



Approved:
Chief Marcia Harnden

Subject:

517. Temporary Custody of Juveniles

Effective:
March 15, 2018

CALEA Standards: 44.2.1, 44.2.2, 71.3.1

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517.1: 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 Albany Police Department ([42 USC 11133](#)).

Guidelines for handling juvenile victims of crime are available in the [Child Abuse: Policy 515](#).

517.2: POLICY

It is the policy of the Albany Police Department to handle and process juvenile offenders within legal guidelines and best practices, in a manner which protects the rights of the juvenile offender and focuses on the goal of rehabilitation.

517.3: DEFINITIONS

Juvenile Non-offender – An abused, neglected, dependent or alien juvenile who may be legally held for their own safety or welfare. This includes a juvenile taken into protective custody when conditions or surroundings reasonably appear to jeopardize the juvenile's welfare or when it reasonably appears that the child has run away from home ([ORS 419B.150](#)). 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 their 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 which would subject an adult to arrest (a non-status offense). This also includes a juvenile who possesses a handgun in violation of [ORS 166.250](#) ([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 left alone in the secure juvenile holding room.
- c. A juvenile handcuffed to a rail.
- d. A juvenile left alone in a secure booking area after being photographed and fingerprinted.

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.

517.4: CUSTODY OF JUVENILES

- a. Officers should take custody of a juvenile and temporarily hold the juvenile at the Albany Police Department when there is no other lawful and practical alternative to temporary custody. Such alternatives include:
 - 1) Release to a parent, legal guardian, or other responsible adult with no further action;
 - 2) Written citation or summons in lieu of custody;
 - 3) Referral to the Linn or Benton County Juvenile Department;
- b. No juvenile should be held in temporary custody at the Albany Police Department without authorization of the arresting officer's supervisor or the Shift Supervisor.
- c. 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 practical and in no event shall a juvenile be held beyond five hours from the time of their entry into the Albany Police Department ([ORS 419B.160](#); [ORS 419C.130](#)).
- d. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

517.4.1: 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 Albany Police Department. Custodial arrangements should be made for non-offenders as soon

as reasonably possible. Juvenile non-offenders shall not be held in secure custody (42 USC 11133).

517.4.2: CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released with a juvenile referral, with a citation (Benton County), or with a warning, rather than being 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 shall not be held in secure custody (42 USC 11133).

517.4.3: CUSTODY OF JUVENILE OFFENDERS

- a. Generally, a juvenile offender may be taken into custody when:
 - 1) It reasonably appears that the juvenile is a fugitive from another state (ORS 419C.145);
 - 2) There is a court order endorsed as provided in ORS 419C.306 and directing that the juvenile be taken into custody (ORS 419C.080);
 - 3) If the juvenile were an adult, they could be arrested without a warrant (ORS 419C.080).
- b. An officer shall take a juvenile into custody when the officer has probable cause to believe the juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or a destructive device (ORS 419C.080).
- c. Generally, an officer may refer the juvenile or issue a citation (Benton County) in lieu of taking the juvenile into custody if a citation may be issued for the same offense and under the same circumstances if the offender were an adult. If a citation in lieu of custody is issued, a copy of the citation shall be sent to the District Attorney (ORS 419C.085).
- d. Juvenile offenders should be held in non-secure custody while at the Albany Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

517.4.4: EXCEPTIONS TO RELEASE OF JUVENILE OFFENDERS

- a. A juvenile offender shall be released to the custody of the juvenile's parent, guardian or other responsible person, except in any of the following circumstances (ORS 419C.100):
 - 1) The court has issued a warrant for the arrest of a juvenile;
 - 2) The officer has probable cause to believe that the release of the juvenile may endanger the welfare of the juvenile, the victim, or others;
 - 3) The officer has probable cause to believe that the juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or destructive device.

- b. If a juvenile offender is not released to the parent, guardian or other responsible person, or to a person identified by the juvenile court, the officer shall take the juvenile to the county juvenile detention facility or appropriate shelter (ORS 419C.103).

517.5: JUVENILES WHO SHOULD NOT BE HELD

- a. Juveniles who exhibit any of the following conditions should not be held at the Albany Police Department:
- 1) Unconscious;
 - 2) Seriously injured;
 - 3) Known suicide risk or obviously severely emotionally disturbed;
 - 4) Significantly intoxicated;
 - 5) Extremely or continuously violent.
- b. 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.
- c. These juveniles should not be held at the Albany Police Department unless they have been evaluated by a qualified medical and/or mental health professional.
- d. 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.

517.6: NOTIFICATION OF PARENT OR GUARDIAN

As soon as practical after a juvenile is taken into custody, the officer taking the juvenile into custody shall notify the juvenile's parent, guardian or other person responsible for the juvenile of the following (ORS 419B.160; ORS 419C.097):

- a. The reason the juvenile was taken into custody;
- b. The location where the juvenile is being temporarily detained;
- c. The intended disposition of the juvenile;
- d. The time and place of any hearing.

517.7: JUVENILE CUSTODY LOGS

- a. Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly

documented in the juvenile custody log, including:

- 1) Identifying information about the juvenile being held;
 - 2) Date and time of arrival and release from the Albany Police Department;
 - 3) Shift Supervisor notification and approval to temporarily hold the juvenile;
 - 4) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender;
 - 5) Any changes in status;
 - 6) Time of all welfare checks;
 - 7) Any medical and other screening requested and completed;
 - 8) Circumstances which justify any secure custody;
 - 9) Any other information which may be required by other authorities, such as compliance inspectors or the local juvenile court authority.
- b. The Shift Supervisor shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

517.8: NO-CONTACT REQUIREMENTS

- a. Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (42 USC 11133).
 - 1) There should also be sight and sound separation between non-offenders, juvenile status offenders, and juvenile criminal offenders.
- b. 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 Albany Police Department shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact.
 - 1) If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

517.9: TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Albany 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 Albany Police Department more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the Albany Police Department more than five hours.
- b. A staff member of the same gender 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 their care that the juvenile will be monitored at all times, unless they are 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.

517.10: USE OF RESTRAINT DEVICES

- a. Juvenile offenders may be handcuffed in accordance with the [Use of Force: Policy 240](#).
- b. A juvenile offender may be handcuffed at the Albany 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.

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

517.11: PERSONAL PROPERTY

- a. The officer taking custody of a juvenile offender or status offender at the Albany 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.
- b. The personal property of a juvenile should be placed in a property bag.
 - 1) The property should be inventoried in the juvenile's presence and securely stored.
- c. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Albany Police Department.

517.12: SECURE CUSTODY

- a. Only juvenile offenders 14 years or older may be placed in secure custody.
- b. Shift Supervisor approval is required before placing a juvenile offender in secure custody.
- c. 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 themselves or others.
- d. Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.
- e. When practical, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody, rather than the use of a locked enclosure.
 - 1) An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.
- f. Generally, juveniles should not be secured to a stationary object for more than 60 minutes.
- g. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

517.12.1: LOCKED ENCLOSURES

- a. A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure.
 - 1) A second inspection shall be conducted after removing the juvenile.
 - 2) Any damage noted to the room should be photographed and documented in the crime report.
- b. The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:
 - 1) The juvenile shall constantly be monitored directly or by a video system during the entire time in custody.
 - 2) Initial placement into and removal from a locked enclosure shall be logged.
 - 3) Random personal visual checks of the juvenile by staff member, no less than every 15 minutes, shall occur.
 - A. All checks shall be logged.
 - B. The check should involve questioning the juvenile as to their well-being (sleeping juveniles or apparently sleeping juveniles should be awakened.)
 - C. Requests or concerns of the juvenile should be logged.
 - 4) Males and females shall not be placed in the same locked room.
 - 5) Juvenile offenders should be separated according to the severity of the crime (e.g., felony vs. misdemeanor)

517.13: SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

- a. In the event of the suicide attempt, death, or serious injury of any juvenile held at the Albany Police Department, the Shift Supervisor shall ensure that notification is made according to the [Major Incident Notification: Policy 292](#).
- b. The Chief of Police or, in the Chief's absence, the Division Captain shall determine whether to apply the procedures set forth in the [Law Enforcement Employee-Involved Critical Incident: Policy 290](#).

517.4: INTERVIEWING AND INTERROGATING JUVENILES

Guidelines on interviewing and interrogating juvenile offenders can be found in the [Interview and Interrogation: Policy 502](#).

517.14: RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING JUVENILES

- a. Any juvenile taken into custody under ORS 419C.080 shall be photographed and fingerprinted (ORS 419A.250(2)).

- 1) Other juveniles taken into custody may only be fingerprinted or photographed:
 - 2) Pursuant to a search warrant or order of the juvenile court;
 - 3) According to laws concerning adults if the juvenile has been transferred to criminal court for prosecution;
 - 4) Upon consent of both the juvenile and the juvenile's parent or legal guardian after being advised that they are not required to give such consent;
- b. Fingerprints and photographs of juveniles must be kept separate from those of adults.
- c. Fingerprints and photographs of juvenile offenders shall be sent to the central state depository in the same manner as fingerprint and photograph files or records of adults.
- d. Fingerprints and photographs of other juveniles should not be sent to any central state or federal depository (ORS 419A.250).

517.15: RECORDS

Reports and other material relating to juveniles is generally considered privileged and may not be disclosed directly or indirectly except as provided in [Records Maintenance and Release: Policy 601](#).