



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



540.05 ARRESTING / BOOKING / RELEASING JUVENILES 3-16-18

PURPOSE

The purpose of this order is to establish procedures for the arrest, booking, and citation of juveniles.

POLICY

It shall be the policy of the Sacramento Police Department to extend recognized protections that balance both the needs of the community and the rights of juvenile offenders.

PROCEDURE

A. DEFINITIONS

1. JUVENILE – Any person under the age of 18 years.
2. ACCELERATED CITATION – A means of releasing a juvenile on a citation for a felony offense that ensures the scheduling of a juvenile citation hearing within 72 hours.
3. REGULAR CITATION – All other citation releases.
4. STATUS OFFENDERS – Juveniles deemed to be runaways, curfew violators, or incorrigibles.

B. FELONIES

1. When a juvenile is arrested for a felony, the arresting officer(s) shall evaluate the circumstances surrounding the case to decide if the suspect is to be incarcerated at Juvenile Hall or released on an accelerated citation.
2. The accelerated process shall be used for offenders whom Juvenile Hall Intake intends to release upon arrival. Accelerated citations are for felonies and will be processed ahead of regular citations.
3. Officers shall determine if the juvenile offender has an SPD number (S#). If the offender does not have an S# and the officer wishes to use the accelerated citation process, he or she must first obtain an S# and have the offender printed. Juveniles may be printed at the Hall of Justice (5770 Freeport Blvd.) Monday-Friday between the hours of 0900-1130 and 1300-1530 hours or at Juvenile Hall.
4. If officers are not able to obtain an S# and prints, they shall book the offender at Juvenile Hall.
5. Officers shall book (will not use the accelerated citation process) juvenile offenders whose offense(s) include
 - a. Sex crimes.
 - b. Crimes involving severe personal injury requiring immediate medical attention.
 - c. Substantial property damage.
 - d. A crime pattern or series.
 - e. Prior criminal history for the same offense.
 - f. Threat of violence to self or others.
 - g. Offenders who are wards of the court (i.e., 601 and 602 W & I).
6. If booking is appropriate, officers shall transport the juvenile offender directly to Juvenile Hall unless the juvenile is to be interviewed by an investigating officer or detective.
7. When booking juvenile offenders, officers shall obtain page one of the arrest report with the offender's thumbprint in the appropriate location on the report. Officers shall route the arrest report through the proper chain of command to the Records Section [G.O. 340.01(Report Quality Control / Review)].
8. A completed crime report does not have to accompany the booking; however, a more detailed arrest report and probable cause statement that includes the elements of the crime(s) are required.



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C. ACCELERATED CITATIONS

1. To begin the accelerated citation process, officers shall contact Juvenile Hall Intake and determine if they concur with the use of this process. If they do not concur with the accelerated process, officers shall book the offender at Juvenile Hall.
2. If the accelerated process is used, officers shall attach a cover sheet titled "Accelerated Citation," along with the citation itself, to the crime report.

D. MISDEMEANORS

1. When possible, officers shall use cite-and-release procedures in lieu of booking the misdemeanor juvenile offender.
2. When cite-and-release applies, officers shall release the juvenile offender only to a responsible adult (e.g., parent, guardian, legal custodian, relative, etc.).
3. If the misdemeanor offender is booked at Juvenile Hall, officers shall ensure that a crime report and probable cause statement be completed and accompany each misdemeanor booking at Juvenile Hall. If this is not possible due to extenuating situations, the appropriate watch commander shall ensure that the report is delivered to Juvenile Hall as soon as possible.
4. Officers should not wait more than 45 minutes for a responsible adult to arrive for the juvenile.

E. CONTACTING PARENT/GUARDIAN

1. If the parent/guardian or responsible adult does not have a phone but is believed to be at home, and the location of the residence is within the City limits or close to the City limits, the officer shall call radio and request a unit be dispatched to the residence.
2. The responding officer shall ask the appropriate adult to pick up the juvenile offender, obtain an ETA, and forward that information to radio.
3. If a parent/guardian or responsible adult cannot respond to pick up the offender, the officer shall advise the appropriate resident that the offender will be at Juvenile Hall.
4. If there is no answer at the residence, the officer shall leave a written note for the appropriate person informing them that the offender will be at Juvenile Hall.

F. MIRANDA ADVISEMENT

1. §625 W&I mandates that in any case in which minors are arrested pursuant to §601 or §602 W&I, they shall be advised of their Miranda Rights.
2. If officers will not be questioning the offender, the Miranda Rights do not have to be issued immediately but shall be issued as soon as practical. In this case, officers shall only read the juvenile offender his/her rights and do not need to ensure that the rights were understood, nor do they need to obtain a waiver.
3. Officers do not have to advise the juvenile offender of Miranda when the offender is being transported to detectives for questioning unless the officers believe that the Miranda Advisal should be issued immediately.
4. If officers intend to interview the juvenile offender, they shall
 - a. Read the Miranda Rights verbatim from SPD 133.
 - b. Ensure that the offender understands his or her rights.
 - c. Attempt to obtain a waiver.
5. All advisals and waivers shall be fully documented in the respective reports, including any responses by the offender to remain silent or requests for legal representation.

G. QUESTIONING JUVENILE SUSPECTS UNDER 16

1. §625.6 W&I mandates that prior to a custodial interrogation, and before the waiver of any Miranda rights, a youth who is 15 years of age or younger shall consult with legal counsel.
2. Legal consultation may not be waived.
3. An exception can be made when interrogation or questioning is deemed reasonably necessary to protect life or property from imminent threat.



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H. STATUS OFFENDERS

1. Runaways from court-ordered placements per §602 W&I shall be taken to Juvenile Hall.
2. Runaways from dependency placements per §300 W&I shall be taken to the Children's Receiving Home.
3. All other runaways, curfew violators, and incorrigibles per §601 W&I shall be released to a parent/guardian or responsible adult.
4. Regardless of the number and frequency of runaways by a minor (not on court-ordered probation for a criminal offense), the juvenile's detention shall be in a non-secure facility, unless circumstances as defined in §207 W&I apply. In the latter case, limited detentions at Juvenile Hall may be authorized, including
 - a. While checking for warrants if there is reasonable cause to believe that outstanding warrants exist.
 - b. When the officer needs time to locate a parent/guardian or responsible adult and to arrange for the return of the juvenile.

I. OUTSIDE AGENCY REQUESTS

1. SPD personnel shall, when possible, attempt to pick up runaway juveniles for outside agencies when requests are received.
2. When a runaway from an outside agency is picked up, he or she shall be detained as directed above in sections H. 1, 2, and 3.
3. Officers shall ensure that the requesting agency is notified as soon as possible of the pickup.

J. VIOLENT OR MENTALLY DISTURBED JUVENILES

1. With the exception of arrests for homicide, extremely violent or mentally disturbed juveniles shall not be brought to a police facility. They shall be taken directly to Juvenile Hall.
2. Medical clearance is required prior to acceptance in all cases. If the juvenile offender needs medical care, officer(s) shall comply with G.O. 522.02 (Emergency Care for Individuals Under Police Care or Control).
3. Officers shall refer to G.O. 522.01 (Handling Mentally Ill Persons) when handling mentally ill juveniles.