

# A JUVENILE IS DETAINED OR CONFINED AT THE DEPARTMENT...

When a **Status Offender** or **Non-Offender** is Detained/Confined within an Adult Jail or Lockup...



## Allowed

- ❖ Holding in a non-secure, non-residential room or area such as an office, lobby, break room, or conference room.
  - **A permanent path of free egress is required.**
- ❖ Cuffing to themselves or a *non-stationary* object (something a youth could carry out - like a chair).

## Prohibited

- ❖ ANY location within the facility where contact can occur with adult inmates, including inmate trustees.
- ❖ Cells (even if the door is unsecured).
- ❖ Locked or lockable rooms that can prevent someone from leaving.
- ❖ Rooms with stationary cuffing fixtures (cuffing bench, rail, ring, etc. that cannot be carried out) *even if they are not used.*
- ❖ Any room/area within a secure perimeter.

When a **Delinquent Offender** is Detained/Confined within an Adult Jail or Lockup...



## Allowed

- ❖ Holding in non-secure areas such as those allowed for Status Offenders and Non-Offenders.

### **Plus:**

- ❖ Holding cell, locked or lockable room (that can prevent someone from leaving).
  - *Limited to 6 hours for processing, release, or transfer to a juvenile facility.*
- ❖ Rooms with stationary cuffing fixtures (cuffing bench, rail, ring, etc. that cannot be carried out).
  - *Cuffing fixtures may be used.*
  - *Limited to 6 hours for processing, release, or transfer to a juvenile facility.*

## Prohibited

- ❖ Any location within the facility where contact can occur with adult inmates, including inmate trustees.

## FAQ

### ***Detained or Confined?***

Detained or Confined means “to hold, keep, or restrain a person such that *he is not free to leave.*”

However, it is further stated that “juveniles who are being held [in a non-secure area] by law enforcement personnel for their own safety, and pending their reunification with a parent or guardian or pending transfer to the custody of a child welfare or social service agency, are not 'detained or confined' within the meaning of the JJDPA.” **Per 28 C.F.R. § 31.304(q) (2017).**

### ***Who is a Status Offender?***

**Youth who have allegedly committed any of the following offenses:** Repeatedly Absent from School without Justification (Truancy), Beyond Parental Control (Incorrigible), Habitually Absent from Home (Runaway), Behaviors Injurious to Self or Others (BIS), or other offenses applicable only to juveniles. **Per § 211.031 (2), RSMo. (2016).**

Minor in Possession of Tobacco is a status offense for federal reporting.

### ***Who is a Non-Offender?***

Youth in custody for a non-criminal reason, such as Child Abuse/Neglect.

