

Temporary Custody of Juveniles-Council Action Approval Required

313.1 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 Prescott Valley Police Department (34 USC § 11133).

313.1.1 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.

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense), or a juvenile who has violated ARS § 13-3111 by possessing a handgun (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.

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.

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 an unsecured 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.

Prescott Valley Police Department

Policy Manual

Temporary Custody of Juveniles-Council Action Approval Required

- (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, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

313.2 POLICY

The Prescott Valley Police 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 Prescott Valley Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

313.3 JUVENILES WHO SHOULD NOT BE HELD

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

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated
- (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.

These juveniles should not be held at the Prescott Valley Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

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.

313.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Prescott Valley 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 Prescott Valley Police Department without authorization of the arresting officer's supervisor or the Shift Supervisor.

Prescott Valley Police Department

Policy Manual

Temporary Custody of Juveniles-Council Action Approval Required

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 Prescott Valley Police Department (34 USC § 11133; ARS § 8-305).

313.4.1 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 Prescott Valley Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure detention (34 USC § 11133).

313.4.2 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 may not be held in secure custody (34 USC § 11133).

313.4.3 CUSTODY OF JUVENILE OFFENDERS STANDARD 18.6

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

Juvenile offenders shall be taken into custody:

- (a) Upon an order of the juvenile court (ARS § 8-303(B)(1).
- (b) Pursuant to a warrant (ARS § 8-303(B)(2).
- (c) When the officer has reasonable grounds to believe a juvenile has committed a criminal act or a delinquent act, which, if committed by an adult, would be a felony or breach of the peace (ARS § 8-303(D)(1).
- (d) When a juvenile has been apprehended in the commission of a criminal act or a delinquent act, which if committed by an adult would be a felony, or who was apprehended in fresh pursuit (ARS § 8-303(D)(2)).

Juveniles taken into custody pursuant to ARS § 8-303(D) may only be released to the parents, guardian, custodian or the juvenile court (ARS § 8-303(F E)). Juveniles who are going to be transported to the juvenile court or a designated juvenile detention facility must be transported without delay.

313.5 ADVISEMENTS STANDARD 18.6

Whenever a juvenile is taken into custody, an officer shall advise the juvenile before questioning of their juvenile Miranda rights in a language that is comprehensible to the juvenile (ARS 8-303).

Officers taking a juvenile into custody shall, ~~without undue delay~~, as soon as practicable, make a good-faith effort to notify the juvenile's parent, guardian or custodian of the following (ARS 8- 803):

Prescott Valley Police Department

Policy Manual

Temporary Custody of Juveniles-Council Action Approval Required

~~or a responsible relative that the~~ a) That the juvenile is in custody b) unless doing so would pose a risk to the juvenile. IF the juvenile is a ward of the state, the Department of Child Safety shall be notified. c) The juvenile's Juvenile Miranda rights and d) whether a complaint will be sent to the juvenile court (ARS § 8-307. (B). ~~Juveniles will be immediately advised of his/her constitutional rights when required and agency/juvenile justice system procedures that are relevant.~~

313.6 JUVENILE CUSTODY LOGS

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

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the Prescott Valley Police Department.
- (c) Shift Supervisor 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 other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Shift Supervisor shall initial the log to approve the detention, including any secure detention, and shall also initial the log when the juvenile is released.

313.7 NO-CONTACT REQUIREMENTS STANDARD 18.6

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; ARS § 8-305). 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 Prescott Valley Police Department shall maintain a constant, immediate 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.

313.8 TEMPORARY CUSTODY REQUIREMENTS STANDARD 18.5

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

- (a) The Shift Supervisor should be notified if it is anticipated that a juvenile may need to remain at the Prescott Valley Police Department more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the Prescott Valley 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.

Prescott Valley Police Department

Policy Manual

Temporary Custody of Juveniles-Council Action Approval Required

- (c) Personal visual checks and significant incidents/activities shall be noted on the log.
- (d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins.
- (f) Food should be provided if a juvenile is in need of nourishment.
- (g) Juveniles shall have reasonable access to a drinking fountain or water.
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles should have privacy during family, guardian and/or lawyer visits.
- (j) Juveniles should 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.
- (k) Blankets should be provided as reasonably necessary.
- (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 may be allowed to make telephone calls.
- (o) No discipline may be administered to any juvenile involving corporal or unusual punishment, humiliation or mental abuse.

313.9 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 Prescott Valley 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.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

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

313.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Prescott Valley 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.

Prescott Valley Police Department

Policy Manual

Temporary Custody of Juveniles-Council Action Approval Required

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 Prescott Valley Police Department.

313.11 SECURE CUSTODY

Shift Supervisor approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders ~~when under 10 years of age when~~ there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

313.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into a locked 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) The juvenile should be monitored by an audio/video system during the portion of custody where the system is available..
- (b) Juveniles shall have constant auditory access to department members.
- (c) Initial placement into and removal from a locked enclosure shall be logged.
- (d) Random personal visual checks of the juvenile by staff member, no less than every 15 minutes, shall occur.
 - 1. All checks shall be logged.
 - 2. The 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.
- (e) Males and females shall not be placed in the same locked room.
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

313.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Shift Supervisor will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Prescott Valley Police Department. The procedures will address:

Prescott Valley Police Department

Policy Manual

Temporary Custody of Juveniles-Council Action Approval Required

- (a) Immediate notification of the on-duty supervisor, Chief of Police, and Criminal Investigations 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 Town Attorney.
- (e) Evidence preservation.

313.13 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.