5-02/040.15 - Notification of Parent and Telephone Calls

Deputies taking a juvenile into custody shall notify the parents, guardians, or persons having custody of the child without unnecessary delay. The deputy shall inform them that the minor is in custody and the location where the minor is being held. When notification is not possible, the reason shall be stated in the Incident Report (627[b] and 308(a) WIC).

When a member of this Department takes a minor into protective custody and has a reasonable belief that disclosure of the minor's whereabouts would endanger the minor or otherwise disturb the custody of the minor, the following procedure shall be adhered to:

1) Document the specific circumstances or facts that lead to the belief that disclosure of the minor's exact whereabouts would endanger the minor or disturb the custody of the minor. Factors that should be considered in this determination include but are not limited to:

- Severity of injuries to the minor;
- Evidence of mental instability on the part of the parent, guardian, or responsible relative; and/or
- Evidence that indicates that the parent, guardian, or responsible relative may try to retrieve the minor and either dissuade him or her from providing information to officials or flee.

2) Contact the juvenile court commissioner by telephone. Be prepared to describe the nature of the situation and the circumstances or facts that justify the issuance of a non-disclosure order. During business hours, the commissioner may be contacted at (213) 974-3607. Outside of regular business hours, the on-call commissioner may be contacted through the District Attorney Command Post at (213) 974-3607.

3) If the juvenile court commissioner authorizes the non-disclosure order, obtain the commissioner's name and the time the order was issued. This information, along with the facts that warranted the non-disclosure, shall be included in the first report. Parental notification shall then exclude the minor's whereabouts.

4) If the juvenile court commissioner declines to issue a non-disclosure order, obtain the commissioner's name. Include it in the first report along with the facts that were presented to justify the non-disclosure request. The notification to the parent shall include the minor's whereabouts.

5) In rare situations, non-disclosure of the minor's whereabouts may appear to be justified, but, for some reason, it is impossible or impractical to contact the juvenile court commissioner. In this case, personnel shall refuse to disclose the minor's whereabouts to the parent, guardian, or responsible relative. If the decision is made to not disclose the minor's whereabouts, a Department of Children and Family Services social worker shall be contacted and will be responsible for the placement of the juvenile. The facts that justified non-disclosure shall be articulated in the first report along with the reason(s) that the juvenile court commissioner could not be contacted.

> **NOTE:** In any case in which a minor is taken into protective custody, the parent, guardian, or responsible relative shall be notified that the minor is in protective custody. Non-disclosure orders only apply to furnishing the minor's exact whereabouts to the concerned party.

It is the responsibility of the deputy who takes the minor into protective custody to seek the non-disclosure order if the situation warrants. The Special Victims Bureau may be consulted for advice but will not assume

responsibility for obtaining the order.

The juvenile shall be advised of the right to complete three local telephone calls immediately after being taken to a place of confinement and, except where physically impossible, no later than one hour after the subject has been taken into custody (308[b] and 627[b] WIC). One call must be completed to a parent, guardian, a responsible relative, or an employer; another call may be completed to an attorney. The calls shall be placed in the presence of sworn personnel. Note on the Booking and Property Record form (SH-J-293) if the phone calls were completed or refused.