

**MARIN COUNTY SHERIFF'S OFFICE
GENERAL ORDER**

CHAPTER 5 – Operations
GO 5-13
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DATE
04/08/08

JUVENILE DETENTIONS AND ARRESTS

POLICY

It is the policy of the Marin County Sheriff's Office to comply with all California statutes regarding the detention, arrest, booking, and releasing of juveniles pursuant to Welfare and Institution Codes 601 and 602. This policy was established to extend special protections and procedures that both recognize and balance the needs of the community and the rights of the juvenile offender. This policy will insure departmental compliance with updates to the Welfare and Institutions Code as they related to the arrest, booking, and detention of juveniles.

DEFINITIONS

JUVENILE – Any person under the age of 18 years.

CRIMINAL OFFENDERS - Juveniles deemed to be:

1. Suspected of committing a criminal offense
2. Falling under the guidelines of W&I 602

STATUS OFFENDERS - Juveniles deemed to be:

1. Runaways
2. Truants
3. Incorrigible Youths
4. Outside of Parental Control
5. Curfew Violators

SECURE DETENTION - means a minor is being held in temporary custody in a law enforcement facility and is in a locked room or enclosure and/or is physically secured to a cuffing rail or other stationary object.

NONSECURE CUSTODY - means a minor's freedom of movement is controlled by the staff of the facility; and

- a. The minor is under constant personal visual supervision and observation by staff of the law enforcement facility.
- b. Monitoring a minor using audio, video, or other electronic devices does not replace personal visual supervision.
- c. The minor is not locked in a room or enclosure.
- d. The minor is not physically secured to a cuffing rail or other stationary object.
- e. The minor is under continuous visual observation until release.

PROCEDURE

A. GENERAL

1. For non-status offenders, officers may use their discretion guided by procedures outlined below, to determine if a non-custody referral is appropriate.
2. When officers book a juvenile into any Juvenile Hall, the booking procedure outlined in this order shall be followed even when the subject has a prior arrest history.

3. Section 625 of the Welfare and Institutions Code mandates that in any case where a peace officer takes a juvenile into temporary custody having reasonable cause to believe the juvenile is a person described in W&I section 601 or 602, or that he/she has violated an order of the juvenile court or escaped from any commitment ordered by the juvenile court, the officer shall advise such minor that anything he/she says can be used against him/her and shall advise him/her of his constitutional rights, including his right to remain silent, his/her right to have counsel present during any interrogation, and his/her right to have counsel appointed if he/she is unable to afford counsel.

B. FELONIES (602 W&I)

1. Evaluation of Arrest
 - a. When a juvenile is arrested for a felony, the arresting officers shall evaluate the circumstances surrounding the case to decide if the suspect is to be incarcerated at Juvenile Hall or released on a non-custody referral. Factors to be considered include:
 - 1) A sex crime or crime with great bodily injury
 - 2) An act of violence
 - 3) Substantial degree of property damage or loss
 - 4) A serious felony or part of a pattern or series
 - 5) A significant criminal history of criminal offenses
 - 6) A threat to self or others
 - 7) A ward of the court
 - 8) An offense as listed in 707(b) WIC
2. All juveniles arrested for a felony shall be photographed and fingerprinted at a MCSO facility prior to being released on a citation or non-custodial referral. Deviation from this procedure shall be approved by the shift supervisor.
3. All juveniles booked into Marin County Juvenile Hall will be photographed and fingerprinted by Juvenile Hall staff at the time of booking.
4. Felony arrests requiring booking shall require a probable cause declaration.

C. MISDEMEANORS (602 W&I)

1. Evaluation of Arrest
 - a. Officers shall utilize a citation release in lieu of a physical booking in as many misdemeanor cases as possible. In most cases, juvenile misdemeanants can be cited and released to a responsible adult.
 - b. Officers may exercise their discretion in certain instances by releasing the juvenile to a responsible adult without a citation or arrest made. In these instances, the officer may "counsel and release" the juvenile in the field or the officer may release the juvenile in the field and later request charges be filed in the Juvenile Court. Such a decision may be based in part on a variety of factors including, but not limited to:
 - 1) The juvenile's age
 - 2) The juvenile's prior history of criminal activity and/or substance abuse
 - 3) The juvenile's status (i.e. probation, ward of the court, gang activity)
 - 4) Seriousness of the violation
 - 5) The amount of damage or injury involved
 - 6) The need for the parent or guardian to have immediate knowledge of the circumstances surrounding the violation.
 - 7) Likelihood of offense to continue
 - 8) The need to conduct additional investigation
2. Misdemeanor arrests requiring booking shall require a probable cause declaration.
3. Printing and photographing misdemeanor arrestees may be done to assist in criminal prosecution or as a means of identification where there is a likelihood of future criminal conduct.

D. STATUS OFFENDERS (601 W&I)

1. Juvenile Hall will not accept juveniles arrested for status offenses.
 - a. Marin County runaway juveniles may be detained and should be released to a parent, guardian, or their agent as soon as possible after the detention is made.
 1. If an officer is unable to locate or contact a parent, guardian, or their agent, the officer must then arrange for an appropriate temporary placement, such as 9 Grove Lane in San Anselmo.
 2. In cases where the child would be considered at risk due to age or other factors, and the officer is unable to locate or contact a responsible parent, guardian, or agent, the officer may need to contact Marin County Child Protective Services at (415) 499-7153 in order to seek appropriate placement.
 - b. Out of County juveniles may be detained and should be released to a parent, guardian, or their agent as soon as possible after the detention is made.
 1. If an officer is unable to locate or contact a parent, guardian, or their agent, the officer must then arrange for an appropriate temporary placement, such as 9 Grove Lane in San Anselmo. The officer should also consider contacting the law enforcement agency having jurisdiction over the child's county of residency and making arrangements to have the child immediately transported back to their county of residency.
 2. In cases where the child would be considered at risk due to age or other factors, and the officer is unable to locate or contact a responsible parent, guardian, or agent, the officer may need to contact Marin County Child Protective Services at (415) 499-7153 in order to seek appropriate placement.
 3. In extreme cases, Marin County Juvenile Hall will accept courtesy placements of Out of County runaway juveniles. If the shift supervisor determines a parent or guardian cannot respond in a reasonable time or has not been located, the juvenile should be booked into Juvenile Hall. Placement of an Out of County runaway in Juvenile Hall will require that the booking officer exhaust all other possibilities for placement.
 4. The officer should list in his report all attempted contact information including but not limited to: name, phone number, date, and time of attempted contact, and relationship to the juvenile.
 - c. 300 W&I juveniles cannot be accepted by Juvenile Hall. Marin County Child Protective Services should be called at (415) 499-7153 for placement of juveniles falling under W&I 300.

E. GENERAL BOOKING PROCEDURE

1. Section 625 W&I mandates that any time a juvenile is arrested they shall be advised of their constitutional rights, the officer shall advise such minor that anything he says can be used against him and shall advise him of his constitutional rights, including his right to remain silent, his right to have counsel present during any interrogation, and his right to have counsel appointed if he is unable to afford counsel.
2. Prior to or during the booking process the arresting officer shall attempt contact with the juvenile's parent or guardian to advise them of the juvenile's arrest. Contact or lack thereof shall be noted in the arrest paperwork.
3. Prior to arrival at Juvenile Hall, the officer should make an effort to advise Juvenile Hall of the name, age, offense, and any other relevant information that may affect housing.
4. When booking juveniles at Juvenile Hall, officers shall retain copies of all paperwork submitted to Juvenile Hall staff and attach these copies to their report.

F. JUVENILE WARRANTS

1. Juvenile Hall will accept all juveniles brought in for criminal arrest warrants.
2. Juvenile Hall will also accept persons 18 years of age who have been arrested on Juvenile Court Warrants.
3. Any person 19 years of age or older, arrested on a Juvenile Court Warrant shall be booked into the Marin County Jail.
4. Child Protective Services should be called for civil body attachment warrants or any warrants stating "*deliver to Child Protective Services*."

G. MEDICAL CLEARANCE

1. Juveniles arrested on criminal charges that have a medical condition, are under the influence of alcohol or narcotics or who display suicidal tendencies, shall be medically cleared at a hospital prior to being booked into Juvenile Hall.
 - a. Medical Clearance – The examining doctor must note on the Medical Release Form that the juvenile is medically cleared to be held at Juvenile Hall in a detention facility and that the medical condition does not require immediate medical care or continuous observation during incarceration
 - 1) If the arrested juvenile requires hospitalization that will significantly delay booking, they may be released on a citation or a non-custodial referral or may be released per 849(b) PC. If released per 849(b) PC, the juvenile may be arrested and booked after treatment is complete.
 - 2) If Juvenile Hall staff does not accept the medical clearance
 - a) The juvenile may be released on a citation or non-custodial referral on all crimes except felony crimes against persons.
 - b) When a release on a citation or non-custodial referral is not an option or the crime is a felony crime against person(s), the supervisor shall contact the Juvenile Hall Director or his designee in order to facilitate appropriate placement.
 - b. 5150 W&I Clearance – After receiving medical clearance in cases where a juvenile displays suicidal tendencies, the juvenile must be taken to the Marin General Hospital Mental Health Crisis Unit in order to evaluate the juvenile to determine if the juvenile is actually a suicide risk. A juvenile must receive a 5150 W&I Clearance prior to being booked at Juvenile Hall.
 2. When a physical arrest or booking must be delayed due to a juvenile's extensive medical treatment, hospitalization, or W&I 5150 hold, the case disposition will be "Investigation in Progress". The on-coming shift supervisor will then:
 - a. Contact and advise the Investigations Division Juvenile Unit Supervisor
 - b. Advise the next supervisor of the need for patrol to arrest and book the juvenile upon the juvenile's release
 - c. Confirm the case disposition is changed to "Closed by Arrest" once the juvenile is booked or released on a citation or non-custodial referral
 - d. Determine if the arrest should be handled by an outside agency such as Probation. If this is the case, have the report forwarded to the Investigations Division Juvenile Unit Supervisor as soon as possible.

H. VIOLENT OR MENTALLY DISTURBED JUVENILES

1. With the exception of a homicide arrest, extremely violent or mentally disturbed juveniles should not be brought to a MCSO facility unless absolutely necessary and should be brought to another appropriate facility as soon as possible.
2. Homicide suspects should be brought directly to the Investigations Division if circumstances permit.

JUVENILE PRISONER SECURITY

A. Secure Detentions

1. Secure Detention of a Minor - A juvenile may be held in secure detention only if the minor meets the following criteria:
 - a. The minor is 14 years of age or older
 - b. The minor is taken into temporary custody on the basis of having committed a criminal law violation; (This excludes status offenses and possession of an alcoholic beverage by a minor)
 - c. The officer apprehending the minor has a reasonable belief that the minor presents a "serious security risk or harm to self or others"
 - d. The temporary custody is for the purpose of giving the officer time to investigate the case, facilitate release of the minor to parents, or arrange transfer to Juvenile Hall.
 - e. Factors considered when determining if the minor presents a "serious security risk or harm to self or others" are:
 1. Age, maturity and delinquent history;
 2. Severity of the offense;
 3. The juveniles behavior, including the degree to which the juvenile appears cooperative or non-cooperative;
 4. The availability of staff to provide adequate supervision or protection for the juvenile;
 5. The age, type, and number of other individuals who are detained in the facility.
2. Custody Register - any officer bringing a juvenile suspect (either arrested or detained) into a Sheriff's Office Secured Detention Facility will put the juvenile's name and other requested information on the Juvenile Confinement Log (refer to attached copy).
 - a. The officer will fill out every applicable section of the log.
 - b. The officer will explain the need for the secure detention in the arrest report.
3. Other Secure Detention Requirements - When juveniles are held in secure detention other conditions may apply to their custody.
 - a. The shift supervisor will be notified of all juvenile detentions in a secure setting (holding cell or locked room).
 - b. Juveniles held in secure detention must be advised of the following at the time they are securely detained. The advising officer should initial the Juvenile Confinement log on the corresponding lines.
 - (1) Purpose of the placement in secure detention. (Why they are being held)
 - (2) The expected duration of the secure detention. (How long you expect to hold them at the Sheriff's Office facility)
 - (3) The six hour limit on their detention at the Sheriff's Office facility.
 - c. Juveniles securely detained in a locked room or enclosure shall receive random, in-person, safety checks at intervals that do not exceed 30 minutes. The time of the safety checks shall be documented in the Juvenile Confinement Log. At all times a juvenile is in a holding cell, they must have constant auditory access to staff. Observation by television monitors is not sufficient.
 - d. A male and female juvenile shall not be placed in the same locked room or enclosure unless they are under constant, in-person, observation by law enforcement personnel.
 - e. Unless extraordinary circumstances exist, juveniles should not be secured to any type of fixed, stationary physical restraint for over 30 minutes. If the juvenile is secured to a fixed, stationary physical restraint, the officer must be present at all times. Extraordinary circumstances requiring a juvenile to be secured to a fixed, stationary object for longer than 30 minutes, and every 30 minutes thereafter, shall be approved by the shift supervisor and the reasons for the continued secure detention shall be documented in the report. Minors who are secured to a fixed,

stationary object shall be moved to a locked enclosure at such time as it becomes available.

- g. Immediately after the juvenile is held in a secured manner, and unless impossible, within one hour, the juvenile will be advised that they have the right to make at least two (2) phone calls. One call may be completed to the juvenile's parent, guardian, responsible adult, or employer and one call completed to an attorney. (627 WIC)
- h. If the juvenile is going to be held in a secure manner for longer than six hours, the minor will be taken to juvenile hall and booked.
- i. An officer holding a juvenile in a secured manner or booking a juvenile into Juvenile Hall will take immediate steps to notify the minor's parent, guardian or responsible adult that the minor is in custody and the place where the juvenile is being held.
- j. Minors placed in locked rooms will be:
 - 1. Provided blankets and clothing as necessary to assure the comfort of the minor.
 - 2. Permitted to retain and wear his or her personal clothing unless the clothing is inadequate, presents a health or safety problem, or is required to be utilized as evidence of an offense.

B. Custody of Status Offenders

- 1. A juvenile under the age of 14 years or a juvenile who is not a serious security risk or at risk of harm to self or others, may be kept in temporary custody but the custody must be non-secure. These juveniles will not be held in a secure manner.
- 2. For a minor held in non-secure detention, the officer must release the minor, preferably to a parent or responsible adult and may issue a notice to appear. The minor parent or guardian or responsible adult will be given a copy of the notice to appear. If the notice to appear is given to the minor juvenile, the officer will make a reasonable effort to notify the parent, guardian, or responsible adult.
- 3. No later than one (1) hour after being taken into custody the juvenile will be advised that they have the right to make at least two (2) phone calls. One call may be completed to the juvenile's parent, guardian, responsible adult, or employer and one call completed to an attorney. (627 W&I)

C. Minors under the Influence of any Intoxicating Substance

- 1. A medical clearance shall be obtained for any minor known to have ingested, or who appears to be under the influence of one or more intoxicating substances prior to bringing the minor to a Marin County Sheriff's Office facility. This does not apply to a minor who has only consumed a small amount of alcoholic beverage and is not intoxicated.
- 2. Minors known to have ingested, or who appear to be under the influence of one or more intoxicating substances shall receive in-person safety checks no less than once every 15 minutes until resolution of the intoxicated state. The actual time of each personal observation shall be documented in the Juvenile Confinement Log.

D. Requirements for All Juvenile Detention Situations

- 1. The following will be the policy in handling juvenile offenders in all custody situations:
 - a. Officers making multiple arrests of juvenile and adult offenders will have to exercise extreme care to ensure non-contact between juveniles and adults while they are in custody.
 - b. If an adult prisoner is present with the minor in the same room or area, law enforcement personnel shall maintain a constant, side-by-side presence with either the minor or adult prisoner to assure there is no communication between them.
 - c. Juveniles taken into temporary custody for 601 or 602 W&I violations must be advised of their Constitutional Rights pursuant to W&I 625.

- d. Juveniles will constantly be supervised while in custody at any Marin County Sheriff's Office facility.
 - e. Officers will not physically discipline juvenile offenders.
 - f. Officers may use whatever force is necessary to maintain control, prevent escape, or to prevent a crime from being committed. (If this requires placing in a holding cell or handcuffing to a fixed object, this would then become a secure detention and the conditions of that confinement as described in section "A" above would apply.)
 - g. If the juvenile presents a suicide risk while in our custody, the juvenile will be constantly supervised by having an officer physically present with the juvenile at all times.
 - h. In cases that would require medical treatment for juveniles in custody, they will be taken to a hospital by the arresting officer, or other designated officer, if the parent cannot be located.
 - i. The following will made available to all minors held in temporary custody:
 - 1. Access to toilets and washing facilities.
 - 2. One snack upon request during the term of the temporary custody if the minor has not eaten within the past 4 hours or is otherwise in need of nourishment.
 - 3. Access to drinking water.
- E. Death, Serious Illness, or Injury of a Minor while Detained at a Marin County Sheriff's Office Facility.
- 1. If a minor dies while being detained at any of our facilities, whether the juvenile was being detained securely or non-securely, the following criteria shall be followed:
 - a. A copy of the report submitted to the Attorney General under Governmental Code Section 12525, containing all facts concerning the death of the minor, shall be provided to the Board of Corrections within 10 calendar days after the death of the minor.
 - b. There shall be a medical and operational review of every in-custody death of a minor.
 - c. The review team will include an Administrative Lieutenant, the responsible physician, and other health care and supervision staff who were relevant to the incident.
 - d. In the event of a serious illness, injury, or death of a minor while detained at any of our facilities, the juvenile court and the minor's parent, guardian or person standing in "loco parentis" must be notified.
- F. Violent or dangerous offenders under the age of 14:
- Because it is the policy of the Marin County Sheriff's Office for any juvenile under the age of fourteen not to be held in secure detention in our Sheriff's Office facilities, any such juvenile should be taken directly to the Juvenile Hall at the time of his or her arrest. If a juvenile under the age of fourteen, being held in non-secure detention at any Marin County Sheriff's Office facility, becomes violent or poses a serious risk of harm to others they shall immediately be taken to Juvenile Hall to be held in secure detention.

ATTACHMENTS:

Juvenile Confinement Log

RELATED STANDARDS:

W&I 206
W&I 207
W&I 207.1
W&I 209
W&I 210.2

W&I 300
W&I 601
W&I 602
W&I 625
W&I 627
W&I 707.1

AFFECTED DIVISIONS:

Patrol Division
Investigations Division
Custody Division
Communication Division
Records Division

DATE OF REVISIONS:

By Order of:

Robert T. Doyle
Sheriff

Marin County Sheriff's Office



Juvenile Confinement Log

Juvenile: _____ Date/Time: _____

Date/Time: _____

Purpose of Secure Detention: _____

Deputy: _____ Date/Time Supervisor Notified: _____

Date/Time Supervisor Notified: _____

Expected Duration of Detention: _____

Safety Check Log (Random intervals not exceeding 30 minutes):

This form is to be used when juveniles are kept in a secure detention in any Sheriff's Office facility. Juveniles should not be kept longer than 6 hours in any Sheriff's Office facility. Submit form with arrest/incident report.