



County of Riverside  
**JUVENILE JUSTICE and DELINQUENCY PREVENTION COMMISSION**

## 2022 Lock-Up Inspection Report

Facility Name: Hemet Police Department		
Facility Address: 450 E Latham Ave, Hemet Ca 92543		
Inspection Date: 12/7/2022	Last Inspection Date: 10/29/20	
Facility Manager: Lt Dan Reinbolt		
Staff Interviewed:	Lt Dan Reinbolt	

Commission Inspection Team	
Paul Parker	

The following is a check list to assist in reviewing the requirements necessary for compliance with applicable Welfare and Institutions Codes; Title 15 & 24 California Code of Regulations; and Health and Safety Code sections.

Check One:	Requirements:		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><b>YES</b> <input checked="" type="checkbox"/></td> <td style="width: 50%; text-align: center;"><b>NO</b> <input type="checkbox"/></td> </tr> </table>	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<p>1. Written policies have been adopted concerning minors held in temporary custody (secure detention and non-secure custody), including but not limited to suicide risk and prevention; use of restraints; emergency medical assistance and services; and, prohibiting use of discipline. (Title 15 Section 1142)</p>
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><b>YES</b> <input checked="" type="checkbox"/></td> <td style="width: 50%; text-align: center;"><b>NO</b> <input type="checkbox"/></td> </tr> </table>	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<p>2. A minor 14 years of age or older who is taken into temporary custody by a peace officer on the basis of being a person described by Section 602, may be securely detained in a law enforcement facility that contains a lockup for adults for a period that does not exceed six hours. (W&amp;I Code 207.1(d) (I) (B))</p>
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>		
Check One:	<p>3. The following are available to all minors held in temporary custody:            (Title 15 Section 1143):</p>		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><b>YES</b> <input checked="" type="checkbox"/></td> <td style="width: 50%; text-align: center;"><b>NO</b> <input type="checkbox"/></td> </tr> </table>	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	a. Reasonable access to toilets and washing facilities.
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><b>YES</b> <input checked="" type="checkbox"/></td> <td style="width: 50%; text-align: center;"><b>NO</b> <input type="checkbox"/></td> </tr> </table>	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	b. Snack upon request if the minor has not eaten within four (4) hours or is otherwise in need of nourishment.
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><b>YES</b> <input checked="" type="checkbox"/></td> <td style="width: 50%; text-align: center;"><b>NO</b> <input type="checkbox"/></td> </tr> </table>	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	c. Access to drinking water and/or other beverage.
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><b>YES</b> <input checked="" type="checkbox"/></td> <td style="width: 50%; text-align: center;"><b>NO</b> <input type="checkbox"/></td> </tr> </table>	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	d. Privacy during consultation with family, guardian and/or lawyer.
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><b>YES</b> <input checked="" type="checkbox"/></td> <td style="width: 50%; text-align: center;"><b>NO</b> <input type="checkbox"/></td> </tr> </table>	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	e. Provided blankets and clothing, as necessary, to assure the comfort of the minor (when placed in a locked room).
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><b>YES</b> <input checked="" type="checkbox"/></td> <td style="width: 50%; text-align: center;"><b>NO</b> <input type="checkbox"/></td> </tr> </table>	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	f. 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>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><b>YES</b> <input checked="" type="checkbox"/></td> <td style="width: 50%; text-align: center;"><b>NO</b> <input type="checkbox"/></td> </tr> </table>	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	g. Within one hour after being taken to a place of confinement, except where physically impossible, the minor shall be given the right to make at least two phone calls, one to a parent or guardian, and another to an attorney. (W & I Section 627 (b))
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><b>YES</b> <input checked="" type="checkbox"/></td> <td style="width: 50%; text-align: center;"><b>NO</b> <input type="checkbox"/></td> </tr> </table>	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<p>4. There shall be no contact between minors held in temporary custody (secure detention and non-secure custody), and adult prisoners who are detained in a law enforcement facility except as provided by Section 1546 of these regulations. (Title 15 Section 1144)</p>
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>		



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<b>Check One:</b>	<b>Requirements:</b>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>5. While in secure detention, minors may be locked in a room or other secure enclosure, secured to a cuffing rail, or otherwise reasonably restrained as necessary to prevent escape and protect the minor and others from harm. Contact between adult prisoners and minors who are either in secure detention or non-secure custody in a law enforcement facility shall be restricted as follows:</b>
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>a. No communication between minors and adult prisoners is allowed. (Title 15 Section 1146)</b>
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>b. If minors are being held in secure detention, adult prisoners are allowed to be in the same room or passageway, where they have sight or sound contact with each other in limited situations, including: (1) booking; (2) medical screening; (3) inmate worker presence while performing work necessary for the operation of the law enforcement facility; and (4) movement of persons in custody within the facility. (Title 15 Section 1144 &amp; 1146)</b>

<b>Check One:</b>	<b>6. All minors held in (secure detention) meet the following criteria: (W &amp; I 207.1 (d) (I) (c))</b>	
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>a. The minor(s) is 14 years of age or older.</b>
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>b. There are facts or circumstances present that would lead a prudent peace officer to conclude that further criminal activity against persons or self destructive acts on the part of the minor are likely, or that the minor may be at risk of harm if released.</b>
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>c. A brief time is required to investigate the case; facilitate release of the minor to a parent or guardian, or arrange for the transfer of the minor to an appropriate juvenile facility.</b>

<b>Check One:</b>	<b>7. All locked rooms and enclosures where minors are securely detained: (Within Title 15 Sections 8-11; Title 24 Part 1&amp;2)</b>	
<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>a. Meet all applicable health, fire and safety requirements.</b>
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>b. Have seats for minors in the form of chairs or benches.</b>
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>c. Have temperature control and ventilation adequate to maintain a comfortable environment.</b>
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>d. Have lighting appropriate to the time of day and activity.</b>

<b>Check One:</b>	<b>8. Minors placed in locked rooms received adequate supervision which, at a minimum, includes (Title 15 Section 1147):</b>	
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>a. Constant auditory access to staff by the minor.</b>
<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>b. Unscheduled personal visual observation of the minor by staff of the law enforcement facility, no less than every thirty minutes, which shall be documented.</b>

<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>9. If minors are held in secure detention outside of a locked enclosure, they are secured to a stationary object for no more than thirty minutes unless no other locked enclosure is available, a staff person from the facility shall be present at all times to assure the minor's safety while secured to a stationary object. Securing minors to a stationary object for longer than 30 minutes, and every 30 minutes thereafter, shall be approved by the watch commander and the reasons for continued secure detention shall be documented. (Title 15 Section 1148).</b>
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Check One:		10. A log or written record is maintained for each minor who is securely detained which shows the following (W & I 207.1(d) (I) (F)):
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	a. The offense that is the basis for the secure detention.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	b. The reasons and circumstances forming the basis for the secure detention.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	c. The length of time the minor was securely detained.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	11. All minors who are held in non-secure custody shall receive constant personal visual supervision by staff of the law enforcement facility. Entry and release times shall be documented and made available for review. Monitoring a minor using audio, video, or other electronic devices shall never replace personal visual supervision. (Title 15 Section 1150)

Comments: Had a juvenile inspection binder with latest BSCC inspection report. Detention logs were very orderly maintained and filed. A summary sheet was provided via fax to the Board of State and community relations for each month's logs. The facility was just compliant with regulatory requirements. Ms. Kathy Tipton was especially complimented for her record maintenance. Lt Reinbolt was very helpful and showed a high level of professionalism. At the 2020 inspections it was recommended that officers need to note the relationship to the detainee of the person they are released to. That adjustment has been made. I am attaching Hemet's Policy 312, the policy covering temporary Custody of Juveniles.

Recommendations: Year to date 11 secure and 14 non secure.

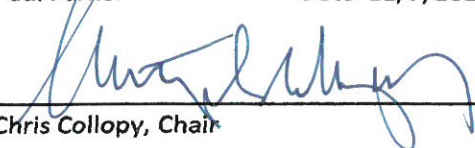
The Hemet \_\_\_\_\_ Police Department, was inspected on Dec 7, 2022 \_\_\_\_\_ and IS  / IS NOT  suitable for the detention of minors.

We wish to thank the staff for their assistance with our inspection.

Respectfully submitted by, Commissioner Paul Parker

*The Riverside County Juvenile Justice and Delinquency Prevention Commission (JJDC)*

  
Paul Parker Date 12/7/2022

  
Chris Collopy, Chair

\_\_\_\_\_  
Date 2-10-2023

cc: Presiding Judge of the Juvenile Court - Mark E. Petersen  
Chief Probation Officer - Ronald L. Miller  
Board of State and Community Corrections (BSCC)

## 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 Hemet Police Department (34 USC § 11133).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

#### 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. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

**Juvenile offender** - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (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 (Welfare and Institutions Code § 207.1; 15 CCR 1150).

**Safety checks** - Direct, visual observation personally 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.

**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 (15 CCR 1146).

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 handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

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- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) 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 that is more than brief or inadvertent.

**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, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

#### **312.2 POLICY**

The Hemet 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 Hemet 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 Hemet Police Department:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (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 (15 CCR 1142; 15 CCR 1151).

These juveniles should not be held at the Hemet Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

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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 (15 CCR 1142).

#### **312.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY**

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Watch Commander shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

#### **312.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY**

Department members 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 him/herself, or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody (15 CCR 1142).

#### **312.4 CUSTODY OF JUVENILES**

Officers should take custody of a juvenile and temporarily hold the juvenile at the Hemet 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 Hemet Police Department without authorization of the arresting officer's supervisor or the Watch Commander. 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 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 Hemet Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

#### **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 Hemet Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

#### **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

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### Temporary Custody of Juveniles

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the station to await a parent). Juvenile status offenders shall 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 Hemet Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Department.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

#### 312.5 ADVISEMENTS

Officers shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile is taken into temporary custody, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-

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offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, he/she shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to his/her parent or guardian; one to a responsible relative or his/her employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

#### **312.6 JUVENILE CUSTODY LOGS**

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

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Hemet Police Department (15 CCR 1150).
- (c) Watch Commander notification and approval to temporarily hold the juvenile.
- (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 (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed (15 CCR 1142).
- (h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Watch Commander shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

#### **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; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.



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- (n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

#### **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 Hemet 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 (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

#### **312.10 PERSONAL PROPERTY**

The officer taking custody of a juvenile offender or status offender at the Hemet 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 Hemet Police Department.

#### **312.11 SECURE CUSTODY**

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Watch Commander 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. Factors to be considered when determining if the juvenile offender presents a serious security risk to him/herself or others include the following (15 CCR 1145):

- (a) Age, maturity, and delinquent history
- (b) Severity of offense for which the juvenile was taken into custody
- (c) The juvenile offender's behavior
- (d) Availability of staff to provide adequate supervision or protection of the juvenile offender

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(e) Age, type, and number of other individuals in custody at the facility

Members of this department shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, 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. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

Juveniles shall 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 (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

#### 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 during the entire custody.
- (b) Juveniles shall have constant auditory access to department members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
  - 1. All safety checks shall be logged.
  - 2. The safety check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
  - 3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

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

The Watch Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Hemet Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police, and Investigations 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 attorney.
- (e) Notification to the coroner.
- (f) Notification of the juvenile court.
- (g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).
- (h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.
- (i) Evidence preservation.

**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.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

- (a) Information is necessary to protect life or property from an imminent threat.
- (b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

**312.13.1 MANDATORY RECORDINGS OF JUVENILES**

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a department facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.

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- (b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

#### **312.14 FORMAL BOOKING**

No juvenile offender shall be formally booked without the authorization of the arresting officer's supervisor, or in his/her absence, the Watch Commander.

Any juvenile 14 years of age or older who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted or photographed upon the approval from the Watch Commander or Detective Bureau supervisor, giving due consideration to the following:

- (a) The gravity of the offense
- (b) The past record of the offender
- (c) The age of the offender

#### **312.15 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. Members of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

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A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Hemet Police Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Supervisor and the appropriate Detective Bureau supervisors to ensure that personnel of those bureaus act within legal guidelines.

#### **312.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION**

The Patrol Lieutenant shall coordinate the procedures related to the custody of juveniles held at the Hemet Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

#### **312.17 RELIGIOUS ACCOMMODATION**

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).