

5-07/010.05 - Time of Admonition

Adults

An adult suspect(s) need not be advised of his/her constitutional rights (Miranda advisement) unless a deputy intends to question him/her.

Juveniles

Juveniles 15 years of age or younger: Welfare and Institutions Code (WIC) section 625.6 states that a juvenile 15 years of age or younger **shall** consult with legal counsel in person, by telephone, or by video conference prior to a custodial interrogation **and** before the waiver of any Miranda rights. The consultation may not be waived.

Exceptions to the law regarding providing immediate legal counsel are:

- When the juvenile makes a spontaneous statement;
- The juvenile is 16 or older;
- The juvenile is not in custody;
- The juvenile is not being interrogated; or
- If both of the following criteria are met;
 - When a juvenile is questioned by a deputy who reasonably believes the information sought was necessary to protect life or property from an imminent threat; **and**
 - The deputy's questions were limited to those questions that are reasonably necessary to obtain that information.

Juveniles (16 and 17 years of age): In accordance with section 625 WIC, the arresting deputy shall advise a juvenile of his/her constitutional rights immediately upon taking him/her into custody even if the arresting deputy does not intend to question the juvenile; however, after a Miranda advisement has been given, deputies shall refrain from requesting the juvenile waive his/her constitutional rights unless they are handling the case to conclusion or when those circumstances outlined in section 5-07/010.15 apply. The juvenile must intelligently, knowingly, and voluntarily relinquish his/her rights before any questioning by deputies.

No Miranda Advisement is required under the following circumstances:

- An ordinary traffic citation is issued;
- When a deputy is conducting a field sobriety test;
- A person approaches a deputy in the field or at a station and tells the deputy that he/she wants to confess to a crime;
- A deputy is engaged in general on-the-scene questioning for facts surrounding a crime or other general questioning of civilians in the fact-finding process;
- Without being questioned, a suspect offers a confession or any other statement;
- When there is an immediate threat to officer/public safety (e.g., interrogation about the presence of weapons and accomplices, explosives, discarded narcotics, or the whereabouts of kidnap victims);

- A suspect's attorney is present; or
- A suspect doesn't know he/she is being questioned (e.g., questioning by an undercover officer).

The deputy shall advise a suspect of his/her rights and solicit a waiver of those rights before any interrogation. The deputy shall ensure that the suspect's waiver of rights has been made intelligently, knowingly, and voluntarily.
