

City of Port Hueneme

"The Friendly City By The Sea"

September 2, 2010

Robert A. Peskay, Foreman
2010-11 Ventura County Grand Jury
800 South Victoria Avenue
Ventura, CA 93009

Don Cody, Ed.D., Chairman
Grand Jury Review Committee

Re: Response to Grand Jury Report: *Utilization of the Ventura County Juvenile Justice Facilities – Findings vs. Conclusions*

Dear Foreman Peskay and Chairman Cody:

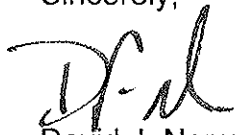
Our Mayor, Norman Griffaw, recently received your letter requiring a response to the applicable conclusions and recommendations of the above captioned Report. As per your letter, he has responded as requested

However, for my own edification, I am curious as to why the Grand Jury is requiring a response to the Report's *conclusions* and not to its *findings*. In my reading of Section 933 et sec., the Mayor is required to respond to the applicable *findings* and recommendations of a Report within 90 days of receipt. In fact, the word "conclusion or conclusions" is not found anywhere in Section 933 et sec.

Perhaps there is an applicable statute or case law of which I have no knowledge that bears upon this question, and I would appreciate gaining a better understanding of the Grand Jury's requirement to respond to its conclusions rather than its findings in the Reports it issues.

Thank you for your assistance.

Sincerely,


David J. Norman
City Manager

RECEIVED

SEP 07 2010

VENTURA COUNTY
GRAND JURY

c: City Council
City Attorney



City of Port Hueneme

POLICE DEPARTMENT

May 25, 2010

H. G. Kelley, Foreman
Ventura County Grand Jury
800 South Victoria Avenue, L#3751
Ventura, CA 93009

Honorable Kevin J. McGee, Presiding Judge
Superior Court of California, Ventura County
P. O. Box 6489
Ventura, CA 93006

RECEIVED

MAY 28 2010

VENTURA COUNTY
GRAND JURY

Re: Ventura County 2009-2010 Grand Jury Report, "Utilization of the Ventura County Juvenile Justice Facilities"

The Police Chief of the City of Port Hueneme has reviewed the above-captioned Grand Jury Report and presents the following response to Recommendation R-10, as requested.

Recommendation R-10: *Police chiefs and the Sheriff should provide Officers with Probation Agency information regarding the criteria for accepting juveniles into the JJF, the use of the RAI, and the JDAI. (C-21 through C-23)*

Response: Concur

Personnel at the Port Hueneme Police Department participate in on-going training regarding arrest and incarceration procedures for all arrestees, be they adult or juvenile. The Port Hueneme Police Department Policy Manual addresses this important area under Policy 324. Additionally, under Chapter 12 of the Port Hueneme Police Department Field Training Manual, during probationary training of all officers, the legal constraints, agency policy and procedure, and custody facility requirements regarding juvenile detentions is explained and understanding is demonstrated by the individual officer.

By December 2010, the Port Hueneme Police Department will request that representatives from the Probation Agency provide updated training to all officers

regarding the criteria for accepting juveniles into the JJF, the use of the RAI and JDAI.

If there are any further questions regarding this response, please feel free to contact me at (805) 986-6531.

Sincerely,



Fernie Estrella
Chief of Police

Att: Chapter 12 – PHPD Field Training Manual
Policy 324 – PHPD Policy Manual

c: City Council
City Manager
City Attorney

CHAPTER 12 – CONTROL OF PERSONS/PRISONERS/MENTALLY ILL

Reference:

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated? Field Perform Role Play Written Test Verbal Test	REMEDIED		How Remediated? Field Perform Role Play Written Test Verbal Test
	Name	Date	Name	Date		Name	Date	
F.T.O.								
Trainee								
Comments:								Case/Report No.:

2.12.17 The trainee will review and explain the legal constraints, agency policy and procedure, and custody facility requirements relative to medical clearance/approval prior to booking.

Reference:

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated? Field Perform Role Play Written Test Verbal Test	REMEDIED		How Remediated? Field Perform Role Play Written Test Verbal Test
	Name	Date	Name	Date		Name	Date	
F.T.O.								
Trainee								
Comments:								Case/Report No.:

BOOKING PRISONERS

2.12.18 The trainee shall explain how to properly book a juvenile prisoner in conformance with agency policy, legal codes, and minimum jail standards, including:

A. Miranda advisement

Port Hueneme Policy Manual, "CONSTITUTIONAL RIGHTS ADVISEMENT", 324.21

B. Right to phone calls

C. What notifications are required

Port Hueneme Policy Manual, "TEMPORARY CUSTODY (300, 601, 602 WIC)", 324.3

D. Secure/Non-secure detention of juveniles

Port Hueneme Policy Manual, "NON-SECURE CUSTODY", 324.41

Port Hueneme Policy Manual, "SECURE CUSTODY", 324.42

E. Strip search of juveniles

E. Requirements pertaining to the confinement of a child under 16 years of age with an adult accused or convicted of a crime

Port Hueneme Policy Manual, "NON-CONTACT REQUIREMENTS", 324.32

G. Custody alternatives

"HANDLING OF JUVENILES" (2.12.18), page 4

*Reference: 625 W&I; 206 W&I; 207.1-2 W&I; 4030 PC; 273b PC; 626 W&I; 626.5 W&I
208 WIC, TITLE 15, CCR, Sections 1544-46*

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 Port Hueneme Police Department.

324.2 AUTHORITY TO DETAIN

Legal authority for taking custody of juvenile offenders is found in Welfare and Institutions Code § 625.

324.2.1 CONSTITUTIONAL RIGHTS ADVISEMENT

In any case where a juvenile is taken into temporary custody, the juvenile should be promptly advised of his/her constitutional rights to ensure the admissibility of any spontaneous statements, whether or not questioning is intended (Welfare & Institutions Code § 625).

324.3 TEMPORARY CUSTODY

No juvenile may be held in temporary custody at the Port Hueneme Police Department without authorization of the arresting officer's supervisor or the Watch Commander. An individual taken into custody for Welfare and Institutions Code § 300 or § 601 shall be processed as soon as practical. Juveniles detained under Welfare and Institutions Code § 602 may not be held at this facility for more than six hours from the time of arrival at the Port Hueneme Police Department. When a juvenile is taken into custody, the following steps shall be taken by the arresting officer or the detective assigned to the case:

- (a) Once the detained juvenile has been placed in secure or non-secure custody, complete the Juvenile Detention Log located in the Watch Commander's office
- (b) Take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that such juvenile is in custody and provide the location where the juvenile is being held and the intended disposition (Welfare and Institutions Code § 627)
- (c) Submit a completed report to the Watch Commander for approval

Status offenders and abused or neglected children (juveniles falling within provisions of Welfare and Institutions Code §§ 300 and 601) may not be detained in police jails or lockups. They may be taken to welfare workers but may not be held in a secured environment or come into contact with adults in custody in the station.

324.3.1 TEMPORARY CUSTODY REQUIREMENTS

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

- (a) Access to toilets and washing facilities
- (b) One snack upon request during term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. The snack shall be provided by the arresting officer, jailer or as directed by a supervisor
- (c) Access to drinking water
- (d) Privacy during visits with family, guardian, or lawyer

Port Hueneme Police Department

Policy Manual

Temporary Custody of Juveniles

- (e) Immediately after being taken to a place of temporary confinement, and except where physically impossible no later than one hour after being taken into custody, the detaining officer shall advise and provide the juvenile an opportunity to make at least three telephone calls. The telephone calls must be made to a parent, guardian, responsible relative, employer, or an attorney. (Welfare & Institutions Code § 627 and Penal Code § 851.5)

324.3.2 NON-CONTACT REQUIREMENTS

There shall be no contact between juveniles held in temporary custody (either non-secure or secure detention) and adult prisoners who are detained in the jail, except as provided below (208 Welfare and Institutions Code, Title 15 California Code of Regulations §§ 1544, 1546)).

Contact between juveniles in temporary custody, both secure and non-secure, and adult prisoners shall be restricted as follows:

- (a) There will be no communication between the juvenile and adult prisoners allowed
- (b) If an adult prisoner, including an inmate worker, is present with the juvenile in the same room or area, an Port Hueneme Police Department employee trained in the supervision of inmates shall maintain a constant side-by-side presence with either the juvenile or adult prisoner to assure there is no communication between the juvenile and adult prisoner
- (c) Situations in which a juvenile and adult prisoner may be in the same room or corridor shall be limited to:
 1. Booking
 2. Medical screening
 3. Inmate worker presence while performing work necessary for the operation of the Port Hueneme Police Department such as meal service and janitorial service
 4. Movement of persons in custody within the Port Hueneme Police Department

324.4 TYPES OF CUSTODY

The following provisions apply to types of custody, and detentions of juveniles brought to the Port Hueneme Police Department.

324.4.1 NON-SECURE CUSTODY

All juveniles not meeting the criteria to be placed in a locked detention room, or any juvenile under the age of 14-years taken into custody for a criminal violation, regardless of the seriousness of the offense, may be temporarily detained in the police facility however the custody must be non-secure. Non-secure custody means juveniles shall be placed in an unlocked room or open area. Juveniles may be handcuffed, but not to a stationary or secure object. Juveniles shall receive constant personal visual supervision by law enforcement personnel. Monitoring a juvenile using audio, video or other electronic devices does not replace constant personal visual supervision.

324.4.2 SECURE CUSTODY

A juvenile may be held in secure detention in the jail if the juvenile is 14-years of age or older and, if in the reasonable belief of the peace officer, the juvenile presents a serious security risk of harm to self or others, as long as all other conditions of secure detention set forth below are met. Any juvenile in temporary custody who is less than 14-years of age, or who does not, in the reasonable belief of the peace officer, present a serious security

Port Hueneme Police Department

Policy Manual

Temporary Custody of Juveniles

risk of harm to self or others, shall not be placed in secure detention, but may be kept in non-secure custody in the facility as long as all other conditions of non-secure custody are met (Welfare and Institutions Code § 602, Title 15 California Code of Regulations § 1545).

- (a) In making the determination whether the juvenile presents a serious security risk of harm to self or others, the officer may take into account the following factors:
 - 1. Age, maturity, and delinquent history of the juvenile
 - 2. Severity of the offense(s) for which the juvenile was taken into custody
 - 3. Juvenile's behavior, including the degree to which the minor appears to be cooperative or non-cooperative
 - 4. The availability of staff to provide adequate supervision or protection of the juvenile
 - 5. The age, type, and number of other individuals who are detained in the facility.

- (b) A juvenile may be locked in a room or secured in a detention room subject to the following conditions:
 - 1. Juvenile is 14-years of age or older
 - 2. Juvenile is taken into custody on the basis of having committed a criminal law violation as defined in Welfare and Institutions Code § 602
 - 3. Detention at this facility does not exceed six hours from the time of arrival at the police station, when both secure and non-secure time is combined
 - 4. Detention is for the purpose of giving the officer time to investigate the case, facilitate the release of the juvenile to parents, or arrange transfer to Juvenile Hall
 - 5. The officer apprehending the juvenile has reasonable belief that the juvenile presents a "serious security risk of harm to self or others." Factors to consider include:
 - (a) Age, maturity, and delinquent history of juvenile
 - (b) Severity of offense for which taken into custody
 - (c) Juvenile's behavior
 - (d) Availability of staff to provide adequate supervision or protection of the juvenile
 - (e) Age, type, and number of other individuals detained at the facility

324.4.3 SECURE DETENTION OF JUVENILES

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 juvenile or and others from harm.

- (a) Minors held in secure detention outside of a locked enclosure shall not be secured to a stationary object for more than 30 minutes unless no other locked enclosure is available. If a juvenile is secured, the following conditions must be met:
 - 1. A Department employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.
 - 2. Juveniles who are secured to a stationary object are moved to a detention room as soon as one becomes available.

Port Hueneme Police Department

Policy Manual

Temporary Custody of Juveniles

3. Juveniles secured to a stationary object for longer than 30 minutes, and every 30 minutes thereafter, shall be approved by the Sergeant or the designated supervisor and the reason for continued secure detention shall be documented.
- (b) In the event a juvenile is held inside a locked enclosure, the juvenile shall receive adequate supervision which, at a minimum, includes:
 1. Constant auditory access to staff by the juvenile;
 2. Unscheduled personal visual supervision of the juvenile by department staff, no less than every 30 minutes. These jail checks shall be documented.
- (c) Males and females shall not be placed in the same locked room unless under direct visual supervision.

324.4.4 JUVENILE DETENTION ROOMS

The Port Hueneme Police Department has provided juvenile detention rooms outside of the adult jail facility. These rooms are designed for the temporary detention of juveniles meeting the criteria of secure custody. Officers or detectives placing juveniles in secure detention rooms shall comply with the following:

- (a) It is the officer's responsibility to notify the Watch Commander, desk personnel, and/or detective personnel that a detention has begun. The juvenile must be told the reason for incarceration, the length of time secure detention will last and that it may not exceed a total of six hours.
- (b) Any juvenile placed in a locked detention room shall be separated according to sex and the severity of the crime (felony or misdemeanor) unless emergency circumstances will not allow for this type of segregation. When such separation is not possible, the Watch Commander shall be consulted for directions on how to proceed with the detention of the multiple juveniles involved.
- (c) A written record will be maintained on a detention log located in the Watch Commander's office. 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. There will also be a place for the Watch Commander to initial the log approving the detention to occur and to initial the log when the juvenile is released.
- (d) It is the responsibility of a detective (when available) 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. When a detective is not available, the Watch Commander, or his/her designee, shall be responsible for monitoring the detention of the juvenile, and ensuring that appropriate paperwork is prepared to process the juvenile out of the custody of this department. The Watch Commander shall be notified in all cases when a juvenile is detained at this department, and when applicable, shall be provided the name of the detective taking responsibility for the detention and processing of the juvenile.
- (e) A thorough inspection of the detention room shall be conducted before placing a juvenile into the room. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room shall be photographed and documented in the crime report.

324.4.5 JUVENILE'S PERSONAL PROPERTY

The officer placing a juvenile into a detention room must make a thorough search of the juvenile's property. This will ensure all items likely to cause injury to the juvenile or the

Port Hueneme Police Department

Policy Manual

Temporary Custody of Juveniles

facility are confiscated and placed in a property bag. The property shall be inventoried in the juvenile's presence and sealed into the bag. The property will be maintained by the responsible detective or the desk personnel or locked in a juvenile property locker until the juvenile is released from the custody of the Port Hueneme Police Department.

324.4.6 MONITORING OF JUVENILES

The juvenile shall constantly be monitored by the audio/video system during the entire detention. An in-person visual inspection shall be done to ensure the welfare of the juvenile and shall be conducted at least once each half-hour, on an unscheduled basis, until the juvenile is released. This inspection shall not be replaced by video monitoring. This inspection shall be conducted by a designee of the Watch Commander, and the visual inspection shall be logged on the Inspection Log in the Watch Commander's office.

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 shall 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 shall be turned into the Records Manager or his/her designee at the end of each month.

324.4.7 MANDATED JUVENILE PROVISIONS

While a juvenile is being detained in the detention room, he/she shall be provided with the following provisions:

- (a) Reasonable access to toilets and washing facilities
- (b) Food, if the juvenile has not eaten within the past four hours, or is otherwise in need of nourishment, including any special diet required for the health of the juvenile. All food given to a juvenile in custody shall be provided from the jail food supply
- (c) Reasonable access to drinking water
- (d) Privacy during family, guardian, and/or lawyer visits
- (e) Blankets and clothing necessary to ensure the comfort of the juvenile (clothing shall be provided by the jail if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for the continued wear while in custody)

324.4.8 FORMAL BOOKING

No juvenile shall be formally booked (Welfare and Institutions Code § 602 only) without the authorization of the arresting officer's supervisor, or in his or 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 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

Port Hueneme Police Department

Policy Manual

Temporary Custody of Juveniles

324.4.9 DISPOSITIONS

- (a) Any juvenile not transferred to a juvenile facility shall be released to one of the following:
1. Parent or legal guardian
 2. An adult member of his/her immediate family
 3. An adult person specified by the parent/guardian
 4. An adult person willing to accept responsibility, when the juvenile's parents are unavailable as approved by the Watch Commander
- (b) If the six hour time limit has expired, the juvenile should be transported to the juvenile hall to accept custody
- (c) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:
1. The arresting officer may counsel or admonish the juvenile and recommend no further action be taken.
 2. If the arresting officer or the Watch Commander believes that further action is needed, the juvenile will be released to a responsible person as listed above, and such juvenile will be advised that follow-up action will be taken by a detective. The detective assigned to the case will then determine the best course of action, such as diversion or referral to court. The detective will contact the parents and advise them of the course of action.
 3. The arresting officer may complete an Application for Petition form on behalf of the juvenile and forward it to the Investigation division for processing.
 4. The juvenile may be transferred to Juvenile Hall with authorization of the appropriate supervisor or the Watch Commander when the violation falls within the provisions of Welfare and Institutions Code § 602.
- (d) If a juvenile is to be transported to Juvenile Hall, the following forms shall accompany the juvenile:
1. Application for Petition.
 2. Three copies of the applicable reports for each juvenile transported. In certain cases Juvenile Hall may accept custody of the juvenile based on the petition and the agreement that facsimile copies will be forwarded as soon as completed.
 3. Any personal property taken from the juvenile at the time of detention

324.5 JUVENILE CONTACTS AT SCHOOL FACILITIES

Absent exigent circumstances, officers should make every reasonable effort to 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

Port Hueneme Police Department

Policy Manual

Temporary Custody of Juveniles

- 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 or lawyer 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 shall 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 shall 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 (Penal Code § 11174.3).

324.6 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.

324.6.1 RELEASE OF INFORMATION BY SUPERIOR COURT ORDER

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 Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

324.6.2 RELEASE OF INFORMATION TO OTHER AGENCIES

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

324.7 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES

324.7.1 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 shall be notified of the need for medical attention for the juvenile.

Port Hueneme Police Department

Policy Manual

Temporary Custody of Juveniles

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 shall be notified as soon as possible:

- (a) The Juvenile Court
- (b) The parent, guardian, or person standing in loco parentis, of the juvenile

324.7.2 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 Juvenile Hall and arrange for the transfer of the juvenile, providing the juvenile meets the intake criteria. The juvenile shall be under constant personal supervision until the transfer is completed.

324.7.3 USE OF RESTRAINT DEVICES

Policy Manual § 306 refers to the only authorized restraint device. It is the policy of this department that restraints will not be used for 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. The use of restraints shall only be used when the juvenile:

- (a) Displays bizarre behavior that results in the destruction of property or shows intent to cause physical harm to self or others
- (b) Is a serious and immediate danger to himself/herself or others
- (c) Otherwise falls under the provisions of Welfare and Institutions Code § 5150

Restraint devices include devices which immobilize a juvenile's extremities and/or prevent the juvenile from being ambulatory. 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.

Direct visual observation shall be conducted at least twice every 30 minutes to ensure that the restraints are properly employed, and to ensure the safety and well-being of the juvenile.

The Watch Commander shall 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 shall be maintained in order to ensure that restraints are properly employed and to ensure the safety and well being of the juvenile. Such supervision shall be documented in the police report.

Port Hueneme Police Department

Policy Manual

Temporary Custody of Juveniles

Juveniles who have been placed in restraint devices shall be isolated to protect them from abuse. Restraints shall not be used as a punishment, or as a substitute for treatment.

324.7.4 DISCIPLINE OF JUVENILES

Police personnel are prohibited from administering discipline to any juvenile.

324.7.5 DEATH OF A JUVENILE WHILE DETAINED

The District Attorney's Office and the Sheriff-Coroner's Office will conduct the investigation of the circumstances surrounding the death of any juvenile being detained at this department, . The Support Services Division Commander or his/her designee will conduct an administrative review of the incident.

In any case in which a juvenile dies while detained at the Port Hueneme Police Department, the following shall apply:

- (a) The Chief of Police or his or her designee shall provide to the California Department of Corrections and Rehabilitation a copy of the report submitted to the Attorney General under Government Code § 12525. A copy of the report shall be submitted to the Department of Corrections and Rehabilitation within ten calendar days after the death.
- (b) Upon receipt of a report of death of a juvenile from the Chief of Police or his or her designee, the Department of Corrections and Rehabilitation may within 30 calendar days inspect and evaluate the juvenile facility, jail, lockup or court holding facility pursuant to the provisions of Article 4, Title 15 California Code of Regulations § 1341. Any inquiry made by the Department of Corrections and Rehabilitation shall be limited to the standards and requirements set forth in these regulations.
- (c) A medical and operational review of every in-custody death of a juvenile shall be conducted. The review team shall include the following:
 1. Chief of Police or his or her designee
 2. The health administrator
 3. The responsible physician and other health care and supervision staff who are relevant to the incident

324.7.6 CURFEW VIOLATIONS

Juveniles detained for curfew violations may be released in the field or brought to the station but should only be released to their parent, legal guardian, or responsible adult.

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 shall be obtained prior to detention of juveniles at the Port Hueneme 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 (Title 15, California Code of Regulations § 1431). 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

Port Hueneme Police Department

Policy Manual

Temporary Custody of Juveniles

- 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. An example is a juvenile who has ingested one or two beers would not normally meet this criterion.

- (a) A juvenile detained and brought to the Port Hueneme Police Department who displays symptoms of intoxication as a result of alcohol or drugs shall 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 shall be conducted on a frequent basis while the juvenile is in the custody of the Port Hueneme 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 audio 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.
 1. The 15 minute checks of the juvenile shall 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), shall be considered an emergency. Paramedics should be called and the juvenile taken to a medical treatment facility.
- (d) Juveniles undergoing acute withdrawal reactions shall 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 or appears to be under the severe influence of alcohol.

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.