

## CUSTODY & PLACEMENT OF JUVENILES IN MASSACHUSETTS

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

Age & Reason <i>Continued</i>	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
<b>Station Detention Issues</b>	<p><b>No Booking</b></p> <ul style="list-style-type: none"> <li>No photo/prints unless necessary to ID</li> <li>No CJIS entry</li> </ul> <p><b>For runaway: May bring to station before LC pickup or 211 placement</b></p> <ul style="list-style-type: none"> <li>No handcuffs in station</li> <li>Never attach to cuffing rail</li> <li>Never place in juvenile cell</li> <li>Hold in unlocked room</li> </ul> <ul style="list-style-type: none"> <li>Sight and sound separate from adult prisoners</li> <li>Continuous visual supervision **Must be by a person – e.g., dispatcher, secretary, cadet, officer</li> <li>Incident report **Set forth underlying facts and final placement</li> </ul>	<p><b>Booking</b></p> <ul style="list-style-type: none"> <li>Statutes allow “notation of custody” similar to booking</li> <li>Photo/prints not prohibited</li> <li>No CJIS</li> </ul> <p><b>Non-secure custody if lawfully brought to police station</b></p> <ul style="list-style-type: none"> <li>Handcuffs permitted</li> <li>No cuffing rail</li> <li>No placement in cell</li> <li>Unlocked room</li> </ul> <ul style="list-style-type: none"> <li>Sight and sound separate</li> <li>Continuous visual supervision</li> <li>Incident report</li> </ul>	<p><b>Booking</b></p> <ul style="list-style-type: none"> <li>Inventory</li> <li>Photo &amp; prints</li> <li>CJIS entry</li> </ul> <p><b>Non-secure custody</b></p> <ul style="list-style-type: none"> <li>Handcuffs permitted</li> <li>No cuffing rail</li> <li>No placement in cell</li> <li>Unlocked room **EOPSS policy: If non-compliant, may place in secure room. Document reason if take this step</li> <li>Sight and sound separate</li> <li>Continuous visual supervision</li> <li>Incident report</li> </ul>	<p><b>Booking</b></p> <ul style="list-style-type: none"> <li>Inventory</li> <li>Photo &amp; prints</li> <li>CJIS entry</li> </ul> <p><b>Secure custody</b></p> <ul style="list-style-type: none"> <li>Handcuffs permitted</li> <li>Yes, use cuffing rail</li> <li>Yes, place in juvenile cell **Important: <u>Maximum of 6 hours</u> for cuffing rail and DYS-approved juvenile cell</li> <li>Sight and sound separate</li> <li>Not continuous. Check juvenile every 30 minutes **Document reason for any delayed check</li> <li>Incident report</li> </ul>