

EFFECTIVE: 20 August 2009
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SUBJECT: Temporary Custody of Juveniles
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I. PURPOSE

This policy provides guidelines and requirements for the detention and disposition of juveniles taken into temporary custody by members of the CSU Long Beach Police Department.

II. AUTHORITY TO DETAIN

Any minor taken into temporary custody by a peace officer, on the basis that they are a person described by Sections 602, 625 of the Welfare and Institutions Code, may be held in secure or non-secure custody within a law enforcement facility that contains a lockup for adults provided that the standards set forth in these regulations are met.

III. CONSTITUTIONAL RIGHTS ADVISMENT

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)

IV. CARE OF JUVENILES IN TEMPORARY CUSTODY.

No juvenile may be held in temporary custody at the CSU Long Beach Police Department without authorization of the arresting officer's supervisor or the Watch Commander. An individual taken into custody for Welfare and Institutions Code § 300 or § 601 shall be processed as soon as practical. Juveniles detained under Welfare and Institutions Code § 602 may not be held at this facility for more than four (4) hours from the time of arrival at the CSU Long Beach Police Department. When a juvenile is taken into custody, the following steps shall be taken by the arresting officer or the Investigator assigned to the case:

- (a) Once the detained juvenile has been placed in non-secure custody, complete the Secure or Non-Secure Detention of Juveniles Log.
- (b) Take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that such juvenile is in custody and provide the location where the juvenile is being held and the intended disposition (Welfare and Institutions Code § 627)
- (c) Submit a completed report to the Watch Commander for approval as soon as time permits. Status offenders and abused or neglected children (juveniles falling within provisions of Welfare and Institutions Code §§ 300 and 601) may not be detained in police jails or lockups. They may be taken to welfare workers but may not be held in a secured environment or come into contact with adults in custody in the station.

V. TEMPORARY CUSTODY REQUIREMENTS

All juveniles held in temporary custody shall have the following made available to them:

- (a) Access to toilets and washing facilities
- (b) One snack upon request during term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. The snack shall be provided by the arresting officer or as directed by a supervisor
- (c) Access to drinking water
- (d) Privacy during visits with family, guardian, or lawyer
- (e) Minors placed in locked rooms are:
 - (1) Provided blankets and clothing, as necessary, to assure the comfort of the minor
 - (2) Permitted to retain and wear his or her personal clothing unless the clothing is inadequate, presents a health or safety problem, or is required to be utilized as evidence of an offence.
- (f) Immediately after being taken to a place of temporary confinement, and except where physically impossible no later than one hour after being taken into custody, the detaining officer shall advise and provide the juvenile an opportunity to make at least three telephone calls. The telephone calls must be made to a parent, guardian, responsible relative, employer, or an attorney. (Welfare & Institutions Code § 627 and Penal Code § 851.5)

VI. CONTACT BETWEEN JUVENILES AND ADULT PRISONERS.

There shall be no contact between juveniles held in temporary custody (either non-secure or secure detention) and adult prisoners who are detained in the jail, except as provided below (208 Welfare and Institutions Code, Title 15 California Code of Regulations §§ 1544, 1546)). Contact between juveniles in temporary custody, both secure and non-secure, and adult prisoners shall be restricted as follows:

- (a) There will be no communication between the juvenile and adult prisoners allowed
- (b) If an adult prisoner is present with the juvenile in the same room or area, the juvenile shall be moved to another area away from the sight and/or sound of the adult.
- (c) Situations in which a juvenile and adult prisoner may temporarily be in the same room or corridor shall be limited to:
 - (1) Booking
 - (2) Medical screening
 - (3) Inmate worker presence at other facilities that offer such services
 - (4) Movement of persons in custody within the CSU Long Beach Police Department

VII. TYPES OF CUSTODY

The following provisions apply to types of custody, and detentions of juveniles brought to the CSU Long Beach Police Department.

- (a) **Non-Secure Custody**

All juveniles not meeting the criteria to be placed in a locked detention room, or any juvenile under the age of 14 years taken into custody for a criminal violation, regardless of the seriousness of the offense, may be temporarily detained in the police facility however the custody must be non-secure. Non-secure custody means juveniles shall be placed in a cell with the door open, an unlocked room, and/or an open area. Juveniles may be handcuffed, but not to a stationary or secure object. Juveniles shall receive constant personal visual supervision by law enforcement personnel. Monitoring a juvenile using audio, video, or other electronic devices does not replace constant personal visual supervision.
- (b) **Secure Custody**

A juvenile may be held in secure detention in the jail if the juvenile is 14 years of age or older and, if in the reasonable belief of the peace officer, the juvenile presents a serious security risk of harm to self or others, as long as all other conditions of secure detention set forth below are met. Any juvenile in temporary custody who is less than 14 years of age, or who does not, in the reasonable belief of the peace officer, present a serious security risk of harm to self or others, shall not be placed in secure detention, but may be kept in non-secure custody in the

facility as long as all other conditions of non-secure custody are met (Welfare and Institutions Code § 602, Title 15 California Code of Regulations § 1545). If it is determined that a juvenile is to be held in secure detention, it shall be documented in detail as to why such a determination was made:

- (1) In making the determination whether the juvenile presents a serious security risk of harm to self or others, the officer may take into account the following factors:
 - a. Age, maturity, and delinquent history of the juvenile
 - b. Severity of the offense(s) for which the juvenile was taken into custody
 - c. Juvenile's behavior, including the degree to which the minor appears to be cooperative or non-cooperative
 - d. The availability of staff to provide adequate supervision or protection of the juvenile
 - e. The age, type, and number of other individuals who are detained in the facility.

- (2) A juvenile may be locked in a room or secured in a detention room subject to the following conditions:
 - a. Juvenile is 14 years of age or older
 - b. Juvenile is taken into custody on the basis of having committed a criminal law violation as defined in Welfare and Institutions Code § 602
 - c. Detention at this facility does not exceed four hours from the time of arrival at the police station, when both secure and non-secure time is combined
 - d. Detention is for the purpose of giving the officer time to investigate the case, facilitate the release of the juvenile to parents, or arrange transfer to Juvenile Hall
 - e. The officer apprehending the juvenile has reasonable belief that the juvenile presents a "serious security risk of harm to self or others."
Factors to consider include:
 1. Age, maturity, and delinquent history of juvenile
 2. Severity of offense for which taken into custody
 3. Juvenile's behavior
 4. Availability of staff to provide adequate supervision or protection of the juvenile
 5. Age, type, and number of other individuals detained at the facility

VIII. CONDITIONS OF SECURE DETENTION.

While in secure detention, minors may be locked in a room or other secure enclosure, secured to a cuffing rail, or otherwise reasonably restrained as necessary to prevent escape and protect the juvenile or and others from harm.

- (a) Minors held in secure detention outside of a locked enclosure shall not be secured to a stationary object for more than 30 minutes unless no other locked enclosure is available. If a juvenile is secured, the following conditions must be met:
 - (1) A Department employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.
 - (2) Juveniles who are secured to a stationary object are moved to a detention room as soon as one becomes available.
 - (3) Juveniles secured to a stationary object for longer than 30 minutes, and every 30 minutes thereafter, shall be approved by the Sergeant or the designated supervisor and the reason for continued secure detention shall be documented.

- (b) In the event a juvenile is held inside a locked enclosure, the juvenile shall receive adequate supervision which, at a minimum, includes:
 - (1) Constant auditory access to staff by the juvenile;
 - (2) Unscheduled personal visual supervision of the juvenile by department staff, no less than every 30 minutes. These jail checks shall be documented.

- (c) Males and females shall not be placed in the same locked room unless under direct visual supervision.

IX. CRITERIA FOR SECURE OR NON-SECURE CUSTODY.

Minors held in temporary custody, who do not meet the criteria for secure detention as specified in Section 207.1(d) of the Welfare and Institutions Code, may be held in non-secure custody if a brief period of time is needed to investigate the case, facilitate release of the minor to a parent or guardian, or arrange for transfer of the minor to an appropriate juvenile facility.

X. SUPERVISION OF MINORS IN NON-SECURE CUSTODY.

Minors held in non-secure custody shall receive constant direct visual observation by staff of the law enforcement facility. Entry and release times shall be documented and made available for review. Monitoring a minor using audio, video, or other electronic devices shall never replace constant direct, visual observation.

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 be conducted by a designee of the Watch Commander, and the visual inspection shall be logged on the Secure or Non-Secure Detention of Juveniles Log. More frequent visual inspections should be made at least every fifteen minutes 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, and should be documented accordingly. In such instances the Watch Commander shall be fully informed about the special circumstances in order to evaluate continued detention of such a juvenile.

XI. 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

- (b) If the four hour time limit has expired, the juvenile should be transported to the juvenile hall to accept custody

- (c) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:
 - (1) The arresting officer may counsel or admonish the juvenile and recommend no further action be taken.
 - (2) If the arresting officer or the Watch Commander believes that further action is needed, the juvenile will be released to a responsible person as listed above, and such juvenile will be advised that follow-up action will be taken.
 - (3) The juvenile may be transferred to Juvenile Hall with authorization of the appropriate supervisor or the Watch Commander when the violation falls within the provisions of Welfare and Institutions Code § 602.

XII. EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile who is either in secure or non-secure custody, the paramedics will be called. The Watch Commander shall be notified 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 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 possible:

- (a) The Juvenile Court
- (b) The parent, guardian, or person standing in loco parentis, of the juvenile

XIII. SUICIDE PREVENTION OF JUVENILES IN CUSTODY

The arresting officer 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 communicate, verbally threatening to kill himself/herself, or any unusual behavior which may indicate the juvenile may harm himself/herself while in custody in either secure or non-secure detention. The detaining or transporting officer is responsible to notify the Watch Commander if he/she believes

the juvenile may be a suicide risk. The Watch Commander or designee will then arrange to contact a mental health team for evaluation, or to contact Juvenile Hall and arrange for the transfer of the juvenile, providing the juvenile meets the intake criteria. The juvenile shall be under constant personal supervision until the transfer is completed.

XIV. USE OF RESTRAINT DEVICES

It is the policy of this department that restraints will not be used for inmates retained in custody. This policy also applies to juveniles held in temporary custody. 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 include devices which immobilize a juvenile's extremities and/or prevent the juvenile from being ambulatory, but does not include handcuffs. 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 wellbeing of the juvenile. The Watch Commander shall arrange to have the juvenile evaluated by a mental health team as soon as possible if there is evidence of mental impairment. When mental impairment is suspected, constant personal visual supervision shall be maintained in order to ensure that restraints are properly employed and to ensure the safety and well being of the juvenile. Such supervision shall be documented in the police report. 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.

XV. INTOXICATED AND SUBSTANCE ABUSING MINORS IN A LOCKUP.

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others. A medical clearance shall be obtained for juveniles at the CSU Long Beach Police Department or local medical facility when the juvenile displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency

(Title 15, California Code of Regulations § 1431). In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

- Known history of ingestion or sequestration of a balloon containing drugs in a body cavity
 - Minor is known or suspected to have ingested any substance that could result in a medical emergency
 - A juvenile who is intoxicated to the level of being unable to care for him or herself
 - An intoxicated juvenile whose symptoms of intoxication are not showing signs of improvement. Juveniles with lower levels of alcohol in their system may not need to be evaluated. An example is a juvenile who has ingested one or two beers would not normally meet this criterion.
- (a) A juvenile detained and brought to the CSU Long Beach Police Department who displays symptoms of intoxication as a result of alcohol or drugs shall be handled as follows:
- (1) Observation of juvenile's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.
 - (2) Observation of the juvenile to ensure that there has not been any vomiting while sleeping and ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.
 - (3) An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.
- (b) Personal observation shall be conducted on a frequent basis while the juvenile is in the custody of the CSU Long Beach Police Department, and no less than once every 15 minutes until such time as the symptoms are no longer present. For juveniles held in secure detention inside a locked enclosure, officers will ensure constant audio monitoring is maintained in addition to conducting the in person visual checks. All other forms of detention require the officer to maintain constant visual supervision of the juvenile.
- (1) The 15 minute checks of the juvenile shall be documented on the Secure Detention of Juveniles Log.
- (c) Any juvenile who displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns, or convulsions), shall be considered an emergency. Paramedics should be called and the juvenile taken to a medical treatment facility.
- (d) Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.
- (e) A medical clearance is required before the juvenile is transported to Juvenile Hall if it is known that the juvenile ingested any intoxicating substances or appears to

be under the severe influence of alcohol. Once the juvenile no longer displays symptoms of intoxication, the requirements in section (a) above will no longer be required. The juvenile will still be monitored on a 30 minute basis as outlined in this policy. The juvenile will continue to be monitored as required for secure or non-secure detentions.

XVI. DISCIPLINE OF JUVENILES

Police personnel are prohibited from administering discipline to any juvenile.

XVII. 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 Chief of Police will direct the Support Services Division Commander or designee to conduct an administrative review of the incident. In any case in which a juvenile dies while detained at the CSU Long Beach Police Department, the following shall apply:

- (a) The Chief of Police or his or 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 or 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:

- (a) Chief of Police or his or her designee
- (b) A health administrator
- (c) The responsible physician and other health care and supervision staff who are relevant to the incident.

XVIII. OBTAINING A REPORT NUMBER FOR JUVENILES

In all circumstances wherein a juvenile has been contacted and their activities rise to the level that merits arrests or detention, the handling officer will request a case number associated with that incident. Even in cases where a juvenile is released to a parent in the field, the handling Officer will secure a report number to document that arrest / detention.

Law enforcement Officers have much greater latitude with juveniles subject to arrest up to and including arresting juveniles on suspicion of a misdemeanor. With that greater latitude also comes greater responsibility and controls related to the handling of juvenile offenders. This is not to infer that all juvenile contacts must result in arrest but if the circumstance brought to your attention rises to the level that an arrest can be made, then a report number should be drawn and the event should be documented as an arrest report even if the juvenile is released to a parent in the field. Making a technical arrest of a juvenile does not necessarily result in a criminal filing in the juvenile court. That responsibility rests with the Investigator who is assigned to juvenile cases. In each case the Investigator will evaluate the merits of the case, the severity of the occurrence as well as the juvenile's past history and make a determination on criminal filing or an alternative disposition.

APPROVED