



JUVENILE PROCEDURES
GENERAL ORDER #22.03

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Persons Affected: All sworn personnel

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IACLEA Standards: 8.4.1, 8.4.2

Revision History

Replaces SUDPS General Order #22.03 (08/25/2020)

PURPOSE

The purpose of this Order is to define the procedures that shall be used by SUDPS deputies during a detention or arrest of a juvenile.

POLICY

It shall be the policy of the Sheriff's Office and the Stanford University Department of Public Safety (SUDPS) to protect the rights of the juvenile offender. Whenever appropriate, community resources will be utilized as an alternative to the justice system. In determining disposition, the alternative that is least restrictive to the juvenile is preferred, provided such alternative is compatible with the best interests of the juvenile and community. Juveniles may be detained in the SUDPS temporary holding facility (THF) that is compliant with Titles 15 and 24 of the California Code of Regulations for the temporary custody of juveniles. Secure detention or confinement of juveniles shall only be used when it is necessary, authorized by law, and the procedures outlined by this General Order and General Order 22.04 are followed. In all other situations, juveniles shall be held in non-secure custody. Refer to General Order 22.04 – Temporary Holding Facility for additional information pertaining to the secure and non-secure detention of juveniles.



PROCEDURE (IACLEA 8.4.1, 8.4.2)

For the purpose of these procedures, a juvenile is a person under the age of eighteen (18) years. A juvenile must come under the Welfare and Institutions Code sections 300, 601 or 602 before he or she can be taken into custody. Authority to take a juvenile into custody is set forth in Welfare & Institutions Code sections 625 and 625.1.

A. DEPUTY RESPONSIBILITIES

Whenever a juvenile is taken into custody as set forth in Welfare & Institutions sections 305 or 625, it shall be the arresting deputy's responsibility to ensure all of the following:

1. Notify the Field Supervisor, or in his or her immediate absence, *the on duty Field Operations Lieutenant or Captain*, of any juvenile arrest which requires the transporting of the minor to SUDPS or to Juvenile Hall for processing or further investigation. Special care should be made to ensure minors are not brought into contact with adult suspects or prisoners.
2. Advise the juvenile of his or her Miranda rights as set forth in Welfare & Institutions Code section 625 when the minor is arrested for either a 601 or 602 Welfare & Institutions Code violation. Miranda is required for all juvenile arrests, even if there is no interrogation.
3. Prior to a custodial interrogation, and before the waiver of Miranda rights, a juvenile seventeen (17) years or younger **shall** consult with legal counsel in person, by phone, or video conference. The consultation cannot be waived (California Penal Code section 625.6.)

The only exception to this rule is when the deputy reasonably believes the information sought is necessary to protect life or property **and** the questions are limited to those questions that are reasonably necessary to obtain that information [California Penal Code section 625.6 (c).]

The Santa Clara County Public Defender's Office has a dedicated phone number for the on-call attorney who will be available to provide consultations for all youth 15 and younger pursuant to this legal requirement. The request for consultation by phone, video conference or in-person can be facilitated by calling the on-call attorney 24/7. The phone number is (408)529-0881. *Conversations between a juvenile and legal counsel are to be treated as privileged and confidential.*

4. Take immediate steps to notify parents or guardian per Welfare & Institutions Code section 308(a) and Welfare & Institutions Code section 627(a).
5. Allow the juvenile to make the necessary phone calls within one hour, as set forth in Welfare & Institutions Code section 308(b) and Welfare & Institutions Code section 627(b).



6. Deputies shall notify the school administration, preferably the principal, vice-principal or school counselor, prior to contacting a juvenile on a school campus. The deputy shall advise the school administrator of the purpose of the contact, since the school is responsible for the child during school hours. Upon completing an interview or arrest, the deputy shall let the school administrator know the disposition of the contact before leaving the school. A school resource officer *from the jurisdiction the school is in* or a detective from the Investigative Services Division (ISD) may provide assistance to arrange contact between the investigating deputy and administrative staff.
7. The deputy should use his or her discretion when interviewing a child on a school campus. If an interview is conducted on a school campus, the deputy shall contact the parents or guardian immediately after the interview.
8. *The deputy shall monitor and/or supervise the juvenile for the duration of the detention until released in a manner defined in this Order or transferred to another agency.*

B. DETENTION PROCEDURES

1. Deputies shall not detain juveniles in any SUDPS facility in secure detention or confinement, *unless it complies with Titles 15 and 24 of the California Code of Regulations for temporary custody*. Secure detention is when a juvenile being held in temporary custody is locked in a room, or enclosure, and/or is handcuffed to a stationary object. Mere handcuffing alone does not constitute a secure detention. Confinement is when a juvenile is held in detention behind a locked door, or restriction of movement by means other than handcuffs.
2. When a deputy contacts a juvenile, who is related to a crime or is the subject of a criminal investigation, the deputy will contact the parent and/or guardian in person or by telephone as soon as practical, to assure that they understand the reason for detention and resulting disposition. In order not to jeopardize the investigation process or compromise the safety of the public or deputies, notification may be made at the conclusion of an investigation, detention or arrest.
3. The intent of temporary custody of juveniles is to allow deputies time to complete juvenile investigations, complete necessary forms, and to arrange release of juveniles to appropriate persons or agencies. At no time during temporary custody shall a juvenile be subject to any discipline, punishment, or corrective action as a consequence to the detention.
4. Juveniles exhibiting suicidal behavior in either words or actions will be treated as outlined in Welfare & Institutions Code section 5150. Juveniles taken into custody under Welfare & Institutions section 5150 shall be transported to Emergency Psychiatric Services at Valley Medical Center or to Stanford Hospital.



C. JUVENILE CONTACT REPORT (JCR)

Deputies shall complete a Juvenile Contact Report in the following instances:

1. When the offender is incarcerated into Juvenile Hall per Welfare & Institutions Code section 625.
2. When the offender is issued a citation for a non-traffic offense per Welfare & Institutions Code section 625.
3. When the juvenile is taken into protective custody.

D. FINGERPRINTING AND PHOTOGRAPHING JUVENILES

Fingerprints and photographs may be taken in the following instances based on need, except where taking of fingerprints would be inadvisable, such as in the case of very young minors:

1. When the offender is lawfully detained or arrested for a law violation.
2. When prints or photographs are needed to establish or verify identity.
3. When the arrested juvenile is a suspect in an additional case and prints are needed for a comparison, or photos are needed for a photo line-up.
4. When the supervisor or watch commander deems it necessary.
5. The photographing of juveniles shall not be arbitrary or indiscriminate but shall meet the minimum standard or criteria of reasonable suspicion required for a lawful detention based on articulable facts or shall be based on a voluntary consent during a consensual encounter.

E. DISPOSITION OF JUVENILE OFFENDERS

The philosophy of handling juveniles shall be to utilize community resources whenever possible. When an ISD detective is available, he or she will be responsible for determining the proper disposition of a juvenile offender. This should not be construed as relieving the investigating deputy of the responsibility for completing the investigation. When an *ISD detective* is not available, the responsibility for determining the disposition rests with the *ISD Lieutenant* and/or field supervisor.



F. JUVENILE PROBATION REFERRALS

There are two methods by which a juvenile offender may be referred to the Juvenile Probation Department:

1. Incarceration into Juvenile Hall.
2. Referring the case to the Juvenile Probation Department and requesting a petition be filed.

G. JUVENILE HALL ADMISSIONS

1. The reason for incarceration is based on the determination that the youth may be a danger to the community or to him or herself.

Incarceration into Juvenile Hall shall occur for those juveniles who present an immediate danger to themselves or to the community. The following are permissive situations for incarceration:

- a. When the juvenile is on probation and his or her probation officer formally requests that he/she be incarcerated.
 - b. When a parent or guardian refuses or is unable to take custody of the juvenile after a law violation.
 - c. When a juvenile refuses to sign a citation.
 - d. When a warrant is outstanding for the juvenile.
 - e. When the juvenile commits a crime that presents a danger to public safety and there is a reasonable likelihood of reoccurrence if not admitted into Juvenile Hall.
2. Whenever juveniles are to be booked into Juvenile Hall and they are under the influence of alcohol and/or drugs or are sick or injured, a medical clearance must be obtained prior to the incarceration at Juvenile Hall.
 3. All juvenile contact reports prepared for Juvenile Hall booking must have a statement of probable cause for either a felony or misdemeanor. The statement of probable cause should be written in the narrative portion of the JCR.

H. RELEASING MINORS TO DESIGNATED PERSONS

When deputies arrest a parent for an offense which requires booking, and the parent has his or her child with them, the following considerations should be made for releasing or securing the minor.



1. The investigating deputy should contact his or her supervisor and advise them of the details. *Palo Alto Communications* should request the on-call *Child Protective Services* (CPS)/Joint Response person respond to the location. CPS/Joint Response will conduct a simultaneous interview with the juvenile(s) and transport. The investigating deputy can make a determination on placement if in disagreement with Joint Response case worker, but this is the exception. Joint response will still transport. Joint Response shall be contacted in all cases where the investigating deputy believes the juvenile may need protective custody due to the parent's arrest for criminal violation, or there is an indication of abuse or neglect.
2. Deputies confronted with this situation shall notify the Field Supervisor, or in the absence of a supervisor, shall notify the *on-duty Field Operations Lieutenant* or in his or her absence the *Captain*. Deputies shall obtain prior approval as to establishing a suitable disposition for the minor, if CPS/Joint Response is unavailable, or *refuses* to respond.
3. If there are any circumstances which allege child abuse, neglect, or raise reasonable suspicions regarding the suitability of the minor's home, or of the person who is to take custody of the minor, then the child should be placed in the Children's Shelter. CPS/Joint Response will assist and transport the juvenile(s) to the Shelter. Deputies can provide the 300 *Welfare and Institutions* JCR, but the case worker from CPS/Joint Response is responsible for the JCR.
4. In the absence of any known or alleged disqualifying condition, a minor may, at the request of the arrested parent and with the approval of a supervisor, or CPS/Joint Response be released to a designated family member or other responsible adult known to the family whom the parent and child trust. In such cases where a minor is released to an individual so designated by the parent, the investigating deputy will document the request and disposition of the minor in the arrest report. The identity of the person taking custody of the minor shall, whenever possible, be established with positive photo identification or by other appropriate means such as can be verified or confirmed by the parent. The deputy on scene should go through the *Department of Family and Children's Services* (DFCS)/CPS to determine if the person designated to take custody of the juvenile has no prior history with CPS.
5. If the parent is reluctant or tentative about identifying or agreeing on who should take custody of the child, the minor should be taken to the Children's Shelter. An exception to this might be a case in which the juvenile is sufficiently old enough to care for himself or herself, such as a teenager who may simply need to get a ride home or have a friend come and pick him or her up.



I. RELEASING ON OWN RECOGNIZANCE

In a simple shoplifting case or other minor offense, the juvenile may be released on his/her own recognizance at the scene of the occurrence when the following conditions are met:

1. After telephone contact is made with the parent or guardian and he or she agrees with this procedure.
2. The juvenile being released is not under the influence of alcohol and/or drugs.
3. In no event shall a juvenile ever be released on his or her own if the case falls under Welfare & Institutions Code section 300. These cases require supervised adult care.

J. MEDICAL CARE FOR JUVENILES IN THE ABSENCE OF PARENTAL CONSENT

Deputies shall obtain medical care in the absence of consent of the parents or guardian of a juvenile by adherence to the following procedure that has been approved by Santa Clara County Superior Court judges. In the event of an emergency, this procedure may be initiated at any hour of any day:

1. Once the deputy has determined that a minor is in need of medical treatment, he or she should take the minor into custody under Welfare & Institutions Code section 625(c). Custody may be established at a doctor's office, hospital, clinic, juvenile's home, or other location.
2. The deputy shall then notify the on-duty juvenile probation officer, who will commence Juvenile Court proceedings and arrange for a hearing at the hospital or other designated place. The deputy may be provided with further instructions.
3. If the parent or guardian refuses to allow the deputy to enter his or her home for the purpose of taking the minor into custody or if the parent or guardian refuses to provide the deputy with information regarding the condition of the child and the deputy has reasonable cause to believe that a medical emergency exists, he or she should notify the on duty juvenile probation officer, who will arrange for an immediate Juvenile Court Hearing.
4. Nothing in these procedures should be construed to supersede the authority available to medical personnel by hospital administrative codes in treating emergencies in the absence of parent or guardian consent.