Chapter 2 - Juveniles

• 5-02/000.00 - Juvenile Policy

Deputy personnel shall report any matter coming to their attention in which a juvenile is delinquent or the victim of neglect or an offense.

When handling juvenile cases, deputy personnel shall remember that the protection of society, the prevention of delinquent conduct, and the welfare of the juvenile are the goals to be achieved. Therefore, all feasible steps shall be taken to properly adjust or refer juvenile cases to the proper social agency by utilizing the Department's Youth Diversion Program (see section 5-02/180.00, Youth Diversion Program) before court action is taken.

The purpose of the Youth Diversion Program is to prevent those juveniles from engaging in further delinquent behavior by providing them with community-based preventative and rehabilitation services. The Youth Diversion Program should be considered before the youth is formally detained or arrested. Diversion should be given foremost consideration in dealing with all offenders except where the offender is not eligible for diversion at the time pursuant to 625.3 Welfare and Institution Code (WIC) (707(b) WIC offenses).

Juveniles alleged to be delinquent shall be referred to as subjects and, in dependency matters, as victims. It is of utmost importance that attitude, demeanor, and speech toward juveniles be civil and respectful but at the same time firm.

Deputy personnel shall advise and assist other agencies engaged in programs involving juveniles. However, such participation shall not extend beyond the point at which it might hamper the Department's effectiveness as a law enforcement agency.

• 5-02/000.05 - Juvenile Arrest Records

A juvenile arrest record is a permanent record and is not destroyed when the juvenile becomes 18 years of age. An arrest record results when a juvenile is formally booked.

• 5-02/010.00 - Release of Information Concerning Juvenile Subjects

Information contained in the records and files of this Department regarding detained or suspected juvenile subjects may be released to other law enforcement agencies and to persons and agencies which have a legitimate need for the information for purposes of official disposition of a case. Persons and agencies permitted to receive such information include, but are not necessarily limited to, the following:

- The news media, through the Sheriff's Headquarters Bureau;
- Department of Motor Vehicles;
- Department of Justice;
- All California and out-of-state probation departments;

- All welfare agencies directly supervising children under court orders;
- California Youth Authority, California Department of Corrections and out-of-state agencies charged with the responsibility for the rehabilitation of youthful and adult offenders;
- All California and out-of-state district attorneys, city attorneys, or any prosecuting attorneys;
- All California courts, pursuant to a subpoena from such court;
- Persons entitled thereto under California Vehicle Code sections 20008-20012;
- School systems for the purposes of obtaining a minor's school records only; and
- Any coroner.

When the disposition of a case is available, it shall be included with any information disclosed.

Victims of juvenile crimes, or the parents of victims, who wish to pursue civil actions against juvenile subjects shall be directed to the Presiding Judge of the Juvenile Court, Department 400, 201 Centre Plaza Drive, Suite 3, Monterey Park, California 91754-2158.

• 5-02/010.05 - Release of Information by School Officials

The release of information by school officials to law enforcement agencies is regulated specifically by the California Education Code. These regulations apply to all school districts in California.

"Directory" information is available if the school has previously advised the parent that law enforcement agencies may receive such information and the parent agreed at the time the information was furnished.

"Directory" information may include the following:

- Student's name, address, and home phone number;
- Date and place of birth; and
- Student's school activities.

Additionally, the following information may be released:

- Records maintained by a school's law enforcement agency, provided that such records are maintained apart from other school records, and are maintained solely for law enforcement purposes; and/or
- Records relating to employees, providing that such records are exclusively related to the individual's capacity as an employee.

School officials may release information to appropriate persons in connection with an emergency, if such information is necessary to protect the health or safety of a student or other persons.

This Department may obtain information from education records as follows:

- Obtain written consent from the parents of students involved, specifying that the following be included in the consent:
    - Nature of the information to be released from the records;
    - Reason for the release of the information; and

- Name of the person to whom the information is to be released;

- Obtain a court order or a subpoena for the school records.

In either case, the school shall be responsible for notifying the parents and the student.

In compliance with mandatory reporting guidelines, schools shall provide necessary information in the following cases:

- Reporting of child abuse or sexual molestation of students under the age of 18 (11166 PC);
- Student assaults on, threats toward, or menacing of school personnel (44014 Ed.C.);
- Infliction of a non-accidental injury upon a pupil by any person (11166 PC); and
- Student assaults with a deadly weapon upon another person (48909 Ed.C.).

The appropriate unit commander shall be contacted for assistance when personnel encounter problems obtaining information from school officials.

• 5-02/020.00 - Juvenile Case Reports

A report shall be submitted on all cases or incidents involving a juvenile which are brought to the attention of deputy personnel.

• 5-02/020.05 - Juvenile Forms

Incident Report (SH-R-49)

An incident report shall be completed and given an URN in all cases where a juvenile is either detained, diverted, or released pending further investigation by detectives.

An incident report shall also be completed when a juvenile is the victim of child abuse or neglect.

Juvenile Information Form (SH-CR-265)

A yellow Juvenile Information Form (JIF), used by patrol only, is made in lieu of an incident report in all cases where the juvenile is not arrested and patrol deputies are able to handle to conclusion the following types of cases:

- Petty theft by juveniles under 14 years of age;
- Juveniles committing misdemeanors or infractions when no follow-up is required; and
- Juveniles committing misdemeanors or infractions on a school campus, that requires no follow-up, shall require an URN number.

This information form is utilized for informal handling of juveniles by patrol deputies. It shall not be used where evidence is held or follow-up is necessary. In cases involving Part I or Part II Uniform Crime Reporting (UCR) crimes, a Case Clearance Supplementary Report form, template, or stamp including the information required

by manual section 4-01/020.40 must be used to reflect the circumstances involving the inactivation of cases originally reported on a JIF.

All spaces on the JIF must be properly filled in and a brief report made on the back of the form by the patrol deputy. The Not Arrested and Disposition sections of the form have been preprinted with an "X" and "Counseled and Released," respectively, which means "handled within the Department, action suspended."

When more than one juvenile is involved in a case, a JIF shall be made for each juvenile and all of the forms for the case stapled together. The type of case and the number of juveniles handled shall be indicated in the upper left-hand corner of the first form, e.g., PETTY THEFT - 3 subjects. No URN is needed.

The JIF shall be reviewed by the patrol sergeant and forwarded to the station/unit detective commander. The station/unit detective commander shall review the forms and submit them to the secretary for input to the Juvenile Automated Index (JAI).

If the station/unit detective commander feels that further action is necessary, he shall have the patrol deputy submitting the JIF initiate an incident report.

Juvenile Information Form (SH-CR-192W)

A white Juvenile Information Form (JIF) is utilized by investigating detectives in disposing of cases where a petition request is not submitted. All spaces on the form must be properly filled in and the URN of the incident report included.

The arrest section shall be checked "yes" when:

- The juvenile is identified as the person responsible in the crime report; and/or
- The juvenile is detained and an incident report is made.

The arrest section shall be checked "no" when the juvenile is handled informally for violating a law for some other situation but has not been named as responsible in the incident report.

The repeater section shall be checked "yes" if the subject admits to a prior arrest or a record of the subject being handled by another agency exists; otherwise, check "no."

The Juvenile Automated Index (JAI) shall be updated with disposition information in a timely manner.

Juvenile Petition Request and Affidavit (SH-CR-366)

In order to bring a juvenile before the juvenile court for a criminal or dependency matter, a juvenile petition request and affidavit shall be completed and included with the necessary reports. (Refer to section 5-02/050.15, Juvenile Petition Requests - Preparation.)

• 5-02/030.00 - Juvenile Arrest and Detention Categories

Juvenile arrests and detentions fall into three categories - delinquent, dependent, and predelinquent. In

alleging a violation of any of these sections, the same care and thoroughness in investigations are necessary as in an adult criminal matter.

• 5-02/030.05 - Ward/Delinquent (602 WIC)

Any person who is under 18 years of age when he violates any law or ordinance defining a crime, other than a curfew ordinance, is within the jurisdiction of the juvenile court which may adjudge such person to be a ward of the court.

• 5-02/030.10 - Dependent Nondelinquent (300 WIC)

Any person who is under 18 years of age who comes within the description under section 300 WIC is within the jurisdiction of the juvenile court which may adjudge such person to be a dependent of the court.

Any such person taken into custody is a victim and shall not be reported or referred to as arrested (206 WIC).

Section 300(a) WIC shall be used when a minor has suffered, or there is a substantial risk that the minor will suffer, serious physical harm inflicted non-accidentally upon the minor by the minor's parent or guardian.

Section 300(b) WIC shall be used when a minor has suffered, or there is substantial risk that the minor will suffer, serious physical harm or illness, as a result of the failure or inability of his parent or guardian to adequately supervise or protect the minor, or the willful or negligent failure of the minor's parent or guardian to adequately supervise or protect the minor from the conduct of the custodian with whom the minor has been left, or by the willful or negligent failure of the parent or guardian to provide the minor with adequate food, clothing, shelter, or to provide regular care for the minor due to the parent's or guardian's mental illness, developmental disability, or substance abuse.

Section 300(c) WIC shall be used when the minor is suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior towards self or others, and, as a result, is incapable of providing appropriate care.

Section 300(d) WIC shall be used when the minor has been sexually abused or there is a substantial risk that the minor will be sexually abuse, as defined in section 11165.1 of the Penal Code, by his parent or guardian or a member of his household or the parent or guardian has failed to adequately protect the minor from sexual abuse when the parent or guardian knew or reasonably should have known that the minor was in danger of sexual abuse.

Section 300(j) WIC shall be used when the minor's sibling has been abused or neglected, as defined in subdivision (a), (b), (d), (e) or (l) and there is a substantial risk that the minor will be abused or neglected, as defined in those subsections.

• 5-02/030.15 - Ward/Predelinquent (601 WIC)

Any person under 18 years of age who persistently or habitually engages in deviant behavior (status offense) or violates any city or county ordinance defining curfew is within the jurisdiction of the juvenile court which may adjudge such a person to be a ward of the court.

Persons arrested under this section must be released to their parents or guardians. If their parents or guardians cannot be located, cannot respond, or refuse to accept custody, the minor shall be transported to a Status Offenders Detention Alternative (SODA) facility. A 601 WIC delinquent minor cannot be detained in Juvenile Hall (207[b] WIC). Placement in a SODA facility will be arranged through the probation intake office at (213) 226-8533, SODA Resource Control - days, Mon-Fri; Eastlake Intake Detention Control (IDC) all other hours (213) 226-8506.

The following areas fall within the jurisdiction of section 601 WIC:

- Incorrigible;
- Loitering/Curfew;
- Runaway;
- Transient; and
- Truant (truants by law cannot be detained except during school hours).

Section 270.5 PC prescribes a misdemeanor punishment when a parent refuses, without lawful excuse, to accept custody of his or her minor child upon being requested to do so by law enforcement or a child protective agency.

> **NOTE:** Refer to section 5-02/040.30, Policy on Predelinquent Juvenile Arrests, Detention and Referral.

• 5-02/035.00 - Juvenile Detention Definitions and Policies

DETENTION DEFINITIONS

The following are definitions of juvenile detentions:

- "Temporary custody" means that the minor is not at liberty to leave the law enforcement facility;
- "Secure detention" means that a minor being held in temporary custody in a law enforcement facility is locked in a room or enclosure and/or is physically secured to a cuffing rail or other stationary object; and
- "Nonsecure detention" means that a minor's freedom of movement is controlled by the staff of a facility and (a) the minor is under constant personal visual observation and supervision by staff of the law enforcement facility, (b) the minor is not locked in a room or enclosure, and (c) the minor is not physically secured to a cuffing rail or other stationary object.

• 5-02/035.05 - Secure Detention of Juveniles

Minors held in temporary custody at a Sheriff's station/unit shall not be securely detained unless they meet the following criteria:

- The minor is 14 years of age or older;
- There are facts or circumstances present that would lead a prudent peace officer to conclude that further criminal activity against persons or self-destructive acts on the part of the minor are likely or that the minor may be at risk of harm if released; and
- A brief time (no more than six hours) is required to investigate the case, facilitate release of the minor to a parent, guardian, or responsible relative, or arrange for the transfer of the minor to an appropriate juvenile facility.

• 5-02/035.10 - Conditions of Secure Detentions

The following are conditions of secure detention of minors in law enforcement facilities:

- The minor shall be informed at the time he/she is securely detained of the following;
  - The reason for the secure detention;
  - The anticipated length of the secure detention; and
  - The secure detention shall not exceed six hours after his/her arrival at the facility;
- Minors held in secure detention outside of a locked enclosure shall not be secured to a stationary object for more than 30 minutes;
- The holding cell used to securely detain juveniles shall be equipped so as to allow constant auditory access to the staff by the juvenile;
- Minors held in secure detention shall be visually checked periodically, no less than every 30 minutes, by a staff member;
- There shall be no communication between minors and adult prisoners; and
- If an adult prisoner, including an inmate worker, is present with the minor in the same room or area, staff of the law enforcement facility trained in the supervision of inmates shall maintain a constant, immediate presence with either the minor or adult prisoner, to ensure there is no communication between the minor and adult prisoner. Situations in which a minor and an adult prisoner may be in the same room or passageway shall be limited to the following:
  - Booking;
  - Awaiting visiting or sick call;
  - Inmate worker presence while performing work necessary for the operation of the law enforcement facility, such as meal service and janitorial service; and
  - Movement of persons in custody within the law enforcement facility.

• 5-02/035.15 - Juvenile Detention Logs

Each station/unit shall maintain a Secure Detention of Juveniles Log" for juveniles who are being held in a secured detention (per MPP section 5-02/035.05 - Secure Detention of Juveniles) and a “non-Secure Detention of Juveniles Log” for juveniles who are held in a non-secured detention (per MPP section 5-02/035.20 – Nonsecure Detention of Juveniles).

Stations/units shall use the log forms as supplied on-line via the Internet by the Department of Corrections and

Rehabilitation.

The signature of the watch commander shall be placed on the line entitled “Detention Approved By” for each juvenile detained. All sections of the form shall be completed for each juvenile detained.

• 5-02/035.20 - Nonsecure Detention of Juveniles

Minors held in temporary custody at a Sheriff's station/unit who do not meet the criteria for a secure detention may be held in non-secure custody if a brief period of time (no more than six hours) is needed to investigate the case, facilitate release of the minor to a parent, guardian, or responsible relative, make a referral to the Department’s Juvenile Diversion Program, or arrange for the transfer of the minor to an appropriate juvenile facility.

• 5-02/035.25 - Conditions of Nonsecure Detentions

The following are conditions of non-secure detention of minors in law enforcement facilities:

- Minors shall be under constant supervision by the staff of the facility;
- Minors shall not be locked in a room or other enclosure;
- Minors shall not be physically secured to a cuffing rail or other stationary object;
- Minors shall not be in non-secure detention longer than six hours after their arrival at the facility before they are removed to a probation facility, or released to a parent, guardian, or responsible relative; and
- If an adult prisoner, including an inmate worker, is present with the minor in the same room or area, staff of the law enforcement facility trained in the supervision of inmates shall maintain a constant, immediate presence with either the minor or adult prisoner, to ensure there is no communication between the minor and adult prisoner. Situations in which a minor and an adult prisoner may be in the same room or passageway shall be limited to the following:
  - Booking;
  - Awaiting visiting or sick call;
  - Inmate worker presence while performing work necessary for the operation of the law enforcement facility, such as meal service and janitorial service; and
  - Movement of persons in custody within the law enforcement facility.

• 5-02/040.00 - Juvenile Arrest Procedures (601 and 602 WIC)

A complete investigation shall be made when information of a public offense by a juvenile or a condition dangerous to his physical or moral well-being is brought to the attention of deputy personnel. The deputy making the investigation will determine whether or not the juvenile shall be arrested. Deputies shall be governed by section 625 WIC which gives authority for peace officers to arrest minors under the age of 18 years.

• 5-02/040.05 - Advisement of Constitutional Rights

All juveniles arrested under sections 601 and 602 of the Welfare and Institutions Code (WIC) shall be advised of their rights in accordance with sections 625 and 625.6 WIC, even if there is no need to interrogate the juvenile.

Prior to a custodial interrogation and before accepting a waiver of any Miranda rights from a juvenile who is 15 years of age or younger, sworn personnel shall adhere to section 5-07/010.05.

Deputy personnel shall ensure that arrested juveniles completely understand their constitutional rights.

Deputy personnel shall comply with section 5-07/010.15, prior to initiating a field interrogation.

• 5-02/040.10 - Searching Arrested Juveniles

All juveniles arrested shall be searched immediately when they are to be confined in a jail facility or when there is probable cause to believe they possess any of the following:

- Dangerous and offensive weapons;
- Narcotics; and/or
- Items of evidential value.

• 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.

• 5-02/040.20 - Arrest Reports

In all cases where a juvenile is arrested, the arresting deputy shall submit an arrest report. Investigating detectives shall submit either a Juvenile Petition Request (SH-CR-366), or a white Juvenile Information Form (SH-CR-192W), for the disposition of a case. A supplemental report shall be written to inactivate a case where the subject is cleared as a result of the investigation.

• 5-02/040.25 - Entry Into Juvenile Automated Index (JAI)

An appropriate entry into the Juvenile Automated Index (JAI) shall expeditiously be made in the disposition of all juvenile arrests.

• 5-02/040.30 - Predelinquency Juvenile Arrests, Detention, and Referral

Predelinquent juveniles (601 WIC) coming to the attention of deputy personnel shall be referred to a social agency or local probation office no later than six hours after arriving at a Sheriff's station/unit.

Processing of minors arrested 601 WIC (status offense) shall be as follows:

- They shall be searched for weapons or contraband;
- They may be handcuffed in the field if there is need for security;
- They shall be advised of their rights; and
- They should be taken to a local probation office for processing as soon as possible;
    - If removal to a local probation office is impractical, they may be detained at a station/unit as follows:
        - They shall not be handcuffed or held in the booking cage or in lockup;
        - They may be kept in temporary custody at a station/unit if such custody can be maintained within a portion of the building which is apart from the adult custody area, or in a building or trailer separate from that building which houses adults in custody;
        - If custody is maintained as indicated above, the minor shall be continuously supervised to ensure he is not allowed to come or remain in contact with adults in custody;
        - They shall not be confined or locked up with 300 WIC or 602 WIC minors; and
        - They shall not under any circumstances be held longer than six hours before being released to their parents or placed in a SODA facility (Status Offender Detention Alternative) regulated by the Probation Department.

Status offenses are as follows:

Truants

Truants may be taken into temporary custody during school hours when the minor is subject to compulsory full-time education or compulsory continuation education and found away from his home and is absent from school without a valid excuse (48264 Ed.C.).

A truant who has been taken into temporary custody shall be delivered to a parent or guardian or to the school from which the minor is absent (48265 Ed.C.).

> **NOTE:** Instances of truancy shall be reported by patrol deputies on a yellow JIF (SH-CR-265) for input into JAI.

When a minor is arrested for a criminal offense pursuant to a suspected truancy, the incident report and the booking slip shall not indicate "truancy" as an additional charge.

Incorrigible Juveniles

Incorrigible juveniles shall not be arrested. The out-of-control minor is a child/parent conflict with a lengthy history of behavioral problems. Incorrigibility is not an emergency situation requiring police intervention.

Under no circumstances will alleged incorrigible juveniles be taken into custody solely on that basis. Referrals should be made directly to a locally developed community resource or to the station's/unit's intercept probation officer.

Deputies confronted with an incorrigible juvenile situation shall complete a yellow JIF (SH-CR-265) for input into JAI.

Transient Juveniles

Out-of-county or out-of-state runaways constitute transient juveniles. Following the apprehension and booking of a transient juvenile, the station/unit will contact the Probation Department to arrange placement in a SODA facility (status offender detention alternative). The station/unit shall be responsible for transportation of the minor to the SODA facility.

> **NOTE:** The police agency in the area in which the out-of-state transient juvenile resides shall be notified of the detention. An inquiry for "wants" and warrants shall be made by the handling station/unit. If the juvenile is wanted, the police agency shall be advised to proceed under the Uniform Extradition Act or the Interstate Compact on Juveniles to seek return of the juvenile. Minors with out-of-county or interstate compact warrants (1300 WIC) shall be detained in juvenile hall. If not wanted, advise the police agency to notify parents of their child's apprehension and direct the parents to contact the station/unit or SODA Resource Control at (213) 226-8533.

Report Classification - Transient Juvenile - 601 WIC - Charge - Transient.

Runaway Juveniles

Runaway juveniles (resident in L.A. County) shall be detained and released to their parents or guardians whenever possible. Diversion or an alternate solution should be sought by the investigating detective. If parents cannot be contacted or refuse to respond and detention is necessary, the station/unit will contact the Probation Department to arrange placement in a nonsecure SODA facility. The station/unit will be responsible for transportation to the SODA facility.

Report Classification - Runaway Juvenile - 601 WIC - Charge - Runaway.

Loitering/Curfew

Loitering/curfew is classified as a status offense under section 601 WIC, and is covered under County Ordinance chapter 13.56. Deputy personnel may, at their discretion, do any of the following:

- Warn/advise the minor regarding curfew laws and release minor in the field;
- Cite the minor to the appropriate Informal Juvenile and Traffic Court - allege violation of County Ordinance 13.56.010 Curfew; and/or
- Take the minor into temporary custody - Transport, book and release to parent, guardian, or responsible relative as soon as possible.

Deputies shall record the detention on a yellow Juvenile Information Form (JIF), SH-CR-192W. If a responsible adult cannot be contacted or refuses to respond, the Probation Department shall be contacted

and placement in a SODA facility will be arranged.

Under no circumstances will loitering/curfew violators be processed as dependent child cases under 300 WIC, unless the minor has no parent or guardian to accept custody or the minor is an active 300 WIC case.

Report Classification: Loitering/Curfew 13.56.010 LACO Ordinance 601 WIC - Charge - Curfew

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• 5-02/040.35 - Probation and Parole Arrests

This Department shall not arrest juveniles at the request of a probation officer or parole officer unless a valid juvenile court warrant or a California youth authority warrant has been issued and is accessible.

When the probation or parole officer desires the arrest of a juvenile, and no warrant has been issued, such officer shall make the arrest and deputy personnel shall furnish any requested assistance in the arrest and transportation of the juvenile. [Peace officer powers for probation officers and parole officers are outlined in section 830.5(a) PC.]

• 5-02/040.40 - Juvenile Illegal Aliens

Some individuals, once arrested, may claim to be juvenile illegal aliens. It has been determined that many of these individuals are either adult illegal aliens or local residents.

To properly identify these alleged juvenile illegal aliens, they shall be fingerprinted (see section 5-02/090.30, Fingerprinting).

• 5-02/045.00 - Child Abuse/Dependency Cases (300 WIC)

Deputy personnel investigating an instance of child abuse or neglect must observe conditions concerning the subject or the environment of the subject which would be reasonable cause to believe a crime is being committed, and shall articulate those facts on a incident report.

Deputy personnel shall gather written statements of physicians, statements of victims and witnesses, and seize any pertinent evidence for inclusion into the report.

• 5-02/045.05 - Temporary Custody Procedures (Dependency Cases 300 WIC)

Juveniles who are victims in child abuse or neglect cases (300 WIC) coming to the attention of deputy personnel shall be referred to the Department of Children and Family Services (DCFS) as soon as possible, but definitely no later than six hours after arriving at a station/unit.

Processing of minors taken into protective custody for 300 WIC shall be as follows:

- 300 WIC juveniles, other than 300(c) juveniles, shall not be securely detained;

NOTE: 300(c) WIC juveniles may be securely detained at a Sheriff's station/unit in accordance with section 5-02/035.05. If such detention is not possible, 300(c) juveniles shall be referred to DCFS.

- Juveniles held in temporary custody shall be interviewed to ascertain if they are a suicide risk (see section 5-02/100.48);
- A booking number shall not be obtained for 300 WIC juveniles;
- An Arrested Person's Child(ren) and Protective Custody form (SH-R-625) shall be completed (see section 5-03/026.00);
- An appropriate entry into the Juvenile Automated Index (JAI) shall be made concerning the detention;
- 300 WIC juveniles, other than 300(c) juveniles, shall not be handcuffed or held in the booking cage or in a lockup pending release; and
- If custody is maintained as indicated above, the youth shall be continuously supervised to ensure he is not allowed to come or remain in contact with adult inmates in custody.

• 5-02/045.10 - Placement

Section 305 WIC gives peace officers the authority to take child abuse victims into protective custody.

Placement of the child shall be coordinated through the Department of Children and Family Services (see section 5-02/100.00 - Detention).

An Arrested Person's Child(ren) and Protective Custody form (SH-R-625) shall be completed (see section 5-03/026.00);

An appropriate entry into the Juvenile Automated Index (JAI) shall also be made concerning the detention.

• 5-02/045.15 - Notifications Concerning Juvenile Detentions

Notifications to the Special Victims Bureau, Child Abuse Detail, and to the Homicide Bureau, shall be guided

by the procedures outlined in the Case Assignment and Reporting Volume. Also, see section 5-02/040.15, Notification of Parent and Telephone Calls.

• 5-02/045.20 - Assisting the Department of Children and Family Services in Entering a Residence or Dwelling

When a request is made by the Department of Children and Family Services (DCFS) for assistance in entering a residence or dwelling to conduct a child welfare investigation, the request will be presented to the station watch commander for authorization.

The watch commander shall not authorize deputies to enter the residence or assist a DCFS worker to enter a residence unless:

- The resident freely consents to the entry;
- It is determined that there is probable cause to believe that a child inside the residence is in immediate danger; or
- The DCFS worker has a warrant.

Upon entering a residence in support of DCFS, the role of the deputy is to protect the DCFS worker conducting the investigation. Deputies shall take law enforcement action if they observe a crime. The Sheriff's Department still retains responsibility for incidents that have a criminal investigation component.

DCFS requests for assistance and the facts justifying the watch commander's decision shall be documented by the handling deputy in the deputy's daily work sheet unless an incident report is written.

This section does not reflect the deputy's responsibility for investigating a Suspected Child Abuse Report (SCAR) via the E-SCAR system or a child abuse related call for service.

• 5-02/050.00 - Juvenile Court Petition Requests

The juvenile court maintains original jurisdiction in cases defined in sections 603 and 604 WIC. No other court shall have jurisdiction of a juvenile who was under 18 years of age at the time of an alleged commission of a crime or public offense unless the juvenile court has ordered the juvenile prosecuted under the general law.

The juvenile court also maintains original jurisdiction in cases relating to dependency, as defined in section 300 WIC.

• 5-02/050.05 - Juvenile Petition Requests

A Juvenile Petition Request (SH-CR-366) must be made in the juvenile's behalf in order for a juvenile to be brought to the attention of the juvenile court. In the request, this Department must allege the violation of one or more of sections 300(a), 300(b), 300(c), 300(d), 601, or 602 WIC.

• 5-02/050.10 - Application for Juvenile Court Petition on Active Court Wards

A Juvenile Petition Request (SH-CR-366) must be made in the juvenile's behalf in order for a juvenile to be brought to the attention of the juvenile court. In the request, this Department must allege the violation of one or more of sections 300(a), 300(b), 300(c), 300(d), 601, or 602 WIC.

• 5-02/050.15 - Juvenile Petition Request - Preparation

The juvenile petition request contains several sections which shall be completed properly. Particular attention is directed to the following information:

Relatives
Give names of both natural parents and legal guardians, and the addresses, phone numbers (business and residence), and relationship of each. If unknown, so state. Step-parents may be included. Parents' identification and address should be verified when a minor is released.

Date/Time Arrested
All requests shall show date and continental hour of arrest. Use interview date and hour if subject not taken into custody.

School
List school now attending or last attended and grade in which enrolled or last completed.

Place of Detention
Indicate where juvenile is currently detained.

Gang Affiliation
Known or identifiable gang association should be noted.

In requesting a 300 WIC petition, the investigating detective shall also state the complaint sought, the complaint obtained, or the warrant issued against the parent or person placing the juvenile in the described situation.

• 5-02/050.20 - Completion of Affidavit

When an investigator applies to the probation officers or to DCFS to commence proceedings in the juvenile court, such application shall be in the form of the affidavit, which is a part of the Juvenile Petition Request (SH-CR-366).

• 5-02/050.25 - Review of Juvenile Petition Request Denial

When a juvenile petition request with affidavit has been submitted to the Probation Department or DCFS

(pursuant to sections 329 WIC or 653 WIC) to commence juvenile court proceedings and the petition is not filed within 21 court days, or in 602 WIC cases, not forwarded to the district attorney in 36 calendar days, a review of the decision not to file may be requested by law enforcement.

In 602 WIC cases, the district attorney reviews the probation officer's decision and may either affirm the decision or the district attorney may commence juvenile court proceedings.

In 300 WIC cases, the juvenile court reviews the social worker's decision and may either affirm the decision or order the social worker to commence juvenile court proceedings.

The investigating detective, in those cases that a petition should be filed, has the responsibility to determine if a petition has been filed in 43 calendar days.

• 5-02/050.30 - Extended Time Limits on Petitions Due to Age Misrepresentation

When a juvenile is taken into custody for a felony, such juvenile shall be released from juvenile hall within 48 hours (excluding non-judicial days) unless a petition has been filed or a criminal complaint has been filed if the subject is declared unfit. On misdemeanor arrests, the petition must be filed and the minor must appear in court within 48 hours, or on the next court day.

When a juvenile willfully misrepresents himself to be 18 years of age or older, and this misrepresentation effects a material delay in the investigation, such petition shall be filed within 48 hours from the time his true age is determined.

• 5-02/050.35 - Juvenile Petition Request Time Schedule

Detained Petitions - 300 WIC
If a subject is arrested before 1200 hours on a court day, the investigating detective must prepare the detained juvenile petition request and have it sent to IDC at Edmund Edelman Childrens' Court by 1000 hours the following day. If subject is arrested after 1200 hours on a court day, the detained petition must be sent by 1000 hours the second court day following the arrest. Saturdays, Sundays, and holidays are not counted.

Detained Petition - 602 WIC
If subject is arrested before 1200 hours on a court day, the investigating detective must prepare the detained juvenile petition request and deliver it to the district attorney's office prior to 1200 hours the next court day. If the subject is arrested after 1200 hours on a court day, the detained juvenile petition request must be delivered to the district attorney's office before 1200 hours on the second court day following the arrest. Saturdays, Sundays, and holidays are not counted.

Four copies shall be delivered to the area district attorney's office within these time limits.

In detained misdemeanor cases, petition applications must be appropriately routed before 1200 hours the next court day.

Released Petitions

602 WIC released juvenile petition requests, and all original notice to appear citations that were issued, shall be submitted to the district attorney's office as soon as possible, but no later than seven calendar days after the juvenile is arrested and they have been issued a notice to appear for delinquency court. All 653.5 and 652 cases will be submitted to the district attorney and they will be tasked with forwarding the 652 cases to the nearest probation office. In those cases where further investigation is required after the arrest, and the submission of the released juvenile petition request and notice to appear within the seven day limit cannot be complied with, authorization shall be received from the concerned district attorney's office for an extension. A statement shall be included in the narrative section of the released petition request justifying the delay. For additional information regarding non-detained petitions and delinquency court, refer to section 5-02/050.52.

300 WIC released juvenile petition requests shall be submitted to the Edmund Edelman Children's Court, Court Liaison, as soon as possible, but no later than seven calendar days after the juvenile was taken into custody. If the seven day time period cannot be complied with, a statement shall be included in the narrative section of the released petition request justifying the delay.

• 5-02/050.40 - Juvenile Petition Request - Responsibility and Distribution

Investigative Units' Responsibility

The commander of the investigative unit originating the juvenile petition request shall be responsible for:

- Reviewing all petition requests for accuracy and required content;
- Maintaining juvenile court disposition records;
- Timely submission of juvenile petition requests to DCFS or where applicable, to the Probation Department;
- Image original petition into electronic archive SECDA; and
- Entry of petition information into the Juvenile Automated Index (JAI) system.

The following procedures shall be followed:

Detained Petition - All 300 WIC Cases

- One complete set of the detained juvenile petition request (petition request with affidavit, JAI printout, arrest report, supplemental and/or related reports, and witness list) shall be prepared by the investigating unit;
- A copy of the completed juvenile petition request shall be forwarded to Intake and Detention Control; and
- The original petition request shall be imaged into electronic archive SECDA.

Detained Petition - All 602 WIC Cases

- One complete set of the detained juvenile petition request (petition request with affidavit, JAI printout, arrest report, supplemental and/or related reports, and witness list) shall be prepared by the investigating unit;
- Four complete sets of the detained juvenile petition request shall be prepared and delivered to the

district attorney's office of the juvenile court which has jurisdiction over the case. This delivery must be within statutory time limits that govern delivery of documents to the probation officer;
- A Juvenile Hall Entrance Form (76E608J), booking slip, Probable Cause Declaration, and all available reports justifying the detention shall accompany the juvenile to Juvenile Hall; and
- The original petition request shall be imaged into electronic archive SECDA.

Released Petition - All 300 WIC Cases and 602 WIC Cases

- One complete set of the released juvenile petition request (petition request with affidavit, JAI printout, arrest report, supplemental and/or related reports and witness list) shall be prepared by the investigating unit;
- 300 cases shall be forwarded to the Edmund Edelman Children's Court, Court Liaison, and 602 WIC. All 653.5 WIC cases are delivered to the District Attorney's Office. All 601 WIC cases and 652 WIC; and
- The original petition request shall be imaged into electronic archive SECDA.

Released Petition - All 602 WIC Intercept Cases shall be handled in the same manner as 602 WIC Detained Intercept petitions (see above procedure in Detained Petition - 602 WIC Intercept cases).

List any companions involved under the narrative heading in the following manner: name, age, disposition, i.e., detained, petition requested, etc.

In the section titled "Companions," list only juvenile companions on whose behalf a petition request will be submitted. (The disposition will be "Detained Petition Requested.")

In cases where petitions are requested, investigators will complete and include a supplemental report. This report should be a concise statement of facts, describing the investigator's contact with victims, witnesses, parents of the minor, and any other interested parties. Interviews with the minor, Miranda advisement and waiver, Gladys R. issues, admissions, and/or alibis shall be included.

• 5-02/050.45 - Juvenile Traffic Violations - Citation Not Issued

When a juvenile is arrested for law violations which include traffic offenses, but no traffic citation is issued at the time of arrest, the following procedures shall apply:

- When a petition is requested (detained or released), the traffic violations will be alleged in addition to the major offense; or
- When no petition is requested for the major offense, the investigating detective shall prepare a traffic citation for the violation and have the juvenile sign the citation directing him to appear with one parent at the proper court, in 60 calendar days from the date of the issuance of the citation. If the 60th day is a non-court day, the minor will be cited to the next available court day. The notice to appear shall be completed and processed as outlined in section 5-02/050.50. Mail the court copy of the citation with copies of the complaint and supplemental reports, within seven calendar days, to the Los Angeles Central Processing Unit of the Informal Juvenile and Traffic Court Headquarters. Additionally, a photocopy of the notice(s) to appear and four copies of all applicable reports shall be forwarded to the appropriate district attorney's office within seven calendar days from the date of the issuance of the

notice to appear.

NOTE: A minor cannot appear both in delinquency court and Informal Juvenile and Traffic Court (also known as Informal court) for multiple offenses resulting from a single arrest. Either the minor must be petitioned to delinquency court for the criminal violations and the traffic offenses or cited to the Informal court solely for the traffic offenses. If the minor had been issued a citation at the time of arrest and will be petitioned to delinquency court for criminal violations occurring at the same time, the citation to Informal court must be withdrawn and voided. A new notice to appear shall be issued to the minor directing them to delinquency court as outlined in section 5-02/050.52.

• 5-02/050.47 - Juvenile Traffic Violations Citation Issued

Whenever a deputy witnesses a juvenile commit a traffic violation not declared a felony (except a violation of driving under the influence), he may issue a notice to appear for the violation. The citation shall direct the juvenile and his parent(s) or legal guardian to appear in the appropriate informal juvenile and traffic court in 60 calendar days from the date of issuance of the citation. If the 60th day is a non-court day, the minor will be cited to the next available court day. The juvenile shall sign the citation, which will be processed as outlined in this section. (Refer to Traffic Services Detail indexed briefing for a completed citation sample.)

If a deputy, who was not witness to a traffic collision, investigates and determines that a juvenile committed a traffic violation which was a factor in the traffic collision (except driving under the influence, a felony, or a local ordinance), the deputy may prepare a notice to appear, per section 40600 CVC. The proper box shall be checked - "Offenses not committed in my presence - certified on information and belief." The juvenile shall not sign the notice to appear.

The notice to appear shall be submitted with the traffic collision report to the station's/unit's traffic supervisor. The traffic supervisor shall review the report. If the facts do not substantiate the violation, citation dismissal procedures shall be followed. If the facts substantiate the violation, the minor shall be personally issued and sign the notice to appear, as outlined in section 5-02/050.50. The following distributions shall be made:

- To Central Processing Unit, Informal Juvenile and Traffic Court Headquarters:
  - White (original) of notice to appear;
  - Copy of traffic collision report (CHP 555);
  - Copy of cover letter (SH-CR-383A); and
  - This distribution shall be completed within seven calendar days of the date the notice to appear was issued to the minor;
- To the appropriate District Attorney's Office:
  - A copy of the notice(s) to appear and four copies of all applicable reports shall be forwarded to the appropriate district attorney's office within seven calendar days from the date of the issuance of the notice to appear;
- To the Juvenile:
  - Yellow (violator's) copy of notice to appear; and
  - Copy of cover letter (SH-CR-383A);

- To Unit files:
  - Pink (station/unit) copy of notice to appear for citation file; and
  - Photocopy of notice to appear and cover letter (SHâ€‘CR-383A) in appropriate URN file.

• 5-02/050.50 - Citable Offenses to Informal Juvenile and Traffic Court (256 WIC)

The juvenile hearing officer may hear the following offenses when the minor was under the age of 18 years at the time of the offense:

- Any violation of the vehicle code not declared to be a felony (Exception: Driving while under the influence of alcohol or drugs in Los Angeles County shall be referred to delinquency court through a juvenile petition request.);
- A violation of section 602(m) PC;
- Violation of the fish and game code not declared to be a felony;
- Violation of any of the equipment and registration provisions of the harbors and navigation code;
- Violation of any provision of an ordinance of a city, county, or local agency relating to traffic offenses, non-traffic offenses regarding loitering, curfew, or evasion of fares on a public transportation system, as defined by section 99211 of the public utilities code;
- A violation of section 27176 of the streets and highways code;
- Any violation listed under section 460 of the penal code;
- A violation of the rules and regulations established pursuant to sections 5003, 5008, and 33211.6 of the public resources code;
- A violation of section 25658, 25658.5, 25661, or 25662 of the business and professions code;
- A violation of 647(f) PC;
- A violation of 594 PC, involving paint or other liquid;
- A violation of 594.1 (b), (d), or (e) PC;
- A violation of section 11357(b) of the health and safety code; and/or
- A violation of any infraction.The following procedures apply when an investigation has been completed, wherein the juvenile is alleged to have committed any of the offenses listed in this section, and the juvenile is not being detained.

If no other disposition is suitable (counsel and release, diversion, etc.), the minor shall be issued a notice to appear, to the appropriate informal juvenile and traffic court. The reporting of these offenses shall be completed as outlined in Volume 4, Case Assignment and Reporting, and/or volume 5, chapter 5, Traffic.

The notice to appear shall direct the juvenile and their parent(s) or legal guardian to appear in court in 60 calendar days from the date of the issuance of the citation. If the 60th day is a non-court day, the minor will be cited to the next available court day. In addition to listing the full name of the court in the “Court” section of the notice to appear, the words “Informal Court” shall be written after the court’s name. If the minor refuses to sign the notice to appear, they will be verbally advised of the court appearance date and location and the statement, “Advised of court date, refused to sign,” shall be written on the signature line of the citation. The yellow copy of the notice to appear shall be given to the minor.

A copy of the notice(s) to appear and four copies of all applicable reports shall be forwarded to the appropriate district attorney's office within seven calendar days from the date of the issuance of the notice to appear. The original notice(s) to appear shall be forwarded to the Los Angeles Central Processing Unit of the informal juvenile and traffic court within seven calendar days from the date of the issuance of the notice to appear.

If more than one juvenile is involved in the same case, all shall be cited to informal juvenile and traffic court for the same appearance date, unless the notices to appear are issued to the minors on different dates. In those instances, the subsequent citation(s) shall reference the first citation issued. This will be done by listing the number of the first notice to appear and the name and court date of the minor on the first citation in the "Description" area of the subsequent notice(s) to appear. This is in addition to listing the actual charge(s) for the minor(s) whose name(s) is listed on the subsequent citation(s). Court appearance dates shall always be in 60 calendar days from the date the notice to appear was issued to a minor.

Prior to citing a minor for any of the offenses listed in this section, personnel shall ascertain if the juvenile is on probation by conducting an automated records check of the Conditions of Probation System (COPS) or notifying the Los Angeles County Probation Department. If it is determined that the juvenile is on probation for a 602 WIC offense, he/she shall not be cited to informal juvenile and traffic court. If not detained, he/she shall be cited to delinquency court as outlined in section 5-02/050.52.

> **NOTE:** A minor cannot appear both in delinquency court and informal juvenile and traffic court for multiple offenses resulting from a single arrest. Either the non-detained minor must be petitioned and cited to delinquency court for all charges, including those listed in this section (refer to section 5-02/050.52), or cited to the informal juvenile and traffic court solely for the offenses listed in this section.

• 5-02/050.52 - Citable Offenses to Delinquency Court

The following procedures apply when a criminal investigation has been completed, the juvenile is alleged to have committed any 602 WIC offense not listed in section 5-02/050.50, and is not being detained.

If no other disposition is suitable (counsel and release, diversion, etc.), the minor shall be issued a notice to appear to the appropriate delinquency court in 60 calendar days after the issuance of the citation. If the 60th day is a non-court day, the minor will be cited to the next available court day.

A juvenile petition package shall be submitted and the documentation of these offenses shall be completed as outlined in volume 4, Case Assignment and Reporting, and/or volume 5, chapter 5, Traffic. The juvenile petition package shall include the original notices to appear and four copies of all associated arrest and supplemental reports. This package shall be forwarded to the appropriate district attorney's office within seven calendar days of the issuance of the citations.

Additionally, in all cases when a minor is cited to delinquency court, the parent or legal guardian of the juvenile shall be issued a separate notice to appear for the same court and date as their child. The "Violation" section of the parent's/guardian's notice to appear shall have "660.5(e) WIC" written on it, and the "Description" section shall state, "Parent's/legal guardian's minor child cited to delinquency court." The issuance of a notice to appear to the parent or guardian is mandatory by law and the delinquency court will not issue a warrant for the juvenile or parent/legal guardian unless this is done. The parent/legal guardian shall be identified by their

driver's license or identification card number, if possible, and when this is done, a photocopy of the identification card should be made and maintained in the investigation case file.

If there is more than one juvenile involved in the same case, all shall be cited to delinquency court for the same appearance date, unless the notices to appear are issued to the minors on different dates. In those instances, the subsequent citation(s) shall reference the first citation issued. This will be done by listing the number of the first notice to appear and the name and court date of the minor on the first citation in the "Description" area of the subsequent notice(s) to appear. This would be in addition to listing the actual charge(s) for the minor(s) whose name(s) is listed on the subsequent citation(s). Court appearance dates shall always be in 60 calendar days from the date the notice to appear was issued to a minor.

A reasonable effort must be made to locate and cite the minor and their parent/guardian to court. A warrant may still be issued if a peace officer submits to the court an affidavit, signed under penalty of perjury, stating facts sufficient to establish that all reasonable efforts to locate the minor and/or parent/guardian have failed or that the minor and/or parent/guardian have willfully evaded the citation. This affidavit shall be part of the Juvenile Petition Request (SH-CR-366) as outlined in section 5-02/050.20.

If the minor and/or parent refuses to sign the notice to appear, they will be verbally advised of the court appearance date and location and the statement, "Advised of court date, refused to sign," shall be written on the signature line of the citation. The yellow copy of the notice to appear shall be given to the person who is cited.

Juvenile citations for delinquency court, including those issued to the parents/guardians, shall not be amended. They must be voided or dismissed and new notices to appear shall be reissued to the minor and/or guardian and their signed promise to appear obtained.

• 5-02/050.55 - Juvenile Lineups

When possible, juvenile lineups shall be conducted before sending the minor to juvenile hall.

If the juvenile looks his age, the investigating unit will conduct the lineup from juvenile look-alikes that may be available from any source.

A court order is required on minors in juvenile hall for lineups conducted at juvenile hall. The district attorney's office or the juvenile hall liaison deputy will assist in obtaining the court order. A minimum of 24 hours prior to the lineup is required to obtain an order.

If the juvenile's appearance and features are those of an adult and adult look-alikes are necessary, Central Jail Line-up Detail will conduct the lineup utilizing adult inmates from within the county jail system (see Prisoners Chapter). If a minor is in juvenile hall, an "In-and-Out" order is required for removal for a lineup. The district attorney's office will assist in obtaining this order.

It is the investigator's responsibility to ensure that all witnesses and victims are present at the juvenile hall. The investigator will assist the juvenile hall liaison deputy in the handling of the lineup.

Procedures for lineups in the juvenile court system are available to concerned persons and agencies through

the district attorney's office at the juvenile hall.

• 5-02/060.00 - Declaration of Unfitness

A juvenile declared unfit for consideration by the juvenile court and ordered tried under the general law if an adult criminal complaint is obtained, shall be prosecuted as an adult, however, he must be:

- 16 years of age or older;
- In violation of any criminal statute or ordinance; and
- Not amenable to the care, treatment, and training program available through the juvenile court.

Unfitness may be considered for any one or a combination of the following factors:

- Degree of criminal sophistication;
- Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction;
- The minor's previous delinquent history;
- Success of previous attempts by the juvenile court to rehabilitate the minor; and/or
- The circumstances and gravity of the offense alleged to have been committed.

Unfitness shall be considered when a minor is a person described in section 602 WIC and charged for any offense enumerated under 707(b) WIC.

The investigator should initiate the request for a fitness hearing in appropriate cases, and should do so by printing on the face page of the petition application, "Request Fitness Hearing."

Under 707(d) WIC a minor who is 16 or 17 may be found unfit for any of the offenses enumerated under section 707(d)(2) WIC. A minor who is at least 14 but not 16 may be found unfit for any offense under section 707(e) WIC.

Unfit minors may be:

- Detained in Juvenile Hall when the juvenile court determines that the safety of the inmates of juvenile hall would not be impaired (707.1 WIC);
- Remanded to the custody of the Sheriff when the juvenile court can make a finding that the safety of the public or the inmates of juvenile hall cannot otherwise be protected (707.1 WIC);
- Released OR (Own Recognizance) when the minor is released by the juvenile court pending the obtaining of the criminal complaint and the issuance of a warrant; and/or
- Continued on bail when the minor is on bail in a case which began in the adult court and was certified to the juvenile court and the juvenile court returned it to the adult court by declaring the minor unfit.

• 5-02/060.05 - Seeking a Criminal Complaint

When a juvenile has been declared unfit by the juvenile court, a criminal complaint must be obtained within 48 hours.

The deputy district attorney handling the fitness hearing will notify the investigating detective or his unit commander that the concerned juvenile was declared unfit and is to be prosecuted under the general law.

The investigating detective shall be directed to pick up the minute order of the fitness hearing at the issuing court and proceed with that order, along with the necessary incident and supplemental reports, to the area district attorney's office and seek a criminal complaint.

The court clerk will make a certified copy of the minute order available to the district attorney's office and the investigating detective no later than the end of the court day of the fitness hearing.

The 48-hour time limit will begin at the time when the juvenile is declared unfit.

• 5-02/060.10 - Criminal Complaint Obtained or Refused/Notifications

When an unfit minor is in custody, immediate notification is required to be made to juvenile hall or Inmate Reception Center as to whether a complaint has been obtained or rejected. If the case is rejected, the minor must be returned to the juvenile court that made the finding of unfit before a release can be initiated.

Unfit Minors Detained in Juvenile Hall

All unfit minors detained in juvenile hall will be confined by the Probation Department at Central Juvenile Hall. Immediately upon obtaining a complaint or a rejection, the investigating detective shall call the Probation Department's movement control officer of the day at (213) 226-8608 and advise him of the arraignment date, time, and court, or notify him that the complaint was rejected.

The movement control officer of the day will arrange transportation to court through the Sheriff's Transportation Bureau or he will affect the release of the minor.

Unfit Minors Detained in County Jail

Unfit minors remanded to the custody of the Sheriff will be processed by the Inmate Reception Center at Men’s Central Jail or Century Regional Detention Center depending on their sex. Immediately upon obtaining a complaint or a rejection, the investigating detective shall notify the concerned Inmate Reception Center via JDIC requesting transportation to court for arraignment or authorizing the release of the minor.

• 5-02/060.15 - Subsequent Unfit Proceedings

In each new and subsequent offense committed while under the age of 18 years, the juvenile must be processed through the juvenile court. He is not free of the jurisdiction of the juvenile court in matters other than that in which he was declared unfit. Prior declaration of unfitness does not bind the juvenile court to declaring the juvenile unfit again, unless that juvenile is convicted in adult court for an offense listed in 707(b) WIC.

> **NOTE:** If a 707(b) WIC finding of unfitness is followed by a 707(b) WIC conviction, the juvenile will automatically be deemed unfit for any future 707(b) WIC offense committed after the criminal conviction. However, any new cases must be filed with the Juvenile Court and the Juvenile Court must make the

finding of unfit in the new case.

• 5-02/070.00 - Case Disposition/Non-Petition Requests

The following subsections outline the disposition of cases, other than a juvenile petition request.

NOTE: Whether a juvenile is arrested or informally handled, an appropriate entry shall be made into the Juvenile Automated Index (JAI).

• 5-02/070.05 - Action Suspended

If the investigating detective feels the juvenile's parents can, unaided, effect the juvenile's rehabilitation, further action can be suspended. This is also referred to as "handled within the Department" or "Counseled and Released." This disposition requires an admission to the offense by the minor.

• 5-02/070.10 - Diversion

The investigating detective, when he feels further consideration is necessary by a social agency, may specifically refer the case to agencies such as:

- Department of Children and Family Services, Protective Services.

• 5-02/070.15 - Transfer to Other Police Agency

A juvenile case may be transferred from this Department's jurisdiction to another agency when the offense was committed in that agency's jurisdiction.

• 5-02/070.20 - Insufficient Evidence

When an investigation discloses either the required elements of the crime are not present or there is inadequate evidence to prove beyond a reasonable doubt that the named minor is responsible, the case will be closed due to insufficient evidence.

• 5-02/070.25 - No Prosecution

When an investigation discloses the victim is not desirous of prosecution and without the victim's cooperation and testimony the case cannot proceed through the court, the case will be closed due to lack of prosecution.

• 5-02/070.30 - Exoneration

When an investigation discloses that the juvenile is not responsible for the alleged offense, a supplemental report shall be made completely exonerating the juvenile of any responsibility for the commission of the offense.

> **NOTE:** Do not clear as "Action Suspended," "Handled within the Department," or "Counseled and Released" as this would indicate that the subject was guilty of the offense.

• 5-02/080.00 - Juvenile Automated Index (JAI)

The Juvenile Automated Index (JAI) is operated by the Probation Department as a central juvenile record agency serving law enforcement and other agencies within the Juvenile Justice System in Los Angeles County.

When a juvenile is arrested or is formally handled but not arrested (e.g., missing juvenile who voluntarily returns home, or patrol delivers a juvenile to his home and submits a yellow JIF), the station/unit shall enter the pertinent facts into JAI via JDIC.

When a juvenile is to be the subject of a petition request, the information regarding the instant incident and disposition shall be entered into JAI prior to the processing and delivery of the juvenile petition request to the Probation Department.

• 5-02/080.05 - JAI Disposition Codes

Law enforcement dispositions are indicated by the following codes:

CR Counseled and released (B-8)

DP Detained petition request

NDP Nondetained petition request

PRQ Petition request (use only if unable to determine if petition was detained or nondetained)

PRB Referred to Probation Department

DPS Referred to Department of Children and Family Services

FD Referred to Fire Department (LAPD disposition)

TRF Referred to Juvenile Traffic

POL Referred to other law enforcement agency (name of agency required)

DIV Diverted (name of agency required)

CYA Referred to Youth Authority

USI Referred to Immigration

MIL Referred to Military

OTH Other referral (name of agency required)

AS Action suspended

IEV Insufficient evidence

PFI Prefiling investigation

CC Case closed

NP No prosecution

PA Proved to be adult

MH Referred to Mental Health Department

JAI returns can also provide information regarding action taken by the probation department, district attorney's office, or the juvenile court. Also, specific conditions of probation are available in appropriate cases.

• 5-02/090.00 - Booking Procedure

The arresting unit's watch commander shall authorize a complete booking transaction whenever a juvenile is detained beyond a mere field interview or taken into custody. This shall not include juveniles informally handled in the field and reported on a Juvenile Information Form (SH-CR-265).

• 5-02/090.05 - Booking and Property Record Form (SH-J-293)

The Booking and Property Record form shall be completed by the arresting deputy in all cases when a juvenile is arrested or placed in the custody of the Sheriff's Department by another police agency.

NOTE: A photocopy of the B&PR form is to be given to station/unit detectives.

• 5-02/090.10 - Juvenile Booking Numbers

Whenever a juvenile is detained or taken into custody by this Department, a booking number shall be obtained. After obtaining a booking number, the Automated Justice Information System (AJIS) shall be updated with the booking transaction. The Booking and Property Record form shall be completed through Line #10. Under no circumstances should a juvenile be detained for more than one hour without obtaining a booking number.

Immediately following the release of a juvenile as the result of a field booking or upon release from the station/unit, there shall be a release transaction made to AJIS. The AJIS release codes shall be used by the stations/units when the juvenile is released or transported to a detention facility that does not possess an AJIS terminal. (Examples: Juvenile Hall, MacLaren Children's Center, and a SODA). If the place of detention has an AJIS terminal capable of input, normal updating procedures shall apply; otherwise notify the IRC watch deputy for computer updating.

When an inquiry is received concerning a juvenile's location and the charge line on the terminal viewer shows a charge of 300 or 601 juvenile, the inquiring party shall be directed to contact the unit maintaining custody of the subject. Other than divulging the subject's location, only the investigating detective or the watch commander at the custodial unit is authorized to give further information concerning the matter.

• 5-02/090.15 - Booking Restrictions

For AJIS, the following descriptions shall be used for the charge line on computer input for juvenile bookings:

- 300 juvenile (indicating a detention);
- 601 juvenile (indicating a taking into custody under the provision of 601 WIC); or
- If booked on a charge other than 300 WIC or 601 WIC, indicate the actual code of the offense charged (e.g., 211 PC, 459 PC, 484 PC, etc.).

The following booking slip descriptions shall be used for the charge line on the booking and property record form for juvenile bookings:

- 300(a) WIC, Lack of Supervision;
- 300(b) WIC, Destitute;
- 300(c) WIC, Physically Dangerous;
- 300(d) WIC, Unfit Home;
- 601 WIC, Runaway, Transient, or Loitering, whichever applies; or
- If booked for a law violation (federal statute, state law, city or county ordinance), use the code section and descriptive statement. Do not use 602 WIC.

When booking a juvenile, one or more charges may be alleged on the incident report (e.g., 211 PC, Robbery; 459 PC, Burglary; and 10851 CVC, Auto Theft).

> **NOTE:** 300(a) WIC, Lack of Supervision, shall not be used in cases of delinquency, even though the juvenile is under 14 years of age.

• 5-02/090.20 - Booking At Jail Wards

All 16 and 17-year-old juveniles, who are in custody and in need of hospitalization, may be booked directly into the jail wards at the LAC/USC Medical Center.

All juveniles under the age of 16 years require a juvenile court order before they can be booked into the jail wards.

Juveniles to be booked shall be brought directly to the jail wards (ward 13-400) and admitted there.

If the jail ward doctor approves admission, a booking number is obtained by the jail wards from the AJIS computer and plain fingerprint impressions placed on the reverse side of the original copy of the booking and property record form.

> **NOTE:** If the minor needs medical treatment, the minor must be treated and must receive booking approval prior to admission to juvenile hall. If admission of the juvenile is not approved, the juvenile shall be taken to juvenile hall and admitted there.

A Juvenile Hall Entrance Record (76E608J) and a Probable Cause Declaration must be filled out on all juveniles who are admitted to the LAC/USC Medical Center Jail Wards or open wards. One copy of each form must be delivered to the Intake Detention Control (IDC) at Eastlake Juvenile Hall when the juvenile is transported to the LAC/USC Medical Center. Generally, juvenile hall is notified and a probation officer responds and fills out the form and takes custody of the juvenile's property.

• 5-02/090.25 - Jail Ward - Under Age

When a juvenile under the age of 16 years needs hospitalization and no juvenile court order exists, the juvenile shall be taken to Admitting Room Unit 1 of LAC/USC Medical Center.

If the admitting room doctor approves admission, hospital forms shall be prepared, a patient file number issued and the juvenile placed in an open ward. When security is required, arrangements shall be made through the concerned station/unit watch commander for posting a deputy in the ward until a court order is obtained. (Refer to section 5-02/090.20 if a court order is obtained.) An entrance record and a probable cause declaration is taken to IDC at Eastlake.

• 5-02/090.30 - Fingerprinting

Felony offense fingerprinting is a Department policy and required on every juvenile 14 years of age and older who is arrested for a felony offense. Two Fingerprint Cards (FD-249) shall be completed in all cases and, in addition, all other fingerprinting policy found in this subsection shall be included. Upon completion, the cards shall be stapled to the booking slip and forwarded to the Records and Identification Bureau, Identification Unit.

Only the following information should appear on the front of the cards:

- Juvenile's last name, first name, middle name (printed in ink or typed);
- Juvenile's signature;
- Date the fingerprints are taken (not date of arrest). Leave the section marked "Date Arrested or Received DOA" blank. The date the fingerprints are taken is to be entered in the section marked "Date;"
- Signature and employee number of official taking fingerprints; and
- For Sheriff's arrests, in the section marked "Your OCA," place booking number and (slash) truncated URN, e.g., URN 485-12345-1010-181 will read 851234510. All other cards will bear only the booking number in this section.

  NOTE: Leave all other spaces blank. Do not write in charges, charge descriptions, physical descriptions, or date arrested. The Records and Identification Bureau will type in all other information from the booking slip.

The arrest disposition section on the reverse side of the standard fingerprint card must contain one of the following dispositions for juvenile arrestees:

- "Released to home/parent"; or
- "Detained at Juvenile Hall."

Department of Justice arrest records will not be released to any inquiry other than from the arresting agency for arrests in which no disposition was recorded on the fingerprint card.

Discretional fingerprinting may be made for investigative purposes at the request of the investigating detective. Should the detective feel that the juvenile is a potential repeater, "five finger" card (SH-R-117) should be prepared with the right and left finger imprints on the front of the card and the palms on the back.

This card shall be sent to the Identification Section, Scientific Services Bureau, for the Department's "five finger" file.

Juvenile Illegal Aliens - Fingerprinting

Many alleged juvenile illegal aliens are later determined to be adult illegal aliens or local juveniles.

To properly identify these alleged juvenile illegal aliens, two fingerprint cards (FD-249) shall be prepared at the time of booking.

The two fingerprint cards, a copy of the booking and property record (B&PR) form, and the juvenile hall entrance record form shall accompany the alleged juvenile illegal alien to juvenile hall.

Station/unit personnel will deliver the fingerprint cards and the B&PR to the supervisor of the Identification Unit, Records and Identification Bureau. The prints will then be classified, searched, and filed on a priority basis.

The investigating detective shall be notified by the Identification Unit when the search determines the party to be an adult. The detective shall arrange to remove him from juvenile hall and proceed against him as an adult. If the illegal alien is a juvenile and no other charges are pending, he shall be released by juvenile hall to the immigration authorities.

• 5-02/090.35 - Photographing Juveniles

Arrested juveniles may be photographed if the investigating detective deems it necessary for identification or investigative purposes. If so, stations/unit equipped with photographic equipment may take their own photos; or the detective shall send a JDIC request to Scientific Services Bureau, Latent Prints section, which will provide a print deputy to take photos of the juvenile. Include the name of the subject and file number in the request.

Juveniles should be fingerprinted and/or photographed before sending them to any probation department facility. Police may fingerprint and photograph minors in juvenile hall.

• 5-02/090.40 - Juvenile Booked As Adult

If a juvenile has been booked as an adult, or a juvenile was under the age of 18 years at the time of the commission of an alleged crime and no complaint has been issued, the adult charge shall be dropped by the arresting and/or investigating detective and the juvenile transported to the station/unit where the case will be handled to a conclusion.

> **NOTE:** Cases of kidnapping or murder are exceptions which may be handled to conclusion by the Homicide Bureau or Major Crimes Bureau at their discretion.

• 5-02/090.50 - Juveniles Remanded/Sentenced to County Jail

Juveniles remanded to county jail must be accompanied by documentation indicating compliance with 707.1 and 207(b)(1) Welfare and Institutions Code. This documentation must include a specific finding by a **Superior** Court that the minor is unfit for juvenile court and that the continued presence of the minor in juvenile hall would endanger the public or be detrimental to other minors detained in juvenile hall.

Sentenced juveniles must be accompanied by documentation indicating compliance with 707.1 WIC and a sentencing document which sentences the minor to a specific amount of time in county jail.

Prior to transportation from court, Court Services personnel will ensure that all necessary documentation will accompany the minor. No juvenile shall be transported to, or accepted at, county jail with the provision that "papers will follow."

In either case (remanded or sentenced juveniles), absent the necessary findings or documentation, the minor will be transported to and housed in juvenile hall under the authority of a juvenile court special order. Exceptions may be granted only by the onâ€‘duty IRC (for males) or CRDF (for females) watch commander, under the guidelines of Custody Division Manual section 5-04/000.00, Housing of Juveniles.

It shall be the responsibility of the transporting officers to take juveniles refused admittance by IRC or CRDF to juvenile hall. In this event, IRC or CRDF will provide the transporting officer with a copy of the juvenile special order.

• 5-02/100.00 - Detention

Whenever possible, a juvenile should be released to the parent, guardian, or responsible relative, pending the juvenile court hearing. Section 207.2 WIC allows for an OR release and transport of minor home or to the area where he was taken into custody. If such a release is inappropriate due to the nature of the incident involved, the juvenile should be referred either to Probation Department or DCFS, as appropriate. However, the juvenile may be detained if one or more of the following conditions exist:

- The minor is in need of proper and effective parental care or control and has no parent, guardian, or responsible relative; or has no parent, guardian or responsible relative willing to exercise or capable of exercising such care and control; or has no parent, guardian, or responsible relative actually exercising such care or control;
- The minor is destitute or is not provided with the necessities of life or is not provided with a home or suitable place of abode;
- The minor is provided with a home which is an unfit place for him by reason of neglect, cruelty, or depravity of either of his parents or of his guardian or other person in whose custody or care he is;
- Continued detention of the minor is a matter of immediate and reasonable necessity for the protection of the person or property of another;
- The minor is likely to flee the jurisdiction of the juvenile court;
- The minor is physically dangerous to the public because of a mental or physical deficiency, disorder, or abnormality; and
- A warrant has been issued ordering the detention of the juvenile.

Juveniles not released to parents, relatives, or a responsible adult shall be detained at the applicable juvenile facility, depending on the circumstances and on whether the juvenile is delinquent or dependent (nondelinquent).

• 5-02/100.05 - Locations of Detentions

300 WIC cases shall be coordinated through DCFS. Under no circumstances shall Department personnel determine placement for a minor detained under 300 WIC.

601 WIC cases shall be transported to SODA facilities or facilities designated by the Probation Department.

602 WIC cases shall be transported to the designated juvenile hall as determined by the station/unit location shown below:

- Central Juvenile Hall

- Altadena
- Avalon
- Carson
- Century
- East Los Angeles
- Industry
- Lakewood
- Lomita
- Marina del Rey
- Norwalk
- Pico Rivera
- San Dimas
- South Los Angeles
- Temple

- Sylmar Juvenile Hall
  - Lancaster
  - Crescenta Valley
  - Lost Hills/Malibu
  - Palmdale
  - Santa Clarita Valley
  - West Hollywood

• 5-02/100.10 - Juvenile Hall - Delinquent Cases

All juveniles who are detained as delinquent shall be taken to the Juvenile Hall Detention Control Unit with the following records:

- Juvenile Hall Entrance Record (76E608J);
- Booking and Property Record (SH-J-293); and
- Available reports justifying detention.

The attendant at juvenile hall shall sign for the property of the juvenile received from the transporting deputy.

• 5-02/100.20 - Detention Procedure - Delinquent Non-Intercept Cases

When a juvenile is detained in a Probation Department facility, the following shall apply:

Juvenile Hall Entrance Record Form (76E608J)
This form shall be prepared in quadruplicate, all copies to be legible. Three copies of this form, the probable

cause declaration, and the B&PR shall accompany the juvenile to the place of detention; the fourth copy shall be given to the station/unit detective commander. The detective requesting detention shall also provide, in the form of reports or memoranda, any additional information not contained on the form which he feels justifies detention. When the station/unit detective commander is not on duty, the juvenile hall entrance record form and any available reports will be given to the station/unit watch commander.

The juvenile hall entrance record form shall be filled in as completely as possible with particular attention to:

- Case Number - to be the complete URN number;
- Agency and Person Responsible for Petition Application - in this section, the deputy's name, rank, station/unit assignment, and Department who is requesting detention; and
- Describe Situation or Incident Which Makes Detention Necessary - in this section, fill in as briefly as possible the seriousness of the offense, the juvenile's prior record, the need for detention at the facility, and continued detention at the detention hearing. It is in this section that the reason for detention and why the juvenile cannot be considered for release must be specified. This portion is the most vital part and is generally the only information available to the probation department detention control officer in making decisions relating to detentions.

Probation Department Procedures
The detention control officer will not contact or make any notification to this Department when a juvenile is accepted for detention.

When release of a juvenile is being considered or further information is needed, the detention control officer will contact the detective requesting detention for additional information concerning the case. If neither the requesting detective nor the station/unit detective commander can be reached, additional information concerning the case will be obtained from the watch commander.

Releases
Failure of the detention control officer to make notification of release of a juvenile shall be brought to the attention of the respective unit commander. Releases of juveniles by the detention control officer in extremely serious cases and over the strenuous objection of the Sheriff's Department shall also be brought to the attention of the unit commander.

The probation department detention control officer has the final responsibility to determine whether further detention is required.

• 5-02/100.25 - Certification Order Remanding Custody to Sheriff

When a juvenile is certified to juvenile court and remanded to the custody of the Sheriff, the deputy receiving the minor must also receive two copies of the certification order, two copies of the criminal complaint, and one copy of the police report, if available, to accompany the minor who shall be transported to juvenile court. This packet must be given to the intake detention control (IDC) officer.

If juvenile court is not in session, the minor shall be detained at juvenile hall if he is under 18 years of age. If he is 18 years of age or older, he shall be booked in the county jail and ordered for juvenile court the following day. The Juvenile Hall Entrance Record (76E608J) is to be prepared by the juvenile hall staff.

• 5-02/100.30 - Nondelinquent (Dependency) Cases

The Department of Children and Family Services (DCFS) has the responsibility for handling all section 300 WIC cases. This includes intake, detention control, investigation, supervision, and emergency medical services.

Requests for detained petitions shall be made through DCFS Intake and Detention Control at MacLaren Children's Center. Contact with DCFS shall be as follows:

- Child Abuse Hotline (CAHL) Social Worker, 24-hours, 1-(800) 540-4000 or (323) 893-0502.

The CAHL is responsible for taking all referrals regarding allegations of abuse or neglect or where a minor has been taken into custody by law enforcement. Monday-Friday 8 a.m. to 5 p.m. referrals will be routed to the appropriate district office where a children social worker will be assigned to conduct an investigation into the allegations and/or take custody of a minor. After 5 p.m. all referrals regarding allegations of abuse or neglect and/or where a minor has been taken into custody by law enforcement will be handled by Emergency Response Command Post (ERCP), (323) 893-0500.

When detention appears necessary, deputy personnel are requested to phone the DCFS intake worker to discuss the most appropriate available plan for the minor's immediate care.

The intake worker will take the information regarding the need for detention and will either designate where to take the child or will refer the call to an area office.

When a call is referred to an area office, the social worker should contact the detaining deputy within approximately 20 minutes. If not contacted by that time, the deputy should contact the Child Abuse Hotline coordinator again so that he may alert the area office. The worker at the area office will find a foster or good-neighbor home for the child.

Juvenile hall entrance record forms should be filled out on all juveniles who are detained.

• 5-02/100.35 - Detained Juveniles to LAC/USC Medical Center

If the detained juvenile is seriously injured or ill (serious illness or contagious disease), the juvenile shall be taken to LAC/USC Medical Center. Delinquent juveniles shall be handled according to the procedure outlined for booking at jail wards. (See section 5-02/090.20; also, see Emergency Medical Consent Procedures, section 5-02/110.00).

A nondelinquent juvenile shall be handled according to the following procedures:

- Juvenile seriously ill shall be placed in an LAC/USC Medical Center open ward;
- Juvenile with a contagious disease shall be taken to LAC/USC Medical Center Contagious Disease Unit;
- The nurse admitting the juvenile shall be advised of the DCFS office handling the case; and
- The concerned detective shall advise the concerned area DCFS child welfare caseworker on the

following weekday of the placement of the juvenile at the Medical Center and the personal history and facts regarding the detention.

• 5-02/100.45 - Juvenile Detention Restrictions and Procedures (601 & 602)

When a deputy takes a minor into temporary custody, he has alternate dispositions as follows:

- Release the subject to parent, guardian, or responsible relative;
- Take the subject without unnecessary delay before the probation officer of the county in which such person was taken into custody, or in which such person resides, or in which the acts take place or the circumstances exist which are alleged to bring the minor within the provisions of sections 601 and 602 and deliver the custody of such minor to the probation officer; or

  NOTE: In determining which disposition of the minor he will make, the deputy shall prefer the alternative which least restricts the minor's freedom of movement, provided such alternative is compatible with the best interest of the minor and the community.

- Place the minor in temporary custody at a station/unit lockup in accordance with section 5-02/035.05 and section 5-02/035.20.

The following restrictions and procedures shall be followed by members of this Department when a juvenile is detained:

- Juveniles shall be interviewed by a detective as soon as possible after arrest;
- Juveniles shall be transported to an appropriate juvenile facility no later than six hours after arrival at the station/unit (see section 5-02/100.50) whether or not they have been interviewed by a detective and whether or not their parent, guardian, or responsible relative is expected to arrive after the six hours have elapsed;
- Whenever possible, juveniles should be interviewed prior to sending them to an appropriate juvenile facility. Juveniles held in temporary custody shall not be disciplined;
- Continuing recalcitrant behavior by a juvenile in custody of this Department shall result in the juvenile being immediately transported to an appropriate juvenile facility. Juveniles held in temporary custody shall not be disciplined;
- Juveniles held in temporary custody shall be provided with a snack within the fourth hour of such detention;
- Leather restraints may be used in accordance with section 3-01/110.25, on juveniles who display bizarre or violent behavior and such behavior presents a clear and present danger to himself or others;
- Under no conditions shall a juvenile be incarcerated with adult prisoners nor shall members of the opposite sex be confined together; and
- 601 minors pending release to parents or SODA facility shall not be confined with 602 or 300 WIC minors and only in compliance with section 5-02/040.30. Contact between adult and 602 WIC juvenile prisoners held in secure or nonsecure custody shall be restricted and in compliance with section 5-02/035.05 and section 5-02/035.20.

• 5-02/100.48 - Suicide Risk Identification and Prevention

Juveniles held in temporary custody by this Department shall be interviewed to ascertain if they are a suicide risk. The following information shall be obtained from each juvenile and documented in the arrest report:

- History of mental illness;
- Whether he has been placed in a mental institution; and
- Any previous suicide attempts.

Any indication of possible suicidal tendencies, including observed behavior, shall be cause to immediately transport the juvenile to the nearest available Probation Department facility. Juveniles of this nature shall be under constant observation while in the custody of this Department.

• 5-02/100.50 - Transporting Juveniles to Juvenile Halls Within Specified Time Limit

When it is necessary to detain a juvenile at Eastlake, Los Padrinos, or Sylmar Juvenile Halls, the juvenile shall be transported as soon as possible.

All requests for transportation of juveniles shall be sent via JDIC to Transportation Bureau, and shall include:

- Name of subject;
- Age and sex;
- Destination; and
- Mandatory delivery time (see time limits below).

  NOTE: When transportation cannot be arranged within a reasonable time, it shall be the responsibility of the station/unit to transport the juvenile to juvenile hall.

To expedite the juvenile's transfer to juvenile hall, Transportation Bureau shall transport juveniles to juvenile halls on the day shift in addition to the current transportation runs on late evening and early morning shifts.

The following guidelines shall be strictly adhered to:

- Juveniles shall be transported to juvenile hall as soon as possible;
- Mandatory time limits:
  - Under no circumstances shall the detention of a minor in a Sheriff's station/unit be more than six hours from the time of arrival at the facility;
  - Saturdays, Sundays, or holidays are not excluded. These days shall be counted the same as weekdays; and
  - Time limits shall be followed even when detectives are not on duty or not available.
- Transportation Bureau, upon receiving the JDIC request, shall respond within five hours to transport the juvenile to juvenile hall. If the Transportation Bureau is unable to comply with this time limit, they shall notify the station/unit watch sergeant and give the expected ETA. The station/unit watch sergeant shall

then decide whether to wait or arrange for other transportation; and

- It is therefore necessary that the JDIC request be sent as soon as the determination to detain is made by the investigating detective.

NOTE: The six hour detention limit is not applicable at the Catalina Island facilities. However, juveniles shall be processed in an expeditious manner and those minors not released to a parent, guardian, or responsible relative, shall be transported on the first available Sheriff's transportation to an appropriate juvenile facility.

• 5-02/100.55 - Transportation - Female Juveniles

Lady deputies should be utilized in transporting female juveniles in compliance with Department procedure with the exception that the unit commander or the station/unit detective commander may for good cause authorize other transportation during the course of an investigation.

• 5-02/100.60 - Transportation and Handcuffing of Juveniles

A juvenile may be handcuffed at the discretion of the deputy, who shall take into consideration the need for security, circumstances of arrest, and age of the juvenile. Juveniles should not be handcuffed or chained to adults. It shall be the responsibility of the transporting deputy to segregate juveniles from adults.

• 5-02/100.65 - Transporting Juveniles in Child Passenger Restraint Systems

Department personnel who must transport juveniles under eight years of age must transport the juvenile in a properly installed child passenger restraint system (child safety seat) that meets applicable federal motor safety standards (27360(a) CVC). If the juvenile is under two years of age, Department personnel shall properly secure the juvenile in a rear-facing child passenger restraint system that meets applicable Federal motor vehicle safety standards, unless the juvenile weighs 40 or more pounds or is 40 or more inches tall. The juvenile shall be secured in a manner that complies with the height and weight limits specified by the manufacturer of the child passenger restraint system (27360 (b) CVC).

In order for a child passenger restraint system to be installed properly, it must be firmly secured to a cushioned vehicle seat. Child passenger restraint systems CANNOT be properly installed to a plastic vehicle seat, as found in most Department patrol units. Additionally, it is inherently dangerous for a child seated in a child safety seat to be placed directly in front of an air bag device. Air bags inflate at an extremely rapid rate and have caused serious injury to children seated in child safety seats.

Department personnel **shall not** place child safety seats in the rear of a patrol unit with hard plastic seats. Additionally, personnel **shall not** place child safety seats in the front passenger side of a vehicle where an air bag is present (27363 (f) CVC).

Department personnel who must transport juveniles in a child passenger restraint system and cannot do so in

their assigned patrol unit shall request another patrol unit where child passenger restraint systems can be used (cushioned rear seats, no passenger air bag).

If another patrol unit cannot be located in which it is safe to place a child passenger restraint system, Department personnel shall attempt to locate a vehicle at the station/unit and have station/unit personnel respond with a station/unit solid color sedan (solid sedans have cushioned back seats).

If Department personnel cannot locate a solid color sedan from their assigned station/unit, the station/unit desk shall be notified. Desk personnel shall attempt to locate either a patrol unit suitable for the use of child passenger restraint systems or a Department solid color sedan from another Department station/unit. If a suitable vehicle is located, desk personnel shall contact the other station/unit watch commander and request approval for the use of the vehicle.

• 5-02/110.00 - Emergency Medical Treatment

The consent of a parent or guardian is normally required before a doctor may medically treat a minor (any person under 18 years of age); however, a minor may give consent for his own treatment if the minor is emancipated (see section 5-02/170.00).

• 5-02/110.05 - No Parental Consent

A peace officer may take a minor into temporary custody without a warrant if the minor is in need of medical treatment and the parents cannot be located to give consent and all of the following conditions exist:

- The minor is under 18 years of age;
- The minor is found on a street or in a public place; and
- The minor is suffering from any sickness or injury which requires medical care, medical treatment, hospitalization, or other remedial care.

  NOTE: The Department, and specifically the station/unit, should exhaust all efforts to obtain parental consent and/or prepare all forms and comply with all procedures to ensure prompt acceptance of the subject.

A procedure for emergency medical care for minors, where there is no parental consent, has been adopted by the presiding judge of the juvenile court, the Probation Department, and the Department of Children and Family (DCFS) Services.

Hospitals operated by the Department of Hospitals of Los Angeles County, hospitals having contracts with the Department, and the Los Angeles City receiving hospital and its contract hospitals are prepared to handle cases under this procedure.

The minor shall be taken to the nearest contract hospital where the examining doctor shall be advised that medical consent is not available and the reason.

• 5-02/110.10 - Parents Refuse to Give Consent

There will be occasions when parents or guardians refuse to give consent due to religious beliefs or other personal reasons. In these cases, when consent is refused, a court order is necessary for medical treatment. In all emergency cases, involving 300 WIC dependent and non-dependent juveniles, 369 and 739(c) and (d) WIC allows a probation officer/social worker to authorize medical treatment upon the recommendation of the treating physician or dentist and notification to the parent or guardian if one can be found. If the parent or guardian objects the order can then only be made by the court.

• 5-02/110.15 - Extreme Emergency Care

All requests for medical consent on behalf of a minor in extreme emergency situations, when no parent or guardian is available, will be handled by the DCFS.

If the doctor determines that it is a case of extreme emergency, request the doctor to phone one of the following DCFS locations and state the case is one of extreme emergency and that treatment must be performed immediately for the welfare of the child.

- 0800-1700 hours - Business days, DCFS Juvenile Court Liaison Social Worker at Edelman Children's Court (213) 526-6790; or
- 1700-0800 hours - Saturdays, Sundays, and holidays, Contact DCFS hotline (800) 540-4000.

  NOTE: Only the doctor can arrange for emergency medical consent. The deputy handling the case shall not attempt to arrange consent.

• 5-02/110.20 - Regular Non-Emergent Care

Dependent Minors
Routine requests for non-emergency medical consent where parental consent is not available or where the parent or guardian refuses to give consent shall be referred to the DCFS Court Liaison Social Worker at the Children's Court, (213) 526-6790.

Non-dependent Minors
Requests for non-emergent medical consent where parental consent is not available shall be referred to the DCFS Medical Consent Unit located at the Child Abuse Hotline (800) 540-4000.

If need for other than extreme emergency medical care is determined by the examining doctor and the DCFS will not authorize medical treatment, the deputy transporting the subject shall see if the examining doctor will admit the minor to a contract hospital or to LAC/USC Medical Center as a temporary measure pending locating parents for medical consent.

If the doctor will not admit the minor to a contract hospital and LAC/USC Medical Center will not accept the minor, the deputy shall attempt to locate responsible relatives or friends to care for the minor pending obtaining parental or court consent for treatment.

If no relatives, friends, or neighbors who will accept custody of the minor are located, the subject will be detained at MacLaren Children's Center or at a foster home.

• 5-02/110.25 - Medical Examination - Juvenile Hall

When it is necessary for a juvenile to have a medical examination at juvenile hall facilities, the Medical Consent form (76A797-A), supplied by the Probation Department, shall be signed by a parent or guardian. This form shall be used in all cases where a pelvic examination is requested on female juveniles.

When the juvenile is not in custody and a medical examination is needed, it will be given at a specific location and time.

Delinquent Juvenile
The juvenile shall be sent to the juvenile hall clinic with a medical consent form signed by a parent or guardian. It is not necessary that the parent or guardian be present.

Examination hours are Monday through Friday, from 0800-1000 hours. An appointment is desired but not necessary.

Nondelinquent Juvenile
The juvenile shall be sent to the appropriate medical center with a medical consent form signed by a parent or guardian. It is not necessary for the parent or guardian to be present. If the minor is detained at MacLaren Children's Center a medical exam will be conducted there.

• 5-02/110.30 - Emergency Medical Examinations

When an emergency examination is required for the purpose of ascertaining a recent (within 120 hours) sex offense committed on a juvenile, the juvenile should be examined as soon as possible with or without the consent of the parent or guardian, Pursuant to Penal code section 13823.11 (4) and section 6920 of Family Code-Division 11, part 4 of chapter 3- Medical Treatment. Examinations are obtainable at the following facilities, listed in order of preference:

- Local Contract Hospital - evidence shall be preserved by the examining doctor until he or she is relieved of the evidence by deputies;
- LAC/USC Medical Center - examination will be given at this facility only if emergency hospitalization or treatment is also needed. Evidence will be held by the admitting room physician until he or she is relieved of the evidence by deputies; or
- Family Doctor - advise parents to have the doctor preserve the evidence and obtain the doctor's name, address, and phone number where he or she can be contacted for the medical report.

NOTE: 120-hour SART protocol stems from California Governor's Office of Emergency Service (Cal OES) 2-924 instructions- when history of acute sexual assault is less than 120 hours. For further information on 120-hour protocol, refer to California Clinical Forensic Medical Training Center (www.ccfmtc.org).

NOTE: Refer to the Miscellaneous Line Procedures chapter regarding rape cases - laboratory specimens

and billing procedures.

• 5-02/120.00 - Returning Juvenile to Local Jurisdiction

When a juvenile is arrested in the State of California but outside the jurisdiction of the Los Angeles County Juvenile Court for an offense committed within this county, the juvenile shall be returned to this jurisdiction.

A detained juvenile petition request shall be submitted to the station's/unit's designated district attorney's office, stating the facts and requesting a petition and warrant. The warrant must be obtained within 48 hours after the arrest and a warrant abstract sent to the arresting agency within that time. The actual warrant will then be delivered to the Sheriff's Transportation Bureau, Statewide Unit. The Statewide Unit will then have up to five days to pick up the juvenile from the other county and return him to Los Angeles County (641 WIC).

• 5-02/120.05 - Returned by Detectives

When it is desirable that the investigating detective return to this jurisdiction, authorization shall be obtained prior to the trip.

• 5-02/120.10 - Return From Nearby Counties

To return a juvenile from the nearby counties of Kern, Orange, Riverside, San Bernardino, and Ventura, the investigating detective shall obtain authorization for the trip from an appropriate division officer of the rank of captain or above. The authorization shall be logged with the Division and retained within the division for 90 days.

• 5-02/120.15 - Return From Distant Counties

To return a juvenile from counties within the state other than those listed under section 5-02/120.10, the investigating detective shall request authorization from an appropriate division officer of the rank of captain or above, stating the reasons for the trip, name of the juvenile to be returned, offense, URN, and the names of the deputies to effect the transportation.

Claims for allowable expenses authorized by the county shall be made in conformance with Department procedures.

> **NOTE:** This Department shall not send personnel long distances to return a "missing" juvenile who has been located. In these instances, the parent or guardian shall be requested to arrange transportation and bring the juvenile to the station/unit upon his return to this jurisdiction.

• 5-02/120.20 - Juvenile Fugitives/Criminal

This Department shall not knowingly seek a complaint against a juvenile in any court other than juvenile court except when returning a juvenile criminal fugitive from another state or rendering a juvenile fugitive to a demanding state, under section 216 WIC. A returned fugitive juvenile shall be arraigned before the criminal court that issued the complaint. The Department shall request the criminal court to suspend proceedings and certify the case to juvenile court.

When a juvenile is to be proceeded against as an adult and has been located in another state, the Fugitive/Warrant Detail should be notified. The investigating detective shall follow their advice as to the necessary papers and procedures to follow.

• 5-02/120.25 - Juveniles, Fugitives From Another State [216(B) WIC]

Any juvenile who commits a crime outside this state and flees into this state, shall be proceeded against as an adult (see section 5-02/120.20).

• 5-02/120.30 - Returned by Federal Officers

A juvenile may be returned to this jurisdiction by federal authorities if he has violated a federal statute as well as a state law, is apprehended in another state, and the investigating detective assures that the juvenile will be dealt with in the juvenile court. To request federal authorities to return a juvenile, the investigating detective shall request the FBI to investigate and institute proceedings for the return of the juvenile by the United States Marshal. This procedure is discretionary with the federal authorities.

• 5-02/130.00 - Juvenile Releases

A juvenile released from custody by members of this Department shall be released to his parent, guardian, or responsible adult.

• 5-02/130.05 - Release From a Station/Unit

To release a juvenile from a station/unit, the deputy shall complete the release section of the Booking and Property Record form (SH-J-293) and ensure that the AJIS computer is updated. The release may be made prior to the investigation if the welfare of the juvenile or the community will not be endangered. Station/unit policy shall determine whether the juvenile shall be cited to return at a specified time.

• 5-02/130.10 - Release From LAC/USC Medical Center Jail Wards

To release a juvenile from the LAC/USC Medical Center Jail Wards, the requesting deputy shall send the release via JDIC to the Jail Booking Office who shall contact the medical center. The juvenile shall be released forthwith if he is in condition to leave the hospital. The minor shall be released through Eastlake Juvenile Hall so that the minor’s property can be collected. If he is unable to leave, he shall be moved by

medical center personnel to an open ward. Detention control, juvenile hall, shall be notified of the release.

NOTE: Juveniles shall not be released as long as any detaining order or hold is on file.

• 5-02/130.15 - Release From Juvenile Hall

Juveniles not detained by a detention order, juvenile court warrant or CYA order, may be released upon authority of the investigating detective. The deputy shall telephone the detention control officer of juvenile hall and give the following information:

- Name of juvenile;
- To whom he is being released;
- Date and time he will be called for; and
- Name of deputy authorizing release.

• 5-02/130.20 - Release on Juvenile Court Warrant, Detention Order or CYA Order

Juveniles detained by a detention order, juvenile court warrant or a CYA order cannot be released without an "In-and-Out" Order. On a detention order or juvenile court warrant, the in-and-out order must be signed by the superior court. On a CYA order, it is necessary to obtain the in-and-out order from the youth authority board.

• 5-02/130.25 - Superior Court In-And-Out Order

To obtain an in-and-out rrder from the superior court, the investigating detective shall submit a request for same to the court of jurisdiction as soon as possible to allow sufficient time to process the order. The request shall contain the following information:

- Name of juvenile;
- Name of deputy requesting removal;
- Purpose of removal;
- Date and time of removal (cannot be overnight);
- Whether minor has or has not been advised of the request; and
- Names of transporting deputies.

The in-and-out order shall then be submitted to the intake probation officer who shall obtain the order from juvenile court.

• 5-02/130.30 - CYA In-And-Out Order

To obtain an in-and-out order from the youth authority board, the investigating detective shall submit a request

for same to them, and include the following information:

- Name of juvenile;
- File number of case;
- Date and period of time for which the order is to be effective;
- Necessity for the order;
- Deputy requesting the order; and
- Names of transporting deputies.

The requesting detective shall submit the request to the clerk of the youth authority board who shall obtain the order from a member of the board.

Upon receipt of an in-and-out order, the requesting detective shall deliver the order to juvenile hall. The requesting detective is responsible for effecting transportation of the juvenile.

> **NOTE:** If the juvenile is confined in the county jail on a CYA order, the detective shall deliver the in-and-out order to the Transportation Bureau, who will effect the necessary transportation.

• 5-02/140.00 - Escaped Juveniles

An escaped juvenile is one who has escaped from California Youth Authority facilities (1768.7 WIC), from a probation officer or Probation Department juvenile facilities (871 WIC), or from the custody of the Sheriff's Department (4532 PC).

• 5-02/140.04 - Escaped Juvenile - Probation Department

On being notified of an escaped juvenile from the Probation Department, the Sheriff's station/unit receiving the call shall complete the Runaway Juvenile Report (SH-R-191), assign an URN and send a JDIC broadcast (including information that the broadcast and report are automatically inactive after 15 days). The broadcast shall serve as the incident report.

The Probation Department facility shall be notified when a juvenile is apprehended. They will determine if the juvenile will be returned to the facility or sent to juvenile hall.

If the juvenile has not been located within 15 days and the probation officer did not obtain a warrant, the juvenile shall be considered as no longer wanted.

All cases of escaped juveniles from a Probation Department facility located within Sheriff's station/unit jurisdiction are assigned to station/unit detectives.

• 5-02/150.00 - Warrants and Subpoenas

[Title Only]

• 5-02/150.05 - Juvenile Court Warrants

For the purpose of service, a juvenile court warrant is considered a felony warrant.

The Records and Identification Bureau will receive the juvenile court warrant. The warrant shall be entered into the Countywide Warrant System (CWS) and the Wanted Persons System (WPS), if applicable, of the California Justice Information System (CJIS). The warrant shall be filed in the central warrant file.

> **NOTE:** All other procedures concerning maintenance of files, responsibility, and accountability shall be as documented in section 5-07/110.55 Superior Court felony arrest warrants.

• 5-02/150.10 - Arrests on Juvenile Warrants and Orders

Juveniles arrested as a result of a warrant can be immediately taken to court. Normally, the juvenile shall be transported by the arresting deputy and detained at juvenile hall and a copy of the warrant or abstract left at juvenile hall.

Juveniles arrested for violation of court ordered conditions of release will immediately be referred to the field or community detention probation officer (CDP). The field or CDP officer shall make the determination to release or detain the minor.

Deputies shall transport the minor to the appropriate juvenile hall, and will furnish the probation officer at juvenile hall with a Juvenile Hall Entrance Record (76E608J) and a probable cause declaration.

Violation of conditions of probation as enumerated in a JAI printout will be handled as described in 625 and 626 WIC. However, only the probation officer can file a violation of probation report.

• 5-02/150.15 - Arrest Without Warrant in Possession

The unit possessing a warrant shall, upon notification by the arresting unit, deliver the warrant to the court.

Juveniles arrested on the authority of a CYA Order to return to custody shall be detained in juvenile hall and the CYA notified as soon as possible of the arrest.

The arresting deputy shall return the execution portion of the order via U.S. mail to the CYA area office that issued the warrant.

• 5-02/150.20 - Out-Of-County Warrant

Warrants of arrest issued by another California county for juveniles within Los Angeles County shall be handled the same as those issued in this county. The unit having final assignment of the warrant shall be responsible for the disposition of the warrant (i.e., notification to the out-of-county agency, transporting or

arranging for transportation, or return of unserved warrant).

All warrants for juveniles issued by a California court must be issued by a juvenile court, unless the juvenile has been declared unfit.

• 5-02/150.25 - Out-Of-State Warrants

Out-of-state warrants shall be assigned to the Major Crimes Bureau, which shall be responsible for locating, arresting, and transporting the subject and determining true age. Arrested juveniles shall be detained in juvenile hall.

The juvenile shall be proceeded against as an adult [216(b) WIC] (See section 5-02/120.20).

• 5-02/150.30 - Extradition Not Waived

The requesting agency shall be advised of the date of the subject's hearing, the necessity of receiving the governor's warrant prior to the hearing, and the necessity of having the agent named in the governor's warrant present at the hearing.

• 5-02/150.35 - Warrants Issued by Courts Other Than Juvenile Court for a Juvenile

Superior Courts will issue valid warrants for a juvenile when, at the time of issuance of the warrant, the court had information indicating the juvenile was 18 years or older. The majority of these warrants will be issued by the Superior Court, Traffic Division.

Warrants issued by these courts are valid warrants and must be handled as such. When a juvenile is arrested on an adult court warrant, the juvenile must appear before the court of issuance in order for the court to certify the minor to Juvenile Court or Juvenile Court, Traffic (603 WIC).

Bail can be posted, if bail is set on the warrant, and the juvenile released in the same manner as an adult.

When bail is not set or not posted and the court is in session, the juvenile will be transported to court by station/unit personnel.

All stations/units will send these juveniles to juvenile hall. The detention control officer at juvenile hall will retain the minor at the juvenile hall or issue a written promise to appear.

Station/unit personnel shall order juveniles who are held at the juvenile hall to be taken, via Transportation Bureau, to the court that issued the warrant. The issuing court will certify the case to juvenile court or juvenile court, traffic. No further action is necessary by station/unit personnel.

Station/unit detectives shall follow up on all juveniles sent to juvenile hall; and, if for any reason they do not

appear in court, the investigating detective shall submit a Detained Juvenile Petition Request (SH-CR-366) for 40508(a) CVC on traffic warrants or the original charge for which the warrant was issued on all other criminal offenses.

• 5-02/150.40 - Unserved Warrants and Orders

Out-of-county and out-of-state warrants that cannot be served shall be returned to the originating police agency with a copy of the supplemental report or letter of transmittal. Los Angeles County warrants and California Youth Authority Orders to Return to Custody shall be retained in the Records and Identification Bureau Central Warrant file.

• 5-02/150.45 - Recalled Warrants and Orders

Upon receipt of a Notice of Recall or a Superior Court Minute Order recalling a warrant, the Records and Identification Bureau shall prepare a Warrant Recall (SH-R-267).

On a warrant recall, the original letter and warrant shall be forwarded to the county clerk, juvenile court, via county messenger.

On a CYA Order Recall (Form 6488-B), the original warrant return letter and CYA order shall be forwarded via U.S. mail to the California Youth Authority, Los Angeles office.

• 5-02/150.50 - Communications Requesting Arrest

Telegrams, JDIC messages, letters, etc., received from a law enforcement agency within this state requesting the arrest of a juvenile shall be forwarded to the station/unit having geographical jurisdiction. Letters from private citizens requesting the arrest of a juvenile are treated as correspondence ONLY.

• 5-02/150.55 - Writ of Habeas Corpus

An estranged parent or other interested relative may obtain a Writ of Habeas Corpus to bring a juvenile into court for determination of custody. The writ is from the People of the State of California to an individual person or persons directing them to bring the juvenile before the court and is handled by Court Services Division (1477 PC).

• 5-02/150.60 - Warrant in Lieu of Writ of Habeas Corpus

Warrants in lieu of Writs of Habeas Corpus are from the People of the State of California to the Sheriff of Los Angeles County directing him to take the juvenile into custody and either bring him forthwith to court or to detain him in MacLaren Children's Center (300 WIC minors) or an appropriate placement as deemed by DCFS and deliver him to court within 72 hours on a certain date (1477 PC). The judge may also insert in such

a warrant a command for the apprehension of the person charged with illegal detention and restraint (1498 PC). Declared 602 WIC minors cannot be placed at MCC but must be placed in a SODA bed facility or juvenile hall.

The following requirements should be adhered to before acceptance of warrants in lieu of Writs of Habeas Corpus by this Department:

- They may be issued from any superior court in the state of California;
- They should be issued by the clerk of the superior court and when issued by the clerk they must be sealed with the seal of the court;
- They may be signed by a judge of the superior court should the court be without a clerk and, when signed by the judge, need not have the seal of the court. When not received directly from the court and without a seal, the authenticity of the signature shall be verified;
- They must be the original;
- They may be served at any time of the day or night;
- No force likely to produce serious injury or death shall be used in serving these processes; and
- No forced entry shall be used in serving these processes.

No alteration can be made on warrants in lieu of Writs of Habeas Corpus except by the judge or with his approval. If presented with any such warrant on which alterations have been made, the deputy must personally satisfy himself by proper investigation that the alteration was made by the judge or clerk who issued the warrant or order, or that it was personally approved and initialed by him before executing any such warrant or court order.

When a warrant in lieu of a Writ of Habeas Corpus is issued by a superior court outside Los Angeles County for a subject residing in Los Angeles County, the following procedure should be observed:

- The police agency in the county of issuance should send the warrant to the L. A. County Sheriff's Department requesting service of the warrant; and
- Upon service of the warrant, the subject (WIC 300 minor) will be placed in MacLaren Children's Center or an appropriate placement as deemed by DCFS and the requesting police agency notified that the subject is in custody and awaiting pick up by their department.

The appropriate station/unit shall make a first report and obtain an URN.

• 5-02/150.65 - Warrants, Probate Code 1442

Warrants may be issued under this code for children who, if they remain in custody of the persons holding them, may suffer injury or be removed from the court's jurisdiction. These warrants, from the People of the State of California to the Sheriff of Los Angeles County, direct the Sheriff to take the juvenile from the custody of one person and deliver him into the hands of another or to bring the juvenile before the court.

These warrants are subject to the same requirements as warrants in Lieu of Writs of Habeas Corpus with the following exceptions:

- They do NOT need the seal of the court; and

- They CANNOT call for an arrest of the person holding the child.

• 5-02/150.70 - Subpoena - Juvenile in Custody

Subpoenas for service on a juvenile in custody at any Los Angeles County Probation Department facility shall be handled as follows:

- If there is no detention order or juvenile court warrant, the investigating detective shall take the juvenile from his place of detention to the court of issuance; and/or
- If the juvenile is being detained at any probation department facility or placement, the subpoena shall be sent to Movement Control at Eastlake Juvenile Hall, who shall deliver the subpoena to the transportation office of the probation department at least three days prior to the date of appearance in order to allow sufficient time for processing. The probation department will then handle the transportation.

• 5-02/150.75 - Subpoenas - Juvenile Court

Juvenile court subpoenas are superior court subpoenas.

Any deputy who is unable to appear because of injury or illness or who had a conflicting court appearance shall contact the district attorney in the concerned court, or the unit's court liaison officer, at least one day in advance of the hearing date. If a subpoena is not served on a deputy because of vacation, illness, or other leave from duty, the watch commander shall contact the above persons at least one day in advance of the hearing date.

Deputy personnel shall bring all evidence and reports with them to court. Upon arrival at juvenile court, the deputy shall determine if all subpoenaed witnesses are present.

If they are not, the deputy shall contact the district attorney to determine if necessary witnesses could be located and be brought to court in order to prevent a continuance or dismissal of the case.

On those cases where all of the witnesses are present, or the missing witness is not a key witness, the deputy shall advise the district attorney that his case is ready.

• 5-02/160.00 - Abduction/Concealment in Child Custody Cases

When deputies are called upon by an estranged parent or guardian to enforce a court order granting custody or visitation rights of a child, the deputy shall encourage the concerned parties to comply with the court order. A court order is valid until terminated or modified by a new order; therefore, the more recent the issuance date, the greater the likelihood of the order being valid. A copy of a custody order uncontested as to content by the other parent would generally be sufficient to establish custody or terms of visitation.

Care must be taken to ascertain the validity of any court order prior to taking positive action. However, since the welfare of the child is of paramount concern, problematical situations shall be subject to a first report which

will enable station/unit detectives to conduct a thorough investigation. Questionable custody decrees and out-of-state orders would be included in these situations.

> **NOTE:** See section 5-02/150.55 and section 5-02/150.60 re Warrants in Lieu of Writs of Habeas Corpus.

• 5-02/160.05 - Unlawful Detention, Concealment

Section 278 PC provides for a felony/misdemeanor punishment when "every person, not having a right to custody, maliciously takes, entices away, keeps, withholds, or conceals any child with the intent to detain or conceal that child from a lawful custodian."

This section applies to any person "not having a right to custody" who maliciously takes a child. Lacking a custody order, this section is inapplicable to situations involving a mother or father who has equal custody rights; however, it would apply to any other family member who does not have the right of custody.

• 5-02/160.10 - Child Concealment

Section 278.5(a) PC provides for a felony/misdemeanor punishment when “every person who takes, entices away, keeps, withholds, or conceals a child and maliciously deprives a lawful custodian of a right to custody, or a person of a right to visitation...”

This section applies to either parent who violates any provision of a custody decree or a lawful custodian which includes a parent where a legal relationship exists between a child and the child’s natural adoptive parent (Family Code ' 7600) even if no custody decree exists.

If the court order appears to be valid and the concerned parties are not willing to comply, a report shall be written alleging the violation of section 278.5(a) PC. Because of the emotional involvement of the concerned parties, the deputy should thoroughly and carefully explain the need for obeying the conditions of the court order, and the possible ramifications of noncompliance.

Arrest of parties refusing to comply with a custody decree would normally occur after a complaint and warrant have been obtained, but that does not preclude the deputy from making an arrest should circumstances so indicate. For example, if a parent, in the presence of the officer, persists in refusing to comply with the court order, then an on-sight arrest would be appropriate.

Parental abduction cases shall be filed with the District Attorney's Special Crimes Division, Child Abduction section, unless otherwise directed by that section. No filings shall be presented to local station/unit area district attorney's offices.

• 5-02/160.15 - Protective Custody

Section 279.6 PC provides: "A law enforcement officer may take a child into protective custody under any of

the following circumstances:

- It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child, or, by flight or concealment, evade the authority of the court;
- There is no lawful custodian available to take custody of the child;
- There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child; and/or
- The child is an abducted child.

NOTE: Children taken into temporary custody under this section will not be released by the field deputy under any circumstances. The children will be released to the Department of Children and Family Services.

• 5-02/160.20 - Out-Of-State Child Custody Cases

Custody orders from other states, Canada, and Indian Tribal Nations are generally civil court orders granting custody of a minor child to one person, a parent, or guardian. Law enforcement may follow any of three options in dealing with these situations. Personnel should always consider the welfare of the child in determining the course of action.

Option 1

- Obtain a certified copy of the out-of-state, Canadian, or Indian Tribal Nation court order:
  - Must be signed by a judge from a court of competent jurisdiction; and
  - The validity of the order should be verified with the issuing court by telephone, if possible.

NOTE: Orders from conciliation courts are unenforceable as they are only a contract.

- Secure a signed statement of facts in complaining party's own words and handwriting. The statement should detail all events prior to, and following, the issuance of the order; and
- If more than one order exists, the most recent order is usually valid.

Once these procedures have been complied with, the Department's role shall be primarily to keep the peace. Personnel may make an arrest for a violation of Penal Code 278.5 but should consider this as a last resort.

NOTE: Arrests of suspected violators shall not be effected, unless the deputy verifies that the person to be arrested has previously been served with the order (see Option 2).

Option 2

In cases where conflicting orders exist, the validity of the order is in question, or proof of service is lacking, deputies should advise the complaining party to respond to the superior court of the county where the child is residing. The court's remedy (warrant, writ, order, etc.) will be to place the child with the proper parent.

Option 3

Personnel should remember that the welfare of the child is paramount.

In child custody disputes where there is the likelihood the child has unlawfully been removed from an out-of-state court jurisdiction, or there is the likelihood the child will be removed from a California court jurisdiction, the child shall be placed in protective custody, pursuant to Penal Code 279.6, and shall be referred to the Department of Children and Family Services for suitable placement. This also applies to orders issued from Canada and the Indian Tribal Nations.

Absent any evidence of physical or sexual abuse, the minor shall not be detained pursuant to a Welfare Institutions Code 300 investigation.

Questions should be directed to the deputy district attorney in charge of special operations.

• 5-02/170.00 - Emancipated Minors

The "Emancipation of Minors Act," 62 Civil Code eq seq., defines emancipation and enumerates the rights, liabilities, and privileges thereof.

An emancipated minor is any person under the age of 18 years who:

- Enters into a valid marriage;
- Is on active military duty; and/or
- Has been declared emancipated by the superior court pursuant to 64 Civil Code.

Emancipated minors are considered adults for purposes of entering into binding contracts, buying and selling property, and generally controlling their own finances. For law enforcement's concerns, emancipated minors:

- May consent to medical, dental, or psychiatric care;
- Have no right to parental support; and
- Are exempt from the provisions of sections 300 and 601 WIC.

Minors, 14 years of age or older, may petition the superior court for a declaration of emancipation. They must be able to show that they are willingly living separate and apart from their parents or guardians with their consent and acquiescence and managing their own lawful financial affairs.

NOTE: Parents or guardians may not petition the court for the emancipation of their minor child.

• 5-02/170.05 - Procedures for Handling Emancipated Minors

When deputy personnel encounter alleged emancipated minors in field situations, every effort should be made to verify emancipation.

If the issue of emancipation cannot be resolved, and it appears that the minor may be a dependent (300 WIC) or status offender (601 WIC), deputy personnel shall handle the situation as they would if the minor was not emancipated. The investigating detective assigned to the case will resolve the issue of emancipation and

make the appropriate disposition.

Emancipated minors of school age are still subject to the provisions of the California Compulsory Education laws; thus, suspected truants may be detained and returned to school officials (48264 and 48265 Ed.C.).

Emancipated minors suspected of committing criminal violations (602 WIC) shall be handled as any other minor. If the investigator determines that an emancipated minor shall be the subject of a nondetained juvenile petition request, the minor shall be released without any requirement for a parent to take custody.

Emancipated minors may apply to the Department of Motor Vehicles for a California Identification Card (or a driver's license if 16 years of age or older), which states the fact of their emancipation. All court-ordered emancipations are routinely indexed into the DMV computer; a query may resolve the issue of emancipation.

• 5-02/180.00 - Juvenile Diversion Program

The Juvenile Diversion Program was developed in conjunction with the Youth Diversion and Development Unit (YDD), County of Los Angeles. These guidelines were developed as a tool to support the Department to standardize and coordinate protocol to effectively divert juveniles from involvement or increased involvement in the justice system in alignment with standards for youth diversion in Los Angeles County.

This policy was developed to be an effective, equitable, cost-saving practice in juvenile justice diversion. Incorporating these procedures will help to promote fair, consistent, and effective practice across the Department.

Procedures not covered in the Juvenile Diversion Program policy shall be governed by the Department's juvenile policy (sections 5-02/000.00 through 5-02/170.05)

• 5-02/180.05 - Definitions Related to the Juvenile Diversion Program

Diversion: An intervention that redirects a response to law enforcement contact (e.g., providing an alternative to detention or citation) in order to prevent a juvenile's involvement or increased involvement in the justice system and to better align the response to youth development and underlying needs.

Detention/Arrest: The detaining of a youth by a peace officer which may include being taken into custody or restrained for a period of time in a manner authorized by law.

Youth/Juvenile: A person under the age of 18 years.

Citation: A written order to appear before a magistrate or probation officer at a later date in lieu of being detained and delivered to juvenile authorities for a violation of law.

Booking: The processing (e.g. fingerprinting, photographing, creation of criminal record identification number) of an arrest by a peace officer.

• 5-02/180.10 - Determining Eligibility and Suitability for Diversion

All juveniles are eligible for diversion unless, in accordance with section 625.3 WIC, they are 12 years of age or older and have been taken into custody by an officer for the personal use of a firearm in the commission or attempted commission of a felony or for any offense listed in section 707(b) WIC. Underlying circumstances that would be better addressed by school administration, family/caregivers, or other youth-serving systems should also be considered.

In some cases, juveniles may be eligible for diversion but not deemed suitable at the point of detention or citation due to extenuating circumstances. These cases may subsequently be deemed suitable for diversion by probation, the district attorney's office, or the court.

In alignment with county standards for youth diversion, opportunities for diversion should not be denied solely based on a juvenile's previous diversion referral, whether successfully or unsuccessfully completed.

• 5-02/180.15 - Diversion at the Point of Detention (Arrest)

Department members have discretion to divert various offenses to diversion in lieu of a detention or citation in order to better meet underlying needs. Diversion is encouraged at the earliest possible point of contact in a status offense, vehicle code violation, misdemeanor, or low-level felony cases, preferably before the juvenile is booked.

While it is preferable to divert the juvenile prior to booking, circumstances of the encounter might be deemed unsuitable for pre-booking diversion by the detention deputy or the juvenile detective. In those instances, consideration should be given to completing the booking process, and then allowing the juvenile to participate in the diversion program prior to submitting the case to the district attorney's office or the probation department.

In cases where diversion is suitable and approved by the watch commander, an Incident Report (SH-D-49) and a Youth Diversion Referral Form (YDR) shall be completed with a uniform report number (URN), utilizing the statistical code 827 – Juvenile Diversion (Criminal), as a secondary statistical code. The incident report shall be processed in accordance with Department policy (see section 5-02/020.05, Juvenile Forms). The incident report and the YDR form shall be retained by the station detective/juvenile detective and tracked for completion of the diversion program through the Los Angeles Regional Crime Information System (LARCIS). A copy of the YDR form shall be forwarded to the Community Based Organization (CBO) by the handling detective.

Non-criminal diversion referrals are not tracked for completion by the Department (see section 5-02/180.10, Procedures for Diversion - Non-criminal Offense/Behavior), however, they will be tracked for statistical purposes. Therefore, all non-criminal diversions must be cleared in the deputy's daily worksheet (DDWS) with statistical code 826.

Although not all offenses suitable for diversion can be listed, below are examples of eligible offenses appropriate for diversion at the point of detention or citation:

- Status offense cases (i.e. curfew, 601(a) WIC - truancy, 601(b) WIC);

- Misdemeanor cases (i.e., petty theft, 484(a)PC - trespassing 602 PC); and
- Low-level felonies (i.e., burglary 459 PC - weapons 417(a) PC, 466 PC (non - WIC 707(b) offenses)).

• 5-02/180.20 - Procedure for Diversion

Non-criminal offense/behavior

- Deputy personnel may refer juvenile and parent/guardian to a diversion program with a Community Based Organization (CBO);
- Youth Diversion Report Form (YDR) shall be completed and submitted to the Youth Diversion and Development Unit (YDD) via the station secretariat;
- Detailed log entry is made, utilizing the clearance code of 826 – Juvenile Diversion (non-criminal), for statistical purposes; and
- This referral is not tracked by the Department for completion of diversion.

Status offense truancy/incorrigible under 601 WIC

- Check of juvenile's criminal history/JAI/LARCIS system for prior diversion and referrals;
- Youth and parent/guardian must agree to voluntary conditions of diversion;
- Advise the watch commander of the request for diversion;
- An incident report and YDR shall be completed and submitted pursuant to Department policy;
- Release youth to parents/guardian upon completing of the YDR;
- Complete and submit all necessary forms for approval;
- Assign case to the station detectives/juvenile detective who will arrange contact with juvenile and CBO;
- Detectives submits referral to YDD-funded CBO;
- CBO provides proof of enrollment and progress updates to YDD and Department; and
- Upon successful completion of the diversion program, detectives may clear the case using the Disposition Code 51B, Juvenile Diverted Successful/Complete, and may be recommended additional agency programs (i.e., VIDA).

Criminal offense under 602 WIC

- Check of juvenile's criminal history/JAI/LARCIS system for prior diversion and referrals, juvenile may not currently be in a diversion program;
- Youth and parent/guardian must agree to voluntary conditions of diversion;
- Advise the watch commander of the request for diversion;
- An incident report and YDR shall be completed and submitted pursuant to Department policy;
- Release youth to parents/guardian upon completing of YDR;
- Complete and submit all necessary forms for approval;
- Assign case to the station detectives/juvenile detective who will arrange contact with juvenile and CBO;
- Detectives submits referral to YDD-funded CBO;
- CBO provides proof of enrollment and progress updates to YDD and Department; and
- Upon successful completion of the diversion program, detectives may clear the case using the

Disposition Code 51B, Juvenile Diverted Successful/Complete, and may be recommended additional agency programs (i.e., VIDA).

Criminal offense under 625.3 WIC and 707(b) WIC

- Youth is NOT eligible for diversion pursuant to 625.3 WIC (offenses listed in 707(b) WIC) or is on current diversion for the same violent offense; and
- Juvenile is detained or cited and released to parents/guardian or transported to a juvenile detention facility. Petition/case forwarded for filing.