

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.
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