



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.26 JUVENILE DETENTION

A. General: It is the responsibility of the USMS to provide for the custody, handling, and detention of juvenile delinquents in accordance with the [Juvenile Justice and Delinquency Prevention \(JJDP\) Act](#), and [18 U.S.C. §§ 5031– 5042](#).

B. Definitions:

1. Juvenile: A juvenile is a person who is less than 18 years old for the purpose of proceedings and disposition under [18 U.S.C. § 5031](#). In the case of an act of juvenile delinquency, a person who is under 21 is considered a juvenile. USMS juvenile prisoners will be treated as such unless, upon a motion by the Attorney General, the court orders the juvenile to be treated as an adult. In such cases the juvenile is “transferred” for adult prosecution ([18 U.S.C. § 5032](#)). Any prisoner committed under the [JJDP Act](#) will be treated as a juvenile regardless of age.
2. Adjudicated Juvenile: An adjudicated juvenile is a prisoner upon whom the court has made a finding or a juvenile prisoner who is awaiting a disposition hearing.

C. Custody and Detention:

1. A juvenile prisoner remanded to USMS custody will be detained in a juvenile detention facility or a detention facility designated for juvenile use. Alleged juvenile delinquents will be detained separately from adjudicated delinquents if possible.
2. In circumstances where a USMS contract juvenile facility will not accept a juvenile prisoner because, for example, of age, charge or violent tendencies, and no alternative juvenile detention facility is available, the USM will notify the United States Attorney and the court. Based upon the juvenile prisoner’s temperament and the lack of a juvenile facility, the court’s approval to place the prisoner in an adult detention facility with separate juvenile quarters will be requested.
3. In emergency situations a juvenile may be detained in an adult facility. The juvenile will be separated by sight and sound and out of regular contact with adult prisoners. The United States Attorney and the court will be notified immediately.

D. Juvenile Detention Facilities: Only juvenile detention facilities with a contract or IGA with the USMS or BOP will be used for detention purposes. If a juvenile detention facility is not available in the district, the USM will explore the availability of juvenile facilities in the nearest district or contact POD and the BOP Community Corrections Manager (CCM) for assistance in locating detention space.

E. Use of Non-Contract Juvenile Detention Facilities: In an emergency in which the juvenile prisoner must be detained in a juvenile facility without an awarded IGA and where use of the facility is not expected to recur, the USM will request that a LUA be awarded.

F. Contingency Plans: Each district will develop a written standard operating procedure (SOP) for the custody and detention of juvenile prisoners. The SOP, at a minimum, should describe the state's law regarding juveniles and:

1. Identify juvenile detention facilities by name, address, phone number, point of contact, and rate;
2. Specify sex and age range accepted; and
3. Identify restrictions on admission, such as no high-risk or violent prisoners.

Cancellation Clause: Supersedes Policy Directive 9.2, *Prisoner Detention and Housing*.

Authorization and Date of Approval:

By Order of:

Effective Date:

 /S/
John F. Clark
Director
U.S. Marshals Service

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