21-004 - Juvenile Diversion Program and Sealing of Juvenile Records

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services

JUVENILE DIVERSION PROGRAM AND SEALING OF JUVENILE RECORDS

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 Los Angeles County Department of Youth Development (DYD). In addition, this Field Operations Directive outlines the procedures for sealing juvenile records following the successful completion of the Juvenile Diversion Program. By diverting youths at the earliest possible point, the Department can significantly reduce the number of youths entering the justice system and address underlying issues that contribute to delinquent behavior. This proactive measure aligns with the goals of the Department and plays a crucial role in lowering recidivism rates.

Furthermore, by emphasizing diversion over formal arrest processing, the Department fosters increased cooperation and trust between law enforcement and the communities it serves. Engaging with Community-Based Organizations (CBOs) and working collaboratively with families and local leaders strengthens these relationships and demonstrates a shared commitment to the well-being and development of the community's youth. This partnership enhances public safety while promoting positive outcomes for at-risk youth.

Pursuant to Welfare and Institutions Code (WIC) 781, juveniles may petition to have their records sealed. An outline of procedures is set forth below to assist station detectives in sealing juvenile arrest records, per WIC 827.95.

DIVERSION ELIGIBILITY

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

- Juvenile was lawfully detained for qualifying offense (see Disqualifying Factors listed below); and
- Juvenile and parent/guardian must agree to voluntary conditions of diversion; and
- The watch commander must approve.

DISQUALIFICATION FACTORS

A juvenile is NOT eligible for diversion when the above criteria are 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, pursuant to 625.3 WIC;
- **Any case in which a minor is alleged to be a person described in Section 602 WIC 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;
    - Crimes against Elders, as described in Section 1203.09 of the Penal Code;
    - Personal use of a firearm to commit or attempt to commit a felony, 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 (bribing, intimidating, or threatening witnesses);
- 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 (firearms used in and from a motor vehicle);
- The offense described in Section 18745 of the Penal Code (use of destructive device or explosive with intent to commit murder); and
- Voluntary manslaughter, as described in subdivision (a) of Section 192 of the Penal Code;

PRE-BOOKING

Utilizing pre-booking diversion programs offers an effective alternative to formal processing within the juvenile justice system. This approach helps prevent the creation of a criminal record, which can lead to future obstacles for the juvenile, thereby safeguarding their potential for future opportunities.

Field personnel shall offer youth diversion before booking juveniles when doing so is both legally permissible and when the criteria outlined below are met.

NOTE: "Booking" refers to the process of fingerprinting, issuing a booking number, or photographing the juvenile(s) by Department personnel.

All diversion referrals, whether pre-booking or post-booking, must first be approved by the watch commander as outlined under the below procedure. **If diversion is not offered during pre-booking, an entry shall be made in the watch commander's log with an explanation of the reason(s) why it was not offered.**

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 CBO. Parents may also contact station personnel to voluntarily submit a juvenile application for diversion.

The following steps 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 (YDR) Form 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 DYD 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).

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 ensure the previous steps have been completed as well as the following:

- Review all reports (SH-R-49, CHP-180, supplemental reports, Body Worn Camera, etc.) associated with the case;
- 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 ensure completion of the diversion program;
- CBO provides proof of enrollment and monthly progress updates to the detective and DYD;
- 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 eligibility 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 DYD/CBO for diversion.
- Obtain approval from the shift watch commander or Detective Bureau supervisor (rank of Sergeant or above).

NOTE: Upon failure to complete the diversion program, detectives may re-arrest and seek criminal charges within the statute of limitations.

SEALING RECORDS - STATION RESPONSIBILITIES

Upon juvenile completing a Diversion program, station Detectives shall:

- Notify Records and Identification Bureau (RIB) of completion of Diversion program.
- Following notification from RIB (Memo for sealing), the handling detective should:
    - Provide a memo for the supervising secretary who will purge all records on hand.
    - Memorandum, along with records, is transferred to the DB Secretary.
        - DB Secretary purges all DB documents related to the case.
        - DB Secretary will send all hard copies to RIB for sealing.

If a Court Order for Sealing is received:

- RIB will contact the respective station detective to seal arrest records.
- Memorandum is given to the supervising secretary, who will purge all records on hand.
    - Memorandum, along with records, is transferred to the DB Secretary.
        - DB Secretary purges all DB documents related to the case.
        - DB Secretary will send all hard copies to RIB for sealing.

SEALING RECORDS – RIB RESPONSIBILITIES

Upon receipt of notification that a juvenile has successfully completed a Diversion Program, RIB shall:

- Assign appropriate staff to initiate the sealing process.
- Prepare and send a Memorandum for Sealing to the originating station directing them to:
    - Upload all case-related documents.
    - Return all physical copies of records to RIB for purging.
    - Ensure the signed memorandum is returned to RIB within two (2) weeks of the memo date.
- Upon receipt of all required documentation, RIB shall complete the sealing of records in all required Department systems, including:
    - CCHRS
    - LARCIS
    - RAJIS
    - SECDA
- Once sealing is completed in all Department systems, RIB shall issue a compliance letter to the originating Juvenile Office confirming completion of the process.

ATTACHMENTS

Youth Diversion Referral Form

REFERENCES

Los Angeles County Department of Youth Development contact:

Marjan Goudarzi, Diversion Program Director, (323) 837-8697, mgoudarzi@dyd.lacounty.gov

Welfare and Institutions Code - ARTICLE 20. Wards—Modification of Juvenile Court Judgments and Orders. WIC 781

Welfare and Institutions Code - ARTICLE 22. Wards and Dependent Children—Records. WIC 827.95