

Temporary Custody of Juveniles

312.1 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 Lorain Police Department (34 USC § 11133).

312.1.1 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 under 18 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) or who is in possession of 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. 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 placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (c) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (d) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (e) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (f) 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.

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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.

312.2 POLICY

As a general rule, temporary custody of juveniles should be avoided and juveniles should be transported to a juvenile holding facility as soon as practical. Juveniles will not be transported to the Lorain Police Department for the sole purpose of fingerprinting and photographing. Fingerprints and photographs will be taken by the Lorain County Crime Lab upon the juvenile's first appearance. Approval from the Watch Commander or Shift OIC is required to transport a juvenile to the Lorain Police Department. The Lorain 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 Lorain Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for any interviews conducted by investigative personnel, for processing, transfer or release.

312.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Lorain 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.

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. Juveniles believed to be at risk of suicide should be taken to a medical facility for assessment and not held at the Lorain Police Department.

312.4 CUSTODY OF JUVENILES

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 Lorain Police Department without authorization of the arresting officer's supervisor or the Watch Commander. Contact may be made

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with the Lorain County Turning Point Shelter or coordination with Lorain County Child Protective Services may be made for custody and care of an at risk juvenile.

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 three hours, or six if being held for a felony, from the time of his/her entry into the Lorain Police Department (34 USC § 11133; ORC § 2151.311).

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

312.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Officers should use alternatives that preserve public safety and hold the youth accountable with arrest as a last resort. Status offenders should generally be released by referral to an appropriate community social service or mental health agency, issuance of a 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).

The Department should allow officers to exercise discretion in making reasonable age-appropriate modifications of practices, including uses of the least restrictive and coercive approaches possible, when interacting with special youth populations such as those in crisis due to mental illness or substance abuse, or those with developmental or intellectual disabilities.

312.4.3 CUSTODY OF JUVENILE OFFENDERS

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

Generally, juvenile offenders may be taken into custody under the following circumstances (ORC § 2151.31(A)):

- (a) Pursuant to a court order.
- (b) Pursuant to the laws that would subject an adult to arrest.

Additional resources for custody may be available through the Lorain County Juvenile Court Assessment & Resource Center.

An officer shall promptly release the juvenile to his/her parents, guardian or other custodian unless circumstances indicate that detention or shelter care of the juvenile is warranted (ORC § 2151.311(A)).

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312.5 ADVISEMENTS

If the officer brings the juvenile directly to court or delivers the juvenile to a place of detention or shelter care, he/she shall promptly notify the juvenile's parent, guardian or other custodian of the juvenile's location and reason for the detention (ORC § 2151.311(A)).

312.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Lorain Police 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 Lorain Police Department.
- (c) Watch Commander or OIC 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.
- (f) Time of all welfare checks.
- (g) Any medical and other screening requested and completed.
- (h) Circumstances that justify any secure custody.
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Watch Commander or Shift OIC will be notified when the juvenile is removed from station, and the Corrections Staff or Officer will document the notification in the jail log.

312.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; ORC § 2151.311). 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 Lorain 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.

312.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Lorain 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 Lorain Police Department more than four hours for a felony offense, or two hours if being held for any other reason (ORC § 2151.311). This will enable

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the Watch Commander to ensure no juvenile is held at the Lorain Police Department longer than permitted.

- (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 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 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.
- (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 shall have the right to the same number of telephone calls as an adult in custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.
- (p) Juveniles shall not be handcuffed or secured to a fixed object during temporary custody at the Lorain Police Department (ORC § 2151.311).

312.9 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 Lorain 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.

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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.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

312.9.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant or in any period of postpartum recovery (which can be up to six weeks after delivery) may only be restrained in accordance with the Handcuffing and Restraints Policy (ORC § 2152.75).

312.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Lorain 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 Lorain Police Department.

312.11 SECURE CUSTODY

Only juvenile offenders 14 years or older may be placed in secure custody. 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.

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

312.11.1 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) The juvenile shall constantly be monitored by an audio/video system during the entire detention.
- (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 shall occur no less than every 15 minutes.

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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.

312.12 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 Lorain Police Department. The procedures will address:

- (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 Law Director.
- (e) Evidence preservation.

312.13 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.

312.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

An officer may fingerprint and photograph a juvenile offender taken into custody for committing a felony offense or any other offense that is not a minor misdemeanor or traffic offense and shall inform the juvenile court as required in accordance with the Contacts and Temporary Detentions Policy (ORC § 2151.313).

The fingerprints and photographs shall be maintained in accordance with ORC § 2151.313.

312.15 SCHOOL RESOURCE OFFICER GUIDELINES

Officers of the Lorain Police Department who are assigned to, or primarily engage in, law enforcement duties at a school campus shall comply with the requirements of OAC § 3301-35-15, as applicable, including the following:

- (a) Physical restraint shall only be used as a last resort and only in accordance with the requirements of OAC 3301-35-15.
- (b) Juveniles shall not be restrained in a prone position.

Juveniles shall not be placed in a locked room or left alone while they are restrained in any way.

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Officers who are required to restrain a juvenile shall immediately report such restraint to the appropriate school administrator and the juvenile's parent.

312.16 JUVENILE RIGHTS

Juveniles shall be afforded their constitutional and statutory rights in a developmentally appropriate, trauma-informed, and equitable manner. This includes when questioning, searching, detaining, arresting, interrogating, or interviewing a youth.

312.17 DOCUMENTED ANNUAL ADMINISTRATIVE PRACTICES REVIEW AND DATA COLLECTION

The Department shall conduct a documented annual administrative review of the practices and of the data collected on youth arrests by charge, age, race, and use of force.

312.18 TRAINING

The Department shall provide training for officers to include focusing on youth development, age-appropriate and trauma-informed communication strategies, de-escalation practices, and special needs of certain youth populations.