

Sample
Juvenile Custody Policy and Procedures
for Law Enforcement Departments

Date Issued: January, 2009

Review Date: January 2010 and annually thereafter

Statement of Purpose:

All juveniles taken into custody by this department shall be treated in a manner which provides for: the safety of all concerned, respect for human dignity, the preservation of the legal rights and property of the individual, accurate documentation and administrative efficiency. Juveniles, those persons under the age of 18, require considerations due to State law and Federal regulations.

Policy: This policy addresses the secure and non-secure custody of juveniles.

Definitions:

Secure Custody. Defined as being cuffed to a stationary object or cuffing rail, being placed in a secure holding cell or being placed in a locked room. Secure custody physically restricts the movements and activities of persons in custody.

Nonsecure Custody. Defined in the following requirements:

- a. The area where the juvenile is placed in an unlocked, multi-purpose location, such as a lobby, office, or an interview room, which is not designated, set aside, or used as a secure area
- b. The juvenile is not physically secured to a stationary object
- c. The use of the area is limited to providing nonsecure custody long enough and for the purposes of identification, processing, release, or transfer
- d. The area(s) is/are not designated or intended to be used for residential purposes, and
- e. Continual, visual supervision is provided by an officer or facility staff.

Time-phasing. The use of a common area for both juveniles and adults but not at the same time.

Sight contact. Is when a juvenile has clear visual contact with an incarcerated adult in close proximity.

Sound contact. Is when a juvenile can have direct oral communication with an incarcerated adult.

Status offenders. A juvenile who have been accused or charged with conduct which would not be an offense if committed by an adult. Status offenses include runaway, truancy, underage possession or consumption of alcohol or tobacco and curfew violations.

Non-offenders. A juvenile who is not charged with an offense and/or an abused or neglected child.

Accused Juvenile Offender. - A juvenile charged with an act, which, if done by an adult, would constitute the commission of a crime.

Procedures:

Status and Non-Offenders

1. Status and nonoffenders shall **not** be placed in secure custody, handcuffed to a stationary object or cuffing rail, or placed into a locked room under any circumstances. Status offenders may be cuffed to themselves.
2. Status and nonoffenders shall be placed in a nonsecure area; lobby, office or general-purpose room, until release arrangements can be made and the juvenile leaves the facility.
3. The officer shall notify parents, legal guardians, responsible person or agency after taking the juvenile into custody for notification and release or if a responsible adult cannot be located, the person/agency responsible for juvenile intake/assessment shall be contacted.
4. Status offenders may be processed in a secured booking area, provided that there are no adults present and they are removed immediately following the booking process.
5. Underage drinking and possession of alcohol by a minor are status offenders pursuant to JJDP Act requirements. When dealing with an intoxicated juvenile, officers should determine whether emergency medical services are warranted.

Accused Juvenile Offenders

1. It is the preference of this department to detain delinquents non-securely while in custody. Exceptions include violent or combative juveniles who cannot be subdued and pose a threat to the officer or themselves.
2. The officer shall notify parents, legal guardians, responsible person or agency after taking the juvenile into custody for notification and release or if a responsible adult cannot be located, the person/agency responsible for juvenile intake/assessment shall be contacted.
3. Accused juvenile offenders may be temporarily detained, in quarters with sight and sound separation from incarcerated adults for up to 6 hours from the time they enter a secure custody status OR for 6 hours either immediately before or after a court appearance awaiting release or transport to another facility.

4. In cases when a delinquent is securely detained, pending release or transfer, all of following requirements must be satisfied:
 - a. There may be no adult prisoners in the booking area when juveniles are present. Separation may be achieved through time- phasing.
 - b. An entry must be made on the Juvenile Secure Custody Detention Log on all juveniles held in a secure environment.
 - c. Juveniles shall be checked every 10-15 minutes while in secure custody.
5. The five-hour holding time limit is for processing and release and never to be used as a punitive measure. The five-hour clock will begin when the juvenile enters a secure setting, and once the clock starts it cannot be turned off, even if the juvenile is removed from the secured area
6. Juveniles formally waived to or transferred to criminal court for a felony may be held as an adult.

Sight and Sound Separation from Adult Inmates

1. Time phasing is used in the booking area to assure that there is no sight or sound contact between juveniles and adult inmates. When a juvenile enters the booking area continuous visual supervision is provided by staff throughout the process.
2. Prior to the juvenile entering the booking area, all adult inmates will be removed. If there are adult inmates in the immediate area, all holding cells or other detention areas must assure separation by covering the windows.
3. The juvenile will be in the booking area only long enough to be fingerprinted and photographed, upon completion the juvenile will be moved to an area completely separated from adult inmates, including trustees.
4. No juvenile offenders under public authority shall enter into the secure section of the jail as a disposition of an offense or as a means of modifying their behavior. However, youth visiting voluntarily as part of a school or scouting project are not considered violations.