

KINGMAN COUNTY SHERIFF'S OFFICE

POLICY AND PROCEDURE MANUAL

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SECTION 18.0 Juvenile in Custody

TITLE

All juveniles taken into custody by this department shall be treated in a manner that provides for the safety of all concerned, respect for human dignity, the preservation of the legal rights and property of the individual, accurate documentation, and administrative efficiency. Juveniles, those persons under the age of 18, require considerations due to State law and Federal regulations.

POLICY

This policy addresses the secure and non-secure custody of juveniles.

Procedures:

K.S.A. 38-2330. Juvenile taken into custody, when; procedure:

When a deputy sheriff takes a juvenile into custody the juvenile shall be brought to the Law Enforcement Center and without unnecessary delay contact an intake and assessment worker.

NO juvenile shall be placed in the adult correctional area of the jail, unless the juvenile has been ordered by the court to be held as an adult.

Procedures:

Status and Non-Offenders

1. Status offenders are defined as juveniles who have been accused or charged with conduct which would not be an offense if committed by an adult. Status offenses include: runaway, truancy, and underage possession tobacco and curfew violations. A non-offender is a juvenile who is not charged with an offense and/or an abused or neglected child.

Status and non-offenders shall not be placed in secure custody, handcuffed to a stationary object or cuffing rail, or placed into a locked room under any circumstances. Status offenders may be cuffed to themselves.

Status and non-offenders shall be placed in a non-secure area; lobby, office, or conference room, until release arrangements can be made and the juvenile leaves the facility.

4. The officer shall notify parents, legal guardians, responsible person or agency after taking the juvenile into custody for notification. Intake/assessment shall be contacted.
5. Status offenders may be processed in the conference room.

Juvenile Offender

A juvenile offender (accused delinquent) is a juvenile charged with an act which, if done by an adult, would constitute the commission of a crime.

It is the preference of this department to detain Juvenile offenders non-securely while in custody. Exceptions include, violent or combative, juveniles who cannot be subdued and pose a threat to the officer or themselves.

Accused or adjudicated Juvenile offenders may be temporarily detained, in quarters with sight and sound separation from incarcerated adults for up to 6 hours from the time they enter a secure custody status, awaiting release or transport to another facility.

The officer shall notify parents, legal guardians, responsible person, or agency, after taking the juvenile into custody for notification. Intake/assessment shall be contacted.

Juvenile Offender will be processed in the Conference room.

Secure Custody

1. Secure custody is defined as being cuffed to a stationary object or cuffing rail, being placed in a secure holding cell or being placed in a locked room. Secure custody physically restricts the movements and activities of persons in custody.

2. In cases when a delinquent is securely detained, pending release or transfer, all of the following requirements must be satisfied:
 - a. The secured area is sight and sound separated from incarcerated adults, including trustees.

There may be no adult prisoners in the booking area when juveniles are present.

- b. The following information must be recorded on all juveniles held in a secured environment:
 - Name or ID number,
 - Sex,
 - Race,
 - Offense,
 - Date and time the juvenile is placed in a secure area.
 - Date and time released from the secure area,
 - Location where juvenile is detained.
3. The six-hour holding time limit is for processing and release and never to be used as a punitive measure. The six-hour clock will begin when the juvenile enters a secure setting, and once the clock starts, it cannot be turned off, even if the juvenile is removed from the locked setting. Arresting Officer will fill out a Secure Custody. The report form is next to the Conference room door. To determine if the juvenile is in a secure status use the flow chart below.

Non-secure Custody

The following defines the requirements for non-secure custody:

- a. The area where the juvenile is placed in an unlocked, multi-purpose location, such as a lobby, office, or the conference room, which is not designated, set aside, or used as a secure area,
- b. The juvenile is not physically secured to a stationary object,
- c. The use of the area is limited to providing non-secure custody long enough and for the purposes of identification, processing, release, or transfer,

- d. The area(s) is/are not designated or intended to be used for residential purposes, and
- e. Continual, visual supervision is provided by an officer or facility staff.

Violations

- a. A status or non-offenders is placed in a secure room or cell or is cuffed to a stationary object.
- b. A juvenile and an incarcerated adult occupy the booking area at the same time.
- c. Accused juvenile offenders held over 6 hours.
- d. When a juvenile in secure custody status has any physical or sustained sight or sound contact with an incarcerated adult(s).

Flowchart To Determine if a Juvenile Is in a Secure or Nonsecure Custody Status in an Adult Jail or Lockup

