

OFFICE OF OPERATIONS

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NOTICE NO. 12

MAR 17 1997

March 11, 1997

PLANNING AND RESEARCH
DIVISION

TO: All Concerned Personnel

FROM: Director, Office of Operations

SUBJECT: AMENDED PROCEDURES FOR JUVENILES DETAINED AT POLICE FACILITIES

EFFECTIVE: IMMEDIATELY

PURPOSE

This Notice informs Department personnel of amendments to the guidelines and procedures utilized for the detention of minors at police facilities. The amendments are contained in Title 15, Article 14 of the California Code of Regulations.

INFORMATION

On July 1, 1995, the Board of Corrections replaced the California Youth Authority as the agency responsible for ensuring compliance with State and Federal laws related to the detention of minors at police facilities. In conjunction with that transfer of responsibility, the Board of Corrections formed a Jails and Lockups Task Force to review the minimum standards for the detention of minors and legally amend them where necessary, in order to facilitate the detention process.

The amendments affect three major areas which include: **secure detention, sight and sound restrictions, and booking procedures.** Two other areas dealing with the care of minors in temporary custody and the supervision of minors in secure detention outside of a locked enclosure have also been amended to a lesser degree.

NOTE: The new guidelines apply only to juveniles arrested for 602 Welfare and Institutions Code (WIC) violations.

The new regulations affect certain procedures described in the following Department directives:

- * Los Angeles Police Department Manual Section 4/218.66;
- * Special Order No. 4, 1995 (Incorporated in the 96/97 Department Manual);
- * Office of Operations Order No. 1, 1987;
- * Office of Operations Notice No. 19, 1995;
- * Los Angeles Police Department Manual of Juvenile Procedures -Chapter 10; and,
- * The April 1995, Support Services Bureau (SSB) Notice entitled, Booking of Juveniles in Department Jails.

This Notice amends the O.O. directives mentioned above (e.g., O.O. Order No. 1, 1987 and O.O. Notice No. 19, 1995). The remaining Department directives impacted by the changes implemented by the Board of Corrections will be updated by the concerned Department entity as soon as practical.

In addition, the aforementioned publications remain valid with the exception of only those procedures specifically delineated in this Notice. Department personnel shall continue to adhere to the remaining Department procedures/directives that are not impacted by this Notice, (i.e., the six-hour time limit, detention log completion, and watch commander notification of detained minors etc.).

PROCEDURE

Effective immediately, the following procedures are in effect for the detention of minors at police facilities.

Secure Detention Determination

A minor 14 years of age or older arrested for a 602 WIC violation may be placed in secure detention only when a law enforcement officer has a reasonable belief that the minor poses a serious security risk of harm to self or others. Minors who qualify for secure detention may be placed in a holding tank, secured to a handcuffing rail or secured to a stationary object.

In determining whether a minor poses a security risk of harm to self or others, the officer may now take into account the following factors:

- * Age, maturity and delinquent history of the minor;
- * Severity of the offense(s) for which the minor was taken into custody;
- * Minor's behavior, including the degree to which the minor appears cooperative or non-cooperative;
- * The availability of staff to provide adequate supervision or protection for the minor; and,
- * The age, type, and number of other individuals who are detained in the facility.

Sight and Sound Separation Clarification

"Sight and sound" separation means that a minor may not come into contact with adult inmates or arrestees in a law enforcement facility that contains a jail or a lockup except under specified circumstances which are defined in this Notice under the heading "Booking Procedure Modifications". California statutes and regulations do not specifically use the term "sight and sound." Instead, Welfare and Institutions Code Section 208 provides that it is "unlawful" to permit minors to come or remain in contact with adult inmates. "Contact" is defined as communications, whether verbal, visual (gang signs), or through continuous immediate physical presence, such as a minor sharing a cell with an adult arrestee.

Booking Procedure Modifications

Title 15, Article 14, Section 1546 of the California Code of Regulations, specifies that when an adult inmate, including an inmate worker, is in the same room or area with a minor arrestee, staff of the law enforcement facility must maintain side-by-side presence with either the inmate or the minor to ensure that no communication occurs. Situations in which a minor and an adult prisoner may be in the same room or corridor shall be limited to the following:

- * Booking;
- * Medical screening;
- * Where an inmate worker is performing work necessary for the operation of the law enforcement facility; and,
- * During movement of persons in custody within the facility.

The aforementioned regulation allows for the booking of all 602 WIC arrestees at the same location within police facilities as adults, provided that law enforcement staff maintain

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side-by-side presence with the minor throughout the booking process to ensure that no communication occurs. Separate booking locations for juvenile arrestees are no longer necessary.

This Notice will not impact juveniles taken into custody for 300 or 601 WIC sections. Fingerprints and booking photos are not required for those arrestees, therefore their presence in Department jails is not necessary.

Care of Minors in Temporary Custody

Title 15, Article 14, Section 1543 (a) (2) has been amended to provide that minors in temporary custody shall be allowed one snack, upon request, during the term of temporary custody, if the minor has not eaten within the past four (4) hours or is otherwise in need of nourishment.

Supervision of Minors in Secure Detention Outside of a Locked Enclosure

Title 15, Article 14, Section 1548 has been amended to read as follows:

Minors held in secure detention outside of a locked enclosure shall not be secured to a stationary object for more than thirty (30) minutes unless no other locked enclosure is available. A staff person from the facility shall be present at all times to assure the minor's safety while secured to a stationary object. Securing minors to a stationary object for longer than 30 minutes, and every 30 minutes thereafter, shall be approved by the watch commander and the reasons for continued secure detention shall be documented. Minors who are secured to a stationary object shall be moved to a locked enclosure at such time as it becomes available.

Questions regarding the amended procedures for juveniles detained in police facilities should be directed to the Operations Section, Juvenile Division, at extension 5-2803.


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Director
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