

## Rules and Procedures

### Rule 318B

September 13, 1995

#### **Rule 318B - PROCEDURES FOR HANDLING ARRESTED JUVENILES AND USE OF THE JUVENILE DETENTION FACILITY**

This rule establishes the policy for the care and treatment of juveniles who come into custody of the Boston Police Department and supersedes all previously issued rules, orders, directives and memorandums. As used in this Rule, the term "juvenile" shall mean any child that has not yet reached their seventeenth birthday.

Sec. 1 GENERAL CONSIDERATIONS: Police officers are authorized and encouraged to use the least restrictive appropriate placement available, given the facts of the offense, in dealing with juveniles. This rule contains references to the applicable statutes or regulations governing the treatment of juveniles taken into custody by the Boston Police Department and the options available to Police Officers under those rules and regulations. Generally, beyond what is minimally required by a particular statute, officers should choose among the available options and use the least restrictive appropriate placement available.

Except as noted in this rule, the provisions of [Rule 318](#), Prisoners, apply in their entirety to the custody of juveniles.

Sec. 2 ARREST OF JUVENILES: Juveniles placed under arrest fall into one of the two categories defined below:

A. Delinquent Child: A child between seven and seventeen who violates any city ordinance, or town by-law or who commits any offense against a law of the Commonwealth ([M.G.L. c. 119, § 52](#)). A delinquent child may be arrested in any situation where an adult could be arrested in order to enforce federal, state and local laws defining criminal and traffic offenses.

B. Status Offender: A child under seventeen who has committed an act that is against the law, but which would not be against the law if it were committed by an adult. Examples of status offenders include, but are not limited to:

1. Child in Need of Services (CHINS): A child below the age of seventeen who persistently runs away from the home of his parents or legal guardian, or persistently refuses to obey the lawful and reasonable commands of his parents or legal guardian, thereby resulting in said parent's or legal guardian's inability to adequately care for and protect said child, or a child between the ages of six and seventeen who persistently and willfully fails to attend school or persistently violates the lawful and reasonable regulations of his school ([M.G.L. c. 119, § 21](#)).

An officer may only arrest a juvenile under the authority of the CHINS statute when the juvenile has failed to obey a summons issued by the court or when the arresting officer has probable cause to believe that the child has run away from home and will not respond to a summons.

2. Transportation of Alcoholic Beverages by Minors, [M.G.L. c. 138, § 34C](#). This is a status offense only when committed by a minor who has not yet reached their seventeenth birthday.

Sec. 3 PROTECTIVE CUSTODY: Juveniles may be taken into Protective Custody under two statutes, [M.G.L. c. 111B](#) or [M.G.L. c. 94C, § 36](#). When a juvenile is brought to the station, the juvenile's parents or legal guardians must be immediately notified. Department policy is that officers must make every reasonable effort not to keep a juvenile in protective custody more than four hours. Juveniles may also be taken into custody in certain situations without there being probable cause to arrest. Examples of such situations are the Children in Need of Services (CHINS) Act ([M.G.L. c. 119, § 39E](#)) or situations where it is believed that the life or health of the child is in immediate danger.

Sec. 4 BOOKING PROCEDURE: A juvenile under arrest should be brought to the station for booking. When booking is completed, the Duty Supervisor should be informed of the facts and circumstances of the case. The Duty Supervisor shall immediately notify a juvenile probation officer of the District Court and the juvenile's parent or guardian. The purpose of these procedures is to allow inquiry into the case. While this initial phase of the investigation and notification process is pending, the juvenile should be detained.

A. Juvenile Lockup Docket Form (BPD Form 2727): The Booking Officer shall complete all requested information on the Juvenile Lockup Docket Form for all juveniles under the age of 17 who are placed in a secure station house lockup.

1. Only juveniles who are held in a secure station house lockup should be recorded on these forms;
2. Only the amount of time that is actually spent in lockup should be recorded;
3. All times shall be recorded in military time (i.e., 5 p.m. is 1700 hours).

Commanding Officers shall ensure that the above forms are forwarded to the Bureau of Field Services no later than the first week of the month for the period covering the prior month. The Bureau of Field Services shall be responsible for sending such forms to the Executive Office of Public Safety, Committee on Criminal Justice.

Sec. 5 DETENTION POLICIES: The policies which govern the detainment of juveniles are set by both Massachusetts and federal law. Those policies are as follows:

A. Status offenders (including CHINS arrests) may not be placed in a "secure" lockup for any amount of time. Status offenders may only be referred to an approved "shelter care facility" or held in a "non-secure" environment and separated visually and audibly from adult prisoners.

1. Approved "Shelter care facilities" are also the preferred alternative for any juvenile who is eligible for release but whose parent or guardian cannot be contacted, or who refuses to take him or when there is a concern for the health and safety of the juvenile if returned to the parent or guardian.

B. Juveniles under the age of fourteen (14) may not be detained in a police lockup for any amount of time.

C. Juveniles between the ages of fourteen (14) and seventeen (17) who are charged with delinquency offenses may be held in police lockup for no more than six (6) hours for the purpose of identification and processing. Such detention must only be in Department of Youth Services (DYS) approved cells.

1. In accordance with the procedures described below in §§ 7-8, once a determination has been made to detain a juvenile, the juvenile should be transferred to the Department Juvenile Detention Facility.

Sec. 6 RELEASE AFTER BOOKING: The Duty Supervisor may make the decision to release a juvenile to the juvenile's parent, guardian or other reputable person if they promise, in writing, to supervise the juvenile and insure his or her appearance in court. The juvenile may also be released to a probation officer upon that probation officer's request. Booking Officers must complete the Juvenile Release Form, BPD 2331A/B whenever a juvenile is released from custody.

Sec. 7 JUVENILE DETENTION FACILITY: The Boston Police Department Juvenile Detention Facility is located on the fifth floor of District 1, 40 New Sudbury Street. One or more of the criteria listed below must apply in order for a juvenile who is not a "status offender" to be transported to the Detention Facility.

A. The arresting officer requests in writing that a juvenile between the ages of 14 and 17 be detained and the Duty Supervisor concurs.

B. A court issuing an arrest warrant for a juvenile between the ages of 14 and 17 directs in the warrant that the juvenile shall be held in safekeeping pending the juvenile's appearance in court.

C. A probation officer directs that a juvenile aged 14 to 17 be detained.

A juvenile being detained is eligible for bail in accordance with the laws of the Commonwealth.

Sec. 8 JUVENILE DETENTION FACILITY ADMISSION PROCEDURES: Once the Juvenile Detention Facility has been determined to be the appropriate placement for an arrested juvenile, the following steps will be taken:

- A. The Duty Supervisor of the District holding the juvenile will contact the facility staff by telephone.
- B. If the specified criteria have been met and space is available, the juvenile will be transported to the facility.
- C. The transporting officers will bring the juvenile to the Juvenile Detention Facility.
- D. The transporting officers will present the prisoner, his belongings and the following paperwork: Prisoner Transportation Sheet, Booking Sheet, arrest warrant (if applicable) and a copy of the Incident Report Form (BPD Form 1.1).
- E. The facility Supervisor will review the paperwork and make a brief physical examination to ensure that the juvenile is not sick, injured or under the influence of drugs or alcohol prior to accepting the juvenile. The transporting officers will not leave until the juvenile has been received by the facility.

The Juvenile Detention Facility does not have the ability to handle sick, injured, intoxicated or drug-influenced juveniles and will not accept them. Such juveniles should be taken to the Boston City Hospital for needed medical treatment prior to being referred to the facility.

Juveniles may only be transferred to the Juvenile Detention Facility during the hours they are open and if they have room to accept them. The Day Duty Supervisor for the District in which a juvenile was arrested shall ensure the juvenile is picked up and transferred to court before 10:00 a.m. on the next morning court is in session.

Sec. 9 Juvenile Detention Facility Hours of Operation:

The hours of operation for the Juvenile Detention Facility are as follows:

Monday, 6:00 p.m.	through	Tuesday, 10:00 a.m.
Tuesday, 6:00 p.m.	through	Wednesday, 10:00 a.m.
Wednesday, 6:00 p.m.	through	Thursday, 10:00 a.m.
Thursday, 6:00 p.m.	through	Friday, 10:00 a.m.
Friday, 6:00 p.m.	through	Monday, 10:00 a.m.

Note: Amended by Special Order 95-68, issued November 14, 1995, due to an address change for the approved shelter care facility for status offenders in the Metro Boston Region.

Amended by Special Order 97-36, issued October 10, 1997, which added Section 9, Juvenile Detention Facility Hours of Operation

APPROVED SHELTER CARE FACILITY FOR STATUS OFFENDERS  
HELD IN THE CUSTODY OF THE BOSTON POLICE DEPARTMENT

Commanding Officers must ensure that this notice is made available to all Duty Supervisors and Booking Officers and placed in the area where arrested persons are processed. At the present time, there is only one approved shelter care facility for status offenders in the Metro Boston Region.

Metro Boston Region

Core, Inc.  
4 Thirteenth Street  
Charlestown, MA 02129  
(617) 241-0500

Central Region

Youth Opportunities Upheld, Inc.  
81 Plantation Street  
Worcester, MA 01604

YOU, Inc.

(508) 849-5600, ext. 236 (day)

(800) 435-9990

United Homes (508) 640-0089

Luk (800) 922-8169

Western Region

Center for Human Development  
332 Birnie Avenue  
Springfield, MA 01107

(413) 733-6624 (day)

(413) 733-6624 (hotline)

Southeast Region

Versacare  
P.O. Box 2037

Northeast Region

Lawrence Boys' Club  
136 Water Street

140 Park Street  
Attleboro, MA 02703

(508) 226-1660 (day)  
(508) 226-6031 (hotline)

Lawrence, MA 01841

(617) 841-0053 (eve)