



DEPARTMENTAL  
GENERAL  
ORDER

New Order  
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O-9

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Standard 44.2.3

Juvenile Detention  
Secure Detention  
Non-Secure Detention

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## DETENTION OF JUVENILE OFFENDERS

The purpose of this order is to establish Departmental policy and procedures for detaining a juvenile in a Departmental facility and the criteria used in making the determination on whether to place a juvenile in secure detention or non-secure custody in a Departmental facility and to ensure compliance with State law.

### I. DETENTION OF A JUVENILE IN A LAW ENFORCEMENT FACILITY

- A. Section 207(a) Welfare & Institutions Code (WIC) outlines the requirements, restrictions, and exemptions for minors taken into custody solely on the grounds that the minor is a person described by Section 601 WIC.
- B. Section 207.1(2) WIC outlines the requirements, restrictions, and exemptions for minors being held in temporary custody on the basis that the minor is a person described by Section 602 WIC.
- C. Section 207.1(d)(1) WIC outlines the exceptions to Part I, B.

### II. DEFINITION OF SECURE DETENTION

Board of Corrections (BOC) Regulation Title 15, Article 1, §1302 California Code of Regulations (CCR) defines secure detention as whenever a minor in temporary custody in a law enforcement facility is locked in a room (locked to the inside to prevent escape), cell or enclosure, or physically secured to a cuffing rail or other stationary object.

Note: The BOC has advised that this definition applies to interview rooms within investigative units.

### **III. DECISION TO PLACE IN SECURE DETENTION**

- A. The criteria outlined in Title 15, Article 14, §1545 CCR shall be used by the officer making the determination as to whether a minor shall be placed in secure detention:
1. The minor is 14 years of age or older.
  2. Has been taken into temporary custody on the basis that he/she is a person described by Section 602 WIC.
  3. Has a reasonable belief that the minor poses a serious risk of harm to self or others.
- B. In making the determination whether the minor presents a serious security risk of harm to self or others, the officer may take into account the following factors:
1. Age, maturity and delinquent history of the minor.
  2. Severity of the offense(s) for which the minor was taken into custody.
  3. Minor's behavior, including the degree to which the minor appears cooperative or non-cooperative.
  4. The availability of staff to provide adequate supervision for the protection of the minor.
  5. The age, type, and number of other individuals who are detained in the facility.
- C. In accordance with Title 15, Article 14, §1546 CCR, minors in secure detention shall be reasonably restrained as necessary to prevent escape and protect the minor and others from harm.
- D. Securing a minor to a fixed object shall be approved by the Youth and Community Services Division (YCSD) Commander, if available, or by an on-duty command officer. Section 1548 CCR requires continual command approval every 30 minutes thereafter. This is to ensure compliance to Part III, D, 2, 3, and 4 below.
1. This approval shall be documented stating the reasons for the secure detention and the name of the commander who approved the secure detention. Documentation shall be made in the Youth Services Section (YSS) 24-Hour Activity Log (TF-1003 or computer log) or the YSS Interview Room Log.

2. Securing a minor to a fixed object shall only occur when secure detention is appropriate **and** a locked enclosure is unavailable.
  3. The minor shall be secured in a locked enclosure as soon as one becomes available.
  4. There shall be no contact between minors held in secure detention or non-secure custody and adult prisoners who are detained in a law enforcement facility except as follows in accordance with the provisions of Title 15, §1546 CCR:
    - a. Booking.
    - b. Medical screening.
    - c. Adult prisoner is present performing work necessary for the operation of the law enforcement facility (e.g., meal service and janitorial service).
    - d. Movement of persons in custody within the facility.
- E. Section 207.1(d)(3) WIC requires that a minor be informed at the time of their placement in secured detention of:
1. The reason for their secure detention.
  2. The length of time the secured detention is expected to last.
  3. The secured detention is not to exceed six hours.
    - a. Any violation of the six hour limit shall require the investigator or his/her unit commander to prepare and forward a memorandum through channels to the Bureau of Investigation Commander (with a copy to YSS) stating the nature of the case and the reason(s) for the violation.
    - b. The YCSD Commander shall designate a supervisor to prepare and submit a Monthly Report, "Secure Detention of Minors in Buildings That Contain Lockups/Jails" (BOC form) to the State of California Board of Corrections (BOC).

#### **IV. SUPERVISION OF MINORS IN SECURE DETENTION**

- A. Designated unit personnel shall conduct and document unscheduled visual safety checks at least once every 30 minutes in the YSS 24-Hour Activity Log or YSS Interview Room Log.
- B. Minors in secure detention must be in constant audio access with unit personnel.
- C. Males and females shall not be placed in the same locked room unless under direct visual supervision by designated unit personnel.

**V. CRITERIA FOR NON-SECURE DETENTION**

Minors held in temporary custody, who do not meet the criteria for secure detention as specified in Section 207.1(d) WIC, may be held in non-secure custody if a brief period of time is needed to investigate the case, facilitate release of the minor to a parent or guardian, or arrange for transfer of the minor to an appropriate juvenile facility.

**VI. SUPERVISION OF MINORS IN NON-SECURE DETENTION**

- A. Minors shall be under the constant personal visual supervision of designated unit personnel.
- B. Audio, video, or other electronic devices may not replace personal supervision.
- C. Minors may be handcuffed during non-secure custody, if necessary.

**VII. CARE OF MINORS IN TEMPORARY CUSTODY**

- A. All minors in temporary custody (secure and non-secure detention) must receive the following items in accordance with the provisions of §1543 CCR:
  - 1. Access to toilets and washing facilities.
  - 2. One snack upon request during the term of temporary custody if the minor has not eaten in the past four hours or is otherwise in need of nourishment.
  - 3. Access to drinking water.
  - 4. Privacy during visits with family, guardian, or lawyer.
- B. Additionally, minors placed in secure detention inside locked enclosures shall be provided with the following:
  - 1. Blanket(s) and clothing as necessary to provide for the comfort of the minor.

2. Permitted to retain and wear personal items of clothing unless the clothing is inadequate, presents health or safety problems, or is required to be utilized as evidence of an offense.

## VIII. JUVENILE INTERROGATION AND NOTIFICATION POLICY

- A. Section 625 WIC requires an officer to admonish a minor if taken into temporary custody on the grounds that there is reasonable cause to believe that such a minor is a person described in Section 601 or 602 WIC or has violated an order of the juvenile court or escaped from any commitment ordered by the juvenile court, even if the minor is not going to be interrogated.
- B. Field officers shall notify the YSS Intake Officer within one hour of taking a minor into custody and provide pertinent information which may include the minor's name, date of birth, and reason for arrest.
- C. Once a minor has been taken to a place of confinement, i.e., any law enforcement facility, the investigating officer or YSS Intake Officer shall take **immediate** steps to notify the minor's parents, guardian or responsible relative that the minor is in custody and to provide the location where the minor is being held. Documentation of notification shall be made in the Juvenile Record (336-606) or Follow-Up Investigation Report (336-201).
- D. Processing of juvenile offenders shall be in accordance with the provisions of Departmental General Order O-3, PROCESSING JUVENILE OFFENDERS.
- E. In accordance with Section 627 WIC, upon arrival at a place of confinement, and no longer than one hour after being taken into custody, the minor shall be advised that he/she has the right to make two telephone calls.
- F. The telephone calls shall be at the public's expense if made within the local calling area and in the presence of a member or employee.
- G. The advisement and the time and to whom the telephone calls were made shall be documented in the Juvenile Record.
- H. Any public officer who willfully deprives a minor from making such telephone calls is guilty of misdemeanor.
- I. The two calls shall be completed as follows:
  1. One call to the parents, guardian, responsible relative or employer.
  2. One call to an attorney.

- J. A parent does not have the right to see their child prior to/or during an interrogation unless the minor has requested to speak to them. However, officers shall comply with the aforementioned advisement requirement as outlined in Part VIII, A of this order.
- K. As with any custodial interview, officers must provide the Miranda advisement when seeking admissible statements.
- L. Officers anticipating that interviews will exceed six hours should contact the Probation Department to have the interview conducted at Juvenile Hall.
- M. There shall be no contact between minors held in temporary custody and adult prisoners who are detained in a law enforcement facility except as provided by Title 15, §1546 CCR.
- N. No more than two officers shall take part in the custodial interviewing of a minor.

**IX. TRANSPORTING JUVENILES**

Juveniles shall be transported in accordance with the provisions of Departmental General Order O-2, TRANSPORTATION OF PRISONERS AND PERSONS IN CUSTODY.

**X. HOSPITALIZATION OF ARRESTED JUVENILES**

General Order O-2 governs the hospitalization and guarding of juveniles.

**XI. DEATH OF MINOR WHILE DETAINED**

The YCSD Commander shall ensure that all reports regarding the death of a minor in temporary custody are completed and forwarded in accordance with the provisions of Departmental General Order Q-7, REPORTING DEATHS OF PERSONS IN CUSTODY.

**XII. REVIEW**

The YCSD Commander shall be responsible for:

- A. The review of this order on an annual basis in order to ensure Departmental compliance with State law.
- B. Ensuring that a Special Order is drafted to revise affected Departmental publications whenever State law has been amended.

**XIII. REFERENCES**

- A. §207(a) Welfare and Institutions Code (WIC)
- B. §207.1(d); §207.1(2); §207.2(f)(1)(A) WIC
- C. §601 and 602 WIC
- D. §625 WIC
- E. §626 and 626.5 WIC
- F. §627 (b) WIC
- G. DGO O-2, TRANSPORTING PRISONERS AND PERSONS IN CUSTODY
- H. DGO O-3, PROCESSING JUVENILE OFFENDERS
- I. DGO Q-7, REPORTING DEATHS OF PERSONS IN CUSTODY
- J. Title 15, Article 1, §1302 Board of Corrections, California Code of Regulations (CCR)
- K. Title 15, Article 14 §1543 – 1550 CCR

By order of

Richard L. Word  
Chief of Police