

JUVENILE HOLDING GUIDELINES FOR ADULT JAILS AND LOCKUPS

The federal Juvenile Justice and Delinquency Prevention Act (JJDP), as amended by the Juvenile Justice Reform Act of 2018, establishes core requirements intended to protect juveniles who come in contact with the justice system from inappropriate placements and potentially harmful exposure to adult inmates. The guidance included here is intended to help law enforcement and adult correctional facilities maintain compliance with the requirements of the JJDP and corresponding Michigan statutes.



Sight and Sound Separation Requirement

Juveniles detained or confined in jails or police lockups shall not have sight or sound contact with adult inmates.



Deinstitutionalization of Status Offenders Requirement

An individual under the age of 18, who is charged with or who has committed an offense that would not be criminal if committed by an adult or who is not charged with any offense, may not be detained or confined for any length of time within a jail or police lockup.

A status offender or non-offender taken into custody for his/her protection and/or for purposes of reunification with a parent or guardian may be held in a non-secure area, absent any secure holding features. In cases where a juvenile is accused of violating probation, violating a court order, failure to appear, or any other offense not specified as delinquent on a pick-up order, the underlying offense should be verified as delinquent prior to detaining the individual in a secure facility.



Jail Removal Requirement

An individual under the age of 18, who is charged with a delinquent (non-status) offense, may only be detained or confined within a jail or police lockup for a period of up to 6 hours for processing and release, while awaiting an initial court appearance, or while awaiting transfer to a juvenile facility.

A juvenile who has been adjudicated as delinquent may not be held in a jail or police lockup for any length of time, unless accused of a new delinquent offense.

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Definition of Detain or Confine

A juvenile is considered to be detained or confined when he or she is placed in any room or area of the facility that can be secured, whether or not the area is secured at the time.

The following are examples of situations in which a juvenile would be considered detained or confined in a secure facility, and therefore subject to reporting requirements:

1. A juvenile placed in an unlocked room located within a larger secure perimeter.
2. A juvenile placed in a holding cell, whether or not the cell door is locked.
3. A juvenile placed in an interview room, office, or other multipurpose room with a door that can be locked from the outside, whether or not the door is locked.
4. A juvenile placed in a room or area of the facility that includes a cuffing ring/rail or other construction fixtures designed to restrict movements, whether or not the juvenile is physically secured to the cuffing ring/rail.



Removing Youth Charged as Adults Requirement

An individual under the age of 18 charged as an adult may not be detained or confined in a jail or police lockup for longer than 6 hours, unless the court determines after a hearing, and in writing, that it is in the interest of justice for the juvenile to be detained in an adult facility.

If the court makes an initial determination that it is in the interest of justice for a juvenile to be held in an adult facility, the court must hold a hearing at least every 30 days to review whether it is still in the interest of justice for the juvenile to remain in an adult facility and provide the facility with written summary of the determination. Unless otherwise ordered by the court, juveniles held in the interest of justice should remain sight and sound separate from adult inmates.



Record Keeping

Records must be kept of every juvenile who is detained or confined in a jail or police lockup. Records should include the individual's date of birth, gender, race, offense(s) charged, indication of whether the juvenile has been waived to adult court, and the date and time of entry and exit from the secure facility.

Sample log sheets, as well as instructions for submitting reports to the Michigan Department of Health and Human Services are available online at:

michigancommitteeonjuvenilejustice.com/monthly-juvenile-reporting