

# YOUTH RIGHTS IN PENNSYLVANIA: ARREST AND DETENTION

## When and how can I be taken into police custody

The police may take you into custody if:

- They have “probable cause” to suspect you committed an offense and have a statement from someone supporting this;
- There is reason to believe that you violated probation
- There is a court order (such as a bench warrant for failing to appear in court)

Police may also take you to a police station for the purpose of identifying you, to complete an investigation, or to release you to a parent or guardian.

*Your parent or guardian **must be notified** that you have been taken into custody within a reasonable amount of time. They must be told where you are and be given a reason for why you were taken in to custody.*

## Will I be photographed and fingerprinted?

The police can take your fingerprints or photographs if you are charged with either a misdemeanor or felony. These fingerprints and photographs can be used in the investigation of crimes by law enforcement officials of Pennsylvania, other states, and the FBI.

## Will the police take a DNA sample from me?

If you were charged with any offense that would be considered a felony, if committed by an adult, the police can take a DNA sample from you.

## How long can I be kept at a police station after an arrest?

You may be detained securely—that is, confined in a locked room or cell or cuffed to a rail or stationary object—at a police station for no longer than 6 hours. You can be kept in police custody longer under less-restrictive conditions.

## If I am detained until my court date, where can I be placed?

A youth can be detained at any of the following locations:

- A licensed foster home or home approved by the court
- A child welfare group home or placement
- A juvenile detention center, camp or facility approved by the Department of Public Welfare
- A placement designated by the court

## Can I be placed in secure detention before I have a detention hearing?

Yes, but only if one or more of the following conditions exist:

- Confinement is required to protect you or another person.
- There is reason to believe that you will run away or be removed from the jurisdiction.
- There is no parent, guardian or custodian to care for or supervise you.

If you are held in detention prior to a hearing, then a detention hearing must be held within 72 hours.

## What is decided at the detention hearing?

The detention hearing is an informal hearing where the court will determine whether you should remain in detention, shelter care or under some other pretrial supervision until the adjudicatory hearing (trial).