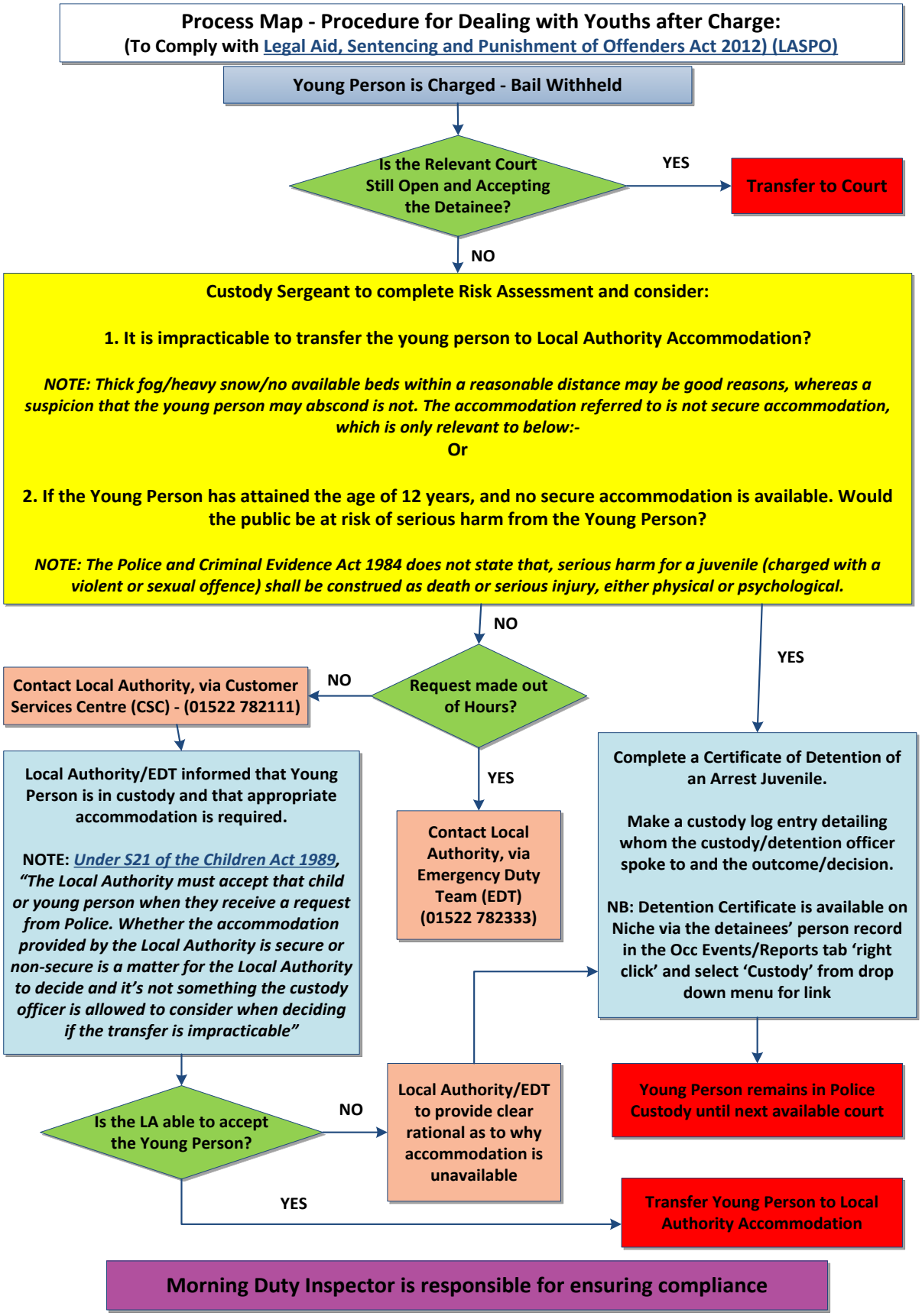
Appendix 3


Process Map - Procedure for Dealing with Youths after Charge:
(To Comply with Legal Aid, Sentencing and Punishment of Offenders Act 2012) (LASPO)
Young Person is Charged - Bail Withheld
Is the Relevant Court Still Open and Accepting the Detainee?
YES
Transfer to Court
NO
Custody Sergeant to complete Risk Assessment and consider:
1. It is impracticable to transfer the young person to Local Authority Accommodation?
NOTE: Thick fog/heavy snow/no available beds within a reasonable distance may be good reasons, whereas a suspicion that the young person may abscond is not. The accommodation referred to is not secure accommodation, which is only relevant to below:-
Or
2. If the Young Person has attained the age of 12 years, and no secure accommodation is available. Would the public be at risk of serious harm from the Young Person?
NOTE: The Police and Criminal Evidence Act 1984 does not state that, serious harm for a juvenile (charged with a violent or sexual offence) shall be construed as death or serious injury, either physical or psychological.
NO
YES
Request made out of Hours?
NO
Contact Local Authority, via Customer Services Centre (CSC) - (01522 782111)
YES
Contact Local Authority, via Emergency Duty Team (EDT) (01522 782333)
Local Authority/EDT informed that Young Person is in custody and that appropriate accommodation is required.
NOTE: Under S21 of the Children Act 1989, "The Local Authority must accept that child or young person when they receive a request from Police. Whether the accommodation provided by the Local Authority is secure or non-secure is a matter for the Local Authority to decide and it's not something the custody officer is allowed to consider when deciding if the transfer is impracticable"
Complete a Certificate of Detention of an Arrest Juvenile.
Make a custody log entry detailing whom the custody/detention officer spoke to and the outcome/decision.
NB: Detention Certificate is available on Niche via the detainees' person record in the Occ Events/Reports tab 'right click' and select 'Custody' from drop down menu for link
Is the LA able to accept the Young Person?
NO
Local Authority/EDT to provide clear rational as to why accommodation is unavailable
Young Person remains in Police Custody until next available court
YES
Transfer Young Person to Local Authority Accommodation
Morning Duty Inspector is responsible for ensuring compliance