

IN-CUSTODY YOUTH PENDING NEW CHARGES

AUTHORITY: Administrative Directive

RESCINDS: Procedure Manual Item **3-5-009**, dated **08/18/23**

FORMS:

PURPOSE: To establish a procedure to ensure security when in-custody youth are pending additional charges.

I. GENERAL INFORMATION

- A. Occasionally, pre-adjudicated youth detained at Juvenile Hall (JH) and committed youth housed at **any of our juvenile** facilities become the subject of criminal investigations unrelated to the offenses for which they are detained or committed.
- B. A **law enforcement** investigation may result in new charges being filed, which necessarily requires a review of the youth's security status and housing.
- C. If a youth committed to **the** Youth Guidance Center (YGC) or Youth Leadership Academy (YLA) has charges filed in a new criminal matter, the Division Director (DD) of that facility may transfer the youth to JH if the new charges would change the youth's security classification (i.e., cause the youth to become an escape risk).
- D. If a youth committed to YGC or YLA becomes a suspect in an investigation, or is interviewed by **law enforcement** officers to determine their status in a new criminal matter, that youth may be transferred to JH if the camp DD or designee believes the investigation will result in a new application for petition; and the charges would change the youth's security classification.
- E. When a youth at JH is awaiting **transfer** to YGC or YLA and has new charges filed in a new criminal matter, the youth will be placed on "hold", and the transfer to **a camp** will be delayed.
- F. When a youth at JH is awaiting **transfer** to YGC or YLA and becomes a known suspect in a new criminal matter or **law enforcement** investigation, the youth will be placed on "hold", and the transfer will be delayed. The investigation will be reviewed weekly by the JH DD or designee.
- G. The JH DD, or designee, will determine when a youth pending investigation of additional charges, will be transferred to **a camp**. If new charges are filed, the youth will remain at JH pending disposition of the new case.
- H. It is the responsibility of the facility DD, or designee where the youth is located, to monitor the status of any youth who is the subject of an investigation in a new criminal matter.
- I. Law enforcement personnel requesting to interview a youth in custody will be allowed as long as the offense being investigated is not the offense for which the

youth is currently in custody and **the youth is** represented by counsel **during the interview if under the age of 18.**

II. PROCEDURE

Any time facility staff or the assigned Deputy Probation Officer (DPO) learns that youth in custody have become the subject of a new criminal investigation, that information must be relayed immediately to the DD or designee of the facility where the youth is housed.

A. Supervising **Probation** Correctional Officers (SPCOs) and/or DPOs will:

1. Upon learning than an in-custody youth has been charged, or is a suspect in a new criminal matter, inform the DD, or designee of the facility where the youth is housed.
2. Obtain information from the appropriate law enforcement agency and/or assigned DPO regarding the status of the investigation, including the likelihood of additional charges. Provide the facility DD, or designee with weekly updates on the status of the pending charges.
3. Advise the law enforcement agency regarding the location of the youth **and** the youth's commitment ending date or possible early release date from secure confinement.
4. If an application for petition is submitted by law enforcement, contact the assigned DPO to determine the possible court recommendation, and then advise the facility DD, or designee of the Department's recommendation on these new charges as soon as it is possible.
5. Detention criteria will apply to all new charges filed. If a youth is eligible for release, the new charges must meet regular detention criteria for the youth to be detained.

B. The DD or designee of the **camp** will:

1. If the new charges require a change in security classification, coordinate the transfer of the youth to JH as an Administrative Removal.
2. Inform the JH DD or designee the youth is pending transfer and all information relative to the investigation or new charges.

C. The JH DD, or designee will:

1. Advise the SPCO of the unit housing the youth that the youth has been charged or is the suspect in the new criminal matter.
2. Determine when a youth is to be transferred or returned to a **camp**. The decision should be based in part on the seriousness of the pending charges, the amount of time it takes law enforcement to file the new charges and the Department's recommendation.

3. When the decision has been made to allow the youth to be transferred or returned to a **camp**, advise the unit SPCO, the assigned DPO and the receiving camp DD.

REFERENCES:

Procedures:	2-4-101	Custody Intake Referrals
	3-5-005	Juvenile Facility Assessment Youth Housing and Classification
	3-6-002	Handcuffs, Transportation Belts, Shackles, and Flex Cuffs
Policies:	D-4	Handcuffs
	D-5	Arrests/Temporary Detentions
	D-6	Transportation of Probationers and Custody Transportation

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APPROVED BY: