



STATE OF DELAWARE
THE JUSTICE OF THE PEACE COURT

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ALAN G. DAVIS
CHIEF MAGISTRATE

POLICY DIRECTIVE 23-273

TO: ALL UNIFORMED SERVICES EMPLOYEES

FROM: ALAN G. DAVIS ASD
CHIEF MAGISTRATE

RE: DETAINEES IN JP COURT LOCATIONS

DATE: DECEMBER 5, 2023

SCOPE:

The purpose of Policy Directive is to give officers guidance when detaining and holding a prisoner prior to transport, turning custody over to another agency or release.

POLICY DIRECTIVE/LEGAL MEMORANDA AFFECTED:

None

EFFECTIVE DATE:

This Policy Directive shall take effect immediately upon issuance and shall continue until rescinded or revised.

DEFINITIONS:

Holding room- A room or enclosure that does NOT lock, and/or is NOT equipped with a cuffing rail or other stationary object to prevent escape.

Juvenile Detention or Confinement- Keeping or restraining a juvenile such that he or she is not free to leave or that a reasonable person would believe that he is not free to leave. The exception is a juvenile that law enforcement holds solely to return him to his parent or guardian or pending his transfer to the custody of a child welfare or social service agency. In this case, the youth is not detained or confined within the meaning of this definition. Note that this exception does not include transfer to a juvenile jail/lockup facility.

Juvenile Justice and Delinquency Prevention Act (JJDP) – A federal statute enacted in 1974 that provides a set of uniform standards of care and custody for court-involved children and youth across the U.S. states, territories, and the District of Columbia. The JJDP sets forth four core requirements, or protections, with which states must comply to be eligible for federal juvenile justice funding under the statute. States who voluntarily choose to comply with the JJDP also receive training and technical assistance from the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP). In addition, OJJDP is charged with monitoring state compliance with the JJDP and providing guidance to the states on how best to prevent delinquency and improve their juvenile justice systems.

Secured lockup/custody- A room or enclosure that locks, and/or is equipped with a cuffing rail or other stationary object to prevent escape.

Sight or Sound Contact- Any physical, clear visual, or verbal contact that is not brief and inadvertent.

Status offender- A child or youth who commits a status offense.

Status offense- Conduct that would not be unlawful if committed by an adult but is unlawful only because of a child's or youth's legal minor status. Common status offenses include running away, truancy/chronic absenteeism, curfew violation, ungovernability/incorrigibility/beyond the control of one's parents and minor in possession of alcohol or tobacco products.

POLICY:

It is the policy of the Justice of the Peace Court to remain in compliance with the Juvenile Justice and Delinquency Prevention Act. This policy offers guidance to the Justice of the Peace Court uniformed personnel when detaining any person at any Justice of the Peace Court location. Justice of the Peace Court uniformed personnel are expected to maintain a high level of professionalism and use good judgement. Should any further guidance be necessary, uniformed personnel are to immediately contact their supervisor for direction.

GENERAL PROVISIONS:

- 1) The Chief of Uniformed Services shall identify a proper detention space for each Justice of the Peace Court location. Depending on the layout and construction of the building, the detention space will either be a secured lockup/custody space or a holding room. Once identified, the space shall be documented and inspected in accordance with the Juvenile Justice and Delinquency Prevention Act.

- 2) Each space shall have a prisoner log which records the name of the detainee, race, gender, age, if a Juvenile Detention Form was completed, the name of the agency responsible for the detainee, time in, time out and officer initials.
- 3) All police agencies and the Department of Correction shall complete the prisoner log when bringing a detainee into the detention space.
- 4) The Justice of the Peace Court prisoner log is subject for review at any time by administration and/or the Criminal Justice Council.
- 5) Each space shall have its own emergency evacuation instructions and map posted conspicuously inside the space.
- 6) Detainees shall not be left unattended at any time.
- 7) Any time a Justice of the Peace Court uniformed officer takes a person into custody for whatever reason, the officer shall complete an incident report to be approved by their supervisor, the prisoner log, and any other supporting document.
- 8) All uniformed personnel of the Justice of the Peace Court shall review this policy on an annual basis.

SEARCH AND SEIZURE OF PROPERTY:

Generally, all detainees will have been searched for dangerous or otherwise prohibited items prior to entering the courthouse. Uniformed service personnel shall not search or remove any property from the detainee unless there is an articulable concern for either the detainee's or officers' safety, at which point the property shall be carefully placed in a clear bag and remain in the view of the detainee and the officer. Whenever possible, an officer of the same gender will conduct the search and seizure of property. The officer shall document in their incident report the need for the search and the property taken from the detainee. All property shall be turned over to the transporting officer.

FEMALE DETAINEES:

Female detainees shall be placed in a space segregated from male detainees that is separated by sight and sound. Momentary and inadvertent lapses to this procedure shall be minimized. Whenever possible, a female officer shall accompany the female detainee until transport arrives.

TRANSGENDER DETAINEES:

Transgender detainees shall be placed in a space segregated from all other detainees including other transgender detainees.

JUVENILE DETAINEES:

As required by the mandates of Juvenile Justice and Delinquency Act, the following procedures regarding juveniles in the custody of this agency shall be strictly followed:

- 1) Juveniles shall not be held in secured custody unless they have been charged with an offense that would be criminal if committed by an adult.
- 2) Status Offenders (juveniles who have committed a crime that would not be criminal if committed by an adult) shall **not** be held in secured custody. Status Offenders may be held **only** in a holding room under the watchful eye of an officer.
- 3) A juvenile who is being detained or confined shall have no sight or sound contact with adult inmates.
- 4) Secured custody of juveniles shall be strictly limited to six (6) hours. The only exception to the six-hour limit shall be if conditions of safety exist such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel. The six-hour clock starts at the time the juvenile is detained or confined in a secure lockup/custody and cannot leave. The six-hour clock ends when the juvenile is released or transferred to a juvenile specific facility. The clock pauses (it does not reset) if the juvenile is removed from secure holding to take them to the scene/get food/appear for court/etc. All instances in which a juvenile is held beyond six (6) hours shall be documented, in detail in an incident report.

ATTACHMENTS:

The following are attached to this document and are incorporated by reference:

- 1) Prisoner Log
- 2) JP Court Juvenile Detention Form

cc: Honorable Collins J. Seitz, Jr.
Honorable Kathaleen S. McCormick
Honorable Jan R. Jurden
Honorable Carl C. Danberg
Honorable Michael K. Newell
Gayle P. Lafferty, State Court Administrator
All Justice of the Peace Courts
Elizabeth Petrick, Justice of the Peace Court Administrator
Stephanie Parker, Justice of the Peace Court Deputy Administrator
Rebecca Trifillis, Esquire, Justice of the Peace Court Staff Attorney
Jennifer L. Kline, Esquire, Justice of the Peace Court Staff Attorney

Roger Roof, Operations Manager North
Jacquetta Livingston, Operations Manager South
Kevin Jackson, Chief of Uniformed Services
Law Libraries: New Castle County, Kent County, Sussex County
Widener University School of Law

Justice of the Peace Court Prisoner Log

Number	Prisoner Name	Race	Sex	Age	Juv. Det. Form (Y/N)*	Agency	Time In	Time Out	Ofc. Initials
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
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***Note: Juvenile Detention Form MUST Be Completed For ALL Juveniles**

JUSTICE OF THE PEACE COURT

Juvenile Detention Form

Court: _____

JUVENILE'S NAME: _____ DOB: ____ / ____ / ____

REASON FOR DETENTION OR ARREST: Criminal: _____

Status: _____

COMPLAINT NUMBER: ____ - ____ - _____ DATE: ____ / ____ / ____

SECURED DETENTION? YES NO

(Status offenders may not be held in secure custody)

Time In: _____ hrs. Time Out: _____ hrs.
(If time in detention exceeds 6 hours, explain reason why in comment section)

LOCATION OF DETENTION

Court Room

Work Room

Lobby

TIME COMMITMENT WAS OBTAINED *(If applicable)*: _____ hrs.

ANY ADULT CONTACT: YES NO

If "yes" then comment:

NAME OF ADULT TAKING CUSTODY *(If applicable)*: _____

Print

RELATIONSHIP TO JUVENILE: _____

Signature

COMMENTS:

OFFICER'S NAME

SUPERVISOR'S APPROVAL