

Temporary Custody of Juveniles

314.1 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 Urbana Police Department (42 USC § 5633).

314.1.1 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 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.

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.

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.

314.2 POLICY

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

314.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Urbana Police Department:

Urbana Police Department

Urbana PD Policy Manual

Temporary Custody of Juveniles

- (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.

These juveniles should not be held at the Urbana Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

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.

314.4 CUSTODY OF JUVENILES

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

No juvenile should be held in temporary custody at the Urbana Police Department without authorization of the arresting officer's supervisor or the Shift Supervisor.

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 six hours from the time of his/her entry into the Urbana Police Department (42 USC § 5633).

314.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy may be held at the Urbana Police Department pending other arrangements. These custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (42 USC § 5633).

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).

314.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released to a parent or legal guardian with a warning or a Youth Assessment Center referral (or by a direct transport to the Youth Assessment Center). However, officers may take custody of a status offender if requested to do so by a parent or legal

Urbana Police Department

Urbana PD Policy Manual

Temporary Custody of Juveniles

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 (42 USC § 5633).

314.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Urbana 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 Shift Supervisor.

314.5 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). This notification may be made by the Youth Assessment Center or Juvenile Detention Center staff. However, this does not remove the officer's responsibility for ensuring the notification is done.

314.6 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (42 USC § 5633). 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 Urbana 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.

314.7 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor any juvenile at the Urbana Police Department shall ensure the following:

Urbana Police Department

Urbana PD Policy Manual

Temporary Custody of Juveniles

- (a) The Shift Supervisor should be notified if it is anticipated that a juvenile may need to remain at the Urbana Police Department more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the Urbana Police Department more than six hours.
- (b) Efforts should be made to have a staff member of the same sex supervise personal hygiene activities and care.
- (c) Reasonable effort should be given to ensure juveniles have adequate food, water, access to bathroom facilities, etc. while at the Urbana Police Department.

314.8 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 Urbana 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 Shift Supervisor. 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.

314.9 SECURE CUSTODY

Only juvenile offenders 10 years of age or older may be placed in secure custody (705 ILCS 405/5-410). Juvenile offenders requiring secure custody shall be transported to the Juvenile Detention Center. Such offenders may be brought to the police department for temporary purposes, such as interviewing, but they shall ultimately be taken to JDC.

Should unforeseen circumstances dictate that a juvenile offender be temporarily kept in secure custody at the Urbana Police Department:

- 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.

314.10 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.

Urbana Police Department

Urbana PD Policy Manual

Temporary Custody of Juveniles

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?