

## IN-CUSTODY YOUTH PENDING NEW CHARGES

**AUTHORITY:** Administrative Directive

**RESCINDS:** Procedure Manual Item 3-1-038, dated 9/11/15 (Recertified)

**FORMS:** Police Interview with Minors in Custody (F057-6223)

**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 and committed youth housed at outer facilities become the subject of criminal investigations unrelated to the offenses for which they are detained or committed.
- B. A police 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 YGC, YLA or Joplin has charges filed in a new criminal matter, the Director of that facility may transfer the youth to Juvenile Hall 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, YLA or Joplin becomes a suspect in a police investigation, or is interviewed by police officers to determine his or her status in a new criminal matter, that youth may be transferred to Juvenile Hall if the camp Director, or designee believes the police investigation will result in a new application for petition; and the charges would change the youth's security classification.
- E. When a youth at Juvenile Hall is awaiting delivery to YGC, YLA or Joplin and has new charges filed in a new criminal matter, the youth will be placed on "hold", and the transfer to the outer facility will be delayed.
- F. When a youth at Juvenile Hall is awaiting delivery to YGC, YLA or Joplin, and becomes a known suspect in a new criminal matter or police investigation, the youth will be placed on "hold", and the transfer will be delayed. The investigation will be reviewed weekly by the Juvenile Hall Director/designee.
- G. The Juvenile Hall Director, or designee, will determine when a youth pending investigation of additional charges, will be transferred to an outer facility. If new charges are filed, the youth will remain at Juvenile Hall pending disposition of the new case.
- H. It is the responsibility of the facility Director, 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 must first complete a "Police Interview with Minors in Custody" form (F057-6223). The interview will be allowed as long as the offense being investigated is not the offense for which the youth is currently in custody and represented by counsel. If law enforcement personnel request to interview a youth about an offense for which counsel has been appointed, the officer must receive permission from counsel.

## II. PROCEDURE

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

### A. Supervising Juvenile Correctional Officers and/or Deputy Probation Officers will:

1. Upon learning that an in-custody youth has been charged, or is a suspect in a new criminal matter, inform the Director, or designee of the facility where the youth is housed.
2. Obtain information from the appropriate law enforcement agency and/or assigned Deputy Probation Officer regarding the status of the investigation, including the likelihood of additional charges. Provide the facility Director, or designee with weekly updates on the status of the pending charges.
3. Advise the law enforcement agency regarding the location of the youth, the date the youth was transferred to an outer facility, or the date the youth is to be transferred from Juvenile Hall to an outer facility. Advise law enforcement of 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 Deputy Probation Officer to determine the possible court recommendation, and then advise the facility Director, 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 Director, or designee of the outer facility, will:

1. Upon being advised the youth is a suspect in a new criminal matter, or will have new charges filed, complete a memo outlining all information relative to the matter, including whether or not the youth is aware of the investigation of the new charges. Direct this memo to the youth's facilities file and a copy to the assigned Deputy Probation Officer.

2. If the new charges require a change in security classification, coordinate the transfer of the youth to Juvenile Hall as an Administrative Removal. If the youth is currently housed at Juvenile Hall, and the new charges require a change in security classification, coordinate the transfer of the youth to an appropriate unit.
  3. Inform the Juvenile Hall Director or designee the youth is pending transfer and all information relative to the investigation or new charges.
- C. The Juvenile Hall Director, or designee will:
1. Advise the supervisor(s) 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 an outer facility. 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 an outer facility, notify law enforcement, advise the unit supervisor, the assigned Deputy Probation Officer and the receiving Camp Director.

**REFERENCES:**

Procedures:	2-4-101	Custody Intake Referrals
	3-1-006	Handcuffs/Transportation Belts/Shackles
	3-1-018	Custody/Medical Transportation
	3-1-030	Returning Youth to Juvenile Hall: Medical Holds, Courtesy Holds, Administrative Removals, Psych Holds and Disciplinary Removal
Policies:	D-4	Handcuffs
	D-5	Arrests/Temporary Detentions
	D-6	Transportation of Probationers and Custody Transportation

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**APPROVED BY:**