

Physical Restraints of In-Custody Youth Appearing in Court

953.1 PURPOSE AND SCOPE

The purpose is to establish and implement written policy and procedures regarding the application and removal of physical restraints of in-custody youth who are appearing before the court. This policy applies to all juvenile facility staff.

953.1.1 DEFINITION

Definition related to this policy includes:

Physical Restraints - Restraint devices include any devices which immobilize a youth's extremities and/or prevent the youth from being ambulatory. Department authorized restraint devices include handcuffs, shackles, and waist chains. These devices are designed to be attached to the human body to limit mobility and/or restrict movement.

953.2 AUTHORITY AND REFERENCES

- Board of State and Community Corrections Title 15 §§ 1358 & 1358.5;
- California Penal Code § 4532 (b)(1);
- Executive Committee;
- Juvenile Facility Services Policies: Use of Physical Restraints, Reporting of Incidents and Other Information;
- Riverside Superior Juvenile Court Blanket Order No. 30: Order Concerning Contact Visits Between Counsel and Detained Minors at the Southwest Juvenile Court and the Riverside Juvenile Court;
- Welfare and Institutions Code §§ 210.6 & 707 (b).

953.3 POLICY

In-custody youth appearing before the court shall do so without restraints (Tiffany A. v. Los Angeles County Superior Court) unless a specific order is made by the court for the youth to remain restrained. The duty officer (DO) shall be responsible for recommendations to the judicial officer regarding maintaining restraints. The district attorney is ultimately responsible for establishing legal cause for the use of restraints in the courtroom.

953.4 USE OF PHYSICAL RESTRAINTS FOR COURT

All in-custody youth ordered to appear in court shall be transported from the juvenile facility to the courthouse in physical restraints. Youth shall remain secured in a court holding area until their matters are called by the judicial officer.

While youth are in the court holding area, they shall be monitored by probation corrections officers (PCO) assigned to court services and remain in physical restraints.

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For non-contact consultations in the youth/attorney interview room(s), and in the absence of a particularized security concern, staff will remove any restraint from one hand of the youth to allow them to comfortably converse with counsel over the phone system.

Before a youth enters the courtroom to have their matter heard, court staff shall remove their physical restraints unless the court has ordered the youth to remain in restraints. The courtroom deputy shall then immediately assume custody and control of the youth and escort them into the courtroom.

After the youth's matter is heard, the courtroom deputy shall escort the youth to court staff, where court staff shall reapply restraints.

The removal and reapplication of physical restraints shall be unobservable from the courtroom.

953.5 PHYSICAL RESTRAINTS RECOMMENDED

The DO shall provide recommendations to the judicial officer, if restraints are necessary during court proceedings. The following are examples which may warrant the youth remaining in restraints:

- (a) The allegations/charges against the youth are serious in nature (Section 707 of the Welfare and Institutions Code (WIC) offenses).
- (b) The youth may use violence in order to affect an escape.
- (c) The youth has been physically assaultive toward staff or others.
- (d) The youth has made prior escape attempts.

953.6 STAFF RESPONSIBILITIES

Court staff shall complete a Recommendation for Youth to Remain Restrained in Court form (attachment) if a need for physical restraints in the courtroom has been determined appropriate. The DO shall review the form for approval. Court staff shall deliver the documentation to the courtroom deputy, who in turn will notify the court.

953.6.1 STAFF RESPONSE

In the event a youth's negative behavior disrupts court or the youth becomes physically combative with the courtroom deputy:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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In the event of an escape or attempted escape in court:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

953.6.2 DOCUMENTATION

All staff shall complete an incident report if they witness or are involved in a use of force, escape attempt, escape or any other incidents in the courtroom; refer to Juvenile Facility Services Policy: Reporting of Incidents and Other Information.

Date(s) revised:

12/13/2018

03/07/2016

Created: 09/07/2013

Attachments:

[1. Recommendation for Youth to Remain Restrained in Court](#)



RIVERSIDE COUNTY PROBATION DEPARTMENT

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RECOMMENDATION FOR YOUTH TO REMAIN RESTRAINED IN COURT

Youth's Name: _____ CID #: _____

Court #: _____

It is respectfully recommended the aforementioned youth remain restrained in court for the following reasons:

- Allegation falls under 707 WIC
- Assaultive behavior towards staff/others
- Escape Risk
- Other
- Violent (Threat to self/others)

Explanation:

Date: _____

Print name

Signature of Staff completing form

Print name

Signature of Duty Officer