Temporary Custody of Juveniles

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901.1 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 Alsip Police Department (34 USC § 11133).

901.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's 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 the juvenile's 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 a juvenile who has violated 720 ILCS 5/24-3.1 by possessing a handgun (28 CFR 31.303; 705 ILCS 405/5-105).

Non-secure custody - When a juvenile is held in the presence of an officer or other department member 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.

Safety checks - Direct visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

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.

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(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 unsecure 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.

(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 or 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.

901.2 POLICY

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

901.2.1 ADDITIONAL CONSIDERATIONS

It is also the policy of the Alsip Police Department that all members be committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency.

901.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Alsip Police Department. These include:

(a) Unconsciousness or having been unconscious while being taken into custody or transported.

(b) Serious injuries or a medical condition requiring immediate medical attention.

(c) A suspected suicide risk or obvious signs of severe emotional or mental disturbance (see the Civil Commitments Policy).

1. If the officer taking custody of a juvenile believes that the juvenile may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or transfer to an appropriate facility is completed.

(d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

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(e) Extremely violent or continuously violent behavior

(f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

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 should notify a supervisor of the situation.

These juveniles should not be held at the Alsip Police Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

901.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Alsip 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 who is suspected of being a victim.

No juvenile should be held in temporary custody at the Alsip Police Department without authorization of the arresting officer's supervisor or the Patrol Sergeant. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, 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 under the age of twelve be held beyond six hours from the time of the juvenile's entry into the Alsip Police Department (34 USC § 11133; 20 Ill. Adm. Code 720.30).

901.4.1 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 Alsip 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; 705 ILCS 405/5-410; 705 ILCS 405/2-6).

A juvenile taken into protective custody for prostitution should be reported to the Illinois Department of Children and Family Services (720 ILCS 5/11-14).

901.4.2 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).

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901.4.3 CUSTODY OF JUVENILE OFFENDERS

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

Generally, a juvenile offender may be taken into custody when (705 ILCS 405/5-401):

(a) Probable cause exists to believe he/she has violated, or attempted to violate, a law or ordinance.

(b) The juvenile has been adjudged a ward of the court and has escaped from any commitment ordered by the court.

(c) An officer reasonably believes the juvenile has violated court-ordered conditions of probation or supervision.

The officer shall promptly take the juvenile to the nearest juvenile police officer (705 ILCS 405/2-6; 705 ILCS 405/3-8).

The officer shall submit a completed report to the Patrol Sergeant.

901.4.4 ALTERNATIVES TO TEMPORARY CUSTODY

Officers handling juvenile offenders should use reasonable alternatives to arrest, when applicable, including:

(a) Release with no further action. Officers should use discretion to determine if release with a warning is appropriate for minor petty offenses.

(b) Referral to juvenile court.

901.5 ADVISEMENTS

An officer who takes a juvenile into custody without a warrant shall immediately make a reasonable attempt to notify the parent, guardian or the person with whom the juvenile resides that the juvenile has been taken into custody and where the juvenile is being held (705 ILCS 405/2-6).

901.5.1 ARREST RECORD AND EXPUNGEMENT INFORMATION ADVISEMENTS

If a juvenile is arrested and there is no petition for delinquency filed with the court when the juvenile is released from custody, then the juvenile officer shall (705 ILCS 405/5-915):

(a) Notify the juvenile and their parents or guardians verbally and in writing that the juvenile will have an arrest record.

(b) Provide the juvenile and their parents or guardians with an expungement information packet, information regarding Illinois expungement laws, a petition to expunge juvenile law enforcement and juvenile court records, and any other information required by law.

901.6 JUVENILE CUSTODY LOGS

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

(a) Identifying information about the juvenile.

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(b) Date and time of arrival and release from the Alsip Police Department.

(c) Patrol Sergeant 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 (e.g., emergency situations, unusual incidents).

(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 Patrol Sergeant should initial the log to approve the custody, including any secure custody, and should also initial the log when the juvenile is released.

901.7 NO-CONTACT REQUIREMENTS

Alsip Police DepartmentSight and sound separation shall be maintained between all juveniles and adults while in custody at the Alsip Police Department (34 USC § 11133; 705 ILCS 405/5-410). 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 shall maintain a constant, immediate, side-by-side 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.

901.8 TEMPORARY CUSTODY REQUIREMENTS

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

(a) The Patrol Sergeant is notified if it is anticipated that a juvenile may need to remain at the Alsip Police Department more than four hours. This will enable the Patrol Sergeant to ensure no juvenile is held at the Alsip Police Department more than 12 hours unless it is a crime of violence then may be detained up to 24 hours.(see 705ILCS 405/5-410)

(b) Safety checks and significant incidents/activities are noted on the log.

(c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

    1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.

    2. This does not apply to surreptitious and legally obtained recorded interrogations.

(d) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

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(e) There is reasonable access to toilets and wash basins.

(f) There is reasonable access to a drinking fountain or water.

(g) Food is 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.

(h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(i) There is privacy during family, guardian, and/or attorney visits.

(j) Juveniles are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Clean blankets are provided as reasonably necessary to ensure the comfort of the individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(l) Adequate shelter, heat, light, and ventilation are provided without compromising security or enabling escape.

(m) Adequate furnishings are available, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody (see the Temporary Custody of Adults Policy).

(o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

901.9 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 Alsip 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 Patrol Sergeant. 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.

901.9.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

901.10 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

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901.11 SECURE CUSTODY

Only juvenile offenders 10 years of age or older may be placed in secure custody (705 ILCS 405/5-410). Patrol Sergeant 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.

When practicable, 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. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. 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.

901.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the locked enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when the juvenile is released. Any damage noted to the area should be photographed and documented.

The following requirements shall apply:

(a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.

(b) The juvenile shall constantly be monitored by an audio/video system during the entire temporary custody.

(c) The juveniles shall have constant auditory access to department members.

(d) The juvenile's initial placement into and removal from a locked enclosure shall be logged.

(e) Unscheduled safety checks by department members shall occur no less than every 15 minutes.

1. All safety checks shall be logged.
2. The safety check should involve questioning the juvenile as to the juvenile's well-being.
3. Juveniles who are sleeping or apparently sleeping should be awakened.
4. Requests or concerns of the juvenile should be logged.

(f) Males and females shall not be placed in the same locked room.

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(g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(h) Restrained juveniles shall not be placed in a cell or room with unrestrained juveniles.

901.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Patrol Lieutenant will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Alsip Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate

(b) Immediate notification of the Patrol Sergeant, the Chief of Police, and the Criminal Investigations Lieutenant

(c) Notification of the parent, guardian, or person standing in loco parentis of the juvenile

(d) Notification of the appropriate prosecutor

(e) Notification of the States Attorney

(f) Notification of the Medical Examiner

(g) Notification of the juvenile court

(h) Evidence preservation

(i) Reporting to the Office of Jail and Detention Standards (20 Ill. Adm. Code 720.130)

901.13 INTERVIEWING OR INTERROGATING

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.

A juvenile under 15 years of age at the time of the commission of any of the offenses listed in 705 ILCS 405/5-170 (e.g., homicide, criminal sexual assault, criminal sexual abuse) must be represented by legal counsel during the entire custodial interrogation of the juvenile.

Oral, written, or sign-language statements of a juvenile under the age of 18 who is subject to custodial interrogation while in custody at a police station or other custodial location are governed by the Investigation and Prosecution Policy (705 ILCS 405/5-401.5).

A juvenile who was under the age of 18 at the time of the commission of the offense should be read the simplified *Miranda* warning and asked the following questions as set forth in 705 ILCS 405/5-401.5 and 725 ILCS 5/103-2.1:

(a) Do you want to have a lawyer?

(b) Do you want to talk to me?

901.13.1 INVESTIGATIONS ON SCHOOL PROPERTY

Before detaining and questioning a juvenile student during regular hours on school grounds, an officer should make a reasonable effort to notify and have the juvenile's parent or guardian present

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during questioning unless the officer reasonably believes that urgent and immediate action is necessary to do any of the following (105 ILCS 5/22-88):

(a) Prevent bodily harm or injury to a person

(b) Apprehend an armed or fleeing suspect

(c) Prevent the destruction of evidence

(d) Address an emergency or other dangerous situation

The officer should document the time and manner by which the attempted notification or notification of the juvenile's parent or guardian was made.

If the juvenile's parent or guardian is not in attendance during questioning, the officer should have a guidance counselor, nurse, social worker, and/or mental health professional of the school present. If practicable, an officer trained or certified in juvenile investigations should be present or conduct the questioning of the juvenile (105 ILCS 5/22-88).

901.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

Juveniles over the age of 10 will be fingerprinted and photographed on all offenses that would be a felony if committed by an adult and serious traffic-related offenses as described in 20 ILCS 2630/5. Fingerprints and photographs may be obtained from juveniles for all other offenses (705 ILCS 405/1-7(B)).

Fingerprints, photographs, and other required information of juveniles will be transmitted to the Department of State Police as described in 705 ILCS 405/1-7(B) and 20 ILCS 2630/5.

No student booking station shall be established or maintained on the grounds of any school (105 ILCS 5/10–20.64; 105 ILCS 5/34–18.57).

901.15 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

901.16 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

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