cadet, officer Incident report **Set forth underlying facts and final placement 	<p><u>Booking</u></p> <ul style="list-style-type: none"> Statutes allow “notation of custody” similar to booking Photo/prints not prohibited No CJIS <p><u>Non-secure custody</u> if lawfully brought to police station</p> <ul style="list-style-type: none"> Handcuffs permitted No cuffing rail No placement in cell Unlocked room <ul style="list-style-type: none"> Sight and sound separate Continuous visual supervision Incident report 	<p><u>Booking</u></p> <ul style="list-style-type: none"> Inventory Photo & prints CJIS entry <p><u>Non-secure custody</u></p> <ul style="list-style-type: none"> Handcuffs permitted No cuffing rail No placement in cell Unlocked room **EOPSS policy: If non-compliant, may place in secure room. Document reason if take this step Sight and sound separate Continuous visual supervision Incident report 	<p><u>Booking</u></p> <ul style="list-style-type: none"> Inventory Photo & prints CJIS entry <p><u>Secure custody</u></p> <ul style="list-style-type: none"> Handcuffs permitted Yes, use cuffing rail Yes, place in juvenile cell **Important: <u>Maximum of 6 hours</u> for cuffing rail and DYS-approved juvenile cell Sight and sound separate Not continuous. Check juvenile every 30 minutes **Document reason for any delayed check Incident report