

Temporary Custody of Juveniles

312.1 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 Beachwood Police Department (34 USC § 11133).

312.1.1 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 who is in possession of a handgun (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. 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 placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (c) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (d) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (e) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (f) 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.

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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.

312.2 POLICY

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

312.3 JUVENILES WHO SHOULD NOT BE HELD

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

- (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 Beachwood 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.

In the case of extremely violent or continuously violent juveniles, the Cuyahoga County Juvenile Detention Center will be contacted for guidance.

312.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Beachwood 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 Beachwood Police Department without authorization of the arresting officer's supervisor or the Officer in Charge.

All reasonable efforts will be made to comply with the following:

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Any juvenile taken into custody should 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 three hours, or six if being held for a felony, from the time of his/her entry into the Beachwood Police Department (34 USC § 11133; ORC § 2151.311). The Cuyahoga County Juvenile authorities shall be contacted in regards to the prior criminal history and warrant status prior to release from custody.

The Cuyahoga County Juvenile Detention Center will be contacted for guidance if the listed times are drawing near. The Officer in Charge will be kept informed of the custody status by the arresting and/or monitoring officer.

312.4.1 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 Beachwood 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).

312.4.2 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).

312.4.3 CUSTODY OF JUVENILE OFFENDERS

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

Generally, juvenile offenders may be taken into custody under the following circumstances (ORC § 2151.31(A)):

- (a) Pursuant to a court order.
- (b) Pursuant to the laws that would subject an adult to arrest.

An officer shall promptly release the juvenile to his/her parents, guardian or other custodian unless circumstances indicate that detention or shelter care of the juvenile is warranted (ORC § 2151.311(A)).

312.5 ADVISEMENTS

If the officer brings the juvenile directly to court or delivers the juvenile to a place of detention or shelter care, he/she shall promptly notify the juvenile's parent, guardian or other custodian of the juvenile's location and reason for the detention (ORC § 2151.311(A)).

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312.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the detention shall be promptly and properly documented in the juvenile custody log mandated by the Ohio Department of Youth Services, including:

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the Beachwood Police Department.
- (c) Who the juvenile was released to (parent, guardian, detention center).
- (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.
- (f) Initials/badge number of booking officer

See attachment: [Youth Services.pdf](#)

312.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; ORC § 2151.311). 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 Beachwood 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.

312.8 TEMPORARY CUSTODY REQUIREMENTS

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

- (a) The Officer in Charge should be notified if it is anticipated that a juvenile may need to remain at the Beachwood Police Department more than six hours for a felony offense, or three hours if being held for any other reason (ORC § 2151.311). This will enable the Officer in Charge to ensure no juvenile is held at the Beachwood Police Department longer than permitted.
- (b) A staff member of the same sex 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 his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

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- (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.
- (p) Juveniles shall not be handcuffed or secured to a fixed object during temporary custody at the Beachwood Police Department (ORC § 2151.311).

312.9 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 Beachwood 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 Officer in Charge. 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 individuals in custody and monitored to protect them from abuse.

312.9.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant or in any period of postpartum recovery (which can be up to six weeks after delivery) may only be restrained in accordance with the Handcuffing and Restraints Policy (ORC § 2152.75).

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312.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Beachwood 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.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Beachwood Police Department.

312.11 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.

312.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system and or officer during the entire detention.
- (b) Juveniles shall have constant auditory access to department members.
- (c) Initial placement into and removal from a locked enclosure shall be logged.
- (d) Males and females shall not be placed in the same locked room.
- (e) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (f) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

312.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Officer in Charge will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Beachwood Police Department. The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police, and Detective Bureau supervisor.
- (b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the City Law Department.

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- (e) Evidence preservation.

There will be no delay in providing immediate aid and summoning of medical assistance. Routine notifications will be secondary to the rendering of medical attention.

312.13 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.

312.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

An officer may fingerprint and photograph a juvenile offender taken into custody for committing a felony offense or any other offense that is not a minor misdemeanor or traffic offense and shall inform the juvenile court as required in accordance with the Contacts and Temporary Detentions Policy (ORC § 2151.313).

The fingerprints and photographs shall be maintained in accordance with ORC § 2151.313.

312.15 SCHOOL RESOURCE OFFICER GUIDELINES

Officers of the Beachwood Police Department who are assigned to, or primarily engage in, law enforcement duties at a school campus shall comply with the following (OAC § 3301-35-15):

- (a) Juveniles shall not be restrained in a prone position.
- (b) Juveniles shall not be placed in a locked room or left alone while they are restrained in any way.

Officers who are required to restrain a juvenile shall immediately report such restraint to the appropriate school administrator and the juvenile's parent.

Attachments

Youth Services.pdf



Ohio Department of Youth Services
ADULT FACILITY OJJDP COMPLIANCE SURVEY

Complete the 1st Quarter survey for the period January 2021 through March 2021. For questions about this survey, please contact Danny Turek 614.203.8913 office, or danny.turek@dys.ohio.gov

Agency : _____
Address: _____
City: _____ Zip: _____ County: _____
Contact: _____ Phone _____
Email _____ Fax _____

Juveniles are detained securely when a physical barrier prohibits the juvenile from leaving the building. This includes, but is not limited to areas in a secure perimeter, locked interview rooms, cells, handcuffing rings and benches, and areas with doors that have delayed egress devices that exceed 30 seconds. Detain or confine means to hold, keep, or restrain a person such that a reasonable person would believe that he is not free to leave.

How many total youth came into your facility during the reporting period? _____

Note: THE FOLLOWING QUESTIONS DO NOT HAVE TO ADD TO THE TOTAL YOUTH COUNT ABOVE. THESE QUESTIONS ARE USED TO IDENTIFY VIOLATIONS OF THE JJDP ACT. DO NOT COUNT YOUTH WHO DO NOT FIT THE CRITERIA GIVEN IN THE QUESTION.

- 1. Non-Offenders—are juveniles suspected of or adjudicated as dependent, neglected, or abused.
• How many non-offenders held securely for any length of time? _____
2. Status Offenders—are juveniles who commit offenses that would not be an offense if committed by an adult (truancy, curfew, unruly, tobacco).
• How many accused status offenders were detained securely for any length of time? _____
• How many adjudicated status offenders were detained securely for any length of time? _____
3. Delinquency Offenders—are juveniles suspected of or adjudicated (convicted) for an offense that would be a crime if committed by an adult.
• How many delinquent offenders were detained securely for less than 6 hours for purposes other than to identify, investigate, process, transfer/transport, or release? Do not count all youth. _____
• How many juveniles accused of a delinquent offense were held securely for more than 6 hours _____
• How many adjudicated delinquents were held securely for more than 6 hours prior to or following a court appearance or for any length of time not related to a court appearance? Do not count youth that are being held as adults. _____
• How many of the youth were NOT sight and sound separated from adult offenders? _____
4. Other
• How many juveniles were held securely pursuant to the Youth Handgun Safety Act? _____
• How many juveniles were held securely that had been transferred or bound-over to adult court? _____
• Does your facility operate "Scared Straight" type programs where youth or court ordered to attend? _____

JUVENILE HOLDING LOG MUST BE ATTACHED WITH SURVEY

Please email danny.turek@dys.ohio.gov, or fax to (614) 644-2098.

