

21-004 - Juvenile Diversion Program

Los Angeles County Sheriff's Department FIELD OPERATIONS DIRECTIVE



JUVENILE DIVERSION PROGRAM

PURPOSE

The purpose of this Field Operations Directive is to establish policy and procedures to be used to effectively divert juveniles from involvement or increased involvement in the justice system in alignment with the standards for youth diversion in Los Angeles County. The Juvenile Diversion Program was developed in conjunction with the Youth Diversion and Development Unit (YDD), County of Los Angeles.

DIVERSION ELIGIBILITY

The following eligibility factors must be met in order for a juvenile to qualify for diversion:

- Juvenile and parent/guardian must agree to voluntary conditions of diversion; and
- The watch commander must approve.

PROCEDURE

The following information documents the steps to refer a juvenile for criminal and non-criminal diversion. Department members have discretion to divert juveniles for various non-criminal behavior and criminal offenses in lieu of a formal detention or citation.

Diversion is encouraged at the earliest possible point of contact, whether non-criminal, status offense, vehicle code violation, misdemeanor, or low-level felony cases. If possible, the diversion should take place before the juvenile is booked.

Patrol - Non-Criminal Referral

When at risk behavior is present that is not a violation of the law, deputy personnel may refer juveniles and parent(s)/guardian(s) to a diversion program with a Community Based Organization (CBO). Parents may also contact station personnel to voluntarily submit a juvenile application for diversion.

The following list are the steps that must be completed for a non-criminal/voluntary, juvenile submission to a diversion program:

- Check juvenile's criminal history/Juvenile Automated Index (JAI)/Los Angeles Regional Crime

Information System (LARCIS) for prior diversion and referrals;

- Youth and parent/guardian must agree to voluntary conditions of diversion;
- The watch commander must be advised and approve of the request for diversion;
- Generate a Mobile Digital Computer (MDC) observation in order to create an incident/tag number. Clear the observation with a detailed and complete log clearance. Use statistical clearance code 826;
- Complete the Youth Diversion Referral Form (YDR) including the parent's signature and incident/tag number;
- Complete and submit all necessary forms for approval; and
- The YDR form will then be forwarded to the YDD by the station secretariat.
 - Note-This referral is not tracked by the Department for completion of diversion.

Juvenile Detained - Patrol Responsibilities

Only certain criminal offenses committed by juveniles qualify for diversion. Below are examples of eligible offenses appropriate for diversion at the point of detention or citation. These offenses include but are not limited to:

- Status offenses – Curfew (601(a) WIC), Truancy (601(b) WIC);
- Misdemeanor offenses - Petty theft (484(a)PC), Trespassing 602 PC;
- Low-level felony offenses - Burglary (459 PC), Weapons violations (417(a)) PC; and
- Any offenses not listed in WIC 707(b). * See *Disqualifying Factors below*.

The following steps shall be taken to submit a detained juvenile to a diversion program:

- Juvenile and parent/guardian must agree to voluntary conditions of diversion;
- The watch commander must approve;
- Complete an **Incident Report (SH-R-49) and a YDR;**
 - Use the appropriate criminal statistical code for the uniform report number (URN);
 - Use statistical code 827 – Juvenile Diversion (Criminal), as a secondary statistical code; and
 - No citation or booking number is required.
- Assign case to station/juvenile detectives; and
- Release youth to parents/guardian upon completing of YDR;

Juvenile Detained - Detective Responsibilities

Station detectives will receive the cases that have been submitted to diversion from patrol. They shall insure the previous steps have been completed as well as the following:

- Retain the incident Report and the YDR form submitted by patrol;
- Arrange contact between the juvenile, parent(s)/guardian(s) and CBO, and forward a copy of the YDR form to the assigned Community Based Organization (CBO);
- Track the cases through the Los Angeles Regional Crime Information System (LARCIS) to insure completion of the diversion program;
- CBO provides proof of enrollment and monthly progress updates to the detective and YDD;

- Upon successful completion of the diversion program, detectives may clear the case using the Disposition Code 51B, Juvenile Diverted Successful/Complete; and
- The juvenile may be recommended for additional agency programs (i.e., VIDA).

In the event a juvenile has been detained and not submitted for diversion, a detective may submit a referral to diversion prior to filing the case. The detective shall complete the above steps including the following:

- Determine youth's suitability for diversion after criminal complaint is received;
- Check of juvenile's criminal history/JAI/LARCIS system for prior diversion and referrals; and
- Complete the YDR and forward the referral to the YDD/CBO for diversion.

Note: Upon failure of a diversion program, detectives may re-arrest and seek criminal filing within statute of limitations.

DISQUALIFICATION FACTORS

A juvenile is NOT eligible for diversion when the above criteria is not met or they have one or more of the following disqualification factors:

- The detained juvenile was cited and released to parent(s)/guardian(s) and the case was filed;
- The detained juvenile was transported to a juvenile detention facility;
- The juvenile is currently on diversion for the same offense;
- Use of a firearm to commit a felony 625.3 WIC;
- Any case in which a minor is alleged to be a person described in Section 602 or 707 (b) WIC by reason of the violation of one of the following offenses:
 - Murder or attempted murder;
 - Arson, as provided in subdivision (a) or (b) of Section 451 of the Penal Code;
 - Robbery;
 - Rape with force, violence, or threat of great bodily harm;
 - Sodomy by force, violence, duress, menace, or threat of great bodily harm;
 - A lewd or lascivious act as provided in subdivision (b) of Section 288 of the Penal Code.
 - Oral copulation by force, violence, duress, menace, or threat of great bodily harm;
 - An offense specified in subdivision (a) of Section 289 of the Penal Code;
 - Kidnapping for ransom, or purposes of robbery or causing bodily harm;
 - Assault with a firearm or destructive device or any means of force likely to produce great bodily injury;
 - Discharge of a firearm into an inhabited or occupied building;
 - An offense described in Section 1203.09 of the Penal Code;
 - An offense described in Section 12022.5 or 12022.53 of the Penal Code;
 - A felony offense in which the minor personally used a weapon described in any provision listed in Section 16590 of the Penal Code;
 - A felony offense described in Section 136.1 or 137 of the Penal Code;
 - Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a controlled substance specified in subdivision (e) of Section 11055 of the Health and Safety Code;

- A violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, which also would constitute a felony violation of subdivision (b) of Section 186.22 of the Penal Code;
- Escape, by the use of force or violence, from a county juvenile hall, home, ranch, camp, or forestry camp in violation of subdivision (b) of Section 871 if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape;
- Torture as described in Sections 206 and 206.1 of the Penal Code;
- Aggravated mayhem, as described in Section 205 of the Penal Code;
- Carjacking, as described in Section 215 of the Penal Code, while armed with a dangerous or deadly weapon;
- Kidnapping for purposes of sexual assault, as punishable in subdivision (b) of Section 209 or 209.5 of the Penal Code;
- The offense described in subdivision (c) of Section 26100 of the Penal Code;
- The offense described in Section 18745 of the Penal Code; and
- Voluntary manslaughter, as described in subdivision (a) of Section 192 of the Penal Code;

ATTACHMENTS

[Youth Diversion Referral Form](#)

[REDACTED TEXT]

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