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**CSU FULLERTON POLICE DEPARTMENT  
GENERAL ORDER NUMBER 3-7**

**JUVENILE PROCEDURES**

**SUBJECT:** Procedures for handling juveniles

**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.

**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.

**PROCEDURES:**

**I. Definitions**

**A. Diversion.** In the broadest sense, any procedure that:

1. Substitutes non-entry for official entry 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.

**II. Jurisdiction:** Jurisdiction of the Juvenile Court over minors is authorized by the following five sections of the Welfare and Institutions Code.

**A. 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.”

**B. 305 W&I: Temporary Custody of a Minor by Peace Officer without a Warrant** – when the officer has cause to believe that the minor is as described in Section 300 W&I or in need of immediate medical care or in immediate danger of abuse or a dangerous physical environment.

- C. 307 W&I: Minor in Custody, Disposition and Release – A peace officer who takes a minor into temporary custody under provisions of section 305 W&I shall either release the minor or prepare a petition for the parents/guardians to appear with the minor at Orange County Juvenile Court.
- D. 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.”
- E. 602 W&I: Delinquents, 12-17 years old – 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.”

### III. Department Programs

- A. The California State University Police Department is committed to the development and perpetration of programs designed to prevent and control juvenile delinquency. [CALEA 44.1.1]
- B. All agency employees are responsible for participating in and supporting efforts to reduce the occurrence of juvenile crime and delinquency on campus. [CALEA 44.1.1]
- C. 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. [CALEA 44.1.2]

### IV. Alternatives to Arrest: Officers dealing with juvenile offenders shall use the least coercive among reasonable alternatives. [CALEA 44.2.1]

- A. Outright release with no further action. [CALEA 44.2.1a]
  - 1. Based on the judgments 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.
  - 2. Documentation of such release shall be made within a written incident report.
- B. Criteria and procedures for issuing citations and written petitions to juvenile offenders to appear in lieu of taking them into custody. [CALEA 44.2.1b]
  - 1. Juveniles cited for infractions 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/her to be detained or if such release would be otherwise is unlawful or inappropriate.

2. If a minor is detained for a non-traffic infraction or non-violent misdemeanor, the arresting officer may, upon approval of a supervisor, release the minor to a responsible adult. If the detention is for a 602 WIC offense, issue a petition consistent with those that meet Juvenile Court Provisions, and complete a crime incident report for the offense committed.
3. All juveniles arrested for misdemeanors and/or felony charges shall be detained until a parent/guardian or responsible adult can respond to accept custody, the officer shall issue a petition consistent with those that meet Juvenile Court Provisions, and complete a crime report for the offense committed.
4. 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 the appropriate report and document the incident.

V. Referral to Juvenile Court. [CALEA 44.2.1c]

- A. 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.
- B. 300 W&I – Dependents
  1. Detention and Disposition – Minors taken into protective custody under this section 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 Police Report detailing circumstances of the case.
  6. Notifications to Parent or Legal Guardian – Officers taking any minor into temporary custody are responsible for taking immediate steps to notify parents or guardians. When this is not possible, reasons for the failure to notify shall be documented in the officer's report.
- C. 601 W&I – Status Offenders
  1. Detention and Disposition – Minors (status offenders) taken into custody under this section 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 ward ship.
  3. In no case may a 601 offender be lodged in a juvenile detention facility.
  4. Authority for these detentions is 625 W&I. Officers detaining minors under this section shall complete a Police Report; whichever is appropriate, detailing the circumstances of the case.
  5. Notifications 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.
- D. 602 W&I – Delinquent
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, 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 Police 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:
    - a. On the basis of a criminal law violation; or
    - b. The arresting officer has a reasonable belief that the minor presents a serious security risk of harm to himself or others.
  7. Minors meeting these criteria may be locked in a room or cell in the station, subject to the following conditions:
    - a. Minors may not be detained at the station longer than six (6) hours. Juveniles detained must be visually observed no less than every 30 minutes.
    - b. The detention must be for the purpose of giving the officer time to investigate the case, facilitate release of the minors to parents or arrange transfer to Juvenile Hall.
    - c. Minors must be separated from adult prisoners.
    - d. Minors must be told how long incarceration can last.
    - e. Minors must be adequately supervised.

- f. The law enforcement agency must keep a written record explaining the need for and length of secure detention.
8. All juvenile incarcerations will be documented in the officer's report. Documentation will include the need for the detention, length of the detention, any notifications (i.e., parents, probation officer, etc.), results of notifications, and final disposition.
9. 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.
10. Investigations and Arrest – A peace officer may arrest or detain any minor who falls under these jurisdictional sections.
11. No warrant is required unless the minor is at home; then "Ramey" warrant requirements must be met in the case of 602 offenders.
12. 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.
13. The same constitutional safeguards apply to juveniles as to adults.
14. 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.
15. Whoever responds to obtain custody of the juvenile should be advised of the circumstances and relevant information on the citation.

VI. Procedures for taking a juvenile into custody.

- A. Determining whether a juvenile is alleged to have engaged in noncriminal misbehavior (status offense), or in circumstances where there is an allegation the juvenile has been harmed or may be in danger of harm.
  1. The application of the status offense governing code 601 W&I definition shall be the first consideration. [CALEA 44.2.2a]
  2. If a juvenile is taken into custody for a status offense or to prevent harm, the officer shall [CALEA 44.2.2b]:
    - a. Notify and consult with the Watch Commander;
    - b. Complete a written incident report;
    - c. Notify the juvenile taken in custody of the reason(s) for the action, if the juvenile is of an age to understand; and
    - d. Notify the parents/legal guardians of the juvenile of the action taken.
- B. Ensure the constitutional rights of the juvenile are protected and procedures for the custodial interrogation of juveniles. [CALEA 44.2.2c]
  1. The constitutional rights of a juvenile will be protected at all times.
  2. An explanation of the agency and juvenile justice system procedures will be provided to a juvenile being interrogated/interviewed. This will include informing the juvenile that [CALEA 44.2.3]:
    - a. A record of the case is established with the Department;
    - b. Parents/guardians are contacted and informed of circumstances;

- c. Officers dealing with juvenile offenders use the least coercive among reasonable alternatives; and
    - d. Pending court action, if any.
  3. Parents/guardians will be provided information relative to the charges pending and probable future court proceedings.
  4. An interview will be limited to no more than two officers and for periods of no longer than one-hour increments without a break. [CALEA 44.2.4].
  5. Per Welfare Institutions Code Section 625.6 Prior to a custodial interrogation, and before the waiver of Miranda rights, a youth 15 years or younger (15 and 364 days) shall consult with legal counsel in person, by phone, or video conference. The consultation cannot be waived.
  6. Per WIC Code section 626.6(c) No attorney consultation necessary when both of the following exist:
    - a. The officer who questioned the youth reasonably believed the information he or she sought was necessary to protect life or property from imminent threat;
    - b. And the officer's questions were limited to those questions that were reasonably necessary to obtain that information. [CALEA 44.2.4]
  7. As a result of Gladys R. , 1 Cal.3d 855, 1970, When interviewing a minor under the age of 14 for a criminal investigation the officer must establish the suspect knows the difference between a truth and a lie and right vs wrong. The officer must ask an establishing question or questions to meet both requirements.
- C. Transporting of juveniles to intake facility. [CALEA 44.2.2d]
  1. Unless a juvenile is in need of emergency medical treatment they shall be transported without delay to the Department or a Juvenile Detention Center.
  2. Public exposure of a juvenile placed into custody shall always be minimized.
- D. Notification of parents/guardians. [CALEA 44.2.2e]
  1. Notification to parents/guardians shall be as soon as reasonably possible.
  2. Parents/guardians shall be provided the circumstances and particulars of the incident in the initial contact with them.
  3. The location of where parents/guardians may respond to physically contact the juvenile in custody shall be provided.

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