

Requirements for temporary custody of Minors in law enforcement facilities

CHECKLIST FOR LOCAL LAW ENFORCEMENT AGENCIES

The following are regulations of the Board of State and Community Corrections and applicable sections of the Welfare and Institutions Code (Sections 207.1, 208, 602) regarding minors in the temporary custody of local law enforcement agencies.

1. Minors are held in temporary custody no more than six (6) hours maximum in this facility. (Section 1140)
2. This facility has adopted written policies and procedures concerning minors held in temporary *secure* and/or *non-secure* custody that address prohibiting discipline, suicide risk and prevention, use of restraints, and emergency medical assistance and services. A monthly log of all temporarily detained minors shall be maintained by the facility and open to review by the juvenile court. (Section 1142)
3. The following are available to all minors held in temporary custody: (Section 1143):
 - access to toilets and washing facilities.
 - one snack provided upon request if minor has not eaten within the past 4 hours or otherwise in need of nourishment.
 - access to drinking water.
 - privacy during visits with family, guardian and/or attorney.
 - reasonable access to a telephone.
 - blankets and clothing, as necessary, for the minor's comfort.
 - allowed to retain or wear personal clothing unless clothing is inadequate, is a health problem or is required as evidence.
4. Minors in temporary custody have restricted sight or sound contact with adult prisoners. In situations where brief or accidental contact may occur (i.e. booking or facility movement) facility staff shall maintain a side-by-side contact with the minor to assure there is no communication between the minor and the adult prisoner. (Section 1144)
5. All minors held in *secure* custody are 14 years of age or older and facts or circumstances exist that would lead a peace officer to have a reasonable belief that the minor presents a serious security risk of harm to self or others. Factors determining serious risk are: availability of staff to supervise the minor and the age, type and number of individuals detained in the facility, age maturity, delinquent history of the minor, severity of the offense for which the minor was taken into custody, and the degree of the minor's non-cooperative behavior. Minors under the age of 14, not presenting a serious risk, may be kept in *nonsecure* custody. (Section 1145)
6. Minors in *secure* custody may be placed in a locked room or other secure enclosure, secured to a cuffing railing or otherwise be reasonable restrained as necessary to prevent escape and to protect the minor and others from harm. (Section 1146)
7. Minors in *secure* custody and placed in locked rooms receive adequate adult supervision which, at a minimum, ensures the minor can be heard by staff at all times and receives documented safety checks by staff, no less than every 30 minutes. Male and female minors are not placed in the same locked room unless under constant direct visual observation by the staff. (Section 1147)
8. At the time they are detained, minors held in *secure* custody are explained the reason for that placement and the duration of the *secure* custody is not to exceed 6 hours (Section 1147)
9. All locked rooms and enclosures where minors are securely detained have seats for minors in the form of chairs or benches, temperature control and ventilation adequate to maintain a comfortable environment and have lighting appropriate to the time of day and activity. (Section 1147)
10. If minors are held in *secure* custody outside a locked enclosure, they may not be secured to a stationary object for more than 60 minutes unless no other locked enclosure is available and a supervisor approves. A staff person shall provide constant visual observation at all times. Securing minors to a stationary object for more than 60 minutes and every 30 minutes thereafter requires approval of a supervisor. These requirements also apply to minors displaying outward signs of being under the influence of drugs, alcohol or any other intoxicating substance (Sections 1148, 1151)
11. Minors in temporary custody who do not meet the criteria for *secure* custody may be held in *non-secure* custody to investigate the case, facilitate release of the minor to a parent or guardian or arrange for transport of the minor to a juvenile facility. (Section 1149)

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12. A log or written record is kept for each minor who is detained in the facility which shows the offense that is the basis for *secure* custody, the reasons and circumstances forming the basis for the decisions to place the minor in *secure* custody and the time *secure* custody began AND the time ended. (Sections 1147 and 1149)
13. All minors held in *non-secure* custody shall receive direct visual observation by staff. Entry and release times shall be documented and made available for review. Monitoring a minor using audio, video or electronic device observation does not replace direct staff observation. (Section 1150)
14. Policies and procedures are in place to obtain medical clearance for minors under the influence of drugs, alcohol or any other intoxicating substance. Minors in secure custody in a locked room under the influence shall be checked every 15 minutes. Checks shall be documented. (Section 1150)