



# Detaining or Confining Juveniles



**Detaining/Confining youth is subject to the Federal Juvenile Justice and Delinquency Prevention (JJDP) Act and applicable Federal Regulations. Agencies *must ensure*:**

- ✓ Youth detained or confined within adult jails and lockups **shall not** have contact with adult inmates, *including* inmate trustees.
- ✓ Status offenders, non-offenders, and civil-type offenders **shall not** be securely detained or confined. They **MUST** be placed in a non-secure, non-residential room/area **with** a permanent path of free egress from the building. **No secure holding devices may be present.**
  - ⇒ **Status Offenses include:** *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 (e.g., curfew) per § 211.031, RSMo. In addition, Minor in Possession of Tobacco is a status offense for federal reporting.*
- ✓ Juveniles accused of delinquent\* (non-status) offenses may be securely detained or confined in an adult jail or lockup **“for a period not to exceed 6 hours\* for processing or release, or while awaiting transfer to a juvenile facility, and only if such juveniles do not have contact with adult inmates.” Drive time to and/or from the facility does not count towards the six hour time frame.**

**\*Warning:** Youth accused of “Probation Violation,” “Violating a Court Order,” “Failure to Appear” (if the youth fails to appear for a status offense), or any other offense not specified a delinquent on a pick-up order **MUST** have the underlying offense verified as delinquent **PRIOR** to being detained in a secure area. “Felony Absconding While on Parole” should be treated as a RUNAWAY.

**Note:** Records must be kept of every juvenile who is securely or non-securely “detained or confined” in an adult jail or lockup **except** those held solely for “safekeeping” pending reunification with a parent/guardian or pending transfer to the custody of a child welfare or social service agency. Logs must be completed in their entirety and include beginning and ending times and the disposition of the youth. Sample log sheets are available online at: [www.dps.mo.gov/dir/programs/jj/jjProtections.php](http://www.dps.mo.gov/dir/programs/jj/jjProtections.php)

## Custody of Status vs. Delinquent Offenders

### Status Offenders

#### 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 an office 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 free egress;
- ✓ Rooms with stationary cuffing fixtures (ring, rail, bench, etc. that cannot be carried out) *even if they are not used*;
- ✓ Any room/area within a secure perimeter.

### Delinquent Offenders

#### Allowed

- ✓ Holding in non-secure areas such as those allowed for Status Offenders and Non-Offenders;

#### Plus:

- ✓ Holding cells;
- ✓ Locked or lockable rooms;
- ✓ Rooms with stationary cuffing fixtures (ring, rail, bench, etc. that cannot be carried out);
- ✓ Cuffing to a stationary cuffing fixture;
- ✓ Rooms/areas within a secure perimeter.

#### IMPORTANT NOTES

- ⇒ Secure Detainment/Confinement is limited to 6 hours and only for the purposes of processing or release or transfer to a juvenile facility.
- ⇒ Records **MUST** be kept of all youth securely detained/confined at the facility.

#### Prohibited

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

### Applicable to Both

Continuous visual supervision must be maintained.  
Maintain a Juvenile Custody Log (See Note).