

Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Barstow Police Department (34 USC § 11133).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

324.1.1 JUVENILE DETENTION DEFINITIONS

- (a) **Contact** - means communications, whether verbal or visual, or immediate physical presence.
- (b) **Direct Visual Observation** - means staff must personally see minor's movement and/or skin. Audio/video monitoring may supplement, but not substitute for direct visual observation.
- (c) **Direct Visual Supervision** - means staff constantly in the presence of the minor. Audio/visual monitoring may supplement, but not substitute for direct visual supervision.
- (d) **Inmate Worker** - means an adult in a jail or lockup assigned to perform designated tasks outside his/her cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a day scheduled work week.
- (e) **Jail** - means a Type II or III facility as defined in the "minimum Standards for Local Detention Facilities."
- (f) **Juvenile Facility** - means a juvenile hall, juvenile home, ranch, or camp, forestry camp, regional youth education facility, boot camp, or special purpose juvenile hall.
- (g) **Juvenile Hall** - means a county facility designed for the reception and temporary care of minors detained in accordance with the provisions of this subchapter and the juvenile court law.
- (h) **Law Enforcement Facility** - means a building that contains a Type I Jail or Temporary Holding Facility. It does not include a Type II or III jail which has the purpose of detaining adults charged with criminal law violations while awaiting trial or sentenced adult criminal offenders.
- (i) **Licensed Health Care Personnel** - means those individuals who are licensed by the state to perform specified functions within a defined scope of practice.
- (j) **Lockup** - means a locked room or secure enclosure, under the control of a peace officer or custodial officer, that is primarily for the temporary confinement of adults who have recently been arrested. Lockups are temporary holding facilities only.
- (k) **Minor** - means a person under 18 years of age and includes those persons found unfit for juvenile court pursuant to Welfare and Institutions Code § 707.

Barstow Police Department

Barstow PD CA Policy Manual

Temporary Custody of Juveniles

- (l) **Non-Secure Custody** - means that a minor's freedom of movement in a law enforcement facility is controlled by the staff of the facility; and,
 - 1. The minor is under constant personal visual supervision by the staff;
 - 2. The minor is not locked in a room or enclosure;
 - 3. The minor is not physically secured to a cuffing rail or other stationary object.
- (m) **Secure Detention** - means that a minor being held in temporary custody in a law enforcement facility is locked in a room or enclosure and/or is physically secured to a cuffing rail or other stationary object.
- (n) **Shall** - is mandatory; "May" is permissive.
- (o) **Status Offender** - means a minor alleged or adjudged to be a person described in Welfare and Institutions Code § 601.
- (p) **Supervision in a Law Enforcement Facility** - means that a minor is being directly observed by the responsible individual in the facility to the extent that immediate intervention or other required action is possible.
- (q) **Temporary Custody** - means that the minor is not at liberty to leave the law enforcement facility, but detention at the facility will be for a limited period of time, generally 6 hours or less.
- (r) **Use of Force** - means an immediate means of overcoming resistance and to control the threat of imminent harm to self or others.

324.1.2 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1(d); 15 CCR 1150).

Barstow Police Department

Barstow PD CA Policy Manual

Temporary Custody of Juveniles

Safety checks - Direct, visual observation personally by a member of this Department performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146). Members of the Barstow Police Department shall not secure Any juveniles to the outside Custody Restraint Bench.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

324.2 POLICY

The Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

Barstow Police Department

Barstow PD CA Policy Manual

Temporary Custody of Juveniles

324.2.1 CONSTITUTIONAL RIGHTS ADVISEMENT

In any case where a juvenile is taken into temporary custody, the juvenile should be promptly advised of his/her constitutional rights to ensure the admissibility of any spontaneous statements, whether or not questioning is intended (Welfare & Institutions Code § 625) .

324.2.2 CHILDREN UNDER THE AGE OF 14

Whenever a child under the age of 14 is arrested, the arresting officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26). All officers shall complete a "Gladys R. Questionnaire" and attach the questionnaire to any police report or juvenile application involving the arrest of a juvenile under the age of 14 years.

324.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Barstow Police Department:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

These juveniles should not be held at the Barstow Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (15 CCR 1142).

324.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Watch Commander shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

324.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to

Barstow Police Department

Barstow PD CA Policy Manual

Temporary Custody of Juveniles

communicate, verbally threatening to kill him/herself, or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody (15 CCR 1142).

324.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Barstow Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Barstow Police Department without authorization of the arresting officer's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Barstow Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1(d)).

324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Barstow Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination.

324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

324.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Barstow Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

Barstow Police Department

Barstow PD CA Policy Manual

Temporary Custody of Juveniles

A juvenile offender who is 14 years of age or older and suspected of using a firearm in violation of Welfare and Institutions Code § 625.3 shall be transported to a juvenile facility.

A juvenile offender suspected of committing murder or a sex offense that may subject a juvenile to criminal jurisdiction under Welfare and Institutions Code § 602(b), or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Department.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

324.4.4 JUVENILE'S PERSONAL PROPERTY

The officer placing a juvenile into a detention room must make a thorough search of the juvenile's property. This will ensure all items likely to cause injury to the juvenile or others within the facility are confiscated and placed in a proper location. The property shall be inventoried in the juvenile's presence and sealed into a bag or envelope. The property will be maintained by the responsible detective or officer, or locked in a juvenile property locker until the juvenile is released from the custody of the Barstow Police Department.

324.4.5 MONITORING OF JUVENILES

The juvenile shall constantly be monitored while within the facility and during the entire detention. For juveniles in secure detention an in-person visual inspection shall be done to ensure the welfare of the juvenile and shall be conducted at least once each half-hour, on an unscheduled basis, until the juvenile is released. This inspection shall not be replaced by video monitoring. This inspection shall be conducted by the arresting officer or a designee of the watch commander, and the visual inspection shall be logged on the detention log in the police department.

More frequent visual inspections should be made as circumstances dictate as in the case of an injured or ill juvenile being detained, or if specific circumstances exist such as a disciplinary problem or suicide risk. In such instances the watch commander shall be fully informed about the special circumstances in order to evaluate continued detention of such a juvenile. Juvenile security

Barstow Police Department

Barstow PD CA Policy Manual

Temporary Custody of Juveniles

report logs and confinements of juvenile logs shall be turned into the Patrol Division Commander or his/her designee at the end of each month, or more frequently as directed by the Chief of Police or his/her designee.

324.4.6 MANDATED JUVENILE PROVISIONS

While a juvenile is being detained in the detention room, he/she shall be provided with the following provisions:

- (a) Reasonable access to toilets and washing facilities.
- (b) Food, if the juvenile has not eaten within the past four hours, or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (c) Reasonable access to drinking water.
- (d) Privacy during family, guardian, and/or lawyer visits.
- (e) Blankets and clothing necessary to ensure the comfort of the juvenile (clothing shall be provided if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for the continued wear while in custody).

324.4.7 FORMAL BOOKING

No juvenile shall be formally booked (Welfare and Institutions Code § 602 only) without the authorization of the arresting officer's supervisor or the watch commander.

Any juvenile, 14-years of age or older, who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted, and photographed upon the approval from the watch commander or detective supervisor, giving due consideration to the following:

- (a) The gravity of the offense
- (b) The past record of the offender
- (c) The age of the offender

324.4.8 DISPOSITIONS

- (a) Any juvenile not transferred to a juvenile facility shall be released to one of the following:
 - 1. Parent or legal guardian.
 - 2. An adult member of his/her immediate family.
 - 3. An adult person specified by the parent/guardian.
 - 4. An adult person willing to accept responsibility, when the juvenile's parents are unavailable as approved by the watch commander.

Barstow Police Department

Barstow PD CA Policy Manual

Temporary Custody of Juveniles

- (b) If the six hour time limit has expired, the juvenile should be transported to a juvenile detention facility for booking or released from the facility to a proper party.
- (c) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:
 - 1. The juvenile may be released without any further action, to a parent, guardian, or responsible adult, when that action is most appropriate due to current circumstances.
 - 2. The juvenile may be issued a citation and released to a parent, guardian, or responsible adult, as listed above.
 - 3. The arresting officer may complete an Application for Petition form on behalf of the juvenile and file the petition with the appropriate agency.
 - 4. The juvenile may be transferred to a juvenile detention facility with authorization of the appropriate supervisor or the watch commander when the violation falls within the provisions of Welfare and Institutions Code § 602.
- (d) If a juvenile is to be transported to juvenile hall, the following forms and property shall accompany the juvenile:
 - 1. Application for Petition, including a probable cause statement.
 - 2. Any personal property taken from the juvenile at the time of detention.

324.5 ADVISEMENTS

Officers shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile is taken into temporary custody, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, he/she shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1(d)).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to his/her parent or guardian; one to a responsible relative or his/her employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

Barstow Police Department

Barstow PD CA Policy Manual

Temporary Custody of Juveniles

324.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Barstow Police Department (15 CCR 1150).
- (c) Watch Commander notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed (15 CCR 1142).
- (h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1(d); 15 CCR 1145).
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Watch Commander shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

324.6.1 RELEASE OF INFORMATION BY SUPERIOR COURT ORDER

Any order by a court for the release of juvenile records or information shall be forwarded to the police services supervisor for additional consideration. Such releases are authorized by Welfare and Institutions Code § 827.

324.6.2 RELEASE OF INFORMATION TO OTHER AGENCIES

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the police services supervisor or the appropriate division commander to ensure that only that information that is legally obtainable by another agency is released by this department.

324.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Welfare and Institutions Code § 207.1(d); Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Barstow Police Department (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

Barstow Police Department

Barstow PD CA Policy Manual

Temporary Custody of Juveniles

324.7.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When immediate emergency medical attention is required for a juvenile who is either in secure or non-secure custody at any police facility, the paramedics will be called. The watch commander shall be notified, as soon as practical, of the need for medical attention for the juvenile.

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting officer or the discovering officer should administer first aid or Cardio Pulmonary Resuscitation (CPR) prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the following persons shall be notified as soon as practical:

- (a) The Watch Commander
- (b) The Division Commander
- (c) The Chief of Police
- (d) The parent, guardian, or person standing in loco parentis, of the juvenile.

If the need for medical treatment is of non-emergency nature, the juvenile may be transported by the arresting officer, or other designated officer, in a police unit to the appropriate medical facility for treatment.

324.7.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

It shall be the policy and practice of this department to place the welfare of all juveniles in custody or at the facility as a top priority and concern. All juveniles in a detention situation are potential suicide risks. Any sign, threat, or attempt to take ones own life shall be regarded as a dangerous situation even if appearing manipulative, superficial, or lacking serious intent.

To minimize the suicide potential of juveniles while in custody, the following steps shall be strictly adhered to:

- (a) Remove all personal property as soon as possible (i.e. coats, purses, miscellaneous items, etc.)
- (b) Physically search all juveniles for weapons or potentially dangerous items. Male juveniles shall be searched by male officers and female juveniles shall be searched by female officers or female matrons.
- (c) Visually inspect and do external pat-down of opposite sex juveniles when an officer of the same sex is not available. If there is cause to believe a juvenile of the opposite sex of the officer has weapons or contraband secreted on their person, he/she should remain handcuffed to the rear until such time as a female, or officer of the same sex as the juvenile, or other appropriate adult is available for a complete search.

Barstow Police Department

Barstow PD CA Policy Manual

Temporary Custody of Juveniles

- (d) Visually inspect holding cells and report rooms for potentially dangerous weapons prior to placing a juvenile inside.
- (e) Juveniles exhibiting suicidal signs or making threats shall remain under constant observation. Potential suicidal signs may include:
 - 1. Alluding to drastic actions.
 - 2. Stating intent to kill oneself.
 - 3. Stating a desire to be dead.
 - 4. Expressing self-condemnation.
 - 5. Hyperventilation, extreme anxiety, or depression.
- (f) Any behavior, threats, or attempts by a juvenile, while in custody shall be documented on a juvenile application.

324.7.3 USE OF RESTRAINT DEVICES

The use of a restraint is an extreme measure and only for a temporary measure pending transportation to another facility or until other custodial arrangements can be made. The use of restraints shall only be used when the juvenile:

- (a) Displays bizarre behavior that results in the destruction of property or shows intent to cause physical harm to self or others.
- (b) Is a serious and immediate danger to himself/herself or others.
- (c) Otherwise falls under the provisions of Welfare and Institutions Code § 5150.

Restraint devices includes devices which immobilize a juvenile's extremities and/or prevent the juvenile from being ambulatory. Restraints shall only be used after less restrictive measures have failed and with the approval of the watch commander.

Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Direct visual observation shall be conducted at least twice every 30 minutes to ensure that the restraints are properly employed, and to ensure the safety and well-being of the juvenile.

Juveniles who have been placed in restraint devices shall be isolated to protect them from abuse. Restraints shall not be used as a punishment, or as a substitute for treatment.

Additional restrictions for the use of restraints on juveniles are as follows:

- (a) Mechanical restraints shall not be used in a manner that inflicts pain or restricts circulation.
- (b) Mechanical restraints shall not be used to secure a minor to part of a vehicle (except seat belts).
- (c) Only the minimum force necessary shall be used when placing mechanical restraints on a juvenile.

Barstow Police Department

Barstow PD CA Policy Manual

Temporary Custody of Juveniles

- (d) Officers should usually avoid threatening to use mechanical restraints to control behavior.
- (e) Restraints should normally be removed as soon as the minor regains self control or when it is determined that the emergency no longer exists.

324.7.4 DISCIPLINE OF JUVENILES

All police personnel are prohibited from administering discipline to any juvenile.

324.7.5 DEATH OF A JUVENILE WHILE DETAINED

The District Attorney's Office and the Sheriff-Coroner's Office will conduct the investigation of the circumstances surrounding the death of any juvenile being detained at this department. The Administrative Division Commander or his/her designee will conduct an administrative review of the incident.

In any case in which a juvenile dies while detained at the Barstow Police Department, the following shall apply:

- (a) The Chief of Police or his/her designee shall provide to the California Department of Corrections and Rehabilitation a copy of the report submitted to the Attorney General under Government Code § 12525. A copy of the report shall be submitted to the Department of Corrections and Rehabilitation within ten calendar days after the death.
- (b) Upon receipt of a report of death of a juvenile from the Chief of Police or his/her designee, the Department of Corrections and Rehabilitation may within 30 calendar days inspect and evaluate the juvenile facility, jail, lockup or court holding facility pursuant to the provisions of Article 4, Title 15 California Code of Regulations § 1341. Any inquiry made by the Department of Corrections and Rehabilitation shall be limited to the standards and requirements set forth in these regulations.
- (c) A medical and operational review of every in-custody death of a juvenile shall be conducted. The review team shall include the following:
 - 1. Chief of Police or his/her designee.
 - 2. The county health administrator.
 - 3. The responsible physician and/or other health care and supervision staff who may be relevant to the incident or investigation.

324.7.6 CURFEW VIOLATIONS

Juveniles detained for curfew violations may be released in the field or brought to the station, but should only be released to their parent, legal guardian, or responsible adult.

324.7.7 PROTECTIVE CUSTODY

Pursuant to Welfare and Institutions Code § 300 et seq., a child may be taken into protective custody if he/she is the victim of suspected child abuse. Before taking any minor into protective

Barstow Police Department

Barstow PD CA Policy Manual

Temporary Custody of Juveniles

custody, the officer should make reasonable attempts to contact the appropriate child welfare authorities to ascertain any applicable history or current information concerning the minor.

Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs. Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

324.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Barstow Police Department shall ensure the following:

- (a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Barstow Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Barstow Police Department more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal safety checks and significant incidents/activities shall be noted on the log.
- (d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- (f) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- (g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).
- (j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
- (k) Blankets shall be provided as reasonably necessary (15 CCR 1143).
 1. The supervisor should ensure that there is an adequate supply of clean blankets.

Barstow Police Department

Barstow PD CA Policy Manual

Temporary Custody of Juveniles

- (l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

324.9 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

324.10 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Barstow Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

324.11 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Barstow Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Barstow Police Department.

324.12 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Watch Commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others. Factors to be considered when

Barstow Police Department

Barstow PD CA Policy Manual

Temporary Custody of Juveniles

determining if the juvenile offender presents a serious security risk to him/herself or others include the following (15 CCR 1145):

- (a) Age, maturity, and delinquent history
- (b) Severity of offense for which the juvenile was taken into custody
- (c) The juvenile offender's behavior
- (d) Availability of staff to provide adequate supervision or protection of the juvenile offender
- (e) Age, type, and number of other individuals in custody at the facility

Members of this Department shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145). Officers are not authorized to secure juvenile offenders to the Custody Restraint Bench.

324.12.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) Juveniles shall have constant auditory access to Department members (15 CCR 1147).
- (b) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1(d)).
- (c) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
 - 1. All safety checks shall be logged.
 - 2. The safety check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (d) Males and females shall not be placed in the same locked room (15 CCR 1147).
- (e) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (f) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

324.13 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Watch Commander will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Barstow Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

Barstow Police Department

Barstow PD CA Policy Manual

Temporary Custody of Juveniles

- (a) Immediate notification of the on-duty supervisor, Chief of Police and Detectives Division Supervisor.
- (b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the City attorney.
- (e) Notification to the coroner.
- (f) Notification of the juvenile court.
- (g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).
- (h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.
- (i) Evidence preservation.

324.14 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 15 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

- (a) Information is necessary to protect life or property from an imminent threat.
- (b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

324.14.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a Department facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

Barstow Police Department

Barstow PD CA Policy Manual

Temporary Custody of Juveniles

- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

324.15 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting officer's supervisor, or in his/her absence, the Watch Commander.

Any juvenile 14 years of age or older who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted or photographed upon the approval from the Watch Commander or Detective Division supervisor, giving due consideration to the following:

- (a) The gravity of the offense
- (b) The past record of the offender
- (c) The age of the offender

324.16 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this Department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Barstow

Barstow Police Department

Barstow PD CA Policy Manual

Temporary Custody of Juveniles

Police Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Police Services Supervisor and the appropriate Detective Division supervisors to ensure that personnel of those bureaus act within legal guidelines.

324.17 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Patrol Division Commander shall coordinate the procedures related to the custody of juveniles held at the Barstow Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).