

**East Lansing Police Department  
Policy & Procedure**

<b>Subject: JUVENILE MATTERS</b>	<b>ELPD Policy #: 400-11</b>
<b>Effective Date: January 1, 2021</b> <b>Revised Date:</b>	<b>Distribution: All Employees</b>
<b>MACP Accreditation Standard : Juvenile Delinquency</b>	<b>MACP Standard: 4.4.1</b>

**I. PURPOSE**

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the East Lansing Police Department (34 USC § 11133).

**A. Definitions:**

Definitions related to this policy include:

1. 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. Juveniles 9 years of age or younger are non-offenders.
2. 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). It also includes the possession of a handgun by a minor under MCL 28.422 (28 CFR 31.303).
3. Non-secure custody - When a juvenile is held in the presence of an officer or other department member 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.
4. Safety checks - Direct visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

5. 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. Examples of secure custody include:
  - a. A juvenile is placed in an unlocked room, but within the secure perimeter of a jail or lockup.
  - b. A juvenile is placed in a cell within an adult jail or lockup, whether or not the cell door is locked.
  - c. A juvenile is placed in an interview room with a door that can be locked from the outside, whether or not the door is locked.
  - d. A juvenile is placed in a room that includes a cuffing ring/rail, whether or not the juvenile is physically secured to the cuffing ring/rail.
6. Status offender - Status offenders are young people charged with offenses that would not be crimes if committed by an adult. For example, being habitually disobedient, breaking tobacco or alcohol consumption laws, not attending school, breaking curfew laws, running away from home, or being beyond the control of parents.

## **II. POLICY**

The East Lansing Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and to keeping juveniles safe while in temporary custody at the Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

## **III. PROCEDURES**

### **A. Juveniles Who Should Not Be Held:**

Juveniles who exhibit certain behaviors or conditions should not be held at the East Lansing Police Department. These include:

1. Unconsciousness or having been unconscious while being taken into custody or transported.
2. Serious injuries or a medical condition requiring immediate medical attention.

3. A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Civil Commitments Policy).
  - a. If the officer taking custody of a juvenile believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.
4. Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
5. Extremely violent or continuously violent behavior.
6. Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Officers taking custody of a juvenile exhibiting any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the situation. These juveniles should not be held at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

**B. Custody of Juveniles:**

Officers should take custody of a juvenile and temporarily hold the juvenile at the East Lansing 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 who is suspected of being a victim.

Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable. In no event shall a juvenile be held beyond six hours from the time of his/her entry into the Department (34 USC § 11133). The six-hour time period does not include placing the juvenile in a locked patrol vehicle, nor being merely handcuffed at their own wrist.

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 East Lansing 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).

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). Instead, juvenile status offenders should only be held in an unlocked, multi-purpose area such as a conference room, briefing room, an interview room without fixtures for cuffing, the Emergency Operations Center (EOC), the police lobby (during hours when City Hall is not open), and other such areas not open to the public.
3. Custody of juvenile offenders - Juvenile offenders should be held in non-secure custody while at the East Lansing Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances. An officer lacking a court order may take a juvenile offender into custody provided (MCL 712A.14; MCL 712A.2(h)):
  - a. The juvenile is found violating any law or ordinance.
  - b. There is reasonable cause to believe the juvenile is violating or has violated a personal protection order (PPO) or a valid foreign protection order.

Officers should release a juvenile offender to a parent or guardian on a written promise to appear unless (MCL 712A.14; MCR 3.933):

- a. There is reason to believe that because of the nature of the offense, the interest of the juvenile or the interest of the public would not be protected by release of the juvenile.
- b. A parent, guardian or legal custodian cannot be located or has refused to take custody of the juvenile.

When an officer is unable to, or otherwise does not, release a juvenile offender to a parent or guardian, he/she shall contact a court intake worker as soon as practicable.

Officers should also notify the prosecutor when there is reason to believe that a juvenile offender 14 years of age or older has committed a specified juvenile violation that may authorize the filing of a complaint and warrant as an adult offense under MCL 764.1f.

C. Notifications:

1. Officers taking custody of a juvenile offender shall notify the juvenile's parents and the court or the court's representative of the custody as soon as practicable (MCL 764.27; MCR 3.933; MCR 3.934).

D. Juvenile Custody Logs:

Any time a juvenile is in temporary custody at the East Lansing Police Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

1. Identifying information about the juvenile.
2. Date and time of arrival and release from the Department.
3. Shift Commander notification and approval to temporarily hold the juvenile.
4. Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
5. Any changes in status (e.g., emergency situations, unusual incidents).
6. Time of all safety checks.
7. Any medical and other screening requested and completed.
8. Circumstances that justify any secure custody.

Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Shift Supervisor should initial the log to approve the temporary custody, including any secure custody, and should initial the log when the juvenile is released.

E. No-Contact Requirements:

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the East Lansing Police Department (34 USC § 11133; MCR 3.933). There should also be sight and sound separation between juvenile non-offenders and juvenile/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 Department shall maintain a constant, immediate, side-by-side 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.

F. Temporary Custody Requirements:

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

1. The Shift Supervisor is notified if it is anticipated that a juvenile may need to remain at the Department more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the Department more than six hours.
2. Safety checks and significant incidents/activities are noted on the log.
3. Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
  - a. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
  - b. This does not apply to surreptitious and legally obtained recorded interrogations.
4. A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
5. There is reasonable access to toilets and wash basins.
6. There is reasonable access to a drinking fountain or water.
7. Food is provided if a juvenile needs nourishment, including any special diet required for the health of the juvenile.

8. There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
9. There is privacy during family, guardian and/or attorney visits.
10. Juveniles are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
11. Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
12. Adequate furnishings are available, including suitable chairs or benches.
13. Juveniles shall have the right to make a reasonable number of telephone calls of a reasonable length to make necessary arrangements or contacts.
14. Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

G. Religious Accommodation:

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

H. Use of Restraint Devices:

Juvenile offenders may be handcuffed in accordance with the Adult Arrests Policy, 300-2, 3.1.3. A juvenile offender may be handcuffed at the East Lansing 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 Shift Supervisor. 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.

1. Pregnant Juveniles - Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

I. Personal Property:

The personal property of an individual in temporary custody should be removed, inventoried, and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (e.g., cash, car or house keys, medications) be released to another person.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt.

The Shift Supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Supervisor shall attempt to prove or disprove the claim.

J. Secure Custody:

Only juvenile offenders 14 years of age or older may be placed in secure custody. Shift Supervisor approval is required before placing a juvenile offender in 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.



When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A member must be present at all times to ensure the juvenile's safety while secured to a stationary object. Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

K. Locked Enclosures:

A thorough inspection of the area shall be conducted before placing a juvenile into the locked enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when he/she is released. Any damage noted to the area should be photographed and documented.

The following requirements shall apply:

1. Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
2. The juvenile shall constantly be monitored by an audio/video system during the entire temporary custody.
3. The juvenile shall have constant auditory access to department members.
4. The juvenile's initial placement into and removal from a locked enclosure shall be logged.
5. Unscheduled safety checks by department members shall occur no less than every 15 minutes.
  - a. All safety checks shall be logged.
  - b. The safety check should involve questioning the juvenile as to his/her well-being.
  - c. Juveniles who are sleeping or apparently sleeping should be awakened.

- d. Requests or concerns of the juvenile should be logged.
6. Males and females shall not be placed in the same locked room.
7. Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
8. Restrained juveniles shall not be placed in a cell or room with unrestrained juveniles.

L. Suicide Attempt, Death or Serious Injury:

The Police Administrator overseeing the Patrol Division will ensure procedures are in place to address any suicide attempt, death or serious injury of any juvenile held at the East Lansing Police Department. The procedures should include the following:

1. Immediate request for emergency medical assistance if appropriate.
2. Immediate notification of the Shift Supervisor, On-call Administrator, and CICET command.
3. Notification of the parent, guardian or person standing in loco parentis of the juvenile.
4. Notification of the appropriate prosecutor.
5. Notification of the City Attorney.
6. Notification of the Medical Examiner.
7. Notification of the juvenile court.
8. Evidence preservation.

M. Interviewing or Interrogating:

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.

Juveniles will be accorded the same procedural rights as an adult during interviews and interrogations. If a juvenile is in custody, Miranda warning must be given prior to any questioning. The presence of a parent/guardian

is not always strictly required to obtain a confession from or to simply interview a juvenile as a possible suspect; however, it is always a good practice to have a parent/guardian present. Members should make reasonable attempts to contact a juvenile's parent/guardian prior to conducting interviews and interrogations.

N. Restriction on Fingerprinting and Photographing:

A juvenile offender may be photographed or fingerprinted in connection with being taken into custody for an offense where the maximum penalty exceeds 92 days' imprisonment or a fine of \$1,000 or more, or for a misdemeanor offense that is included in the DNA Identification Profiling System Act (MCL 28.243; MCL 28.176).

Upon authorization of charges the court will issue an order for the juvenile to avail themselves to the arresting agency to be fingerprinted. The East Lansing Police Department personnel shall fulfill the requirements of the court order when a date and time is established with the juvenile's parents or legal guardians. Fingerprinting shall be accomplished via Live Scan.


The East Lansing Police Department will follow all required procedures established by the Michigan State Police (MSP) regarding the forwarding of biometric information collected (within 72 hours) and the notification of the MSP if a juvenile petition is not authorized by the court (MCL 28.243).

O. Training:

Department members should be trained on and familiar with this policy and any supplemental procedures.

#### IV. CANCELLATIONS

Authorized By:

  
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Kim Johnson, Chief of Police