



California State University, Los Angeles
Department of Public Safety

NUMBER: IV-27 APPROVED: _____
Rick Wall, Chief of Police

EFFECTIVE:

SUPERSEDES: 3/10/2010 Reviewed/Revised: January 9, 2019

SUBJECT: **Juvenile Operations**

I. PURPOSE:

The purpose of this order is to set forth regulations governing juvenile procedures, which are consistent with federal and State mandates relating to juvenile matters.

II. POLICY:

The University Police Department shall be committed to ensuring that the letter and spirit of the law is followed in dealing with juveniles and juvenile offenders. Although the University does not have a sizable juvenile population, there is an expectation that all sworn personnel handle juveniles consistent with the limits imposed by state and federal laws.

III. DEFINITIONS:

- A. Diversion. In the broadest sense, any procedure that:
1. substitutes non-entry for official sentry into the justice process;
 2. substitutes the suspension of criminal justice proceedings for the continuation of those proceedings;
 3. substitutes lesser supervision or referral to a non-justice agency or no supervision for conventional supervision; or
 4. substitutes any kind of non-confinement status for confinement.
- B. Status Offense. An act or conduct declared by statute to be an offense only when committed by a juvenile, and adjudicated only by a juvenile court.
- C. Minor. *As used in this section, means any person 14 years of age or over and under 18 years of age.*
- D. Dependents – 300 WIC. *Includes dependent, neglected, destitute, abused children or those who are physically dangerous to the public because of mental or physical deficiency. All such protective service cases are to be adjudged “dependents of the court”.*
- E. Status Offenders, any person under the age of 18 years – 601 WIC. *Includes habitual incorrigibles, habitual runaways, truants, immoral youths, and those with dependent tendencies. Those in this category are known as “status offenders.”*

- F. Delinquents, 14 years of age or older – 602 WIC. Includes violations of federal, state and local laws. Those in this category are adjudged “delinquent.” These offenders and 601’s may become “wards of the court.”
- G. Secure Detention. Means that a minor being held in temporary custody in a law enforcement facility is locked in a room or enclosure and/or is physically secured to a cuffing rail or other stationary object. No detainees are not to be secured to a fixed or immovable object as a temporary restrain by our department.
- H. Non-secure custody. Means that a minor’s freedom of movement is controlled by means of physical barriers and/or by the staff of the facility; and (1) the minor is under constant personal visual observation and supervision by staff of the law enforcement facility; (2) the minor is not locked in a room or enclosure; (3) the minor is not physically secured to a cuffing rail or other stationary object. Detainees are not to be physically secured to a fixed or immovable object as a temporary restrain by our department.
- I. Law Enforcement Facility. Means a police facility or sheriff’s station. It does not include a jail which has the purpose of detaining adults charged with criminal law violations while awaiting trial or sentenced adult criminal offenders.
- J. In Loco Parentis. (Latin for in the place of a parent) Is a legal doctrine describing a relationship similar to that of a parent to a child. It refers to an individual who assumes parental status and responsibilities for another individual, usually a young person, without formally adopting that person. For example, legal guardians are said to stand in loco parentis with respect to their wards, creating a relationship that has special implications for insurance and workers' compensation law. By far the most common usage of in loco parentis relates to teachers and students.

1V. PROCEDURES:

- A. Jurisdiction. Jurisdiction of the Juvenile Court over minors is authorized by the following three sections of the Welfare and Institutions Code.
 - 1. 300 W&I: Dependents – includes dependent, neglected, destitute, abused children or those who are physically dangerous to the public because of mental or physical deficiency. All such protective service cases are to be adjudged “dependents of the court”.
 - 2. 601 W&I: Status Offenders, any person under the age of 18 years – Includes habitual incorrigibles, habitual runaways, truants, immoral youths, and those with dependent tendencies. Those in this category are known as “status offenders.”
 - 3. 602 W&I: Delinquents, 14 years of age or older – Includes violations of federal, state and local laws. Those in this category are adjudged “delinquent.” These offenders and 601’s may become “wards of the court.”

- B. The California State University Police Department is committed to the development and perpetration of programs designed to prevent and control juvenile delinquency. *The Department's Investigations Unit works with the Los Angeles District Attorney's Office in Los Angeles to refer delinquent juveniles to diversion programs coordinated and operated by their agency.*
- C. All agency employees are responsible for participating in and supporting efforts to reduce the occurrence of juvenile crime and delinquency on campus.
- D. The various elements of the juvenile justice system are encouraged to review and provide input and suggestions to the department on its juvenile policies and procedures. A copy of this written directive shall be distributed to the juvenile justice system contacts utilized by the department.
- E. An annual review and written evaluation of all law enforcement and prevention programs relating to juveniles shall be conducted as directed by the Chief of Police. The evaluation shall:
 - 1. Consider both the quantitative and qualitative elements of each program; and
 - 2. Make decisions regarding whether a specific program should continue to function as is, be modified, or be discontinued.
- F. Officers dealing with juvenile offenders shall use the least coercive among reasonable alternatives.
 - 1. Outright release with no further action.
 - a. Based on the judgement of the officer in consultation with the Watch Commander, a juvenile may be released in the field without further formal action. The best interests of the minor and the community shall be considered.
 - b. Documentation of such release shall be made within a written incident report *and ensure to select "Juvenile Report" in the drop down menu under additional category on the Case Management Face Page of ARMS.*
 - 2. Criteria and procedures for issuing written citations or summonses to juvenile offenders to appear in lieu of taking them into custody.
 - a. Juveniles arrested for infractions and low-grade misdemeanors should be released in the field unless circumstances indicate that it would be in the best interest of the minor and/or the public for him or her to be detained or if such release would be otherwise unlawful or inappropriate.
 - b. If a minor is detained for a non-traffic infraction or low-grade (non-violent) misdemeanor, the arresting officer may, upon approval of a supervisor, release the minor in the field. If the detention is for a 602 WIC offense, either issue a citation for release, consistent with those which meet Juvenile Traffic Court Provisions, or complete a crime incident report for the offense committed.

- c. Those juveniles arrested for the following charges shall be detained until a responsible adult can respond to accept custody:
 - California Vehicle Code (CVC), sections 23152(a), 23152(b), 23153(a), and 23153(b);
 - Health and Safety Code (H&S), section 11550; and
 - California Penal Code (CPC), section 647(f).
- d. If the detention is for a 601 WIC Status Offense, (i.e., runaway, truancy, and curfew) and the minor is going to be released in the field to a parent/guardian or responsible party, the officer shall write appropriate report and document the incident.
- e. Citations:
All juvenile violators of California Vehicle Code and specified sections, as listed below, should be released with a citation.

The Penal Code Sections are:

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| 308(b) PC | - Minor in possession of tobacco. |
| 374.3, 374.4 PC | - Littering |
| 490.5 PC | - Petty Theft under \$50.00 |
| 502(c)(6), (7), (8) PC | - Computer Access |
| 594(a)(1) PC | - Vandalism with liquid/paint |
| 602(m) PC | - Drive on private property |
| 602.8 PC | - Fenced property without permission |
| 640 PC | - Bus fare evasion, disturbance |
| 640.5 PC | - Graffiti public vehicle (\$250 or less) |
| 640.6 PC | - Graffiti private property (\$250 or less) |
| 647(f) PC | - Public Drunkenness |

At discretion of officer when offense is at level of infraction:

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| 330 PC | - Illicit gaming, dice, cards |
| 415 PC | - Disturbing the peace |
| 485 PC | - Keeping lost property |
| 555 PC | - Trespass posted property |
| 853.7 PC | - Written promise to appear |

Business and Professions Code:

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| 25658 | - Minor consuming alcohol |
| 25668.5 | - Minor attempt to purchase |
| 25661 | - Use or possess false ID |
| 25662 | - Minor possessing alcohol |

Health and Safety Code

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| 11357(b) | - Possession less than 1 oz. of marijuana |
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3. Referral to Juvenile Court.

Custody Dispositions – Officers must make an initial determination as to which jurisdictional section the minor is under. The following

categories present procedures to follow based upon the applicable jurisdictional section.

a. 300 W&I Dependents: *Detention Authority, Section 305 WIC*

- 1) Detention and Disposition – Minors taken into protective custody under section 305 WIC should be referred to the appropriate agency as soon as possible.
- 2) In most cases, this will involve contacting a Child Protective Service (CPS) worker at the Department of Social Services.
- 3) Minors may then be immediately released to the care and custody of the CPS worker for foster care placement and/or reunification with parent or legal guardian.
- 4) In cases of injury or illness where a parent or legal guardian is unavailable, an officer may seek and order medical treatment for such minor.
- 5) Authority for these types of detentions is 305 W&I. Officers detaining minors under this section shall complete a Matter of Record Report detailing circumstances of the case.
- 6) Notification to Parent or Legal Guardian – Officers taking any minor into temporary custody are responsible for taking immediate step to notify parents or guardians. When this is not possible, reasons for the failure to notify shall be documented in the officer's report.
- 7) *Under no circumstances will Section 300 WIC dependents or Section 601 W&I status offenders be placed in a "secure confinement" (lock up) or be permitted to come into contact with adult prisoners.*

b. 601 W&I – Status Offenders: *Detention Authority, Section 625 W&I*

- 1) Detention and Disposition – Minors (status offenders) taken into custody *under section 625 WIC* shall be referred to the appropriate agency or released to a parent or guardian as soon as possible.
- 2) In some cases, minors may be considered for protective custody as a Department (300 W&I). In certain aggravated cases, 601's may be referred to the juvenile court for consideration of possible wardship.
- 3) *In most cases, a 601 W&I offender may not be lodged in a juvenile detention facility. In some cases if no adult can be located, they may be transported to Los Padrinos and/or Eastlake juvenile detention facility and turned over to staff who will find other accommodations.*
- 4) Authority for these detentions is 625 W&I. Officers detaining minors under this section shall complete a Crime Report or a Matter of Record Report, whichever is appropriate, detailing the circumstances of the case.

- 5) Notification to parent/guardian – Officers taking any minor into temporary custody are responsible for taking immediate steps to notify parent or guardian.
 - 6) When this is not possible, reasons for the failure to notify shall be documented in the officer's report.
 - 7) Whoever responds to obtain custody of the juvenile should be advised of the circumstances and relevant information on the citation.
 - 8) *Under no circumstances will Section 300 WIC dependents or Section 601 WIC status offenders be placed in a "secure confinement" (lock up) or be permitted to come into contact with adult prisoners.*
- c. 602 W&I – Delinquent: *Detention Authority, Section 625 WIC*
- 1) Arrest and Disposition – Temporary custody pending a court hearing is discouraged in most cases.
 - 2) Officers are required to release, admonish and release, or cite and release whenever possible.
 - 3) Only if minors are escapees, probation violators, a menace to persons (themselves or others) or property, or apt to flee the jurisdiction, may they be lodged in the appropriate detention facility (*Los Padrinos and/or Eastlake*), or other place designated by a probation officer.
 - 4) Authority for these detentions is 625 W&I. Officers arresting minors under this section shall complete a Crime Report and Arrest Report detailing the circumstances of the case.
 - 5) Incarceration – When a minor has been taken into temporary custody under 602 W&I and detention is indicated, the officer shall contact the Watch Commander for approval and transport without delay. A copy of the detention referral form must accompany the arrested juvenile to the receiving facility.
 - 6) Minors may be taken into custody:
 - On the basis of a criminal law violation.
 - The arresting officer has a reasonable belief that the minor presents a serious security risk of harm to himself or others.
 - 7) *Minors taken into temporary custody by a peace officer on the basis that he or she is a person described by Section 602 of the WIC may be held in secure detention (cell) or non-secure detention (room) within a law enforcement facility, subject to the following conditions:*
 - *Juveniles detained shall be under continuous control and supervision by the detaining/arresting officer who will be held to the utmost accountability for the actions of those in their custody/detention. Monitoring a minor/juvenile using audio, video, or other electronic devices does not replace direct visual observation.*

- *The detention must be for the purposes of giving the officer time to investigate the case, facilitate release of the minor to parents or arrange transfer to Juvenile Hall.*
- *Minors must be separated from adult prisoner and ensure they do not come into sight nor sound of adult prisoners. Situations may arise in which a minor and an adult prisoner may be in the same room, area or corridor should be limited to: booking, medical screening, and movement of prisoners within the facility. When adult prisoners are present a police officer will maintain side by side presence with either the minor or the adult to ensure that there are no communications between them.*
- *Minors shall be field searched prior to entering the department and separated into separate holding rooms by gender as needed (i.e. males and females).*
- *Before placement of a juvenile detainee/arrestee into non-secured temporary juvenile holding room, the detaining officer shall complete a security inspection of the room to search for contraband or any possible items that could be used as a weapon. Areas to inspect include all cervices on the floor, window, door, and bench. Upon exiting the holding room, a second security inspection shall be made to ensure no contraband or item(s) are left behind. Should any item(s) of a contraband or possible weapon be found within the room, an incident report shall be made immediately documenting such find and seized items booked into evidence.*
- *Minors must be told how long the detention can last. Juvenile detentions by police officer shall never exceed six (6) hours. Therefore officers and watch commanders should plan accordingly should the investigation continue too long or a problem arises in the contacting of a parent or legal guardian. In addition, officers are to ensure that detained minors are provided water, restrooms, or other needs (as deemed necessary for their safe physical condition) in a timely manner.*
- *Arresting Officers shall complete ALL boxes on the applicable non-secure or secure detention logs and watch commanders shall approve entries by signing the “watch commander signature” section of the form. This information shall also be included in the incident report as well as explaining the need for and the length of any secure*

detention, as well as measures taken due to flight risk or a danger to self/others reasons. Detention log entries and incident reports involving a juvenile detainee/arrestee shall be completed prior to the end of watch with no exception. Documentation will include the need for the detention, length of the detention, and notifications (i.e., parents, probation officer, etc.), results of notifications, and final disposition.

- *Minors/juveniles held in secure detention (locked room, secured enclosure or otherwise reasonable restrained as necessary to prevent escape or protect them from harm) shall be received constant auditory supervision and receive safety checks at least once every 30 minutes.*
 - *Juveniles shall typically be detained in a non-secure fashion and only secured if the secure detention conditions are met as mandated on the secure juvenile detention log. Detainees are not to be secured to a fixed or immovable object as a temporary restraint by our department.*
 - *Juveniles will be afforded privacy during consultations with family, guardian or lawyer visitations.*
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- 8) Under no circumstances will 300 W&I dependents or 601 W&I status offenders be placed in “secure confinement” (lock up) or be permitted to come into contact with adult prisoners.
 - 9) Investigations and Arrest – A peace officer may arrest or detain any minor who falls under these jurisdictional sections.
 - 10) No warrant is required unless the minor is at home; then “Ramey” warrant requirements must be met in the case of 602 offenders.
 - 11) Reasonable cause to believe that a misdemeanor has been committed, though not in the officer’s presence, for instance, is generally sufficient for arrest without warrant. Probation violators may also be arrested without warrant; however, it is advisable to contact the Probation Officer, when available, prior to making such an arrest for a violation of probation to ensure all legal requirements have been established and met.
 - 12) The same constitutional safeguards apply to juveniles as to adults, with the added requirement of Section 625 W&I which states, “in any case where a minor is taken into custody on the grounds that there is reasonable cause for believing such minor is a person described in Section 601 or 602, or that he has violated an order by the court, the officer shall advise such minor of his/her rights pursuant to Miranda.”
 - 13) Parents will be advised of the arrest; beyond this, all investigations and processing of evidence or reports will be conducted in the same manner as for adult cases. Whoever

responds to obtain custody of the juvenile should be advised of the circumstances and relevant information on the citation.

- G. *Additional* procedures for taking a juvenile into custody.
1. Determining whether a juvenile is alleged to have engaged in non-criminal misbehavior (status offense), or in circumstances where there is an allegation the juvenile has been harmed or to be in danger of harm.
 - a. The application of the status offense governing code definition shall be the first consideration.
601 W&I: Status Offenders, any person under the age of 18 years – Includes habitual incorrigibles, habitual runaways, truants, immoral youths, and those with dependent tendencies. Those in this category are known as “status offenders.”
 - b. If a juvenile is taken into custody for a status offense or to prevent harm, the officer shall:
 - 1) notify and consult with the Watch Commander;
 - 2) complete a written incident report;
 - 3) notify the juvenile taken in custody of the reason(s) for the action, if the juvenile is of an age to understand; and
 - 4) notify the parents or legal guardians of the juvenile of the action taken.
 2. *General care while in our custody.*
 - a. *At the time the minor is taken into custody, in addition to the detention log form(s) the medical screening and suicide risk evaluation form shall be completed.*
 - b. *Only emergency medical assistance will be provided.*
 - c. *Any minor taken into custody that is intoxication and who is not showing sign of improvement, under the influence or is known to have ingested any substance that could result in a medical emergency shall be medically cleared.*
 - d. *Juveniles with lower levels of alcohol in their system may not need to be evaluated.*
 - e. *Document in person safety checks shall be conducted in no less than once every fifteen (15) minutes until resolution of the intoxicated state or the juvenile is released to a parent or guardian and /or released to a mental health or medical treatment facility.*
 - f. *The safety checks will include:*
 - 1) *Observation of the juvenile’ breathing to determine that it is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.*
 - 2) *Observation of the juvenile to ensure they have not been vomiting while sleeping and ensure that they are sleeping on their sides rather than on their backs to prevent aspiration of the stomach contents.*

- 3) *An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaken to awaken). This is most important monitoring procedure.*
3. *Discipline:*
 - a. *Minors while in custody shall be controlled in a manner prescribed by law.*
 - b. *Minors who present a disciplinary problem while in custody shall be transferred to an appropriate juvenile facility.*
 - c. *No disciplinary action shall be taken on minors while in custody.*
4. *Basic necessities and nourishment of minors while in our temporary custody:*
 - a. *Must have reasonable access to drinking water, toilet, and washing facilities.*
 - b. *Must have access to one snack upon request if the minor has not eaten within the past four (4) hours or as otherwise need for nourishment. Officers will obtain the snack from our vending machines, or a local establishment.*
 - c. *Must be permitted to retain and wear their personal clothing unless the clothing is inadequate; present a health or safety problem; or is required to be utilized as evidence of an offense.*
 - d. *Provide blankets to maintain warmth.*
5. *Ensure the constitutional rights of the juvenile are protected and Procedures for the custodial interrogation of juveniles.*
 - a. *The constitutional rights of a juvenile will be protected at all times. Peace officers have no obligation to advise a minor that he has a right to contact his parents or other adult, or to have them present during questioning; even where the parent is present and wants to confer with the minor. (John S. (1988) 199 Cal.App.3d 441, 445; Maestas (1979) 442 U.S. 707; Hector (2000) 83 Cal. App.4th 228, 234-237; Ahmad A. (1989) 215 Cal.App.3d 528; Aven S. (1991) 1 Cal.App.4th 49).*
 - b. *Conferring with parents or guardians: A minor will be advised that he/she may confer with his/her parents or guardian when reasonable, given the investigative process. A minor can validly waive his Miranda Warnings without his parents or other adult being present. (John S. (1988) 199 Cal. App.3d 441, 445-446). Furthermore, nothing prevents an officer from allowing a parent or guardian to sit in an interview if in the officer opinion it would be helpful to the investigation to have them present.*
 - c. *Parents and guardians will be provided information relative to the charges pending and probable future court proceedings.*
 - d. *An interview will be limited to no more than two officers and for periods of no longer than one-hour increments without a break.*
 - e. *An explanation of agency and juvenile justice system procedures will be provided to a juvenile being interrogated/interviewed. This will include informing the juvenile that:*
 - 1) *A record of the case is established with the department;*
 - 2) *Parents/guardians are contacted and informed of circumstances;*

- 3) Officers dealing with juvenile offenders use the least coercive among reasonable alternatives; and
 - 4) Pending court action, if any.
6. Transporting of juveniles to intake facility.
 - a. Unless a juvenile is in need of emergency medical treatment they shall be transported without delay to intake or the department.
 - b. Public exposure of a juvenile placed into custody shall always be minimized.
 7. Notification of parents/guardians *or person standing in loco parentis*.
 - a. Notification to parents or guardians shall be as soon as reasonably possible *by the detaining officer*.
 - b. Parents/guardians shall be provided the circumstances and particulars of the incident in the initial contact with them *by the detaining officer*.
 - c. The location as to where parents/guardians may respond to physically contact the juvenile in custody shall be provided *by the detaining officer*.
 - d. *Notification shall be made in the event of a suicide attempt, serious illness, injury or death of a minor in custody by the Officer in Charge.*
- H. *Death of Juvenile while detained.*
1. *In the event of a juvenile's death while being detained at Cal State LA Police Department, the Los Angeles Police Department will conduct the investigation of the circumstances surrounding the death.*
 2. *In any case in which a juvenile dies while detained at Cal State LA Police Department, the following shall apply:*
 - a. *The Chief of Police or his or her designee shall provide to the Board of Corrections a copy of the report submitted to the Attorney General under Government Code Section 12525. The report shall be submitted to the Board within 10 calendar days after the death.*
 - b. *Upon receipt of a report of death of a juvenile from the Chief of Police or his or her designee, the Board may within 30 calendar days inspect and evaluate the juvenile facility, jail, lockup or court holding facility pursuant to the provisions of Article 4, Title 15 section 1341. Any inquiry made by the Board shall be limited to the standards and requirement set forth in these regulations.*
 - c. *A medical and operational review of every in-custody death of a juvenile shall be conducted.*
- I. Non-custodial interviews of juveniles.

Officers should bear in mind that most juveniles have had little to no prior contact with law enforcement. Speaking with an authority figure such as an officer can be intimidating, therefore officers should be professional,

respectful, compassionate, caring and empathetic when speaking to juvenile victims or witnesses to criminal acts.

1. Non-custodial interviews of juveniles shall be done with consideration of the following:
 - a. Juvenile's age and maturity;
 - b. Juvenile's mental / emotional state;
 - c. Timing and location of the interview;
 - d. Experience with the juvenile justice system; and
 - e. Any other factors or influences experienced by the juvenile.
2. When conducting a non-custodial interview with a juvenile suspect, the issue of custody from the perspective of the juvenile shall also be carefully considered prior to initiating questions.

J. School liaison program.

1. Acting as a resource with respect to delinquency prevention and providing guidance on ethical issues in a classroom setting:
 - a. In coordination of the crime prevention function, the Investigations Unit is responsible for maintaining contact with the Los Angeles High School of the Arts *and the Marc and Eva Stern Math and Science High School (MASS)*.
 - b. Crime prevention presentations will occur during each year, including Parent and Teacher Orientations, Student Orientations, and random crime prevention programs covering the reporting of events, follow-up provided by the department, and coordination in relation to student discipline processes.
2. Individual counseling/mentoring to students and explaining the law enforcement role in society: Contact with the Los Angeles High School of the Arts *and the Marc and Eva Stern Math and Science High School (MASS)* will be maintained by the Investigations Unit supervisor for the purposes of crime prevention and to offer advice to students, faculty and staff on:
 - a. community responsibilities;
 - b. control of criminal behavior;
 - c. documentation of threats or violent behavior by students;
 - d. local formal and informal counseling available; and the
 - e. juvenile justice system.

K. Participation in and/or organization of community recreational youth programs.

1. The department shall take an active leadership role in developing youth community recreational programs for juveniles.
2. All employees are encouraged to participate and assist in local youth programs, including the Los Angeles High School of the Arts, *the Marc*

and Eva Stern Math and Science High School (MASS), and other surrounding neighborhood sponsored activities.

3. Events in which employees participate should be documented via a memorandum to the Chief of Police. These activities will be considered in relation to the overall job performance of an employee during the evaluation period.

V. APPENDICES:

1. *Secure Detention Log.*
2. *Non-Secure Detention Log.*