

Temporary Custody of Juveniles

323.1 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 Vancouver Police Department (42 USC § 5633).

323.1.1 DEFINITIONS

Definitions related to this policy include:

Custodial interrogation - express questioning or other actions or words by a law enforcement officer which are reasonably likely to elicit an incriminating response from an individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody. RCW 10.122.020

Juvenile - any individual who is under the chronological age of 18 years RCW 13.40.740

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 17 years of age or younger 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 RCW 9.41.040(2)(a)(iv) by possessing a handgun (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer at all times and is not placed in a locked room 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 underage possession of tobacco and/or alcohol. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

323.2 POLICY

The Vancouver Police Department is committed to protecting the rights of juveniles and releasing them from temporary custody as soon as reasonably practicable and keeping juveniles safe while

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they are in the custody of the Vancouver Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

323.3 JUVENILES WHO SHOULD NOT BE HELD

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

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated

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.

323.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Vancouver Police Department when there is no other lawful and practicable alternative to temporary custody.

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

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 Vancouver Police Department (42 USC § 5633; RCW 13.04.116(b)).

323.4.1 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released with a warning or released with the charge referred to the prosecutor's office. However, officers may take protective 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 a location to await a parent). Juvenile status offenders will not be held in secure custody (42 USC § 5633).

323.4.2 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Vancouver Police Department unless another form of custody is necessary due to exigent circumstances.

Generally, juvenile offenders may be taken into custody under the following circumstances (RCW 13.40.040(1)):

- (a) Pursuant to a court order or warrant.
- (b) If arrested for a crime (not a status offense).

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- (c) When his/her parole/probation has been suspended.

When a juvenile offender is taken into custody, the officer should attempt, as soon as practicable, to notify the juvenile's parent, guardian or a responsible relative that the juvenile is in custody. This advisement can also be satisfied at the time of booking into the Juvenile Detention Hall by detention staff.

323.5 JUVENILE ACCESS TO AN ATTORNEY

Pursuant to RCW 13.40.740, law enforcement shall provide a juvenile with access to an attorney for consultation, which may be provided in person, by telephone, or by video conference, before the juvenile waives any constitutional rights if an officer:

- (a) Questions a juvenile during a custodial interrogation;
- (b) Detains a juvenile based on probable cause of involvement in criminal activity; or
- (c) Requests the juvenile provide consent to an evidentiary search of the juvenile or the juvenile's property, dwellings, or vehicles under the juvenile's control.

323.6 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between any juvenile and adult who are in custody while in a VPD facility. There should also be sight and sound separation between any non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur, a member of the Vancouver 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.

323.7 TEMPORARY CUSTODY REQUIREMENTS

Officers assigned to monitor any juvenile at the Vancouver Police Department shall ensure the following:

- (a) The Shift Sergeant should be notified if it is anticipated that a juvenile may need to remain at a Vancouver Police facility more than four hours. This will enable the Shift Sergeant to ensure no juvenile is held for more than six hours.
- (b) Juveniles shall have reasonable access to a restroom.
- (c) Juveniles shall have reasonable access to a drinking water.
- (d) 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 dietary restrictions.
- (e) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (f) Any significant incident/activities shall be documented and a supervisor notified.

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323.7.1 NON-SECURE JUVENILE DETENTION LOG

When any juvenile is held in a non-secure detention status at any Vancouver Police facility, a Non-Secure Juvenile Detention Log shall be completed by the officer responsible for detaining the juvenile. The officer or supervisor should forward the completed and signed log to the Professional Standards Unit's Audit Sergeant for records documentation.

This log is only required if the juvenile is brought inside and detained within a Vancouver Police facility.

[See attachment: 323 Non Secure Detention of Juveniles Log.xlsx](#)

323.8 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with Department Policy.

323.9 PERSONAL PROPERTY

The officer taking custody of a juvenile non-offender or status offender at the Vancouver Police Department shall ensure a thorough search of the juvenile's property is made. For community caretaking purposes, all property is removed from the juvenile, especially items that could compromise safety, such as pens, pencils and belts.

323.10 SECURE CUSTODY

Secure custody should only be used for juvenile offenders who are under arrest or when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others. If a juvenile must be placed in secure custody, the officer must transport them directly to the Juvenile Detention Facility or have them transported to a medical facility pursuant Emergent Detentions. No juveniles are to be placed into secure custody while in any Vancouver Police facility.

323.11 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

Interviews and interrogations of juveniles shall conform to the requirements of law, specifically RCW 13.40.740 and RCW 10.122.

323.12 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

A juvenile offender may be photographed and fingerprinted as provided by RCW 43.43.735.

323.13 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Officers of this Department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

323.13.1 RELEASE OF INFORMATION PURSUANT TO WASHINGTON LAW

Juvenile records are confidential and may be released only as provided in law and Department policy.