

**POLICY
324**

**EFFECTIVE
DATE
5-10-19**

**Eugene
Police Department**



Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

This policy provides guidelines and requirements for the detention and disposition of juveniles taken into temporary custody by members of the Eugene Police Department.

324.1.1 JUVENILE DELINQUENCY AND DEPENDENCY

Officers may take custody of juvenile offenders by two methods:

- Protective custody (*ORS 419B.150 through ORS 419B.175*)
- Delinquency custody (*ORS 419C.080 et seq.*)

324.2 AUTHORITY TO TAKE CUSTODY OF JUVENILES

(a) An officer is authorized to take a juvenile into custody under the following circumstances:

- When a child's condition or surroundings reasonably appear to be such as to jeopardize the child's welfare (*ORS 419B.150(1)(a)*)
- When there is a court order directing a child be taken into protective custody (*ORS 419B.150(1)(b)*)
- When it reasonably appears that the child has run away from home (*ORS 419B.150(1)(c)*)
- When it reasonably appears the juvenile is a fugitive from another state (*ORS 419C.145(1)(a)*)
- When there is a court order directing a youth be taken into custody (*ORS 419C.080(1)(b)*)
- When, if the youth were an adult, the youth could be arrested without a warrant (*ORS 419C.080(1)(a)*)

(b) An officer shall take a youth into custody when the officer has probable cause to believe the youth, while in or on a public building or court facility within the last 120 days, possessed a firearm or a destructive device in violation of *ORS 166.250, 166.370, or 166.382 (ORS 419C.080(3).)*

- (c) Protective custody will not be deemed an arrest so far as the child is concerned and an officer taking a child into protective custody has all the privileges and immunities of an officer making an arrest (*ORS 419B.155.*)
- (d) Status and Non-Offender juveniles in protective custody may not be held in secure confinement (locked in an interview room, cell, or handcuffed to a stationary apparatus).

324.2.1 CONSTITUTIONAL RIGHTS ADVISEMENT

In any case where a youth is taken into temporary custody based upon delinquency, the youth should be promptly advised of his/her rights to ensure the admissibility of any spontaneous statements, whether or not questioning is intended.

324.2.2 DISCIPLINE OF JUVENILES

Police personnel are prohibited from administering to any juvenile for the purposes of discipline or punishment any infliction of or threat of physical injury or pain, deliberate humiliation, physical restraint, withholding of meals, isolation, or detention under conditions which violate the provisions of *ORS 169.750, subsections (2) to (8), ORS 169.076 (7) to (11), (13), or (14), or ORS 169.740.*

324.2.3 CITATIONS IN LIEU OF CUSTODY

- (a) In lieu of taking a youth into custody for an act that would constitute an offense if committed by an adult, an officer may issue a citation for the same offenses and under the same circumstances that a citation may be issued to an adult (*ORS 419C.085.*)
- (b) If cited, youths will be cited into Juvenile Court unless the offense has been waived into Eugene Municipal Court. Eugene Municipal Court will hear all juvenile citations involving a motor vehicle, bicycling, skateboarding, or pedestrian law which is not a felony.

324.3 TEMPORARY CUSTODY

- (a) Unless otherwise authorized by *ORS 419C.130(1)*, a juvenile may not be detained at any time in a police station, jail, prison or any other place where adults are detained, except that a juvenile may be detained in the police station for up to five (5) hours when necessary to obtain the juvenile's name, age, residence, and other identifying information (*ORS 419B.160.*)
- (b) As soon as practical after a juvenile is taken into custody, the officer will notify the juvenile's parents, guardian, or other responsible person. The person notified will be informed of the reason the juvenile was taken into custody, the location where he or she is being temporarily detained, and the intended disposition (*ORS 419B.160 and 419C.097.*)

324.3.1 TEMPORARY CUSTODY REQUIREMENTS

All juveniles held in temporary custody will have the following made available to them:

- (a) Access to toilets and washing facilities.

- (b) One snack upon request during the term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. The snack will be provided by the department.
- (c) Access to drinking water.
- (d) Privacy during visits with family, guardian, or lawyer.
- (e) The opportunity to make at least two telephone calls within one hour of being taken into temporary custody. The telephone calls must be made to a parent, guardian, responsible relative, employer, or an attorney.

324.3.2 NON-CONTACT REQUIREMENTS

There will be no contact between juveniles held in temporary custody (either non-secure or secure detention) and adult prisoners.

324.4 SECURE CUSTODY

The Department has detention rooms which are designed for the temporary detention persons in custody, including juveniles meeting the criteria of secure custody. Officers or detectives placing juveniles in secure detention rooms will comply with the following:

- (a) Any juvenile placed in a locked detention room will be separated according to sex and the severity of the crime (felony or misdemeanor) unless emergency circumstances will not allow for this type of separation. When such separation is not possible, the Watch Commander will be consulted for directions on how to proceed with the detention of the multiple juveniles involved.
- (b) A written record will be maintained on a detention log outside of the detention rooms. This log will include the charges for which the juvenile is being detained, the circumstances that warrant a secured detention, the time the detention began, and the time it ended.
- (c) It is the responsibility of the arresting officer to monitor the custody of the juvenile and to prepare the necessary paperwork to process the juvenile for release to a parent, guardian, or the appropriate juvenile custody facility.
- (d) A thorough inspection of the detention room will be conducted before placing a juvenile into the room. A second inspection will be conducted after removing the juvenile. Any damage noted to the room will be photographed and documented in the crime report.

324.4.1 JUVENILE'S PERSONAL PROPERTY

Juvenile property will be managed in accordance with *Policy 701 – Prisoner Processing Area*, specifically *701.8 – Handling of Prisoner Property*, as well as *Policy 702 – Searches and Inventories of Detained Persons*.

324.4.2 MONITORING OF JUVENILES

The detention will be recorded utilizing the video recording system in the prisoner processing area. An in-person visual inspection will be done to ensure the welfare of the juvenile and will be conducted at least once each half-hour, on an unscheduled basis, until the juvenile is released. This inspection will not be replaced by video monitoring. This inspection will be conducted by the arresting officer or their designee and the visual inspections will be recorded in the arresting officer's police report.

If juveniles are detained at any location other than a temporary holding facility they will remain in the presence of officers, or under continuous observation by officers or other members of the department during the entire period of detention. Juveniles will not be locked in a room by themselves.

More frequent visual inspections should be made as circumstances dictate as in the case of an injured or ill juvenile being detained, or if specific circumstances exist such as a disciplinary problem or suicide risk. In such instances the Watch Commander will be fully informed about the special circumstances in order to evaluate continued detention of such a juvenile. Juvenile Security Report Logs and Confinements of Juvenile Logs will be collected by the Operations Support Lieutenant every six months, who submits them to the Oregon Department of Justice. The logs are retained in the custody of the Operations Support Lieutenant.

324.4.3 RELEASE OF A JUVENILE TAKEN INTO PROTECTIVE CUSTODY

The person taking the juvenile into custody will release the juvenile to the custody of the child's parents, guardians or other responsible person, except in the following cases (*ORS 419B.165(1)(2)*):

- (a) Where there is a court order or an arrest warrant directing that the juvenile be taken into custody.
- (b) Where the person taking the child into custody has probable cause to believe that the welfare of the child or others may be immediately endangered by the release of the child.
- (c) When the officer taking the youth into custody has probable cause to believe that the youth, while in or on a public building or court facility within the last 120 days, possessed a firearm or destructive device.
- (d) When a child is taken into protective custody as a runaway the officer will release the child without unnecessary delay to the custody of the child's parents or guardian or to a shelter facility designated by Child Welfare.
- (e) Where a child residing in some other county is taken into protective custody the child may be released to the child's parents or some other responsible person or delivered to an officer or juvenile counselor in the county for which the child resides if delivery can be made without unnecessary delay.
- (f) If after consulting with a child's parents or guardian it reasonably appears that a child taken into custody as a runaway would not willingly remain at home and

the best interest of the child are better served if placed in a shelter, the child may be placed in a shelter designated by Child Welfare (*ORS 419B150(3)(b).*)

324.4.4 PROCEDURE WHEN THE CHILD IS NOT RELEASED FROM PROTECTIVE CUSTODY

A child who is not released to the child's parent, guardian, or other responsible adult, will be transported to an approved shelter designated by Child Welfare and lodged. If no approved shelter care facility is available, the juvenile may be transported to the county detention facility and lodged pending further action by the juvenile court.

324.4.5 PROCEDURE WHEN YOUTH IS NOT RELEASED FROM DELINQUENCY CUSTODY

- (a) If a youth is not released to the parent, guardian or other responsible person and the Juvenile Court has not instructed the youth to be released to a person authorized by the court to effect disposition of the youth, then the officer will take the youth to the county juvenile detention facility to be lodged pending further determination by the Juvenile Court.
- (b) A youth who is 16 years of age or older, and who has been waived to Circuit or Municipal Court may be detained in jail or other places where adults are detained (*ORS 419C.130*).
- (c) No youth under 12 years of age will be placed in detention except pursuant to judicial review and written findings describing why it is in the best interest of the youth to be placed in detention (*ORS 419C.133*.) Absent such a review and findings, a youth under 12 years of age who cannot be released to a parent or guardian, should be placed in a shelter designated by Child Welfare.
- (d) If a parent, guardian or other person responsible for the youth cannot be found or will not take responsibility for the youth and no appropriate shelter care or space is available and the youth cannot be released safely on recognizance or conditionally, a youth who is accused of an act which would be a crime if committed by an adult may be detained for a period of time not to exceed 36 hours from the time the youth is first taken into custody to allow the juvenile department, counselor or other person designated by the Juvenile Court to develop a release plan to ensure the youth's safety and appearance in court (*ORS 419C.136*.)

324.4.6 REPORT REQUIRED WHEN A JUVENILE IS TAKEN INTO CUSTODY

Whenever a juvenile is taken into custody, the officer will prepare a written custody report including, at minimum, the following information:

- (a) The juvenile's name, age and address.
- (b) The name and address of the person having legal or physical custody of the juvenile.
- (c) Reasons for, and circumstances under which, the juvenile was taken into custody.

- (d) Efforts taken to notify and release the juvenile to his/her parent, guardian or other person having legal responsibility.
- (e) The date, time, location and to whom the juvenile was released.
- (f) If the juvenile was not released, the reasons why.
- (g) If the youth was not released, the shelter or place of detention of the youth.
- (h) The office will route a copy of the report to the Juvenile Court and the District Attorney.

324.5 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 will not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

324.6 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES

324.6.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile who is either in secure or non-secure custody, the paramedics will be called. The Watch Commander will be notified of the need for medical attention for the juvenile.

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting officer or the discovering officer should administer first aid prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the following persons will be notified as soon as possible:

- The Juvenile Court
- The parent, guardian, or person standing in the place of a parent for the juvenile

324.6.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill himself/herself, or any unusual behavior which may indicate the juvenile may harm himself/herself while in custody in either secure or non-secure detention.

The detaining or transporting officer is responsible to notify the Watch Commander if he/she believes the juvenile may be a suicide risk. The Watch Commander will then arrange to contact a mental health team for evaluation, or to contact Lane County

Department of Youth Services and arrange for the transfer of the juvenile, providing the juvenile meets the intake criteria. The juvenile will be under constant personal supervision until the transfer is completed.

324.6.3 USE OF RESTRAINT DEVICES

Policy 806 – Flexible Restraint Device refers to the only authorized restraint devices. It is the policy of this department that restraints will not be used for juvenile inmates retained in custody. This policy also applies to juveniles held in temporary custody. The use of a restraint is an extreme measure and only for a temporary measure pending transportation to another facility or until other custodial arrangements can be made. Restraints will only be used under the following circumstances:

- (a) When the juvenile displays bizarre behavior that results in the destruction of property or shows intent to cause physical harm to self or others.
- (b) When the juvenile is a serious and immediate danger to himself/herself or others.
- (c) When the juvenile otherwise falls under the provisions of *ORS 426.228*.

Restraint devices include devices which immobilize a juvenile's extremities and/or prevent the juvenile from being ambulatory. Restraints will only be used after less restrictive measures have failed and with the approval of the Watch Commander.

Restraints will only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

As long as the subject is restrained, direct visual observation will be constantly maintained to ensure that the restraints are properly employed, and to ensure the safety and well-being of the juvenile.

The Watch Commander will arrange to have the juvenile evaluated by a mental health team as soon as possible if there is evidence of mental impairment. When mental impairment is suspected, constant personal visual supervision will be maintained in order to ensure that restraints are properly employed and to ensure the safety and wellbeing of the juvenile. Such supervision will be documented in the police report.

324.6.4 DEATH OF A JUVENILE WHILE DETAINED

In the event of a juvenile's death while being detained at this department, the District Attorney's Office and the Sheriff's Office and Medical Examiner will conduct the investigation of the circumstances surrounding the death. The Support Services Division Manager or his/her designee will conduct an administrative review of the incident.

A medical and operational review will be conducted in any case in which a juvenile dies while detained at the Eugene Police Department. The review team will include the following:

- Chief of Police or his or her designee.
- The responsible physician and other health care and supervision staff who are relevant to the incident.

324.6.5 CURFEW VIOLATIONS

Officers may take a juvenile into custody for curfew violations pursuant to *ORS 419C.680*.

324.7 JUVENILE CONTACTS AT SCHOOL FACILITIES

Absent exigent circumstances, officers will notify responsible school officials prior to contacting a student on campus while school is in session.

- (a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low profile police presence when contacting a student.
- (b) Whenever circumstances warrant the temporary detention or formal interview of a juvenile student on campus, the officer should:
 1. When practical and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian, or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents and/or reasons contact was not attempted should be documented.
 2. If efforts to contact a parent, guardian, or responsible adult are unsuccessful or not attempted, a formal interview with the juvenile may proceed without them. Upon the request of the juvenile, a school official may be present during the interview in lieu of a parent.
 3. If contacted, the selected parent, other responsible adult, or school official may be permitted to be present during any interview.
 - (a) An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult, who in the opinion of the officer appears to be under the influence or otherwise unable or incompetent to exercise parental rights on behalf of the juvenile, will not be permitted to be present.
 - (b) If the officer reasonably believes that exigent circumstances exist which would materially interfere with the officer's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. In such circumstances, the exigent circumstances should be set forth in a related report.
 - (c) Any juvenile student who is a suspected victim of child abuse will be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The

purpose of the staff member's presence is to provide comfort and support and such staff member will not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship.

Absent exigent circumstances or authority of a court order, officers should not involuntarily detain a juvenile who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian. In all such cases officers should adhere to guidelines and requirements set forth in *Policy 330 - Child Abuse Reporting*.

324.8 INTOXICATED AND SUBSTANCE-ABUSING MINORS

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.

A medical clearance will be obtained prior to detention of juveniles at the Eugene Police Department when the juvenile displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency. In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

- Known history of ingestion or sequestration of a balloon containing drugs in a body cavity.
- Minor is known or suspected to have ingested any substance that could result in a medical emergency.
- A juvenile who is intoxicated to the level of being unable to care for him or herself.
- An intoxicated juvenile whose symptoms of intoxication are not showing signs of improvement.

Juveniles with lower levels of alcohol in their system may not need to be evaluated.

- (a) A juvenile detained and brought to the Eugene Police Department who displays symptoms of intoxication as a result of alcohol or drugs will be handled as follows:
1. Observation of juvenile's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.
 2. Observation of the juvenile to ensure that there has not been any vomiting while sleeping and ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.
 3. An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.
- (b) Personal observation will be conducted on a frequent basis while the juvenile is in the custody of the Eugene Police Department, and no less than once every 15 minutes

until such time as the symptoms are no longer present. For juveniles held in secure detention inside a locked enclosure, officers will ensure constant video monitoring is maintained in addition to conducting the in-person visual checks. All other forms of detention require the officer to maintain constant visual supervision of the juvenile. The 15 minute checks of the juvenile will be documented on the Juvenile Detention Log in the Watch Commander's office.

- (c) Any juvenile who displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns, or convulsions), will be considered an emergency. Paramedics should be called and the juvenile taken to a medical treatment facility.
- (d) Juveniles undergoing acute withdrawal reactions will immediately be transported to a medical facility for examination by a physician.
- (e) A medical clearance is required before the juvenile is transported to Juvenile Hall if it is known that the juvenile ingested any intoxicating substances and appears to be under the severe influence of an intoxicating substance.

Once the juvenile no longer displays symptoms of intoxication, the requirements in section (a) above will no longer be required. The juvenile will still be monitored on a 30-minute basis as outlined in this policy. The juvenile will continue to be monitored as required for secure or non-secure detentions.

Chris Skinner
Chief of Police