

LOS ANGELES POLICE DEPARTMENT



Juvenile Manual

2017 EDITION

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Los Angeles Police Department

JUVENILE MANUAL

Effective May 2017, the Juvenile Manual is revised. Any page of the Manual dated prior to this date is obsolete.

This Manual is intended to supplement and centralize juvenile policy and procedural information found in the Los Angeles Police Department Manual and other official Department publications. When a section of the Juvenile Manual conflicts with a section of the Department Manual, the Department Manual **shall** take precedence.

The last update of the Juvenile Manual was in 2000, and the 2016 update incorporates a wide amount of changes, as well as a large amount of expanded procedures known by many of the Department's most senior juvenile subject matter experts, but was not documented.

The contents of the Juvenile Manual have been organized into chapters, each of which contains information and guidelines related to a major topic within the juvenile specialty. Therefore, it is not necessary to access information from an index. The Chapter Contents portion, located at the beginning of the Juvenile Manual, should be utilized to direct officers to the major topic that would best serve to answer their inquiries for information. The Table of Contents could then be utilized to obtain information on the specific subject matter in question.

Commanding officers and supervisors (especially geographic area patrol and investigative personnel) should encourage their employees who have contact with juveniles to familiarize themselves with the procedures, investigative resources, and recommended readings contained in the Juvenile Manual.

Department personnel are reminded that law enforcement contacts with children can have a dramatic impact on the children involved, their families, and society as well; and depending on the actions taken, can potentially protect a child from future victimization or from becoming involved in future delinquent behavior.

The Juvenile Division, Administrative Unit, Consultants Office, is responsible for the publication and distribution of the Department's Juvenile Manual and revisions. Questions regarding the content of this Manual can be directed to the Juvenile Division Consultants Office, (213) 486-0560.

Suggestions for additions, corrections or deletions should be made on an Intradepartmental Correspondence, Form 15.2, forwarded through channels to the Commanding Officer, Juvenile Division.

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Commanding Officer
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CHAPTER 1

GENERAL INFORMATION

1.10. GENERAL PROVISIONS

GRAMMATICAL CONSTRUCTION - The following rules of grammar shall apply throughout the Manual of Juvenile Procedures.

CONSTRUCTION OF TENSES - The present tense includes the past and future tenses; and the future, the present.

CONSTRUCTION OF GENDERS - The masculine gender includes the feminine and masculine genders.

CONSTRUCTION OF SINGULAR AND PLURAL - The singular includes the plural, and the plural, the singular.

MANDATORY AND PERMISSIVE VERBS - "Shall" and "Must" are mandatory, "may" and "should" are permissive.

1.20. DEPARTMENT JUVENILE MANUAL ESTABLISHED

The Juvenile Manual of the Los Angeles Police Department is hereby established and shall hereafter be referred to as the "Juvenile Manual." It is, and shall be, a composite of current juvenile policies and procedures. All Department employees shall comply with the provisions contained herein.

1.30. LEGALITY OF CONTENTS

If any section, subsection, item clause, or phrase contained in the Juvenile Manual is found to be illegal or otherwise incorrect or inapplicable, such finding shall not affect the validity of the remaining portions of the Juvenile Manual. This Manual is intended to supplement and centralize information contained in other official Department publications.

1.40. ADHERENCE TO REPORTING AND/OR INVESTIGATIVE POLICY

The reporting and investigative policies contained in the Juvenile Manual outlines the minimum information necessary to complete a missing juvenile report and/or investigation. It is permissible to include any additional information at the discretion of the investigating officer or supervisor.

A supervisor may require additional information over and above that which is contained in this manual; however, less information will not be acceptable.

1.50. DISTRIBUTION OF THE JUVENILE MANUAL

The revised Juvenile Manual shall be available to all Department personnel on the Department LAN under "LAPD Reference." Department employees shall refer to the on-line revised version of the Juvenile Manual for all inquiries related to juvenile issues.

1.60. RESPONSIBILITY FOR MAINTENANCE

The Commanding Officer, Juvenile Division, shall be responsible for all future revisions to the Juvenile Manual.

1.70. AMENDMENTS TO THE JUVENILE MANUAL

Any future requests for additions, deletions, or revisions to the Manual of Juvenile Procedures shall be prepared on an Intradepartmental Correspondence, Form 15.02.00, to the Commanding Officer, Juvenile Division, and forwarded to the Administrative Section, Juvenile Division. The Administrative Section shall cause the request to be researched and, if appropriate, issued as an amendment to the Juvenile Manual.

1.80. INQUIRIES RELATED TO JUVENILE ISSUES

For any inquiries related to juvenile issues, Department personnel may contact Juvenile Division, Consultant's Office, 100 West First Street - 3rd Floor, Los Angeles, at (213) 486-0560.

TERMS USED IN THE JUVENILE MANUAL

1.90. DEFINITIONS - The following words and terms shall have the meanings herein assigned whenever they appear in the Juvenile Manual.

ACS - Abused Child Section, Juvenile Division.

ADULT - A person 18 years of age or older.

BSCC - Board of State and Community Corrections formally known as the Corrections Standards Authority.

CC - Civil Code.

CHILD - A person under 18 years of age (17 or younger).

CHILDREN'S COURT - Hears all cases pertaining to dependent children under the jurisdiction of Section 300 of the Welfare and Institutions Code (WIC). The court is located at 201 Centre Plaza Drive, Monterey Park, California 91754, Intake and Detention Control (IDC) - Telephone No. (323) 881-1303.

CITY - The City of Los Angeles.

CIVILIAN EMPLOYEE - Non-sworn Department employee.

CORI - Criminal Offender Record Information.

CWS - County Warrant System.

CYA - California Youth Authority is now called the Division of Juvenile Justice (DJJ).

DABIS - Decentralized Automated Booking Information System.

DCFS - Los Angeles County Department of Children and Family Services.

DCTS - Detective Case Tracking System.

DJJ - Division of Juvenile Justice, formerly the California Youth Authority.

DEFENDANT - Adult arrestee (Age 18 and over).

DELINQUENT - Any juvenile who violates any law of this State or of the United States, or any ordinance of any city or county of this State, defining crime other than an ordinance establishing a curfew based solely on age.

DEPARTMENT - Los Angeles Police Department (LAPD).

DEPENDENT - Any juvenile (under 18 years of age) who is a victim of neglect, mistreatment, or is in need of being placed in protective custody, as defined in Welfare and Institutions Code Section 300.

DOB - Date of Birth.

DOJ - California Department of Justice.

DPO - Deputy Probation Officer.

DR - Division of Records.

EMPLOYEE - Any person employed by the Los Angeles Police Department (sworn and civilian personnel).

EMERGENCY RESPONSE COMMAND POST (ERCP)

The ERCP is a 24-hour response center where DCFS emergency response workers are assigned for after-hours calls on 300 WIC dependency cases. The ERCP is located at 1933 S. Broadway Street (5Th Floor), Los Angeles, California 90007, Telephone No. (213) 639-4500.

ESCAR - Electronic Suspected Child Abuse Report.

FAX - Facsimile, electronic transmission of information.

FSD - Forensic Science Division

ICAC - Internet Crimes Against Children Unit (ICAC). The ICAC is assigned to Juvenile Division and investigates sexual abuse crimes against children where the victim contact is made through the internet.

ICE - Immigration and Customs Enforcement.

ICU - Investigative Control Unit, Juvenile Division.

IDC (Delinquents) - Intake and Detention Control for juveniles in custody for WIC Sections 601 and 602, Los Angeles County Probation Department.

IDC (Dependents) -DCFS, Intake and Detention Control for 300 WIC placements & information. Telephone No (323) 881-1303, Fax (323) 881-0194 through 98

INCORRIGIBLE - Any juvenile who persistently or habitually refuses to obey the reasonable and proper orders or directions of his parents, guardian, or other lawful authority, or who is beyond the control of such person(s).

IR - Investigative Report.

JURISDICTION - The limits or territory within which authority to act may be exercised.

JUVENILE - Any child who is under the age of 18 years. The term “juvenile” may be used interchangeably in the Juvenile Manual with the terms of “child, minor, or dependent” when making reference to any person under the age of 18.

NOTE: An individual has reached the age of majority and is considered an adult at 0001 hours on the actual day of their 18th birthday.

JUVENILE AUTOMATED INDEX (JAI) - A Los Angeles County Probation Department index, accessible through the NECS, and contains all juvenile actions/dispositions by law enforcement, Probation, District Attorney’s Office and the courts.

JUVENILE HALL - The Los Angeles County Probation Department’s Detention facilities. See Chapter 8 for a complete listing of the County’s Juvenile Halls.

LASD - Los Angeles County Sheriff’s Department.

LASPD - Los Angeles School Police Department.

LAUSD - Los Angeles Unified School District.

LAN - Local Area Network.

MAC - Major Assault Crime.

MEU - Mental Evaluation Unit.

MINOR - An individual who is under 18 years of age. The term “minor” may be used interchangeably in the Juvenile Manual with either “juvenile” or “child.”

MPU - Missing Persons Unit, Detective Support and Vice Division (DSVD).

MT - Medical Treatment.

NCIC - National Crime Information Center.

NECS - Network Communications System.

OFFICER - All “sworn personnel,” regardless of rank or sex.

PAD - Probation Alternative Detention.

PC - Penal Code.

PROBATION DEPARTMENT - Los Angeles County Probation Department.

PR - Person Reporting.

RACR - Real-Time Analysis & Critical Response Division.

SCAR - Suspected Child Abuse Report.

SCHOOLS - All pre-schools, elementary schools, junior high schools, and senior high schools, both public and private.

SECU - Sexually Exploited Child Unit, Juvenile Division.

SHERIFF’S DEPARTMENT - Los Angeles County Sheriff’s Department (LASD).

SODA HOME - Status Offender Detention Alternative (SODA) Home, administered by the Probation Department. A non-secure placement facility for juveniles under the authority of 628 WIC.

SUBJECT - A juvenile who has committed a 601 WIC or 602 WIC offense.

SWORN PERSONNEL - Employees of the LAPD as defined in Section 185 of the City Charter.

TID - Technical Investigation Division

USCMC - Los Angeles County-University of Southern California Medical Center (Los Angeles County General Hospital).

WIC - Welfare and Institutions Code.

WIS - Warrant Information Sheet.

CHAPTER 2

300 WELFARE AND INSTITUTIONS CODE (WIC)-DEPENDENT INVESTIGATIONS

2.10. **300 WIC DEPENDENT-DEFINED**

Any child who comes within any of the below descriptions is within the jurisdiction of the juvenile court that may adjudge that person to be a dependent child of the court:

300(a) WIC-Physical Abuse

The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm inflicted non-accidentally upon the child by the child's parents or guardian.

NOTE: WIC Code 300(a) WIC states “Serious physical harm does not include reasonable and age-appropriate spanking to the buttocks where there is no evidence of serious physical injuries.”

300(b) WIC-Failure to Thrive/Neglect/Endangering/Unfit Home

The child has suffered or there is a substantial risk that the child will suffer serious physical harm or illness as a result of failure or inability of the parent or guardian to supervise or protect the child; failure to provide the child with adequate food, clothing, shelter or medical treatment; inability of the parent or guardian to provide for the child due to parent or guardian's mental illness, developmental disability or substance abuse; failure of parent or guardian to provide adequate medical treatment, or when the treatment provided is prayer only.

“Failure to thrive” is used to describe a delay in a child's growth of development. It is usually applied to infants and children up to two years of age who do not gain or maintain weight as they should. Failure to thrive is not a specific disease, but rather a cluster of symptoms that may come from a variety of sources.

"Severe neglect" means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed non-organic failure to thrive (maternal rejection and neglect). "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered including the intentional failure to provide adequate food, clothing, shelter, or medical care.

Endangerment imposes felony and misdemeanor liability on any person who “willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health endangered.”

Drug Addicted Babies is a situation that comes under Section 300(b) WIC. The DCFS is responsible for investigating and processing all juveniles in non-criminal 300(b) WIC situations.

300(c) WIC-Emotional Damage

The child is suffering or at risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian. The child has no parent or guardian capable of providing appropriate care.

300(d) WIC-Sexual Abuse

The child has been sexually abused, or there is a substantial risk of sexual abuse by a parent or guardian or a member of his or her household, or the parent or guardian failed to adequately protect the child from sexual abuse when the parent or guardian knew or reasonably should have known that the child was in danger of sexual abuse.

300(e) WIC-Severe Physical/Sexual Abuse Victim Under Five Years of Age

The child is under the age of five years and has suffered severe physical abuse by a parent or guardian, or by any person known by the parent or guardian, and the parent or guardian should have reasonably known that the person was physically abusing the juvenile.

NOTE: "Severe Physical Abuse" means:

- Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, would cause permanent physical disfigurement, permanent physical disability, or death;
- Any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling;
- More than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness; or,
- The willful, prolonged failure to provide adequate food.

300(f) WIC-Minor's Parent or Guardian Has Caused the Death of Another Child

The child's parent or guardian **caused** the death of another child through abuse or neglect.

300(g) WIC-Minor Left Without Provision for Support/Parent or Guardian in Custody No Caretaker Available

The child has been left without any provision for support, parents or guardian incarcerated or institutionalized and cannot arrange for the care of the child or the person with whom child has been left is unwilling or incapable of caring for the child, the whereabouts of the parent are unknown, and reasonable efforts to locate the parent have been unsuccessful. The DCFS and this Department are both authorized to take child into custody for 300(g) WIC.

300(h) WIC-Relinquished/Terminated Parental Rights

The child has been freed for adoption by one or both parents for 12 months by either relinquishment or termination of parental rights, and an adoption petition has not been granted. All 300(h) situations are handled by DCFS.

300(i) WIC-Cruelty

The child has been subjected to an act or acts of cruelty by the parent or guardian or a member of the child's household. The parent or guardian has failed to adequately protect the child from acts of cruelty when the parent or guardian knew or reasonably should have known the child was in danger of being subjected to the act of cruelty.

NOTE: Cruelty defined: As "the willful harming or injuring of a child or the endangering of the person or health of a child," means a situation in which any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation in which his or her person or health is endangered.

300(j) WIC-Protective Custody of Endangered Sibling

The child's sibling has been abused or neglected, as defined in 300 WIC (a), (b), (d), (e), or (i) and there is a substantial risk that the child will be abused or neglected, as defined in those subdivisions. The court shall consider the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or the age and gender of each child, the nature of the abuse or neglect of the sibling, the mental condition of the parent or guardian, and any other factors the court considers probative in determining whether there is a substantial risk to the child.

It is the intent of the Legislature that nothing in this section disrupt the family unnecessarily or intrude inappropriately into family life, prohibit the use of reasonable methods of parental discipline, or prescribe a particular method of parenting.

2.20. AUTHORITY FOR TAKING JUVENILES INTO TEMPORARY CUSTODY

305 WIC states any peace officer may, without a warrant, take into temporary custody a minor:

(a) When the officer has reasonable cause for believing that the minor is a person described in WIC Section 300, and, in addition, that the minor has an immediate need for medical care, or the minor is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In cases in which the child is left unattended, the peace officer shall first attempt to contact the child's parent or guardian to determine if the parent or guardian is able to assume custody of the child. If the parent or guardian cannot be contacted, the peace officer shall notify a social worker in the county welfare department to assume custody of the child. However, if a crime has occurred officer must conduct a thorough investigation and take the appropriate action.

(b) Who is in a hospital and release of the minor to a parent poses an immediate danger to the child's health or safety.

(c) Who is a dependent child of the juvenile court, or concerning whom an order has been made under WIC Section 319 when the officer has reasonable cause for believing that the minor has violated an order of the juvenile court or has left any placement ordered by the juvenile court.

(d) Who is found in any street or public place suffering from any sickness or injury that requires care, medical treatment, hospitalization, or other remedial care.

NOTE: Welfare and Institutions Code Section 356 describes the process by which the court finds a minor to be a "Section 300" and provides for the detention of such minor, if necessary. However, parents and children have a well elaborated constitutional right to live together without government interference. Santosky v. Kramer, 455 U.S. 745, 753 (1982); Stanley v. Illinois, 405 U.S. 645 (1972); Pierce v. Soc'y of Sisters, 268 U.S. 510, 534-35 (1925); Meyer v. Nebraska, 262 U.S. 390 (1923). That right is an essential liberty interest protected by the Fourteenth Amendment's guarantee that parents and children will not be separated by the state without due process of law except in an emergency. Stanley, 405 U.S. at 651; Campbell v. Burt, 141 F.3d 927 (9th Cir.1998)

Reasonable Cause and Imminent Danger

Officers may remove a child from the custody of its parent without prior judicial authorization only if the information they possess at the time of the seizure provides reasonable cause to believe that the child is in imminent danger of serious bodily injury and the scope of the intrusion is reasonably necessary to avert that specific injury. Good, 891 F.2d at 1093 (citing *Mincey v. Arizona*, 437 U.S. 385, 393 [1978]). However, a thorough investigation must be conducted to determine whether the non-offending parent was aware of the abusive situation before the child (ren) can be removed from his/her care without a removal order.

Imminent danger means that the child is placed at risk of some harm or injury that could occur immediately.

EXAMPLE: A victim goes to school and states she was sexually assaulted by her father last night and is afraid to go home because she fears the abuse will continue. The victim also stated that she informed her mother of the situation, and her mother did nothing to protect her. In the above example, the victim should be removed from her home.

2.30. LAW ENFORCEMENT RESPONSIBILITY - 300 WIC INVESTIGATIONS

Uniformed officers are responsible for the preliminary investigation, assessing, processing and handling of children for possible 300 WIC situations that include:

- 300(a) WIC - Physical Abuse
- 300(b) WIC - Failure to Thrive/Neglect/Endangering/Unfit Home
- 300(c) WIC - Emotional Damage (If a crime has occurred)
- 300(d) WIC - Sexual Abuse
- 300(e) WIC - Severe Physical/Sexual Abuse Victim Under 5 Years
- 300(i) WIC - Cruelty
- 300(j) WIC - Protective Custody of Endangered Sibling

Officer's Responsibilities

Officers of this Department are responsible for:

- Conducting thorough preliminary investigations of actual or suspected cases of child abuse. If the victim is hospitalized, interview the treating physician and verify why he/she suspects abuse and document that information in the narrative of the report. Also, determine if the victim will remain hospitalized or released.
- Completing all crime and arrest reports on all juveniles taken into custody.
- Completing, where appropriate, the Request for Confidentiality of Information, Form 3.02.00.

- Obtaining advice from the entity responsible for conducting the investigation or the watch commander if after hours.
- Placing a child into protective custody when there is reasonable cause to believe that the subject is a person described in Sections 300(a) through (j) WIC, where there is inflicted injury, malnutrition, or sexual abuse by a person living in the home. Officers should document in the narrative of the report the immediate threat to the victim and the reason why he/she will be detained. If the victim is not detained the reason why the victim was not detained shall be documented in the narrative of the report.

When there is more than one child residing in the home, a separate evaluation must be done for each child to determine whether or not a court order should be used to remove each child. Officers should not make a blanket determination that, because exigency exists for one child, exigency exist for all of the children. It is not uncommon to have exigency exist for one child in a home, and have it lacking for another child in the same home. Thus, the child assessed to be at risk under exigent circumstance (immediate risk of harm) may be detained without a court order, yet another child in the home assessed to be at risk of harm may only be removed with a court order.

Officers should work with the assigned social worker to obtain a court order to gain entry to the home with specific intent to remove a child suspected of being the victim of abuse or neglect from his or her parent/guardian. If the officer(s) contacts DCFS and determines it will take several hours before the social worker arrives to the victim's location, officers may contact the DCFS Warrant Desk at (323) 881-1303 during normal business hours and the Command Post at (213) 639-4500 during off hours and weekends in order to obtain a Removal Order. Officers must be able to articulate why the victim(s) should be removed from the home environment.

NOTE: If the investigation is determined by assessment to be a Section 300(b)(non-criminal), (g), or (h) situation, the officer shall contact DCFS, which has investigative responsibility for these cases. It is recommended that in cases of conflict, a report should be completed to document the circumstances.

EXAMPLE: Children are taken into custody due to conflicting court orders or parent/guardian statements, and the concerned parties cannot agree on who has legal custody of the children in question. In this case, Penal Code Section 279.6(a) allows law enforcement to take children into protective custody under any of the following circumstances.

1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child, or, by flight or concealment, evade the authority of the court.
2. There is no lawful custodian available to take custody of the child. There are conflicting custody orders or conflicting claims to custody, and the parties cannot agree which party should take custody of the child.
3. The child is an abducted child.

When a law enforcement officer takes a child into protective custody pursuant to this section, the officer shall do one of the following:

1. Release the child to the lawful custodian of the child, unless it reasonably appears that the release would cause the child to be endangered, abducted, or removed from the jurisdiction.
2. Obtain an emergency protective order pursuant to Part 3 (commencing with Section 6240) of Division 10 of the Family Code ordering placement of the child with an interim custodian who agrees in writing to accept interim custody.
3. Release the child to the social services agency responsible for arranging shelter or foster care.
4. Return the child as ordered by a court of competent jurisdiction.

Officers Entering a Home

Officers investigating a report of suspected child abuse or neglect may enter the child's home only if one or more of the following circumstances exist:

1. The parent consents to the officer entering the home; or
2. The officer obtains a court order authorizing entry into the home; or
3. There are exigent circumstances that exist which justify entry without a court order.

Those circumstances that support a reasonable belief that there is "imminent and substantial threat" to the child's life or health (In re Dawn O. (1976) 58 Cal.App.3d 160,163.) In other words, a situation is exigent if the totality of the circumstances indicate there is a need to protect and preserve life to avoid serious bodily injury. (Mincey v. Arizona (1978) 437 u.s. 385.) See Calabretta v. Floyd (1999, 9th Cir.) 189 F.3d 808; Wallis v. Spencer (1999, 9th Cir.) 202 F.3d 1126; Mabe v. San Bernardino County (2001, 9th Cir.) 237 F.3d 101, Doe v. Lebbos 2003, 9th Cir.) 348 F.3d820.

2.40. COURT ORDER/REMOVAL ORDER

If the risk of harm is high but not immediate, a removal order will be required before the child can be detained. Officers should work with the assigned social worker to obtain a removal order to gain entry to the home with specific intent to detain a child suspected of being the victim of abuse or neglect from his or her parent/guardian.

When there is more than one child residing in the home, a separate evaluation must be done for each child to determine whether or not a court order should be used to remove the child. A removal order must be supported by probable cause which is defined as reasonable belief, based on facts that can be articulated.

2.50. DCFS RESPONSIBILITY-300 WIC INVESTIGATIONS

DCFS Responsibilities

The DCFS has the responsibility for taking into protective custody those children described as 300(b)(non-criminal), (g), and (h) WIC Dependent situations.

NOTE: Law enforcement retains jurisdiction for criminal investigations of 300(a), (b), (c), (d), (i) and (j) WIC situations. Many of these investigations are conducted concurrently with DCFS.

The DCFS is responsible for assessing and processing children (completing all reports) described in Section 300(b) and (g) WIC Dependent situations which include non-criminal dependency cases of minimal and general neglect (no child abuse involved). The DCFS "Emergency Response (ER) System" will respond to 300 WIC (b) and (g) situations in Los Angeles County on a 24-hour basis.

Officers shall contact DCFS through one of the following two telephone numbers:

DCFS Hotline Number:	(800) 540-4000 (24/7)
DCFS Command Post:	(213) 639-4500 (24/7)

2.60. EXAMPLES OF DEPENDENT INVESTIGATIONS HANDLED BY DCFS

The following are 300 WIC (Dependent) situations handled by DCFS:

- Hospital holds, e.g., infants born addicted to drugs.
- Hospital overstay (a child legally admitted in a hospital who is available for release, however, parent or guardian fails to accept the juvenile).

- Abandoned children - at home, with neighbors, at school or day care centers, with baby-sitters, on the street, in most situations where the parent or guardian has not made adequate child care plans.

NOTE: Officers shall ensure the safety of the juvenile until DCFS takes custody.

- Lack of supervision by reason of the arrest or hospitalization of the parent or guardian.
- Children with special and unique problems beyond the parents' or guardian's ability to handle.
- Parents or guardian are unable to continue caring for the juvenile.
- Parents or guardian who suffer from psychiatric or substance abuse problems rendering them incapable of providing proper care.
- Infants born to mothers in jail or psychiatric hospitals.

Authority of Department of Children and Family Services

The DCFS social workers do not have police powers, and they are not to place themselves in dangerous situations in carrying out their job assignment. Should the DCFS social worker determine that intervening in a 300 WIC Dependent situation will expose them to danger, they may contact law enforcement for assistance.

NOTE: The DCFS worker shall have final authority in determining whether a dangerous situation exists to their personal safety.

In certain volatile situations, e.g., the parent or guardian is arrested, officers shall assist the Children's Social Worker (CSW). However, officers should also determine if a crime has been committed against the CSW, e.g., battery, and the appropriate action needs to be taken.

The DCFS does not have the legal authority to enter a residence without permission from an adult resident or to physically restrain an adult or juvenile.

EXAMPLE: DCFS receives information that a four-year-old infant was left home alone. A social worker responds to the residence and observes a young child through the front window sitting on the couch watching television. The worker knocks on the front door and no one responds to the door. The worker calls law enforcement to assist, and they determine that a warrantless entry is applicable.

EXAMPLE: A child is in need of protective placement and the child's caretaker refuses to release the child, law enforcement personnel will be called to support/assist the DCFS worker in taking the child into temporary custody. However, the officer needs to determine whether the worker has a removal order for the child and what the conditions are for removing the child.

The DCFS workers do not have the legal authority to physically restrain a child who actively resists detention or who runs away during the process of detention. It is understood, however, that with a child of tender age who is being taken into temporary custody and who is acting in a manner that is potentially dangerous to the child, (for example, running into a busy street), the DCFS worker will use reasonable restraint. The DCFS workers can take a child into temporary custody without a court order.

If a child runs away during or after the detention process, the DCFS worker shall immediately make a Missing Person's Report to the law enforcement agency that has jurisdiction and DCFS will ensure that a 300 warrant is obtained from dependency court. In addition, officers will make the appropriate notifications and take the appropriate action when it pertains to missing juveniles (See Chapter 21 for further information on missing juveniles).

Law Enforcement Involvement-300 WIC-DCFS Dependent Investigations

If the 300 WIC (Dependent) referral is determined by assessment to be a 300(a), (b)(criminal), (c)(mental)(not necessarily a crime), (d), (e), (i) or (j) situation, the DCFS worker is to contact law enforcement.

When called upon, law enforcement personnel have the final authority in determining if the case is a 300 WIC criminal situation. A child shall not be left in an endangering situation while the other agency is responding.

Generally, this Department shall only investigate and process 300 WIC cases when:

- A crime has been committed; 300 (a), (b)(criminal), (c), (d), (e), (i), and (j) WIC situations; or,
- There exists a danger to the child's health or safety.

When assessing the need for immediate police action in dependent child cases, concern for the health and safety of the child shall be of paramount importance. In the absence of an immediate threat to the child's safety (e.g., physical or sexual abuse, severe neglect, etc.), persons requesting police involvement in dependent child cases shall be referred to the respective MAC Coordinator where the child is located. When the MAC Coordinator is not available, the geographic Area watch commander shall be contacted.

Juvenile/MAC Coordinator-Responsibilities

The Area Juvenile/MAC Coordinator or respective table coordinator shall be responsible for determining what, if any, police action is appropriate in any dependent child case referred to him/her.

When the Juvenile/MAC Coordinator or other respective supervisor determines that police action is appropriate, the case shall be processed in accordance with established police procedure.

If the Juvenile/MAC Coordinator or other respective coordinator determines that police action is inappropriate, the person requesting police involvement shall be advised that no police action will be taken. The Juvenile/MAC Coordinator may advise the person requesting assistance of alternate courses of action.

Juvenile Division-Responsibilities

It shall be the responsibility of Juvenile Division, to maintain liaison with the DCFS and assist Area Juvenile/MAC Coordinators in the application of the general guidelines to specific cases.

2.70. DRUG ADDICTED BABIES/HOSPITAL OVERSTAYS

The DCFS is responsible for custody and petitions on all instances of hospitalized 300 WIC cases that include drug addicted babies/juveniles ready to be released from the hospital, and no parent or guardian is available to take custody of the juvenile.

2.80. DRUG ADDICTED BABY- INVESTIGATIVE RESPONSIBILITY

Reyes v. Superior Court, 75 Cal. App., 3d. 214. Cal. Rptr. 912 (CT.APP. 1977).

In this case, a pregnant woman was warned, by a public health nurse, of her use of heroin during her pregnancy. Reyes continued using heroin and gave birth to twin boys, both of whom were addicted to heroin and suffered withdrawals. Reyes was charged with two counts of 273(a) PC (Child Endangering). Reyes was convicted and appealed the case.

The appellate court held that the endangerment statute could not be construed as protecting a fetus, since the statute's intent was to require mothers to be responsible for the care and custody of their children, not their fetuses. The courts do not consider a baby born addicted to drugs as a criminal act. **In re Stevens (1981), 126 Cal. App. 3d 23**, the Appellate Court held that an unborn fetus is not a person within the meaning of Section 300 of the Welfare and Institutions Code.

Prenatal drug exposure is not treated as child abuse. Under the present Child Abuse Reporting Law, the birth of a substance exposed infant does not constitute reportable child abuse because the reporting law does not include “fetal abuse.” These babies become addicted due to acts of the mother prior to birth. The abuse is therefore fetal abuse, not child abuse, and consequently is not reportable. Thus, this Department does not handle drug addicted baby cases. Refer all drug addicted baby cases to DCFS. The DCFS shall take a drug addicted baby into protective custody under the authority of 300 WIC (Dependent). A 273a (a) PC investigation shall not be taken under the aforementioned circumstances.

2.90. DRUG ADDICTED AT BIRTH-INFANT DEATH INVESTIGATION

In cases involving the death of newborn babies who have been diagnosed as having been prenatally exposed to drugs or alcohol, the Department shall complete a Death Report, [Form 03.11.00](#), and a telephonic notification to the DCFS Hotline shall be made. The DCFS will conduct an investigation.

2.100. SAFELY SURRENDERED BABY LAW

California Penal Code Section 271.5 “Safely Surrendered Baby Law (SSB Law)” allows for an infant, 72 hours old or younger, to be surrendered at any safe surrender site (hospital emergency room or fire station) in California without fear of arrest or prosecution, as long as the baby has not been abused or neglected. All Fire Stations in the City of Los Angeles are designated “Safe Surrender” sites.

2.110. CHILDREN LEFT HOME ALONE UNATTENDED

There is no federal, state, or local law that dictates the age that a child may be left home alone. This decision is left to the discretion of the parent/guardian’s to determine if the child is mature and ready to be left alone. In some cases, leaving a young child unsupervised may be considered neglect, especially if doing so places the child in an endangering situation.

In cases where Department personnel come in contact with these types of incidents, each should be handled on a case-by-case basis and should be independently judged. The following are a few basic guidelines for consideration:

- Is the child physically and mentally able to care for themselves?
- Does the child have the skills and maturity to handle urgent situations safely, and do they know how to get help if needed?

- Does the child show good judgment, know how to follow rules, and generally makes good decisions?
- Does the child feel comfortable or fearful about being home alone?
- How long will the child be alone?
- Is the environment safe?

To assist the public in this area, the U.S. Government, Child Welfare Information Gateway has published a document that can give them further guidance on this subject. This document can be found on the Juvenile Division website, Abused Child Section, under the heading “[Information Regarding Leaving Children Alone at Home.](#)”

Specific questions regarding this topic should be directed to the Department of Children and Family Services Hotline.

Advice and follow-up investigation of these types of incidents (if it is believed that a crime has occurred (child endangerment), are the responsibility of Area Detective personnel.

CHAPTER 3

CHILD ABUSE INVESTIGATIONS

3.10. **CHILD ABUSE-DEFINED**

"Child Abuse" is defined in the Penal Code as a physical injury that is inflicted by other than accidental means on a child by another person. "Child Abuse" also means:

- The sexual abuse of a child.
- Any act or omission as defined in Penal Code Section 273a(a) (Willful Cruelty or Unjustifiable Punishment of a Child).
- Any act or omission as defined in Penal Code Section 273d (Unlawful Corporal Punishment or Injury).
- The neglect or abuse of a child or abuse in out-of-home care.

NOTE: Child abuse does not include age-appropriate spanking to the buttocks where there is no evidence of serious physical injury (300 (a) WIC).

3.20. **MANDATORY REPORTING LAWS**

State Penal Code Section 11166(a) requires that except as provided in Penal Code Section 11166(d) and 11166.05, persons within certain professions are deemed as "mandated reporters" (see Chapter 3 Section 305.05) and shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.

The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written follow-up report **within 36 hours of receiving the information concerning the incident.** The mandated reporter may include with the report any non-privileged documentary evidence the mandated reporter possesses relating to the incident.

For purposes of Penal Code Section 1166(a)(1), "reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect.

"Reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any "reasonable suspicion" is sufficient. For the purpose of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

The agency shall be notified, and a report should be prepared and sent, faxed, or electronically transmitted even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

NOTE: If a suspect confesses to a priest during confession, the priest is not obligated to cross report the abuse.

Mandated Reporter Defined

State Penal Code Section 11165.7 defines a "mandated reporter" as any of the following:

- (1) A teacher.
- (2) An instructional aide.
- (3) A teacher's aide or teacher's assistant employed by any public or private school.
- (4) A classified employee of a public school.

- (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a public or private school.
- (6) An administrator of a public or private day camp.
- (7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
- (8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.
- (9) An employee of a county office of education or the State Department of Education, whose duties bring the employee into contact with children on a regular basis.
- (10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.
- (11) A Head Start program teacher.
- (12) A licensing worker or licensing evaluator employed by a licensing agency as defined in Section 11165.11.
- (13) A public assistance worker.
- (14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.
- (15) A social worker, probation officer, or parole officer.
- (16) An employee of a school district police or security department.
- (17) Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school.
- (18) A district attorney investigator, inspector, or local child support agency caseworker, unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.
- (19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.
- (20) A firefighter, except for volunteer firefighters.

- (21) A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage and family therapist, clinical social worker, professional clinical counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.
- (22) An emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.
- (23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.
- (24) A marriage and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.
- (25) An unlicensed marriage and family therapist intern registered under Section 4980.44 of the Business and Professions Code.
- (26) A state or county public health employee who treats a minor for venereal disease or any other condition.
- (27) A coroner.
- (28) A medical examiner, or any other person who performs autopsies.
- (29) A commercial film and photographic print or image processor, as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print or image processor" means a person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, or any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disk, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image, for compensation. The term includes any employee of that person; it does not include a person who develops film or makes prints or images for a public agency.
- (30) A child visitation monitor. As used in this article, "child visitation monitor" means a person who, for financial compensation, acts as a monitor of a visit between a child and another person when the monitoring of that visit has been ordered by a court of law.

- (31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings: (A) "Animal control officer" means a person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations. (B) "Humane society officer" means a person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.
- (32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.
- (33) Any custodian of records of a clergymember, as specified in this section and subdivision (d) of Section 11166.
- (34) Any employee of any police department, county sheriff's department, county probation department, or county welfare department.
- (35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 5.655 of the California Rules of Court.
- (36) A custodial officer as defined in Penal Code Section 831.5.
- (37) A person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.
- (38) An alcohol and drug counselor. As used in this article, an "alcohol and drug counselor" is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not in and of itself, a sufficient basis for reporting child abuse or neglect.
- (39) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code.
- (40) A clinical counselor intern registered under Section 4999.42 of the Business and Professions Code.

- (41) An employee or administrator of a public or private postsecondary institution, whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution. Nothing in this paragraph shall be construed as altering the lawyer-client privilege as set forth in Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.
- (42) An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.
- (43) (A) A commercial computer technician as specified in Penal Code subdivision (e) of Section 11166. As used in this article, "commercial computer technician" means a person who works for a company that is in the business of repairing, installing, or otherwise servicing a computer or computer component, including, but not limited to, a computer part, device, memory storage or recording mechanism, auxiliary storage recording or memory capacity, or any other material relating to the operation and maintenance of a computer or computer network system, for a fee. An employer who provides an electronic communications service or a remote computing service to the public shall be deemed to comply with this article if that employer complies with Section 2258A of Title 18 of the United States Code.
- (B) An employer of a commercial computer technician may implement internal procedures for facilitating reporting consistent with this article. These procedures may direct employees who are mandated reporters under this paragraph to report materials described in subdivision (e) of Section 11166 to an employee who is designated by the employer to receive the reports. An employee who is designated to receive reports under this subparagraph shall be a commercial computer technician for purposes of this article. A commercial computer technician who makes a report to the designated employee pursuant to this subparagraph shall be deemed to have complied with the requirements of this article and shall be subject to the protections afforded to mandated reporters, including, but not limited to, those protections afforded by Section 11172.
- (44) Any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary institutions.
- (b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9. (c) Employers are strongly encouraged to provide

their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5. (d) School districts that do not train their employees specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws shall report to the State Department of Education the reasons why this training is not provided.

(e) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article. (f) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

Mandated Cross-Reporting

State law under 11666 (k) PC requires law enforcement to report to the county welfare department and the District Attorney's Office (DA's Office) every known or suspected instance of child abuse or neglect reported to it that is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. The cross report to the DA's Office is satisfied when calling the DCFS hotline at 1 (800) 540-4000.

If the abuse occurred outside the Department's jurisdiction, law enforcement personnel must immediately, or as soon as possible, contact the agency having responsibility for investigating the case by telephone, fax, or electronic transmission. Acts or omissions coming within subdivision (b) of Section 11165.2 (Neglect) PC must only be reported to DCFS.

FOR EXAMPLE: A dirty home, inappropriate clothing for the weather condition, poor hygiene, lack of appropriate supervision, and hunger, are reported to DCFS only.

NOTE: Situations where a child resides in a home, and there is suspicion that domestic violence has occurred, officers **shall** cross report the incident to DCFS. If the child/children are in imminent danger of serious bodily injury due to the abuser's actions, officers should remove the child from the custody of his/her parents without prior judicial authorization. However, a thorough investigation must be conducted to determine whether the child/children should remain with or be removed from the non-offending parent.

If an incident of domestic violence occurs prior to an incident of child abuse as one continuous act, the follow-up responsibility falls with the geographic Area of occurrence.

Neglect means the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare.

General neglect means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.

Severe neglect means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive (maternal rejection and neglect). **Severe neglect** also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered including the intentional failure to provide adequate food, clothing, shelter, or medical care.

Notification to Mandated Reporter Upon Completion of a Suspected Child Abuse Investigation

Upon completion of a suspected child abuse investigation generated from information received from a mandated reporter, the assigned investigator shall ensure that the Suspected Child Abuse Investigation Mandated Reporter Notification is completed and:

- Mailed to the mandated reporter when he or she has provided the Department with a mailing address; or,
- Scanned and sent via e-mail to the mandated reporter when he or she has provided the Department with an e-mail address.

When the Suspected Child Abuse Investigation Mandated Reporter Notification is mailed to the mandated reporter, the completed original form shall be mailed, and a copy shall be included in the Detective's Case Envelope, Form 15.15.00. When the Suspected Child Abuse Investigation Mandated Reporter Notification is sent to the mandated reporter via e-mail, the completed original form shall be retained in the Detective's Case Envelope.

NOTE: The assigned investigator shall document the date the Suspected Child Abuse Investigation Mandated Reporter Notification was mailed or e-mailed and include any pertinent information such as the mandated reporter's name, the agency he or she works for and the mailing address or

e-mail address to which the form was sent, in the Detective Case Tracking System Chronological Activity Log. The information shall also be entered on the final Follow-Up Investigation, [Form 03.14.00](#), when applicable.

3.30. CONFIDENTIALITY OF INFORMATION CONCERNING THE PERSON REPORTING SUSPECTED CHILD ABUSE

Sections 11167 and 11167.5 of the Penal Code restrict the release of any information concerning the reporting party(s) of a suspected child abuse, except as authorized. A violation of the restriction is a misdemeanor. The following agencies are authorized to receive information concerning the identity of the reporting party of a child abuse:

- The State Department of Social Services.
- The Department of Children and Family Services.
- Other law enforcement agencies.

Reporting person information may also be disclosed pursuant to a court order or when the reporting person waives confidentiality. An officer responding to an incident of suspected child abuse shall not disclose the identity of the reporting party to unauthorized persons, including the parents or guardian of the victim or the alleged perpetrator.

3.40. RELEASE NOTIFICATION OF PERSONS CONVICTED OF CERTAIN SEX OFFENSES AGAINST MINORS

Board of State and Community Corrections (BSCC) is required to notify the Department of an individual's release from prison when that individual was convicted within the City's jurisdiction of a specified child abuse offense, or any sex offense identified in statutory law as being perpetrated against a minor victim. Currently, the Department receives written notification from the Department of Corrections and Rehabilitation of persons convicted of violent felonies who are scheduled for release.

Upon receipt of the notification, Records and Identification Division should forward the information to the Geographic Areas where the crime occurred. This notification should include the name of the person who is scheduled to be released, whether or not the person is required to register with local law enforcement, in the community in which the person will reside.

The Registration Enforcement and Compliance Teams (REACT) officers for each area are responsible for registering, monitoring and conducting public notification on sex offender registrants who reside in the Department's jurisdiction.

3.50. **ABUSED CHILD SECTION - RESPONSIBILITIES**

The Abused Child Section (ACS), Juvenile Division, has Citywide responsibility for investigating complaints involving physically and/or sexually abused children, wherein the parent, stepparent, legal guardian, live-in boyfriend/girlfriend of the parent or guardian, or other person acting in capacity of parent or legal guardian, is responsible for the abuse. When the suspect is not identified as a parent or guardian, the follow-up investigation is the responsibility of Area detectives. Area detectives are also responsible for investigating deaths resulting from the violation of Section 25100 PC (Storage of firearms accessible to children).

NOTE: After normal business hours, Juvenile Division personnel should normally only respond to abused child cases falling within their investigative purview, involving the death or probable death of a child under 11 years of age, or such child abuse cases where the victim has suffered a critical injury and is hospitalized.

- The ACS is also responsible for investigating all cases of severe neglect (Failure to Thrive). Failure to Thrive is defined as any case in which a child's health is impaired due to the failure of the parent or guardian to provide adequate nutrition for the child.
- The ACS has follow-up investigative responsibility for undetermined deaths of children under 11 years of age.
- Homicides of children under 11 years of age where it appears the parent, stepparent, legal guardian, live-in boyfriend/girlfriend of the parent or guardian, or other person acting in the capacity of parent or legal guardian, is responsible for the abuse.
- Conducting follow-up investigations on deaths of children under 11 years of age wherein neglect or action by the parent(s)/guardian(s) placed the child in an endangered situation that resulted in death.
- The ACS is also responsible for investigating child on child sexual assaults when both the children are 11 years of age and younger, see Chapter 4, section "Child-on-Child Sex Crimes," for additional information.

3.60. **INVESTIGATIVE RESPONSIBILITIES OF THE SEXUALLY EXPLOITED CHILD UNIT (SECU)**

A. The SECU has primary responsibility for investigating the following cases:

- The sexual exploitation of children who are under the age of 16;

- When there are multiple, identified victims;
- There has been substantial, felony, sexual conduct; and
- The sexual predator is;
 1. A person in a position of trust;
 2. Not related to the victims; and
 3. Does not live in the same residence with the victims.

B. The SECU also investigates the following cases:

- Child pornography cases, not involving the Internet, including;
 1. Production;
 2. Distribution; or
 3. Possession.
- These cases include complaints from;
 1. Photography processing facilities;
 2. Computer repair businesses; or
 3. Community members.

C. The SECU has the following ancillary duties:

- Providing child exploitation advice, expertise, and training to the Department.
- Providing guidance and assistance with investigations when requested or when directed by the Commanding Officer, Juvenile Division.

3.70. INTERNET CRIMES AGAINST CHILD (ICAC) UNIT - RESPONSIBILITIES

The Los Angeles Regional Internet Crimes Against Children (LA ICAC) Task Force is a State and Federal grant-funded program spearheaded by Juvenile Division. The ICAC Unit works in concert with law enforcement affiliate agencies from Los Angeles, Orange, San Bernardino, Ventura and Santa Barbara Counties. This confederation of agencies detects, investigates, arrests and prosecutes those who sexually exploit children using the Internet or other electronic device as a means of contact.

The ICAC conducts both pro-active and re-active investigations and enforces both State and Federal statutes relating to child sexual exploitation.

A. The LA ICAC is responsible for the following crimes involving the Internet or other electronic device.

1. Child Pornography including production, distribution, and possession;
2. Crimes of "luring" or "enticement" stemming from Internet communication with a child 15 years of age and under;
3. Providing advice on those portions of an investigation relating to the Internet or use of an electronic device, where minors are the victims.

B. The LA ICAC also investigates the following cases involving the Internet or use of an electronic device:

1. The sexual exploitation of a child involving the Internet or use of an electronic device, when reported via any source;
2. Proactive Internet operations including;
 - a. Online Enticement;
 - b. Distribution of Child Pornography through file sharing networks; and,
 - c. Undercover operations.

C. The LA ICAC does not investigate:

1. Crimes of juvenile sexual assault where the use of the Internet, cellular telephone or other electronic device was used for the facilitation of communication and contact.
2. General Internet-related Cybercrimes including;
 - a. Fraud, identity theft, hacking, unauthorized access or malicious code;
 - b. Sexual content on the Internet involving juveniles who are 16 years of age or older;
 - c. Cyber-Bullying and similar intimidation cases; and,
 - d. "Sexting," via the use of cellular telephones or other electronic device, which occurs between minors.

D. The LA ICAC has the following additional responsibilities:

1. Managing the LA ICAC Task Force, including;
 - a. Administering Federal and State Grants;
 - b. Participating in the National ICAC Task Force program;
 - c. Supporting Affiliate Agencies with training and equipment;
 - d. Conducting regular task force meetings; and,
 - e. Providing assistance to outside agencies, as needed.

E. At the discretion of the Commanding Officer, Juvenile Division, the LA ICAC may:

1. Provide training on protocols for investigations and presentations of the Internet, cellular telephones or other electronic devices, to:
 - a. Department entities;
 - b. Outside law enforcement agencies.
2. Presentations of and assisting with information for Internet safety programs related to child sexual exploitation of children for:
 - a. Schools and Community Groups

3.80. STUART HOUSE RESPONSIBILITIES

The primary goal of the Stuart House is to minimize the number of interviews a child must endure. The program concept is to make available, at one location, personnel from law enforcement, the Los Angeles District Attorney's Office, DCFS, and medical and psychological services.

The following criteria should be used to determine whether a case is referred to the Stuart House:

- It reasonably appears that the child is the victim of sexual assault (felony or misdemeanor); and,
- The child is under the age of 18 years; and,

- The incident occurred within the boundaries of West Los Angeles, Pacific, Hollywood, Wilshire, or Olympic Areas;
- Juvenile Division should assume responsibility for all sexual abuse cases where the suspect is a parent, step-parent, legal guardian, live-in boyfriend/girlfriend of the parent or guardian, or other person acting in capacity of parent or legal guardian; and,
- Sexual Assault Detail, Operations-West Bureau (OWB), should assume responsibility for all other sexual assault cases occurring within West Los Angeles, Pacific, Hollywood, Wilshire or Olympic Areas.

NOTE: It is imperative that every effort is made to provide the Stuart House with a copy of the report as soon as practical.

Patrol Officer's Responsibilities

Patrol officers handling cases as described above should adhere to established policies and procedures, ensure children are protected, and the appropriate reports are completed.

NOTE: Juvenile Division personnel may be contacted via RACR Division during non-business hours. Officers may contact the following entities for advice and guidance, Juvenile Division, Area Juvenile Coordinator and Sexual Assault Detail, OWB.

Detective's Responsibilities

When a case meets the Stuart House's guidelines, the assigned detective or investigating officer should:

- During normal business hours, Monday through Friday, contact the Stuart House at (310) 319-4248, and provide the Child Advocate with the circumstances of the allegations(s); and,
- Arrange with the Child Advocate a date and time to conduct an interview with the child at the Stuart House, as soon as possible; and,

NOTE: The assigned Juvenile Division or OWB investigating officer should ensure that the initial interview with the child is conducted at the Stuart House.

- Ensure the child has adequate transportation to and from the Stuart House; and,
- At the conclusion of the interview, meet with the Stuart House team and discuss the interview results and merits of the case, and develop a plan for follow-ups; and,

- Obtain a felony filing, District Attorney reject, or City Attorney referral from the District Attorney assigned to Stuart House; and,
- Participate in the Stuart House team meetings when the case is scheduled for discussion.

Detective Supervisor's Responsibilities

The concerned detective supervisor should:

- Review all child abuse reports and ensure that those reports meet the Stuart House investigative guidelines, and are handled according to the procedures established by Operations Order No. 1, 2009, Stuart House Investigative Procedures - Revised, dated October 23, 2009; and,
- Review all Follow-up Investigation Reports, [Form 03.14.00](#), documenting a child abuse investigation to ensure they meet the Stuart House's investigative guidelines and were handled according to the procedures established by Operations Order No. 1, 2009, Stuart House Investigative Procedures - Revised, dated October 23, 2009.

Juvenile Division Commanding Officer's Responsibilities

The Commanding Officer, Juvenile Division, should:

- Conduct periodic evaluations to determine if Department personnel are adhering to the procedures established by Operations Order No. 1, 2009, Stuart House Investigative Procedures - Revised, dated October 23, 2009 and,
- Serve on the Stuart House Interagency Management Committee and attend quarterly meetings.

Medical Evaluation Information – Sexual Abuse

The medical examination of a suspected abuse of a child victim is an important component of these complicated investigations. Special attention should be given to the necessity of a medical examination. Officers should have the child victim examined for sexual abuse. There are the following options:

1. The sexual assault or sexual abuse occurred within the last 96 hours; or the suspect has had access to the minor within the last 96 hours; there is reason to believe evidence of injury is still present on the minor's body even though more than 96 hours have passed since the sexual assault abuse; and/or there is a need to protect the immediate health and safety of the child, the officers should have the child examined at the hospital that has been certified to conduct pediatric sexual assault/abuse examinations. A Sexual Assault Evidence Kit should be completed

and booked as evidence; or,

NOTE: For Stuart House cases, the medical evidentiary examination should be conducted at the Santa Monica Rape Treatment Center (RTC) Medical / Forensic Facility, which is a certified facility and is available 24 hours a day. When transporting a minor for a medical/forensic examination, the officer(s) should contact the counselor on-call at (310) 319-4000, to advise RTC staff they are enroute. Officers can also call the RTC to consult on any case.

2. The child discloses abuse that occurred more than 96 hours prior, Stuart House offers scheduled, non-emergency, expert child sexual assault/abuse examinations. These examinations must be authorized by law enforcement, and the investigating officer should schedule examination appointments in advance by contacting the Stuart House Child Advocate at (310) 319-4248. These examinations are conducted during regular business hours.

3.90. ADVICE--CHILD ABUSE INVESTIGATIONS

During regular office hours, contact Juvenile Division, Investigative Control Unit (ICU), for advice regarding physically or sexually abused children when the suspect is an adult or juvenile and is identified as being a parent, stepparent, legal guardian, live-in boyfriend/girlfriend of the parent or guardian, or other person acting in capacity of parent or legal guardian. Officers can contact ICU at (213) 486-0531, Monday through Friday from 0600-2000 hours, and the general public can contact ICU at (213) 486-0530 from 0700-1630 hours.

For advice regarding physical or sexual abuse cases where the suspect is not a parent, stepparent, legal guardian, live-in boyfriend/girlfriend of the parent or guardian, or other person acting in the capacity of parent or legal guardian of the child, officers should contact the Area Detective Coordinator. During off-hours, the concerned watch commander will provide advice for child abuse investigations.

3.100. RESPONSIBILITIES OF THE INVESTIGATIVE CONTROL UNIT (ICU)

1. Review and categorize all SCARs received by the Department;
2. Track all Citywide SCARs to ensure that a report is completed, if one is warranted;
3. Provide procedural advice to Department personnel upon request, and investigative advice when Juvenile Division is responsible for the follow-up investigation;
4. Maintain liaison with the geographic Area coordinators on all matters concerning SCAR investigations;
5. Maintain liaison with DCFS, the City Attorney's Office, LAUSD, and RACR Division regarding SCARs;
6. Receive telephone calls from mandated reporters and the public regarding child abuse cases and, if necessary, create a call for service;

7. Maintain statistics for COMPSTAT regarding SCAR investigations;
8. Provide training and guidance on the use and management of the E-SCAR system;
9. Maintain SCAR logs for the geographic Areas for school-related SCARs;
10. Maintain all received SCARs in a database.

NOTE: During weekends, holidays, and off-hours, RACR Division is responsible for reviewing all SCARs received by the Department and, if necessary, creating a call for service.

3.110. MANDATED NOTIFICATION OF CHILD / INFANT DEATH

Juvenile Division is responsible for investigating undetermined deaths of children **under 11 years of age**, except for traffic-related deaths and deaths resulting from the violation of Section 25100 PC (Storage of firearms accessible to children). Officers assigned a call involving the preliminary investigation of the death of a juvenile under 11 years of age, should contact Juvenile Division, ICU, at (213) 486-0531 during regular business hours, and RACR Division on off hours.

3.120. GENERAL GUIDELINES FOR CHILD ABUSE INVESTIGATIONS

Cases involving juveniles as victims of possible child abuse including sexual molestation, physical abuse or severe failure to thrive, or neglect (hospitalization) should be reported by the officer first coming in contact with the suspected victim. Officers should ensure the appropriate Crime, Arrest, and/or Injury Reports are completed and immediately cross report the incident to the DCFS.

Priority at Scene and Entry into Residences or Locations and Possible Removal of Victims in Suspected Child Abuse Investigations

Upon arrival at the location, the first priority is the protection of the child. While there is no “suspected child abuse” exception to the search warrant requirement, officers may be justified in a warrantless entry into a premise in order to prevent possible child abuse and removal of victims, if there are exigent circumstances.

An “exigent circumstance” is one wherein the officer must act immediately to stop an actual or perceived danger to an individual.

The information the officer possesses should be clear and strong, and must dictate immediate action for an entry, search, or removal of victims. The more severe the reported abuse, the more likelihood that the courts will find exigency to remove an abused child. Anything short of requiring an immediate response would merely be fact upon which the officer could base probable cause for obtaining a search warrant. Obtaining valid consent to enter and search a residence or premises is an appropriate method in which officers may conduct searches.

When consent is called into question in a trial, the officers must establish that a valid waiver was obtained. This sometimes becomes a difficult task that proves to be a challenge in both criminal and civil courts. Officers should take measures to document and show that valid consent was obtained.

Where sufficient probable cause to search exists, officers should strongly consider seeking the judicial authorization of a search warrant.

A search warrant provides an extra level of protection for the officer in both criminal and civil trials (Chief of Administrative Services Notice, Entry Into Residences or Locations and Possible Removal in Suspected Child Abuse Investigations, dated June 11, 2003).

Assisting the Los Angeles County Department of Children and Family Services with the service of a Search Warrant and Protective Services Warrant.

Personnel involved in the service of a Search Warrant and Protective Services Warrant with DCFS must comply with the following:

- Review the Search Warrant and Protective Services Warrant prior to any enforcement action;
- Complete an Operations Plan;
- If the DCFS requests forced entry, ensure that it has been authorized by the court and documented in the search warrant;
- Request additional units, if necessary; If forced entry is to be conducted and there are no exigent circumstances present, request a supervisor to the scene and notify the watch commander for guidance;

NOTE: If exigent circumstances are present, ensure that officer safety and sound tactics are exercised and that necessary resources have been requested before making entry.

Take appropriate action if it is determined that a crime has taken place; and,

- Ensure a detailed entry is completed on the Daily Field Activities Report (DFAR) and the completed Operation Plan is attached.

Furthermore, DCFS employees should make their request for support in the service of these specific types of warrants at an appropriate Department facility (not at the search warrant location) so the warrant can be reviewed and proper planning conducted prior to its service. Although a full warrant work-up may not be

necessary, officers will be required to complete an Operations Plan, [Form 12.22.00](#), prior to any enforcement action.

When assisting the DCFS in the service of a Search Warrant and Protective Services Warrant. Warrant service procedures outlined in [Department Manual Section 4/742](#), Search Warrants, must be followed for all other warrant service.

Supervisors assigned to assist with a Search Warrant and Protective Services Warrant with the DCFS are responsible for the following:

Review the Search Warrant and Protective Services Warrant prior to any enforcement action;

- Review and approve the completed Operations Plan;
- Ensure there are sufficient units at scene to conduct service;
- Ensure notification is made to the watch commander;
- If forced entry has been authorized by the court, ensure documentary photographs depicting the condition of the residence are taken before and after forced entry is made;

NOTE: Whenever entry must be forced, it is not expected that officers take photographs of the point of entry. However, during the course of the search, except when exigent circumstances preclude it, photographs should be taken before and after any property damage.

The reasons for damage and any exigent circumstance precluding photographs must be clearly explained in the Sergeant's Daily Report, [Form 15.48.00](#).

- Ensure a detailed entry is completed on the Sergeant's Daily Report and attach copies of the Operations Plan and search warrant;
- If forced entry is required and no one is available to secure the location, adhere to existing Department "board-up" procedures ([Department Manual Sections 4/203.70, 4/203.75](#)); and,
- Ensure photographs are attached to the Operations Plan if taken.

The Area watch commander is responsible for the following:

- Ensure there are sufficient units to conduct service;

- If forced entry is to be made, ensure a supervisor is at scene; and,
- Ensure a detailed entry is completed on the Watch Commander's Daily Report, [Form 15.80.00](#).

NOTE: The watch commander may add additional criteria to the Operations Plan, if forced entry is authorized by the court. Warrant Packages and entries on Search Warrant Tracking Logs are not required in these cases.

Initial Interview

When child abuse is reported or suspected, the officers must interview the child in person, not in front of the parents, guardian or suspect. In addition, the names, addresses, and statements of all witnesses should be documented.

Other Potential Victims

Officers should determine the identity and location of other siblings living in the home or at risk and do a separate evaluation for each child to determine whether or not a court order should be used to remove each child.

Physical Examination of Victim

Examine the juvenile to ascertain the nature and extent of his/her injuries. Actual physical examination of a physically abused juvenile is necessary. **An officer of either gender may examine a juvenile who is three years of age or younger.**

When the **juvenile is four years of age or older, the examination shall be performed by an officer of the juvenile's gender or by authorized medical personnel.** If at all possible, officers should have a witness, and/or a Department supervisor present during an examination of a child for bruises and/or injuries.

NOTE: A sexually abused juvenile shall be examined only by medical personnel.

Juvenile Detained

If the juvenile is detained, the officer should:

- Do a separate evaluation for each child to determine whether or not a court order should be used to remove the child. Officers should not make a blanket determination that, because exigency exists for one child, exigency exists for all of the children. It is not uncommon to have exigency exist for one child in a home, and have it lacking for another child in the same home. Thus, the child assessed to be at risk under exigent circumstance (immediate risk of harm) may be detained

without a court order, yet another child in the home assessed to be at risk of harm may only be removed with a court order.

When needed, officers should work with the case assigned social worker to obtain a court order to gain entry to the home with specific intent to remove a child suspected of being the victim of abuse or neglect from his or her parent/guardian. If the officer(s) contacts DCFS and determines it will take several hours before the social worker arrives at the victim's location, officers may contact the DCFS Warrant Desk at (323) 881-1303 during normal business hours and the Command Post at (213) 639-4500 during off hours and weekends in order to obtain a court order. Officers must be able to articulate why the victim(s) should be removed from his/her parent or guardian.

Officers cannot seize children suspected of being abused or neglected unless reasonable avenues of investigation are first pursued, particularly where it is not clear that a crime has been, or will be, committed. See Seigny v. Dickey, 846 F.2D 953, 957 (4th Cir. 1988) (holding that child abuse investigator has a duty to investigate information that would have clarified matters prior to separating children from their parents); BeVier v. Hucal, 806 F. 2d 123, 128(7th Cir. 1986) (officers have the duty to "make a thorough investigation and exercise reasonable judgment before invoking the awesome power of arrest and detention"). Whether a reasonable avenue of investigation exists, however, depends in part upon the time element and the nature of the allegations.

- Complete an Arrest Report Face Sheet, [Form 05.02.00](#), and an Investigative Report (IR), [Form 03.01.00](#). The concerned officer should also complete an IR for Endangering for all other siblings.
- For each minor complete the Request for Confidentiality of Information, [Form 03.02.00](#) or [Form 03.02.01](#) (Spanish Translation).
- When a juvenile is taken into custody for 300 WIC, the officer shall take immediate steps to notify the juvenile's parents/guardian that the juvenile is in custody and that the juvenile has been placed in a facility authorized by law to care for the juvenile, and provide the juvenile's parents, guardian or responsible relative with the appropriate DCFS telephone number. The address of the licensed foster family home shall not be released to the juvenile's parents, guardian or responsible relative.

If the juvenile's injuries do not warrant completion of an IR and it appears safe to leave the juvenile in the home, officers shall complete an Injury Investigation, [Form 03.15.00](#), and release the juvenile to a parent or guardian, on advice of ICU, or the Area Detective Coordinator or the Watch Commander and **the incident shall be cross-reported to DCFS.**

Notification to the Department of Children and Family Services

Immediately telephone and notify the DCFS Hotline that a suspected child abuse

investigation is being conducted; obtain the referral number, address, and telephone number of the DCFS Regional Office if it is known. The following shall be provided to DCFS:

- Reporting officer's name and serial number;
- The victim's name;
- Nature and extent of the abuse;
- What led the officer to believe the child was a victim of suspected abuse.

NOTE: DCFS HOTLINE Phone Number: (800) 540-4000
1933 S. Broadway Street, 5th Floor, LA, CA 90007.

Officers shall include in the narrative of the Investigative Report, Arrest or Injury Report, [Form 03.15.00](#), the DCFS Case Number, and the name of the DCFS employee who was informed telephonically of the investigation.

3.130. CHILD ABUSE INVESTIGATION PROCEDURES

Arrest

In child abuse cases, the victim will be booked under one of the following sections: **(Below are the booking sections and should be written exactly as below on the booking approval).**

300(a) WI	Physical Abuse
300(b) WIE	Endangered
300(b) WIF	Failure to Thrive
300(b) WIU	Unfit Home (Generally handled by DCFS)
300(c) WI	Emotional Damage
300(d) WI	Sexual Abuse
300(e) WI	Severe Physical/Sexual Abuse - Victim Under 5
300(i) WI	Cruelty
300(f) WIC	Parent convicted of prior child abuse death
300(j) WI	Protective Custody of Endangered Siblings

The nature and severity of the abuse will determine the proper booking section.

Detention Guidelines in Department Facilities - 300 WIC Cases

Abused and neglected children (juveniles taken into custody under 300 WIC) **shall not** be detained in either a Department jail or lockup (holding tank or other locked room), which would constitute secure detention. These 300 WIC juveniles also **shall not** be in a Department facility that contains a jail or lockup for the confinement of adults, unless the juvenile is under continuous supervision, and is not permitted to come into,

or remain in, contact with either adults or with 602 WIC juvenile offenders, in custody inside the facility.

Detention Procedures – 300 WIC Cases

Officers shall contact the DCFS Child Abuse Hotline (1-800-540-4000) for 300 WIC placements.

Injuries/Medical Treatment

When officers take a child into protective custody for either sexual or physical abuse, and the parent(s) are the suspect(s) in the crime, parental approval to medically treat the respective child is not required.

In cases where a victim has been taken to the hospital for a medical condition, and the victim's parents refuse to give medical personnel consent to perform the procedure because of a religious belief, and medical personnel inform officers that the victim could die if the procedure is not performed, officers should take the victim into protective custody for 300 (b) WIC (Child Endangerment) and contact the DCFS Hotline for advice on obtaining an emergency medical consent. Officers shall include the physician's name, employee number, findings and opinions in the body of the Arrest Report, [Form 05.02.00](#)

In sexual molestation cases, if the incident of molestation occurred within 96 hours of being reported, proceed with a medical examination. In situations where the incident is reported after 96 hours, officers should postpone an immediate medical examination. This information should be noted in the IR.

An ACS or Area investigator will schedule a follow-up medical examination. Officers may need to obtain a court order for an investigative medical examination that will require the assistance of DCFS if the parents do not consent to the examination.

Federal appellate court cases prohibit investigative/evidentiary medical examinations unless one or more of the following conditions exist:

1. Parental consent; or
2. A court order; or
3. Exigent circumstances that demonstrate either 1) a medical emergency (urgent problem requiring immediate medical attention); or 2) the examination is necessary to preserve evidence (e.g. sexual assault occurring within the previous 96 hours).

The Ninth Circuit Court of Appeals has recently held that government officials cannot exclude parents entirely from the location of their child's physical examination absent parental consent, some legitimate basis for exclusion, or an emergency requiring immediate medical attention. Thus, a family's right to be with each other during potentially traumatic medical examinations may be limited in certain circumstances to

presence nearby the examinations (in the waiting room or another nearby area) only if there is some “valid reason” to exclude the family members from the exam room during a medical procedure.

NOTE: If there is reasonable evidence to believe that a parent is abusive, cannot provide love and support to the child, or will in some significant way interfere with the examination, the parent may be directed to a nearby waiting room. A parent should be banned from the facility in situations where the parent would be highly disruptive.

Maltreated Juvenile Remaining in Hospital

When there is a valid case of maltreatment (physical abuse) and the juvenile cannot be moved because of the severity of their medical condition, the officer shall:

- Notify the concerned investigating entity;
- Conduct a thorough investigation to determine whether a crime has occurred and if the parent(s) were aware or contributed to the abusive situation before the child can be removed from their care without a removal order;
- If the child is going to be removed, advise the administrators and concerned personnel that the subject is in protective custody and that the subject shall not be released without DCFS approval or by an order from Juvenile Court; and
- Contact DCFS and obtain a “Hospital Hold” on the subject.

Photographs of Child Victim Injuries

Any visible injuries should be photographed by Technical Investigation Division (TID) photo lab personnel. Officers **shall not** use digital cameras or personal phones to take photographs of child victims.

The TID photo lab personnel should be requested to take all photographs, and a DR number must be obtained prior to requesting photographs. Photographs should be taken prior to medical treatment; however, treatment shall not be withheld or delayed pending photographs. The TID Photo Lab must be notified to take photographs at the hospital in cases requiring the hospitalization of the victim.

Any deviation from this policy requires the approval of a Juvenile Division supervisor prior to taking any action. Under no circumstances shall photographs of genitalia be taken by anyone other than a TID photographer or medical personnel (i.e., Sexual Assault Response Team doctor or nurse).

The above procedures are intended to protect the privacy of the subject. They also alleviate any concerns with sensitive photographs depicting child abuse that may

possibly be stored in unrestricted servers such as those located in a kit room or community drive on an Area LANS computer. In addition, prosecutors from the City and/or District Attorney's Office will not file charges without photographic evidence in most cases.

Evidence – Child Abuse Cases

Book all physical evidence available in abuse cases. Items such as bathtubs, stoves, etc., that cannot be booked, should be photographed. Where the condition of the home is dangerous to the welfare of the victim, photographs should be taken of the home prior to leaving the scene.

Evidence – Child Abuse - Booking Locations

Evidence related to a child abuse investigation that is the responsibility of the ACS, Police Administration Building, should be booked at Property Division.

When the investigative responsibility belongs to the ACS, Valley Section, the evidence should be booked at Valley Property Section. All other evidence related to a divisional child abuse investigation should be booked at their designated booking location.

Report Titles – Child Abuse-Related Assaults:

Child Abuse-Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce great bodily harm.

Child Abuse-Simple Assault: All assaults and attempted assaults that are not of an aggravated nature.

Report Titles-Crime Against Child

Investigative Report titles of sexual abuse involving children should be crime specific. The title of the IR must be based on the type of crime committed, followed by the secondary crime title "Crime Against Child."

Correctly titling the report ensures that everyone who sees the report knows it involves a child and that the report is correctly captured for Department statistics.

EXAMPLE:

- The stepfather of an 8-year old girl forces his penis into her vagina. (Rape/Crime Against Child)

- The uncle of a 15-year old boy forces his penis into his anus.
(Sodomy/Crime Against Child)
- The next door neighbor makes a 12-year old boy orally copulate him.
(Oral Copulation/Crime Against Child)
- The school bus driver fondles the breasts of a 13-year old female.
(Sexual Battery/Crime Against Child)
- The grandfather of a 6-year old girl forces his fingers into her vagina.
(Penetration with a Foreign Object/Crime Against Child)

If there is an incident with multiple crimes of sexual abuse, title the report using the most egregious crime and list the other crimes in the narrative of the report.

Other Common Report Titles

Child Annoying: Every person who annoys or molests any child under the age of 18 years.

Child Endangerment: The minor's sibling has been abused or neglected. This title can also be used when a person causes or permits any child to suffer, or inflicts on unjustifiable physical pain or mental suffering, or willfully causes the child to be placed in a situation where their health is endangered.

Indecent Exposure: Every person who willfully or lewdly exposes his person, or the private part thereof, in any public place, or any place where there are present other persons to be offended.

An Arrest Report, [Form 05.02.00](#), and a booking number are required for each juvenile taken into protective custody.

NOTE: If a DCFS worker is on the scene and agrees to take custody of the juvenile(s), officers shall not release the juvenile(s) to DCFS until arrest face sheets have been completed and booking numbers are obtained. Complete the LAPD Request for Confidentiality of Information, [Form 03.02.00](#), for each involved juvenile (See Chapter 18 for additional information).

NOTE: If DCFS places a child in a foster home, the address of the foster home shall not be listed in the Arrest Report.

Report and Booking Advice/Approval-ACS Cases

When the investigative follow-up responsibility belongs to the ACS, the report, arrest, and/or detention advice should be obtained at the following locations:

- Day watch hours – Juvenile Division, ICU, (213) 486-0531, from 0600-2000 hours, Monday-Friday.
- Off-hours – concerned Area Watch Commander or RACR, who will contact the on-call ACS detective.

In cases where investigative responsibility belongs to Area detectives, the report, arrest, booking and/or detention advice should be obtained from an on-duty investigator from the investigative entity responsible for the follow-up investigation.

NOTE: Suspect booking approval shall only be given by an Area Watch Commander or the Jail Division Watch Commander. Booking approval is required for all 300 WIC bookings.

Criteria for Injury Reports

In compliance with the mandatory reporting law (11166 PC), when facts do not justify a crime report, the investigation shall be recorded on an Injury Investigation, Form 3.15.0. Copies of the medical treatment shall accompany the Injury Investigation, [Form 03.15.00](#), and cross-reported to DCFS.

Distribution of Injury Investigations involving possible incidents of child physical/sexual abuse

Department personnel are no longer required to send copies of completed Injury Investigations involving possible incidents of child physical/sexual abuse to Juvenile Division. Area personnel will maintain all investigative responsibilities for child abuse related Injury Investigations until such time as the investigation rises to the level of an established parent/guardian child abuse crime. In that eventuality, the Area is responsible for upgrading the Injury Investigation to an IR and for contacting Juvenile Division to ensure that the case is reassigned appropriately.

NOTE: Area detectives should obtain Juvenile Division concurrence if circumstances dictate that an Injury Investigation needs to be reclassified to an IR.

DR Numbers

In physical and sexual abuse cases, a separate DR number is required for each victim. For each situation involving endangering or an unfit home, all endangered victims can be included under one DR number. In situations that include both victims of abuse and endangered siblings, only one IR is needed. The report should be entitled with the appropriate type of abuse, i.e., "Rape / Crime Against Child / Child Endangering." One DR number will be required for the victim of the rape and one additional DR number for

all of the endangered siblings.

- Complete a Request for Confidentiality of Information, [Form 03.02.00](#), including the “Other” box when appropriate;
- Document the victim's first name and last initial **only** in the "Victim Information" section (exclude all other personal information on the IR or arrest report face sheet);
- Complete the narrative of the report referring to the victim by their first name and last initial;
- Record the DR number in the upper-right-hand corner of all attached documents. The documents become pages of the Department's report and are numbered accordingly; and,
- Provide the victim with a Domestic Violence Pamphlet ([Dept. Manual 4/203.36](#)).

The investigating officer responsible for filing a sexual assault case shall **remove** the victim's identifying information, with the exception of the victim's first name and last initial, from all copies of reports/documents submitted to the appropriate prosecutor's office.

3.140. ARREST AND BOOKING CHARGES OF ADULTS ARRESTED FOR CHILD ABUSE

The following offenses are to be considered when adults are involved as suspects in 300 WIC situations in addition to other applicable Penal Code Sections:

- 245 PC: Assault with a Deadly Weapon (ADW)(Felony).
- 261 PC: Rape (Felony).
- 270 PC: Failure to Provide (Misdemeanor).
- 271 PC: Desertion of Minor (Felony).
- 272 PC: Contributing to the Delinquency of a Minor (Misdemeanor).
- 273a (a) PC: Endangering/ Physical Abuse-Willful abuse or injury to a person or health of a child under conditions likely to produce or actually producing great bodily harm or death to a juvenile or willfully causes or permits that child to be placed in a situation where his or her person or health is endangered, is guilty of a felony.
- 273a (b) PC: Endangering/ Physical Abuse-Any person who, under circumstances

or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health may be endangered, is guilty of a misdemeanor.

- 273ab PC: Assault resulting in death (Felony).
- 273d(a) PC: Corporal Injury to Child (Felony).
- 273j(a)(1) PC: Notification of Death of Child-It is a crime for a parent or guardian who has the care, custody, or control of a child under the age of 14 and who knows or should have known that the child has died, to fail to notify a public agency within 24 hours (Misdemeanor).
- 285 PC: Incest (Felony).
- 286 PC: Sodomy (Felony).
- 288 PC: Lewd or lascivious acts (Felony).
- 289 PC: Penetration of Genital or Anal Openings by Foreign Object, etc. (Felony).
- 647.6 PC: Child Annoying (Misdemeanor).

3.150 BOOKING LOCATIONS FOR ADULTS

Adult Arrestees – Parent/Guardian Relationship to Victim

Adult suspects arrested for child abuse in the following Areas, and identified as being a parent, step-parent, common-law spouse of the child's parent, or legal guardian of the child, should be booked at the following locations:

- Valley Areas shall be booked at Valley Jail Section.
- Central, South and West Bureau Areas shall be booked at Metropolitan Jail Section.

Adult Arrestees – Non-Guardian Relationship to Victim

Adult suspects arrested for child abuse, who do not have a guardian relationship to the victim, should be booked and detained at their respective jail facilities.

3.160. ARREST OF ADULT RESULTING IN UNATTENDED JUVENILE

If the arrest of an adult or juvenile causes a juvenile to be left without proper care and supervision, the arresting officer or booking officer is required to inquire as to whether the arrested person is a custodial parent with responsibility for a minor child as soon as practicable upon arrest but, except where physically impossible, no later than 3 hours after arrest.

The booking or arresting officer is required to inform the arrested person that they are entitled to, and may request, two additional telephone calls to make arrangements for a minor child (Penal Code 851.5 PC). Willfully depriving persons of these rights by an officer is a misdemeanor.

If the arrestee cannot make arrangements for his/her child/children, the child/children should be booked 300(g) WI (parent arrested) and released to DCFS or advise the appropriate agency of the situation if the arrestee lives outside the city.

3.170. UNFIT HOME INVESTIGATIONS

The officer making the preliminary investigation of an unfit home should complete all necessary reports and describe in the report, and also have TID Photo Lab personnel photograph, pertinent events and hazardous or unsanitary conditions within the home prior to leaving the scene. Factors that may be considered in unfit home investigations are:

- Lack of adequate food, shelter, or clothing;
- Exposed electrical wiring or other serious hazards that may be detrimental to the child's health or welfare;
- The presence of serious health hazards because of filthy conditions.

When any of the above conditions exists, the officer should:

- Indicate whether photographs were taken and describe the objects photographed; and
- Request three copies of each photograph to be distributed to the Area investigating officer responsible for the investigation.

3.180. WILLFUL CRUELTY/ENDANGERING INVESTIGATIONS

To determine which type of IR should be completed, the following criteria should be applied:

- If the injuries are deliberately inflicted, the IR should allege the elements of 273d (a) PC (Corporal Injury Upon a Child), or the crime that specifically applies.
- If the injuries are the result of neglect, the section should be 273a (a) PC or 273a (b) PC (Physical Abuse/Endangering depending on the degree of injury or circumstances that exist).

3.190. PLACEMENT OF DEPENDENT CHILDREN WITH DCFS

When a juvenile is detained under the authority of 300 WIC the arresting officer shall be responsible for:

- Contacting DCFS regarding the detention.
- If available, obtaining the detention location from DCFS.

NOTE: When problems are encountered, the respected Area detective or the Area Watch Commander should contact the on-duty supervisor at the DCFS Command Post 1 (800) 540-4000.

3.200. TRANSPORTATION AND CUSTODY OF JUVENILE FEMALES

When practicable, a female officer shall accompany female juveniles between 5 years and 17 years of age. If no female officer is available, two male officers shall be present during the entire period of transportation. Communications Division shall be notified of the time and mileage when there is no transporting officer of the arrestee's sex.

3.210. DCFS REFUSAL TO ACCEPT 300 WIC JUVENILES

When officers detain a juvenile under the authority of 300 WIC and DCFS refuses to place the juvenile, the arresting officer shall advise DCFS of their implied duties under 307 WIC. Officers may then transport the juvenile to the nearest DCFS Area Office or/to the Command Post during off-hours.

It is the responsibility of DCFS to transport juveniles who have been taken into protective custody to their foster home placement.

NOTE: Should any matters arise that need clarification or added attention, contact Juvenile Division ACS, during normal business hours at (213) 486-0570.

3.220. NOTIFICATION OF PLACEMENT IN DEPENDENT JUVENILE CASES

Notification Policy

Officers who take a juvenile into custody under 300 WIC are required to notify the parent or guardian that the juvenile has been placed in an authorized care facility (e.g., foster home). Officers shall also provide the minor's parent or guardian with the appropriate Department of Children and Family Services (DCFS) telephone number. The address of the foster home **shall not** be released to the juvenile's parent, guardian or responsible relative.

Juvenile Taken From School by Law Enforcement

The California Education Code Section 48906 states,

“When a principal or other school official releases a minor pupil to a peace officer for the purpose of removing the minor from the school premises, the school official shall take immediate steps to notify the parent, guardian, or responsible relative of the minor regarding the release of the minor to the officer, and regarding the place to which the minor is reportedly being taken, **except when a minor has been taken into custody as a victim of suspected child abuse**, as defined in section 11165 of the Penal Code, or pursuant to Section 305 of the Welfare and Institutions Code.

In those cases, the school official shall provide the peace officer with the address and telephone number of the minor's parent or guardian. The peace officer shall take immediate steps to notify the parent, guardian, or responsible relative that the minor is in custody and the place where the minor is being held. **If the officer has a reasonable belief that the minor would be endangered by a disclosure of the place where the minor is being held, or that the disclosure would cause the custody of the minor to be disturbed, the officer may refuse to disclose the place where the minor is being held for a period not to exceed 24 hours.**

The officer should, however, inform the parent, guardian, or responsible relative whether the child requires and is receiving medical or other treatment. The juvenile court shall review any decision not to disclose the place where the minor is being held at a subsequent detention hearing.”

If the officer has a reasonable belief that the juvenile would **not** be endangered by a disclosure of the place where the juvenile is being held, or that the disclosure would cause the custody of the juvenile to be disturbed, the officer is required to notify the parent or guardian that the juvenile has been **placed** in an authorized care facility (e.g., foster home). Officers should also provide the juvenile's parent or guardian with the appropriate DCFS telephone number listed below, where contact with the juvenile can

be established:

- When a juvenile is taken into custody during normal business hours (Monday-Friday, 0800-1700 hours) contact:

DCFS Intake and Detention and Control
Phone: (323) 881-1303
FAX: (323) 881-0194

- When a juvenile is taken into custody during non-business hours (Monday-Friday, 1700-0800 hours, weekends and holidays) contact:

DCFS
Hotline: (800) 540-4000

NOTE: Officers shall document in the narrative portion of the Arrest Report that the above information was provided to the concerned parent or guardian. The location where the juvenile was placed shall not be provided to the parent or guardian.

3.230. PROVIDING CRIMINAL OFFENDER RECORD INFORMATION TO THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Emergency Placement Record Checks

The DCFS is responsible for conducting investigations to determine appropriate placement for dependent children who have been taken into protective custody under Section 300 WIC. In order to avoid releasing children to the custody of unsuitable persons, DCFS requires timely access to Criminal Offender Record Information (CORI) which is provided by the State of California, Department of Justice Command Center, who will provide a name search service 24-hours a day for temporary emergency placement of a child. This is accomplished by DCFS personnel by contacting:

Department of Justice Command Center
24 Hour Phone Number: (916) 227-3244
Fax Number: (916) 456-0351

Pursuant to California law, upon the request of an Emergency Response Children's Social Worker (CSW), law enforcement officers are required to conduct a criminal history check of all persons (14 years of age or older), who reside in the prospective temporary home of a child who has been taken into protective custody under 300 WIC (Refer to Penal Code Sections: 11105(a)(2), 11105(b)(17), 13300(a)(1) and 13300(b), and Welfare and Institutions Code Sections 309(d), 362.7 and 16504.5).

Dependent Petition Requests – Criminal Records Checks

The investigating officer responsible for the completion of the petition request shall obtain complete criminal histories on all parties involved in each 300 WIC case. The related criminal history printouts shall be attached to the petition request. This information will then be sent along with the petition request to DCFS. The information will be used by DCFS to evaluate dependency matters.

3.240. STATEWIDE INFORMATION ON CHILD ABUSE

Investigating officers may initiate a search of the Child Abuse Central Index (CACI) by providing information concerning victims, siblings, or suspects. The officers can call (916) 227-3287 or fax the BCIA-4084 form to the Department of Justice at (916) 227-3253 or (916) 227-5054. The CACI contains statewide information pertaining to child abuse and may be used to connect victims, siblings, or suspects with prior related police contacts with other agencies.

3.250. CHILD ABUSE FOLLOW-UP RESPONSIBILITIES

Juvenile Division-Responsibilities

The ACS, Juvenile Division, is responsible for:

- Follow-up investigations of abused children when the suspect is identified as the parent, stepparent, legal guardian, live-in boyfriend/girlfriend of the parent or guardian, or other person acting in capacity of parent or legal guardian of the child and it appears they are responsible for:
 - Depriving the child of the necessities of life to the extent of hospitalization;
 - Physical or sexual abuse of the child;
 - Child homicide, when the victim is under eleven years of age, and it appears one of the above conditions exists;
 - All undetermined deaths of children under 11 years of age; and,
 - Child on child sex crimes where the suspect and victim are both age 11 years or younger.

Exception: If an incident of California Penal Code (PC) Section 273.5 (Domestic Violence) occurs prior to an incident of child abuse as one continuous act, the follow-up responsibility falls with the geographic Area of occurrence.

- Responding to and conducting follow-up investigations on deaths of children under 11 years of age wherein neglect or action by the parent, stepparent, legal guardian, live-in boyfriend/girlfriend of the parent or guardian, or other person acting in capacity of

parent or legal guardian placed the child in an endangered situation that results in death.

- Responding to and conducting follow-up investigations of undetermined deaths of juveniles under 11 years of age.
- Conducting investigations of any child abuse case, when directed to do so by the Commanding Officer of Juvenile Division.

Exception: Follow-up investigations of deaths resulting from a violation of PC Section 25100 (Criminal Storage of Firearm Accessible to Child) are the responsibility of Area detectives.

Geographic Area Detective-Responsibilities

Geographic Area detectives have follow-up responsibility for cases involving physically or sexually abused children when the suspect is not identified as a parent, stepparent, legal guardian, live-in boyfriend/girlfriend of the parent or guardian, or other person acting in the capacity of parent or legal guardian.

Detective Follow-Up-Responsibilities

Officers assigned cases of child abuse, in addition to normal investigative follow-up, should:

- Check all reports relating to the incident, to determine if DCFS has been notified. If notification has not been made, the investigating officer should make telephonic notification to DCFS Abused Child Hotline at (800) 540-4000.
- Document the notification on a Follow-up Report, or on the original IR or Injury Report. Include the date and time DCFS was contacted as well as the name of the person notified.

Follow-Up Investigation Due Date

The Follow-up Investigation requires that the investigative results and progress of a physical or sexual child abuse crime should be completed within 30 calendar days from the date the investigation is assigned unless an extension is granted on an individual case by a detective supervisor.

3.260. LICENSED FOSTER HOME OR CHILD CARE FACILITY INVOLVED

Officers conducting a preliminary investigation of child abuse at a licensed foster home should immediately telephone DCFS Hotline at (800) 540-4000 and State of California Department of Social Services at (323) 981-3301.

Officers should provide DCFS and State of California Department of Social Services with the following information:

- Reporting officer's name and serial number;
- The victim's name;
- Present location of the victim;
- Nature and extent of the abuse;
- Circumstances that led the officer to believe that the child was a victim of abuse; and
- Name and address of the foster home.

3.270. STATE LICENSED CHILD-CARE FACILITY INVOLVED

In cases involving State licensed child care facilities, the investigator shall immediately or as soon as practical telephone the State of California Department of Social Services at (323) 981-3350.

3.280. CHILD ABUSE INVESTIGATIONS OUTSIDE CITY OF LOS ANGELES

Officers who suspect possible child abuse outside the City of Los Angeles shall:

- Contact the local law enforcement agency and report the incident; and,
- Record the date and time the law enforcement agency was contacted and the name of the person notified for his own reference.
- Take the appropriate action to ensure the safety of the child.

3.290. GENERAL INFORMATION – CHILD ABUSE CENTRAL INDEX

Prior to January 2012, all child abuse cases classified as “Substantiated and Inconclusive” were forwarded to the DOJ by the case investigator for inclusion in the Child Abuse Central Index (CACI) database.

Effective January 1, 2012, Chapter 468, Statutes of 2011, amends Penal Code Sections 11165.12, 11169, and 11170 of the Child Abuse and Neglect Reporting Act. The new

law directs the Department of Justice (DOJ) to receive and enter into the CACI only substantiated reports of child abuse or severe neglect submitted by a child welfare agency or a county probation department.

Police and sheriff departments are no longer required to submit reports of known or suspected child abuse or severe neglect to the DOJ via the Child Abuse or Severe Neglect Indexing Form (BCIA 8583).

The new law also directs the DOJ to remove all inconclusive reports from the CACI and all names of suspects 100 years of age or older. Beginning January 1, 2012, the DOJ will return all reports identified as inconclusive received from police or sheriff departments.

Use of Child Abuse Central Index Form. 08.31.01

The CACI Case Review, [Form 8.31.01](#), is used by the concerned Case Review Coordinator (CRC) to document the case review process and its findings of a child abuse case when the case review has been requested by either the suspect or his/her attorney.

The CRC, or designee, who conducts the case review proceedings, should complete the form to document the findings of the case review. The CRC, or the designee, and the commanding officer of the concerned Area or specialized division should review and sign the CACI Case Review, [Form 08.31.00](#).

NOTE: Although an attorney representing the suspect in the child abuse case may be present at the case review proceedings, there is no current legal requirement that permits counsel to call or cross-examine witnesses.

1 - Original completed report should be forwarded to Records and Identification Division for permanent storage.

1 - Copy of all reports should be maintained in the Detective Case Envelope, Form 15.15.00.

3.300. CASE REVIEW RESPONSIBILITIES

Employee's Responsibility

Any Department employee who receives a request, either verbally or telephonically, for a child abuse case review from either the suspect or his/her attorney, should:

- Immediately refer the requesting person to the concerned CRC, who will schedule and subsequently conduct the case review.

- If the CRC is unavailable, the Department employee should refer the requesting person to the CRC's immediate supervisor, who will then assume the responsibility to notify the CRC regarding the request for a case review.

Case Review Coordinator's Responsibility

The CRC in the concerned geographic Area or specialized division should conduct the case review proceedings. The assigned CRC should be a Detective III supervisor who has expertise in child abuse investigations. The assignment of the CRC should be as follows:

- In the geographic Areas, the CRC should be one Detective III supervisor, who is assigned to the CRC position by the concerned Area's Detective Division commanding officer.
- In specialized divisions, the CRC should be one Detective III supervisor, who is assigned to the CRC position by the concerned division commanding officer.
- In the absence of the assigned CRC, the concerned commanding officer may assign a designee of supervisory rank; Detective II, Sergeant I, or above, as the CRC to conduct the case review proceedings.

3.310. REQUESTS FOR CASE REVIEW PROCEEDINGS

Suspect or Attorney Requests a Case Review

When either the suspect or the representing attorney requests a case review, the CRC should:

- Schedule a case review proceeding within a reasonable time period to afford the requesting party his/her right to due process. Case review proceedings should be conducted during normal business days.
- Notify the requesting party of the scheduled date and time of the case review proceedings. The telephonic notification should be supplemented by notification via facsimile or E-mail to the requesting party, when possible.

In preparation for conducting the child abuse case review, the assigned CRC should:

- Discuss the case with the case investigator prior to the case review;
- Determine the criminal filing disposition of the case, and what specific charges were filed;

- Determine the court status of the case by querying the Prosecutors Information Management System (PIMS) and the Trial Court Information System (TCIS), and ascertain whether the case was adjudicated or is pending, and the final court disposition;
- Determine if the classification of the child abuse case was appropriate or should be changed from Substantiated or Inconclusive to Unfounded; and,
- Complete the CACI Case Review, [Form 08.31.01](#) and process appropriately. In the narrative portion of the form, the CRC should summarize the findings of the review process and document any additional evidence supplied by the suspect and/or attorney, including information that is relevant to the investigation, classification and final disposition of the child abuse case.

3.320. AREA, DIVISION OR BUREAU COMMANDING OFFICER'S RESPONSIBILITY

The commanding officer of the geographic Area or specialized division, where the case was investigated and the case review was conducted, should review and approve the completed CACI Case Review, [Form 08.31.01](#).

3.330. DOCUMENTATION OF THE CASE REVIEW PROCEEDINGS

All case review proceedings should be conducted in-person, if possible. Upon completion of the case review, the CRC, or designee, should complete, review and sign the CACI Case Review, [Form 08.31.01](#). The form should then be submitted to the concerned commanding officer for review and approval.

NOTE: When the suspect requests a telephonic case review only, the CRC should still complete the Child Abuse Central Index Case Review form, and indicate in the appropriate box on the form that the case review was conducted telephonically.

The completed form should then be processed in the same manner as an In-person Case Review. As an option, case review proceeding may be tape-recorded. If so, the recording should be retained in accordance with established Department procedures outlined in [Manual Sections 3/569.20 and 3/569.40](#). The recording should be forwarded to Technical Investigation Division immediately, and a copy maintained in the case package, if necessary.

The CRC should retain all materials used in the case review proceedings in accordance with record retention guidelines. These records should be stored at the Area, Division or Bureau Unit where the case review proceeding was conducted for a period of **three**

3.340. years.
PROCEDURES FOR SUSPECTED CHILD ABUSE INVESTIGATIONS (SCARs)

California law specifies that certain professionals, as well as employees of designated organizations, and agencies (mandated reporters), as specified in Penal Code Section 11165.7 (i.e., health care professionals, school officials), must report suspected child abuse and neglect to any of the following:

- Any law enforcement agency; or,
- DCFS.

Suspected child abuse can be reported to the Department as follows:

- Fax referral; or,
- Via the internet (E-SCARs); or
- Direct verbal notification from DCFS; or
- Direct verbal notification from a mandated reporter; or,
- Direct verbal notification from a concerned member of the public; or,
- SCAR mailed directly to the Department by DCFS or a mandated reporter.

NOTE: When the Department is the first agency to receive a SCAR, it is required to provide the information to DCFS and vice versa (cross-report).

SCAR Review Process

The review process will include a determination as to whether the SCAR requires law enforcement investigation, and if it does, whether the SCAR warrants an immediate Department response.

If the immediate dispatch of a unit is required but there was a delay in reporting, or other circumstances indicate the call may have already been handled, staff from the receiving division (e.g., Juvenile Division or RACR) should query the Department computer system using the alleged victim's name and address to determine if a report regarding the incident has already been completed.

If a report has been completed, the DR number, type of report, and the date of the report should be entered into E-SCARs and closed based on the type of report that was completed.

SCAR Investigation Response Protocol

Immediate Dispatch: A patrol unit should be immediately dispatched when any of the following are involved:

- An allegation of sexual abuse where the suspect currently resides in the residence or has access to the victim; or,
- Physical abuse with visible injury; or complained of pain; or,

NOTE: The investigation of incidents involving visible injuries, in most cases, will require an immediate dispatch of a patrol unit unless otherwise determined through considerable review and evaluation by ICU and the approval of a Juvenile Division supervisor.

EXAMPLE: Injuries caused by children involved in mutual combat, minor injury caused during reasonable restraint (i.e., a parent holding down a combative child), or when there is a minor injury and the perpetrator has no direct or likely access to the child.

- Severe neglect requiring medical treatment; or,
- Hospitalization for any injury of a suspicious nature; or,
- All undetermined death investigations involving children under the age of 11 years.

Exceptions to Immediate Dispatch – Delayed Handling.

The dispatch of a unit to investigate a SCAR may be delayed or handled in an alternate manner, if any of the following apply:

- The SCAR meets the criteria for immediate dispatch, but a supervisor from the reviewing Department entity approves delayed handling (A period not to exceed 24 hours in furtherance of the investigation, after giving due consideration to the risk factors involving the child and any siblings); or,

EXAMPLE: A SCAR describing minor bruising to a 10 year-old child is received at 0200 hours. Since the dispatch of a unit would most likely require both the child and the parents to be awakened, the reviewing supervisor delays dispatch until the next morning when the child is in school, and can be interviewed in a neutral setting at a more convenient time.

- Alleged sexual abuse that occurred more than 96 hours earlier and the perpetrator has no access to the child; or,
- When an injury or crime report has already been taken for the incident reported in the SCAR.

NOTE: If the responding officers are unable to locate the reporting party or an alleged victim during their investigation, they should contact Juvenile Division, ICU, and their watch commander, for guidance on how to proceed. The watch commander should determine if the alleged abuse is serious enough to require the continuing efforts of the officers to locate the victim or whether another unit can be dispatched at a later time. During off-hours, advice should be obtained from their watch commander. If the decision is made to dispatch a unit at a later time, the watch commander should ensure appropriate arrangements are made for the call to be reassigned within the next 24 hours.

If a second response has not been attempted prior to the concerned watch commander's end of watch, the watch commander should make an entry in the Watch Commander's Daily Report, [Form 15.80.00](#), specifically describing what arrangements have been made.

After a total of two unsuccessful attempts have been made to investigate the SCAR, the watch commander should forward the SCAR to the Area SCAR Coordinator for additional follow-up.

All efforts to handle the SCAR should be chronologically documented on the SCAR, on an attached chronological record, or on an attached Area Command Center (ACC) / Mobile Digital Computer (MDC) administrative message.

The date and time of each attempt, together with the officers' names and unit numbers, should be included. Officers concluding a SCAR investigation should complete a crime report or injury report.

SCAR Reporting Procedures

An Injury Report is to be completed when there is no evidence of a crime to document the preliminary investigation. The type of notification determines how a SCAR is handled. Following are examples of the most common types of notifications.

Notification from DCFS

Officers responding to a call from a DCFS notification do not need to complete a SCAR. The DCFS has the responsibility for ensuring a SCAR has been completed, or will be completed. If the CSW has the SCAR available, officers should obtain a copy and attach it to a copy of the crime or Injury Report then forward it to the Area SCAR Coordinator.

Notification from a Mandated Reporter

If the mandated reporter has the SCAR available, officers should have him/her retain the yellow copy, and the officer should take the remaining copies. The officers should attach these copies, along with a copy of the IR or Injury Report, and forward it to the Area SCAR Coordinator.

If the mandated reporter has not yet completed a SCAR, officers should advise him/her to complete a SCAR within 36 hours. Officers do not need to complete a SCAR. If the mandated reporter has completed a SCAR and obtained a DCFS referral number, officers should include it in the narrative of the report. If there is no DCFS referral number, officers must cross report to the DCFS Child Protection Hot Line at (800) 540-4000.

Upon completion of the report, officers will be provided with the child's name and the name of the social worker giving the referral number. The referral number should be included in the narrative portion of the IR or Injury Report. The Area SCAR Coordinator should obtain a tracking number from ICU, write it on the white copy of the SCAR, [Form SS8572](#), and file it accordingly.

NOTE: The identity of mandated reporters shall be kept confidential, and disclosed only to other involved agencies, in accordance with Penal Code Section 11167. Mandated reporters are required to make an initial telephonic report as soon as practicable and a written report within 36 hours.

Notification from a Concerned Member of the Public

Upon notification from a concerned member of the public, officers shall contact the DCFS Child Protection Hot Line at (800) 540-4000 for a referral number. Officers will be provided with the name of the social worker giving the referral number.

This information should be included in the narrative of the IR or Injury Report. Officers should then attach and forward the completed SCAR along with a copy of the IR or Injury Report to the Area SCAR Coordinator.

Notification Received by Mail

If a SCAR received by mail does not have a DCFS referral number, officers must cross report the SCAR to the DCFS Child Protection Hot Line at (800) 540-4000.

ICU, Juvenile Division Responsibilities

The ICU should track from inception to conclusion, all child abuse preliminary investigations resulting from a SCAR being faxed, mailed, E-SCARs, or otherwise delivered to any Department entity. The ICU will provide procedural advice to

Department personnel upon request, and investigative advice when Juvenile Division is responsible for the follow-up investigations.

Area Commanding Officer's Responsibilities

The Area Commanding Officer is responsible for the overall management of SCAR investigations assigned to the Area. The Area Commanding Officer must also ensure that there is an individual assigned to assume responsibility in the event of the Area SCAR Coordinator's absence. The Area Commanding Officer should ensure newly assigned juvenile and school car officers complete Juvenile Procedures School within 60 days of their assignment.

Area SCAR Coordinator's Responsibilities

The Area Major Assault Crime (MAC) Coordinator is the Area SCAR Coordinator. The Area SCAR Coordinator is responsible for ensuring all SCAR investigations and related report processing is conducted within the guidelines of this Department. The Area SCAR coordinator should ensure that all SCARs are investigated thoroughly.

NOTE: When e-mailing dispositions to ICU, the tracking log number, victim's name, type of report, and DR number should be included.

RACR Responsibilities

When ICU is closed, the staff of RACR shall assume the responsibilities for reviewing, organizing, and determining if the immediate dispatch of a unit is warranted on all incoming E- SCARs. When an immediate dispatch is necessary, RACR shall document required information regarding the call for service and the disposition of the SCAR investigation.

3.350. NOTIFICATION TO MANDATED REPORTERS UPON COMPLETION OF A SUSPECTED CHILD ABUSE INVESTIGATIONS

Section 11170 (b)(2) of the Penal Code requires an investigating agency, upon completion of a suspected child abuse investigation, to inform the mandated reporter of the results of the investigation and any action the agency is taking with regards to the child or family. Mandated reporters routinely submit information to the Department in the form of a Suspected Child Abuse Report, California Department of Justice, [Form SS 8572](#), but the information can also be submitted via telephone, fax referral, in-person reporting, a radio call, e-mail, or other means.

Upon completion of a suspected child abuse investigation generated from information received from a mandated reporter, the assigned investigator should ensure that the Suspected Child Abuse Investigation Mandated Reporter Notification is completed and

mailed to the mandated reporter when he or she has provided the Department with a mailing address; or, scanned and sent via e-mail to the mandated reporter when he or she has provided the Department with an e-mail address.

When the Suspected Child Abuse Investigation Mandated Reporter Notification is mailed to the mandated reporter, the completed original form should be mailed, and a copy should be included in the Detective's Case Envelope, Form 15.15.00. When the Suspected Child Abuse Investigation Mandated Reporter Notification is sent to the mandated reporter via e-mail, the completed original form should be retained in the Detective's Case Envelope.

NOTE: The assigned investigator should document in DCTS the date that the Suspected Child Abuse Investigation Mandated Reporter Notification, [Form 09.30.00](#) was mailed or e-mailed and include any pertinent information such as the mandated reporter's name, the agency he or she works for and the mailing address or e-mail address to which the form was sent. The date the mandated reporter was notified should be documented on the final Follow-Up Investigation, Form 03.14.00.

EXAMPLE: “The Suspected Child Abuse Investigation Mandated Reporter Notification was mailed to the mandated reporter on July 23, 2012;” or, “The Suspected Child Abuse Investigation Mandated Reporter Notification was not completed due to the fact there was no mandated report on this case.”

Suspected Child Abuse Investigation Mandated Reporter Notification. [Form 09.30.00](#)

- **Use of Form.** This form is used to inform the mandated reporter who initiates a child abuse investigation of the results of the investigation and any action the Department is taking with regards to the child or family.
- **Completion.** The completion of the Suspected Child Abuse Investigation Mandated Reporter Notification is self-explanatory. The report number can be the Division of Records Number or the DCFS referral number. The form has been designed so that when it is folded in thirds and placed in a business envelope with an address window, the name and address of the mandated reporter will appear in the window.
- **Distribution.** When the Suspected Child Abuse Investigation Mandated Reporter Notification is mailed to the mandated reporter:
 - 1 - Original, mailed to the mandated reporter.
 - 1 - Copy, retained in the Detective's Case Envelope.

When the Suspected Child Abuse Investigation Mandated Reporter Notification is sent to the mandated reporter via e-mail:

1 - Original, retained in the Detective's Case Envelope.

CHAPTER 4

SEXUAL ASSAULT INVESTIGATIONS

4.10. **PRELIMINARY INVESTIGATIONS**

Officers conducting the preliminary investigation of a sexual assault or other sex offense should, at the time of the initial interview, determine whether the victim would prefer to be interviewed by an officer of the same sex. The victim's response should be noted in the crime report prior to the beginning of the crime narrative. When the victim prefers to be interviewed by an officer of the same sex, that preference shall be honored.

Penal Code Section 679.04 now requires that a victim of a sexual assault be notified, verbally or in writing, of their right to have a victim's advocate and at least one other support person, of their choosing, present during an interview by law enforcement.

NOTE: For sexual assault investigations involving juvenile victims that occur in Operations-West Bureau, see Chapter 3, "Stuart House Responsibilities."

- Transport the juvenile to a contract hospital for immediate medical examination and care if necessary. Include the physician's findings and opinions in the body of the report. In sexual molestation cases, if the incident of molestation occurred within 96 hours of being reported, proceed with a medical examination. In situations where the incident is reported after 96 hours, officers should postpone an immediate medical examination.
- Gather evidence.
- Notify the victim of his/her right to confidentiality under Section 293 PC.
- Thoroughly examine clothing to check for evidence.

NOTE: Biological smears and/or other physical evidence, e.g., clothing, should be handled in accordance with the Department Manual.

- Effect an arrest.
- Process evidence.

- Complete all necessary reports, including, where appropriate, the Request for Confidentiality of Information, [Form 03.02.00](#), see Chapter 18, section “Request for Confidentiality of Information.”

4.20. MEDICAL EXAMINATION OF SEX OFFENSE VICTIMS

The medical examination of a child victim who has been sexually assaulted is an important component of an investigation. Special attention should be given to the necessity of a medical examination.

Officers having a child victim examined for sexual abuse should consider the following:

- If the sexual assault or sexual abuse occurred within the last 96 hours, or the suspect has had access to the minor within the last 96 hours, or there is reason to believe evidence of injury is still present on the minor’s body even though more than 96 hours have passed since the sexual assault abuse, or there is a need to protect the immediate health and safety of the child, the officers should have the child examined at the hospital that has been certified to conduct pediatric sexual assault/abuse examinations. A Sexual Assault Evidence Kit should be completed and booked as evidence.

NOTE: For sexual assault investigations involving juvenile victims that occur in Operations-West Bureau, Stuart House should be utilized during the initial and follow-up investigation. See Chapter 3, “Stuart House Responsibilities.”

When a medical examination is performed, a police officer should remain in the immediate proximity during the examination, e.g., just outside the examination room or separated from the examination area by a partition or curtain.

Under no circumstances should such officer's location provide visual observation of the actual examination. The officer should receive and book all evidence obtained by the physician or nurse.

The attending officer should make certain that all pertinent information is entered on the clinical record, including the signature(s) of the person(s) giving consent, the name(s) and serial numbers of the officer(s), locations from which the smears are taken and the disposition of the victim. The doctor may stop the examination at any point if they believe the information obtained is sufficient to substantiate or to exclude the possibility of sexual assault.

4.30. TRANSPORTATION OF SEXUAL ASSAULT VICTIMS IN POLICE VEHICLES

Uniformed officers conducting a preliminary investigation of a sexual assault should routinely transport the victim in a black and white police vehicle. However, if the victim shows any apprehension about riding in a black and white vehicle, or requests transportation in a plain vehicle, officers should make a reasonable effort to transport the victim in a plain vehicle.

4.40. BOOKING CHARGE-JUVENILE SEX OFFENDERS

Aggravated sex offense cases should be handled under Section 602 WIC, on the substantive charge.

EXCEPTION: In cases of unlawful sexual intercourse where both participants are juveniles; their ages are approximately the same, and they are known to each other, both subjects should normally be processed under 601 WIC (Sex).

4.50. PRIVATE PERSON ARRESTS BY JUVENILES

If an individual makes a private person's arrest and requests that an officer take a person into custody, officers **should** do so if there is probable cause to believe a criminal offense has been committed or an arrest warrant has been issued for the person being arrested.

NOTE: Officers are not precluded from completing an IR for filing of a criminal complaint instead of arrest, if the arresting person agrees.

It is possible, and often practical, for a juvenile to make a private person's arrest of an adult. The private person's arrest procedure is most commonly used in arrests for the following two crimes, but may be used for any substantial misdemeanor crime:

- Indecent Exposure (314 PC).
- Child Annoying (647.6 PC).

The juvenile must be aware that they are the person making the arrest, be able to intelligently relate what occurred, have the ability to distinguish truth from falsehood and have a sense of awareness and reality.

Officers should notify the parent(s) or guardian of the juvenile's desire to make a private person's arrest, prior to the booking of the suspect, except when either the parent(s) or guardian is unavailable. The concerned juvenile must also be made aware that he/she may have to appear in court, and testify, if necessary. For additional information on this subject, see Chapter 7, section "Requests to Make Private Person Arrest by a Juvenile."

NOTE: It is **not** necessary to use the private person arrest procedure to arrest juveniles for misdemeanor crimes not committed in the officer's presence. Pursuant to Welfare and Institutions Code (WIC) 625 (a), officers may take a juvenile into temporary custody without a warrant for a misdemeanor crime not committed in the officer's presence, when such officer has reasonable cause to believe that such juvenile is a person described in WIC Section 601 or 602.

4.60. SEX OFFENSE CHARGES

Arrest and Booking of Adults for 647.6 PC (Annoying or Molesting Children) with a Prior Conviction

A suspect may be arrested on a felony charge if there is probable cause to believe a violation of 647.6 PC (Annoying or Molesting Children) has been committed (a child victim must have been 17 years of age or younger at the time of the offense), and the suspect has a prior conviction in the State of California for:

- 647.6 PC (Annoying or Molesting Children), or;
- 261 PC (Rape), 264.1 PC (Rape, or penetration of genital or anal openings by foreign object), 269 PC (Aggravated sexual assault of a child), 285 PC (Incest), 286 PC (Sodomy), 288a PC (Oral copulation), 288.5(Continuous sexual abuse of a child), or 289 PC (Forcible acts of sexual penetration), or,
- Previous felony conviction under this section, or
- Felony conviction under 311.4 PC (Employment or use of minor to perform prohibited acts) involving a minor under 14 years of age.

Indecent Exposure (314.1 PC)

In cases of indecent exposure where there are multiple victims, only one report and one DR is required for each incident.

Arrest and Booking of Adults for 314.1 PC (Indecent Exposure) with a Prior Conviction

A suspect may be arrested on a felony charge if there is probable cause to believe a violation of 314.1 PC (Indecent Exposure) has been committed and the suspect has a prior conviction with time served in this State for:

- 314.1 PC (Indecent Exposure); or,
- 288 PC (Lewd or lascivious acts).

Lewd or Lascivious Acts, 288(a) PC

The victim must have been under the age of 14 years at the time of the offense.

Lewd or Lascivious Acts, 288(c) PC

The victims are 14 or 15 years old, and the defendant is at least 10 years older than the child.

Unlawful Sexual Intercourse, 261.5 PC

Sexual intercourse with a juvenile, not the spouse of the perpetrator.

- The victim must be 17 years of age or younger at the time the offense was committed;
- Consent of the victim is no defense;
- Indicate if suspect knew that the victim was a juvenile at time of the offense.

4.70. PRE-DELINQUENT SEX ARRESTS

For information on this subject, refer to Chapter 8.

4.80. MISDEMEANOR WARRANTS-ADULT ARRESTED

Misdemeanor warrant arrestees must be reported on the Arrest Report, [Form 05.02.00](#), when:

- The warrant charge is 314.1 PC (Indecent Exposure), 647.6 PC (Annoying or Molesting Children), or 653b(a) (Loitering About Schools or Other Places Attended by Children).

- The warrant charge is 272 PC (Contributing to the Delinquency of a Minor).
- The warrant charge is 273a (b) PC (Child Abuse/Endangering-Misdemeanor).

4.90. CHILD-ON-CHILD SEX CRIMES

The investigation of a child-on-child, sexual assault crimes can be a complicated investigation, especially when those involved are of a young age. Many child abuse experts have found evidence in these cases that the child suspect had been previously sexually assaulted by an adult, thus resulting in a learned behavior.

Juvenile Division, ACS is responsible for the investigative follow-up of specific child-on-child sexual assault crimes **when both the children are 11 years of age and younger**.

Geographic Area personnel shall maintain responsibility for the initial response to these calls for service, as well as the completion of any arrest and/or Investigative Reports related to the call. Juvenile Division will only be responsible for the follow-up investigation. However, they may be telephonically contacted for report and/or booking advice.

The requirements for transferring child-on-child sex crime cases to Juvenile Division ACS are as follows:

- The crime occurred after January 1, 2009;
- An Sex Crime IR has been completed by Area personnel;
- The suspect and victim are both aged 11 years or younger; and,
- A Juvenile Division ACS Detective III supervisor should be telephonically contacted and approve the transfer of the Crime Report to Juvenile Division.

Once Approval has been obtained for transfer of a Child-on-Child Sex Crime:

- The original investigative division should complete an Investigative Follow-Up Report, documenting the change in investigative responsibility to Juvenile Division, ACS;
- The original investigative division should also document in DCTS that the follow-up investigation has been transferred to Juvenile Division;
- Divisional records should be queried and copies made of all Suspected Child Abuse Reports, as well as any Investigative Reports (other than property crimes)

associated with the offender and/or any family member related to the victim(s) and/or offender and should also be forwarded with the report;

- Contact the respective Geographic Bureau or Division Registration, Enforcement and Compliance Team (REACT) Unit and inquire whether a Section 290 Penal Code Sex Offender Registration Package exists for any family member or other adult person who lives within the same household where the offender lives. Information regarding the results of this query, as well as the contact information for whom the query was made, should be documented within the transfer Follow-Up Report; and,
- All reports and related paperwork should be forwarded to Juvenile Division, ACS, Stop 400.
- Questions regarding these cases can be directed to any Juvenile Division, ACS supervisor, (213) 486-0570.

Child-on-Child Sexual Behavior Problem Counseling

Information regarding this subject may be found on the Juvenile Division website, ACS section.

4.100. REQUIRED NOTIFICATIONS OF SCHOOL EMPLOYEE ARRESTS INVOLVING SEX AND NARCOTICS-RELATED OFFENSES

For information on this topic, see Juvenile Manual Chapter 25 – School Investigations.

4.110. NOTIFICATION TO JUVENILE DIVISION ON ALL SEXUAL ABUSE CASES INVOLVING SCHOOL STAFF AND JUVENILE VICTIMS

For information on this topic, see Juvenile Manual Chapter 25 – School Investigations.

CHAPTER 5

MEDICAL CARE FOR JUVENILES IN CUSTODY

5.10. MEDICAL EVALUATION FOR JUVENILES IN TEMPORARY CUSTODY

A medical evaluation will be required whenever the juvenile, while in temporary custody, is experiencing any medical or mental condition, whether apparent or complained of, which may affect his or her acceptability for confinement in a Department facility. Officers having custody of an un-booked arrestee who is, or complains of being ill, injured, or in need of medication, should cause the arrestee to be examined at the closest available contract hospital.

NOTE: Officers with a juvenile in custody who needs non-emergency medical treatment shall obtain verbal consent from the juvenile's parents or guardian. If the parents or guardian are unable to respond in person, telephonic approval is acceptable prior to the medical treatment. Contract hospitals require parental consent prior to medically treating a juvenile.

Officers shall obtain a copy of the medical treatment record and provide the documentation to the booking employee.

5.20. JUVENILES UNDER THE INFLUENCE OF NARCOTICS OR DRUGS/ALCOHOL IN TEMPORARY CUSTODY

Information on this subject is located in Chapter 10.

5.30. MEDICAL TREATMENT FOR JUVENILES PRIOR TO BOOKING

Any juvenile arrested for 601 WIC or 602 WIC offenses, and requiring medical treatment, shall be examined by a paramedic or a contract hospital physician, prior to transporting to any County juvenile facility.

The juvenile's parent/guardian shall be contacted, and whenever possible, the concerned officer shall obtain the parents' consent for the medical treatment prior to the juvenile being treated.

Juveniles Detained for 300 WIC Dependency Investigations/Arrests

Authorization for medical treatment from parents on 300 WIC cases is not always required.

- When officers of this Department take a child into protective custody for either sexual or physical abuse, and the parent(s) are the suspect(s) in the crime, parental approval to medically treat the respective child is not required. In these cases, the officers conducting the sexual/physical abuse investigation take the role of the parent, therefore, parental approval for medical treatment is not required.
- When officers of this Department investigate a possible injury to a child, and the investigation does not involve sexual or physical abuse by the parents, the investigating officers shall notify the parents, whenever practical, prior to providing medical treatment for the child.
- Two copies of the medical treatment (MT) slip shall be obtained at the time of treatment from the medical facility (contract hospital) providing the medical treatment.

Juveniles Detained for 601/602 WIC Delinquency Investigations/Arrests

- When officers of this Department take a juvenile into custody or detain a juvenile for any 601/602 WIC delinquency violation, the officers should obtain consent of the parent/guardian, prior to obtaining medical treatment for the juvenile.

NOTE: Officers should not sign the authorization for medical treatment for a juvenile detained for a 601/602 WIC delinquency offense who requires medical treatment while in custody.

The concerned juvenile's parents/guardian, whenever practical, should be contacted and asked to give prior approval for medical treatment of their respective juvenile. The parents/guardian may respond in person to authorize medical treatment, or if the parents/guardian are unable to respond, they may give verbal authorization telephonically.

- Two copies of the MT slip shall be obtained at the time of treatment from the medical facility (contract hospital) providing the medical treatment.

5.40. MEDICAL TREATMENT FOR JUVENILES DETAINED AT A COUNTY DETENTION FACILITY

Prior to being detained at a Los Angeles County detention facility (Juvenile Hall), juveniles who are ill or injured shall be examined by a contract hospital physician.

- If hospitalization is required, the juvenile should be detained in the medical facility recommended by the physician. This location should be noted on the MT slip.

- If hospitalization is not required, juveniles who receive MT shall be transported to the appropriate County detention facility (juvenile hall) or released to their parent/guardian. Officers must advise intake personnel at the juvenile detention facility of the medical treatment and present one copy of the MT slip to the Probation Department Intake Detention Control (IDC) Officer at the juvenile detention facility.

NOTE: When a juvenile has received MT, and the juvenile is being detained at a Los Angeles County Status Offender Detention Alternative (SODA) home, the juvenile and one copy of the MT slip shall be transported to the SODA home. Status Offender Detention Alternative homes are administered by the Probation Department for non-secure placement of juveniles detained under the authority of Section 628 WIC.

Detention Required for 601/602 WIC Delinquency Violation

Department personnel shall use the following procedures when detaining a juvenile at a Probation Department Juvenile Hall facility after the juvenile has received MT at a contract hospital.

- Obtain parental consent prior to the juvenile receiving medical treatment.
- Obtain a copy of the MT from the contract hospital.
- Ensure the MT form states that the juvenile is approved to be detained at a Juvenile Hall facility.
- Advise juvenile hall intake personnel of the MT and provide a copy of the medical treatment form to juvenile hall intake personnel.
- Retain a copy of the MT form and attach it to the Arrest Report.
- Articulate in the Arrest Report that the juvenile was medically treated and the results of the MT.
- If the juvenile is “medically cleared” for booking at juvenile hall, proceed as required.
- If the physician determines that the juvenile must be hospitalized, the juvenile shall be detained in the medical facility recommended by the physician.

When juvenile hall clinic medical staff recommend further medical evaluation or hospitalization of the juvenile at the Los Angeles County/USC Medical Center, or another medical hospital, Department personnel should refer to Chapter 17 “Absentee Juvenile Booking – Hospitalization” for additional processing procedures.

5.50. REQUIRED NOTIFICATIONS FOR DEATH OR INJURY OF JUVENILES IN CUSTODY FOR 601/602 WIC DELINQUENCY VIOLATIONS

Whenever a juvenile dies or is injured while in Department custody, Department personnel must follow procedures and notifications outlined in the [Department Manual Chapter 4/238.65](#).

Title 15 Regulations, Section 1046 – Death in Custody

The following are additional procedures the Department is required to comply with, as required by California Government Code, Title 15, Section 1046:

(a) Death in Custody Reviews for Adults and Juveniles.

The facility administrator, in cooperation with the health administrator, shall develop written policy and procedures to assure that there is a review of every in-custody death. The review team shall include the facility administrator and/or the facility manager, the health administrator, the responsible physician and other health care and supervision staff who are relevant to the incident.

(b) Death of a Juvenile.

In any case in which a juvenile dies while detained in a jail, lockup, or court holding facility:

- (1) The administrator of the facility shall provide to the Board of State and Community Corrections (BSCC) a copy of the report submitted to the Attorney General under Government Code Section 12525. A copy of the report shall be submitted to the BSCC within 10 calendar days after the death.
- (2) Upon receipt of a report of death of a juvenile from the administrator, the BSCC may within 30 calendar days inspect and evaluate the jail, lockup, or court holding facility pursuant to the provisions of this subchapter. Any inquiry made by the BSCC shall be limited to the standards and requirements set forth in these regulations.

Notifications Required When A Juvenile Sustains Serious Illness, Injury, Death, or Attempts Suicide While In Custody

The responsibility for providing emergency medical care for a juvenile in temporary custody shall rest with the officers who have temporary custody of the juvenile. When officers become aware that a juvenile in temporary secure or non-secure custody at any Department facility has sustained a serious illness or injury, or death, or attempts suicide while in custody, the officer shall:

- Immediately notify the concerned Area watch commander;

- If the juvenile is in a Jail Division facility when the illness, injury, death, or suicide attempt occurs, immediately notification shall also be made to the Jail Division watch commander, who will summon the on-duty Jail Division Dispensary physician. The dispensary physician will respond and provide emergency life-threatening medical care;
- Summon a Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) Unit to respond to the Area police station, Jail Division or other Department facility where the juvenile is being detained;
- If necessary, cause the juvenile to be transported by RA Unit to the nearest contract hospital for further medical treatment;
- Conduct a follow-up investigation to the contract hospital where the juvenile is being treated; and,
- Notify the juvenile's parents, guardian or person standing in loco parentis of the suicide attempt, serious illness, injury, death, or attempted suicide of the juvenile.

NOTE: Life-threatening (the juvenile affected will die) emergency first aid to save the juvenile's life may be provided without prior parental approval. For non-life-threatening emergencies, Department personnel shall obtain parental consent for medical treatment of the juvenile, prior to being treated. The parents shall be requested to respond to the respective medical facility to give in-person consent for the medical treatment, if at all possible. If parents are unable to respond to the medical facility, the consent for medical treatment may be obtained telephonically.

Death Notifications to the Board of State and Community Corrections

Force Investigation Division, shall notify the Board of State and Community Corrections, in writing within **ten** calendar days of the occurrence of each in-custody death of a detained juvenile. The notification shall include the appropriate information relating to the death.

Notification to Next of Kin of Deceased Person

Whenever practical, notification to the next of kin of the deceased person shall be made in person by the investigating officers. If next of kin lives in another LAPD geographic Area, a police unit of that Area shall be requested to make the personal notification. If the next of kin lives outside the City, the Los Angeles County Coroner's office shall be requested to make the notification.

Intoxicated and Substance Abusing Minors in a Lockup

For information on this topic see Chapter 10.

Emergency Medical Transportation Procedures

Juvenile arrestees requiring **emergency** medical attention shall be transported via a Los Angeles Fire Department (LAFD) Rescue Ambulance (RA). It will be the responsibility of all Department employees to request an LAFD RA Unit for a suspect, arrestee or any other person requesting emergency medical treatment or when it is apparent that they are in need of such assistance and are unable to request.

When it is necessary to transport a juvenile by ambulance, at least one officer shall accompany the juvenile in the ambulance. This procedure will allow for the overall management and safety for all persons.

Fire Department personnel may require that restraints be removed in order to provide appropriate medical treatment. In those cases, the officer will closely monitor the juvenile.

EXCEPTION: Individuals requiring emergency medical attention will only be transported in a police vehicle during an unusual occurrence or tactical situation when it is necessary to remove the individual from a position of immediate threat to their safety. In such situations, an LAFD RA Unit will be requested and the individual will be moved only the distance required to reach a safe location.

EXCEPTION: When an issue arises between Department personnel and the treating or the transporting Fire Department personnel, Department personnel may seek the advice of an on-scene supervisor or the on-duty watch commander; however, they shall not delay the transportation. If Fire Department personnel refuse to allow an officer to ride in the ambulance or an officer cannot reasonably be accommodated in the ambulance due to necessary medical treatment, at least one officer shall ride in the front passenger seat of the rescue ambulance or follow the rescue ambulance in their assigned police vehicle.

Thereafter, the officers shall document the incident on an Employee's Report, [Form 15.07.00](#), addressed to the commanding officer of the involved Department entity. The concerned divisional watch commander shall log the incident on a Watch Commander's Daily Report, [Form 15.80.00](#), and attach the Employee's Report.

NOTE: When the juvenile's clothing or other items have evidentiary value and cannot be removed prior to transportation, the assigned officer shall ensure that the chain of custody of such evidence is documented in the appropriate report.

5.60. NON-EMERGENCY MEDICAL CARE FOR JUVENILES IN TEMPORARY CUSTODY FOR 601/602 WIC VIOLATIONS

The responsibility for obtaining non-emergency medical treatment for a juvenile shall rest with the officer who has temporary custody of the juvenile. When the officer becomes aware that a juvenile who is temporarily detained in any Department facility is in need of non-emergency medical treatment, the officer shall:

- Notify the concerned Area watch commander, Area Detective Coordinator, or immediate supervisor of the non-emergency medical care needed.
- Request that the concerned Area watch commander, Area Detective Coordinator, or immediate supervisor interview the juvenile.
- Notify the juvenile's parents, guardian or person acting in that capacity and obtain the parent/guardian's consent to have the juvenile medically treated. The parents shall be requested to respond to the respective medical facility to give in-person consent for the medical treatment, whenever practical. If parents are unable to respond to the medical facility, the consent for medical treatment may be obtained telephonically.
- Cause the juvenile to be transported to a contract hospital/approved medical facility or the Los Angeles County USC Medical Center for non-emergency medical treatment.
- Determine if the juvenile is suitable for release to parent/guardian or further secure detention in a Probation Department facility (juvenile hall) is required.
- Obtain one copy of the MT Record form from the hospital/approved medical facility and, if applicable, a copy of the LAFD Electronic Patient Care Report (ePCR) which is completed by the LAFD Rescue Ambulance (RA) Unit personnel when the juvenile is transport via an RA. The ePCR is usually faxed to the respective geographic division's Watch Commander's Office upon request by the officer on-scene. If a copy of the ePCR is not received, a copy can be obtained by contacting LAFD Emergency Medical Services Division at (213) 978-3885 during regular business hours.

- One copy of the MT Record form is required when the subject is detained at Juvenile Hall. Two copies are required when the subject is to be hospitalized at the Los Angeles County USC Medical Center Jail Ward.

NOTE: Department personnel shall not sign the medical treatment consent form to approve medical treatment for a temporarily detained juvenile. Approval for medical treatment shall be given by the juvenile's parent/guardian or a person acting as such. **Department personnel are permitted to sign the juvenile's contract hospital discharge form only.**

5.70. LOS ANGELES CITY JAIL DIVISION DISPENSARY POLICY FOR JUVENILES IN TEMPORARY CUSTODY

Jail Division dispensary physicians and medical personnel have a specific policy for providing medical care for juveniles being held in temporary custody while being booked at Jail Division. As per the Managing Physician, Correctional Care, Medical Services Division, Personnel Department, the following is the Department's policy on providing medical care to juveniles in temporary custody:

Los Angeles City Jail Dispensary **will**:

- Attend life-threatening situations on juvenile arrestees being booked at City jails.
- Administer basic first aid (cuts, abrasions, etc.).
- Administer CPR, oxygen, Automated External Defibrillators (AED), and appropriate medications for emergency medical problems.

Los Angeles City Jail Dispensary **can not**:

- Perform a routine health screening or physical exam on juveniles.
- Perform a booking physical examination or give medical clearance for a juvenile arrestee to be detained or booked at another facility.
- Treat injuries to juvenile arrestees except to administer basic first-aid.
- Dispense routine prescription medications or over-the-counter medications.

NOTE: Should a juvenile require further medical treatment than what is provided by the Jail Division dispensary physician, the juvenile shall be transported to the nearest contract hospital.

Emergency Medical Care for Juveniles Being Booked at Jail Division

If a juvenile being booked at Jail Division has a serious medical emergency or life-threatening situation, including sustaining a serious physical injury or has died while in custody, the following medical procedures would be followed:

- The on-duty Jail Dispensary physician would provide emergency life-threatening medical care;
- Summon a Fire Department RA Unit immediately;
- The RA Unit would transport the juvenile to the nearest available contract hospital for medical treatment; and,
- All appropriate notifications, including contacting the juvenile's parents, would be made pursuant to the notifications procedures in the [Department's Jail Division Manual](#).

5.80. MEDICAL CARE-PARENTAL CONSENT UNAVAILABLE

Whenever possible, parental consent shall be obtained prior to having a juvenile medically treated at any contract hospital or Jail Division dispensary. The respective parents may respond to the medical facility to give in-person consent, or if the parents are unable to respond, they may give verbal consent telephonically.

If a juvenile is in need of medical treatment to prolong the juvenile's life (non-emergency) or prevent serious physical injury, and no parent or guardian is available to give consent for such treatment, the officer responsible for the original call shall notify RACR Division regarding the request for emergency medical treatment of a juvenile and give RACR Division the following information:

- Name, address, and complete description of the juvenile.
- Parents names, addresses, and telephone numbers.
- Name, address, and telephone number of the hospital where treatment is being sought.
- Name, address, and telephone number of the doctor who states that there is an emergency.

The DCFS, Medical Consent Unit, Child Abuse Hotline shall be notified at (800) 540-4000, from 0800 hours through 1600 hours, court days, or the DCFS Command Post at (213) 893-0504, all other times. The DCFS Medical Consent Unit will obtain a court order for the necessary treatment.

**5.90. EMERGENCY MEDICAL CARE-PARENTAL CONSENT REFUSED–
JUVENILE DETAINED FOR 601/602 WIC VIOLATIONS**

When a juvenile is in need of immediate emergency medical care and the parent or guardian refuses consent for such care, the officer shall:

- Place the juvenile in protective custody under 300(b)WIC (Parental Neglect).
- Obtain the name, address and telephone number of the attending physician advising emergency medical treatment.
- Notify DCFS to request emergency medical approval (see Section 5.100 for contact information).
- Obtain detention approval.
- Detain the juvenile in the reporting medical facility when his medical condition requires continued hospitalization, advising administrators and concerned personnel that the juvenile is in DCFS protective custody, and shall not be released without DCFS approval or an order of the juvenile court.
- Complete an IR and Arrest Report, Form 5.2, and forward through normal distribution.

5.100. OTHER THAN EMERGENCY MEDICAL TREATMENT

Any request for other than emergency medical treatment shall be referred to DCFS, Medical Consent Unit, Child Abuse Hotline, 0800 hours to 1600 hours during normal work days, and the DCFS Command Post at (213) 893-0504, all other times.

5.110. PROCEDURES WHEN DETAINED JUVENILES ARE ADMITTED INTO LOS ANGELES COUNTY USC MEDICAL CENTER OR OTHER HOSPITALS

In those rare cases, when a detained juvenile has sustained serious injuries and is subsequently admitted into the Los Angeles County USC Medical Center, or any other hospital, the concerned officer shall be guided by the procedures outlined in Chapter 17, section titled “Absentee Juvenile Booking – Hospitalization.”

5.120. JUVENILE RECEIVING MEDICAL TREATMENT

In the event the juvenile requires medical treatment, the attending physician may choose not to proceed without a signed authorization form from the parent(s) / guardian, officers shall notify DCFS to request emergency medical approval (see Section 5.100 for contact information).

NOTE: In no event must an officer sign an authorization for medical treatment of a juvenile.

Emergency Medical Care for Juveniles in Temporary Custody

The responsibility for obtaining emergency medical care for a juvenile in temporary custody shall rest with the officer who has temporary custody of the juvenile.

When an officer becomes aware that a juvenile in temporary custody at any Department facility is in need of emergency medical care, the officer shall:

- Immediately notify the concerned Area watch commander or other appropriate supervisor;
- Summon a Fire Department RA Unit to respond to the Area police station or other Department facility;
- If necessary, cause the concerned juvenile to be transported by the RA Unit to the nearest contract hospital for further medical treatment;
- Conduct a follow-up investigation to the contract hospital where the juvenile is being treated;
- Cause the proper notifications to be made to the juvenile’s parents, obtain parental consent to have the juvenile medically treated, if the parent cannot be notified, contact DCFS (see section 5.100);
- Determine if the juvenile is suitable for continued detention;

- Determine if the juvenile is suitable for release to parent/guardian or if further secure detention in a Probation Department facility is required;
- Obtain one copy of the MT Form from the hospital/approved medical facility and, if applicable, a copy of the LAFD Electronic Patient Care Report (e-PCR) which is completed by the LAFD RA Unit personnel when the juvenile is transported.

The e-PCR is usually faxed to the respective geographic division's Watch Commander's Office upon request by the officer on-scene. If a copy of the e-PCR is not received, a copy can be obtained by contacting LAFD Emergency Medical Services Division at (213) 978-3885 during regular business hours.

Non-Emergency Medical Care for Juveniles in Temporary Custody

The responsibility for obtaining non-emergency medical treatment for a juvenile in temporary custody shall rest with the officer who has temporary custody of the juvenile. When the officer becomes aware that a juvenile who is temporarily detained in any Department facility is in need of non-emergency medical treatment, the officer shall:

- Notify the concerned Area Patrol watch commander, or other appropriate supervisor of the non-emergency medical care needed.
- Request the concerned watch commander or supervisor interview the juvenile.
- Obtain parental consent to have the juvenile medically treated.
- Cause the juvenile to be transported to a contract hospital/approved medical facility for non-emergency medical treatment.
- Determine if the juvenile is suitable for release to parent/guardian or further secure detention in a Probation Department facility.
- Obtain one copy of the MT Form from the hospital/approved medical facility and, if applicable, a copy of the LAFD Electronic Patient Care Report (e-PCR) which is completed by the LAFD RA Unit personnel when the juvenile is transported.

The e-PCR is usually faxed to the respective geographic division's Watch Commander's Office upon request by the officer on-scene. If a copy of the e-PCR is not received, a copy can be obtained by contacting LAFD Emergency Medical Services Division at (213) 978-3885 during regular business hours.

5.130. MEDICAL TREATMENT FOR JUVENILES NOT REQUIRING PARENTAL CONSENT

Pregnancy/Abortion Services

A juvenile may consent to medical care related to the prevention or treatment of pregnancy, except sterilization (California Family Code 6925).

A minor may consent to an abortion without parental consent or court permission (American Academy of Pediatrics v. Lungren 16 Cal.4th 307 (1997)). Requiring minors to obtain parental consent before an abortion, violates the right to privacy guaranteed by the California Constitution.

Juveniles Living Separately and Apart from Parents

A juvenile may consent to his/her own medical or dental care if **all of the following conditions are satisfied:**

- The juvenile is 15 years of age or older; and,
- The juvenile is living separate and apart from the minor's parents or guardian, whether with or without the consent of a parent or guardian and regardless of his/her income source; and,
- The juvenile is managing their own financial affairs, regardless of their income source (California Family Code 6922).

Diagnosis and/or Treatment for Infectious, Contagious Communicable Diseases and Sexually Transmitted Diseases.

- A juvenile 12 years of age, or older, and who may have come into contact with a reportable infectious, contagious, or communicable disease or with a sexually transmitted disease (STD), may consent to medical care for the diagnosis and treatment of the disease/infection.
- A list of reportable diseases, which includes AIDS and certain STDs, can be found in California Code of Regulations, Title 17, Section 2500.
- A list of pertinent STDs may be found in California Code of Regulations, Title 5151(a).
- The minor's parents or guardian are not liable for payment for medical care provided pursuant to this section (California Family Code 6926).

Treatment for Alleged Sexual Assault

A juvenile who is 12 years of age or older and who is alleged to have been sexually assaulted may consent to medical care related to the diagnosis or treatment of the condition and the collection of medical evidence with regard to the alleged sexual assault (California Family Code 6927).

Emancipated Juveniles

An emancipated juvenile shall be considered over the age of majority for the purpose of consenting to medical, dental, or psychiatric care, without parental consent, knowledge, or liability (California Family Code 7050 (e)(1)).

NOTE: Any juvenile who has contracted a lawful marriage, is on active military duty, or who has been declared emancipated through the Superior Court is deemed an emancipated juvenile (California Family Code 7002).

For further information on the subject, see Chapter 24 “Emancipated Juveniles.”

5.140. MEDICAL TREATMENT FOR JUVENILES NOT IN CUSTODY

It shall be the responsibility of the officer receiving the original call to locate or attempt to locate parents of juveniles to authorize medical treatment for injuries when the juvenile is not in custody for a 601/602 offense.

NOTE: Department personnel shall not sign any form authorizing medical treatment for a juvenile.

5.150. MEDICAL TREATMENT-LOS ANGELES COUNTY-USC-MEDICAL CENTER JAIL WARD OR OTHER HOSPITAL

Officers desiring continued custody of a 601/602 WIC arrestee in need of hospitalization shall:

- Cause the subject to be transported to a contract or receiving hospital for examination.
- Contact a supervisor and obtain the proper booking and detention advice if the examining physician recommends that the subject be hospitalized.
- Contact the concerned detective or detective coordinator for continued custody advice.

- Officers desiring continued custody of a 601/602 WIC arrestee in need of hospitalization should refer to below, as well as to Chapter 17, sections titled “Juvenile Booking – Hospitalization” and “Absentee Booking Procedures.”

5.160. CONTINUED CUSTODY ADVICE FOR SERIOUSLY ILL OR INJURED JUVENILES WHO ARE HOSPITALIZED AT A HOSPITAL

Some juveniles are arrested for charges that require continued detention, and cannot be released to a parent or guardian, even if hospitalized.

NOTE: For a listing of mandatory juvenile detention charges, see Chapter 10, “Offenses Which Require Mandatory Juvenile Hall Detention.”

When a juvenile is arrested for other charges, or if the incident involves circumstances that continued detention is believed to be necessary, or if the arrest charge does not dictate continued detention, officers shall:

- Contact the concerned investigating officers or the concerned Area Detective Coordinator who shall immediately conduct an investigation to determine if juvenile’s arrest charge requires detention.
- If detention is determined to be necessary, the concerned investigative watch commander shall be notified for purposes of arranging police guard.
- Notification to RACR Division shall be made for the purpose of adding the information on the Department’s 24-hour Occurrence Log.
- Once a police guard has been assigned, immediate arrangements shall be made to complete the required arrest and booking reports so that the Probation Department can assume the custodial responsibility of the juvenile.

NOTE: Additional information on these procedures can be found in Chapter 17, section “Absentee Juvenile Booking – Hospitalization.”

NOTE: In cases where a booked juvenile is placed in an open ward for a 601 WIC or 602 WIC offense, the arresting officer shall request that hospital authorities including hospital security, do not release the subject without the approval of the Intake and Detention Control at the appropriate hall.

If continued detention is not required, the concerned investigative entities should consider the following two options:

- Facilitate the completion of an “Absentee Booking” in which an arrest report would be completed and the juvenile would be immediately released to his parents/guardian at the hospital and issued a Juvenile Delinquency Court Notice to Appear Citation. This would take place without the juvenile leaving the hospital.

NOTE: Additional information on this procedure can be found in Chapter 17, section “Absentee Booking Procedures.”

- If the concerned juvenile and his/her parent/guardian are readily identifiable and it is reasonably assured that these parties can be located at a later date, an IR can be completed, which would allow for future police action/follow-up to be taken when the juvenile is released from the hospital.

5.170. USE OF THE LOS ANGELES COUNTY UNIFIED ARRESTEE MEDICAL SCREENING FORM, FORM SH-R-422, FOR JUVENILES

The Los Angeles County Probation Department requires law enforcement officers to complete the Los Angeles County Unified Arrestee Medical Screening Form, Form SH-R-422, for each juvenile detained at a Los Angeles County Juvenile Detention Center facility. The form is used to document the medical screening of juveniles detained for Sections 601/602 WIC and the related Penal Code charge at any Los Angeles County Juvenile Detention Center facility; e.g., Eastlake, Barry J. Nidorf, and Los Padrinos Juvenile Halls.

NOTE: Completion of the form is not necessary if the juvenile is booked on the WIC Section and released to the parents, guardian or SODA facility.

It is recommended that arresting officers complete the form prior to transporting the juvenile to a County detention facility so that any medical or mental health issues can be properly addressed.

Los Angeles County Unified Arrestee Medical Screening Form, SH-R-422, For Juveniles-Arresting Officers Responsibilities

Arresting Officers shall:

- Indicate the juvenile’s name, booking number and date at the top of the form;
- Leave the “Outside Agency Medical Declaration” section blank, as it is not applicable;
- Complete the “Arresting Officer’s Observations” section, questions one through five;

- Request the juvenile to sign after question number five;

NOTE: If the juvenile is unable or refuses to sign the form, the arresting officer shall write “unable” or “refused.”

- Indicate their name, serial number, Area/division of assignment, and time of completion in the space provided after question number five;

NOTE: Completion of the “Jailer’s Assessment” section, questions six through sixteen, is the responsibility of the agency housing the juvenile.

- Notify the watch commander of the juvenile’s medical and mental health concerns or affirmative answers to any questions; and, appropriate reports, as delineated in Department Manual; and,

NOTE: Juveniles who are ill/injured shall be examined by a paramedic or a contract hospital physician, prior to transportation to any Probation juvenile facility. Officers shall advise intake personnel of the MT and attach a copy of the slip to the arrest report or contact and be guided by the Department’s Mental Evaluation Unit in the event the juvenile appears to suffer from a mental illness/danger to self, danger to others or gravely disabled.

NOTE: A gravely disabled minor is defined by Section 5585 WIC as “a minor who, as a result of a mental disorder, is unable to use the elements of life which are essential to health, safety, and development, including food, clothing and shelter. Developmental disabilities, alcoholism or other drug use, do not by themselves, constitute a mental disorder.”

- Shall provide the original Los Angeles County Unified Arrestee Medical Screening Form to the Juvenile Detention Center facility personnel.

Los Angeles County Unified Arrestee Medical Screening Form SH-R-422, For Juveniles–Watch Commander Responsibilities

Watch Commanders shall:

- Ensure that a juvenile with a current medical condition is treated by paramedics or at a contract hospital; and,
- Be guided by the Department’s Mental Evaluation Unit in the event the juvenile appears to suffer from mental illness/danger to self, danger to others or gravely disabled.

5.180. AUTHORIZATION TO RELEASE MEDICAL INFORMATION, FORM 05.03.00

Juveniles, aged 12 and over, can provide authorization for the release of their medical information on cases involving pregnancy, contraception, abortion, diagnosis and/or treatment for an infectious or contagious communicable disease, sexually transmitted diseases, AIDS/HIV testing and treatment, general medical care and sexual assault services.

In all other cases, a parent or legal guardian must sign the form on the juvenile's behalf. Also, emancipated minors may authorize the release of their own medical information.

Authorization To Release Medical Information-Procedures

The form has a checkbox after the signature box for the parent or legal guardian of the juvenile to mark when authorizing the release of the juvenile's medical records.

The requesting Department employee must complete the form in the following manner:

- The top section of the form titled "Your information" must contain the name, date of birth, booking number, if any, complete address and DR number, if applicable, of the person whose medical information is being sought;
- The section titled "Description of the Information to be Released" should be completed by the requesting Department employee and should be as specific and meaningful as possible as to what information is being requested (i.e., all medical records related to a specific injury and incident). Do not write in "all" or "medical information;"
- Check and complete one of the two choices provided in the "Expiration" section (date not to exceed one year from the date of signature at the discretion of the person giving authorization); and,
- The bottom portion of the form must be filled out by the person who is the subject of the request. The subject of the request must print and sign their name and date the form.

The *Federal Health Insurance Portability and Accountability Act* of 1996 [45 CFR 164.598] and the *California Confidentiality of Medical Information Act* [California Civil Code § 56 et seq.] state that any person or entity that wishes to obtain an individual's medical information must obtain a valid authorization for the release of such information.

The form must be used to obtain authorization for the release of any medical record(s) from any juvenile, whether in custody or not. No other forms shall be used to authorize the release of medical information. The Authorization to Release Medical Information is available in LAPD E-Forms.

CHAPTER 6

JUVENILE MENTAL HEALTH CASES

6.10. **EMERGENCY MENTAL HEALTH CASES**

Welfare and Institutions Code (WIC) Section 5150 – Grounds for Detention for Adults and Juveniles

When any person, **including a juvenile**, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a **peace officer**, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, designated members of a mobile crisis team provided by WIC Section 5651.7, or other professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

If the probable cause is based on the statement of a person other than the officer, member of the attending staff, or professional person, the person shall be liable in a civil action for intentionally giving a statement that he or she knows to be false.

NOTE: Juveniles who are suspected of being mentally disordered and require immediate restraint and detention, may be taken into custody under authority of 5585.50 WIC Section.

Welfare and Institutions Code Section 5585.50 – Grounds for Detention for Juveniles

When any minor, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled and authorization for voluntary treatment is not available, a **peace officer**, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, designated members of a mobile crisis team provided by Section 5651.7, or other professional person designated by the county may, upon probable cause, take, or cause to be taken, the minor into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation of minors. The facility shall make every effort to notify the minor's parent or legal guardian as soon as possible after the minor is detained.

The facility shall require an application in writing stating the circumstances under which the minor's condition was called to the attention of the officer, member of the attending staff, or professional person, and stating that the officer, member of the

attending staff, or professional person has probable cause to believe that the minor is, as a result of mental disorder, a danger to others, or to himself or herself, or gravely disabled, and authorization for voluntary treatment is not available.

If the probable cause is based on the statement of a person other than the officer, member of the attending staff, or professional person, the person shall be liable in a civil action for intentionally giving a statement that he or she knows to be false.

NOTE: A peace officer must evaluate and make a determination that authorization for voluntary treatment is not available at the time of hospitalization.

Welfare and Institutions Code Section 5585.59

Legally emancipated minors requiring involuntary treatment shall be considered adults and this part shall not apply.

6.20. TAKING JUVENILES WITH A MENTAL ILLNESS INTO CUSTODY

When the only reason for detention is the juvenile's suspected mental illness, Mental Evaluation Unit (MEU), shall be contacted prior to transporting an apparently mentally ill juvenile to any health facility or hospital. The MEU, Detective Support and Vice Division, can be contacted at (213) 996-1300.

EXCEPTION: In those situations where the juvenile is injured and requires medical treatment, MEU must be contacted after the juvenile is transported to an appropriate medical facility (contract hospital) for medical treatment.

Officers who detain a juvenile with a suspected mental illness that results in the subject being placed on an involuntary hold at a health facility or hospital must:

- Notify MEU once the subject has been admitted; and,
- Fax a copy of the Application for Mental Evaluation Hold to the MEU.

Officers should be guided by the advice of MEU personnel. If a psychiatric evaluation is recommended at another facility, officers must transport the juvenile to the designated psychiatric facility.

- Officers must remain present at the hospital while a qualified doctor evaluates the juvenile. If the doctor accepts the juvenile for admission and 72-hour detention, the officers must leave the Application For 72-hour Detention For Evaluation and Treatment (Form MH 302), original and two copies at the hospital.

- If the doctor states the juvenile's mental condition does not necessitate detention, the juvenile must be released to the parent or guardian. If the juvenile's parent or guardian is unavailable, the officer must, upon advice of their watch commander, book and detain the juvenile under Section 300(c) WIC (Dependent) Emotionally Disturbed. The juvenile must then be detained by the Department of Children and Family Services (DCFS).
- The responsible investigating officer must file a detained petition request within the statutory time limit.

Taking A Juvenile With A Mental Illness Into Custody For A Criminal Offense

When a juvenile with a suspected mental illness has been taken into custody for a criminal offense, MEU must be contacted prior to the person being booked. Officers should be guided by the advice of MEU personnel.

NOTE: If the juvenile has committed a crime of violence, the juvenile should be booked on the appropriate 602 WIC substantive offense, and when necessary, detained.

6.30. HANDCUFFING JUVENILES WITH A MENTAL ILLNESS

Officers should handcuff a mentally ill juvenile taken into custody when the juvenile is not restrained by means of a straitjacket or leather restraining straps.

EXCEPTION: When a mentally ill juvenile whose age or physical condition is such that the personal safety of the mentally ill juvenile and the officer clearly will not be jeopardized, the use of handcuffs must be within the discretion of the officer.

When handcuffing a mentally ill juvenile, officers must use only official handcuffs and ensure that the handcuffs are double locked. Temporary plastic restraining straps should not be used to restrain a mentally ill juvenile nor should they be furnished to private persons for use in restraining a mentally ill juvenile.

6.40. VISUAL OBSERVATION OF MENTALLY ILL JUVENILES

A mentally ill juvenile who is taken into custody for a substantive 602 WIC offense that meets “Secure Detention” criteria (see Chapter 10) may be placed in temporary secure custody inside a police facility, but must be visually checked at the minimum of every 30 minutes. The 30-minute checks must be documented on the Secure Detention of Juveniles Log, Form 09.05.

Juveniles suffering from mental illness who are taken into custody for **5150 WIC, 300 WIC, or 601 WIC offenses, shall not be placed in secure custody inside a police facility, or on the secure log.**

Under the State of California, Department of Corrections and Rehabilitation, Title 15 Regulations, Section 1145, secure custody is restricted to 602 WIC offenders only.

NOTE: To prevent injury to the juvenile, all juveniles suffering from a **severe mental illness** while in police custody should be under constant in-person observation by the concerned Department employee while inside the Department facility.

6.50. NON-EMERGENCY JUVENILES WITH MENTAL ILLNESSES

In non-emergency mental cases, parents of the juvenile must be advised to obtain information or assistance from the following facilities/agencies:

- Los Angeles County Department of Mental Health, AccessLine
Ask for the Mental Health Clinic that services the area of the juvenile's residence.
Phone (800) 854-7771
- Child and Adolescent Outpatient Services, L.A. County-USC Medical Center
2010 Zonal Ave. 1P-51
Los Angeles, CA 90033 Phone (323) 226-5753
- Psychiatric Child and Adolescent Crisis Evaluation/Emergency Psychiatric Service, L.A. County-USC Medical Center
2010 Zonal Ave. 1P-51
Los Angeles, CA 90033 Phone (323) 226-5751

6.60. JUVENILE SUICIDE AND RISK PREVENTION

A juvenile who exhibits excessive agitation, despondency, or other distressed behavior **must** be under constant direct supervision by a Department employee. If the juvenile appears to be potentially suicidal, MEU must be immediately contacted for advice.

Upon evaluation and approval by MEU personnel, juveniles must be transported to a contract hospital for medical evaluation. Authorization must be received from a licensed physician at a contract hospital before juveniles can be transported to any County juvenile facility.

Department personnel must contact and be guided by MEU when they come in contact with, or made aware of a juvenile who appears to suffer from a mental illness and/or is a danger to self, a danger to others, or gravely disabled.

CHAPTER 7

JUVENILE ARRESTS

7.10. ARREST POLICY-JUVENILES

Members of this Department must, as a result of personal observation or when a matter is brought to their attention, conduct an investigation and take appropriate action regarding public offenses committed by juveniles, or of conditions dangerous to the physical or moral well-being of juveniles.

7.20. AUTHORITY TO ARREST JUVENILES

All juveniles who are placed in temporary custody and juvenile to a formal arrest must be arrested and processed under one of the following Welfare and Institutions Code (WIC) Sections: 300, 601 or 602. Welfare and Institutions Code 625(a) gives peace officers the authority to take a juvenile into temporary custody without a warrant when such officer has reasonable cause for believing a juvenile is a person described in Sections 601 and 602 WIC.

- Dependent juveniles must be taken into protective custody under 300 WIC.
- Pre-delinquent juveniles must be taken into custody under 601 WIC.
- Delinquent juveniles must be taken into custody under 602 WIC.

Taking a Juvenile into Temporary Custody Without A Warrant

Section 625 WIC “Peace Officers Taking A Juvenile Into Temporary Custody Without A Warrant” reads as follows:

A peace officer may, without a warrant, take into temporary custody a juvenile:

1. Who is under 18 years when such officer has reasonable cause for believing that such juvenile is a person described in Section 601 or 602; or,
2. Who is a ward of the juvenile court or concerning for whom an order has been made under Section 636 or 702, when such officer has reasonable cause for believing that person has violated an order of the juvenile court or has escaped from any commitment ordered by the juvenile court; or,
3. Who is under 18 years and who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care.

In any case where a juvenile is taken into temporary custody on the ground that there is reasonable cause for believing that such juvenile is a person described in Section 601 or 602, or that he has violated an order of the juvenile court or escaped from any commitment ordered by the juvenile court, the officer must advise such juvenile that anything he says can be used against him and must advise him of his constitutional rights, including his right to remain silent, his right to have counsel present during any interrogation, and his right to have counsel appointed if he is unable to afford counsel.

An Arrest Report, Form 05.02, and Juvenile Arrest Supplemental Report, Form 05.02.06, must be completed on all juveniles arrested under authority of Sections 300, 601 or 602 WIC, including **Juvenile Court arrest warrants, except when:**

- A juvenile is booked on a juvenile court detaining order only; or when,
- A juvenile is booked in route to another jurisdiction by personnel not members of this Department, and no further action is contemplated by this Department.

Juvenile Warrant Arrests and Court Orders for Return to Custody

When a juvenile is arrested for a warrant or a Court Order for Return to Custody, which is, in effect a warrant for juvenile apprehension, these arrests require additional information to be documented. In those cases, the following shall be completed:

- An Arrest Report face sheet, Form 5.2,
- Juvenile Arrest Supplemental Report, Form 05.02.06. Officers must document the circumstances under which they came into contact with the juvenile on the Juvenile Arrest Supplemental Report.

The above reports must be submitted along with the a copy of the Warrant Information Sheet (WIS), Investigator's Final Report, Form 05.10.00, as well as the Disposition of Arrest and Court Action, Form 05.09.00, to the respective Area Records Unit for processing and appropriate distribution.

Juvenile Arrested at the Request of the Assigned Probation Officer

All juveniles taken into custody (arrested) for violation of probation upon the request of the assigned Probation Officer must be formally arrested, booked, and Live Scanned for 777 WIC (Violation of Probation) prior to transporting the juvenile to a Probation Department juvenile hall facility.

The concerned juvenile must be transported to the respective officer's Geographic Area, presented to the Area watch commander, and processed as any other juvenile arrested by an officer of this Department. Officers must also notify the juvenile's parents when the parents have not yet been notified of the arrest.

Upon completion of the booking process and all applicable reports, the juvenile must then be transported to the respective Probation Department juvenile hall, and detained as requested by the Probation Officer. This formal arrest and booking process must be completed to ensure proper recordation of the juvenile's temporary custody and detention by a member of this Department.

7.30. HANDCUFFING OF JUVENILES

Juvenile felony arrestees must *normally* be handcuffed; however, there may be circumstances that would make the handcuffing of a juvenile arrestee inappropriate. Such circumstances can best be perceived by the involved officer. Therefore, any decision to not handcuff a juvenile must be based on available facts.

Factors involved in making this decision include, but are not limited to:

- The possibility of the arrestee escaping.
- The possibility of the incident escalating.
- Potential threat to officers and other persons.
- Knowledge of the juvenile's previous encounters with law enforcement.

An officer must constantly monitor the actions of an un-handcuffed juvenile. If the officer believes it is necessary, he/she may, at any time, handcuff the juvenile.

The handcuffing of juveniles arrested for misdemeanors is discretionary.

If a juvenile gives any indication that they might become belligerent, the juvenile's hands must be handcuffed behind them.

Juveniles who commit citable offenses or other non-violent offenses where an arrest and/or transport is not likely, should generally not be handcuffed unless an officer can clearly articulate a specific reason why the handcuffing was appropriate.

Handcuffing Juveniles With Mental Illness

Information regarding this juvenile may be found in Chapter 6.

7.40. JUVENILE INVESTIGATION AUTOMATED FORMATS

- JNAM - Juvenile Automated Index Name Inquiry is used to retrieve summary information on juveniles whose names are spelled or phonetically sound like the entered name.
- JFIL - Juvenile Automated Index Arrest File Number Inquiry is used to retrieve and display selected arrest data in response to an arrest file number inquiry. For LAPD, the arrest file number is normally a DR number.

- JNUM - Juvenile Automated Index Number Inquiry is used to retrieve the Juvenile Automated Index named.
- JINQ - Juvenile Automated Index JAIN Inquiry is used to retrieve and display a wide variety of information for a specified juvenile.

The data are present in four parts:

1. Characteristics.
2. Alias information.
3. Arrest and Disposition information.
4. Current conditions of probation.

7.45. **CUSTODIAL INTERROGATION OF JUVENILES 15 YEARS OF AGE OR YOUNGER**

Effective January 1, 2018, Senate Bill (SB) No. 395 will add Section 625.6 to the Welfare and Institutions Code (WIC). The new Section requires a juvenile 15 years of age or younger to consult with legal counsel in person, by telephone, or by video conference **prior** to a custodial interrogation and **before** waiving any Miranda rights. The new law requires Courts to consider the effect of the failure to comply with the legal consultation requirement in adjudicating the admissibility of statements of a juvenile 15 years of age or younger made during or after a custodial interrogation.

The law clarifies that these provisions do not apply to the admissibility of statements of a juvenile 15 years of age or younger if: The officer who questions the juvenile reasonably believed the information sought was necessary **to protect life or property from an imminent threat**; and the officer's questions were limited to those questions that were reasonably necessary to obtain the information.

PROCEDURES:

In response to SB 395, the Los Angeles County Public Defender's Office will be available to provide telephonic attorney consultations for juveniles 24 hours day / 7 days a week. Attorneys can be reached during business hours (8:00 a.m. - 5:00 p.m.), by calling (213) 974-3002 and during non-business hours by dialing (213) 974-1234 for the County Operator.

A. Officer's Responsibilities.

All sworn personnel that detain or take into custody a juvenile 15 years of age or younger shall provide the Admonition of Constitutional Rights per Section 625 WIC, and inform the juvenile of the Section 625.6 WIC requirement. Sworn personnel **must advise** the juvenile as follows:

- You have the right to remain silent;
- Anything you say may be used against you in court;
- You have the right to the presence of an attorney before and during any questioning;
- If you cannot afford an attorney, one will be appointed for you, free of charge, before any questioning, if you want; and,
- You must seek legal counsel in person, by telephone, or by video conference prior to waiving any of your rights.

Sworn personnel shall also ensure the following:

- Officers **shall not** ascertain if the **juvenile** understands his/her rights and **shall not** seek a waiver unless the juvenile has consulted legal counsel in person, by telephone, or by video conference;
- Gladys R. Admonishment; If a juvenile under the age of 14 years is suspected of committing a crime, the juvenile shall not be asked any questions from the Gladys R. questionnaire unless the juvenile has consulted legal counsel in person, by telephone, or by video conference;
- Officers shall provide juveniles with the telephone number and access to contact the Los Angeles County Public Defender's Office, if the juvenile does not have his/her own attorney.
- Under the Arrest heading, officers shall articulate the juvenile was admonished, that they were advised per Section 625.6 WIC, and if an attorney was or was not contacted; and,
- If "exigent circumstances" existed and no admonishment was given, officers shall clearly articulate the specific circumstances under the Arrest heading of the arrest report.

EXIGENT CIRCUMSTANCES. Exigent circumstances exist when sworn personnel must act immediately to stop, or prevent an actual or perceived danger to an individual(s), serious damage to property, imminent escape of a suspect, or destruction of evidence.

B. WATCH COMMANDER'S RESPONSIBILITIES.

In circumstances when an officer has detained or has taken a juvenile

15 years of age or younger into custody, the watch commander shall:

- Confirm the juvenile was properly admonished per Section 625 WIC;
- Confirm sworn personnel adhered to Section 625.6 WIC; and,
- Verify that the above information has been properly documented under the Arrest heading of the arrest report.

COMMANDING OFFICER'S RESPONSIBILITY. Area Commanding Officers shall be responsible for compliance with this Notice.

7.50. ADMONITION OF RIGHTS PURSUANT TO 625 WIC

Welfare and Institutions Code (WIC) Section 625 (c) states:

“In any case where a juvenile is taken into temporary custody on the ground that there is reasonable cause for believing that such juvenile is a person described in Section 601 or 602 WIC, or that he has violated an order of the juvenile court or escaped from any commitment ordered by the juvenile court.

All sworn personnel that detain or take into custody a juvenile 15 years of age or younger shall provide the Admonition of Constitutional Rights per Section 625 WIC, and inform the juvenile of the Section 625.6 WIC requirement. Sworn personnel **must advise** the juvenile as follows:

- You have the right to remain silent;
- Anything you say may be used against you in court;
- You have the right to the presence of an attorney before and during any questioning;
- If you cannot afford an attorney, one will be appointed for you, free of charge, before any questioning, if you want; and,
- You must seek legal counsel in person, by telephone, or by video conference prior to waiving any of your rights.

Sworn personnel shall also ensure the following:

- Officers **shall not** ascertain if the **juvenile** understands his/her rights and **shall not** seek a waiver unless the juvenile has consulted legal counsel in person, by telephone, or by video conference;
- Gladys R. Admonishment; If a juvenile under the age of 14 years is suspected of committing a crime, the juvenile shall not be asked any questions from the Gladys R. questionnaire unless the juvenile has consulted legal counsel in person, by telephone, or by video conference;
- Officers shall provide juveniles with the telephone number and access to

contact the Los Angeles County Public Defender's Office, if the juvenile does not have his/her own attorney.

- Under the Arrest heading, officers shall articulate the juvenile was admonished, that they were advised per Section 625.6 WIC, and if an attorney was or was not contacted; and,
- If "exigent circumstances" existed and no admonishment was given, officers shall clearly articulate the specific circumstances under the Arrest heading of the arrest report.

In response to SB 395, the Los Angeles County Public Defender's Office will be available to provide telephonic attorney consultations for juveniles 24 hours day / 7 days a week. Attorneys can be reached during business hours (8:00 a.m. - 5:00 p.m.), by calling (213) 974-3002 and during non-business hours by dialing (213) 974-1234 for the County Operator.

An admonition per 625 WIC may be used for, but is not limited to, any of the following arrest or detention situations:

- Any juvenile taken into custody on a 601 WIC non-criminal offense such as truancy, curfew, or runaway.
- Any juvenile arrested for a 602 WIC offense where the investigative responsibility lies with another Division, Area or police agency (i.e., Rampart Area officers arrest a juvenile on a warrant from Wilshire Area, or LAPD officers arrest a juvenile on a warrant issued from another police agency).
- Any juvenile arrested on a 601/602 WIC warrant or 602 WIC offense, where the investigator assigned to that case would be unable to interrogate the juvenile prior to the expiration of the Six-Hour Rule.
- Any juvenile detained for a 601 or 602 WIC offense, who is **not booked**, but is placed in handcuffs, placed in the back of a police vehicle, transported by a officer from point A to point B, or put in some other situation that would indicate the juvenile is not free to go or a restraint on freedom of movement of the degree associated with a formal arrest.

An example of this would be as follows.

An officer writes a curfew ticket to a juvenile, places him in the back seat of a police vehicle and transports him back to school authorities. This constituted a "temporary detention" per 625 WIC, as the juvenile was not free to go, therefore, the juvenile should be admonished.

- If the juvenile was detained and admonished per 625 WIC, and then issued a Traffic Notice to Appear, Form 4.50.00, the "625 WIC" box

is to be checked on the lower portion of the citation.

- If the juvenile was detained and no formal arrest was made, or a citation was issued, the 625 WIC admonition may be documented on the Daily Field Activities Report, Form 15.52.00; Sergeant's Daily Report, Form 15.48.00; Watch Commander's Daily Report, Form 15.80.00; or, in the investigating officer's Detective Case Tracking System (DCTS) notes.
- Any juvenile who is arrested for a 602 WIC crime of a serious nature, or of a crime that is handled by a specialized unit, where the investigator assigned the case would be unable to interrogate the juvenile prior to the expiration of the Six-Hour Rule. Examples of these situations:
 - a. A juvenile is booked on a charge involving murder, sexual assault, gang crimes, or any other serious felony;
 - b. A serial case or one with multiple crime clearances;
 - c. The investigator is unable to respond to the juvenile's location with sufficient time to interrogate the juvenile prior to the termination of the six-hour rule.

Admonition of Miranda Rights for Juveniles

The Miranda Decision addresses the issue of interrogating persons who are in police custody. Effective January 1, 2018, Senate Bill (SB) No. 395 will add Section 625.6 to the Welfare and Institutions Code (WIC). The new Section requires a juvenile 15 years of age or younger to consult with legal counsel in person, by telephone, or by video conference **prior** to a custodial interrogation and **before** waiving any Miranda rights. The new law requires Courts to consider the effect of the failure to comply with the legal consultation requirement in adjudicating the admissibility of statements of a juvenile 15 years of age or younger made during or after a custodial interrogation.

Officers must ensure that proper Gladys R. procedures are followed when interrogating juveniles under 14 years.

NOTE: The Miranda Admonition will fulfill the 625 WIC requirement.

When a juvenile, who does not speak English, has been taken into custody, and it becomes necessary to conduct the admonition and waiver procedure, the Miranda Admonition and the appropriate questions that follow must be read or spoken in the juvenile's native language, whenever possible.

In addition to the formal reading, officers should be prepared to explain the Miranda Admonition in terms that reflect the language, experience, and level of comprehension of the juvenile being interrogated.

Interrogation of Juveniles for Criminal Investigations

Generally, Department employees should not conduct a custodial interrogation once a juvenile in custody invokes either the right to silence or the right to an attorney.

NOTE: If the juvenile only invokes silence, this does not preclude investigators from seeking a waiver at a later time, as allowed by law.

When a major crime is involved, an officer must not read the Miranda Admonition to a juvenile or question a juvenile prior to consulting with the I/O conducting the criminal investigation. Such cases include, but are not limited to, the following:

- Homicides;
- Crimes against persons resulting in injuries that require hospitalization of the victim;
- Crimes, excluding narcotics, which are the responsibility of a specialized detective division (e.g., bank robbery, arson, child abuse, etc.);
- Major narcotics cases that require specialized expertise (e.g., methamphetamine labs, etc.);
- Felony wants/warrants, including fugitives; and,
- Any crimes that require extensive follow-up investigations.

For all other crimes, the arresting officer(s) or other assigned employee(s) should attempt to obtain a statement from an in-custody juvenile after providing the Miranda Admonition, unless otherwise directed by their watch commander or commanding officer.

Interrogating Officers – Responsibilities

Normally “I/O” refers to the term “Investigating Officer.” However, in this section, the term refers to “Interrogating Officer.”

When officers are conducting a custodial interrogation, the following procedures must be followed by the I/O.

- Officers must read the Miranda Admonition verbatim as delineated in Section 625.6 of the Welfare and Institutions Code (WIC);

NOTE: Courtroom testimony must also reflect that the Miranda Admonition was read verbatim to the juvenile.

- Officers must document the juvenile's responses to the Miranda Admonition in the appropriate report;

Interviewing Juveniles Arrestee's for Administrative Investigations

The criminal investigation must take precedence over the administrative investigation, e.g., use of force, vehicle pursuit, personnel complaint investigation, etc.

A Department employee conducting an administrative investigation should attempt to interview the juvenile for administrative investigations.

When conducting a custodial interview of a juvenile for an administrative investigation, the following procedures must be followed:

- When a major crime is involved, as identified in the above section titled "interrogation of juvenile's for criminal investigations," the administrative I/O must coordinate with the criminal I/O to conduct the administrative interview. If no major crime is involved, the administrative I/O should proceed, when practical;
- Prior to any questioning, the administrative I/O must determine if the juvenile had been read the Miranda admonition and the juvenile's responses;
- If the juvenile has not been read the Miranda Admonition, the administrative I/O must read the Miranda Admonition verbatim as delineated in Section 625.6 of the Welfare and Institutions Code (WIC) and document the juvenile's responses to the Miranda Admonition in the appropriate report;
- The administrative I/O must document any statements made by the juvenile in the appropriate administrative report or/in a Follow-Up Investigation, Form 03.14.00, if the interview occurs after the completion of the initial reports.

NOTE: The report must include the date and time of the interview, the name of the person(s) interviewed and the name of the Department employee who conducted the interview. The report must also include when the statements were given, e.g., after the Miranda Admonition, after the administrative interview advisement, etc. This report must be provided to the criminal I/O and must list the original crime/arrest DR number as a related report.

Documentation of Custodial and Non-Custodial Interrogation

Custodial interrogations, or any statement that requires a signature, should be documented on the Investigative Action/Statement Form, Form 3.11.20.

Non-custodial statements should be documented on a Continuation Sheet, Form 15.09.00, or a blank sheet of paper.

NOTE: Officers must refer to the General Reporting Instructions, Field Notebook Divider, Form 18.30.00, for directions on completing Investigative Action/Statement Forms.

Mandated Electronic Recording of In-Custody Interrogations of All Juvenile Murder Suspects

California Penal Code Section 859.5 and Welfare and Institutions Code 626.8 require that all law enforcement personnel electronically record in its entirety, the custodial interrogation of a juvenile who is in a fixed detention facility and is suspected of committing murder.

The statute articulates that electronic recording incorporates both the audio and video recording of the entire interrogation of the juvenile suspect. The statute applies to any persons acting as an agent of law enforcement, which could include relatives, accomplices, informants, and cell-mates.

The statute provides for the following exemptions to the requirements for the electronic recording of the interrogation:

- The juvenile objects to the recording;
- There is an equipment malfunction;
- Exigent circumstances exist;
- Recording the interrogation would endanger someone associated with the case or disclose the identity of a confidential informant;
- The interrogation takes place in another jurisdiction, conducted by their law enforcement, and they are in compliance with the laws of their jurisdiction; or,
- Spontaneous statements made during routine processing or booking of that person.

When any of the above exemptions are employed by the investigator, they must accurately document the reason one exemption was used in the reports associated with their investigation. When an exemption is utilized during an interrogation of a juvenile murder suspect, burden is on the prosecution to prove that the use of the exemption was valid.

The statute requires that all recordings of the interrogation of the juvenile are maintained by the law enforcement agency until the habeas appeals are exhausted.

7.60. JUVENILE REQUEST FOR ATTORNEY SERVICE

See Juvenile Manual Section 7.49, Section 625.6 of the Welfare and Institutions Code(WIC)

In response to SB 395, the Los Angeles County Public Defender' s Office will be available to provide telephonic attorney consultations for juveniles 24 hours day / 7 days a week. Attorneys can be reached during business hours (8:00 a.m. - 5:00 p.m.), by calling (213) 974-3002 and during non-business hours by dialing (213)

974-1234 for the County Operator.

7.70. GLADYS R. QUESTIONNAIRE - ARRESTEE 13 YEARS OR YOUNGER AND ARRESTED FOR A 602 WIC OFFENSE

- Gladys R. Admonishment; If a juvenile under the age of 14 years is suspected of committing a crime, the juvenile shall not be asked any questions from the Gladys R. questionnaire unless the juvenile has consulted legal counsel in person, by telephone, or by video conference;
- Officers shall provide juveniles with the telephone number and access to contact the Los Angeles County Public Defender's Office, if the juvenile does not have his/her own attorney.
- Under the Arrest heading, officers shall articulate the juvenile was admonished, that they were advised per Section 625.6 WIC, and if an attorney was or was not contacted; and,
- If "exigent circumstances" existed and no admonishment was given, officers shall clearly articulate the specific circumstances under the Arrest heading of the arrest report.

If the juvenile is 13 years or younger at the time they committed a 602 WIC offense and is placed in custody, a Gladys R. Questionnaire (LAPD Forms "In-House Form 20") must be completed by the arresting/investigating officer prior to questioning. The form is necessary to assist the District Attorney's Office in proving that the juvenile knew the wrongfulness of the act. The juvenile's portion must always be completed following the Miranda Admonition and prior to questioning.

Every effort should be made to locate and interview the parent, guardian or other responsible adult having contact with the juvenile to complete the Parent/Guardian section of the Gladys R. Questionnaire prior to submitting the case to the District Attorney's Office for filing. An example of a responsible adult could be a teacher, counselor, coach, employer, or family friend, or someone who has contact with the juvenile on a regular or semi-regular basis.

If a parent or guardian are unavailable or refuse to cooperate, and no other responsible adult having contact with the juvenile can be located and interviewed, the word "Refused" should be written next to the parent/guardian name on the form, and the circumstances surrounding the refusal must be documented on a Follow-up Investigation report. A copy of the Follow-Up Investigation report must be submitted to the District Attorney's Office at the time of filing.

Relevancy of the Questions

The questions asked of the juvenile must be relevant to the arrest charge. The questioning officer must use simple, age-appropriate language during the time of questioning to define what occurred and what is being asked. The juvenile's answer

must reflect a response to the specific question asked. An example of an age appropriate Gladys R. question in a burglary crime would be as follows:

EXAMPLE: For a residential burglary case, the officer **would not ask** the juvenile, “Did you know it was wrong to burglarize someone’s home?” A more age-appropriate question would be, ***“Did you know it was wrong to use a screwdriver to force open a window and enter someone else’s home? Did you know it was wrong, after entering that home, to take items that did not belong to you and leave with those items?”***

The completed Gladys R. Statement Form (both pages) must be included with the Arrest Report, Form 5.2, as numbered pages.

The Gladys R. Form, Form No. “LAPD In-House Form No. 20” can be located on LAPD Forms.

**7.80. NOTIFICATION TO PARENTS OF ARREST OR TEMPORARY
DETENTION OF JUVENILES PER 627(a) AND 627 (b) WIC**

Sections 627 (a) WIC (Notice To Parent Or Guardian); and 627 (b) WIC, (Right To Make Telephone Calls) read as follows:

- (a) When an officer takes a juvenile before a probation officer at a juvenile hall or to any other place of confinement pursuant to this article, he shall take immediate steps to notify the juvenile’s parents, guardian, or a responsible relative that such juvenile is in custody and the place where he is being held.
- (b) Immediately after being taken to a place of confinement, except where physically impossible, **no later than one hour after they have been taken into custody**, the juvenile shall be advised and has the right to make at least three telephone calls from the place where he is being held, one call completed to a parent or guardian, a responsible relative, or his employer, **and** another call to an attorney (see note below). The third call, if the juvenile elects to do, shall be made within three hours of being taken into custody (arrest).

NOTE: “Taken into custody” means an arrest under 601 or 602 WIC, and the time of custody begins at the actual time of the arrest in the field.

Calls made within the local dialing areas shall be made at City expense. In the event a juvenile is without sufficient funds or is unable to complete telephone calls on a collect basis, telephone calls outside the local dialing areas may be made at City expense at the discretion and approval of the Area watch commander or another supervisor. *Any public officer or employee who willfully deprives a juvenile taken into custody of his right to make such telephone calls is guilty of a misdemeanor.*

7.90. NOTIFICATION OF PARENT OR GUARDIAN THAT JUVENILE IS IN TEMPORARY CUSTODY

Welfare and Institutions Code Section 308 (a) (Notification of Parent or Guardian that Juvenile is in Temporary Custody) states, "When a peace officer or social worker takes a minor into custody pursuant to this article, he or she shall take immediate steps to notify the minor's parent, guardian, or a responsible relative that the minor is in custody and that the child has been placed in a facility authorized by law to care for the child, and shall provide a telephone number at which the minor may be contacted.

The confidentiality of the address of any licensed foster family home in which the child has been placed shall be maintained until the dispositional hearing, at which time the judge may authorize, upon a finding of good cause, the disclosure of the address. However, the court may order the release of the address of the licensed foster family home to the minor's parent, guardian, or responsible relative upon notification of the licensed foster family home in cases where a petition to challenge jurisdiction or other motion to delay the dispositional hearing beyond 60 days after the hearing at which the minor was ordered removed or detained, pursuant to subdivision (b) of Section 352, is granted.

Moreover, a foster parent may authorize the release of the address of the foster family home at any time during the placement. The county welfare department shall make a diligent and reasonable effort to ensure regular telephone contact between the parent and a child of any age, prior to the detention hearing, unless that contact would be detrimental to the child. The initial telephone contact shall take place as soon as practicable, but no later than five hours after the child is taken into custody."

7.100. NOTIFICATION TO PARENT OR GUARDIAN – JUVENILE’S RIGHT TO MAKE TELEPHONE CALLS

Section 308 (b) WIC states, “Immediately after being taken to a place of confinement pursuant to this article and, except where physically impossible, no later than one hour after he or she has been taken into custody, a minor 10 years of age or older shall be advised that he or she has the right to make at least two telephone calls from the place where he or she is being held, one call completed to his or her parent, guardian, or a responsible relative, and another call completed to an attorney.

The minor has the right to make at least one additional telephone call within three hours of arrest.

The calls shall be at public expense, if the calls are completed to telephone numbers within the local calling area, and in the presence of a public officer or employee. Any public officer or employee who willfully deprives a juvenile taken into custody of his or her right to make these telephone calls is guilty of a misdemeanor.”

7.110. JUVENILES REMOVED FROM SCHOOL

The California Education Code Section 48906 states, “When a principal or other school official releases a juvenile pupil to a peace officer for the purpose of removing the juvenile from the school premises, the school official shall take immediate steps to notify the parent, guardian, or responsible relative of the juvenile regarding the release of the juvenile to the officer, and regarding the place to which the juvenile is reportedly being taken, **except when a juvenile has been taken into custody as a victim of juvenile child abuse**, as defined in Section 11165 of the Penal Code, or pursuant to Section 305 of the Welfare and Institutions Code.

In those cases, the school official shall provide the peace officer with the address and telephone number of the juvenile's parent or guardian. The peace officer shall take immediate steps to notify the parent, guardian, or responsible relative of the juvenile that the juvenile is in custody and where the juvenile is being held.

If the officer has a reasonable belief that the juvenile would be endangered by a disclosure of the place where the juvenile is being held, or that the disclosure would cause the custody of the juvenile to be disturbed, the officer may refuse to disclose the place where the juvenile is being held for a period not to exceed 24 hours.

The officer shall however, inform the parent, guardian, or responsible relative whether the child requires and is receiving medical or other treatment. The juvenile court shall review any decision not to disclose the place where the juvenile is being held at a subsequent detention hearing.” (emphasis added)

7.120. JUVENILE DETAINED AS A WITNESS

When an officer comes in contact with a juvenile who is the juvenile of or a witness to any investigation conducted by a member of this Department, which results in the transportation of the juvenile to a police facility or temporary detention, the officer must ensure that the juvenile's parents, guardian or custodian are notified without delay and informed of the reason for the action. Juveniles who are witnesses can only be transported to police facilities or other locations only after voluntarily consenting to be transported to a police facility.

7.130. OTHER NOTIFICATIONS

Arrest of Military Personnel

When booking a juvenile who is a member of the armed forces, the booking employee must:

1. Notify RACR Division, (213) 484-6700, and provide the following information regarding the juvenile:
 - Name, rank, and serial number.
 - Branch of service.
 - Organizational unit and its location.
 - Dress (uniform or civilian clothes).
 - Duty status (on pass, on orders, AWOL, deserter).
 - Booking number.
2. Obtain the name, rank, and serial number of the RACR Division Officer notified.
3. Record all of the above information on the Booking and Identification Record 5.1 / Arrest Report, Form 5.2.

NOTE: Armed Forces personnel include members of the Navy, Marine Corps, Air Force, Army, Coast Guard, and National Guard **on active duty.**

Department of Alcoholic Beverage Control – Mandated Notification

Section 24202(a) of the California Business and Professions Code (B&P) requires that all juvenile and adult arrests made inside, or connected to, an Alcoholic Beverage Control (ABC) licensed premise shall be immediately reported to the State of California Department of Alcoholic Beverage Control (Department of ABC) **within 10 days of the arrest.**

If officers arrest a juvenile for possession of an alcoholic beverage (25662(a) B&P), which did not occur at an ABC licensed location, and there is no other connection to an ABC licensed premise, no reporting is required.

If a juvenile arrest is connected to an ABC licensed location, the involved officers must:

- Write "Copies to ABC" in the left margin on the Arrest Report, Form 5.2.

Records Unit Responsibilities:

Upon being notified that an arrest report has been marked "Copies to ABC" a copy of the arrest report shall be sent to the following ABC office based on the arrest's geographic location.

Reports not processed by Area Records Units must be mailed or hand carried to the respective ABC Office listed below by the assigned investigator.

Operations-Valley Bureau Reports:

State of California, Department of Alcohol and Beverage Control
Van Nuys District Office
6150 Van Nuys Boulevard, Room 224
Van Nuys, California 91401 Phone: (818) 901-5017

Operations-Central, West, and South Bureaus (except Harbor Area):

State of California, Department of Alcohol and Beverage Control
Cerritos Enforcement Section
12750 Center Court Drive, Suite 205
Cerritos, California 90703 Phone: (562) 865-6408

Harbor Area:

State of California, Department of Alcohol and Beverage Control
Long Beach/Lakewood District Office
3950 Paramount Boulevard, Suite 250
Lakewood, California 90712 Phone: (562) 982-1337

For additional information, contact, Detective Support and Vice Division (DSVD) at (213) 486-0910, and ask to speak with the Operation ABC Coordinator.

Unusual or Newsworthy Incidents

Persons or agencies requesting information regarding investigations of unusual or newsworthy incidents must be referred to the watch commander of the concerned investigative Area or division or RACR Division when the concerned investigative division is closed.

7.140. RELEASING THE NAME OF JUVENILE OFFENDERS

Release of Information to News Media or Public

Department employees who are authorized to release juvenile offender information should exercise their discretion in light of the facts and circumstances of the case in determining whether a request for information meets the particular criteria for release absent a court order prohibiting or compelling disclosure.

Juvenile Information Release Protocol – Authorized Personnel

When appropriate, authorized personnel **may** release specified juvenile information regarding a juvenile. Authorized personnel are defined as:

- Area commanding officers; or,
- Commanding officers of specialized detective divisions, e.g., Robbery-Homicide Division, Detective Support and Vice Division, Major Crimes Division, etc.
- Detective Section officers in charge (OICs); or,
- Respective Table Coordinators (D-III).

The above-authorized personnel may release juvenile information under the following conditions.

Juvenile Information Release Protocol - Release of Juvenile's Name After Arrest Warrant Issued

Section 827.6 Welfare and Institutions Code states that authorized personnel **may** release the name, alleged offense, and physical description of **any** juvenile when **all** of the following conditions are met:

- The juvenile is alleged to have committed a violent offense as defined in Penal Code Section 667.5(c) (see below); **and**,

- An arrest warrant for the juvenile has been issued, and they are not in custody; and,
- The release of the information would assist in the apprehension of the juvenile or the protection of public safety; and,
- There is no court order prohibiting release of the information.

Penal Code Section 667.5(c) refers to the commission of any of the following violent felony crimes:

1. Murder or voluntary manslaughter;
2. Mayhem;
3. Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262 PC;
4. Sodomy as defined in subdivision (c) or (d) of Section 286 PC;
5. Oral copulation as defined in subdivision (c) or (d) of Section 288a PC;
6. Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288 PC;
7. Any felony punishable by death or imprisonment in the state prison for life;
8. Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 PC on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461 PC, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55 PC;
9. Any robbery;
10. Arson, in violation of subdivision (a) or (b) of Section 451 PC;
11. Sexual penetration as defined in subdivision (a) or (j) of Section 289 PC;
12. Attempted murder;
13. A violation of Section 18745, 18750, or 18755 PC.
14. Kidnapping;
15. Assault with the intent to commit a specified felony, in violation of Section 220 PC;
16. Continuous sexual abuse of a child, in violation of Section 288.5 PC;
17. Carjacking, as defined in subdivision (a) of Section 215 PC;
18. Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1 PC;
19. Extortion, as defined in Section 518 PC, which would constitute a felony violation of 186.22 of the Penal Code;
20. Threats to victims or witnesses, as defined in Section 136.1 PC, which would constitute a felony violation of Section 186.22 of the Penal Code;
21. Any burglary of the first degree, as defined in subdivision (a) of Section 460 PC, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary;
22. 12022.53 PC;
23. A violation of subdivision (b) or (c) of Section 11418 PC.

Juvenile Information Release Protocol - Release of Juvenile's Name After Arrest

Section 827.5 Welfare and Institutions Code "Release of Juvenile's Name After Arrest" states that authorized personnel may release the name and alleged offense of a juvenile in custody when all of the following conditions are met:

- The juvenile is 14 years of age or older; and,
- The juvenile was arrested for any alleged serious felony as defined in Penal Code Section 1192.7(c); (see Chapter 7, Section 735.10 for a listing of those offenses); and,
- Upon request by "interested persons" which is defined as any agency involved in the criminal justice system (e.g., probation, counselors, prosecutors, and detention facilities).
- There is no court order prohibiting the release of the information.

As used in Section 1192.7(c) of the Penal Code, a "serious felony" means any of the following:

1. Murder or voluntary manslaughter;
2. Mayhem;
3. Rape;
4. Sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
5. Oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
6. Lewd or lascivious act on a child under 14 years of age;
7. Any felony punishable by death or imprisonment in the state prison for life;
8. Any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm;
9. Attempted murder;
10. Assault with intent to commit rape or robbery;
11. Assault with a deadly weapon or instrument on a peace officer;
12. Assault by a life prisoner on a non-inmate;
13. Assault with a deadly weapon by an inmate;
14. Arson;
15. Exploding a destructive device or any explosive with intent to injure;
16. Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem;
17. Exploding a destructive device or any explosive with intent to murder;
18. Any burglary of the first degree;
19. Robbery or bank robbery;

20. Kidnapping;
21. Holding of a hostage by a person confined in a state prison;
22. Attempt to commit a felony punishable by death or imprisonment in the state prison for life;
23. Any felony in which the defendant personally used a dangerous or deadly weapon;
24. Selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a juvenile any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code;
25. Any violation of Section 289(a) PC (forcible acts of sexual penetration) where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person;
26. Grand theft involving a firearm;
27. Carjacking;
28. Any felony offense, which would also constitute a felony violation of 186.22 PC (Participation in criminal street gang);
29. Assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of 220 PC;
30. Throwing acid or flammable substances, in violation of 244 PC;
31. Assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of 245 PC (assault with deadly weapon or force likely to product great bodily injury);
32. Assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of 245.2, 245.3, or 245.5 PC
33. Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of 246 PC;
34. Commission of rape or sexual penetration in concert with another person, in violation of Section 264.1 PC;
35. Continuous sexual abuse of a child, in violation of Section 288.5 PC;
36. Shooting from a vehicle, in violation of subdivision (c) or (d) of Section 26100 PC;
37. Intimidation of victims or witnesses, in violation of Section 136.1 PC;
38. Criminal threats, in violation of Section 422 PC;
39. Any attempt to commit a crime listed in this subdivision 1192.7(c) PC (which includes this entire list of crimes listed above and below) other than an assault

40. Any violation of Section 12022.53 PC (person convicted of a specific felony who use a firearm in commission of a crime);
41. A violation of subdivision (b) or (c) of Section 11418 PC (weapon of mass destruction);
42. Any conspiracy to commit an offense described in this subdivision 1192.7(c) PC (which includes this entire list of crimes listed above and below).

The following additional serious felonies are included under Penal Code Section 1192.8(a) when any of these offenses involve the personal infliction of great bodily injury on any person other than an accomplice, or the personal use of a dangerous weapon.

1. Any violation of Section 191.5 PC (gross vehicular manslaughter while intoxicated);
2. Section 192(c)(1) PC (manslaughter – vehicular);
3. Section 192.5 (a), (b), or (c) PC (manslaughter – voluntary, involuntary, vehicular);
4. Section 2800.3 VC (death or serious bodily injury caused by flight from pursuing peace officer in vehicle);
5. Section 23104(b) VC (reckless driving that causes great bodily injury);
6. Section 23153 VC (DUI causing bodily injury to person other than driver)

Juvenile Information Release Protocol - When a Juvenile is Found Culpable (Convicted)

Authorized personnel may release to the public the name of a juvenile, the alleged offense, and final disposition of the case, when all of the following conditions are met:

- The juvenile is 14 years or older; and,
- The juvenile has been found to have committed any alleged felony described in Section 707 (b) WIC offense listed below; and,
- There is no court order prohibiting release of the information.

707(b) WIC Offenses

The following is a list of Penal Code Section 707(b) offenses:

1. Murder;
2. Arson, as provided in subdivision (a) or (b) of Section 451 of the Penal Code;
3. Robbery;
4. Rape with force or violence or threat of great bodily harm;
5. Sodomy by force, violence, duress, menace, or threat of great bodily harm.

6. Lewd or lascivious act as provided in subdivision (b) of Section 288 of the Penal Code;
7. Oral copulation by force, violence, duress, menace, or threat of great bodily harm;
8. Any offense specified in subdivision (a) of Section 289 of the Penal Code;
9. Kidnapping for ransom;
10. Kidnapping for purpose of robbery;
11. Kidnapping with bodily harm;
12. Attempted murder;
13. Assault with a firearm or destructive device;
14. Assault by any means of force likely to produce great bodily injury;
15. Discharge of a firearm into an inhabited or occupied building;
16. Any offense described in Section 1203.09 of the Penal Code;
17. Any offense described in Section 12022.5 or 12022.53 of the Penal Code;
18. Any felony offense in which the juvenile personally used a weapon described in any provision listed in Section 16590 of the Penal Code;
19. Any felony offense described in Section 136.1 or 137 of the Penal Code;
20. Manufacturing, compounding, or selling one-half ounce or more of any salt or solution of a controlled substance specified in subdivision (e) of Section 11055 of the Health and Safety Code;
21. Any violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, which would also constitute a felony violation of subdivision (b) of 186.22 of the Penal Code;
22. Escape, by the use of force or violence, from any county juvenile hall, home, ranch, camp, or forestry camp in violation of subdivision (b) of Section 871 of the Penal Code if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape;
23. Torture as described in Sections 206 and 206.1 of the Penal Code;
24. Aggravated mayhem, as described in Section 205 of the Penal Code;
25. Carjacking, as described in Section 215 of the Penal Code, while armed with a dangerous or deadly weapon;
26. Kidnapping, for the purposes of sexual assault as punishable in subdivision (b) of Section 209 of the Penal Code;
27. Kidnapping, as punishable in Section 209.5 of the Penal Code;
28. The offense described in subdivision (c) of Section 26100 of the Penal Code;
29. The offense described in Section 18745 of the Penal Code;
30. Voluntary manslaughter, as described in subdivision (a) of Section 192 of the Penal Code.

7.150. RELEASE OF INFORMATION TO LAW ENFORCEMENT AGENCIES, OTHER GOVERNMENTAL AGENCIES, AND OTHER ENTITIES

Release Of Information To A Law Enforcement Agency

The following outlines law enforcement's requirement regarding the release of information as stated in Section 828 WIC:

"Except as provided in Sections 389, 781, and 827.9 of this code (WIC) or 1203.45 PC, any information gathered by a law enforcement agency, including the Department of Justice, relating to the taking of a minor into custody may be disclosed to another law enforcement agency, including a school district police or security department, or to any person or agency which has a legitimate need for the information for purposes of official disposition of a case. When the disposition of a taking into custody is available, it must be included with any information disclosed."

This Department may disclose to other law enforcement agencies information regarding the taking of a juvenile into custody, provided such law enforcement agency has a legitimate need for the information for purposes of arriving at an official disposition of its case. Law enforcement agencies include:

- All police departments.
- All sheriffs departments.
- Bureau of Identification, California Department of Justice.
- California Highway Patrol.

For additional information on this juvenile, as it relates to the mandatory notification to LAUSD Police upon the arrest of any LAUSD student, refer to Chapter 25.

Disclosure of Juvenile Police Records to Governmental Agencies, Attorneys, Arrested Juveniles, Parents/Guardians

Section 827.9 of the Welfare and Institutions Code states that except as provided in Sections 389 and 781 of this code or Section 1203.45 of the Penal Code, a law enforcement agency shall release, upon request, a complete copy of a juvenile police record, as defined in subdivision (m), without notice or consent from the person who is the juvenile of the juvenile police record to specific individuals and/or agencies.

The following is a listing of specific individuals and governmental agencies whom a copy of a police record can be released to:

1. Other California law enforcement agencies including the office of the Attorney General of California, any district attorney, the Department of Corrections and Rehabilitation, including the Division of Juvenile Justice, and any peace officer as specified in subdivision (a) of Section 830.1 of the Penal Code.
2. School district police.
3. Child protective agencies as defined in Section 11165.9 of the Penal Code.
4. The attorney representing the juvenile who is the juvenile of the juvenile police record in a criminal or juvenile proceeding.
5. The Department of Motor Vehicles.

Except as provided in Sections 389 and 781 of the Welfare and Institutions Code or Section 1203.45 of the Penal Code, law enforcement agencies shall release, upon request, a copy of a juvenile police record to the following persons and entities only if identifying information pertaining to any other juvenile, within the meaning of subdivision (n), has been removed from the record:

1. The person who is the juvenile of the juvenile police record.
2. The parents or guardian of a juvenile who is the juvenile of the juvenile police record.
3. An attorney for a parent or guardian of a juvenile who is the juvenile of the juvenile police record.

A “juvenile police record” refers to records or information relating to the taking of a juvenile into custody, temporary custody, or detention (827.9(m) WIC).

If the copy of the juvenile police record contains identifying information pertaining to any other juvenile, personnel should refer to the complete instructions outlined within Section 827.9 of the Welfare and Institutions Code.

All requests for copies of juvenile arrest records and/or reports shall be directed to Area Records Unit, or Records and Identification Division.

Anyone not listed under the above WIC section (827.9), such as the media or general public, would have to petition the Presiding Judge of the Juvenile Court for the release of juvenile police records.

Release of Information to Other Authorized Agencies and Persons

Other persons or agencies permitted to receive information from law enforcement agencies regarding the taking of a juvenile into custody include:

- Department of Motor Vehicles,
- All welfare agencies directly supervising children under court orders.
- Division of Juvenile Justice, California State Authority California Department of Corrections, and out-of- state agencies charged with the responsibility for the rehabilitation of youthful and adult offenders.
- All California and out-of-state district attorneys, city attorneys, or any prosecuting attorneys.
- All California courts, pursuant to a subpoena from such court.
- Persons entitled thereto under California Vehicle Code Sections 20008-20012.
- Any coroner involved directly or indirectly with the investigation of the juvenile in custody.

Any other requests, including subpoenas and orders from courts must be presented to the Juvenile Court in the form of a petition pursuant to 827 WIC. Inquiries regarding the release of information may be directed to the Discovery Section, Risk Management Group, at (213) 978-2100.

Judicial Request for the Release of Juvenile Arrest Reports/Records

If a judge from a court other than Juvenile Court orders a Department employee to produce records pertaining to a juvenile, the order shall be forwarded to the Discovery Section, Risk Management Division.

7.160. RELEASE OF INFORMATION – JUVENILE DETENTION FACILITY ESCAPEES

Release of Information of a Juvenile Who Has Escaped From a Secure Detention Facility

827.9(l) WIC and 828(b) WIC state that when a law enforcement agency has been notified pursuant to Section 1155 WIC that a juvenile has escaped from a secure detention facility, the law enforcement agency must release the name of, and any descriptive information about, the juvenile to a person who specifically requests this information.

The law enforcement agency may release the information on the juvenile without a request to do so if it finds that release of the information would be necessary to assist in recapturing the juvenile or that it would be necessary to protect the public from substantial physical harm.

7.170. TRANSPORTATION AND CUSTODY OF FEMALE JUVENILES

When practicable, a female officer shall accompany female juveniles between 5 years and 17 years of age. If no female officer is available, two male officers shall be present during the entire period of transportation. Communications Division shall be notified of the time and mileage when there is no transporting officer of the arrestee's sex.

7.180. PROBABLE CAUSE (RAMEY) ARREST WARRANTS FOR JUVENILES

Procedure

In the absence of exigent circumstances, an officer desiring to enter a residence to arrest a juvenile under the authority of 602 WIC, for either felony or misdemeanor offenses, must contact either the concerned investigating officer or investigative supervisor. When concerned investigative personnel are unavailable, the officer must contact his immediate supervisor for direction.

If circumstances necessitate obtaining a Probable Cause (Ramey) Arrest Warrant, the concerned investigating officer or an officer designated by a supervisor, must:

- Complete one copy of the Probable Cause Arrest Warrant and Affidavit (Juvenile), Form 8.97.0.
- Attach a copy of all related reports; e.g., crime report, Property Report, and Follow-up Report. Specify the total number of pages attached in the space provided on the affidavit.

NOTE: Additional probable cause, expertise, and/or confidential information not documented in the Investigative and Follow-Up Reports may be stated on a Continuation Sheet, Form 15.9, or a Search Warrant Affidavit Continuation Sheet, District Attorney Form DA 394A.

- After business hours, contact the District Attorney's Command Post to obtain a magistrate.
- Sign the affidavit in the presence of the magistrate issuing the warrant.

NOTE: Pursuant to 842 PC, arresting officer(s) need not have the warrant in their possession at the time of arrest.

- If an arrest is made pursuant to a Probable Cause (Ramey) Arrest Warrant by an officer, the original warrant and affidavit must be forwarded to the concerned investigating officer with copies of the Arrest Report, Form 05.02. The concerned investigating officer must retain the original warrant and affidavit form in the Investigator's Case Envelope, Form 15.15, or Murder Book.
- If no arrest is made pursuant to the warrant, the original warrant and affidavit must be forwarded to the concerned investigating officer with copies of the Investigative Report.
- The concerned investigating officer must retain the original warrant and affidavit forms in the Investigator's Case Envelope, Form 15.15, or Murder Book for reference.

Booking and Final Dispositions

The words "P/C WARR" must be entered in the warrant number portion of the booking slip, or on the Arrest Report, Form 05.02, in the case of a juvenile who is booked. No Arrest Report is completed if the juvenile is not booked.

The procedure for filing petition requests and the time limit constraints are the same for juveniles arrested with or without a warrant. Additionally, juveniles arrested pursuant to a probable cause arrest warrant must be detained under the same criteria/policy as juveniles arrested without a warrant, as stipulated in the Department Manual.

7.190. ARREST AND PROCESSING OF JUVENILES FOR WANTS, WARRANTS, AND EXTRADITIONS

Apprehension Request from Probation or Parole Agencies-Assistance to Probation and Parole Officers

Assistance should be given, whenever possible, to probation or parole officers who need and request assistance in making an arrest:

- When a probation or parole officer has a warrant or court order for the apprehension of the juvenile to be arrested and it is anticipated that a uniformed presence is needed.
- When the juvenile to be arrested is on probation or parole and a probation or parole officer wishes to take the juvenile into custody for violation of probation or parole, and it is anticipated that a uniformed presence is needed.

NOTE: The probation or parole officer is the arresting officer. Personnel of this Department are merely assisting probation/parole by transporting the juvenile and the arresting probation or parole officer to Juvenile Hall. Probation or parole officers are responsible for completing all arrest and related reports, and making all notifications per 625 and 627 WIC.

Parole Status Inquiries

When an officer has reason to believe a juvenile offender may be on parole (information obtained through County Warrant System [CWS] or otherwise), the office must determine if there is a "Parole Want" by contacting the juvenile's parole officer, or, if unavailable, contact the Division of Juvenile Justice (DJJ) by:

- Teletype, via CLETS (address--Stockton CLETS terminal, YAS0).
- Phone, DJJ, CLETS at (209) 944-6104, 24 hours a day.

The officer must also cause the parole status to be recorded on the Juvenile Arrest Report (Continuation), Form 5.2.6.

Notification to Parole Agency and Request for Hold

When a juvenile parolee is to be booked for a felony offense, the officer approving the booking must promptly notify the juvenile's parole officer. The officer approving booking must:

- Relay any information that would tend to justify placing a hold on the juvenile to the parole officer.

- Cause the parole status, notification, and hold information to be recorded on the Juvenile Arrest Report (Continuation), Form 5.2.6, or on a Follow-up Report, Form 3.14, if the Arrest Report has been distributed.

Want and Warrant Information

Want and warrant information may be obtained from the following sources:

- County Warrant System (CWS) - Los Angeles County Juvenile Court and DJJ warrants.
- National Crime Information Center (NCIC) - National want and warrant information.

NOTE: Juvenile Court warrants remain active until recalled by the Juvenile Court. DJJ warrants automatically expire six months after issuance.

Juvenile Arrested Outside Los Angeles County

When a juvenile is arrested and detained outside the County, but within the State, for an offense committed in the City, the investigating officer must:

- Request that the parents contact the detaining agency and make arrangements for the juvenile's return when the juvenile's detention in this City is not necessary, OR
- Obtain permission from the responsible commanding officer to personally return the juvenile. When the juvenile is returned, file a detained petition request within the legal time limit.
- Request a petition and warrant. A request for a petition and warrant must be made only when it is impractical for the parent or guardian, or a member of this Department to return a juvenile to this City, and it is necessary that the juvenile be returned in custody. To cause the return of the juvenile by order of the Juvenile Court, a warrant must be issued by the Juvenile Court within 48 hours, excluding non-judicial days, from the time the juvenile was taken into custody by the outside jurisdiction.

NOTE: The investigating officer must notify the jurisdiction of arrest by teletype as to the arrangements made for the juvenile's return to this City, or the fact that the juvenile's return cannot be arranged. The teletype must indicate that the disposition of the juvenile is at their discretion, if the juvenile cannot be returned as indicated above.

Juvenile Arrested by Another Los Angeles County Law Enforcement Agency

When an officer receives information from another law enforcement agency within this County that a juvenile has been arrested by that agency for a violation of the law within the City of Los Angeles, the officer must contact the responsible investigative division for advice. When the investigative division is closed, the officer must contact their watch supervisor.

Juvenile Detained

When a juvenile is detained at a probation facility by another law enforcement agency within this County and continued detention is necessary, the geographic Area responsible for the investigation must arrange to transport the juvenile back to the City of Los Angeles for LAPD processing. Upon receipt of the juvenile, Department personnel accepting custody of the juvenile must comply with mandates as per 625 and 627 WIC, and the Six-Hour Detention Policy.

NOTE: The LAPD's Six-Hour Detention time starts when LAPD officers with custody of the juvenile enter the host LAPD police facility. The time the juvenile is in custody at another police agency's facility does not count toward the LAPD's Six-Hour Rule.

Juvenile Released to Parent/Guardian/Other Party

Upon receiving a juvenile from another law enforcement agency, the juvenile must immediately be booked and processed via Live Scan. The LAPD officer(s) taking custody of the juvenile must comply with all mandates per 625 and 627 WIC, and the Six-Hour Detention Policy. If released to parents and further court action is deemed necessary, the juvenile must be cited to the respective court of appearance.

7.200. SEALING OF JUVENILE RECORDS – DEPENDENCY AND DELINQUENCY CASES

The following information pertains to the sealing of juvenile records.

What Is A Juvenile Record?

A juvenile record includes all of the following:

- Court records and papers in a juvenile court case;
- A judge's orders in a juvenile court file;
- Recorded contact with law enforcement or probation agencies;

- Papers related to your case kept by the probation department, the district attorney's office, and the police.

What Does It Mean When A Juvenile Record Is Sealed?

If a juvenile record is sealed, none of the records held by the court, police, district attorney, or probation department can be viewed. A person who has their juvenile record sealed can answer “NO” if they are asked the following questions:

- Do you have a criminal record?
- Have you ever been arrested?
- Do you have a sealed record?

A juvenile record is not sealed automatically. The concerned individual must petition the juvenile court to have their record sealed. When a record is sealed, it is as if the arrest never happened.

When Can A Person Have Their Juvenile Record Sealed?

A person can ask to have their juvenile record sealed if they meet the following requirements for their case:

If the case was for:	The juvenile record can be sealed if:
Dependency	<p>The person is at least 18 years old; or The concerned case has been closed for at least 5 years; or The person is at least 18 years old and the case was closed or dismissed for 5 years.</p>
Delinquency or Informal Juvenile and Traffic Court	<p>The person can show the court that they have been rehabilitated.</p> <p>The person can show that their case is in the Juvenile Court only.</p> <p>The person has paid all fines and restitution owed to the court as an adult or juvenile.</p> <p>The person does not have any outstanding law violations or warrants as an adult or juvenile.</p> <p>The person does not have an open civil case based on any of the offenses they are trying to seal.</p> <p>The person does not have any adult misdemeanor or felony convictions involving “moral turpitude” (crimes involving theft, fraud, sex, or drugs).</p>

When Can A Juvenile Record Not Be Sealed?

A person cannot have their juvenile record sealed if they committed certain offenses after they turned 14 years old. These offenses include:

- Murder
- Attempted murder
- Voluntary manslaughter
- Kidnapping
- Robbery
- Arson
- Certain sex offenses
- Certain types of assault

Why Would Someone Have Their Juvenile Record Sealed?

Typically a person may want to have their Juvenile Record sealed if they may be asked if they have been arrested or if they have a criminal record when they apply for:

- College;
- Employment;
- Financial aid;
- Professional licensing.

How Does a Person Have Their Juvenile Record Sealed?

A person wishing to have their juvenile record sealed needs to complete an application at the juvenile court house where their last hearing was held. The requesting person will need to obtain a “Petition to Seal Juvenile Records and Court Order” form, from the juvenile court.

The requesting person will need to fill out the above form and include the following information on the next page:

If the case was for:	File the petition at:	Will need to complete:
Dependency	Edmund D. Edelman Children's Court 201 Centre Plaza Drive, Room 2700 Monterey Park, CA 91754	Petition to Seal Juvenile Records Dependency (389 WIC)
Citations sent to the Probation Department	Eastlake Juvenile Court 1601 Eastlake Avenue Los Angeles, CA 90033	Petition to Seal Juvenile Records and Court Order (DLQ003)
Delinquency Only or Delinquency and Informal Juvenile Traffic	Juvenile Delinquency Court that heard the person's most recent juvenile case. Note: Need to list all cases on one petition if they have more than one case.	Petition to Seal Juvenile Records and Court Order (DLQ003)

How Long Does It Take To Have A Juvenile Record Sealed?

It can take several months to complete the process of sealing a record.

Who Can See Sealed Juvenile Records?

A sealed juvenile record can only be seen under very limited situations. A person may petition the juvenile court to allow access only by those who they name in the petition.

Insurance companies are permitted by the Department of Motor Vehicles to look at a person's sealed records if the offense is automobile-related and the offense may affect the person's insurance rates.

Military investigators may have access to a juvenile's sealed records during their military application process. When a person applies for the military, they are required to report ALL criminal history including expunged juvenile records.

7.210. REQUESTS TO MAKE PRIVATE PERSON ARREST BY A JUVENILE

Penal Code 837 provides that a private person may arrest another under the following circumstances:

- (a) For a public offense committed or attempted in his/her presence;
- (b) When the person arrested has committed a felony, although not in his/her presence;
- (c) When a felony has been in fact committed, and he/she has reasonable cause for believing the person arrested has committed it.

NOTE: Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed – the felony must in fact have been committed.

A juvenile can make a private person's arrest of another juvenile or an adult. Under P.C. 837 or 836, there is no authority for the argument that juveniles cannot also make citizen's arrests, or that the phrase "private persons" is restricted to adults.

NOTE: Officers are not precluded from completing an IR, for the filing of a criminal complaint instead of arrest, if the arresting person agrees.

It is possible, and often practical for a juvenile to make a private person arrest of an adult. The private person's arrest procedure is most commonly used in arrests for the following two crimes, but may be used for any substantial misdemeanor crime:

- Indecent Exposure (314 PC).
- Child Annoying (647.6 PC).

The juvenile must be aware that he/she is the person making the arrest, be able to intelligently relate what occurred, have the ability to distinguish truth from falsehood and have a sense of awareness and reality.

In a private person's arrest, the juvenile requesting the arrest does not have to physically detain, speak to, or directly confront the suspect in any way. The juvenile can summon an officer, describe what he/she saw (the offense), and point out the suspect. (Johanson (1995) 36 Cal.App.4th 1209, 1217; Johnson (1981) 123 Cal.App.3d 495; Green (1977) 68 Cal.App.3d 536; Sjosten (1968) 262 Cal.App.2d 539.)

When possible, officers should obtain permission from the parent(s) or guardian of the juvenile making the arrest prior to the booking of the suspect, except when either the parent(s) or guardian is unavailable. The concerned juvenile must also be made aware that he/she may have to appear in court, and testify, if necessary.

Juvenile Victim Involved in Domestic Violence – Mandatory Information Required Regarding Private Person’s Arrest

Penal Code 836(b) requires that any time a peace officer responds to a domestic violence call, it shall be mandatory that the officer makes a good faith effort to inform the victim (juvenile or adult) of his or her right to make a private person’s arrest. This information shall include advising the victim how to safely execute the arrest.

7.220. ARRESTS OF JUVENILES FOR MISDEMEANOR OFFENSES NOT COMMITTED IN AN OFFICER’S PRESENCE

It is not necessary to use the private person’s arrest procedure to arrest juveniles for misdemeanor crimes not committed in the officers’ presence. Pursuant to Welfare and Institutions Code (WIC) 625 (a), police officers may take a juvenile into temporary custody without a warrant for a misdemeanor crime not committed in the officer’s presence, when such officer has reasonable cause to believe that such juvenile is a person described in WIC Section 601 or 602.

Typically this is done when private security officers arrest juveniles for misdemeanor shoplifting or vandalism type cases that were not committed in the police officer’s presence. When these types of arrests occur, private security officers may complete their own internal report that should be attached to the arrest report, as they may contain additional information not included in the arrest report such as statements and witness information.

CHAPTER 8

601 WIC PRE-DELINQUENTS (STATUS OFFENDERS)

The authority to arrest a juvenile within the purview of Welfare and Institutions Code (WIC) Section 601 is provided in WIC Section 625.

8.10. PRE-DELINQUENT CHARGES

Any juvenile, 17 years of age or younger, who persistently or habitually refuses to obey the reasonable and proper orders or directions of a parent, guardian, custodian, or school authority, or who is beyond the control of such person, or who is under the age of 18 years when in violation of a curfew ordinance based solely on age, is within the jurisdiction of the Juvenile Court which may adjudge such person to be a ward of the court.

Examples of pre-delinquent charges are:

- 601 WIC Incurrigible
- 601 WIC Runaway
- 601 WIC Transient

Any statement made by the parent or guardian that indicates that the juvenile is beyond the control of such person should be included in the narrative portion of the Arrest Report, Form 5.2, when a juvenile is booked on any 601 or 602 WIC offense.

NOTE: See Chapter 20 of this Manual for juvenile case processing.

8.20. INCORRIGIBLE

Incurrigible Defined

An “incurrigible juvenile” is one who habitually refuses to obey the reasonable and proper orders or directions of their parents or guardian. Only emergency cases of incurrigibility, which present a substantial physical hazard to the persons involved and which are serious enough to require non-secure detention, are normally handled by this Department.

All other incurrigibility cases should normally be referred to the Probation Department. Parents and/or concerned persons inquiring regarding incurrigible juvenile should be advised to contact their local Probation Department office that has jurisdiction of where the concerned juvenile has residence.

8.30. **RUNAWAYS**

Runaway Defined

A "runaway" is a juvenile whose legal residence is in Los Angeles County and who, without the consent of a parent or guardian, is remaining away from that residence. Such residences include, but are not limited to:

- Private or foster homes.
- Status Offender Detention Alternative (SODA) homes.
- Probation Alternative Detention (PAD) homes.
- Department of Children and Family Services (DCFS) placement locations.
- Twenty-four (24) hour schools.
- Private institutions.

NOTE: Probation and DCFS are responsible for obtaining 601 WIC or 300 WIC Juvenile Court warrants, when appropriate.

Investigative Responsibility

When a juvenile is charged with being a runaway in the City of Los Angeles, the geographic Area in which the runaway juvenile resides with a parent or guardian should be responsible for the investigation and arrest disposition of the juvenile. Status Offender Detention Alternative (SODA) and Probation Alternative Detention (PAD) homes are temporary placement facilities only, and should not be considered a juvenile's permanent place of residence.

NOTE: SODA and PAD homes are non-secure placement facilities. Juveniles who require secure detention shall only be detained at one of the three Los Angeles County Probation Department juvenile halls; e.g., Eastlake, Barry J. Nidorf, or Los Padrinos Juvenile Halls.

The geographic Area of arrest should be responsible for the arrest disposition of a juvenile who resides outside the City, but within the County, and is apprehended for being a reported runaway by officers of this Department.

Booking Charge

In the absence of a substantive offense, a runaway who is taken into custody should be charged with 601 WIC (Runaway).

8.40. **TRANSIENT**

Transient Defined

A "transient juvenile" is a juvenile who is a "runaway" and whose legal residence is outside the County of Los Angeles; and who is:

- Within the jurisdiction; and,
- Without proper guardianship; and,
- Without a settled place of abode; or,
- Without visible means of subsistence.

Booking Section-601 WIC (Transient)

A juvenile should be booked 601 WIC (Transient), if the juvenile has run away from home, other permanent or temporary residence or location outside the County of Los Angeles, and there is insufficient evidence of a specific substantive offense.

Booking Section-Transient, Substantive Offense

If an out-of-county "transient juvenile" has committed a substantive 602 WIC offense, the juvenile should be booked for the specific 602 WIC charge. All facts of the transient situation should be included in the body of the Arrest Report, Form 5.2.

Booking Section-300(B) WIC (Dependent-Transient)

In an exceptional dependent situation, an out-of-county transient juvenile should be taken into temporary custody and booked 300(b) WIC (Dependent-Transient).

EXAMPLE: A juvenile residing outside Los Angeles County becomes separated from his family while the family is on vacation in this jurisdiction, and the juvenile is **not in violation** of any 601 or 602 WIC offenses.

Personal Property--Transient Juvenile

Personal property of a juvenile detained in a transient case should be processed with them if the property is reasonably accessible at the time of the arrest. If the excess property is not accessible at the time of arrest, the location of the property should be noted in the Arrest Report, Form 5.2.

Notification-Arrestee Runaway/Transient Juvenile

When a transient juvenile is detained, the arresting officer must cause a notification to be made to the law enforcement agency that has jurisdiction where the juvenile legally resides. Additionally, a notification must be made via a "Locate" NCIC teletype (use NECS code "LMP") to the law enforcement agency that holds the original NCIC missing person entry.

Additional Notification Requirements:

- 1) When the juvenile is detained at a Los Angeles County Probation Department facility and is available for release, the following information must be included in a telecommunications via the NECS:
 - (COP or Sheriff) (City) and (State).
 - IN CUSTODY AS TRANSIENT JUVENILE (Name, address, and telephone number). IF NO WANT BY YOUR DEPARTMENT, ADVISE PARENTS (name). JUVENILE TRANSFERRED TO LOS ANGELES COUNTY PROBATION DEPARTMENT, CONTACT THAT AGENCY REGARDING RELEASE, TELEPHONE NUMBER (323) 226-8506, INTAKE DETENTION CONTROL. DETENTION TIME LIMITED.
 - REFER: WATCH COMMANDER (concerned investigative Area DR number, when applicable).
- 2) When the juvenile is detained, but not available for release, the following information must be included in the notification:
 - (COP or Sheriff) and (City) and (State).
 - IN CUSTODY THIS DEPARTMENT FOR (booking charge) AND TRANSIENT CHARGE (name, address, and telephone number). ADVISE IF WANTED BY YOUR DEPARTMENT AND ADVISE PARENTS (name) OF DETENTION.
 - REFER: WATCH COMMANDER (concerned investigative Area DR number, when applicable).
- 3) When the juvenile is detained at a DCFS facility, the following information must be included in the teletype notification:
 - (COP or Sheriff) (City) and (State).

- IN CUSTODY AS TRANSIENT JUVENILE (name, address, and telephone number). ADVISE IF WANTED BY YOUR DEPARTMENT AND ADVISE PARENTS (name) OF DETENTION.
- REFER: WATCH COMMANDER (concerned investigating Area DR number, when applicable).

Notification--Runaway/Transient Juvenile Located and Released – Not Arrested

When a juvenile has been located and detained, and is going to be released to a parent/guardian, who has been reported missing from a law enforcement agency other than the LAPD, the arresting officer must cause a notification to be made to the law enforcement agency that has jurisdiction and holds an active missing juvenile NCIC entry and investigation. While this notification is typically made telephonically, NCIC requires that official notification be made via a "Locate" NCIC teletype (use NECS code "LMP"). This notification is completed by Area records personnel at the request of the detaining officer.

Additional Notification Requirements:

2) When the runaway/transient juvenile has been located by Department personnel, the following information must be included in a telecommunications via the NECS:

- Telephonically contact the law enforcement agency that holds the concerned missing juvenile NCIC entry and advise that the juvenile has been located.
- Ascertain if their agency will respond to the LAPD station and take custody of the juvenile. If the agency will not respond, contact the juvenile's parent/guardian and have them respond to take custody of the juvenile.
- Officers must request Area records personnel to send a teletype to the concerned law enforcement agency utilizing the following format:

The following information must be included in a telecommunications "Locate" NCIC teletype (use NECS code "LMP") via the NECS:

- (COP or Sheriff) (City) and (State).
- LOCATED MISSING JUVENILE (Name, address, and telephone number). IF NO WANT BY YOUR DEPARTMENT, ADVISE PARENTS (name). JUVENILE RELEASED TO PARENT/GUARDIAN (include full name).

- REFER: WATCH COMMANDER AND DETECTIVE UNIT (concerned investigative Area DR number and contact name and phone number, when applicable).

Adult Complaint Involving Transient Juvenile

When an adult is in custody for a crime in which a transient juvenile is a witness or a victim, the adult criminal complaint must be secured as soon as possible by the investigating officer(s). The investigating officer(s) must:

- Advise either the City Attorney or District Attorney that the victim or witness is a detained transient juvenile.
- Request an early preliminary hearing date at which time the complaint is filed.

8.50. CURFEW ORDINANCES

The Los Angeles Municipal Code (LAMC) has two specific ordinances that deal with the juvenile of curfew as they relate to juveniles, and are listed below.

45.03(a) LAMC – Nighttime Curfew Restrictions for Juveniles

Los Angeles Municipal Code (LAMC) 45.03(a) is the City's nighttime curfew ordinance and has been amended from time to time. Its most current version was approved by the Los Angeles City Council, under Ordinance No. 180173, effective October 5, 2008. When citing juveniles for Section 45.03(a) LAMC (Nighttime Curfew) officers should follow the guidelines below.

Legal Definition - Nighttime Curfew

It is unlawful for any juvenile under the age of 18 years to be present in or upon any public street, avenue, highway, road, curb area alley, park, playground, or other public ground, public place or public building, place of amusement or eating place, vacant lot, or unsupervised place between the hours of 10:00 PM on any day and sunrise of the immediate following day.

NOTE: The California Court of Appeal, Second Appellate Division, In re Justin Michael B., 1999 Daily Journal D.A.R., 1127, has ruled that where a juvenile's only offense is a curfew violation, transporting the juvenile to a police station and subjecting the juvenile to questions designed to elicit incriminating responses, violates the juvenile's rights under the United States Constitution's 4th Amendment.

EXCEPTIONS

The provisions of Section 45.03(a) LAMC shall not apply when:

1. The juvenile is accompanied by his or her parent, guardian, other adult person authorized by the parent or guardian having the care or custody of the juvenile, or by his or her spouse 18 years of age or older; or,
2. The juvenile is on an errand directed by his or her parent, guardian, other adult person authorized by the parent or guardian having the care or custody of the juvenile, or by his or her spouse eighteen years of age or older without any detour or stop; or,
3. The juvenile is attending or going directly to or returning directly home from a public meeting or a place of public entertainment such as a movie, play, sporting event, dance or school activity; or,
4. The presence of a juvenile in one or more of the places identified in Subsection (a) is connected with or required with respect to a business, trade, profession or occupation in which the juvenile is lawfully engaged; or,
5. The juvenile is involved in an emergency such as a fire, natural disaster, automobile accident, a situation requiring immediate action to prevent serious bodily injury or loss of life, or any unforeseen combination of circumstances or the resulting state, which calls for immediate action; or,
6. The juvenile is exercising the rights guaranteed by the First Amendment of the United States Constitution and by Article I and Sections 2, 3 and 4 of the California Constitution; or,
7. The juvenile is in a motor vehicle in interstate travel; or
8. The juvenile is emancipated in accordance with the California Family Code or other applicable state law.

Enforcement

Before taking any action to enforce the provision of this section, police officers must ask the apparent offender's age and reason for being in the public place during curfew hours. The officer must not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any responses and other circumstances, no exceptions to this section apply.

45.04(a) LAMC – Daytime Curfew Restrictions for Juveniles

Los Angeles Municipal Code (LAMC) 45.04(a) is the City's daytime curfew ordinance has been amended from time to time. The most current version of this ordinance was approved by the Los Angeles City Council, under Ordinance No. 182084, effective April 13, 2012.

Officers must consider the *spirit* of the intended application of the Daytime Curfew ordinance prior to taking enforcement action. In addition, officers must understand and adhere to the numerous exceptions that allow juveniles to be in public during school hours without violating the ordinance. Students who are making a good faith effort to get to school, regardless of their tardiness, generally should not be juvenile to enforcement.

Although the majority of Daytime Curfew citations are issued well after the juvenile is required to be in school, officers are reminded that they **must** inquire whether the student has a valid excuse (outlined in the ordinance) for being in a public place during a time when they are required to be in school. Additionally, officers must fully articulate the proper justification in the narrative portion of the Traffic Notice to Appear, Form 04.50.00, to support the officer's determination that the juvenile is in violation of the ordinance.

Whenever feasible, officers who encounter juveniles during school hours should return the juvenile to their school. Additionally, officers are required by ordinance to conduct an investigation. However, not all such contacts/investigations should result in the issuance of a citation.

Any juvenile with a valid exception and/or a parental note authorizing their presence in a public place should be allowed to continue on their way.

If the juvenile states that he/she is traveling to school or a destination covered by the exceptions to the ordinance, appears to be heading toward their school, but does not have a parental note authorizing their absence or tardiness, the issuance of a citation for Daytime Curfew may not be warranted.

Prior to issuing Daytime Curfew citations to juveniles who are near their school campus (generally within a three-block radius), officers should return the juvenile to the school's administrative office. After consultation with school staff, the officers may determine that the issuance of a citation for the violation of Daytime Curfew is appropriate.

Officers shall not enforce Daytime Curfew violations on school grounds; as LAMC 45.04(a) is enforceable only at any place that is open to the public.

When citing juveniles for Sections 45.04(a) LAMC (Daytime Curfew) officers should follow the guidelines below:

Legal Definition of Daytime Curfew

It is unlawful for any juvenile under 18 years, who is subject to compulsory education or to compulsory continuation education, alone or in concert with others, to be present in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, places of amusement and eating places, vacant lots or any place open to the public during the hours of the day when the school, which the juvenile would normally attend, is in session, on days when that school is in session. This section must not apply to public sidewalks immediately adjacent to school grounds, the entrance areas to schools, or to school grounds.

EXCEPTIONS

The provisions of LAMC Section 45.04(a) shall not apply when:

1. The juvenile is accompanied by his or her parent, guardian, or other adult person authorized by the parent or guardian having the care or custody of the juvenile; or,
2. The juvenile is on an emergency errand directed by his or her parent, guardian or other adult person having the care or custody of the juvenile; or,
3. The juvenile is attending or going directly to or returning directly from a public meeting or an official school-sponsored sporting event, dance, or activity which is under the direction, supervision, or control of an adult and which is organized, arranged, or sponsored by the City, a local educational authority, or religious or civil organization that is taking responsibility for the juvenile; or,
4. The juvenile is going directly to or coming directly from their place of gainful employment; or,
5. The juvenile is going directly to or coming directly from a medical appointment; or,
6. The juvenile is carrying in his or her possession a valid, school-issued, off-campus permit or pass that authorizes the juvenile to leave the school campus; or,
7. The presence of the juvenile in one or more of the places identified in 45.04(a) is connected with or required with respect to a business, trade, profession or occupation in which the juvenile is lawfully engaged; or,
8. The juvenile is involved in an emergency such as a fire, natural disaster, automobile accident, a situation requiring immediate action to prevent serious bodily injury or loss of life, or any unforeseen combination of circumstances or the resulting state, which calls for immediate action; or,

9. The juvenile is in a motor vehicle involved in interstate travel; or,
10. The juvenile is authorized to be absent from his or her school pursuant to the provisions of California Education Code Section 48205, or any other applicable State or Federal law; or,
11. The juvenile is traveling in the general direction of his or her school, regardless of whether the school has already begun. If the juvenile is contacted by law enforcement within a three block radius of his or her school within the first 60 minutes after school has begun, it establishes a rebuttable presumption that the juvenile is traveling to his or her school.

Additional Exceptions as Outlined by the California Education Code

A juvenile is additionally authorized to be absent from his or her school and not juvenile to the Daytime Curfew ordinance for any of the following additional reasons listed below, pursuant to the provisions of either the California Educational Code, or any other applicable State or Federal law.

1. Due to quarantine under the direction of a county or city health officer.
2. For the purpose of jury duty in the manner provided for by law.
3. Due to the illness or medical appointment during school hours of a child, of a pupil who is the custodial parent.
4. For justifiable personal reasons, including, but not limited to, an appearance in court.
5. Observance of a holiday or ceremony of his or her religion. For purposes of this section, attendance at religious retreats must not exceed four hours per semester.
6. For the purposes of attending the funeral services of a member of his immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.

NOTE: As used in this section, member of the immediate family is described as the mother, father, grandmother, grandfather, brother or sister of the pupil, or the spouse, son, daughter, or any immediate relative living in the household of the pupil.

Daytime Curfew Enforcement

Before taking any action to enforce the provisions of this section, officers should:

- Ask the apparent offender's age and reason for being in the public place during curfew hours; and,
- The officer should not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred, that the juvenile is required to be in school, and that based on any responses and other circumstances, no exceptions to this section apply; and,
- The officer should identify the time when the officer first encountered the juvenile, provide the juvenile's stated age, and articulate the justification for the citation's issuance directly on the citation.

8.60. DAYTIME CURFEW TASK FORCE (DCTF)

Prior to the implementation of a Daytime Curfew Task Force (DCTF) operation, the involved supervisor should consult with the Area commanding officer (C/O) regarding the purpose for the operation, the targeted boundaries, and the proper instructions to be provided to the involved officers.

The Area C/O should verify the location, crime patterns, and crime time periods prior to granting approval for a DCTF. A review of this section should be conducted by all personnel involved in any DCTF. Daytime Curfew Task Force operations should generally not begin during the first hour that a school within the targeted boundaries is in session.

It is important to note that nothing in this section is intended to preclude an officer from enforcing LAMC Section 45.04(a); however, enforcement must be reasonable and fair, and the investigation must be clearly articulated in the narrative and should include a record of the **time** of the **initial encounter** in addition to all of the other pertinent information.

When necessary, the use of the Continuation of Notice to Appear, Form 04.50.05, should be utilized to include any pertinent information that would assist the officer in recalling sufficient facts related to their investigation and their ability to testify in court.

8.70. LOITERING/VEHICLE CRUISING VIOLATIONS

In cases where the juveniles are cruising in a vehicle, concerned officers may establish loitering violations by observing the same vehicle pass a specific location two or more times after curfew hours (10:00 PM).

The mere driving or being a passenger in a vehicle on a public street or place after curfew hours does not provide the necessary elements of a curfew violation.

8.80. CURFEW GUIDELINES - NO PRELIMINARY WARNING

Preliminary 15-minute warnings are no longer required for nighttime curfew violators.

8.90. CITING JUVENILES FOR CURFEW VIOLATIONS

Juveniles may be issued traffic citations for curfew violations.

8.100. CITATION ISSUANCE

Prior to issuing a citation for either 45.03(a) LAMC – Nighttime Curfew or 45.04(a) LAMC – Daytime Curfew, the officer(s) shall verify that:

- There are no outstanding warrants for the juvenile; and,
- The offense is not a violation of probation, when that information is available via the Mobil Data Terminal (MDT); and,
- The juvenile can provide satisfactory evidence of identification; and,
- There is no clear and present danger to the juvenile or the community.

When circumstances dictate, such as age, demeanor, distance from home or means to get home, an officer must transport the juvenile home or to the station for the juvenile's safety. The juvenile must then be released to his/her parent or guardian after issuance of the citation.

Those juveniles taken into "temporary custody" (i.e., handcuffed and/or transported in the police vehicle), must be given their constitutional rights as per Welfare and Institutions Code (WIC) Section 625 or the Miranda Admonition. The response to their constitutional rights under 625 WIC or the Miranda Admonition must be recorded on the back of the copy retained in the citation book.

The Violations Section of the Form 4.50 shall indicate "45.03(a) LAMC (Nighttime Curfew)", followed by information establishing a prima facie case.

Example: "Juvenile is in a public place at 0115 hours, loitering. Location is an eating establishment, juvenile not supervised."

8.110. CITATION COMPLETION

Officers issuing citations to truant juveniles must include the parent or guardian's name and telephone number, as well as a prima facie description of the violation, in the narrative portion of the citation. Officers must also include the corresponding Reporting District (RD) in the Location of Violation Section of the citation.

If additional information is needed to explain the offense(s), officers must use the Department's Continuation of Notice to Appear Form Report, Form 4.50.5.

The juvenile must be cited in accordance with Department juvenile citation instructions pertaining to LAMC violations.

NOTE: The officer must record specific details, including the DR number, on the back of the copy of the Form 4.50, retained by the Department.

8.120. OBTAINING ARREST DR NUMBERS FOR JUVENILE CITATIONS

After issuing the citation and releasing the juvenile, the officer must obtain an Arrest DR number for each daytime and nighttime curfew citation (as well as any juvenile citation issued for any LAMC, PC, B&P, or H&S violation), and write that DR number on the back of the citation.

The citation must be turned in at the end of watch for supervisory review and distribution.

NOTE: If the DR number is obtained prior to issuing the citation and releasing the juvenile violator, the DR number **may be** written on the face of the original citation and on the violator's copy. If the DR number is obtained after issuing the citation to the violator, the DR number must be noted on the back of the citation. The citation must not be altered in any manner after the violator has been given their copy and left the scene. State law precludes the writing of any information or notation on the face of an original citation, once it has been signed and issued to a violator. DR numbers may be written on photo copies of citations.

8.130. ARRESTS FOR CURFEW – BOOKING NOT ALLOWED

In June 1997, the California Attorney General issued a written opinion (No. 97-309) on this juvenile. The written opinion states the following: "Peace officers may not book (fingerprint and photograph) a juvenile for a violation of a city curfew ordinance." For further information, a copy of this opinion has been posted on the Department LAN, Juvenile Division website, curfew section.

8.140. SUPERVISOR'S RESPONSIBILITIES REGARDING CURFEW

Supervisors should assess each curfew citation to ensure strict compliance with the procedures and provisions of the law. A supervisor who identifies an error or omission on the citation should:

- Withhold the original citation and obtain a Notice of Correction and Proof of Service, Form 04.07.00, from the citing employee;
- Review and approve the completed Notice of Correction and Proof of Service form in accordance with the Department Manual; and,
- Ensure that the Notice of Correction and Proof of Service is stapled to the lower left corner of the citation, above the original citation, and forwarded in accordance with the Department Manual.

8.150. SCHOOL ATTENDANCE REVIEW BOARD

A School Attendance Review Board (SARB) is organized and coordinated by each district within LAUSD and are responsible for addressing truancy issues of students who attend schools in their districts.

A SARB diverts students with habitual truancy or behavior problems from the juvenile justice system by providing them with guidance and coordinated community services. A SARB is a community-centered review board comprised of representatives from school districts, law enforcement, probation, county welfare agencies, and community-based youth service organizations.

Enforcement of the compulsory education law is a shared responsibility of all juvenile service providers, including the police. Department personnel; e.g., Area School Car or Juvenile Car personnel, are usually assigned to serve on their respective geographic Area SARB, on a rotating schedule basis.

The Detective Commanding Officer for each Area is responsible for assigning personnel under his/her command to the review board when requested by the local LAUSD SARB Board District Office.

8.160. PRE-DELINQUENT SEX ARRESTS

Juveniles involved in consensual sex where both participants are juveniles, their ages are approximately the same, and they are known to each other, should normally be processed under 601 WIC, unless the circumstances or facts reveal that a substantial aggravated sex offense crime has occurred.

If warranted, regardless of the booking charge, the respective parents of each juvenile participant should be notified pursuant to 627(a) WIC, Notice to parent or guardian, and informed that their respective juvenile was involved in consensual sex with another juvenile, and that both juveniles have been arrested for the pre-delinquent charge of 601 WIC. The cases on both juveniles should be presented to the Probation Department for further action and appropriate disposition. However, an arrest/booking is not mandatory, all available police reports can be presented to the Juvenile DA's Office for review (See Chapter 19 for further).

Department personnel should be aware of specific counseling services that are specifically dedicated to juvenile victims, offenders, as well as their parents/guardians who are involved in juvenile on juvenile 601 WIC cases. Information regarding this counseling program can be found on the Department LAN, Juvenile Division website, under the Abused Child Section.

8.170. JUVENILES DRUNK ON PRIVATE PROPERTY

When a juvenile is drunk on private property and they are not in possession of an alcoholic beverage, they may be taken into custody for the pre-delinquent charge of 601 WIC. This charge is an effective tool in handling "415 Juvenile Party" calls.

NOTE: All juveniles arrested for being under the influence of alcohol or drugs, and their intoxicated condition is such that it could create a medical emergency, must be medically cleared (medically treated) at a contract hospital prior to being booked.

8.180. PRE-DELINQUENT DRUG/NARCOTIC OFFENSES

The charge 601 WIC (Narcotics/Drugs) may be used when there are admissions or symptoms of narcotic or drug abuse, without the presence of physical evidence. This charge should not be used when there is physical evidence to substantiate a 602 WIC arrest and booking.

8.190. TEMPORARY DETENTION OF STATUS OFFENDERS

Detention Criteria

Juveniles taken into custody for violation of a 601 WIC offense may be placed in "secure detention" at Los Padrinos Juvenile Hall for a period of 12, 24, or 72-hours for the following reasons:

- **12 Hours** – When the arresting officer has cause to believe the juvenile has outstanding wants, warrants, or holds, the juvenile may be securely detained by the Probation Department at Los Padrinos Juvenile Hall for up to 12 hours after having been taken into custody.
- **24 hours** – The juvenile may be securely detained at Los Padrinos Juvenile Hall by the Probation Department for up to 24 hours after having been taken into custody in order to locate the juvenile's parent or guardian, and to arrange his return to his parent or guardian within the State of California.
- **72 hours** – The juvenile may be securely detained by the Probation Department at Los Padrinos Juvenile Hall for up to 72 hours after having been taken into custody in order to locate the juvenile's parents, and to arrange their return to a parent or guardian when they reside outside the State of California.

NOTE: If the juvenile is not picked up by the parent(s) or guardian(s) within the 72-hour period, the juvenile will then be transferred to a non-secure SODA facility by the Probation Department.

Secure Detention of Status Offenders by the Probation Department

When the investigation discloses that secure detention of a status offender by the Probation Department at Los Padrinos Juvenile Hall is necessary, the facts leading to that determination must be explicitly incorporated in the Juvenile Arrest Report Continuation Sheet, Form 5.02.6.

Officer-Responsibilities

When a juvenile is taken into custody for a violation of Section 601 WIC (Status Offense), the arresting officer must exercise one of the following options:

- Release the juvenile to a concerned parent(s) or guardian(s); or
- Transfer the juvenile to the custody of the Probation Department if further secure detention is deemed necessary; or
- Place the juvenile in a SODA or PAD facility.

CHAPTER 9

602 WIC--DELINQUENTS

The authority to arrest a juvenile within the purview of 602 WIC is provided in Welfare and Institutions Code Section 625.

9.10. **602 WIC-DELINQUENT DEFINED**

Any juvenile who violates any law of this State or of the United States, or any ordinance of any city or county of this State defining crime, other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the Juvenile Court, which may adjudge such person to be a ward of the court.

Examples of 602 WIC booking charges are:

- 602 WIC (459 PC - Burglary)
- 602 WIC (1551.1 PC - Fugitive, Ohio Robbery). This is an example of a warrant issued from Ohio for Robbery.
- 602 WIC (211 PC - Robbery for San Diego Police Department). This is an example of a juvenile arrested for a San Diego Robbery
- 602 WIC (Traffic Warrant)
- 602 WIC (Misdemeanor Warrant)
- 602 WIC (Felony Warrant)
- 602 WIC (Juvenile Court Warrant)
- 602 WIC (DDJ Warrant - formally known as CYA Warrant)

NOTE: Juvenile Court warrants may also be issued for subjects alleging 300 WIC or 601 WIC.

CHAPTER 10

JUVENILE DETENTION GUIDELINES

10.10. **TEMPORARY DETENTION OF JUVENILES AT DEPARTMENT FACILITIES**

Juveniles **shall not** be held in temporary detention in a Department facility **for more than six hours**, regardless of age or type of offense. Regardless of the nature of the offense or status of the investigation, juveniles shall be released to a parent, guardian, responsible relative or adult designated by the parent, or transported to a Los Angeles County Probation Department juvenile detention facility prior to the expiration of the six-hour temporary detention time limit.

NOTE: Juveniles described in Section 300 of the California Welfare and Institutions Code (WIC) shall be processed (complete arrest report with booking number) prior to transfer to the custody of the DCFS. They may not remain in a police facility longer than six hours.

Juvenile Detention Logs—Requirement for Being Maintained

Secure and Non-Secure Detention of Juveniles Logs (LAPD Form Numbers 09.05.00 and 09.06.00) shall be maintained by each geographic Area or other applicable Department entities (when required) on a daily basis.

Secure Detention of Juveniles

Under secure detention, juveniles are locked in a room, holding tank, or enclosure and/or are physically secured to handcuffing benches, rails, chairs, or any stationary object. A juvenile held in secure detention shall meet all of the following criteria:

- The juvenile must be 14 years of age or older; **and**,
- The juvenile must be in custody for a Section **602** WIC offense; **and**,
- The Department employee officer has reasonable belief that the juvenile poses a serious security risk and/or risk of harm to self or others; **and**,
- The detention must be for the purpose of investigating the crime, facilitating release to a parent or guardian, or arranging a transfer to an approved juvenile detention facility.

NOTE: For the purpose of juvenile detention, “Department employee(s)” is defined as any sworn employee, detention officer, as well as any law enforcement officer from another agency.

Department employees may take the following factors into account in determining whether a juvenile qualifies for secure detention:

- Age, maturity, and delinquency history;
- Severity of the offense(s) for which the juvenile was taken into custody;
- The juvenile's behavior, including the degree to which he or she appears cooperative or uncooperative;
- Previous attempts to escape custody;
- The availability of Department employees to provide adequate supervision or protection for the juvenile; and,
- The age, type of person, and number of other individuals who are detained at the facility.

Secure Detention Procedures

Department employees placing juveniles in secure detention shall adhere to the following procedures:

- All securely detained juveniles shall only be logged on the Secure Juvenile Detention Log located in the initial Department facility the juvenile enters.
- Department employees shall present all secure temporarily-detained juveniles to the watch commander upon entry into a Department facility. The approval of the concerned watch commander shall be obtained prior to placing a juvenile in secure detention.

NOTE: For the purpose of this Section, "watch commander" is defined as the Area watch commander, unit officer in charge, or other concerned supervisor who has responsibility for the Department facility where the juvenile(s) is to be temporarily detained.

- Department employees shall immediately document the detention and the arrest charge on the Secure Juvenile Detention Log and ensure that the approving supervisor signs the log.

NOTE: Juveniles described in Sections 300, 601 or 5150/5585 (mental health holds) of the WIC **shall not** be documented on the Secure Juvenile Detention Log.

- Department employees shall inform juveniles held in secure detention of the purpose of the detention, the expected duration, and the maximum six-hour detention time limit, pursuant to Section 207.1 (d) (1) (C) of the WIC; the advising employee shall document his or her serial number next to each admonition on the Secure Juvenile Detention Log.

NOTE: The advising Department employee shall document whether the juvenile was advised of his or her constitutional rights after being taken into custody, as required per the 625 WIC Admonishment or whether a juvenile invoked his or her Miranda Rights.

Secure Detention–Juvenile Displays Outward Signs of Intoxication

- Supervision of juveniles in secure detention who display outward signs of intoxication by any substance **shall be checked at least once every 15 minutes** until resolution of the intoxicated state or the juvenile is released. All safety checks shall be documented on the Secure Juvenile Detention Log. If the observation boxes are exhausted and additional checks must be logged, they shall be logged in the Watch Commander's Daily Report.
- Locked rooms and enclosures where juveniles are securely detained shall meet all applicable health, safety, and fire requirements.
- Locked rooms and enclosures shall have adequate lighting and seats in the form of chairs or benches.
- Locked rooms and enclosures shall have temperature control and ventilation adequate to maintain a comfortable environment.

If it becomes necessary to transport the juvenile to a secondary law enforcement facility, the juvenile shall not be re-logged at the secondary location. However, the juvenile shall be presented to the watch commander and be advised of the reason why the juvenile was brought to that facility.

- Juveniles held in secure detention outside of a locked enclosure **shall not be secured to a stationary object for more than 30 minutes, unless no other locked enclosure is available during the 6-hour detention time limit.** Securing juveniles to a stationary object for longer than 30 minutes and every 30 minutes thereafter, shall be approved by the watch commander and the reasons for continued secure detention shall be documented. Juveniles who are secured to a stationary object shall be moved to a locked enclosure when one becomes available.

- When juveniles are handcuffed to a stationary object outside of a locked room or enclosure, a Department employee shall be present at all times to ensure the juvenile's safety.
- Juveniles securely detained in a locked room or enclosure shall be randomly checked by a Department employees not more than 30 minutes following any previous observation, and shall be able to be heard by an a Department employee at all times.
- Observation by television monitor is not sufficient. A Department employee shall make random, unscheduled, in-person observations. The time of the observation and the observing employee's initials shall be documented on the Secure Juvenile Detention Log.
- When the juvenile is released, the name and relationship of the person the juvenile is released to shall be documented on the Secure Juvenile Detention Log. If detained, document in the "name" box the name of the juvenile hall they were transported to, example "Eastlake JH."

Telephone Calls

- Immediately after taking a juvenile to a place of confinement, and no later than one hour after being taken into custody, the Department employee shall advise the juvenile of the right, and provide the opportunity, to complete at least two telephone calls (one call to a parent or guardian, a responsible relative, or employer, and another call to an attorney). The juvenile has the right to make at least one additional telephone call within three hours of arrest.

Additionally, the arresting or booking officer is required to inquire as to whether the juvenile is a custodial parent with responsibility for a child. This is to be done as soon as practicable upon arrest but, except where physically impossible, no later than 3 hours after arrest. The arresting or booking officer is required to inform the juvenile that they are entitled to, and may request two additional telephone calls to make arrangements for a child.

NOTE: Any deviations from this procedure, or if the juvenile opts to make telephone calls outside of this time limit, will be articulated within the "Comments of Investigating Officer/Arresting Officer" section of the Juvenile Arrest Supplemental Report, Form 05.02.06.

The term "taken into custody" means an arrest under Section 602 of the WIC, and the time of custody begins at the actual time of the arrest in the field.

- The calls, if in the local dialing area, shall be made at City expense. In the event a juvenile is without sufficient funds or is unable to make telephone calls on a collect basis, telephone calls outside the local dialing area may be made at City expense at the discretion or approval of the Area watch commander or other supervisor.

Non-Secure Detention of Juveniles

Under non-secure detention, a juvenile's freedom of movement is controlled solely by Department employees, and the juvenile is under constant, in-person observation and supervision.

Non-secure detention prohibits the placement of juveniles in locked rooms, cells or enclosures and prohibits physically securing juveniles to chairs, benches, handcuffing rails, or other stationary objects.

NOTE: Juveniles under non-secure detention, regardless of age, may be handcuffed. However, they shall not be handcuffed to chairs, benches, handcuffing rails, or other stationary objects.

The following juveniles shall be logged in and documented on the Non-Secure Juvenile Detention Log, located in the initial Department facility the juvenile enters.

- All juveniles under the age of 14 years; and,
- Juveniles who do not meet the criteria for 602 WIC secure detention; and,
- Juveniles detained for any WIC sections within 300, 601, 602, 5150/5585 (mental health holds).

Non-Secure Detention Procedures

Department employees placing juveniles in non-secure detention shall adhere to the following procedures:

- Department employees shall present all non-secure detained juveniles to the watch commander upon entry into a Department facility.
- The approval of the concerned watch commander shall be obtained prior to placing a juvenile in non-secure detention.
- All non-secure detained juveniles shall be immediately document the detention and the arrest charge on the proper Non-Secure Juvenile Detention Log located in the initial Department facility the juvenile enters, and ensure that the log is signed by the supervisor approving detention.

NOTE: The advising Department employee shall document whether the juvenile was advised of his or her constitutional rights after being taken into custody, as required per the 625 WIC Admonishment or whether a juvenile invoked his or her Miranda Rights.

- Juveniles may be held in non-secure detention only long enough for officers to investigate the crime, facilitate the release of the juvenile to a parent or guardian, or arrange for the transfer of the juvenile to an appropriate juvenile facility.
- Juveniles must not be detained longer than six hours in a police facility.
- Juveniles shall be under the constant observation and supervision of a Department employee. Observation by television monitor is **not sufficient**; constant, in-person observation is required.
- Juveniles must be separated from adults who are in custody.
- Juveniles in custody under Section 602 WIC shall not be allowed to come into sight or sound contact with juveniles in custody under Sections 300 or 601 WIC.
- When the juvenile is released, the name and relationship of the person the juvenile is released to shall be documented on the respective detention log. If detained, document in the “name” box the name of the juvenile hall they were transported to, example “Eastlake JH.”

Non-Secure Detention–Juvenile Displays Outward Signs of Intoxication

- Juveniles in non-secure detention who display outward signs of intoxication must receive constant and direct visual observation by Department personnel. Monitoring a juvenile using audio, video, or other electronic devices shall not replace constant direct visual observation.

Telephone Calls

- Immediately, after taking a juvenile to a place of confinement, and no later than one hour after being taken into custody, the Department employee shall advise the juvenile of the right, and provide the opportunity, to complete at least two telephone calls (one call to a parent or guardian, a responsible relative, or employer, and another call to an attorney). The juvenile has the right to make at least one additional telephone call within three hours of arrest.

Additionally, the arresting or booking officer is required to inquire whether the juvenile is a custodial parent with responsibility for a child. This is to be done as soon as practicable upon arrest but, except where physically impossible, no later than 3 hours after arrest.

The booking or arresting officer is required to inform the juvenile that they are entitled, and may request two additional telephone calls, to make arrangements for a child. The term "taken into custody" shall mean an arrest under Section 601 or 602 of the WIC, and the time of custody begins at the actual time of the arrest in the field.

NOTE: Any deviations from this procedure, or if the juvenile opts to make telephone calls outside of this time limit, will be articulated within the "Comments of Investigating Officer/Arresting Officer" section of the Juvenile Arrest Supplemental Report.

The calls, if in the local dialing area, shall be made at City expense. In the event a juvenile is without sufficient funds or is unable to make telephone calls on a collect basis, telephone calls outside the local dialing area may be made at City expense at the discretion or approval of the Area watch commander or other supervisor.

10.20 ADDITIONAL JUVENILE DETENTION CONSIDERATIONS

Care of Juveniles Held in Secure or Non-Secure Detention

Juveniles held in secure or non-secure detention shall have:

- Reasonable access to a telephone;
- Permission to retain their personal clothing, unless it presents a health hazard or is required as evidence;
- Reasonable access to restroom facilities;
- Reasonable access to drinking water and/or other beverages;
- Privacy during visits with attorney(s);
- Blankets and clothing necessary to ensure comfort; and,
- A snack, upon request, during the term of temporary custody, if the juvenile has not eaten within the past 4 hours or is otherwise in need of nourishment.

Discipline

Discipline of any kind, including withholding any of the above-specified amenities, is not permitted.

Contact and Communication with Adult Arrestees or Other Juveniles

If the applicable contact and communication restriction as detailed in this section cannot be affected or maintained at the facility of initial detention, the juvenile detainee(s) shall be transported to the nearest Department facility where the appropriate restrictions shall be observed during all phases of detention including printing, photographing, booking, and the administration of any chemical test.

NOTE: The officer supervising the juvenile during detention shall document his or her name and serial number in the "Verifying Officer" box on the concerned Secure or Non-Secure Juvenile Detention Log.

Sight and Sound Separation

There shall be no communication between juveniles held in secure and non-secure detention and adult arrestees or inmates. Sight and sound contact with adult arrestees is limited to:

- Booking;
- Awaiting visitors or medical treatment;
- Work-release program participants while they are performing work necessary for the operation of the Department facility; and,
- Movement of persons who are in custody within the facility.

NOTE: Contact is defined as communications, whether verbal, visual (gang signs), or through continuous immediate physical presence.

When the potential for communication or sight and sound contact with adult arrestees exists, Department employees shall maintain constant side-by-side presence with juveniles held in temporary secure detention.

When a juvenile arrestee is in the same room or area with an adult inmate, including inmate workers, the sworn employees of the Department facility must maintain a side-by-side presence with either the inmate or the juvenile to ensure that no communication or contact occurs.

Juveniles in custody under Section 602 WIC shall not be allowed to come into sight or sound contact with juveniles in custody under Sections 300 or 601 WIC.

Activities Exempted From The Six-Hour Temporary Detention Time Limit

The State of California, Board of State and Community Corrections, has determined the time spent outside of the original police facility for any of the three below activities must be deducted from the total six-hour detention time period inside a Department facility:

- Booking at another police facility, other than the original facility of detention.
- Medical treatment at an approved medical facility (e.g.; contract hospital).
- Further field investigation as directed by the arresting officer(s) or the investigating officer(s) in charge of the investigation.

The concerned Area watch commander must be notified each time the detained juvenile is removed from the original (host) police facility for any of the above activities.

Each time the juvenile is removed from the original police facility for any of the above three reasons, the concerned officer must document the removal of the juvenile with the subsequent Entered Facility/Left Facility times on the respective Secure Detention of Juveniles Log, or Non-Secure Detention of Juveniles Log.

Documentation of Non-Secure Juvenile Detention Log—Under Section 300 WIC

- Juveniles detained in police facilities for any section within 300 WIC shall only be logged onto the Non-Secure Juvenile Detention Log. This is done so the watch commander is aware of all the juveniles detained within their facility, as well as to ensure their release is expedited to the proper entity.
- Juveniles detained for any 300 WIC violations shall be separated from any adult who is in custody and juveniles who are in temporary custody for 601 or 602 WIC.
- Due to the confidential nature of the information contained in police reports for children taken into protective custody under Section 300 WIC, the Non-Secure Juvenile Detention Log and the IR shall only contain the child's first name, the first initial of the last name, and the word "Confidential" written in the name box.
- Officers shall also attach a copy of the Request for Confidentiality of Information, Form 03.02.00, to the respective Non-Secure Juvenile Detention Log. As per current Department policy, the Request for Confidentiality of Information, and the Arrest Report will remain the same and will contain the full name and other identifying information of the juvenile victim.

Juvenile Removed From Police Facility During Detention

The concerned Area watch commander must be notified each time the detained juvenile is removed from the original (host) police facility for any activities listed in the above section titled “Activities Exempted From The Six-Hour Temporary Detention Time Limit.”

Each time the juvenile is removed from the original police facility, the concerned officer must document the removal of the juvenile and the subsequent Entered Facility/Left Facility times on the respective Secure / Non-Secure Detention Logs.

When the concerned juvenile is removed from the primary facility for any of the previously listed reasons, an officer must remain with the juvenile at all times. The mandatory 15 or 30-minute checks on the concerned detention logs are not required.

Use of Physical Restraints on Juveniles

The use of physical restraints on juveniles shall be limited to handcuffs, and Department authorized alternative restraints. Restraints shall be employed only as necessary to prevent injuries to juveniles and custodial personnel.

NOTE: A juvenile who exhibits violent behavior necessitating the use of alternative restraints shall be under continuous in-person observation for evidence of breathing difficulty or other symptoms of physical distress.

A juvenile displaying any such symptoms shall be immediately transported to a contract hospital for medical treatment unless paramedics are present, or there is a medical need to keep the juvenile at the location pending the arrival of paramedics.

Suicide Risk and Prevention

Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include excessive agitation, depression, refusal to communicate, verbally threatening to kill him/herself or any unusual or distressed behavior that may indicate the juvenile may harm him/herself while in either secure or non-secure custody (15 CCR 1142).

Juveniles who exhibit any of the above behaviors shall be under constant direct supervision by a Department employee. If the juvenile appears to be potentially suicidal, the Mental Evaluation Unit (MEU), DSVD, shall be immediately contacted for advice.

Upon evaluation and approval by MEU personnel, juveniles shall be transported to a contract hospital for medical evaluation. Authorization must be received from a licensed physician at a contract hospital before juveniles can be transported to any County juvenile facility.

Contact and be guided by the MEU in the event the juvenile appears to suffer from a mental illness and/or is a danger to self, danger to others or gravely disabled.

NOTE: A gravely disabled juvenile is defined by Section 5585 WIC as "a minor who, as a result of a mental disorder, is unable to use the elements of life which are essential to health, safety, and development, including food, clothing, and shelter. Developmental disabilities, alcoholism, or other drug use do not by themselves constitute a mental disorder."

10.30. JUVENILES ARRESTED AND UNDER THE INFLUENCE OF NARCOTICS OR DRUGS-MEDICAL EXAMINATION

If a juvenile is arrested and is under the influence of narcotics or drugs, the arresting officer shall have the juvenile examined by a contract or receiving hospital physician prior to detention. The physician shall be requested to include on the Receiving Hospital Medical Treatment Record, Form RH-340, a recommendation as to whether the juvenile should receive additional medical attention at a Juvenile Hall clinic or the Los Angeles County-USC Medical Center.

NOTE: A juvenile who displays outward signs of intoxication by any substance shall be checked at least once every 15 minutes until resolution of the intoxicated state or the juvenile is released. This information shall be documented on the appropriate log. If the observation boxes are exhausted and additional checks must be logged, they shall be logged in the Watch Commander's Daily Report.

If the arresting officer or the concerned investigating officer determines that it would be in the best interest of the juvenile or the Department, the arresting or investigating officer shall have the juvenile examined, prior to their release, by a contract or receiving hospital physician.

Arrested/Temporary Detained Juvenile Who Displays Signs of Intoxication-Released to Parent/Guardian

When an arrested juvenile under the influence of narcotics or dangerous drugs and/or alcohol is to be released to a parent or guardian, the officer releasing the juvenile must inform the parent/guardian that the juvenile is under the influence of dangerous drugs or narcotics and/or alcohol, and should be carefully observed.

10.40. NOTIFICATION OF DETENTION FOLLOWING ARREST

If a juvenile is to be detained after booking, the juvenile's parent or guardian shall be notified of such detention and the location where the juvenile is to be detained.

NOTE: When a juvenile is detained under 300 WIC, the officer shall notify the juvenile's parent, guardian, or responsible relative that the minor is in custody and that he/she has been placed in a facility authorized by law to care for the child. The officer shall provide the telephone number to the appropriate DCFS representative where contact with the minor may be established.

The address of the foster care location where the juvenile was placed **shall not** be released to the juvenile's parent, guardian, or responsible relative.

Means of Notification

The parents or legal guardian may be notified by:

- Telephone (if long distance, call collect).
- Officer.
- Telephone or teletype requesting notification by the law enforcement agency in whose jurisdiction the parents or guardians reside.

Unable to Make Notification

When an officer is unable to make notification, the reason for such inability shall be included in the appropriate reports.

10.50. WATCH COMMANDER'S RESPONSIBILITIES—JUVENILE DETENTIONS AT DEPARTMENT FACILITIES

Watch Commander Inspection and Interview of Arrestees

All persons, including juveniles, arrested by officers for any offense must be brought before a watch commander for an inspection and interview. The respective watch commander must interview the concerned juvenile and, at a minimum, ask the following three questions:

1. Do you understand why you were detained / arrested?
2. Are you sick, ill or injured?

3. Do you have any questions or concerns?

Upon being presented with a juvenile who is to be detained in a Department facility for any violation (including 300 WIC), the watch commander shall sign the concerned Secure / Non-Secure Juvenile Detention Log and document the date and time the inspection and interview were conducted (The watch commander's signature indicates that the inspection and interview were completed).

The concerned watch commander shall document any pertinent information related to the screening questions in the "Detention Response Explanations" and may use the "Comments" Section on either the Secure or Non-Secure Juvenile Detention Log to document additional information pertinent to the detention.

NOTE: Juveniles held in protective custody under WIC Section 300 must also be interviewed by the watch commander and asked the three questions in a manner commensurate to their age and level of comprehension.

The watch commander shall document additional information associated with the inspection and interview (e.g. "Completed," "No Additional Information," "See Watch Commander's Daily Report," etc.), or any other information the watch commander deems necessary.

Ensure that a juvenile with a present medical condition is treated by paramedics or by a physician at a contract hospital.

Be guided by MEU in the event the juvenile appears to suffer from a mental illness and/or is a danger to self, danger to others or gravely disabled.

Concerned Area watch commanders must be notified each time a detained juvenile is removed from the original (host) police facility for the purpose of:

1. Booking at another police facility, other than the original facility of detention.
2. Medical treatment at an approved medical facility (e.g.; contract hospital).
3. Further field investigation as directed by the arresting officer(s) or the investigating officer(s) in charge of the investigation.

Watch commanders shall verify, at the beginning of watch and routinely thereafter, the status of all temporary juvenile detentions, the timely and accurate documentation of all temporary juvenile detentions, including those juveniles who are detained in the detective "work area."

NOTE: If no juveniles, secured or non-secured, were logged during a 24-hour period, both juvenile logs shall be completed for that period indicating no juveniles were detained in the facility for that time period.

All completed logs, including those logs that document no detentions, shall be collected and submitted to the concerned Area commanding officer during the last watch of the 24-hour day by the concerned watch commander.

Medical/Absentee Booking

In rare cases where bookings preclude an inspection and interview (medical/absentee bookings), the concerned geographic Area watch commander must ensure the juvenile is inspected and interviewed by a Department supervisor.

10.60. AREA DETECTIVES AND SPECIALIZED DIVISION'S RESPONSIBILITY– JUVENILE DETENTIONS AT DEPARTMENT FACILITIES

Area and specialized division detectives shall document all juvenile detentions on the appropriate juvenile detention log (Secure / Non-Secure Juvenile Detention Log) maintained by the Area watch commander. Detective personnel shall advise the Area watch commander of all temporary juvenile detainees in their custody.

NOTE: Area and specialized detective personnel located in off-site or satellite facilities shall follow the same procedures as outlined in the Watch Commander's Responsibility paragraph above.

All persons, including juveniles detained or arrested by a Department employee from a specialized division, shall be inspected and interviewed by one of the 21 Area watch commanders or the Watch Commander, Metropolitan Jail Section, Jail Division.

Juveniles who are temporally detained at Police Headquarters Facility shall utilize the Secure / Non-Secure Juvenile Detention Logs located at the Metropolitan Jail.

10.70. COMMANDING OFFICER'S RESPONSIBILITIES–JUVENILE DETENTIONS AT DEPARTMENT FACILITIES

Commanding officers shall ensure that all temporary juvenile detentions are documented on Secure or Non-Secure Juvenile Detention Logs.

The commanding officer or designee shall ensure the proper collection, review, and retention of all juvenile detention logs. It is recommended that the logs be reviewed and retained by the best-qualified designee to ensure compliance with Department procedures.

Entries documented on the Secure Juvenile Detention Log shall be tallied monthly and entered on the Board of State and Community Corrections (BSCC) Monthly Report on the Detention of Minors Form. Each Area and specialized division commanding officer shall ensure that the BSCC Monthly Report on the Detention of Minors Form is completed at the end of each month and forwarded to the Administrative Section, Juvenile Division, by the **fifth working day** of the following month.

The Administrative Section, Juvenile Division, will then forward the BSCC Monthly Report on the Detention of Minors Form to the BSCC office in Sacramento, California. Areas must not forward the forms directly to the BSCC office in Sacramento.

The Area commanding officer or designee shall ensure the proper collection, review, and retention of all juvenile detention logs. It is recommended that the logs be reviewed and retained by the best-qualified designee to ensure compliance during audits. It is also recommended that the designee also provide regular roll call training regarding the proper completion of the juvenile detention logs.

10.80. SODA PLACEMENT OF 601 WIC STATUS OFFENDERS

In the event a juvenile is taken into custody for a violation of Section 601 WIC, and officers are unable to release the juvenile to the parents or guardian, and secure detention is not required, the juvenile shall be placed in a SODA (Status Offender Detention Alternative) facility.

10.90. POLICY FOR DETAINING JUVENILES AT LOS ANGELES COUNTY DETENTION FACILITIES

The following guidelines are used by the Los Angeles County Probation Department in order to make a decision to detain or release a juvenile. No juvenile shall be detained by the court unless one of the following circumstances exists:

- The juvenile has violated an order of the court.
- The juvenile has escaped from a commitment from the court.
- The juvenile is likely to flee the jurisdiction of the court.
- It is a matter of immediate and urgent necessity for the protection of the juvenile.
- It is reasonably necessary for the protection of the person or property of another. The juvenile is 14 years of age or older and is taken into custody for a **felony** or an attempted felony, **and** it is determined that the juvenile personally used a firearm

in the commission of the crime, **or** is taken into custody for any offense listed in subdivision (b) of Section 707 WIC. (See section 10.100 for a listing of the mandatory detention offenses).

In these cases, the juvenile **shall not** be released to a parent, guardian or a responsible relative or an adult designated by the parent. The juvenile **shall be booked** and transported to a Los Angeles County Probation Department juvenile detention facility pending a court hearing.

10.100. OFFENSES WHICH REQUIRE MANDATORY JUVENILE HALL DETENTION

Below is a listing of charges mandated by State law that require when a juvenile is arrested for any of the below-listed offenses, the juvenile shall not be released to a parent/guardian and shall be detained at juvenile hall.

Juvenile Arrested For Felony Offense With A Firearm

Juveniles, **14 years of age or older**, taken into custody for a felony or an attempted felony, who personally use a firearm in the commission of the crime, shall be delivered to and detained at a Probation Department detention facility (juvenile hall) for secure custody pending a court hearing. Officers **shall not** release such juveniles to either their parents or guardians after the arrest (Section 625.3 WIC).

Mandatory 707(b) WIC Juvenile Hall Detention Offenses

Section 625.3 WIC requires that notwithstanding Section 625 WIC, a juvenile who is **14 years of age or older**, and who is taken into custody for any of the below offenses listed in subdivision (b) of Section 707 WIC shall not be released to their parent/guardian, and shall be delivered to and detained at a Probation Department detention facility (juvenile hall) for secure custody pending a court hearing.

Those offenses include:

- (1) Murder.
- (2) Arson, as provided in subdivision (a) or (b) of Section 451 of the Penal Code.
- (3) Robbery.
- (4) Rape with force or violence or threat of great bodily harm.
- (5) Sodomy by force, violence, duress, menace, or threat of great bodily harm.
- (6) Lewd or lascivious act as provided in Section 288(b) of the Penal Code.
- (7) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.

- (8) Any offense specified in subdivision (a) of Section 289 of the Penal Code.
- (9) Kidnapping for ransom.
- (10) Kidnapping for purpose of robbery.
- (11) Kidnapping with bodily harm.
- (12) Attempted murder.
- (13) Assault with a firearm or destructive device.
- (14) Assault by any means of force likely to produce great bodily injury.
- (15) Discharge of a firearm into an inhabited or occupied building.
- (16) Any offense described in Section 1203.09 of the Penal Code.
- (17) Any offense described in Section 12022.5 or 12022.53 of the Penal Code.
- (18) Any felony offense in which the minor personally used a weapon listed in Section 16590 of the Penal Code.
- (19) Any felony offense described in Section 136.1 or 137 of the Penal Code.
- (20) Manufacturing, compounding, or selling one-half ounce or more of any salt or solution of a controlled substance specified in subdivision (e) of Section 11055 of the Health and Safety Code.
- (21) Any violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, which would also constitute a felony violation of subdivision (b) of Section 186.22 of the Penal Code.
- (22) Escape, by the use of force or violence, from any 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.
- (23) Torture as described in Sections 206 and 206.1 of the Penal Code.
- (24) Aggravated mayhem, as described in Section 205 of the Penal Code.
- (25) Carjacking, as described in Section 215 of the Penal Code, while armed with a dangerous or deadly weapon.
- (26) Kidnapping, as punishable in subdivision (b) of Section 209 of the Penal Code.
- (27) Kidnapping, as punishable in Section 209.5 of the Penal Code.
- (28) The offense described in subdivision (c) of Section 26100 of the Penal Code.
- (29) The offense described in Section 18745 of the Penal Code.
- (30) Voluntary manslaughter, as described in subdivision (a) of Section 192 of the Penal Code.

10.110. SECURE DETENTION AT LOS ANGELES COUNTY FACILITIES

Los Angeles County Juvenile Detention Facilities

Juveniles who are taken into custody under 602 WIC and require continued secure detention shall be detained at the following Los Angeles County Juvenile Hall Facilities.

Central (Eastlake) Juvenile Hall

Juveniles arrested within the following geographic Areas and required continue detention shall be detained at Central (Eastlake) Juvenile Hall, 1605 Eastlake Avenue, Los Angeles.

- Central Area
- Rampart Area
- Hollenbeck Area
- Northeast Area
- Newton Street Area
- Hollywood Area
- Wilshire Area
- Olympic Area
- Southwest Area

Los Padrinos Juvenile Hall

Juveniles arrested within the following geographic Areas and require continued detention shall be detained at Los Padrinos Juvenile Hall, 7285 Quill Drive, Downey

- Harbor Area
- 77th Street Area
- Southeast Area

Barry J. Nidorf (Sylmar) Juvenile Hall

Juveniles arrested within the following geographic Areas and require continued detention shall be detained at Barry J. Nidorf (Sylmar) Juvenile Hall, 16350 Filbert Street, Sylmar.

- West Los Angeles Area
- Pacific Area
- Van Nuys Area
- North Hollywood Area
- Foothill Area
- Devonshire Area
- West Valley Area
- Mission Area
- Topanga Area

10.120. DOCUMENTS REQUIRED BY JUVENILE HALL FOR EACH JUVENILE DETAINED

The following completed forms are required and shall accompany each juvenile detained at a Los Angeles County Juvenile Hall facility:

- One complete copy of the Arrest Report.
- One Juvenile Hall Entrance Record Form, Probation Form 1295
- One Medical Screening Form
- One Probable Cause Declaration Form
- One copy of the arrested juvenile's completed LIVE SCAN

NOTE: The police reports are the primary documents used by the Probation Department to judge whether a juvenile should be immediately released or shall remain detained.

10.130. DOCUMENTS REQUIRED BY JUVENILE HALL WHEN THE ARREST REPORT IS NOT FULLY COMPLETED

In the event the Arrest Report is not fully completed and the six-hour detention time limit is close to expiring, the Probation Department will allow Department personnel to detain juveniles at Juvenile Hall without a completed Arrest Report.

During these rare cases, Department personnel shall notify the concerned Intake Detention Control (IDC) Probation Officer and ensure the IDC Officer that the completed Arrest Report will either be delivered or faxed to IDC personnel immediately upon completion.

10.140. LOS ANGELES COUNTY ARRESTEE MEDICAL SCREENING FORM, SH-R-422, COMPLETION FOR JUVENILES

When a juvenile is to be transported to any County juvenile detention facilities (i.e., Central, Los Padrinos and Barry J. Nidorf Juvenile Hall) for detention, the arresting officers shall complete a Los Angeles County Unified Arrestee Medical Screening Form.

It is recommended that arresting officers complete the Los Angeles County Unified Arrestee Medical Screening Form prior to transporting the juvenile to a County detention facility so that any medical or mental health issues can be properly addressed.

NOTE: Completion of the Los Angeles County Unified Arrestee Medical Screening Form is not necessary if the juvenile is booked on the WIC Section and the related offense, and released to a parent, guardian or Status Offender Detention Alternative (SODA) facility.

Completion of Form – Arresting Officer

The arresting officer shall:

- Indicate the juvenile's name, booking number, and date on top of the form;
- The "Outside Agency Medical Declaration" Section is not applicable and shall be left blank;
- Complete the "Arresting Officer's Observations" Section, questions 1 through 5;
- Request the juvenile to sign after question number five;

NOTE: If the juvenile is unable or refuses to sign the form, the arresting officer shall write "unable" or "refused."

- Indicate their name, serial number, Area/division of assignment, and time of completion in the space provided after question number five;

NOTE: Completion of the “Jailer’s Assessment” Section, questions six through sixteen, is the responsibility of the agency housing the juvenile.

- Notify their watch commander of the juvenile’s medical or mental health concerns, or affirmative answers to any questions; and,

NOTE: Juveniles who are ill or injured shall be examined by a paramedic or a contract hospital physician, prior to transportation to any County juvenile facility. The officer shall advise intake personnel of MT and attach a copy of the MT slip with the arrest report or appropriate reports, as delineated in the Department Manual.

- Contact and be guided by the Department’s MEU in the event the juvenile appears to suffer from a mental illness and/or is a danger to self, danger to others or gravely disabled.

NOTE: A gravely disabled juvenile is defined by Section 5585 WIC as “a minor who, as a result of a mental disorder, is unable to use the elements of life which are essential to health, safety, and development, including food, clothing, and shelter. Developmental disabilities, alcoholism or other drug use, do not by themselves, constitute a mental disorder.”

The Watch Commander shall:

- Ensure that a juvenile with a present medical condition is treated by paramedics or at a contract hospital; and,
- Be guided by MEU in the event the juvenile appears to suffer from a mental illness and/or is a danger to self, danger to others or gravely ill.

10.150. JUVENILE ARREST TELETYPES

Juvenile arrest teletypes are now automatically sent to the Records Unit of the Area/Division of arrest upon completion of the juvenile booking. As soon as it is received, Area Records personnel should deliver the teletype to the concerned Area Detective Table Coordinator responsible for the follow-up of the arrest.

10.160. JUVENILE RELEASES

When a juvenile is arrested and being released to a parent or guardian, the arresting officer shall obtain advice from a detective supervisor (preferably from the investigative unit that will be assigned the follow-up investigation), or in their absence, the Area Watch Commander.

The following are release options:

- Issue a Juvenile Court Notice to Appear, LAPD Form No. 09.01.00
- Issue a Juvenile Notice to Appear, Form 09.03.00 (See below)
- Other appropriate action, as determined by the concerned supervisor

“Officers shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that the alternative is compatible with the best interests of the minor and the community” (636 WIC).

Issuance of Juvenile Notice to Appear, Form 09.03.00

Juveniles who have been released pending investigation and disposition can be cited to return utilizing a Juvenile Notice to Appear, Form. The form is issued in triplicate with one copy issued to the juvenile, one to the parent/guardian, and the original attached to the Arrest Report. The form directs the concerned parties to return to the Area having investigative responsibility of the case.

- The cite-backs are typically scheduled on the same day and time of week, for example, Tuesdays at 10:00 am.
- The date and time of the cite-back shall be documented on the Juvenile Arrest Supplemental Report,
- The Juvenile Notice to Appear, Form is not a legally binding document and cannot be used for court appearance or when a warrant is issued.
- The purpose of citing the juvenile-back at a later date is to allow the detective assigned the case to research the incident, check for past crimes in the area that have occurred, as well as to discuss the potential case disposition alternatives with the concerned supervisor.
- During the cite back conference the detective can share information regarding counseling and community services that can help the concerned juvenile and his/her family/guardian. The Los Angeles County Probation Department Juvenile Office, which has jurisdiction over the area where the juvenile lives has a listing

of local resources.

- If a juvenile does not appear for the conference as requested, the investigator assigned the case has the responsibility to locate the juvenile and his/her parent/guardian in order to cite the juvenile to court (issuance of a Juvenile Court Notice to Appear).

Release Restrictions

Juveniles should only be released to the custody of their parents, guardian, a responsible adult relative or other responsible adult designated by the parent. The concerned Department personnel shall make an attempt to identify the juvenile and the person accepting the juvenile.

NOTE: Officers should obtain a copy of a driver's license, California Identification Card, Birth Certificate, Alien Registration Card, Social Security Card, or some other form of identification to ensure that the adult accepting custody of an arrested juvenile is the actual parent, legal guardian, or responsible relative to whom the minor is allowed to be released. The photocopy shall be attached to the related Arrest Report or IR.

The person to whom the juvenile is released shall be noted on the appropriate Secure/Non-Secure Detention Log, as well as in the Arrest Report.

The arrested juvenile shall be **detained** if officers are unable to release the juvenile to a parent, legal guardian, or responsible adult relative.

Signature of Parent or Guardian

The releasing officer shall provide the person to whom the juvenile is being released with a copy of the Juvenile Notice to Appear, Form if the juvenile is being cited back for a conference. The officer shall obtain a signature on the form. In the event the person refuses to sign, the officer shall write the word "Refused" in the signature space.

Citing Non-Detained Juveniles Directly to Court

The Juvenile Court Notice to Appear is used to cite a non-detained juvenile and their parent(s)/guardian(s) to appear in Juvenile Superior Court. The citation is issued in conjunction with a non-detained petition request.

The cite-day shall be 60 calendar days from the date of the arrest or investigative cite-back interview with the juvenile detective. If the 60th calendar day is a weekend day or court holiday, the court cite-date shall be the next available open court date.

Parent/Guardian Signature on the Juvenile Court Notice to Appear Citation – Refusal to Sign the Court Appearance Citation

In cases where officers arrest a juvenile for a 602 WIC non-detainable offense that will be submitted to the Probation Department, the juvenile is issued a Juvenile Court Notice to Appear Citation that cites them back to Juvenile Court on a specific date. The citation requires that both the juvenile and one parent/guardian sign the citation that mandates their appearance in court. In other circumstances, there may be no parent/guardian, and the juvenile can only be released to a probation/foster care facility.

Situations may arise when Probation/DCFS/foster care personnel may refuse to sign the notice to appear citation stating that they are only housing the minor and cannot sign the notice to appear citation, as they are not the legal guardian of the minor (they are custodians of the minor, but not guardians as defined by law). The arresting officer must first ask the Probation/DCFS representative if they will sign for the parent/guardian.

Once they receive a refusal, the arresting officer must write the word "refused" in the parent/guardian signature box, as well as the name and Government Identification Number of the Probation/DCFS worker. In the narrative of the arrest report, the arresting officer should document the reason for the refusal (no parent/guardian available, the juvenile is in foster care, and the guardian refuses to take custody of the juvenile, etc.).

The District Attorney's Office has agreed to accept these cases and will proceed with the prosecution if the above procedure is followed. Their office cannot proceed with the case if the parent/guardian signature box is left blank.

10.170 RECOMMIT TO CUSTODY

A juvenile who has been booked, but not detained, may be recommitted to custody and detained if subsequent information reveals the necessity for detention.

Recommitting a Juvenile to Custody

An investigating officer recommitting a juvenile to custody shall:

- Draw a single line through the original date and time of arrest. Enter the notation "Recommit to Custody" and the recommitment date and time in the top left corner of the original Arrest Report, and complete the "Juvenile Detained At" box on the report.
- State the reason for detention, including the facts or circumstances that support the need for detention on the Detective Information (D-1) Form.

- Record the names, serial numbers, and Area of assignment of officers transporting the juvenile to Juvenile Hall.
- Record the date and time the notification of juvenile's detention was made to subject's parent/guardian, and by whom.
- Record the name, serial number, and Area/Division of the investigating officer recommitting the juvenile.
- Complete a detained petition request, within the required time limits, using the "recommit to custody" date and time.
- Complete a "Corrected Copy" of the Form 5.9, indicating the change in the Final Disposition and forward to Juvenile Records, Records and Identification Division.

NOTE: A juvenile who has been detained, but later released by the Probation Department or the Juvenile Court, shall not be recommitted to custody on the same charge.

10.180. REMOVAL ORDER-REMOVAL FROM JUVENILE HALL FOR THE PURPOSE OF BOOKING A JUVENILE ON A NEW 602 WIC CHARGE

Department personnel should use the following process for preparing an In-and-Out Order to remove a juvenile from the custody of Juvenile Hall or Juvenile Probation Camp for the purpose of booking the juvenile on a new substantial 602 WIC charge.

Because all juvenile arrests are fingerprint-based, investigating officer should prepare an "In-and-Out Order" to remove the juvenile from either the Probation Department Juvenile Hall or Probation Camp custody, transport the juvenile to the closest LAPD booking facility, and formally book the juvenile on the new 602 WIC charge. The formal booking process on the new charge will create a new booking number, which will cause the arrest to be documented on the juvenile's arrest record.

Procedures for Obtaining a Removal Order

The concerned investigating officer (I/O) shall use the following procedure to obtain and process an In-and-Out Order for the purpose of removing a juvenile from the custody of Juvenile Hall and booking the juvenile on a new 602 WIC charge.

- Contact the concerned Deputy District Attorney (DA) for assistance. The DA's office contacted should correspond to the detention location (Juvenile Hall) where the juvenile is currently detained.
- Discuss the request of obtaining an In-and-Out Order with the concerned Filing Juvenile Assistant DA.

- The concerned DA will prepare or assist the officer in preparing the “In-and-Out” Order.
- Hand-carry the completed In-and-Out Order to the Court Clerk’s Office. The Court Clerk will stamp and certify the In-and-Out Order. The Court Clerk will then direct the investigating officer and the Deputy DA to the concerned Juvenile Judge, who will review, approve and sign the In-and-Out Order.
- The concerned officer shall contact Intake and Detention Control (IDC) staff at the concerned Juvenile Hall, present the In-and-Out Order to IDC staff, and request the juvenile be made available for removal from juvenile hall. The IDC staff will then release the juvenile to the temporary custody of the concerned investigating officer. This process normally takes 30-45 minutes to complete.
- The investigating officer shall then transport the juvenile to the nearest LAPD booking facility, complete the booking process (Live-Scan) of the juvenile on the new 602 WIC charge and after booking, return the juvenile to Juvenile Hall.
- Although not a common practice, the IDC Deputy Probation Officer may accompany the juvenile while he is out of custody from Juvenile Hall.
- For further assistance with the above procedures, officers may contact the LAPD Juvenile Court Liaison Unit corresponding with the Juvenile Hall facility where the juvenile is detained.
- The concerned I/O shall then prepare a detained petition request on the new charge, and present the new case to the concerned Juvenile Deputy DA for filing.

10.190. REMOVAL OF JUVENILE FROM DCFS HOME PLACEMENT

When an investigating officer wishes to remove a juvenile from a DCFS home, they shall contact the assigned social worker and make arrangements to pick up the juvenile.

In those cases where a Dependency Hearing has already been held for the juvenile, the investigating officer shall contact the juvenile’s assigned attorney and social worker before removing a juvenile from the DCFS home. A DCFS worker may accompany the juvenile while he is away from the DCFS home.

10.200. ESCAPES FROM JUVENILE DETENTION FACILITIES

When an escape from a juvenile facility located within the City of Los Angeles is reported to this Department, the geographic patrol division where the facility is located has preliminary investigative responsibility.

Reporting Officer's Responsibilities

The reporting officer shall complete an IR titled "Escape" and shall:

- Complete a local broadcast in accordance with the Department Manual. The broadcast shall include information on any known accomplices and the escapee's residence address and division, if within the City of Los Angeles.
- Notify the geographic Area or outside agency responsible for investigating the crime for which the juvenile was originally detained.

NOTE: The reporting officer shall place this division or outside agency in the appropriate box on the "Escape" IR as the investigating entity.

- Notify any member of the concerned court, DA's Office, or a victim or witness when there is a high probability that the juvenile may retaliate against any of these individuals.

NOTE: The detective handling the follow-up investigation shall ensure this notification is made.

- Upon the arrest of a juvenile escapee, notify the detective division responsible for the investigation of the escape.

Follow-up Investigation-Detective's Responsibility

The geographic Area detective division or outside agency responsible for investigating the crime for which the juvenile was originally detained shall be responsible for the follow-up investigation for the crime of escape.

However, when the original outside arresting agency declines to assume responsibility or has no jurisdiction within Los Angeles County; e.g., out-of-state or another country, the geographic Area detective division where the facility is located shall investigate the crime of escape. The detective assigned the follow-up investigation shall:

- When it is determined there is a high probability of the juvenile retaliating against any member of the concerned court, DA's Office, or a victim or witness, ensure the individuals are notified.
- Prepare a petition for the crime of escape and ensure that the DA's Office adds a charge of escape to the original charge.

Juvenile Escapees

When a juvenile escapee is apprehended, the Watch Commander, and RACR Division, shall be notified by telephone. The juvenile shall be booked and detained as advised by the Watch Commander.

Cancellation of “Wants” on Escaped Juveniles

When an escaped juvenile is apprehended, the Watch Commander shall provide the necessary information to the agency which originally requested the apprehension of the juvenile, so that “cancellation of the want” may be made.

CHAPTER 11

NOTIFICATIONS

11.10. **NOTIFICATION TO PARENT OR GUARDIAN OF JUVENILES IDENTIFIED AS AN ACTIVE GANG MEMBER**

Gang enforcement personnel who identify a juvenile as an active gang member or active affiliate gang member shall add the juvenile's information into the shared gang intelligence database. Prior to entering the juvenile's information into the shared gang intelligence database, gang enforcement personnel shall send the involved juvenile a Notification to a Juvenile of Gang Affiliation Involvement Letter, Form 12.16.10, or a Notification to a Juvenile of Gang Affiliation Involvement Letter (Spanish version), Form 12.16.11.

The letter shall advise him/her of the reason why he/she was identified as an active gang member or active affiliate gang member and that his/her information was added to the shared gang intelligence database. Gang enforcement personnel shall also immediately send the involved juvenile's parent(s) or guardian(s) a Gang Affiliation Parental Notification Letter, Form 12.16.05, or a Gang Affiliation Parental Notification Letter (Spanish version), Form 12.16.06, advising the parent(s) or guardian(s) of the reason why their son/daughter was identified as an active gang member or active affiliate gang member and that their son's/daughter's information was added to the shared gang intelligence database.

Exception: When notification may jeopardize an active criminal investigation or the health and safety of the juvenile, such notification shall be delayed. However, once the investigation is no longer at risk of being jeopardized, the Gang Impact Team officer in charge (OIC) shall provide written notification to the juvenile and his/her parent or guardian. The reason for the delay shall be documented on an Employees' Report, Form 15.07.00, and a copy kept on file in the gang office separate from other gang files.

The involved juvenile and his/her parent(s) or guardian(s) has the right to contest in writing the entry of the juvenile's information into the shared gang intelligence database. If contested, the Gang Impact Team OIC shall review the request and within 60 days, from receipt, provide a response using the Response to Request to Remove Juvenile from Shared Gang Database Approval or Denial Letter in the appropriate language.

If the involved juvenile or juvenile's parent(s) or guardian(s) requests to know if the juvenile has been identified as an active gang member or active affiliate gang member, gang enforcement personnel shall provide that information, unless doing so would compromise an active criminal investigation or compromise the health or safety of the juvenile.

Gang enforcement personnel shall not disclose the location of the juvenile identified as an active gang member or active affiliate gang member to his/her parent(s) or guardian(s) if they determine there is credible evidence that the provided information would endanger the health and safety of the juvenile.

Note: A shared gang database retains records related to the gang activity of the individuals in the database, consistent with the provisions contained in Section 23.20(h) of Title 28 of the Code of Federal Regulations. Nothing in this section shall require Department personnel to disclose any information protected under Section 1040 or 1041 of the Evidence Code or Section 6254 of the Government Code.

Copies of the Gang Affiliation Parental Notification Letter, Notification to a Juvenile of Gang Affiliation Involvement Letter, Response to Request to Remove Juvenile from Shared Gang Database Approval Letter, and Response to Request to Remove Juvenile from Shared Gang Database Denial Letter shall be kept indefinitely on file in the gang office separate from other gang files.

CHAPTER 12

JUVENILE LINE-UPS

Juvenile Court Liaison Unit personnel conduct line-ups in accordance with the Juvenile Court Judicial Manual.

NOTE: Juvenile Court Liaison Unit personnel are assigned to a geographic Area that is in close proximity and within the geographic bureau of the Juvenile Court to which they are assigned.

Court:

Area of Assignment:

- | | |
|----------------------------------|---------------------------|
| • Barry J. Nidorf Juvenile Court | Van Nuys Area |
| • Eastlake Juvenile Court | Operations-Central Bureau |

12.10. **GENERAL GUIDELINES**

A court order is required for all formal juvenile line-ups. This order will be obtained by the concerned investigating officer through the Juvenile Court Liaison Officer prior to the line-up.

Personnel desiring to use juvenile line-ups in their investigations should contact the Juvenile Court Liaison Officer at the concerned juvenile hall facility.

A Juvenile Court Liaison Officer assigned to each juvenile hall will organize and conduct the line-ups. Liaison officers are available from 0730 to 1600 hours each court day.

NOTE: The liaison officers assigned to Eastlake Juvenile Hall and Barry J. Nidorf Juvenile Hall are LAPD officers. The liaison officer at Los Padrinos Juvenile Hall is a member of the Los Angeles County Probation Department.

Detectives requesting a line-up should give the liaison officer at the respective juvenile hall a minimum of 24-hours notice.

EXCEPTION: If the 48-hour time limit on a detained juvenile is running out, the 24-hour minimum may be waived.

If the juvenile is not represented by counsel, the investigating officer should inform the concerned Deputy DA to assure that counsel is appointed when the line-up is conducted.

12.20. LOCATION OF JUVENILE LINE-UPS

Guidelines have been established for conducting formal juvenile line-ups at the following three juvenile hall facilities within Los Angeles County:

Central Juvenile Hall: LAPD Court Liaison Officer (Eastlake)
1605 Eastlake Avenue
Los Angeles, CA 90033
(323) 226-8955

Los Padrinos Juvenile Hall: L.A. County Probation Officer
7281 East Quill Drive
Downey, CA 90242
(562) 940-8660

Barry J. Nidorf Juvenile Hall LAPD Court Liaison Officer (Sylmar)
16350 Filbert Street
Sylmar, CA 91342
(818) 362-1806

- Line-ups for detained juveniles shall be held at the facility where the juvenile would be housed per the Los Angeles County venue schedule.
- Line-ups for non-detained juveniles shall be held at the facility that would have housed the juvenile had detention occurred.
- Line-ups will be conducted between 1300-1500 hours in the custody corridors adjacent to the concerned probation facility.

Line-up Procedures for Juveniles Certified as Adults

Scheduled line-ups for juveniles who have been “fitted up,” or rather certified to be tried as adults, shall be held at San Fernando Valley (Barry J. Nidorf) Juvenile Hall only. Investigating officers requesting this category of juvenile to appear in a line-up shall follow all established procedures for juvenile line-ups, including obtaining a court order.

12.30. DETECTIVE-RESPONSIBILITIES

The detective investigating the case shall be responsible for:

- Contacting the concerned liaison officer for guidance when requesting a formal line-up.
- Ensuring that the charged juvenile appears at the appropriate juvenile hall facility when not detained and when requested by the investigating agency or the District Attorney's Office.
- Notifying all witnesses as to the date, time, and location of line-ups, and advising them to report for the line-up at the concerned juvenile hall location.
- Ensuring the appearance of the victim(s) and witnesses. The concerned investigating officer should make every effort to ensure that all essential victim(s) and witnesses appear for the line-up. It is good practice to either provide transportation or arrange for transportation for all victims and witnesses to the line-up location, especially those victims and witnesses who may be either reluctant in appearing or may have transportation problems.

12.40. JUVENILE COURT LIAISON OFFICER-RESPONSIBILITIES

The liaison officer is available between 0730-1600 hours each court day and is responsible for the following:

- Organizing court ordered line-ups for district attorneys, defense attorneys, and police agencies.
- Advising detectives on procedures for obtaining a court order for a line-up and presenting copies to the Probation Department Officer of the Day (OD) and the District Attorney's Office at the respective juvenile hall.

NOTE: The court order may be signed by any Judge, Commissioner, or Judge-Pro-Tem.

- Notifying the concerned detective, district attorney, public defender, or other counsel for the charged juvenile, as to the date, time, and location of the line-up.
- Coordinating the line-up with the concerned probation officer to ensure that in addition to the charged juvenile, a minimum of five juveniles who are similar in appearance to the charged juvenile are placed in the line-up by the Probation Department.

NOTE: Uncharged juveniles or "look-alikes" shall only be in the line-up with their consent, and their attorneys need not be notified. No questions may be asked of the uncharged juveniles, except those questions required of all parties in the line-up.

12.50. OFFICER-RESPONSIBILITIES PRIOR TO A LINE-UP

Any liaison officer who intends to place a juvenile arrestee in a line-up shall inform the arrestee that:

- He has the right to have an attorney present during the line-up; and
- If he so desires and cannot afford one, an attorney will be appointed for him without charge.

After the admonition has been given, the liaison officer shall:

- Determine whether the juvenile understands his right to have an attorney present.
- Determine whether the juvenile wishes to waive the right to have an attorney present during the line-up.

NOTE: If the juvenile desires an attorney, the investigating officer shall include the attorney's name on the Follow-up Investigation.

- Contact the Photographic Lab, Technical Investigation Division, at least 24-hours in advance for photographs.

NOTE: Police officers, probation officers, district attorney, or defense attorney may photograph the line-up using their own equipment.

- Permit the district attorney and defense attorney to view the line-up prior to the witnesses.
- Provide each juvenile with a number to be displayed during the line-up.
- Ensure that the defense counsel does not communicate with the juvenile during the line-up.
- Present witnesses with a copy of the witness information sheet and a witness card.
- Instruct all witnesses in accordance with the Juvenile Court "Instructions for Line-up Witnesses."

- Keep witnesses separated and do not allow communication during viewing.
- Provide the concerned DA, defense attorney, and police personnel involved with copies of all written communications of witnesses concerning their viewing of the line-up.

Charged juveniles who refuse to appear in a line-up should be advised that they do not have the right to refuse and that their refusal may be an issue in subsequent juvenile court proceedings. Any refusal should therefore be documented. Force shall **not** be used to compel a charged juvenile to participate in a line-up.

12.60. ARRESTEE WAIVES ATTORNEY

When a juvenile waives the right to have an attorney present, the concerned investigating officer shall cause the juvenile to read and sign the Los Angeles County Waiver Form. The investigating officer shall retain the following in the juvenile package maintained in the geographic Area:

- Statements indicating the juvenile understanding of the right to have an attorney present at the line-up.
- Statements indicating the juvenile's waiver of the right to have an attorney present during the line-up.
- The waiver form signed by the juvenile.

NOTE: If a juvenile waives his right to the presence of an attorney, but refuses to sign the waiver form, a statement indicating the juvenile's refusal to sign shall be documented on the waiver form and the Follow-up Investigation Report, by the investigating officer.

12.70. JUVENILE REQUESTS ATTORNEY

When an attorney is to be present at a line-up, the investigating officer shall:

- Notify both the prosecuting and defense attorneys immediately after the line-up is scheduled, as to the date, time, and location, at least 24 hours prior to the line-up.
- Notify the liaison officer of the attorney's name. The investigating officer shall enter the date and time of the notification on the Follow-up Investigation, in the juvenile's package maintained in the Area.

NOTE: The Juvenile Division of the DA's Office shall be notified, as soon as possible, when a felony juvenile is to be represented by an attorney at a line-up.

In the case of a pre-arraignment line-up, if the juvenile requests a private attorney, the attorney shall be able to appear within 12 to 24 hours of being notified. If the private attorney cannot appear within that time period, the juvenile shall be advised of the following:

- The juvenile does not have the right to have that particular attorney present at the line-up.
- The juvenile may request a public defender at the line-up or the juvenile may appear without counsel.
- If the juvenile refuses to appear in the line-up, it will be commented on in a court of law.

12.80. ATTORNEY PRESENT AT LINE-UP

An attorney representing a juvenile who is to participate in a line-up, upon request shall:

- Be given an opportunity to confer with his client before the line-up.
- Be allowed to observe the entire line-up field prior to the line-up.
- Be allowed to attend the line-up session in the capacity of an observer only.
- Be allowed to attend the identification process that follows the line-up in the capacity of an observer only.

NOTE: The investigating officer shall note any objection made by the Juvenile's attorney on the Follow-up Investigation. A copy of the Form shall be retained in the respective case folder.

12.90. DEFENSE ATTORNEY NOTIFIED-FAILS TO ATTEND

When an attorney has been notified that a juvenile requested the attorney's presence at a line-up and the attorney fails to appear, the liaison officer shall delay the line-up and attempt to contact the attorney representing the juvenile.

NOTE: If unable to contact the attorney, be guided by the advice of the Juvenile Division, of the DA's Office.

12.100. JUVENILE REFUSES TO PARTICIPATE IN LINE-UP

A juvenile who refuses to participate in a line-up or an attorney who advises the juvenile not to participate, shall be informed by the investigating officer that:

- The line-up is for elimination or identification purposes only.
- The juvenile does not have a legal right to refuse to participate in any phase of the line-up.
- The fact that the juvenile refuses to participate can be commented upon in a court of law.

The investigating officer shall ensure that:

- Circumstances of a refusal are documented on the Line-Up Refusal Form.
- The juvenile has signed the Line-Up Refusal Form, if possible.
- Circumstances of the refusal are documented on the Follow-Up Investigation.

NOTE: Force shall not be used to compel a juvenile to participate in a line-up. If a juvenile refuses to participate, the investigating officer shall follow steps for identifying the juvenile through the use of photographs, in accordance with the Department Manual Section.

12.110. JUVENILE POSSIBLY INVOLVED IN CRIMES IN OTHER JURISDICTIONS

The investigating officer shall send a teletype notification, in accordance with the Department Manual, to all detective division commanding officers and concerned outside investigating agencies when a juvenile appearing in a formal line-up is believed to be involved in crimes committed in the concerned jurisdiction.

12.120. PHOTOGRAPHIC IDENTIFICATION OF JUVENILES

An officer who intends to show a juvenile's photograph to a victim or witness for the purpose of identification shall:

- Obtain the juvenile's photograph and at least five additional photographs depicting persons of similar appearance; and,
- Obliterate or otherwise remove all markings, such as dates, LA numbers, and booking numbers from the photograph being shown, and place the photographs in the appropriate Photo Folder, Form 15.50.1 or 15.50.2; or Police Bulletin Folder, Form 15.50.3; and,

- Read the photographic line-up admonition printed on the back of the folder to the victim or witness; and,
- Show the entire set of photographs and if an identification is made, retain the set of photographs in the detective's case envelope for presentation in any subsequent court proceedings.

When a juvenile is identified, the investigating officer shall cause the appropriate comments to be written on a Photo ID Report, Form 15.50.4, and then have the victim or witness sign, initial, and date the report.

NOTE: If faced with the situation where a juvenile is identified by a single victim or witness, attempt to obtain facts to corroborate the victim or witness identification.

CHAPTER 13

FUGITIVE JUVENILES

13.10. **DEFINITIONS**

Intrastate Fugitive Juvenile

Any juvenile who is wanted by a jurisdiction within the State, other than this Department, and is subsequently arrested by this Department.

Interstate Fugitive Juvenile

Any juvenile who is wanted by a jurisdiction in another state, and is subsequently arrested by this Department.

13.20. **INTRASTATE FUGITIVE JUVENILE PROCEDURES**

When a fugitive juvenile is arrested for another agency within this State, and this Department does not have a pending investigation pertaining to the juvenile, the arresting officer shall:

- Obtain booking approval and detention approval, if detention is warranted, from the responsible Area Watch Commander.
- Insert the proper WIC Section, the charge, the word "for", and the name of the wanting agency on the Booking and Identification Record and Arrest Report.

EXAMPLE: 602 WIC 459 PC (Burglary, for San Diego Police Department).

- Ensure that the juvenile is photographed and fingerprinted (Live-scanned) as required.
- Notify the parents of the juvenile by either a collect telephone call or by initiating a teletype to the law enforcement agency having jurisdiction over the juvenile's legal residence, requesting that they notify the parents of the juvenile's arrest.
- Refer all inquiries to the responsible Area investigating officers.

13.30. INTERSTATE FUGITIVE JUVENILE-FELONY

When a fugitive juvenile is arrested on a felony for an out-of-state agency, and this Department does not have a pending investigation pertaining to the juvenile, the arresting officer shall:

- Obtain booking advice from Fugitive Warrant Section, Gang and Narcotics Division (GND).
- Insert the proper WIC section, the authority to arrest, the charge, the word "Fugitive," and the wanting state on the Booking and Identification Record and the Arrest Report.

EXAMPLE: "602 WIC 1551.1 PC (Fugitive, Robbery, Ohio)."

NOTE: Do not include the out-of-state criminal code section in the charge.

- Ensure that the juvenile is photographed and fingerprinted (Live-scanned).
- Notify the parents of the juvenile by a collect telephone call or by initiating a teletype to the law enforcement agency having jurisdiction over the juvenile's legal residence, requesting that they notify the parents of the juvenile's arrest.
- Refer all inquiries to the Fugitive Warrants Section, GND, from 0600 to 1600 hours, Monday through Friday at (213) 486-5300. When the Fugitive Warrants Section is closed, all inquiries should be directed to RACR.

For information regarding juvenile extradition procedures, see Chapter 19.

13.40. INTERSTATE FUGITIVE JUVENILE-MISDEMEANOR

When a juvenile has an out-of-state misdemeanor warrant and this Department does not have a pending investigation pertaining to the juvenile, the concerned officer shall contact Fugitive Warrants Section, GND, before initiating any action. Fugitive Warrants Section will advise regarding any further processing of the juvenile.

NOTE: When the Fugitive Warrants Section is closed, all inquiries are to be directed to RACR.

For information regarding juvenile extradition procedures, see Chapter 19.

13.50. BOOKING APPROVAL - LOCAL SUBSTANTIVE OFFENSE AND OUT OF STATE FUGITIVE

Booking approval shall be obtained from the concerned Area Watch Commander. Booking advice for a local substantive offense may be obtained from the responsible investigative division. If the juvenile is an out-of-state fugitive, the concerned Area Watch Commander shall obtain booking advice from Fugitive Warrants Section, GND, during normal working hours. When the Fugitive Warrants Section is closed, all inquiries are to be directed to RACR, who will contact the respective on-call personnel.

NOTE: The arresting officer shall not attempt to obtain a warrant or a warrant abstract from the wanting agency for any fugitive juvenile.

13.60. NOTIFICATIONS

Investigating officers have the responsibility for notifying the wanting agency.

13.70. ENROUTE BOOKING-OUTSIDE AGENCY

Any outside agency that requests temporary detention of a juvenile shall be referred to Central Juvenile Hall (Eastlake), Intake and Detention Control.

13.80. JUVENILE ESCAPEE

Definitions

An escapee is one who absents himself without permission from a state institution or any County Probation Department institution, facility or camp.

EXCEPTION: The following juveniles are not considered escapees:

- Juveniles who run away while on leave or pass from such County Probation Department institutions, or who overstay their leave.
- Juveniles who leave the confinement of the USC Medical Center's open ward or mental observation facilities. These juveniles are classified as Runaways.
- Juveniles who run away from a DCFS facility or placement home.
- Juveniles who leave the confinement of a non-secure detention facility such as a SODA or PAD Home. These juveniles are classified as Runaways.
- Juveniles who, after being taken into custody and prior to booking, elude temporary confinement.

13.90. PRELIMINARY INVESTIGATION-ESCAPEE

Prior to booking a juvenile escapee, the arresting officer shall conduct a preliminary interview and investigation. Information in Arrest Reports shall include:

- Verification from the involved probation camp or institution concerning the juvenile's status as an escapee.

NOTE: The Division of Juvenile Justice (DJJ) maintains a Detention Control Unit, from 0800 to 1700 hours, which retains current information on DJJ escapees and missing persons from State institutions within the County of Los Angeles. Escapees from Los Angeles County Probation camps and schools are entered into the Juvenile Automated Index (JAI) system. The Detention Control Unit may be contacted at (323) 226-8506.

13.100. BOOKING CHARGE-JUVENILE ESCAPES PRIOR TO BOOKING

Juveniles who have escaped from the temporary custody of Department personnel prior to booking, and are subsequently re-arrested, shall be booked on the charge for which they were originally taken into custody.

13.110. BOOKING CHARGE IN ABSENCE OF WARRANT

The following chart establishes guidelines for determining the appropriate booking charge, crime classification, and arrest disposition for juveniles arrested for escape from a juvenile system facility.

LOCATION ESCAPED FROM	ARREST CLASSIFICATION	BOOKING CHARGE	CASE DISPOSITION	REQUIRED NOTIFICATION
Probation Department Facilities (Includes all Juvenile Halls)	Misdemeanor	602 WIC (871 WIC Escape-- Probation Department. Facility)	Detained Petition Requested	N/A
Deuel Vocational Institution (Tracy, CA)	Felony	602 WIC (2042 PC Escape-- Vocational Institution)	Detained Petition Requested	Missing Ward Unit, DJJ
California Youth Training School (YTS)	Felony	602 WIC (1257 WIC Escape-YTS)	Detained Petition Requested	Missing Ward Unit, DJJ
Any other type of DJJ Facility	Misdemeanor	602 WIC (1768.7 WIC Escape DDJ)	Detained Petition Requested	Missing Ward Unit, DJJ
City or County Jail Facility	Felony	602 WIC (4532 PC Escape City or County Jail)	Detained Petition Requested	N/A

13.120. DETENTION LOCATION - ESCAPEES

A juvenile booked as an escapee shall be detained at one of the following locations:

- Central (Eastlake) Juvenile Hall.
- Los Padrinos Juvenile Hall.
- Barry J. Nidorf (Sylmar) Juvenile Hall.

13.130. INVESTIGATIVE RESPONSIBILITY-ESCAPEES

All escapee arrests shall be investigated by the original geographic Area of arrest. When an escapee is apprehended, RACR Division shall be notified by telephone. The RACR Division shall provide the necessary information to the agency that originally requested apprehension of the juvenile so that the “want” on the juvenile may be canceled.

13.140. JUVENILE REQUEST FOR POLITICAL ASYLUM

Employees - Responsibilities

An employee receiving a request for political asylum from a foreign national shall:

- Immediately notify a supervisor.
- If the total circumstances are not recorded on another report, complete an Employee's Report, Form 15.7, setting forth the facts of the situation.

NOTE: A foreign national, including a juvenile within the United States, is entitled to the same protection under the law guaranteed as a United States citizen; therefore, officers may use that force necessary to protect a person requesting asylum and to ensure the safety of that person.

Supervisors - Responsibilities

A supervisor notified of a request for political asylum by a foreign national shall:

- Cause the Watch Commander, RACR Division, to be notified and be guided by his advice; and
- Cause a copy of all reports to be forwarded to RACR Division without delay.

Real Time Analysis And Critical Response Division (RACR) - Responsibilities

The Watch Commander, RACR Division, shall immediately notify the Operations Center, Department of State, Washington, DC., of a request (or imminent request) for political asylum which:

- Is politically sensitive.
- Involves the possibility of forcible repatriation.
- Is determined by the RACR Division Watch Commander to be of special interest to the Department of State.
- Involves a foreign national who is present in the United States as part of an official visit, formal cultural or athletic exchange, exchange student program or state-owned business or enterprise activity, or who is in transit through the United States in such capacity; or,
- Involves any foreign diplomat, foreign consular officer, or foreign official, regardless of the country.

Any other requests for political asylum shall be referred to the United States Department of Citizenship and Immigration Service (CIS).

The Watch Commander, RACR Division, shall ensure that the Department's Chief of Staff is notified of any request for political asylum, as soon as practicable.

13.150. INVESTIGATIONS OF UNDOCUMENTED JUVENILES

Preliminary Investigation - Undocumented Juveniles

Officers shall not initiate police action where the primary objective is discovery of the juvenile's status.

Undocumented Juvenile Arrests

Juveniles shall not be arrested solely for illegal entry under Title 8 Section 1325 of the United States Code.

Undocumented Juvenile - Transient

A undocumented juvenile who is not the object of a criminal investigation and who lacks adequate supervision, place of abode, or means of support, shall be booked and processed as a 601 WIC (Transient).

Booking Section - Substantive Offense

When a undocumented juvenile is booked on a substantive offense, the arresting officer shall contact Department of Homeland Security, Immigration and Customs Enforcement (ICE) to determine the legality of the juvenile's presence in the United States.

When ICE has determined that the juvenile is undocumented, the investigating officer shall:

- Complete an Arrest Report, including all necessary arrest information.
- Document in the narrative portion, all pertinent information relating to the juvenile's status (e.g., name of ICE investigating officer contacted, names and addresses of juvenile's hangouts, nicknames, etc.).

Fingerprints For Identification-Undocumented Juvenile

When a juvenile claims to be, or is suspected of being undocumented, the officer transporting the juvenile to Juvenile Hall shall also deliver to the Identification Unit, Records and Identification Division, the juvenile's fingerprint cards and pages one and two of the Booking Form.

When officers process a juvenile who claims to be undocumented, the following fingerprinting procedures shall be followed:

- All juveniles booked on charges not normally requiring fingerprints shall be fingerprinted and photographed (Live-scanned).
- The juvenile's right thumbprint shall be placed on pages one and two of the Booking Form.
- The notation, "PRIORITY-JUVENILE" shall be printed in red at the top of page one of the Booking Form.

The investigating officer shall be responsible for ensuring that the Probation Department, Juvenile Court, and DA's Office are immediately notified of any additional information disclosed through this process, such as true identity, aliases, outstanding wants or warrants, correct age, and status.

EXCEPTION: This procedure shall not apply to juveniles taken into custody under 300 WIC, 601 WIC, or who are under 12 years of age, unless approved by the concerned Area Watch Commander.

Juvenile Released To Immigration And Customs Enforcement

When a juvenile is released to ICE, the investigating officer shall:

- Complete the disposition portion of the Arrest Report, by checking the "Other law enforcement agency" box.
- Enter the name of the ICE officer contacted in the "Referral box" portion of the report.

13.160. LAW ENFORCEMENT AGENCY ENDORSEMENT FOR IMMIGRANT VICTIMS OF HUMAN TRAFFICKING AND OTHER SERIOUS CRIMES AGAINST PERSONS

The Department may provide a Law Enforcement Agency (LEA) endorsement **upon request of the immigrant victim**, providing the immigrant victim meets the qualifications as delineated in this section. Immigrant victims requesting a LEA endorsement for a temporary visa shall be referred to the Department Area or division investigating officer (I/O).

Once the LEA endorsement is provided to the immigrant victim, the victim or their legal representative will include the LEA endorsement in their application for a temporary visa, and submit it to the Department of Homeland Security, United States Citizenship and Immigration Services (USCIS). These temporary visas are designed to assist in the investigation and prosecution of the criminal case by allowing the victim to temporarily remain in the United States. The USCIS makes the final determination and has sole authority to determine if a temporary visa will be issued.

13.170. JUVENILE WARRANT PACKAGE DUE DILIGENCE RESPONSIBILITIES

When a juvenile arrest warrant is obtained, it is the responsibility of the Department entity obtaining the warrant to make a systematic and continuing effort to apprehend the juvenile. The Department entity will also be responsible for the due diligence and service of the juvenile warrants they generate.

NOTE: A warrant package must be maintained for all juvenile arrest warrants that were obtained. Additional information on juvenile due diligence and warrant packages can be obtained from Fugitive Warrant Section.

CHAPTER 14

TRAFFIC ARRESTS AND RELATED OFFENSES

14.10. ARRESTS BY CALIFORNIA HIGHWAY PATROL (CHP)

CHP - Responsibility

The California Highway Patrol (CHP) is responsible for booking and follow-up investigation of juveniles arrested by CHP officers within the City when the arrest is for an offense that is within the purview of the CHP (2400-2409 VC).

EXCEPTIONS:

1. When the offense is related to a non-freeway reportable traffic accident.
2. When the offense is within Division 4, Chapter 4, of the California Vehicle Code (VC) (Theft and Injury of Vehicles), and this Department has investigative responsibility.
3. The arrest is for possession of a controlled substance and the quantity of the controlled substance is sufficient to constitute a booking for "possession for sale."
4. The arrest is based on a California misdemeanor warrant.

Department - Responsibility

When the arrest of a juvenile initiated by a CHP officer does not fall within the CHP's scope of responsibility, a Department patrol unit will be dispatched to meet the CHP unit and accept custody of the juvenile, as well as their property and vehicle.

When LAPD officers accept custody of a juvenile from the CHP, they shall also assume responsibility for the custody of all evidence and property related to the arrest, as well as the completion of booking and related reports.

Misdemeanor Arrests

When the arrest is for a misdemeanor offense, or when the Department investigating officers are not available, the uniformed watch commander of the Area of booking shall cause an LAPD officer to complete the booking and related reports.

The CHP officers initiating the arrest shall appear as the arresting officers on the Arrest Report. The names of the LAPD officers accepting custody of the juvenile shall appear in the narrative portion of the Arrest Report.

NOTE: When a juvenile is released by the CHP to officers of this Department, the officers accepting custody shall also assume responsibility for notifying the juvenile's parent or guardian of the arrest, and for the custody of all evidence and property associated with the arrest. When the evidence or property is of substantial value, the CHP officers shall remain present until the property is booked into Department custody.

14.20. JUVENILE NAMED ON ADULT TRAFFIC WARRANT - NO OTHER CHARGE

A juvenile who is named on an adult traffic warrant shall be booked on the warrant. The charge shall be "602 WIC (Traffic Warrant)." Booking approval shall be obtained, an Arrest Report as well as other related reports shall be completed as required.

NOTE: When a juvenile is named on an adult traffic warrant issued by a court outside the City of Los Angeles, the concerned Area watch commander approving the booking shall ensure that an attempt is made by the arresting officer to contact the jurisdiction of issuance to verify the status of the warrant prior to booking the juvenile.

The arresting officer shall:

- Verify that the warrant is still valid; and,
- Determine if detention of the juvenile is appropriate.

14.30. JUVENILE NAMED ON ADULT TRAFFIC WARRANT - DETENTION NECESSARY

When it is necessary to detain a juvenile who has been arrested on an adult traffic warrant, the arresting officers shall transport the juvenile, along with the warrant or warrant abstract, directly to Juvenile Hall for detention.

14.40. TRAFFIC COURT WARRANT - FOLLOW-UP INVESTIGATION

Additional follow-up reports and petition requests are not required on traffic court warrant arrests. In cases where an arrest report is completed on a traffic court warrant arrest, the investigating officer is responsible for the following:

- Marking the box entitled "Other" in the disposition portion of the Arrest Report, and writing "Case Closed" in that space.
- Retaining one copy of the completed report for the divisional files.

14.50. FELONY VEHICLE CODE OFFENSES

Juvenile felony VC violators shall be physically arrested, booked and processed following standard juvenile arrest and processing procedures, with case submission to the Probation Department (if released) or the DA (if detained).

EXCEPTION: When no arrest is made, a complete investigation, including all reports, statements, and rap sheets shall be submitted to the concerned DA's office for case review and filing consideration.

Felony Driving Under The Influence

Booking advice shall be obtained from a Bureau traffic supervisor or detective and booking approval shall be obtained from the Area watch commander where the juvenile is booked.

NOTE: All reports shall be turned into the concerned Bureau traffic division prior to the end of watch.

14.60. BOOKING JUVENILE VEHICLE CODE OFFENDERS

General Procedures

Juvenile traffic violators should be booked in the following cases:

- When the juvenile is arrested for a felony VC violation.

NOTE: Juveniles arrested for felony VC violations shall be processed through the Juvenile Delinquency Court in the form of a juvenile petition request, rather than citing to traffic court.

- When the juvenile arrested fails to present their driver's license or other satisfactory evidence of their identity for examination.
- When the juvenile arrested fails to give their written promise to appear in court.
- When the juvenile is arrested for a misdemeanor VC or traffic-related Municipal Code violation, i.e. 47.15(a) LAMC – (M) being knowingly present to observe a speed contest, the officer shall be guided by the information contained in this chapter, as well as information contained in the Department Citation Guide, Form 16.65.

14.70. MISDEMEANOR TRAFFIC VIOLATION - JUVENILE ARRESTED

A warrantless arrest for a traffic-related misdemeanor, assuming the arrest is supported by probable cause even though the misdemeanor was not committed in the officer's presence (Peace Officers Legal Sourcebook - Penal Code Section 836.)

When a juvenile is booked for a misdemeanor Vehicle or Municipal Code (traffic-related) violation, the officer shall be guided by the following information:

Vehicle Code Misdemeanors - Threat To Public Safety Violations

The following is a list of the specific misdemeanor VC violations that the Department and the DA have deemed to pose a significant threat to public safety. Juveniles who commit any of the below misdemeanor VC violations should be physically arrested an arrest petition submitted to the Probation Department for potential filing when appropriate.

Juvenile Vehicle Code Violations That Require Booking and Petition Submission:

- | | | |
|------------|--------------|-------------|
| • 31 VC | • 14601.1 VC | • 23110 VC |
| • 4463 VC | • 14601.2 VC | • 23152 VC |
| • 10801 VC | • 14601.3 VC | • 23153 VC |
| • 10802 VC | • 14601.5 VC | • 23224 VC |
| • 10851 VC | • 20001 VC | • 2800.1 VC |
| • 10852 VC | • 20002 VC | • 2800.2 VC |
| • 10853 VC | • 23103 VC | • 2800.3 VC |
| • 13004 VC | • 23104 VC | • 2800.4 VC |
| • 14601 VC | • 23109 VC | |

Officer's Responsibility

- When a juvenile commits any of the above VC violations, the juvenile should be physically arrested, booked, and processed following standard Department juvenile arrest procedures.

- The juvenile and their concerned parent/guardian shall be issued a Superior Court, County of Los Angeles, Juvenile Court, Notice To Appear Citation, Form No. 70-09.01.0, which mandates their appearance at the juvenile delinquency court that has jurisdiction over where the violation occurred. A citation appearance date shall be obtained utilizing the Los Angeles County Juvenile Delinquency Court 60 Day Calendar, issued by the DA.

Detective's Responsibility

- Area Detective personnel are responsible for the processing of the juvenile arrest reports, as well as the submission of juvenile petitions to the concerned Juvenile Probation Department Office, and/or DA Offices in detained petition cases.

Vehicle Code Misdemeanor Violations – No Threat To Public Safety

When a juvenile commits a violation of any VC misdemeanor violation other than those that “pose a threat to public safety” and does not qualify for an arrest and petition submission, they may be issued a Traffic Notice to Appear, Form 4.50.

In these citations, a court date and time shall not be selected, and in lieu, the “To Be Notified” box shall be selected. See Chapter 15, “Probation Department Citation Referrals - Citation Completion” for additional information on this juvenile.

4.80. PETITIONS IN MISDEMEANOR TRAFFIC CASES

When a misdemeanor traffic-related offense, for which the juvenile violator was booked, reflects criminal intent substantially greater than a juvenile traffic violation, and the case does not meet the filing considerations for the DA, the concerned detective may file a 602 WIC petition request with the Probation Department. In such cases, the investigator shall:

- Include in the petition request, the reason for handling the matter in Juvenile Delinquency Court rather than Traffic Court.
- Notify the juvenile violator not to appear in Traffic Court as scheduled.
- Process the petition request in the normal manner.
- Attach the green copy and yellow copy of the citation to the petition request.

**Petitions In Misdemeanor Traffic Cases Submitted For Filing -
Detective Responsibilities**

The detective assigned to investigate the case shall:

- Complete and process a released petition as required.
- Submit the petition to the concerned Probation Department office having jurisdiction over where the arrest occurred.
- Retain a copy of the completed reports for the divisional files.

14.90. JUVENILE OFFENSES INVOLVING ALCOHOL

Vehicle Code Sections 23140(a) (Under 21 Years & Blood-Alcohol Content of .05 or More) or Section 23136(a) VC (Under 21 Years & Blood-Alcohol Content of .01 - .04%)

It is an infraction for a juvenile to operate a motor vehicle with a blood-alcohol content of .01 to .07 percent. Blood alcohol content of .08 or higher is a misdemeanor.

Officer's Responsibility

Pursuant to the Department Manual, an officer conducting an investigation involving a juvenile who is operating a motor vehicle, and has a blood alcohol level of .05 through .07 may, when all the elements of 23152 VC (Driving Under the Influence) are **not present**, issue a Traffic Notice to Appear for a violation of 23140(a) VC, an infraction.

An officer conducting an investigation involving a juvenile who is operating a motor vehicle, and has a blood alcohol level of .01 through .04 may, when all the elements of 23152 VC (Driving Under the Influence) are **not present**, issue a Traffic Notice to Appear for a violation of 23136(a) VC, an infraction.

Officers citing a juvenile for violation of 23140(a) VC or 23136(a) VC are not required to administer a Standard Field Sobriety Test (SFST) prior to obtaining a Preliminary Alcohol Screening (PAS) sample or EC/IR test, nor complete an Arrest Report, obtain a booking number, or fingerprint and photograph the juvenile in conjunction with the citation.

Citing Officers Shall

- Document probable cause for administering the PAS test and/or the EC/IR Test in the narrative section of a Traffic Notice to Appear, or a Continuation of Notice to Appear, if necessary. Include the PAS device serial number and the results of the two breath samples when applicable;

-

NOTE: A driver under 21 years is deemed to have given their consent to a PAS test or other chemical test for the purpose of determining the presence of alcohol in the person, if lawfully detained for an alleged violation of 23136(c)(1) VC. Refusal to provide a sample will result in suspension or revocation of their driver's license for a period of one to three years.

- Write the corresponding citation number in the box entitled "DR Number," in the upper right-hand corner of the completed EC/IR Operator Checklist, Form 5.20.07, when applicable.
- Attach the completed EC/IR Operator Checklist Form to the Traffic Notice to Appear "court copy" (green) and forward it to the appropriate Traffic Court; and,
- Release the juvenile to the parent or guardian.

NOTE: Section 23140(a) VC and Section 23136(a) VC do not require an SFST, however, should an officer administer an SFST to the juvenile, the results shall be documented on a Driving-Under-the-Influence Arrest Report Continuation, Form 5.02.05. The completed Form 5.02.05 shall include the corresponding citation number in the upper right corner in the "DR" box and be attached to the Traffic Notice to Appear "court copy" (green) and forwarded to the appropriate Traffic Court.

- Enforcement of Section 23140(a) VC or Section 23136(a) VC does not preclude the enforcement of 23152(a) VC (Driving-Under-the-Influence of Alcohol or Drugs), if the elements of 23152 (a) VC exist.
- After review by a supervisor, the citation should be sent to Traffic Court Liaison Unit (TCLU), Mail Stop 420, via Department mail, for processing in Adult Traffic Court.

Administering/Requesting Chemical Test

A juvenile arrested for any offense in violation of 23152 VC or 23153 VC shall be processed in the same manner using the same procedures followed for an adult arrestee. A Traffic Notice to Appear shall not be issued for a violation of driving under the influence under sections 23152 and 23153 VC.

Misdemeanor DUI Arrests

- No traffic collision:
 1. Booking approval shall be obtained from the concerned geographic detective table coordinator; Jail Division watch commander or the area watch commander in the division of occurrence.
 2. All reports shall be submitted to the concerned division detectives prior to end of watch.
- Traffic collision:
 1. A juvenile DUI traffic collision is handled by the Traffic Division Detective Section for the Bureau of occurrence.
 2. All reports shall be turned into the concerned bureau traffic division prior to the end of watch.

Juvenile is Released

- Complete a Superior Court of California, County of Los Angeles, Juvenile Court, Notice To Appear Citation, Form No. 70-09.01.0, and obtain signatures and identifying information from both the juvenile and their respective parent/guardian.
- Obtain a citation appearance date utilizing the DA's Delinquency Court 60 Day Calendar and cite both the juvenile and parent/guardian to the appropriate juvenile delinquency court having jurisdiction over the location of arrest.
- Release the juvenile to parent, guardian, or responsible relative and provide them both with their respective copies of the citation.
- Complete an Arrest Report and any other required or related reports and notifications.

Juvenile is Detained

- Deliver the juvenile to the custody of the Probation Department and provide all the necessary paperwork as required.

14.100. JUVENILE REFUSAL TO SIGN TRAFFIC CITATION FOR VEHICLE CODE VIOLATIONS – MISDEMEANORS

When a juvenile violator refuses to sign a citation for any VC misdemeanor violation issued on a Traffic Notice to Appear, the citing officer shall follow the same instructions outlined in Department Manual.

14.110. TRAFFIC NOTICE TO APPEAR - VEHICLE CODE INFRACTIONS - CITING AND PROCESSING PROCEDURE

Due to budget cuts impacting the courts in June 2012, the Los Angeles Superior Court closed all Informal Juvenile & Traffic Court locations throughout the County of Los Angeles and subsequently bifurcated the handling of juvenile citations issued on Traffic Notice to Appear to two separate entities.

The Los Angeles County Adult Traffic Court is now responsible for handling all juvenile and adult cases that involve VC infraction cases.

The Los Angeles County Probation Department is responsible for handling all other juvenile violations issued on a Traffic Notice to Appear, such as LAMC violations (day/night curfew violations), as well as specific Penal Code, Business and Professions Code, Health and Safety Code, and misdemeanor VC violations.

For information regarding the handling of citations issued to juveniles for offenses other than VC infractions, i.e., Penal Code, Health & Safety Code, as well as LAMC violations, refer to Chapter 15 for different processing instructions.

The following information outlines the handling and processing of VC infractions involving juveniles.

Officers Responsibility

- Officers shall cite the juvenile violator to the adult traffic court location for the area of violation.
- The juvenile shall be cited to appear at the appropriate adult traffic court for the area of violation utilizing the court date in the Citation Guide. The juvenile violator may appear anytime on or before the assigned court date and officers shall not assign a court appearance time.
- Officers shall utilize the same procedures used for adult traffic violators when citing a juvenile violator for any VC infraction.
- The juvenile's parent(s) or guardian(s) are no longer required to appear with the juvenile in court; however, they are allowed to appear if desired.

- The “Evidence, financial responsibility and registered owner or lessees” sections of the citation should be used to document the juvenile’s parent or guardian information. These sections can also be used to document the school the juvenile attends or any other pertinent information.
- Officers shall enter the codified section in the violations section of the citation. A Continuation of Traffic Notice to Appear shall be used when additional space is required for the description of the violation.

Supervisors Responsibilities:

- Supervisors shall review all juvenile citations for accuracy.
- After supervisory review, the issuing officer's division shall send all citations issued for VC infractions to the following entity via Department Mail:

Traffic Court Liaison Unit (TCLU)
1945 S. Hill Street
Mail Stop 420
Phone: (213) 485-3175

NOTE: Juveniles issued a Traffic Notice to Appear citation for any misdemeanor VC violation, as well as all other non-VC violations, such as those issued for any Business and Profession Code, Health and Safety Code, LAMC, or Penal Code violations, shall be sent to a different location, see Chapter 15 for additional information.

- The supervisor reviewing the citation shall then forward the photocopy to the below location for verification that the citation’s information has been entered into the Los Angeles County Traffic Information System (TIS).

Records and Identification Division
Vehicle Warrants Section / Data Entry Unit
Police Headquarters Facility Mail Stop 400
(213) 486-8260

14.120. JUVENILE REFUSAL TO SIGN TRAFFIC CITATION FOR VEHICLE CODE VIOLATIONS - INTERACTION VIOLATIONS ONLY

Officers Responsibilities:

When a juvenile violator refuses to sign a citation for any VC infraction violation issued on a Traffic Notice to Appear, the citing officer shall:

- Refer the juvenile to the printed information on the face of the citation directly above the space provided for his signature.
- Inform the juvenile that signing the citation does not constitute an admission of guilt, but that it is merely a signed promise to appear to answer to the charge.
- If the juvenile still refuses to sign the traffic citation, request a supervisor to respond to the location to attempt to resolve the situation.
- If the juvenile continues to refuse to sign the traffic citation, transport the juvenile to the appropriate geographic Watch Commander of the Area of occurrence.

When it is brought to an investigating officer's attention that a juvenile refuses to sign a Traffic Notice to Appear, the Area Watch Commander shall:

- Consult with the Area Juvenile Coordinator.
- Determine that all necessary elements of a traffic offense are present as indicated on the citation.
- Explain to the juvenile the information contained above.
- Allow the juvenile to sign the citation, if the juvenile so desires.
- If the juvenile still refuses to sign his name on the citation, booking approval shall be obtained from the concerned Area Watch Commander and the juvenile shall be physically arrested, booked, fingerprinted, photographed and processed, and a complete juvenile arrest report completed as required.
- The original Traffic Notice to Appear citation shall still be completed by the officer, however in the violator's signature box the officer shall write "VIOLATOR REFUSED TO SIGN – ARRESTED."

- Before the juvenile is released to their parent/guardian, a Superior Court of California, County of Los Angeles, Juvenile Court Notice to Appear Citation, shall be completed with the following instructions:

1. Cite the juvenile and have their parent/guardian sign the citation.
2. Cite the juvenile to appear in the adult traffic court of the area of occurrence, using the standard citation appearance date.
3. Submit one copy of the arrest report with the original Traffic Notice to Appear citation, as well as court copy of the Juvenile Court Notice to Appear Citation, and submit by mail to:

Traffic Court Liaison Unit (TCLU)
1945 S. Hill Street
Mail Stop 420
Phone: (213) 485-3175

NOTE: If the juvenile and parent/guardian refuse to sign the new court appearance citation, the juvenile shall be transported to the respective Juvenile Hall.

14.130. TRANSPORTATION OF ALL JUVENILE ARRESTEES IN DEPARTMENT VEHICLES

All juvenile transported in any Department vehicle, regardless of age or gender, shall be secured in the rear seat. A three-point safety belt shall be used; however, a two-point safety belt (lap belt) shall be worn when a three-point safety belt is not provided.

NOTE: A one-officer unit may transport a non-belligerent arrestee using a partition-equipped vehicle only. The juvenile shall ride in the rear seat with the officer in close proximity - visually monitoring the juvenile.

14.140. USE OF CHILD PASSENGER SEAT RESTRAINTS

A juvenile, who is twelve (12) years of age and under, who is to be transported in any Department vehicle, shall be secured to the rear seat of the vehicle. A juvenile who is under eight (8) years of age or less than 4 feet 9 inches tall shall be secured in a child passenger seat restraint (car seat or booster seat). Any juvenile under the age of two (2) should be in a rear-facing car seat (effective January 1, 2017 the State law will change the previous word “should” to a “SHALL”), unless the juvenile weighs 40 or more pounds, or is 40 or more inches tall. A car seat or booster seat shall never be secured in a Department vehicle that has a hard, plastic seat.

Officers shall place the child in a car seat or booster seat which is Federal Safety Standard approved, and employees should attempt to place the child in a car seat or booster seat that is appropriate for the child's height and weight.

Traffic Coordination Section should be contacted for clarification regarding the appropriate car seat or booster seat for the juvenile height and weight.

VC Section 27360(a) (Child Passenger Seat Restraints) sets forth requirements governing the use of child passenger seat restraints while transporting juvenile upon a highway. No parent, or legal guardian, when present in a motor vehicle, as defined in Section 27315, shall permit his or her child or ward to be transported upon a highway in a motor vehicle without providing and properly securing the child or ward, in a child passenger restraint system meeting applicable Federal Safety Standards, unless that child or ward is at least one of the following:

- Eight years of age or older.
- 4 feet 9 inches or taller.

VC Section 27360(b) applies to all Department employees while operating City vehicles. Section 27360(b) VC reads, "No driver shall transport on a highway any juvenile in a motor vehicle, as defined in Section 27315, without providing and properly securing the child in a child passenger restraint system meeting applicable federal motor vehicle safety standards, unless the juvenile is at least one of the following:

- (1) Eight years of age or older,
- (2) 4 feet 9 inches or taller.

To comply with provisions of VC Section 27360(b), employees shall place the child in a car seat or booster seat which is Federal Safety Standard approved. Child safety car seats have been distributed to each Area, as well as Juvenile Division. Issuance of car seats shall be controlled by concerned Area Patrol Division Watch Commanders, or in the case of Juvenile Division, by the person designated by the Commanding Officer.

The provided child seat restraints, or available seat belts, shall be employed as required by the VC. Prior to transporting a child meeting the criteria outlined in VC Section 27360(b), a child seat restraint shall be obtained and placed into use.

Instructions for installation and use of a child safety car seat shall be maintained with each seat. Before securing the car seat into a vehicle, the concerned employee shall read and comply with the instructions accompanying the seat. Personnel assigned to entities other than Juvenile Division or the geographic Areas, shall, when necessary, obtain a child seat restraint from the concerned Patrol Area Watch Commander.

NOTE: This procedure does not affect the Department's policy requiring all persons riding in Department vehicles to use properly adjusted and securely fastened seat belts.

14.150. MOTORIZED SCOOTERS (VEHICLE CODE SECTION 21235)

An operator of a motorized scooter shall not do any of the following:

- (a) Operate a motorized scooter unless it is equipped with a brake that will enable the operator to make a braked wheel skid on dry, level, clean pavement.
- (b) Operate a motorized scooter on a highway with the speed limit in excess of 25 miles per hour unless the motorized scooter is operated within a Class II bicycle lane, defined by 890.4 Streets and Highway Code.
- (c) Operate a motorized scooter without wearing a properly fitted and fastened bicycle helmet that meets the standards described in Section 21212 VC.
- (d) Operate a motorized scooter without a valid driver's license or instruction permit.
- (e) Operate a motorized scooter with any passengers, in addition to the operator.
- (f) Operate a motorized scooter carrying any package, bundle, or article that prevents the operator from keeping at least one hand upon the handlebars.
- (g) Operate a motorized upon a sidewalk, except as may be necessary to enter or leave adjacent property.
- (h) Operate a motorized scooter on the highway with the handlebars raised so that the operator shall elevate his or her hands above the level of his or her shoulders in order to grasp the normal steering grip area.
- (i) Leave a motorized scooter lying on its side on any sidewalk, or park a motorized scooter on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic.
- (j) Attach the motorized scooter, or him or herself, while on the roadway, by any means, to any other vehicle on the roadway.

There is much confusion on the part of both field and investigative personnel regarding the proper enforcement and follow-up actions to be taken in regard to motor-driven cycles, scooters, and skateboards.

Section 405 of the VC states a motor-driven cycle is any motorcycle with a motor that displaces less than 150 cubic centimeters. A motor-driven cycle does not include a motorized bicycle as defined in Section 406 VC.

A motor-driven cycle qualifies as a “vehicle” as defined in Section 670 VC and is juvenile to licensing, registration, safety equipment, and insurance requirements when operated on a public street or highway.

However, in many instances, certain motor-driven cycles do not qualify for registration pursuant to Department of Motor Vehicle (DMV) requirements, and therefore, cannot be registered to comply with vehicle impound release criteria.

Section 407.5(a) VC classifies a self-propelled scooter as a toy. Section 467(a) VC defines a pedestrian as “any person who is afoot or who is using a means of conveyance propelled by human power other than a bicycle.” Therefore, a self-propelled scooter is not a vehicle, and the operator should be regarded as a pedestrian. All VC and LAMC Sections pertaining are enforceable in relation to an operator of a self-propelled scooter.

VC Section 407.5 (a) defines a motorized scooter as “any two-wheeled device that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an electric motor that is capable of propelling the device with or without human propulsion.” The operator of a motorized scooter is not juvenile to any VC provision relating to licensing, registration, license plates, or financial responsibility.

A motorized skateboard qualifies as a “vehicle” as defined in Section 670 VC when it is operated on a highway. However, upon a City Attorney opinion, Department personnel shall not enforce licensing and registration provisions of the VC, in regards to motorized skateboards.

California Moped (motorized bicycle) Law Summary (406 VC)

- A driver's license or learners permit is required to drive a moped on public road.
- No insurance, nor registration, is required.
- While operating, the driver shall wear a bicycle helmet that meets the standards described in Section 21212 VC.
- An electric moped is not required to have pedals.
- On level ground shall not travel faster than 30 mph on motor power only.
- A license plate and a registration card are required and never expire nor need to be re-registered.

Motorized Scooter Summary Information (21235 VC)

General Scooter Information (407.5 VC):

- A motorized scooter is any two-wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding.
- May have a driver seat that does not interfere with the ability to stand and ride and may also be designed to be powered by human propulsion.
- Powered by electricity or other source.

Licensing and Driving Requirements:

- Driver shall be at least 16 years old.
- A Class C driver's license or driver's permit is required.
- No insurance, registration or license plates are required.
- Driver shall wear a bicycle helmet
- Speed limit is 25 mph.
- Driver shall not have passengers.
- Driver shall have at least one hand on handlebars.
- On the roadway with a posted speed limit of greater than 25 mph, driver shall operate in Class II bicycle lane.
- On roads with a posted speed limit of 25 mph or less, riding in a bicycle lane is not required.
- Operation permitted on a bicycle path, trail or bikeway unless there is a local ordinance prohibiting it.
- Operator shall ride as close to the right curb as possible, except to pass or turn left.
- When intending to move left at an intersection, they shall walk their scooter in a crosswalk when crossing roadway.
- Driver shall operate in a designated bike lane when one is available.
- Driver shall not ride on any sidewalk except to leave or enter adjacent property.
- Driver shall not leave scooter on path or sidewalk.
- Driver shall not hitch scooter onto another vehicle in motion.

General Equipment Requirements:

- Handlebars shall not exceed shoulders of the rider.
- Scooter shall have an engine/motor kill switch that activates when released or when the brakes are applied.
- Scooter shall have a working brake.
- A motorized scooter shall at all times be equipped with a muffler.
- A person shall not modify the exhaust system of a motorized scooter in a manner that will amplify or increase the noise level emitted by the motor.
- Equipment Requirements During Hours Of Darkness:

- White headlight to the front visible from 300 feet both to the front and sides.
- A red reflector on the rear of the device, visible from 500 feet.
- White or yellow reflector on each side visible from the front and rear of the device from 200 feet.
- A white lamp or white lamp combination, attached to the operator and visible from 300 feet in front and from the sides of the motorized scooter.

Motorized Bicycle Summary Information (406 and 24016 VC)

- Driver's License not required, but rider shall be at least 16 years of age.
- No insurance, registration or license plates are required.
- Driver shall wear a bicycle helmet.
- Bicycle shall have fully operative pedals.
- Require installation of a headlamp, tail lamp, stop lamp, side and rear reflectors, adequate brakes, a mirror, and a horn.

Motorized Skateboard Summary Information (21968 VC)

- Not allowed on public roads, sidewalks, bike paths, or hiking trails. Operation permitted on private property only.
- Illegal on highways, sidewalks, bikeways and hiking or recreational trails.

Pocket Bikes (Mini Motorcycles) Summary Information (21720 VC)

- Not allowed on public roads or public areas including sidewalk, roadway, or any other part of a highway, or on a bikeway, bicycle path or trail, equestrian trail, hiking or recreational trail, or on public lands open to off-highway motor vehicle use. They are permitted on private property only.
- If a pocket bike is operated on a public road or public area, law enforcement may ticket the driver and impound the pocket bike for up to 48 hours.

14.160. MOPED PROCEDURES AND REPORTS

Moped - Definition

A moped is any motorized two-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy and an automatic transmission and motor which produces less than two gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.

Motorized Bicycle (MOPED) Licenses

Department personnel shall not issue licenses for such vehicles. Citizens requesting licenses of motorized bicycle shall be referred to DMV.

- 5037(a) VC No motorized bicycles first sold on or after July 1, 1981, shall be moved or operated upon a highway unless the owner first makes application for a license plate and, when received, attaches it to the motorized bicycle.
- 5037(b) VC Motorized bicycles first sold prior to July 1, 1981, shall not be moved or operated upon a highway after January 1, 1982, unless the owner first makes application for a license plate and, when first attaches it when received, attached it to the motorized bicycle.

Enforcement Policy - Officer Responsibilities

An officer who becomes aware of a person operating a motorized bicycle (moped) without a license plate issued by DMV should cite the operator for violation of Section 4000(a) VC.

Moped - Reporting Procedures

A Vehicle Report, Form CHP 180, shall be used to report all lost, stolen, recovered, found or impounded mopeds. A vehicle DR number shall be obtained.

EXCEPTION: To determine if a moped has been reported stolen in the Automated Property System (APS), an employee shall query that system prior to obtaining vehicle DR numbers in cases of stolen, lost, recovered or impounded mopeds.

Moped - Operator Requirements

Persons are entitled to legally operate mopeds if they have in their possession either a valid driver's license of any class, or an instruction permit (12500 and 12509 VC).

EXCEPTION: A person propelling a moped solely by means of human power need not have either a driver's license or instruction permit.

Officers should be aware that equipment and licensing of both the moped and the operator do not apply when the moped is used on private property.

Moped - Impound Procedures

Mopeds that are to be impounded as "Recovered" or "Found" shall be reported on a Vehicle Report, using the classification of "moped" **and not** bicycle or motorcycle.

When a moped is taken from the immediate physical possession of an arrestee and is not related to the arrest, it shall be treated as a vehicle for impound purposes, using the Vehicle Report.

14.170. STATE OF CALIFORNIA – VEHICLE CODE - MISCELLANEOUS

21212(a) VC Youth Helmet Law

A person under 18 years of age shall not operate a bicycle, a non-motorized scooter, or a skateboard, nor shall they wear in-line or roller skates, nor ride upon a bicycle, a non-motorized scooter, or a skateboard as a passenger, upon a street, bikeway, as defined in Section 890.4 of the Streets and Highways Code (SHC), or any other public bicycle path or trail unless that person is wearing a properly fitted and fastened bicycle helmet that meets the standards of either the American Society for Testing and Materials (ASTM) or the United States Consumer Product Safety Commission (CPSC), or standards subsequently established by those entities.

This requirement also applies to a person who rides upon a bicycle while in a restraining seat that is attached to the bicycle or in a trailer towed by the bicycle.

14.180. CITY OF LOS ANGELES MUNICIPAL CODE – MISCELLANEOUS

LAMC Section 56.15.1: Bicycle Riding – Sidewalks

1. Persons are allowed to ride operate or use a bicycle, unicycle, skateboard, cart, wagon, wheelchair, roller skates, or any other device moved exclusively by human power, on a sidewalk, bikeway or boardwalk, however it is unlawful if done in a willful or wanton disregard for the safety of persons or property.
2. No person shall ride, operate or use a bicycle or unicycle on Ocean Front Walk between Marine Street and Via Marina within the City of Los Angeles, except that bicycle or unicycle riding shall be permitted along the bicycle path adjacent to Ocean Front Walk between Marine Street and Washington Boulevard.

LAMC Section 63.44: Regulations Affecting Parks Recreation Areas

Within the limits of any park containing a fishing pier:

1. No person shall operate any vehicle on a fishing pier, except as permitted by the Board or its authorized representative.

2. No person shall ride a bicycle, scooter, skate, skateboard, or other wheeled device on any pier. Subdivisions 1 and 2 of this subsection shall not apply to the use of wheelchairs by persons whose physical condition necessitates such use.

Within the limit of any park or portion thereof designated by the Board as a skateboard facility, whether the facility is supervised or unsupervised:

1. No person shall ride a skateboard unless that person is wearing a helmet, elbow pads, and knee pads.
2. No person shall ride a bicycle or scooter in the skating area.
3. The opening and closing hours of the park shall be 12:00 noon to sunset on Monday through Friday, and 9:00 a.m. to sunset on Saturdays, Sundays, and holidays; however, skate parks shall also be closed during periods of wet weather or when conditions, such as wet weather, make it unsafe to skate.
4. The Board shall cause signs to be posted at all skateboard facilities providing reasonable notice that any person riding a skateboard at the facility shall wear a helmet, elbow pads, and knee pads while skateboarding; that no bicycles or scooters are allowed in the skating area; that the park hours are 12:00 noon to sunset Monday through Friday and 9:00 a.m. to sunset on Saturday, Sunday and holidays; that the park will be closed during periods of wet weather or when conditions make it unsafe to skate; and, that any person in violation of this ordinance will be juvenile to citation for violation thereof.

CHAPTER 15

JUVENILE TRAFFIC CITATIONS

Juvenile citations issued on a Traffic Notice to Appear are handled by two separate entities that are determined by the type of offense the juvenile is cited for:

- Adult Traffic Court is responsible for the handling of all VC Infractions.
- The Los Angeles County Probation Department is responsible for handling all remaining violations such as any non-traffic related infractions, all violations for any LAMC violations, and specific Penal, Health and Safety, and Business and Professions Code violations.

15.10. **PROBATION DEPARTMENT CITATION REFERRALS-NON-TRAFFIC VIOLATIONS AND VEHICLE CODE MISDEMEANOR VIOLATIONS**

Section 256 of the Welfare and Institutions Code allows for certain offenses to be cited to adult traffic court in lieu of being physically arrested and booked.

The issuance of a Traffic Notice to Appear, in lieu of making a formal arrest for certain violations, enables officers to quickly resolve many juvenile encounters.

Officers issuing traffic citations for non-traffic violations both infractions and misdemeanors, as well as VC misdemeanors, are referred to the Los Angeles County Probation Department Citation Program.

Department employees are reminded that an “Arrest DR Number” number shall be obtained on all citations issued for non-VC violations, such as PC, LAMC, or H&S violations, as well as violations where a violator is issued a citation for both a VC violation and a non-VC violation on the same citation.

Probation Department Citation Referrals–Citation Procedures

Prior to issuing a citation, officers shall verify the following:

- The juvenile has no outstanding warrants.
- The offense is not a violation of probation when the information is available.
- The juvenile can provide satisfactory evidence of identification.

NOTE: When the concerned juvenile does not possess a valid California Driver's License or California Identification Card, a pictured school identification card is sufficient to verify identity.

- There is no clear and present danger to the community.

Probation Department Citation Referrals-Citation Completion

Officers issuing traffic citations for non-traffic violations both infractions and misdemeanors that are listed in the below section in this chapter titled "Probation Department Citable Offenses, as well as all VC misdemeanors, shall adhere to the following procedures:

Officers Responsibilities:

- If the incident involves a juvenile under 14 years of age, a Gladys R. questionnaire shall be completed by the officer and attached to the citation.
- The juvenile shall be read they're Miranda Rights if they are asked questions regarding the incident. The reading of Miranda Rights shall be documented on the citation. If no questions are asked, they shall be read their "Constitutional Rights" and then check the box on the citation "625 WIC," which is printed on the bottom of the citation.
- The officer shall check the "To Be Notified By The Probation Department" box at the bottom of the citation.
- The violation the juvenile is being cited for shall be listed in the violation section of the citation, such as "330 PC (Gaming)."
- The "Evidence of Financial Responsibility" and "Registered Owner or Lessee" sections should be used to document the juvenile's parent or guardian information.
- A Continuation of Traffic Notice to Appear shall be used when additional space is needed to describe the violation.
- The actual location of the violation shall include the corresponding Reporting District number in the "location of violations" section of the citation.
- Do not indicate a court location, date, or time for appearance.
- After the juvenile has signed the citation, the officer shall provide the juvenile with the white (defendant's) copy of the form.

- The juvenile shall be advised that will be notified via mail by the Los Angeles County Probation Department regarding their case. The officer may provide a contact phone number for the Los Angeles County Probation Department, which is: (818) 901-3001/02.
- If the juvenile is arrested and booked, the officer shall follow the above procedure when the juvenile is released.
- The issuing officer shall not add any additional information to the face of the citation after giving the violator their signed copy.

If additional information or corrections need to be made to the “face side” of a citation after the violator has left the scene, a traffic citation Notice of Correction and Proof of Service, Form Number 04.07.00. shall be completed.

Vehicle Code Section 40500(d) states:

“Any person, including the arresting officer and any member of the officer's department or agency, or any peace officer, who alters, conceals, modifies, nullifies, or destroys, or causes to be altered, concealed, modified, nullified, or destroyed, the face side of the remaining original or any copy of a citation that was retained by the officer, for any reason, before it is filed with the magistrate or with a person authorized by the magistrate or judge to receive a deposit of bail, is guilty of a misdemeanor.”

- When a juvenile is issued a Traffic Notice to Appear for any non-VC violation, the officer shall obtain an “Arrest DR Number” from Area Records.
- Once the DR number is obtained, the original citation shall be turned in at the end of watch for supervisory review and distribution.

Supervisors Responsibilities:

- Review all juvenile citations for accuracy and ensure that DR numbers have been issued for all citations involving juvenile non-VC violations, prior to submission to the Probation Department.
- Traffic citations issued for any non-traffic violation or VC misdemeanors shall be mailed by the issuing division directly to:

Los Angeles County Probation Department
 Juvenile Citation Diversion Program
 6640 Van Nuys Blvd., Suite 200
 Van Nuys, CA 91405 Phone: 818 901-3001/02

Refusal To Sign Traffic Citations that are Referred to the Probation Department **Officers Responsibilities**

When a juvenile refuses to sign a citation for any Non-VC or Misdemeanor VC violation issued on a Traffic Notice to Appear, the citing officer shall:

- Refer the juvenile to the printed information on the face of the citation directly above the space provided for his signature.
- Advise the juvenile that signing the citation does not constitute an admission of guilt, but that it is only a promise to appear in answer to the charge when required by the Probation Department.
- Should the juvenile still refuse to sign the citation, request a supervisor to respond to the location to attempt to resolve the situation.
- If the juvenile continues to refuse to sign the citation, transport the juvenile to the appropriate geographic Watch Commander of the Area of occurrence.

When it is brought to a Watch Commander's attention that a juvenile refuses to sign a citation, the Area Watch Commander shall:

- During day watch hours, consult with the concerned Area detective coordinator if available.
- Determine that all necessary elements of the offense are present as indicated on the citation.
- Explain to the juvenile the information contained above.
- Allow the juvenile to sign the citation, if the juvenile so desires.
- If the juvenile still refuses to sign their name on the citation, booking approval shall be obtained from the concerned Area Watch Commander. The juvenile shall then be physically arrested, booked, fingerprinted, photographed and processed, and a complete juvenile arrest report completed as required.
- The original citation shall still be completed by the officer, however, in the violator's signature box, the officer shall write "VIOLATOR REFUSED TO SIGN-ARRESTED."
- Prior to the juvenile being released to their parent or guardian, a Superior Court of California, County of Los Angeles, Juvenile Court Notice to Appear Citation, shall be completed as follows:

1. Cite the arrested juvenile and have their parent/guardian sign the citation.
2. Cite the juvenile to appear in the adult traffic court of the area of occurrence, using the standard citation appearance date.
3. Submit one copy of the Arrest Report with the original citation, as well as court copy of the Juvenile Court Notice to Appear Citation, and submit to:

Traffic Court Liaison Unit (TCLU)
 1945 South Hills Street
 Los Angeles, CA 90007
 Mail Stop 420 Phone: (213) 485-3175

NOTE: Should the juvenile and parent/guardian refuse to sign the new court appearance citation, the juvenile shall be transported to the respective Juvenile Hall.

15.20. PROBATION DEPARTMENT CITABLE OFFENSES

The below offenses may be issued a Traffic Notice to Appear and referred to the Probation Department. The offenses are broken down by specific code manual sections.

NOTE: As an option, detectives receiving a juvenile booked for any of the below sections when the juvenile is **not** on active probation, have the option to complete a Traffic Notice to Appear and refer the citation and case to the Probation Department, or can submit a petition to the appropriate Juvenile Delinquency Court.

If, as a result of an arrest, the case is referred to the Probation Department, the case disposition will be listed as "Referred to Probation."

Business and Professions Code Sections Citable To The Probation Department

- 25658(a) Juvenile consuming (not under the influence) or purchasing alcohol.
- 25658.5 Juvenile attempting to purchase an alcoholic beverage.
- 25661 Use or possess false identification.
- 25662(a) Juvenile possessing alcohol on highway or public place or any place open to the public.

Health and Safety Code Sections Citable To The Probation Department

- 11357(b) Marijuana, less than one ounce-effective January 1, 2012 (Infraction)
- 11532(a) Loitering as lookout to sell narcotics, etc.

Penal Code Sections Citable To The Probation Department

- 303(a) Loitering to beg or solicit customer to purchase an alcoholic beverage.
- 308(b) Possess tobacco or paraphernalia.
- 330 Illicit gaming.
- 369(i) Entering or remaining on railroad property.
- 374(d) Depositing an animal carcass near the highway.
- 374.3 Dumping dirt, rocks, etc. on private or public property.
- 374.4 Littering on public or private property.
- 402(a) Interfering at scene of traffic accident.
- 415(1) Disturbing the peace. Fighting or challenging to fight in a public place.
- 415(2) Disturbing the peace with loud or unreasonable noise.
- 415(3) Disturbing the peace. Using offensive words in public that are likely to provoke immediate violent reaction.
- 485 Keeping lost property. (Shall complete IR)
- 490.1(a) Petty Theft–Less than \$50.00
- 499(b) Operating a vessel or bicycle without permission.
- 555 Trespass onto posted industrial property. (Shall complete IR)
- 555.2 Loitering in the vicinity of posted property.
- 594 (a) (1) Vandalism with liquid or paint.

NOTE: Law enforcement personnel have the primary responsibility for determining the monetary damage caused by the vandalism related to the enforcement of Sections 594(a) 1 PC,

640.5 PC and 640.6 PC.

Vandalism damage estimated at \$400 or more constitutes a felony offense. Less than \$400 damage constitutes a misdemeanor offense. Felony offenders shall be formally arrested and booked for the felony vandalism charge, and a petition request shall be submitted to the Juvenile District Attorney's Office for filing, and subsequently adjudicated in Delinquency Court.

For misdemeanor vandalism offenders, Department personnel have the option to either formally arrest/book and submit a petition request to the Juvenile District Attorney's Office via the Delinquency Court, or simply cited for referral to the Probation Department.

OPTION Vandalism with liquid or paint. Damage less than \$50.00. (Approval to issue citation shall be obtained from the Area Watch Commander – prior to citation issuance). If the citation is authorized, an IR shall also be completed – with the narrative documenting the authorizing Watch Commander's name and serial number.

- 594.1(b) Purchase by a juvenile of an aerosol container of paint more than six oz. net weight.
- 594.1(d) Possession of aerosol container of paint (any weight) in plain view in a posted public place. Highway not included.
- 594.1(e) Juvenile in possession of an aerosol container of paint more than six oz. net weight.
- 602.7 Vending on Metropolitan Transit Authority (MTA) property.
- 602.8 Entering fenced property without permission. (Shall complete IR)
- 602(m) Driving on private property without permission. (Shall complete IR)
- 640(a) Use of slugs in a coin machine.
- 640(b) Bus, train, subway, misuse of tickets, etc.
- 640(c) Bus, train, subway, playing sound equipment on.
- 640(d) Bus, train, subway, smoking, eating, or drinking on.
- 640(e) Bus, train, subway, spitting on.

- 640(f) Bus, train, subway, disturbing others, boisterous or unruly conduct.
- 640.5 Graffiti on public vehicle (damage under \$250).
- 640.6 Graffiti on private property (damage under \$250).
- 647c Obstruct sidewalk or street.
- 647(d) Loitering in or about any toilet, open to the public, for the purpose of engaging in or soliciting any lewd, lascivious, or unlawful act.
- 647(e) Loitering and refusing to identifyself.
- 647 (f) Public Drunkenness
- 647(h) Loitering, prowling, or wandering upon the private property of another.
- 647(i) Peeping, prowling.
- 647b Loitering, annoying or molesting person attending adult school.
- 653g Loitering about schools or other places attended by children.
- 653.22 Loiter with intent to commit prostitution.
- 853.7 Willfully violating written promise to appear.

Vehicle Code Misdemeanor Violations Citable To The Probation Department:

When a juvenile commits a VC misdemeanor, the juvenile can be issued a Traffic Notice to Appear for the offense. If the juvenile is cited for a VC misdemeanor on a Traffic Notice to Appear, the juvenile shall not be cited to appear in adult traffic court, but shall be referred to the Probation Department by marking the “To be notified box” on the citation.

Common Juvenile Related Misdemeanor Vehicle Code Violations That Shall Be Referred To The Probation Department

The following is a list of the most common misdemeanor VC violations issued to juveniles that shall be referred to the Probation Department. Although this list is not inclusive of all VC misdemeanors, officers should consult with the VC for sections not on this list.

- 20 VC False Statements to the DMV or CHP
- 4461(b,c,d) VC Illegal Use of Disabled Parking Placards
- 4463 VC Forgery or Falsification of Car Registration Stickers

- 14604(a) VC Knowingly Allow Another to Drive Vehicle Without Valid Driver's License
- 15501 VC Presentation of False Driver's License by Juvenile
- 16030(a) VC Knowingly Provide False Evidence of Financial Responsibility
- 21200.5 VC Bicyclist Riding Under the Influence
- 23332 VC Trespass on Vehicular Crossing

Juveniles Who Do Not Meet Citing Criteria

Any juvenile that does not meet the above citing criteria shall be arrested and booked.

15.30. EVIDENCE

All evidence seized in connection with a juvenile citation shall be booked in accordance with current Department guidelines.

CHAPTER 16

JUVENILE NARCOTICS INVESTIGATIONS

Investigations involving juvenile narcotics enforcement are handled by the Narcotics Enforcement Details (NED) assigned to each respective geographic Area.

Officers who are unable to take appropriate enforcement action, or determine that additional enforcement action may be necessary, shall forward any information about juvenile-related narcotic/drug activity to their respective geographic Area's NED.

16.10. **BOOKING APPROVAL FOR JUVENILE NARCOTIC OFFENDERS**

Approval for a juvenile narcotics booking by geographic Area personnel shall be obtained from the concerned geographic Area Watch Commander. The Area's NED may be contacted for assistance and booking advice.

16.20. **BOOKING CHARGE-NARCOTICS INVOLVED**

In cases where the juvenile is arrested for more than one misdemeanor offense, one of which is a narcotic or dangerous drug violation, the juvenile shall be booked on the charge that would carry the greatest penalty, or on the charge for which the evidence is most conclusive. In cases where the juvenile is arrested for more than one felony, one of which is a narcotic felony, the juvenile should be booked on the **non-narcotic felony**.

NOTE: The Arrest Report shall include sufficient facts to establish a *prima facie* case for the offense charged and all the facts supporting any additional offenses.

16.30. **JUVENILE NARCOTIC FOLLOW-UP INVESTIGATIONS AND RESPONSIBILITIES**

Narcotic and Dangerous Drug Cases

The geographic Area Narcotics Enforcement Details (NED) handles investigations of juveniles involved in narcotic or dangerous drug activity. In addition, each geographic Area NED have the following responsibilities:

- Conduct juvenile narcotic investigations on a geographic Area-wide basis.

EXCEPTION: Cases involving felony drug-related traffic accidents, are the responsibility of the Detective Section of the concerned geographic Bureau Traffic Division.

- Prepare case dispositions for juvenile alcohol-related arrests and toxic substance inhalation arrests.
- Provide counseling and complete dispositions for juvenile narcotic cases on GND arrests only.
- Maintain juvenile case packages related to GND narcotics and dangerous drug arrests.
- Conduct special investigations pertaining to juvenile narcotics.
- Coordinate information concerning juvenile narcotic suspects and juvenile drug trafficking with the geographic Areas and other agencies concerned with the control of juvenile drug abuse.
- Conduct investigations based on a Narcotic Report, Form 3.19, generated when juveniles are suspects or when it is alleged that adults are selling or furnishing drugs to juveniles.
- Conduct research and develop statistics concerning Department enforcement efforts and the availability of drugs as related to juvenile narcotic offenses.
- Coordinate and implement effective measures and methods of prevention and control of juvenile-related narcotic and drug abuse.

16.40. JUVENILES CITED FOR POSSESSION OF MARIJUANA

Juveniles who are found to be in possession of marijuana less than one ounce (11357b H&S) shall be issued a Traffic Notice-To-Appear (citation). The issuing officer shall:

- Check the "To Be Notified" box at the bottom left-hand portion of the Traffic Notice-To-Appear.
- Do not indicate a court location, date, or time for appearance.
- After the juvenile has signed the citation, the officer shall provide the juvenile with the white (defendant's) copy of the form.

- Advise the juvenile that they will be notified via mail by the Los Angeles County Probation Department.

Recovered narcotics and contraband (including marijuana shall be booked as evidence and the appropriate documentation completed (e.g., a Property Report, Form 10.01.00, etc.)

Juvenile Arrested For Possession Of Marijuana On School Grounds

The legislative intent of 11357(d) and 11357(e) H&S is to enhance penalties for possession of marijuana on school grounds. These sections define school grounds as, "any school providing instruction in kindergarten, or, any of grades 1 through 12 inclusive, during which the school is open for classes or school-related programs." Juveniles arrested for the following two sections shall be formally arrested and booked (Live-scan).

NOTE: The reason for the formal arrest and booking is so the arrest is documented on the concerned juvenile's permanent arrest record. The booking process (Live-scan) causes the arrest to be documented on the juvenile's arrest record.

The following school-related juvenile cases shall be handled as follows:

1. 602 WIC 11357 (d) H&S, Possession of more than one ounce (28.5 grams) of marijuana on school grounds. Juveniles arrested for this section shall be formally arrested and booked on the felony charge.
2. 602 WIC 11357(e) H&S, Possession of not more than one ounce (28.5 grams) of marijuana on school grounds. Juveniles arrested for this section shall be formally arrested and booked on the misdemeanor charge.
3. On all 602 WIC 11357(d) H&S and 11357(e) H&S arrests, the concerned officer/detective shall submit an arrest petition request to the concerned Probation Department. These cases shall not be cited on a Traffic Notice to Appear.

Detective's Responsibilities

A detective assigned follow-up responsibility on a juvenile who has been arrested and booked on any charge, which also includes an offense of possessing marijuana on school grounds, shall prepare a release juvenile petition request to the Probation Department for the narcotic offense.

16.50. JUVENILE ARRESTED AND UNDER THE INFLUENCE OF NARCOTICS, DRUGS /ALCOHOL

If a juvenile is arrested and/or is under the influence of narcotics, drugs or alcohol, the arresting officers shall:

- If the juvenile has ingested drugs or alcohol, and his intoxicated condition could create a medical emergency, the juvenile shall be medically cleared (medically treated) at a contract hospital prior to temporary detention at a police facility.
- Administer a test to measure blood alcohol, whenever practicable, if the juvenile is to be released. If the juvenile's condition is not to a degree that could create a medical emergency, a medical examination by a contract hospital is not always required.

EXCEPTION: If the juvenile is arrested for 602 WIC 23152(a) VC (DUI Drugs), the juvenile shall be examined by a contract hospital, and if possible, a narcotic investigating officer prior to release. Therefore, if the arresting officer determines that the juvenile's intoxicated state or under the influence state is such that it may create a medical emergency, the juvenile shall be medically cleared (receive medical treatment) at a contract hospital prior to booking.

- The juvenile shall also be examined by a contract hospital or receiving hospital prior to secure detention at a Probation Department facility (Juvenile Hall). The physician shall be requested to include, on the receiving hospital Medical Treatment Record, Form RH-340, their recommendations as to whether the juvenile should receive additional medical attention at a Juvenile Hall clinic.

16.60. ANALYSIS OF NARCOTICS IN JUVENILE CASES

Laboratory analysis of evidence will be conducted only when cases are scheduled for hearing in Juvenile Court.

Officers who book narcotic evidence in juvenile cases shall:

- Place the appropriate word "Detained" or "Released" in red in the upper left-hand corner of the Analyzed Evidence Envelope, Form 12.51.3.
- Complete those portions of the Analyzed Evidence Report, indicated by an asterisk and book it with the Analyzed Evidence Envelope, Form 12.51.3, in "Detained" cases and all "Released" cases involving narcotics or substances believed to be toxic for which no preliminary drug tests are available.

EXCEPTION: The Analyzed Evidence Report, need not be completed on cases involving a container (e.g., tube or can) on which a listing of its contents includes toluene.

16.70. DETAINED JUVENILE CASES - EVIDENCE

Officers booking evidence in cases where the juvenile has been detained at a Probation Department facility shall complete the Analyzed Evidence Report, in triplicate and forward all copies to Technical Investigation Division (TID).

16.80. ANALYZED EVIDENCE REPORT, FORM 12.20

Investigating officers shall ensure that a request for analysis of evidence is submitted to TID on all court-scheduled juvenile cases prior to court appearance. When TID receives an Analyzed Evidence Report on juvenile narcotics cases or a subpoena in those cases for which an Analyzed Evidence Report has not been completed, the concerned analyst will:

- Complete the analysis of the evidence as soon as possible.
- Ensure that TID is available on an on-call status for court appearances.

NOTE: Investigating officers requesting petitions in juvenile narcotics cases when analysis of evidence is required, shall include the notation "**TID Representative On-Call--DR No. _____**" in the subpoena list on the appropriate reports.

16.90. DISPOSITION OF MISDEMEANOR NARCOTICS EVIDENCE

When narcotics evidence; e.g., narcotics, narcotics paraphernalia, and/or ingredients used in the production of controlled substances, is seized as a result of a misdemeanor arrest involving a juvenile, authorization for the disposition of the seized property is the responsibility of the Department entity/employee who booked the evidence and/or submitted the juvenile case to the Probation Department, or the DA's office for filing, when required.

The arresting officer shall be responsible for narcotics evidence disposition in misdemeanor narcotics cases in which both juveniles and adults are arrested.

NOTE: Gang and Narcotics Division shall be responsible for the disposition of all 11550 H&S (Under the Influence of a Controlled Substance) evidence in misdemeanor cases.

16.100. DISPOSITION OF FELONY NARCOTICS EVIDENCE

When any of the below narcotics evidence is seized as a result of a felony investigation or arrest, which involves a juvenile, authorization for the disposition of the seized property shall be the responsibility of the Department entity that initially conducted the investigation, and recovered and booked the evidence.

- Narcotics.
- Narcotics paraphernalia.
- Ingredients used in the production of controlled substances.

16.110. JUVENILE INFORMANTS

Information regarding the use of juvenile informants is located in the Department's Informant Manual.

Juvenile Informant Defined

Penal Code Section 701.5 defines a juvenile informant as:

- A juvenile;
- Participates on behalf of a law enforcement agency;
- Involved in a prearranged transaction or series of prearranged transactions;
- Has direct face-to-face contact with any party;
- The juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party;
- Is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

Use of Juveniles as Informants

The following requirements shall be satisfied before the court will issue an order allowing law enforcement to utilize a juvenile informant. Department personnel shall not utilize a juvenile informant without first obtaining parental consent and a court order from the Juvenile Court. Penal Code Section 701.5, subsections a through e, outlines the criteria for utilizing a juvenile informant:

- Penal Code Section 701.5 (a), Notwithstanding subdivision (b), no peace officer or agent of a peace officer shall use a person who is 12 years of age or younger as a juvenile informant.
- Penal Code Section 701.5 (b), No peace officer or agent of the peace officer shall use a person under the age of 18 years as a juvenile informant, except as authorized pursuant to the Stop Tobacco Access to Kids Enforcement Act (Division 8.5 (commencing with Section 22950) of the Business and Professions Code) for the purposes of that act, unless the peace officer or agent of a peace officer has obtained an order from the court authorizing the juvenile's cooperation.
- Penal Code Section 701.5 (c), Prior to issuing any order pursuant to subdivision (b), the court shall find, after consideration of (1) the age and maturity of the juvenile, (2) the gravity of the juvenile's alleged offense, (3) the safety of the public, and (4) the interests of justice, that the agreement to act as a juvenile informant is voluntary and is being entered into knowingly and intelligently.
- Penal Code Section 701.5 (d), Prior to the court making the finding required in subdivision (c), all of the following conditions shall be satisfied:
 1. The court has found probable cause that the juvenile committed the alleged offense. The finding of probable cause shall only be for the purpose of issuing the order pursuant to subdivision (b), and shall not prejudice the juvenile in any future proceedings.
 2. The court has advised the juvenile of the mandatory minimum and maximum sentence of the alleged offense.
 3. The court has disclosed the benefit the juvenile may obtain by cooperating with the peace officer or agent of a peace officer.
 4. The juvenile's parents or guardian has consented to the agreement by the juvenile, unless the parent or guardian is a suspect in the criminal investigation.

Juvenile informants may only be used in exceptional circumstances and only after obtaining approval from the Commanding Officer, DSVD.

All procedures for handling adult informants are applicable to juvenile informants. Additionally, when utilizing a juvenile who is a ward of the court as an informant, permission shall be obtained from the court with jurisdiction over the juvenile prior to using them as an informant.

The Department provides a parental consent form, which shall be completed and placed in the informant package prior to utilizing a juvenile informant.

Juvenile Informants — Additional Information and Forms

The Department's Informant Manual has specific sections and forms dedicated to juvenile informants and should be reviewed for additional procedures on this subject.

CHAPTER 17

PROCESSING AND BOOKING PROCEDURES

17.10. **AUTHORITY TO ARREST**

Pursuant to Welfare and Institutions Code 625, officers may, without a warrant, take a juvenile into temporary custody when such officer has reasonable cause for believing that such juvenile is a person described in Section 601 and 602 WIC. Therefore, Department officers may arrest a juvenile for either a felony or a misdemeanor offense not committed in the officer's presence.

NOTE: Consequently, the Private Person's Arrest Procedure, exclusively used on adult suspects, does not apply to juvenile arrestees.

DEPARTMENT PERSONNEL SHALL NOT USE THE PRIVATE PERSON'S ARREST REPORT FORMAT PROCEDURE ON THE JUVENILE ARREST REPORT FACE SHEET. However, officers may attach any private forms or reports provided by the citizen to the Arrest Report, as they may contain information needed for the processing of the report, court, or the Probation Department.

17.20. **INSPECTION OF JUVENILE ARRESTEES, BOOKING ADVICE/APPROVAL**

Initial Inspection/Interview of Juvenile Arrestees

All arrested juveniles shall be brought before their respective Area watch commander for an inspection and interview when the officers first enter their host police facility, and prior to the booking process. The Area watch commander shall personally view and conduct an initial interview of the concerned juvenile and, at a minimum, ask the following three questions:

1. Do you understand why you were detained/arrested?
2. Are you sick, ill or injured?
3. Do you have any questions or concerns?

The arresting officer shall then make a determination to place the juvenile in either temporary secure or non-secure detention while inside the police facility, and advise the watch commander.

- If the arresting officer(s) determine the juvenile shall be placed in temporary secure detention inside the original police facility, the officer shall obtain approval from the concerned Area watch commander. The juvenile shall then be logged onto the Secure Detention of Juveniles Log, Form 09.05.00.

- If the arresting officer(s) determine the juvenile will be placed in Non-secure custody inside the police facility, the juvenile shall be logged on the Non-Secure Detention of Juveniles Log, Form 09.06.00.

NOTE: The concerned watch commander shall sign and document the date and time the inspection and interview were conducted pursuant to the Department Manual. Juveniles held in protective custody under WIC Section 300, shall also be interviewed by the watch commander, and asked the three questions in a manner commensurate to their age and level of comprehension. All juveniles taken into protective custody under 300 WIC shall also be logged onto the Non-Secure Detention of Juveniles Log.

- **Area Stations.** All juveniles detained/arrested by a Department employee from a geographic Area shall be visually inspected and interviewed by the concerned Area watch commander prior to booking.
- **Specialized Divisions.** All juveniles detained/arrested by a Department employee from a specialized division shall be visually inspected and interviewed by either one of the Area watch commanders or the watch commander of Custody Services Division.
- **Medical/Absentee Booking.** In rare cases where bookings preclude an inspection and interview (medical/absentee bookings), the watch commander shall ensure the arrestee is visually inspected and interviewed by a Department supervisor.

Pre-booking Procedures

After arresting a juvenile, and prior to booking, the arresting officer shall conduct the following pre-booking procedures to determine the juvenile's true identity and prior criminal history:

- Check JAI for record information.
- Check CWS for outstanding warrants.
- Check PACMIS for missing juvenile information.
- Check NCIC "QM" format for missing juvenile information.
- Obtain booking advice from the concerned investigative unit. If the investigative unit is closed, the Area Watch Commander may give booking advice, in addition to booking approval.
- Obtain a completed Booking Recommendation, Form 12.31, from the watch commander approving booking.

- Obtain statements from victims, witnesses, parents or guardians, in addition to any other information or evidence that shows the juvenile falls within the provisions of Sections 300, 601, or 602 of the Welfare and Institutions Code.
- During the time in which the juvenile is in temporary custody, the arresting officer shall admonish the juvenile of his Constitutional Rights pursuant to 625 WIC. If the juvenile is to be interrogated regarding a crime, the arresting officer or investigating officer shall admonish the juvenile of their full Miranda Rights and obtain a waiver prior to questioning and/or interrogation.
- If detention appears necessary, follow the procedures outlined in Chapter 10.

Booking Advice

Booking advice is the recommendation given to the watch commander regarding the charges for which a juvenile should be booked, based on the circumstances of the arrest.

Prior to booking a juvenile on a felony charge at any jail facility, booking advice shall be obtained from an investigative supervisor from an on-duty investigative entity responsible for the follow-up investigation. The investigative supervisor shall sign the Booking Approval Form, as the person giving booking advice.

EXCEPTION: Officers are not required to obtain booking advice on narcotic arrests when no follow-up investigation will be conducted.

Prior to booking an arrestee on a misdemeanor charge, booking advice may be obtained from the on-duty investigative entity responsible for the follow-up investigation. Booking advice is not required if the investigative entity responsible for the follow-up investigation is off-duty.

In the event the investigating supervisor's advice differs from that of the approving watch commander, the watch commander shall ensure his/her rationale is properly documented in the Watch Commander's Daily Report.

17.30. BOOKING APPROVAL, FORM 12.31.0

The Booking Approval Form includes two search justification boxes inside the “REASON TO SEARCH” box. If a strip, visual body cavity or physical body cavity search is necessary, one of the justification boxes shall be checked. When applicable, justification for the search shall be articulated in the space provided. The watch commander approving the search shall place their signature and serial number in the “WATCH COMMANDER APPROVING SEARCH” box.

Booking Approval Process

Booking approval is the final authority given to an officer to incarcerate an arrestee into a jail facility on a given charge(s).

Booking approval for all arrests shall only be obtained from an Area watch commander or any Custody Services Division Watch Commander.

The Watch Commander giving booking approval is required to sign their signature in the approving watch commander section of the Booking Approval Form.

1. Officers or detectives assigned to geographic Areas (Vice, Area Detectives, Special Enforcement Units, patrol, etc.) shall obtain booking approval from their respective Area watch commander before booking any arrestee, including juveniles, into or at any jail facility.
2. Officers or detectives assigned to specialized divisions shall obtain booking approval from one of the 21 Area watch commanders or any Custody Services Division Watch Commander, before booking any arrestee at any jail facility.

NOTE: Any arrest that previously required booking approval from a specialized investigative entity (i.e., adult felony traffic, fugitive bookings, juveniles, etc.) shall continue to obtain booking advice from that specific entity.

Approval of Arrest Reports

All arrest reports shall be reviewed, approved and signed by a Department supervisor and checked for probable cause, propriety, essential information, clarity, and legibility.

Additionally, the investigative supervisor providing booking advice shall review all related reports for required content and place his/her initials and serial number at the conclusion of the narrative portion of each report.

NOTE: Officers **shall not** sign or otherwise write any name for a supervisor on any Department report or form requiring an approving supervisor’s signature.

17.40. EVIDENCE

All property of evidentiary value found in possession of an arrested juvenile, or in connection with a crime committed by a juvenile, shall be booked in a manner identical to that prescribed for all other property of evidentiary value.

NOTE: When property is booked to a juvenile arrestee, "602 WIC" shall also be included in the arrest charge box on the Property Report, indicating the complete arrest charge; e.g., 602 WIC 211 PC (Robbery).

All items of evidence seized shall be booked in accordance with current Department guidelines on booking evidence.

17.50. BOOKING POLICY AND PROCEDURES

Discretion shall be exercised as to the advisability of, or necessity for, booking a juvenile arrestee. The basis for determining the advisability of booking a juvenile shall be the factual circumstances known to exist at the time of booking. A booking may be advised and approved when the circumstances will substantiate and support the fact that the juvenile is the perpetrator of a specific crime.

NOTE: There are several misdemeanor charges and some violations of the LAMC wherein a juvenile may either be formally arrested and booked or issued a Traffic Notice to Appear Citation. When determining to formally arrest/book or cite the juvenile, the arresting officer shall consider the severity of the crime, the juvenile's past arrest record, whether on active probation/parole and the possibility of the crime re-occurring (e.g., petty theft or misdemeanor vandalism, etc.).

Consolidated Booking Form 5.1 - Juvenile Booking

Completion of a Los Angeles Consolidated Booking Form 5.1, is required for all juvenile bookings. A formal booking of a juvenile, 12 years and older, for a 602 WIC delinquent offense requires the juvenile to be fingerprinted and photographed during the Live-scan booking process.

NOTE: Juveniles under 12 years who are booked for a 601/602 WIC offense may also be fingerprinted and photographed, see Chapter 17 of the Juvenile Manual.

Location of Booking and Processing

Booking, reports, and processing (fingerprints and photographs when required) shall be completed in the geographic Area of arrest, unless otherwise directed by the person authorizing the booking.

Booking Numbers

All juveniles booked for a 601 WIC and 602 WIC charge shall be issued a booking number. In addition, all juveniles taken into protective custody under authority of 300 WIC shall be issued a booking number, regardless of age.

NOTE: All juveniles taken into protective custody under 300 WIC **shall not be physically taken into the jail booking area.**

17.60. ABSENTEE BOOKING - JUVENILE

When a juvenile arrestee has been hospitalized, and a detention booking is desired a supervisor shall be notified for booking advice. The supervisor shall cause the officers to perform the below duties.

- Obtain a copy of the hospital's medical treatment slip that states the juvenile requires continued hospitalization.
- Have an officer respond to one of the Department's regional jails and obtain a Booking Approval for the concerned charge.
- Have a detention officer from Custody Services Division complete an "Absentee Booking" with the juvenile's "9-lines." Once completed, the officer shall obtain the following forms:
 - Booking and Identification Record Form, Form 5.1; and,
 - Disposition of Arrest and Court Action Report, Form 5.9; and,
 - Investigators Final Report, Form 5.10.
- Contact R&I Division, Criminal Identification Section (CIS), 24/7 at (213) 486-8240 and inform them that a hospitalized in-custody juvenile requires fingerprinting. The CIS will need the following information: the juvenile's name, sex, DOB, booking number, the hospital's name and address, the names of the officers at the hospital, and a call back number for the officers. The CIS personnel will typically respond within an hour.

NOTE: R&I Division CIS personnel will not fingerprint in-custody juveniles without the officers being present.

The CIS are responsible for entering the fingerprints into the Los Angeles Automated Fingerprint System (LAFIS). When the LAFIS information has been updated, officers shall contact an IDC supervisor from the nearest juvenile hall where the juvenile is hospitalized to begin the process for the Probation Department to assume custody of the juvenile.

Once the Probation Department has agreed to assume custody of the juvenile, and the following has been provided to IDC:

- One copy of the Arrest Report; and,
- PCD; and,
- Hospital admittance form which indicated continued hospitalization required; and,
- The juvenile's property.

The IDC staff will coordinate with the officers the transferring of the juvenile's security to the Probation Department.

NOTE: Probation Department IDC personnel coordinate with the Juvenile Court to obtain a Juvenile Court Order which authorizes continued detention of the juvenile.

NOTE: The custody of the arrested juvenile shall not be entrusted to hospital personnel. Officers shall remain with the juvenile until relieved by personnel from the Probation Department.

17.70. ARRESTING OFFICER'S SUPERVISOR - RESPONSIBILITIES

When informed of the need to maintain the juvenile's custodial security in an open hospital ward, the arresting officer's supervisor shall cause the juvenile's custodial security to be maintained until a court order is obtained.

17.80. DEPARTMENT BOOKING SEARCHES OF JUVENILE ARRESTEES

All searches of juvenile arrestees who are in Department custody and/or booked into Department facilities shall be conducted according to the following procedures.

Pat-Down Searches

When the rules of search and seizure permit, a juvenile shall be thoroughly searched as soon as practicable. Such searches shall be conducted by an employee of the arrestee's sex. However, an immediate search may be conducted by an officer of either sex when necessitated by specific circumstances, such as a reasonable belief that:

- The juvenile is armed with a weapon or has an item that could be used as a weapon.
- A delay could result in the destruction or loss of evidence.

NOTE: An officer searching a juvenile of the opposite sex, when practicable, shall have a witness of the same sex as that of the juvenile present during the search. Information regarding the witnesses present and facts supporting the necessity of the search shall be included in the appropriate reports.

Search Prior to Detention at Probation Facility

Officers shall always conduct, at a minimum, a thorough pat-down search of any juvenile who is to be detained at a County of Los Angeles Probation Department facility. Officers shall always ensure that the respective juvenile who is being detained at a Probation Department facility is not in possession of any weapon, narcotics contraband or any other illegal item that is not allowed by Probation Department guidelines.

Strip Search or Visual Cavity Search

Strip searches of juveniles booked into Department facilities shall be conducted according to Department procedures.

Juvenile arrestees in custody for an infraction, misdemeanor or felony offense **shall not** be given a strip search or visual body cavity search unless:

- The arrest involved a controlled substance; or,
- There is articulable and reasonable suspicion that the arrestee is concealing contraband or weapons, regardless of the offense.

The type and classification of the offense alone does not automatically provide reasonable suspicion. The totality of the circumstances in each situation should be considered in determining whether to conduct a strip search or visual body cavity search (e.g., the nature of the offense, the juvenile displaying behavior which would lead officers to believe the juvenile is concealing contraband or weapons, the juvenile's criminal record, etc.).

NOTE: Factors such as prior arrests involving weapons, controlled substances, violence, verified gang affiliation or the appearance and conduct of an arrestee **may be considered** as a determining factor on whether to conduct a strip search or visual body cavity search.

The term "contraband" as it applies to a strip search or visual body cavity search is restricted to controlled substances or other items that may pose a threat to the security of the jail facility. Strip searches and visual body cavity searches shall not be conducted as the sole purpose in recovering evidence in the absence of a search warrant.

Officer's Responsibility

Officers not of the same gender as the juvenile shall be excluded from the immediate area during a strip search or visual body cavity search. Employees conducting a strip search or visual body cavity search shall not touch the breasts, buttocks, or genitalia of the juvenile.

During the temporary detention of a juvenile arrestee, and when an officer has a reasonable suspicion that a juvenile in custody for either a misdemeanor or infraction offense is concealing a weapon and/or contraband, the officer shall:

- Complete a Booking Approval Form and submit it to the concerned supervisor.
- Upon supervisory approval, conduct the strip search or visual body cavity search.
- Juveniles that require a strip search shall be strip searched before the booking process is complete, regardless if they will be detained or released.
- Strip searches conducted of juveniles shall be done in an area with no unnecessary staff present and not in high foot traffic areas.
- Juveniles subject to a strip search shall have a supervisor and searching officer of the same gender present.
- Upon completion of the search, complete the "Results of Search" portion of the Booking Approval Form and include the information in the Arrest Report narrative.
- Any object observed during a visual body cavity search (e.g., taped under breast or scrotum), may be recovered.

17.90. CARE AND CUSTODY OF PERSONAL PROPERTY OF JUVENILE ARRESTEES

Employees arresting or processing juvenile arrestees shall remove all of the juvenile's personal property. The property shall be itemized in the property section of the Booking and Identification Record and packaged in an unused prisoner property bag. The property bag shall be sealed and the pre-punched number on the bag recorded in the property section of the Consolidated Booking Form.

NOTE: Money shall be placed in a separate coin envelope before being placed in the property bag.

When booking or processing juveniles who will not be detained, the employees shall verify the contents of the property bag with the juvenile prior to their release.

When the juvenile is to be booked / detained into a Los Angeles County Probation Department facility, they shall be turned over to a Juvenile Hall IDC Officer, along with a copy of the Arrest Report and their sealed property bag.

NOTE: Juveniles, while in Department or Probation Department custody, shall be allowed to keep basic clothing only.

17.100. JUVENILE FINGERPRINTING

Juveniles 12 Years and Older

All arrested juveniles, 12 years and older, shall be fingerprinted and photographed.

NOTE: Situations may arise when a juvenile, regardless of age, who is arrested for a 601 WIC violation (e.g., gang member) or a juvenile under 12 years is arrested for a 602 violation (e.g., serious crime, multiple offenders), **should be fingerprinted, photographed, and/or palm-printed.**

Such additional processing shall be at the discretion of the concerned Area Detective Table Coordinator after appropriate review. During off hours, the concerned Area Watch Commander shall make the determination to fingerprint and/or photograph this category of juvenile.

Fingerprinting - 300 WIC Dependents

Juveniles taken into custody for a 300 WIC violation shall be issued a booking number, regardless of age. However, the juvenile **shall not** be fingerprinted or photographed as part of the booking process, and **shall not** be taken into the jail booking area. Separate photographs and/or fingerprints for investigative purposes only are permissible.

Fingerprinting Procedures

Rolled right thumbprints shall be placed on the Booking and Identification Record, Bureau of Identification Arrest Notification, and appropriate pages of the booking forms, as well as two copies of the juvenile's prints for the Fingerprints Card, Form FD 249, which shall be prepared each time a juvenile, 12 years or older, is booked for any 602 WIC offense.

Fingerprints – Identification Purposes

A juvenile may be fingerprinted for identification purposes when:

- They are under arrest and their identity is in question.

- They are reasonably suspected of committing offenses with which they might be connected by fingerprint evidence, whether or not they are arrested.

NOTE: When a juvenile is to be fingerprinted for identification, one copy of the Palm Print, Form 5.6.1, shall be completed and forwarded to the responsible investigating officers.

The words "Fingerprinted for Identification Purposes Only" should be included in the narrative portion of the Arrest Report.

Palm Printing of Juveniles 12 Years or Older

The Palm Print Form shall be completed when a juvenile is booked for the following offenses:

- A felony.
- Possession of loaded or concealable firearms.
- Escape.
- Interstate fugitive.
- Undocumented person.

17.110. SPECIAL FINGERPRINTING - FORGERY JUVENILE ARRESTEES

When an officer is fingerprinting a juvenile arrestee for forgery:

- Complete an additional Palm Print Form with the juvenile's fingertip and side palm prints.
- Forward the additional Palm Print Form, with other required fingerprint cards, to R & I Division.

NOTE: When a juvenile claims to be an undocumented, follow the procedure outlined for undocumented juveniles in Chapter 13.

17.120. HANDWRITING EXEMPLARS

A Handwriting Exemplar, Form 5.7, and two copies of the Handwriting Exemplar, Form 5.07.1, shall be completed by each juvenile booked for:

- Penal Code 470 (Forgery--General).
- Penal Code 476 (Forgery--Checks, etc.).
- Penal Code 476(a) (Checks--Non-Sufficient Funds).

NOTE: Handwriting exemplars are taken to be compared to forged handwritten documents. Exemplars shall be obtained from a juvenile arrestee when any portion of the forged document contains handwriting; e.g. typed computer-generated invoice or receipt.

NOTE: The Fourth Amendment requirement does not apply to handwriting; therefore, there is no requirement to Mirandize and obtain a waiver prior to taking a handwriting exemplar.

17.130. **PHOTOGRAPHS**

Photographs Required

Photographs shall be taken using the Identification Camera at the booking location of all juveniles, 12 years and older, who have been booked pursuant to Section 602 WIC.

Juveniles under 12 years may be photographed if the investigating officer determines there is a need for photographs. Such additional processing shall be at the discretion of the concerned Area Detective Table Coordinator after appropriate review. During off hours, the concerned Area Watch Commander makes the determination to photograph.

EXCEPTION: Juveniles booked for 647f PC, 23152 VC, misdemeanor traffic warrants, or non-criminal detention need not be photographed unless an independent necessity for photographs exists; e.g., indicating possible involvement in other criminal activities.

Photographs of Victims

When photographs are required of victims, they should be photographed at:

- Technical Investigation Division (TID), Photographic Section, except for Operations-Valley Bureau, West Los Angeles, and Pacific Areas.
- Technical Investigation Division, Valley Section, Latent Prints and Photos Unit, for Operations-Valley Bureau.

- West Los Angeles and Pacific Areas, contact Technical Investigation Division, Photographic Section, for location to take victim.

NOTE: Victims unable to be transported may be photographed at there location by requesting photographers from TID, Photographic Section, or TID Valley Section, Latent Prints and Photos Unit to respond to the scene.

17.140. TELEPHONE CALLS - JUVENILE IN CUSTODY

Immediately after taking a juvenile to a place of confinement, and no later than one hour after being taken into custody (arrest), the Department employee shall advise the juvenile of the right, and provide the opportunity to complete, at least two telephone calls (one call to a parent or guardian, a responsible relative, or employer, **and** one call to an attorney). The juvenile has the right to complete at least one additional telephone call within three hours after arrest.

NOTE: Any deviations from this procedure, or if the juvenile opts to make telephone calls outside of this time limit, will be articulated within the Comments of Investigating Officer/Arresting Officer Section of the Juvenile Arrest Supplemental Report (Form 05.02.06).

The calls, if in the local dialing area, shall be made at City expense.

NOTE: The presence of a parent or guardian on scene at the time of the arrest does not negate the arresting officer's responsibility to advise the minor of his/her right to make telephone calls.

NOTE: In the event a juvenile is without sufficient funds or is unable to make telephone calls on a collect basis, telephone calls outside the local area may be made at City expense at the discretion/approval of the Area watch commander or other supervisor.

Additionally, when intoxication is an element of the charge, the juvenile shall be permitted to call a qualified person of his choice, at his own expense, for the purpose of taking a breath, blood, or urine sample for analysis by an independent laboratory.

Calls shall be made in the presence of an officer, except when the call is made to an attorney, religious advisor, or licensed physician.

All calls made by juvenile arrestees shall be documented on the Juvenile Arrest Supplemental Report and on the Arrest Report narrative.

NOTE: An officer may permit a juvenile to speak to a parent, guardian, or responsible relative, at the time the officer is notifying that person by telephone that the juvenile is in custody.

17.150. ABSENTEE BOOKING PROCEDURES

The Criminal Identification Section (CIS), Records and Identification (R&I) Division, shall be responsible for facilitating the capture of ink-rolled fingerprints when a juvenile has been absentee booked at a hospital.

Department transporting/arresting personnel are required to make an investigative request to obtain ink-rolled absentee booking fingerprints by contacting the CIS, R&I Division

Requesting Fingerprints for Juvenile Arrestees at Hospitals

If an immediate fingerprint-based identification is required for a juvenile at any hospital facility, the arresting officer shall notify the CIS, R&I Division, which shall be responsible for facilitating the capture of ink-rolled fingerprints when a juvenile is transported to the Los Angeles County USC Medical Center or other hospital within the County.

If an immediate fingerprint-based identification is required prior to an opportunity for the use of Live-scan, the arresting officer shall notify CIS, R&I Division personnel to request that a Latent Print Specialist respond to obtain ink-rolled prints.

NOTE: The acquisition of ink-rolled fingerprints does not replace the requirement that the transporting officer ensures the juvenile is electronically fingerprinted prior to transfer or release.

CHAPTER 18

REPORTS

18.10. **PRELIMINARY INVESTIGATION REPORT, FORM 3.1**

Crimes Against Person

The IR shall be used to report all crimes against a person, except when all parties are voluntary adult participants in 286, 288a, 647(a) or 647(b) PC, no crime report is required.

Required Number of Reports and DR Numbers

When a crime(s) against a juvenile is committed by the same suspect(s), at the same approximate time and location, and against a single or multiple juveniles or adults, only one report is required. A separate DR number shall be obtained for each victim and shall be listed prior to the corresponding victim's name.

EXCEPTION: Only one report and one DR number are required for the following:

- For each occurrence of indecent exposure, regardless of the number of victims.
- When reporting an act or acts of child endangering, contributing, or wife beating, involving the same victim(s) and suspect(s), which occur either at the same time or over a period of time.
- In those situations where officers encounter physically and/or sexually abused children along with endangered children from the same family, one report shall be completed with a separate DR number for each physically and/or sexually abused child and one DR number for all remaining endangered children. Multiple victims and DR numbers should be listed on the IR face page.

18.20. **ARREST REPORT COMPLETION INFORMATION**

When a juvenile has been arrested, they shall be referred to as a “subject” within the Arrest Report.

When the arrest portion depicts at what point of the investigation the juvenile was placed under arrest, the arrest charge shall be listed, detailing the charge and description of that charge; e.g., 211 PC (Robbery). When arresting a juvenile, the arrest charge shall be prefaced by the Welfare and Institutions Code Section giving the officer authority to arrest the juvenile; e.g. 602 WIC 211 PC (Robbery).

On all juvenile arrests, concerned officers shall also complete the Juvenile Arrest Supplemental Report, Form 5.2.6, in its entirety, including compliance with parental notifications, advising juveniles of their constitutional rights, and notifying the respective juvenile of their right to make telephone calls. The officer/detective handling the case shall include information on the final disposition of the case.

- When a juvenile is booked, include a complete copy of the Juvenile Automated Index (Rap Sheet) printout as the last numbered page of the Arrest Report.

EXCEPTION: When a Property Report is completed is shall be the last numbered page of the Arrest Report.

18.30. ARREST REPORT COMPLETION—JUVENILE WARRANT CHARGES ONLY

When a juvenile is arrested, and the only charge is that of a warrant(s), absent circumstances requiring additional documented, or at the direction of a supervisor, the following are the only reports and documents that shall be completed and submitted:

- Arrest Report “Face Sheet”;
- Investigator's Final Report;
- Copy of the Warrant Information Sheet (WIS) or abstract for warrants issued within California;
- Disposition of Arrest and Court Action Form;
- Booking Approval; and,
- Juvenile Arrest Supplemental Report.

NOTE: Officers shall document the circumstances under which they came into contact with the juvenile in the bottom section of the Juvenile Arrest Supplemental Report.

18.40. DISTRIBUTION OF ARREST AND RELATED REPORTS

General Distribution

Unless there is a notation on the face sheet margin to the contrary, the normal distribution of reports relating to juvenile arrests that contain a final case disposition is as follows:

- The original Arrest Report of a juvenile arrested for a printable offense shall be forwarded to the Criminal Records Section, R&I Division, after determination of the final disposition of the case.
- The original Arrest Disposition Report is sent to R&I Division, Juvenile Records.

- One copy of the Arrest Report Face Sheet, with final disposition noted, is provided to the Area detective administrative staff in order to update the juvenile's arrest disposition within NECS via the PAMOD screen.
- The completed Petition Request is then forwarded to the respective entity, i.e., DCFS, Probation Department (released petitions), or the Juvenile DA's office (detained petitions).

18.50. 300 WIC ARREST REPORTS-PETITION REQUEST DISTRIBUTION

If the case involves an arrest for 300 WIC, officers may fax a copy of the Arrest and Petition Request directly to the DCFS at fax number (323) 881-0194. Their phone number is (323) 881-1303.

The original copy shall be forwarded to R&I Division by the concerned Area or specialized division personnel - when completed. Only copies of completed juvenile Arrest Reports are retained in area/divisional files.

18.60. 601/602 WIC ARREST REPORTS- NON-DETAINED PETITION REQUEST DISTRIBUTION

Area Detective Table Coordinators and Officers-in-Charge of Specialized Units are responsible for ensuring that non-detained petition requests and the related reports are delivered to the respective Probation Department within seven calendar days of the citation being issued.

Five copies of the Arrest Disposition Report along with copies of all related reports, are required when the disposition is a petition request. Four copies of all reports shall be forwarded to the concerned Probation Department office along with the original DA Filing Worksheet, for all cases involving petition requests. One copy of all reports shall be retained for divisional files.

18.70. 602 WIC ARREST REPORTS-DETAINED PETITION REQUEST DISTRIBUTION

Area Detective Table Coordinators shall ensure that a detained petition request is prepared and submitted on all arrest reports when a juvenile is detained at Juvenile Hall.

The detained petition request and all related reports shall be delivered to the concerned Juvenile DA's office responsible for reviewing and filing the case, **no later than 1030 hours on the day the petition is due**.

Each table Detective Coordinator or supervisor shall ensure that a detained petition request delivery plan is devised and efficiently implemented within their respective tables/units/sections of their geographic Area. Failure to promptly deliver the detained petition requests and related reports to the concerned DA's Office could result in a criminal case being rejected and not filed.

In all cases, the Area Detective Table Coordinator/supervisor need only ensure that the petition request and all related reports are delivered to the DA's office having jurisdiction over the arrest.

EXAMPLE: A juvenile who has been arrested and detained for an offense committed in Devonshire Area lives in the 77th Area. In this instance, the Devonshire Area Detective Table Coordinator is responsible for ensuring that the detained petition request and related reports are delivered to the Sylmar District Attorney's Office, which has jurisdiction over Devonshire Area arrests.

In those cases where the follow-up investigation is the responsibility of a **specialized Department entity**, (e.g., forgery, narcotic/dangerous drug cases, etc.), the delivery of the petition request with related reports to the DA's office shall be the responsibility of the entity charged with the follow-up investigation.

Commanding officers of specialized entities shall ensure that a delivery plan is established in all cases that ensures the timely delivery of detained petition requests with related reports to the concerned District Attorney's office.

Delivery Locations for Juvenile Arrest Detained Petition Requests

DA's Office Location and Address:

Geographic Areas

Eastlake DA

1601 Eastlake Avenue
Los Angeles, CA 90033
(323) 226-8955

Central
Hollywood
Newton
Wilshire
Rampart
Hollenbeck
Northeast
Olympic
Southwest

Sylmar DA	16350 Filbert Street Sylmar, CA 91342 (818) 364-2122	Devonshire Foothill Van Nuys North Hollywood West Valley Topanga Mission
Compton DA	200 W. Compton Boulevard Compton, CA 90220 (310) 603-7462	Southeast
Inglewood DA	One East Regent Street Inglewood, CA 90301 (310) 419-5255	Pacific West LA 77 th Street
Long Beach DA	333 W. Broadway Street Long Beach, CA 90802 (562) 491-6349	Harbor

18.80. ADDITIONAL ARREST REPORT DISTRIBUTION

Misdemeanor traffic cases shall be processed in the following manner:

- The officer shall check the "To Be Notified" box at the bottom left-hand portion of the Traffic Notice-To-Appear, Form 04.50.00.
- The officer shall not indicate a court location, date, or time for appearance.
- After the juvenile violator has signed the traffic citation, the officer shall provide the juvenile with the white (defendant's) copy of the form.
- The officer shall advise the juvenile that they will be notified via mail by the Los Angeles County Probation Department or DA's office regarding their case.
- The juvenile and/or parents/guardian may be directed to contact the Probation Department's phone number located on the back of the citation
- If the officer determines it is appropriate to arrest and book the juvenile, the officer shall follow the above procedure when releasing the juvenile after the booking process.

- Traffic citations issued for a VC misdemeanor or any other non-traffic violation shall be mailed by the issuing division directly to:

Los Angeles County Probation Department
 Juvenile Citation Diversion Program
 6640 Van Nuys Blvd., Suite 200
 Van Nuys, CA 91405
 (818) 901-3001 or 3002

18.90. STORAGE OF JUVENILE ARREST REPORTS

Copies of juvenile Arrest Reports shall be maintained in arrest packages in the detective division investigating the offense. At least once each calendar year, juvenile arrest packages of persons who have reached the age of 18 shall be removed from the active files. Completed, original Arrest Reports shall always be forwarded to R&I Division by each respective Area and record unit or specialized division clerical personnel.

EXCEPTION: Packages containing cases that are currently in progress need not be removed from files until court action is concluded.

When the juvenile arrest packages are removed from the active files, they shall be forwarded to the City Records Center in accordance with procedures outlined in the current Division Records Coordinator Information Sheet. This will ensure that juvenile Arrest Reports are not destroyed.

18.100. DISPOSITION OF ARREST AND COURT ACTION, FORM 5.9

The detective assigned a case charging a juvenile with WIC Sections 300, 601 or 602 shall be responsible for completing and forwarding the Disposition of Arrest and Court Action Form to R&I Division, Juvenile Records Unit. The form shall include the following information:

- The date the detective determined the disposition of the case in Part A, "Juvenile Dispo" portion of the form.
- The names of the juvenile's mother and father, whether living or dead, in Part A "Remarks" portion of the form.
- The DR Number, and the J Number, if available, in Part A.
- The final disposition of the arrest in Part A, "Other" portion of the form. The final disposition shall indicate the type of petition, if applicable.

- **NOTE:** When the original disposition of the arrest is changed subsequent to being forwarded to the R&I Juvenile Records Unit, or erroneous information is being corrected relating to the first nine lines of the Arrest Report, the corrections can be made as follows.

A single line is drawn through the error(s) and enter the correct information directly above. In the color red, the words "Corrected Copy" are written in the upper left margin. The corrected form is then forwarded R&I Division, Juvenile Records Unit.

18.110. JUVENILE ARREST TELETYPE PROCEDURE

Juvenile booking information shall no longer be routinely forwarded via teletype to R&I Division, Juvenile Records Unit.

EXCEPTION: A juvenile booking teletype shall be sent manually when DABIS processing is not used to book a juvenile, or a person 18 years of age or older is arrested and booked for a crime committed when the arrestee was a juvenile.

18.120. JUVENILE NOTICE TO APPEAR, FORM 9.03.00

This form is used by arresting officers to notify a parent or guardian to whom a juvenile is released, when and where to appear for an in-person conference with the concerned detective.

Distribution:

- (1) Original, to the concerned investigating officer.
- (1) Copy to parent or guardian of released juvenile.
- (1) Copy with the juvenile Arrest Report.

18.130. LADA JUVENILE LAW ENFORCEMENT WORKSHEET

The LADA Juvenile Law Enforcement Work Sheet shall be completed by the concerned detective in all cases when a petition is requested. The completed form (in LAPD Forms) shall be attached to all detained and released petition requests when submitted to the respective Juvenile DA or Probation Department office for filing considerations.

18.140. JUVENILE ARREST SUPPLEMENTAL REPORT, FORM 05.02.06

The Juvenile Arrest Supplemental Report is used to record vital information and notifications required for all juvenile arrests pursuant to WIC Sections 625, 627(a) and 627(b). This form shall be completely filled out to ensure accuracy and adherence to State law. It is used in conjunction with the Arrest Report and includes:

- Miranda Warnings or 625 WIC Admonition.
- Juvenile's statement.
- Probation, parole, and DCFS information.
- Notification to parents regarding the juvenile's arrest.
- Telephone calls allowed to the juvenile.
- Secure detention information on the juvenile.
- Fingerprint and photograph information.
- Include a copy of the Juvenile Automated Index printout as the last numbered page of the Arrest Report for each juvenile booked.

EXCEPTION: When a Property Report is completed, it shall be the last numbered page of the report.

Completion of the Juvenile Arrest Supplemental Report

The following is an itemized guide on how to complete the Juvenile Arrest Supplemental Report. It is imperative that officers fully and accurately complete this form, as it documents information mandated by State law.

The recommended procedure for completing each section of the report is explained below:

Section No. 1 – Juvenile's Name – Fully complete the juvenile's name as it is written on the Arrest Report face sheet. Additionally, document the juvenile's date of birth, Juvenile (J) number, CII number if any, booking number, and DR number.

Section No. 2 – Prior Record – Check the juvenile for outstanding warrants, missing juvenile status and indicate whether the juvenile is currently on active probation or parole. If on active probation or parole, list the juvenile's probation or parole

officer's name and the juvenile's PDJ number and Juvenile Court number. These numbers may be obtained from the juvenile's criminal record printout. The DCFS box refers to the juvenile being on active supervision by the DCFS.

Section No. 3 – Parent, Guardian or Responsible Relative Notification – This section is mandated by Section 627 (a) WIC, “Notice to Parent or Guardian.”

“When an officer takes a minor before a probation officer at a juvenile hall or to any other place of confinement pursuant to this article, he shall take immediate steps to notify the minor's parents, guardian, or a responsible relative that such minor is in custody and the place where he is being held.”

List the name and serial number of the officer making the notification, and the date and time the notification was made.

Section No. 4 – Phone Calls – This section is mandated by Section 627 (b) WIC, “Right to make telephone calls.” – List the name and serial number of the officer advising the juvenile of their right to make telephone calls, and the date and time the juvenile was advised. Section 627(b) WIC states, “Immediately after being taken to a place of confinement pursuant to this article and, except when physically impossible, no later than one hour after he has been taken into custody, the minor shall be advised and has the right to make at least two telephone calls from the place where he is being held; one call completed to his parent or guardian, a responsible relative, or his employer, **and** another call to an attorney.”

Officers have a right to monitor the calls, with the exception of when the call is made to an attorney or if the juvenile is talking to his parents and the parents are attorneys.

NOTE: WIC Code 627 (b) mandates only two telephone calls during the first hour of field custody. Penal Code Section 851.5 (a)(1) allows the juvenile a third phone call within three hours of being placed into custody, therefore, the juvenile has the right to make a total of three phone calls.

NOTE: Being placed into custody means field custody.

Section No. 5 – Complete Section 5 with the date and time, telephone number, the name and relationship to the juvenile that was called/contacted, and the name and serial number of the officer (employee) present during the phone calls. If more space is needed in Section 5, document the other calls in the Arrest Report narrative.

NOTE: The “Refusal Box” in Section 5 shall be checked if the juvenile refused to make phone calls to parent, guardian, responsible relative, or Employer, and to an Attorney. These two small boxes are reviewed for accuracy during Department audits.

Section No 6 – Admonition of Miranda Rights – The first box is checked when an officer takes a juvenile into temporary custody for a 601 or 602 WIC offense and does not intend to interrogate the juvenile for the offense. The officer will not ascertain if the juvenile understands their rights and will not seek a waiver. The second box is checked when a waiver is sought. The Miranda Rights should be read verbatim per Form 15.03.00.

Section No. 7 - Document the juvenile’s responses to being admonished of their Miranda Rights, and whether the juvenile wishes to talk about what happened. WIC Section 625 mandates that all juveniles are admonished of their “Constitutional Rights.” Section 625 WIC states, “In any case where a minor is taken into temporary custody on the grounds that there is reasonable cause for believing that such minor is a person described in Section 601 or 602, or that he/she has violated an order of the juvenile court, the officer shall advise such minor that anything he says can be used against him and shall advise him of his Constitutional Rights, including the right to remain silent, his right to have counsel present during any interrogation, and his right to have counsel appointed if he is unable to afford counsel.”

NOTE: The arresting officer(s) who admonish the juvenile of their Constitutional Rights are not required to seek a waiver if the juvenile is not to be interrogated. The term “**taken into temporary custody**” can be anytime during the six-hour detention time period while the juvenile is in temporary custody inside the “host” police facility, unless the minor is to be interrogated. If the waiver of rights is sought and the minor is to be interrogated, the officer should then comply with the full Miranda Admonition and ask “Do you want to talk about what happened?”

Section No. 8 – Complete the Gladys R. Admonition when the juvenile is under the age of 14 years. - The Gladys R. Admonition shall be completed after the Miranda Admonition.

Section No. 9 – “If Detained” – Indicates the reason(s) the juvenile was detained at a Probation Department Juvenile Hall or other probation detention facility.

All juveniles, 14 years of age or older, taken into custody for a felony or an attempted felony, and it is determined the juvenile used a firearm in the commission of the crime, shall be detained at a juvenile hall facility, and **shall not** be released to a parent or guardian.

On 300 WIC (Dependent) cases, when the juvenile is placed in a DCFS foster home, the officer(s) shall not release the address of the foster home to the parent(s), guardian or responsible relative.

Section No. 10 – Complete the following information:

- Name of supervisor approving booking.
- Name of supervisor approving detention at Juvenile Hall or other probation facility.
- List the date and time the juvenile is “cited back” to geographic Area detectives.
- Check “Yes” or “No” if the juvenile was printed and photographed.

Section No. 11 – “Comments of Investigating Officer” – This space is used by the investigating officer to comment on the final disposition of the case, to list whether a detained or non-detained petition request was prepared and submitted, or any other relevant information that may be necessary. On all dispositions when a petition request is not submitted, the officers may use this space to list and explain their final disposition of the case.

This section can also be used to explain any deviations regarding allowing the juvenile to make telephone calls.

Section No. 12 – “Location of Interview” – This section is used to document information regarding the juvenile’s interview, including the location, date/time of the interview, whether the juvenile admits or denies the charges, if an adult was present, and the relationship of the adult to the juvenile.

NOTE: This section shall be completed by the arresting officer(s) if they admonish the juvenile of Miranda Rights and interrogate (question) the juvenile regarding the crime.

Section No. 13 – Page 2 of the Juvenile Arrest Supplemental Report. – This section is used to determine the petition format, required reports, and actions to be taken.

18.150. MISSING/FOUND PERSON INVESTIGATION. FORM 3.16

This form is used by officers to record information about juveniles and adults who are reported missing or found (See Chapter 21 of the Juvenile Manual).

NOTE: Missing and found persons are to be reported on this form. This form may also be used as a Follow-up Report to the original missing/found person report.

18.160. REQUEST FOR CONFIDENTIALITY OF INFORMATION, FORM 3.02.01

Government Code 6254(f)(2) delineates that the victims of specified crimes may request personal information be withheld. The request to withhold information may be made by the victim or at the request of the victim's parent or guardian. Officers shall complete the Request for Confidentiality of Information on victims of the following crimes, whether or not the victim or the victim's parent or guardian exercises the right to confidentiality.

- Penal Code 273a – Willful harm or injury to a child; endangering person or health.
- Penal Code 273d – Corporal punishment or injury of a child.
- Penal Code 273.5 – Willful infliction of corporal injury.
- Penal Code 288 – Lewd or lascivious acts with a child under the age of 14.

18.170 CALIFORNIA FIREARMS INJURY REPORT (FORM FD -016)

Penal Code Section 23685 requires law enforcement to provide written notification to the California Department of Public Health, any report (or reasonably supports the possible occurrence) of incidents where:

- The incident involves the discharge of a firearm; and,
- The involved person (victim) is 18 years of age or younger; and,
- Evidence reasonably supports that the involved person accidentally or intentionally (includes suicides and attempt suicides) discharged a firearm; and,

NOTE: This reporting requirement does not apply to victims of assaults.

- The involved person died or was treated for an injury by a medical professional.

NOTE: This reporting requirement includes the reporting of incidents where the victim denies that the firearm discharge was accidental or intentional, (usually due to embarrassment), however, evidence reasonably supports otherwise.

Detective Responsibility

An investigating officer conducting a follow-up investigation of any incident meeting

the above criteria shall:

- Complete the California Firearms Injury Report, available on LAPD Forms (search the term “firearm injury” or “FD016”); and,
- Mail the original form to the California Department of Public Health address printed on the reverse side of the form; and,
- Forward a copy to the Gun Unit, GND, with a copy of the related report(s); and,
- Maintain a photocopy of the completed form in the divisional case file.

Questions regarding the completion of this form can be directed to the California Department of Public Health, Safe and Active Communities Branch, at (916) 552-9800, as well as the Department Gun Unit, GND, (213) 486-5360.

CHAPTER 19

FOLLOW-UP INVESTIGATION PROCEDURES

19.10. ARREST DISPOSITION TIME LIMIT-NON-DETAINED JUVENILES

Dispositions on all non-detained juvenile Arrest Reports shall be completed by the concerned investigating officer within seven calendar days of the arrest date, and submitted to the Probation Department.

EXCEPTION: In unusual circumstances and with the approval of the geographic Area Juvenile Coordinator or concerned detective table supervisor, dispositions may be completed after the time limit noted above.

19.20. ARREST DISPOSITION TIME LIMIT-DETAINED JUVENILES

602 WIC Misdemeanors Day and Time of Arrest

FRI	0001 Hrs. to SUN 1700 Hrs.
SUN	1701 Hrs. to MON 1700 Hrs.
MON	1701 Hrs. to TUES 1700 Hrs.
TUES	1701 Hrs. to WED 1700 Hrs.
WED	1701 Hrs. to THUR 2400 Hrs.

Petition Is Due To District Attorney

MON	1030 Hrs.
TUES	1030 Hrs.
WED	1030 Hrs.
THUR	1030 Hrs.
FRI	1030 Hrs.

602 WIC Felonies Day and Time of Arrest

THUR	1201 Hrs. to FRI 1200 Hrs.
FRI	1201 Hrs. to MON 1200 Hrs.
MON	1201 Hrs. to TUES 1200 Hrs.
TUES	1201 Hrs. to WED 1200 Hrs.
WED	1201 Hrs. to THUR 1200 Hrs.

Petition Is Due To District Attorney

MON	1030 Hrs.
TUES	1030 Hrs.
WED	1030 Hrs.
THUR	1030 Hrs.
FRI	1030 Hrs.

Detention Time Limit

WIC Sections 313 and 631 require the release of a detained juvenile if a petition has not been filed within 48 hours from the date and time of arrest, excluding Saturdays, Sundays, and Holidays.

Juvenile Misrepresents Age

When a juvenile has been booked as an adult because the juvenile misrepresented their age and this misrepresentation materially delayed the investigation, additional time, not to exceed 48 hours, is allowed to complete the investigation and file a petition request. The additional time limit begins when the juvenile's true age as a juvenile has been determined.

NOTE: If a juvenile is arrested and detained by an agency in California, other than this Department, for an offense committed in this City, the date and time of arrest by the other agency shall be used when determining the detention time limit.

19.30. JUVENILE ARRESTS-FOLLOW-UP INVESTIGATIVE RESPONSIBILITIES

Juvenile arrests shall be investigated by investigative personnel in the geographic Area where the crime, acts, or circumstances occurred, except juvenile arrests involving:

- Arson, fire bombing, and inciting to burn cases.
- Abused child cases.

NOTE: Abused child cases are investigated by Juvenile Division's Abused Child Section (ACS) when the parent, step-parent, common-law spouse or guardian is the suspect.

- Forgery cases.
- Out-of-state fugitive cases (Responsibility of DSVD, Fugitive Section).
- Los Angeles City runaways, when the runaway's residence is in another Area (Responsibility of the Area detectives of juvenile's residence).
- Los Angeles City stolen vehicle cases when the vehicle was stolen in another Area.
- Specialized divisions that have initiated their own investigation, or have assumed one from a geographic Area.

19.40. **INTERVIEWS**

Interview of Juvenile Arrestee

The concerned investigating officer shall attempt to interview a juvenile arrestee in every case prior to completing the final case disposition. The final disposition shall include the notation "Subject Interviewed" and the date and time of the interview, or the circumstances that precluded an interview.

Interviewing Juvenile Detained In Probation Department Juvenile Detention Facility

When an investigating officer needs to interview a juvenile who is detained at a Probation Department facility, they are required to comply with the procedures established by the Probation Department. Investigators are **strongly encouraged** to familiarize themselves with the Probation Department's interview policy listed below, prior to the interview taking place.

Procedures For Law Enforcement Requests To Interview Juvenile's 14 Years Or Older At Probation Department Facilities

1. Requests by police agencies to interview, photograph or fingerprint detained juveniles are referred to the Intake and Detention Control (IDC) Deputy Probation Officer (DPO).
2. If the juvenile has been arraigned and the request relates to the offense for which the juvenile is detained, the juvenile's attorney of record shall approve the interview.
3. If the law enforcement interview is related to an offense other than that for which the juvenile is detained, or the request relates to the offense alleged in the instant matter but precedes the detention hearing, Probation Department staff are not required to secure the consent of counsel for an interview. The law enforcement officer shall indicate which type of case they wish to discuss with the juvenile, which will be documented by the IDC Officer on their Admonition and Waiver of Rights Form.
4. Upon the juvenile's attorney approving the interview, or upon clarifying that the interview does not relate to the instant matter as outlined above, the IDC Officer shall bring the juvenile to the IDC office for the interview, and subsequent admonition of the Miranda Warning and/or Gladys R. Questionnaire.
5. Whether the interview is for the instant matter, another alleged criminal offense or the juvenile is a witness on another case, IDC DPOs (Probation Staff) **shall witness** the law enforcement officer giving the juvenile his or her Miranda Rights and acknowledge that the juvenile understood their rights as outlined. If the

juvenile waives, then the Probation Department Admonition and Waiver of Rights Form is completed and retained by the IDC Officer. If the juvenile invokes the right to remain silent, no interviews are to be allowed, and the Waiver of Rights Review Section shall be completed and signed by the IDC DPO.

6. The IDC DPO will **monitor** the Miranda Admonishment phase of the law enforcement interview and remain during the interview, but shall not make comments or intervene, unless the juvenile invokes his or her rights. If at any time the juvenile invokes his or her right to remain silent, the IDC Officer will terminate the interview and document the invocation on their Admonition of Rights Form, which they will retain in the juvenile's IDC File.

Procedures for Law Enforcement Requests to Interview Juvenile's UNDER 14 years (Gladys R.) at Probation Department Facilities

1. The interview of a juvenile under 14 years shall be preceded by a Miranda warning and an intelligent waiver to be admissible in court.
2. If the juvenile waives his or her right to remain silent, the IDC DPO will question the juvenile regarding their understanding of right and wrong before a statement is given.
3. The IDC DPO will complete their internal Gladys R. Questionnaire as part of their investigation.
4. If the juvenile waives his or her right to remain silent, and in the opinion of the IDC DPO, knows the difference between right and wrong, the subsequent interview shall produce statements indicative of the juvenile's knowledge of the wrongfulness of the criminal act.
5. If the juvenile offers a statement after an intelligent waiver, a copy of the Probation Department's Gladys R. Questionnaire will be retained in the juvenile's IDC file.
6. If the juvenile invokes his or her right to remain silent, or in the opinion of the IDC DPO, the juvenile does not seem to understand the difference between right and wrong, the IDC DPO will not allow the juvenile to be interviewed regarding the instant offense.

Juvenile Hall Interview Hours

- Weekdays - Juveniles normally are not available for interviews from 1130 to 1300 hours.

- Weekends and holidays - Investigating officers desiring to interview juveniles should contact Intake and Detention Control to verify the juvenile's detention and to determine an appropriate time to conduct the interview.

Investigating officers shall inform their supervisor when a detained juvenile will not be interviewed due to conflicts with the Probation Department personnel or their policies.

When investigating officers, while at a Juvenile Hall, experience an immediate problem with personnel or procedures of that facility, the IDC supervisor should be sought for assistance.

If the concerned investigating officer is of the opinion that either a problem was not properly resolved or that some further action should be taken, the circumstances may be subsequently reported to the Commanding Officer, Juvenile Division, for possible remedial action.

19.50. POLYGRAPH EXAMINATION OF JUVENILES

An attempt shall be made to obtain the permission of the parents or legal guardian prior to administering a polygraph examination to a juvenile. If unable to obtain parental permission, proceed with the polygraph examination. Attempts to contact the parent/guardian shall be documented in the Follow-Up Report.

A Gladys R. questionnaire shall be completed by the I/O for any examinee who is under 14 years. If the I/O feels that a juvenile examinee is immature regardless of age) a Gladys R. questionnaire shall also be completed prior to the examination and before arriving at the Polygraph Unit.

19.60. CITING NON-DETAINED JUVENILES DIRECTLY INTO COURT

After a juvenile has been arrested for any offense, and it is determined that the juvenile will not be detained at Juvenile Hall, and a petition request will be prepared, a Notice to Appear in Juvenile Superior Court will be issued by the concerned investigating officer immediately upon releasing the juvenile to the parent or guardian, or during the cite-back interview with the juvenile and his/her parent or guardian.

If the juvenile has not yet been cited to court, the investigating officer shall make all reasonable efforts to locate the parent and the juvenile, and cite the juvenile to court, prior to submitting the petition request to the Probation Department.

Reasonable efforts would include driving to the parent's/juvenile's home, or telephoning to advise the juvenile and parent that a warrant may be issued if they do not appear at the police station in response to the cite-back appointment.

The DA's Office **will not** file a juvenile case without the concerned juvenile being personally issued a court citation and cited to the respective court of appearance.

NOTE: All juveniles and parents shall be cited to appear in the appropriate Juvenile Delinquency Court with jurisdiction over the arrest location, e.g., a Hollenbeck Area arrest shall be cited to the Eastlake Juvenile Court.

Citation Completion

The specific charge for which the juvenile was arrested shall be documented in the citation.

The court appearance date shall be determined by using the Juvenile Court Citing Calendar provided by the DA's Office. The date of occurrence shall be interpreted as the start date for calculation of the court appearance date. If the calculated cite date falls on a court holiday or weekend, the juvenile shall be cited to the next court day. On multi-arrestee cases, all juveniles involved in the arrest incident shall be cited to the same court on the same date.

Signature Refused

The completed citation should be signed by the juvenile **and** the parent/guardian. In the event the juvenile or parent/guardian refuses to sign the Notice to Appear, the detective shall provide the juvenile and parent/guardian with a verbal advisement indicating the reason(s) for the issuance of the citation and a notification of the date, time, and location that they are to appear in Juvenile Court.

Both parties should be advised that the court will treat the verbal advisement in the same manner as if they had signed the citation. The detective shall then indicate "advised of court date, refused to sign" in the appropriate signature block. Whenever possible, the identity of the parent/guardian should be confirmed and documented. The court may issue a warrant for Failure to Appear should the parties fail to report to court as instructed.

Citation Distribution

- 1) Blue copy to the juvenile.
- 2) Yellow copy to the parent or guardian.
- 3) White copy (court copy) forwarded with petition request to Probation Department.
- 4) Pink copy (police copy) included in the Divisional Arrest Package.

Group Home/Foster Care Employee Refusal To Sign Delinquency Court Notice To Appear Citation

Situations may arise when a juvenile is in the foster care system and the concerned foster care / group home employee may refuse to sign the delinquency court notice to appear citation, as they sometime claim that are not the legal guardian of the juvenile (they are custodians of the juvenile, but not guardians as defined by law). When these situations occur, the concerned Department employee shall:

- Ask the Probation/DCFS representative if they will sign for the parent/guardian.
- If a refusal is received, the concerned officer shall write the word "refused" in the parent/guardian signature box, as well as the name and Government Identification Number of the Probation/DCFS worker.
- The DA's Office will proceed with the prosecution of the case if this procedure is followed. They cannot proceed with the case if the parent/guardian signature box is left blank. In the narrative of the Arrest Report, the arresting officer should document the reason for the refusal (no parent/guardian available, the juvenile is in foster care, or the guardian refuses to take custody of the juvenile, etc.).

19.70. DELINQUENCY COURT PETITION REQUESTS/CITATIONS

1. Law enforcement has seven days to deliver the Non-Detained Petition Request and the 60-day citation to the Probation Department.
2. Upon receiving the petition request and the citation, the Probation Department reviews the case and enters the information into the Juvenile Automated Index (JAI).
3. Upon receipt, Probation has 29 days to review the case and forward the case to the DA's Office, where they may file or reject the case.
4. If the DA's Office decides to file the case, the petition request and citation are forwarded to the Court Clerk's Office for calendar setting. The DA's Office may also exercise the option to reject the case and not file any charges.

NOTE: If the DA's Office rejects the case, the court will notify the juvenile and their parent that there is no need to appear in court.

5. If the case is subsequently filed, the juvenile and his parent will then appear on the 60th day to the assigned Delinquency Court for arraignment and subsequent court trial.

19.80. JUVENILE TRAFFIC CITATIONS

All juveniles cited for VC infractions shall be cited to appear at the respective adult traffic court that is responsible for the jurisdiction where the violation occurred.

Juveniles cited for VC misdemeanor violations that are deemed a “threat to public safety” should be arrested and referred to the Probation Department. The Probation Department will review the case and may refer it the DA’s Office for filing considerations.

19.90 RELEASED PETITIONS THAT THE PROBATION DEPARTMENT SHALL REFER TO THE DA’S OFFICE

Pursuant to WIC 653.5, the following is a list of arrest charges and crimes that when submitted as released petitions, the Probation Department shall refer to the DA’s Office, which include:

- The juvenile is charged with offenses found in WIC Code Sections 707(b), 707(d)(2), 707(e).
- If the juvenile is under the age of 14 years old and they are charged with their second felony.
- If the juvenile is 14 years old and older and they are charged with their first felony.
- If the juvenile is charged with the possession for sale or actual sale of a controlled substance; i.e., HS 11351, 11351.5, 11352.
- The juvenile is charged with HS 11350 and 11377, where the violation occurs on a public or private school grounds.
- The juvenile is charged with a violation of PC 245.5.
- The juvenile possessed a weapon (knife or firearm) on school grounds as specified in PC 626.9 or 626.10.
- The juvenile is charged with a gang enhancement allegation as found in PC 186.22.
- The juvenile has previously been placed on informal probation pursuant to WIC 654.
- It appears from the crime charged that the juvenile owes the victim over \$1,000 in restitution.

If an investigator determines that a release petition submitted to the Probation Department for one of the above charges/crimes was not referred to the DA's Office, the investigator should refer to the below section.

19.100. APPEALS PROCESS FOR JUVENILE CASES SUBMITTED FOR FILING TO THE PROBATION DEPARTMENT

Juvenile delinquency petitions where juveniles are arrested for offenses that fall under the purview of 653.5 WIC, **other than charges/crimes listed in the previous section**, are handled by the Probation Department. In those cases the Probation Department may elect to handle the final disposition of the case, thus bypassing further juvenile court proceedings.

When this occurs, Probation is required by law to notify the investigating/ arresting officer within ten court days of their decision not to file a petition with the DA's Office. The Probation Department causes this notification by updating the concerned juvenile's JAI record – and they will not make any written or phone notification to the investigating officer or the Department.

The only way an investigator can ascertain this information is by calling the Probation Department or checking the juvenile's JAI record. If the assigned investigative entity does not agree with Probation's decision not to file a petition, the investigative entity may contest the decision.

To contest the decision (per 653.7 WIC), the investigating officer shall:

- If Probation fails to submit the petition back to the DA's Office within 21 court days, the investigative entity shall contact Probation to find out the disposition of the petition. If the investigative entity is informed the petition will not be submitted to the DA's Office, the investigative entity shall notify their detective supervisor and obtain authorization to appeal Probation's decision.
- The investigative entity shall then contact the DA's Office where the case was originally submitted and advise the DA filing attorney of the Department's decision to appeal.
- The investigator shall complete a signed court affidavit outlining the reason for the review, accompanied by a new Juvenile Court petition and submit to the DA's Office. This shall occur within 10 court days after being notified of Probation's decision, and within 30 court days of the petition being filed.

NOTE: In 601 WIC petitions involving juveniles who are classified by the court as a "dependent child," if the DA's Office does not agree to re-submit the case to the Juvenile Court, the investigating officer may appeal the decision by submitting an affidavit and petition directly to the Juvenile Court of jurisdiction.

This shall occur within 10 court days after receiving notice from Probation or the DA's Office of their decision not to file the petition in Juvenile Court.

NOTE: Welfare and Institution Codes 652.5 and 653.7 mandate that the Probation Department notify the investigating/arresting officer in writing of their decision not to proceed with the filing of a petition in Juvenile Court.

However, due to staffing and logistical issues, Probation is not able to make these notifications. Therefore, it is incumbent upon the investigating officer to monitor Probation's disposition process in these cases.

To determine the Probation Department's petition disposition decision, the investigating officer shall check the concerned juvenile's JAI record, or contact the Probation Department by phone, after 21 court days.

If the investigator does not agree with the disposition decision, they shall contact their respective detective supervisor to begin the process to contest the non-filing of the petition, when appropriate.

19.110. FILING OF JUVENILE AUTO THEFT CASES

The Juvenile Court policy regarding case filing venue in juvenile auto theft and driving without owner's consent cases is as follows:

- All juvenile auto theft and driving without owner's consent cases shall be filed in the venue of arrest.
- If court attendance in the venue of arrest would present an undue hardship to the family of a juvenile or witness, the detective may notify the DA's Office, who will notify the court and request a change of venue for the adjudication of the case.
- Cases involving a combination of juvenile and adult arrestees should not be bifurcated, and the investigative/filing responsibility should be determined by the age of the driver.

NOTE: The arrest venue policy will not affect the crime clearance procedure for the investigator who is responsible for the stolen vehicle report.

19.120. TRAFFIC CASES

Driving Under the Influence Cases

23140 VC (Non-traffic collision related)

Cite on a Traffic Notice to Appear, for 602 WIC 23140(a) VC.

23153 VC (Traffic collision with injury)

Proceed with a physical arrest, cases will be handled by the Detective Section of the concerned geographic Bureau Traffic Division.

23175 VC (Drunk driving arrest with three or more prior convictions for Driving Under the Influence)

- Felony arrest, handle the same as 23153 VC. Cases will be assigned to the Detective Section of the concerned geographic Bureau Traffic Division.
- All traffic-related arrests for Felony and Misdemeanor Hit and Run and Felony and Misdemeanor Evading cases that are traffic related will be investigated by the Detective Section of the concerned Bureau Traffic Division. Area detectives are responsible for investigating any other case.
- Vehicular Assault with a Deadly Weapon cases will be investigated by the geographic Area detectives within the location of occurrence.

19.130. FORGERY CASES

Investigative Responsibility

All forgery investigations are handled by Commercial Crimes Division, Forgery Section.

19.140. ARSON CASES

Investigative Responsibility

The Los Angeles City Fire Department, Bureau of Emergency Services, Arson Counter-Terrorism Section, and the Department's Major Crimes Division, Criminal Conspiracy Section, are responsible for investigating all juvenile cases involving arson, fire bombing, and inciting to burn.

When an arson is associated with the commission of another crime that is the investigative responsibility of a unit of the Police Department, that unit shall be responsible for conducting the investigation.

The Bureau of Emergency Services, Arson Counter-Terrorism Section, will utilize the Department's policies, procedures, and reports when handling juvenile arson cases. Advice and assistance shall be rendered by Area investigating officers on request of the Bureau of Emergency Services, Arson Counter-Terrorism Section personnel.

When detention is necessary, all juvenile arson arrestees **shall be detained** at Eastlake Juvenile Hall.

The Fire Department's, Bureau of Emergency Services, Arson Counter-Terrorism Section will provide technical expertise regarding the origin of the fire. However, when fraud is the only arson-related crime, the Fire Department will be responsible for conducting the investigation. Commercial Crimes Division shall provide investigative assistance to the Fire Department investigators in those cases.

Required Notification

When officers are at the scene of a fire, and their investigation leads them to suspect that arson has been committed by a juvenile, they shall notify the LAFD Bureau of Fire Prevention at extension (213) 893-9800, without delay, When Bureau of Fire Prevention personnel are not available; the notification shall be made to the Fire Department dispatcher. An additional notification needs to be made to the Department's Major Crimes Division, Criminal Conspiracy Section.

19.150. JUVENILE ARRESTS FOR PROBATION VIOLATION

WIC Section 777 provides probation officers with the authority to remove a juvenile from the custody of a parent or guardian and commit them to a juvenile detention facility for a probation violation.

Department personnel shall use the following procedures when taking a juvenile into custody for the sole charge of 777 WIC (Violation of Probation), either at the request of the DPO or Department-initiated.

Department-Initiated 777 WIC Arrests by Department Personnel

WIC Section 625 gives officers the authority to take a 601/602 WIC juvenile into custody for violation of their conditions of probation. However, if the sole violation is for 777 WIC, an officer shall obtain approval from the concerned DPO if detention is warranted.

If the arrest is Department-initiated and the sole charge is 777 WIC, arresting officers shall:

- Take the juvenile to a police facility and enter his/her name on the appropriate Secure or Non-Secure Juvenile Detention Log;
- Take the juvenile before the patrol watch commander for an inspection and interview;
- During regular business hours, contact the concerned DPO of record, and after business hours contact an Intake Detention and Control (IDC) Officer at any of the County's three juvenile detention facilities. Once being provided with the information on the violation, the IDC Officer will determine if detention is warranted; and,
- Complete all appropriate reports, including formal booking/Live-scan, and follow standard juvenile arrest procedures. All juveniles who are formally booked shall be fingerprinted and photographed as part of the booking procedure.

Probation-Initiated 777 WIC "Courtesy Pick-Up Requests"

If a 777 WIC arrest is initiated by a DPO and officers are only transporting, the DPO of record is responsible for the completion of all arrest and related reports, including the Probable Cause Determination Report. When probation officers are completing all reports, no other Arrest Report is required by members of this Department.

Department personnel, who are only transporting the juvenile for Probation, shall do the following:

- Take the juvenile to a police facility and before the patrol watch commander for an inspection and interview; and,
- Enter the juvenile's information onto the appropriate Secure/Non-Secure Detention of Juvenile Log; and,

- Complete a Booking Approval, listing the following charge as an example: “777 WIC Probation Viol – Courtesy Pick-Up Only – No Booking.” The narrative section of the Booking Approval shall also contain the statement “Probation Courtesy Pick-Up Only – Per Probation Officer XXXX,” then include their name, badge/employee number, office telephone number, and the name of the Probation office to which they are assigned; and,
- Ensure a copy of the signed Booking Approval is completed for all juveniles to be transported to a Probation juvenile facility. A copy of the booking approval shall accompany the juvenile to the Probation Department detention facility and given to the IDC Officer; and,
- Ensure the original Booking Approval is attached to the Watch Commander’s Daily Report so the incident is documented; and,
- Ensure the juvenile’s parent/guardian has been notified that the juvenile has been detained at the request of the Probation Department, and where the juvenile will be detained; and,
- Ensure the requesting DPO faxes a Juvenile Hall Entrance Record, Los Angeles County Probation Form 1292, to the respective juvenile detention facility. This form provides the authorization to the on-duty juvenile detention facility IDC staff to accept the juvenile into custody; and,
- Upon arrival at the detention facility, provide the IDC Officer with the copy of the booking approval. The IDC Officer will complete any additional information needed on the Juvenile Hall Entrance Record, and,
- Inform the Juvenile Hall IDC officer that the juvenile has not been “Live-scanned” (fingerprinted and photographed). Each juvenile detention facility has full “Live-scan” facilities and equipment. If the juvenile is not “Live-scanned” by Probation Department personnel, the detention and arrest will not be recorded on the juvenile’s criminal history record.

If the probation staff has any questions regarding “Live-scan” responsibilities, they are to be directed to the Los Angeles County Probation Department Internal Directive No. 1108, dated September 1, 2006. A copy of this directive is posted on the Department LAN, LAPD Reference, Juvenile Division, Probation, under the heading of “Directive No. 1108.”

19.160. INVESTIGATION OF TEEN DANCE PERMITS

The Police Commission has the responsibility for the control, regulation, and management of all dance permits. A "teen dance permit" will only be issued to a location that is in possession of a “current” dance hall permit. Applicants should be referred to the Commission Investigation Division, telephone no. (213) 996-1210.

19.170. ADULT IN CUSTODY FOR A CRIME COMMITTED WHEN A JUVENILE

When a person 18 years or older is in custody for a crime committed when the person was a juvenile, the procedure used is predicated on the final disposition that would be made if the person were still a juvenile.

NOTE: When a person is 18 years or older, they can be detained only on a warrant or felony offense(s) committed when they were a juvenile. A Release Petition Request shall be used in misdemeanor and other cases requiring a petition request.

- If a Release Petition Request is warranted, the adult shall be booked, processed, and released as if they were a juvenile. The adult would sign the Juvenile Delinquency Court Notice To Appear on both the juvenile offender line, as well as the parent/guardian line, with the words written above the signature “Juvenile is now an Adult.” There is no need to have the arrested person’s parent or guardian sign the citation as the concerned person is no longer a juvenile.
- If detention is warranted, the adult arrested for a crime committed as a juvenile shall be booked, processed, and detained in the same manner as if the person were a juvenile.
 1. Juvenile Hall Eastlake will accept adults up to 19 years, when arrested and detained for a crime committed as a juvenile.
 2. Adults, 20 years and older shall be detained at a Department Adult Jail Facility. This category of adult will be transported to Juvenile Court through the Los Angeles County Sheriff’s Department transportation.
- A petition request shall be submitted within the required legal time limit if detained, and within seven calendar days, if released.

19.180. ADULT BOOKED AS A JUVENILE

When an investigation reveals that a person booked as a juvenile is 18 years or older at the time of the commission of the offense, the concerned investigating officer shall do the following procedures depending on the situation:

Juvenile Booking Number Obtained – Adult Still at LAPD Facility

- Instruct the jailer to cancel the booking number and re-book as an adult.
- Write the words “CANCELED BOOKING – FALSE INFORMATION” in large letters across the Arrest Face Sheet, include it as an addendum page of the Arrest Report for evidence of false information provided during the arrest. The time of arrest begins when it is determined that the arrestee was an adult.

- Document in the Arrest Report narrative the circumstance regarding how it was determined that the arrestee was an adult.
- Document on the Detention (Secure/Non-Secure) Log that it was determined that the arrestee was an adult, then re-enter the arrestee's information on the adult detention log.

Juvenile Booking Number Obtained–Adult Released to Probation Department Under False DOB

- Immediately notify the concerned Probation Department facility that they have an adult in their custody that was booked as a juvenile so that the adult can be segregated from the juvenile population.
- Make arrangements to have the adult picked up from the Probation Department facility and transported to an LAPD jail facility to be booked as an adult with the appropriate charge. Ensure all personal property is brought back with the arrestee.
- Contact the geographic Area with investigative responsibility for booking advice.
- Re-book the arrestee and complete an Arrest Report detailing the circumstance regarding how it was determined that the arrestee was an adult. Also, request an additional charge for 148 PC "False Information."
- Investigate the background of the arrestee for possible Release on their Own Recognizance (O.R.) considerations, in accordance with the Department Manual.

NOTE: When an adult misrepresents their age that delays the investigation, the investigator has 48 hours to file the case from the time it is known that the juvenile is an adult if they remain in custody.

- Have the report approved by a supervisor.
- Process the original Arrest Report as if the case involved a juvenile; however, on the Arrest Face Sheet mark the box "Proved Adult" in the disposition section.
- Release the juvenile charge as "Detained Petition Requested" and do not reference that the adult was booked on the Disposition of Arrest and Court Action, Form 05.09.00.
- Complete a Follow-Up Report to document the circumstances and the actions taken.
- Contact the Juvenile DA's Office to inform them of the circumstances.

- Upon completion of the juvenile Arrest Report petition processing, retain a copy of the report for Area files, forward the original Arrest Report as well as the original Arrest Disposition and Court Action Report to R&I Division as normal.
- For additional information, contact R&I Division, Criminal History Section, at 213 486-8180 or Juvenile Division Consultants, at (213) 486-0560.

**19.190. AGE LEARNED AFTER BOOKING AND PRIOR TO ARRAIGNMENT-
WARRANTS OTHER THAN LOS ANGELES JUDICIAL DISTRICT
TRAFFIC WARRANTS**

When it is discovered that a juvenile has been booked as an adult in obedience to a warrant of arrest, the concerned watch supervisor shall, without unnecessary delay, cause the juvenile to be segregated from adult prisoners and notify the concerned investigative unit. The officer rebooking shall:

- Ascertain the true age of the juvenile.
- Release the adult charge on an Investigator's Final Report, Form 5.10. A teletype abstract, or fax, of the forms information shall be sent to the concerned investigative unit when the release is accomplished by an officer of another investigative unit.
- Advise the juvenile of their Constitutional or Miranda Rights.
- Obtain a new booking number and rebook the juvenile on the appropriate juvenile booking charge, e.g., 602 WIC (Felony or Misdemeanor Warrant). Use the new date and time of arrest when the subject's correct age is verified.
- Either detain the juvenile at Juvenile Hall or transport the juvenile to the appropriate court.
- Advise the juvenile's parents or legal guardian to appear in the court that issued the warrant with proof of the juvenile's age. They shall be advised of the location of the court and date of appearance.

NOTE: If the juvenile is remanded to Juvenile Court and detained, the court bailiff will transport him to Juvenile Hall. The Probation Department will prepare the petition and submit it to the DA's Office who will present the case to the Juvenile Court.

19.200. JUVENILE BOOKED AS ADULT PRIOR TO ARRAIGNMENT

When it is learned that a juvenile has been booked as an adult by this Department and no adult complaint has been issued, the concerned watch commander shall, without delay, cause the juvenile to be segregated from adult prisoners, remove the juvenile from adult custody, and notify the concerned investigating officer.

When the juvenile has been booked by the CHP, the watch supervisor shall summon a CHP unit to accept custody of the juvenile, and cause a teletype to be sent authorizing the release. In addition, the investigating officer shall:

- Advise the juvenile of his Constitutional or Miranda Rights.
- Ascertain the juvenile's true age.
- Release the adult charge on an Investigator's Final Report. A teletype abstract or FAX of the form's information shall be sent to the concerned investigative Division when the release is accomplished by an officer of another Division.
- Complete the Arrest Disposition and Court Action form.
- Enter the notation "JUVENILE REBOOKING" on the top left corner of the face sheet.
- Obtain a new booking number and charge, e.g., rebook the juvenile (602 WIC Felony or Misdemeanor Warrant), or (602 WIC 484 PC Shoplift).
- Replace the original date and time of arrest with the date and time that the juvenile's true age was verified.

Indicate the following in the narrative portion of the Arrest Report:

- The date and time the juvenile's true age became known.
- The facts regarding the misrepresentation of age and how the juvenile's true age became known.
- The juvenile's true name, if different from the name under which he was originally booked, shall be used for rebooking and the original booking name shall be recorded as an AKA.
- Name(s) and Area of assignment of the rebooking officers.
- Complete necessary juvenile information in the appropriate locations on the Arrest Report as well as the related Juvenile Arrest Continuation Report.

- Cause the revised Arrest Report to be distributed as indicated in Department Manual.

NOTE: When a juvenile has been booked as an adult because the juvenile misrepresented their age and the misrepresentation materially delayed the investigation, a maximum of 48 hours additional time is allowed to complete the investigation and file a petition. The additional time begins when the juvenile's true age has been verified.

When the juvenile is rebooked and detained by other than the investigative division, the related reports shall be promptly delivered to the Area responsible for the investigation. When the juvenile is released after rebooking, the related reports may be forwarded by Department mail to the concerned investigating officers.

19.210. JUVENILE INVOLVED IN MAJOR CRIMES

The investigating officer assigned to a case involving an arrested juvenile shall discuss the case with the DA's Office where the case would normally be filed, when a petition request is to be submitted, and any of the following conditions exist:

- The victim has or may expire as the result of injuries received.
- The crime is an aggravated crime of violence.
- The investigating officer has information that may assist the DA in the adjudication of the matter.
- The investigation reveals facts or circumstances that may require special attention by the DA.

In the case of a detained juvenile, where time constraints necessitate submission of a petition request (affidavit) before an investigation is complete, the investigating officer shall complete a Follow-up Investigation Report when additional investigative information is uncovered.

NOTE: The Follow-up Investigation Report shall have the same distribution as the original petition.

19.220. DECLARATION OF UNFITNESS-JUVENILE DECLARED UNFIT FOR JUVENILE COURT

Initial Declaration

When a Juvenile Court petition alleges that a juvenile was 14 years of age or older at the time the juvenile committed a crime and that the juvenile would not be amenable to rehabilitation within the juvenile justice system, the Juvenile Court may declare the juvenile unfit for handling as a juvenile and direct that the juvenile be prosecuted as an adult. The Juvenile Court will not limit its determination to the offense alone, but will also consider a probation officer's report of the juvenile's behavior patterns (See Section 707 WIC).

NOTE: If the juvenile remains in custody at Juvenile Hall and the adult case is filed by the DA's Office, contact the Probation Department, Transportation Detail, at the telephone number specified on the Minute Order for transportation to arraignment.

Procedure for Handling Declaration of Unfitness Cases

When a case referred to Juvenile Court by this Department has resulted in a Declaration of Unfitness, the Juvenile Division of the DA's Office will telephonically notify the concerned investigating officer and the concerned Juvenile Court Liaison Officer.

Duties of Investigating Officer

When a juvenile arrestee is declared unfit, the investigating officer shall immediately:

- Pick up three copies of the Declaration of Unfitness Minute Order from a location designated by the Deputy DA.
- Proceed in the same manner as if seeking a complaint on an adult except that the original and one copy of the Minute Order shall accompany all other necessary reports in connection with the arrest and petition request to the appropriate DA or City Attorney's Office.
- Cause the juvenile to be arraigned within 48 hours from the time of the signing of the Declaration of Unfitness when the juvenile remains in custody.

NOTE: The remaining copy of the Minute Order shall be retained by the investigating officer and placed in the juvenile's arrest package.

- Seek a complaint without delay if the juvenile does not remain in detention.
- Advise the concerned Juvenile DA of the disposition if the complaint is refused.

NOTE: If the juvenile is declared unfit for Juvenile Court and an arrest warrant is subsequently issued, the concerned detective shall ensure that the issuing magistrate specifies on the warrant the location where the juvenile is to be booked.

19.230. ARREST AND DETENTION OF JUVENILES DECLARED UNFIT AND NAMED ON ADULT ARREST WARRANTS

Arresting Officer - Responsibilities

The arresting officer shall verify the existence of the arrest warrant through the Countywide Warrant System (CWS) prior to service. After placing the subject of the warrant under arrest, the arresting officer shall:

- Obtain booking approval from the concerned detective division. When that division is closed, the concerned Area watch supervisor shall be contacted.

NOTE: The booking charge shall be the charge that appears on the warrant. **EXAMPLE:** 211 PC (Robbery)

- Complete an Arrest Report and the Juvenile Arrest Continuation, Form 5.2.6.

19.240. COMPLAINT NOT ISSUED OR CASE DISMISSED

The investigating officer shall complete a Follow-up Investigation Report including pertinent information concerning the Declaration of Unfitness and the reason a complaint was not issued.

19.250. SUBPOENAS FOR JUVENILES DETAINED IN COUNTY PROBATION FACILITIES

When a juvenile, detained in Juvenile Hall, or a County camp, is to be subpoenaed to court, the investigating officer shall:

- Notify Intake and Detention Control (IDC) as soon as possible, of pertinent subpoena information. Sufficient time shall be allowed for IDC personnel to prepare an In-and-Out-Order.
- Forward copies of the subpoena to Intake and Detention Control and request that the subpoena be served on the County Probation Department Transportation Unit.

NOTE: The investigating officer's name and Area of assignment shall be placed on the subpoena if that has not already been done.

19.260. SUBPOENA FOR JUVENILE DETAINED IN A DEPARTMENT OF CHILDREN AND FAMILY SERVICES FOSTER CARE HOME

When a juvenile, who has been placed under the supervision of DCFS in a foster care home, is to be subpoenaed to Court, the investigating officer shall:

- Forward copies of the subpoena to the concerned juvenile's DCFS Social Worker, or supervisor if unavailable.
- Include the whereabouts of the juvenile and/or the social worker's name and office.

NOTE: The investigating officer's name and Area of assignment shall be placed on the subpoena, if this has not already been done.

19.270. SUBPOENA FOR WITNESS DETAINED IN A STATE INSTITUTION

If an inmate in a California State Institution (Youth Authority, State prison, State mental hospital) is required for a court appearance, the investigating officer shall:

- Obtain approval for the issuance of a court order from the Chief Complaint Deputy of the DA.
- Have the court order prepared by the DA's Record Division, Subpoena Section.
- Present the court order to the Sheriff's Transportation Detail, Hall of Justice, for service.

19.280. NON-BOOK INVESTIGATIONS

When a juvenile is under investigation by this Department, but no physical arrest is made, a non-book investigation may be used for the following purposes:

- Requesting a petition and the issuance of a Juvenile Court Warrant.
- Requesting a petition for a new offense when the subject is already detained in a Los Angeles County facility.
- Requesting a petition for additional offenses that occurred prior to the filing of an original petition.
- Requesting a release petition for an adult who was a juvenile at the time the offense was committed.

- Requesting a detained petition on a juvenile who has been detained within Los Angeles County by another law enforcement agency, for an offense for which this Department has investigative responsibility.

The Arrest Report shall be completed for a non-book investigation, with the following exceptions:

- No booking number shall be obtained. In the booking number box, an Arrestee DR Number shall be entered. This shall be a separate DR Number different from that of corresponding reports.
- The date and time of arrest on the non-book investigation shall correspond to the date and time that the non-book petition is being completed.
- The date and time of original arrest if the juvenile is in custody shall be included in the narrative portion.

**19.290. REMOVAL ORDER–REMOVAL OF SUBJECT FROM JUVENILE HALL-
PROCEDURE FOR BOOKING JUVENILE ON A NEW 602 WIC CHARGE**

The following outlines the process for preparing an In-and-Out Order to remove a juvenile from the custody of Juvenile Hall or Juvenile Probation Camp for the purpose of booking the juvenile on a new substantial 602 WIC charge.

Department personnel shall use the “Removal Order” process. By doing so, the formal booking process on the new charge will create a new booking number and will document the arrest on the juvenile’s criminal arrest record. The Non-Book Petition Request process DOES NOT generate a booking number, fingerprints or photographs of the arrested juvenile on a new charge.

The concerned investigating officer (I/O) shall use the following procedure to obtain and serve an In-and-Out Order:

1. Contact the concerned DA for assistance. The DA’s Office contacted should correspond to the detention location (Juvenile Hall) where the juvenile is detained.
2. Discuss obtaining an In-and-Out Order with the concerned Filing Juvenile Assistant DA, who will either prepare or assist in preparing the In-and-Out Order. The I/O shall then hand-carry the completed In-and-Out Order to the Court Clerk’s Office. The Court Clerk will stamp and certify the In-and-Out Order. The Court Clerk will direct the investigating officer and the Deputy DA to the concerned Juvenile Judge who will review and sign the In-and-Out Order.

3. The concerned officer shall contact Intake and Detention Control (IDC) staff at the concerned Juvenile Hall, present the In-and-Out Order to IDC staff, and request the juvenile be made available for removal from Juvenile Hall. The IDC staff will then release the juvenile to the temporary custody of the concerned investigating officer. This process normally takes 30-45 minutes to complete.
4. The investigating officer shall then transport the juvenile to the nearest LAPD booking facility, complete the booking process (Live-scan) of the juvenile on the new 602 WIC charge, and after booking, return the juvenile to Juvenile Hall.
5. The juvenile's lawyer shall be immediately notified when the juvenile is detained by a previous court order.
6. Although not a common practice, the IDC Deputy Probation Officer may accompany the juvenile while they're out of custody from Juvenile Hall.
7. If the juvenile is to be interrogated on the new charge, the juvenile shall be given the Miranda Admonition, obtain a waiver and interrogated. If the juvenile is not being interrogated on the new charge, the juvenile shall still be admonished of their Constitutional Rights pursuant to WIC Section 625.
8. For further assistance with the In-and-Out Order process, officers may contact the LAPD Juvenile Court Liaison Unit corresponding with the Juvenile Hall facility where the juvenile is detained. Additional assistance can also be obtained from the Juvenile Division Consultants Office (213) 486-0560.
9. Upon completing the booking process, the concerned I/O shall prepare a detained petition request on the new charge, and present the detained petition request on the new case to the Juvenile DA's Office for filing consideration.

19.300. APPLICATION FOR PETITION AND WARRANT

A non-book petition and warrant request shall be prepared and presented to the concerned Juvenile DA's Office for the following two reasons:

1. When a juvenile is arrested and detained outside Los Angeles County, but within this State, and only when it is impractical for a member of this Department to return the juvenile, and it is necessary that the juvenile be returned to custody. A petition request shall be submitted to the DA's Office, and the issuance of a warrant obtained within 48 hours (excluding Saturdays, Sundays, and holidays) from the time the juvenile was taken into custody by the outside jurisdiction.

2. This procedure is also used when a juvenile has been positively identified as the perpetrator of a crime, but their whereabouts are unknown. A petition request filed by the Probation Department and/or the DA's Office will cause the issuance of a warrant directing the arrest and detention of the juvenile upon his apprehension.

NOTE: Detention time commences when the juvenile was apprehended by the outside jurisdiction, and the warrant shall be secured within the detention time limit. Frequently, time does not permit the issuance of a warrant, in which case the final disposition of the juvenile is the responsibility of the jurisdiction of arrest.

Application for Petition and Warrant Procedure

When making an application for petition and warrant regarding a juvenile detained by another jurisdiction outside of Los Angeles County, but within this State, the investigating officer shall:

Complete a petition request using an Arrest Report. This request shall include:

- Juvenile Law Enforcement Work Sheet (LADA Filing Form).
- *Prima facie* evidence indicating the juvenile committed the offense.
- Reasons the juvenile should be returned to this jurisdiction in custody.
- Forward to the Probation Department the non-book application for petition and warrant, the signed LADA Law Enforcement Work Sheet, Disposition of Arrest and Court Action Form, and four copies of all related reports.
- The concerned investigating officer shall notify the jurisdiction of arrest by sending a teletype abstract of the warrant and include the information that the Los Angeles County Probation Department will arrange for the subject's return to this jurisdiction.
- After the juvenile has returned, the investigating officer shall interview the juvenile to complete the investigation, and shall submit a supplemental report to the original petition request, when appropriate.

When no warrant is issued, the investigating officer shall notify the jurisdiction of arrest by teletype that the disposition of the juvenile is at the discretion of the jurisdiction of arrest, as no warrant has been issued.

19.310. FELONY WARRANT ACQUISITION

After exhausting every practical means of apprehending a 602 WIC felony juvenile, the investigating officer shall contact the concerned Area Detective Table Coordinator and explain the necessity to obtain a felony warrant.

If the Table Coordinator agrees with the officer's recommendation, they shall direct the requesting officer to complete a Follow-Up Report detailing all the measures that were taken to apprehend the juvenile, the manner in which the juvenile was identified, attach all connecting reports, a RAP sheet and present the case to the Juvenile DA's Office.

NOTE: When the bench warrant is issued, the warrant is not entered into the National Crime Information Center (NCIC) database.

19.320. JUVENILE ARREST WARRANT DUE DILIGENCE-~~INVESTIGATIVE~~ RESPONSIBILITY

The Fugitive Warrant Section (FWS), GND, is responsible for due diligence of narcotic warrants and those warrants obtained by Area detective division investigators, **with the exception of homicide and juvenile warrants.**

Geographic Area and specialized Divisions have due diligence responsibility for all juvenile warrants that they obtain. The officer attempting service of the warrant shall be responsible for updating the County Warrant System on those due diligence efforts.

The investigating officer who obtains a warrant for a juvenile is responsible for generating and maintaining the warrant package within their area or division.

NOTE: Juvenile Division is responsible for the due diligence and service of warrants they generate, which includes both adult and juvenile warrants.

19.330. EXTRADITION-SUBJECT OUTSIDE CALIFORNIA

When a juvenile has been apprehended in another state for a crime committed in the City of Los Angeles, and the crime is such that it appears necessary that the juvenile be returned in custody, the investigating officer shall proceed to the Extradition Section of the DA's Office, and determine if the case is acceptable for extradition. If it is, the investigating officer shall proceed to the adult filing DA's Office with the crime and other related reports.

NOTE: An out-of-state juvenile extradition is handled as an adult warrant. The investigating officer shall present the case as an adult case (not a petition request), supported by the testimony of available witnesses,

admissions made by the fugitive or co-arrestees, and particulars as to the investigation, e.g., search and evidence. The juvenile shall be processed as though they were an adult until such juvenile is returned to this State.

The investigating officer shall:

- Upon returning the juvenile to this State, book and process the subject on a juvenile court warrant. If a juvenile court warrant does not exist, book on the open charge.
- Complete a "Combined Arrest and Petition" Report. Include warrant and extradition information.
- Detain the juvenile in Juvenile Hall. A copy of the "Combined Arrest and Petition" Report shall accompany the juvenile to Juvenile Hall.
- Advise the DA's Chief of the Extradition Section, 210 West Temple Street, Room 603, telephone number (213) 974-3877, and the DA assigned to the case as soon as possible that the juvenile is in custody. Advise the DA to have the adult case dismissed.
- Hand deliver the original warrant to the issuing court and show proof of juvenile's age at that time.

NOTE: Section 216 WIC provides that a juvenile requiring extradition shall be processed as though the juvenile were an adult until they have been returned to California. When it is not necessary to return the juvenile in official custody, their parents shall be advised to contact the detaining agency and make arrangements for the juvenile's return to this City.

Department investigative personnel having questions regarding the extradition procedures should contact Fugitive Warrants Section, GND, from 0600 to 1600 hours, Monday through Friday, at (213) 486-5300. When the Fugitive Warrants Section is closed, all inquiries should be directed to RACR.

19.340. DISTRICT ATTORNEY'S POLICY ON CASE PRESENTATION FOR PRE-FILING REVIEW PRIOR TO BOOKING

Detective personnel can submit a case to the Juvenile DA's Office for pre-filing review, prior to the booking of a juvenile. The DA's Legal Policies Manual requires charging decisions (filing of a juvenile case) to be based upon consideration of all available police reports, scientific examinations, the defendant's (juvenile's) record, and any defense statements, it does not require that the accused juvenile be physically arrested.

Department personnel requesting a juvenile case to be reviewed for filing by the Juvenile DA's Office, prior to booking, shall submit all related reports, including a Follow-up Investigation Report, with all available updated information and evidence. Additionally, it is recommended that in these cases, the concerned investigator contact the concerned Juvenile DA's Office and make an appointment to present the case.

Any issues that arise with the DA's Office not willing to formally review a case where the juvenile was not arrested should contact their immediate supervisor. The supervisor should subsequently contact the DA Deputy-in-Charge (DDA supervisor) of the respective Juvenile DA's Office where the case was submitted.

CHAPTER 20

JUVENILE ARREST CASE DISPOSITIONS

20.10. **RESPONSIBILITY FOR REPORTING CASE DISPOSITIONS**

This Department shall report completed case dispositions to the DOJ within certain legally imposed time limits. To comply with the law, commanding officers shall ensure that:

- The juvenile's Disposition of Arrest and Court Action, Form 05.09.00, are forward to Records and Identification (R&I) Division, in a timely manner.
- The weekly juvenile non-disposition report from R&I Division, Criminal History Section should be completed and returned to as soon as possible.

NOTE: This report will be forwarded weekly to Area commanding officers and will indicate juvenile arrests for which R&I has not received case dispositions).

20.20. **DISPOSITIONS-INVESTIGATING OFFICER RESPONSIBILITIES**

The disposition portion of the Arrest Report shall be completed by the investigating officer regardless of the disposition made for the arrest. The disposition shall be made on the final charge, in the appropriate box of the Arrest Report. The reason for completing any one of the following dispositions shall be documented under "Comments of Investigating Officer" on the Juvenile Arrest Supplemental Report.

- Action Suspended.
- Counseled and Released.
- Referred to a Community Services Agency (in lieu of requesting a petition when a petition request should be filed).

The disposition shall be reviewed and approved by the respective detective table coordinator/supervisor prior to the distribution of the Arrest Report and all other related reports.

20.30. JUVENILE CASE DISPOSITIONS

All juvenile arrest dispositions, except detained petition requests, shall be completed within seven calendar days. Detained petition requests shall be completed in accordance with the schedule contained in Chapter 19. In all dispositions other than a Petition Request, the reason for the final disposition of a juvenile case shall be documented in the “Comments of Investigating Officer” portion of the Juvenile Arrest Supplemental Report, Form 5.2.6.

20.40. COUNSELED AND RELEASED

This disposition may be used when there is a legally sufficient case to file a petition request, but the investigating officer determines that the parent(s) and the juvenile can effect a satisfactory adjustment, unaided, with no further court action deemed necessary. This disposition is normally used when the concerned juvenile has been arrested for a low-grade misdemeanor, on a first or second-time offense, and no further court action is required. This disposition should not be used for a felony offense.

It may be used when a juvenile, who would otherwise be counseled and released, invokes their Miranda Rights or denies the charge, providing the investigating officer feels that the juvenile is remorseful and realizes the possible consequences of violating the law. A statement should be included in the “Comments of Investigating Officer” portion of the Juvenile Arrest Supplemental Report indicating:

- Invocation of Miranda Rights.
- Denial of Charge.

The investigating officer shall advise the concerned parties that this Counseled and Released (C&R) disposition represents only the investigating officer's findings and that this disposition is not the result of a court adjudication.

NOTE: The investigating officer shall state the reason for this disposition under “Comments of Investigating Officer,” on the Juvenile Arrest Supplemental Report.

EXCEPTIONS: This C&R disposition shall not be used when:

- The juvenile is arrested for a VC offense or booked on a warrant.
- The juvenile has a prior disposition of counseled and released, petition requested, or referred to a community agency on a 601 or 602 WIC offense.

20.50. ACTION SUSPENDED

This disposition may be used when circumstances indicate that no further immediate action is possible or appropriate, e.g.:

- A juvenile is too young to counsel.
- Seven days have elapsed from the date of arrest, and a more appropriate disposition cannot be made without additional time to complete the investigation. When a subsequent investigation reveals additional facts warranting a different disposition, the case may be reopened for an appropriate disposition.

Reactivating an Action Suspended Case

If for any reason it becomes necessary to reactivate an action suspended case, the investigating officer may do so by:

- Obtaining the original paperwork, etc.
- Lining out the previous action suspended disposition on the original Arrest Report face sheet.
- Completing a Detective-1 Continuation Sheet.
- Submitting a corrected copy of the Arrest Disposition to R&IDivision.
- Completing a Juvenile Court Affidavit.
- Documenting the reason for the change in the “Comments of Investigating Officer” section of the Juvenile Arrest Supplemental Report.
- Completing a Juvenile DA Law Enforcement Worksheet.
- Submitting the petition request.

20.60. JUVENILE PROVED TO BE AN ADULT–AND STILL IN JUVENILE HALL

This disposition shall be used when the investigation discloses that the arrested person was 18 years or older at the time of the commission of the alleged offense. The investigating officer shall:

- Release the juvenile charge and complete an Investigator's Final Report, Form 5.10.

- Complete the disposition portion of the Arrest Report by checking the "Proved Adult" disposition box.
- Have the report approved by a supervisor.
- Retain a copy for Area files, forward one copy of the Arrest Report face sheet, along with the Disposition of Arrest and Court Action Form to R&I Division, Criminal History Section.
- If the juvenile is to be rebooked as an adult, the original investigating officer shall obtain a new booking number and complete a new Arrest Report, using the date and time the juvenile's true age was verified as the date and time of arrest.

Investigate the background of the arrestee for possible O.R. considerations, in accordance with the Department Manual Section.

NOTE: If continued detention is deemed necessary, the adult shall be transported to the original investigating officer's Area of assignment for rebooking.

20.70. EXONERATED-INNOCENT

This disposition shall be used when the investigation reveals that the juvenile was not involved in any offense. The notation "849(b)(1) PC - (Deemed not to be Arrested)" shall be entered in the "Comments of Investigating Officer" portion of the Juvenile Arrest Supplemental Report.

NOTE: The investigator shall check the 849(b)(1) PC box, as well as the Arrestee Exonerated Box on the Disposition of Arrest and Court Action Form.

20.80. RELEASED INSUFFICIENT EVIDENCE

This disposition shall be used when an appropriate investigation fails to disclose sufficient, legally admissible evidence to support any charge.

20.90. REFERRED TO A COMMUNITY SERVICE AGENCY

This disposition may be used when the investigator refers the juvenile to the approved referral agency for counseling. This disposition shall be used only when the parent and juvenile indicate a willingness to cooperate with the agency. The name of the agency and representative who agreed to accept the case shall be included in the appropriate box on the Arrest Report face sheet.

20.100. REFERRED TO DIVISION OF JUVENILE JUSTICE (DJJ)

A referral to DJJ (previously known as CYA) shall be made when the juvenile is on active parole and their conduct violates provisions of their parole, but does not constitute a case legally sufficient to sustain a petition in Juvenile Court.

The investigating officer shall:

- Include the parole officer's name, area office and comments under "Comments of the Investigating Officer" portion of Juvenile Arrest Report (Continuation). Check "DJJ" disposition box on the Arrest Report and mail a copy of the report to the parole officer.

NOTE: This disposition shall not be used when the juvenile is involved in a VC violation or is exonerated.

20.110. REFERRED TO PROBATION

A referral to the Los Angeles County Probation Department shall be made when the juvenile is on active probation, and their conduct does not constitute a case legally sufficient to sustain a petition in Juvenile Court.

The investigating officer shall:

- Include the probation officer's name, area office, and comments under the "Comments of the Investigating Officer" portion of the Juvenile Arrest Report (Continuation) and check the "Probation" disposition box on the Arrest Report. A copy of the report shall be mailed to the probation officer.

NOTE: This disposition shall not be used when the juvenile is involved in a VC offense, is on active probation in another county, or is exonerated. This disposition may also be used for 601 WIC (Runaway) or 601 WIC (Transient) cases where a habitual runaway situation or a "special problem" case does not exist. In those instances, a petition request shall be completed.

20.120. TRANSFERRED TO OTHER LAW ENFORCEMENT AGENCY

This disposition may be used when the offense for which the juvenile is arrested was committed outside the City.

- The concerned investigating officer shall furnish the necessary copies of written reports and/or provide other evidence or information to the agency responsible for the investigation. The name of the agency and the name of the officer of that agency who was contacted or to whom the juvenile is released shall be included under the "Comments of the Investigating Officer" portion of the Juvenile Arrest Supplemental Report.
- Check the "Other Law Enforcement Agency" box on the Arrest Report.

20.130. DISPOSITION OF TRAFFIC VIOLATION OFFENSES

Officers issuing traffic citations to juvenile violators for VC infractions shall adhere to the following procedure:

- Officers shall cite juveniles who are issued citations for VC infractions to the adult traffic court location for the area of violation.
- Officers shall utilize the same procedures used for adult traffic violators when citing a juvenile violator for any VC infraction.
- The juvenile may appear anytime on or before the assigned court date and officers shall not assign a court appearance time.
- The issuing officer's division shall process and mail these traffic citations to the Traffic Court Liaison Unit (TCLU), Mail Stop 420.

Officers issuing traffic citations for VC misdemeanors and all other non-traffic violations shall adhere to the following procedure:

- The officer shall check the "To Be Notified" box at the bottom left-hand portion of the Traffic Notice-To-Appear (Form 04.50.00).
- The officer shall not indicate a court location, date, or time for appearance.
- After the juvenile has signed the traffic citation, the officer shall provide the juvenile with the white (defendant's) copy of the form.
- The officer shall advise the juvenile that they will be notified via mail by the Los Angeles County Probation Department regarding their case.

- The officer may provide a contact phone number for the Los Angeles County Probation Department which is: (818) 901-3001/3002.
- Traffic citations issued for a VC misdemeanor or any other non-traffic violation shall be mailed by the issuing division directly to:

Los Angeles County Probation Department
 Juvenile Citation Diversion Program
 6640 Van Nuys Blvd., Suite 200
 Van Nuys, CA 91405
 (818) 901-3001 or 3002

20.140. TRAFFIC VIOLATION-FELONY-PETITION REQUEST

A petition should be requested in all felony traffic violation cases.

20.150. REFERRED TO DEPARTMENT OF MENTAL HEALTH

This disposition may be used when:

- The juvenile has mental health issues and needs counseling.
- The disposition is not in conflict with other dispositions outlined in this chapter.

The investigating officer shall:

- Obtain concurrence of the juvenile and his parent/guardian.
- Secure the agency's agreement to accept the juvenile case.
- Check "Department Mental Health" disposition box on the Arrest Report, and include the name of the person and area office accepting the juvenile case in the "Comments of Investigating Officer" portion of the Juvenile Arrest Supplemental Report.

20.160. REFERRED TO THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES (DCFS)

This disposition may be used when the juvenile is in need of temporary care or counseling. The name of the (DCFS) agency representative who agreed to accept the case shall be included in the appropriate box of the Arrest Report.

20.170. "OTHER" ARREST DISPOSITIONS

Referrals to the following agencies shall be designated as "Other" dispositions:

The "Other" box shall be checked and the appropriate disposition entered in the provided space when juveniles are released by this Department to another agency (e.g., Immigration, Military, etc.). The name of the agency representative to whom the juvenile is released shall be included on the provided space of the Arrest Report.

NOTE: The "other" disposition shall also be used when a juvenile has been booked on a Los Angeles Juvenile Court Warrant, DJJ Warrant, or detained for violation of conditional release, and no further action is to be taken by this Department. The investigating officer shall check the "Other" disposition box and write "CASE CLOSED" in the space provided. Additional Follow-Up reports and petition requests are not required on arrest warrants.

Referred To United States Immigration And Customs Enforcement (ICE)

The "Other" disposition may be used when a juvenile is released to the ICE and no further action is to be taken by this Department. The investigating officer shall:

- Check the "Other" disposition box and include the name of the person and agency in "Comments of the Investigating Officer" portion of the Juvenile Arrest Supplemental Report.

Referred To Military Authorities

The "Other" disposition may be used when a juvenile is released to a branch of the U.S. Military Service and no further action is to be taken by this Department. The investigating officer shall:

- Check the "Other" disposition box and include the name of the person and branch of service to whom the juvenile was released in the "Comments of the Investigating Officer" portion of the Juvenile Arrest Supplemental Report.

20.180. JUVENILE PETITION REQUESTS

Petition Request Required

A petition shall be requested in all legally sufficient cases involving:

- Felony offenses.
- Identified gang members.
- A third and subsequent arrest, this includes 601 WIC arrests.
- Juveniles arrested while on probation or parole.
- Crimes against person involving a law enforcement officer, school teacher, school administrator, or person regularly employed by a school and/or person regularly employed by the Department of Recreation and Parks (City and County), when acting in their official capacity.
- Violations that substantially contribute to an aggravated disruption of legitimate school activities or Department of Recreation and Parks (City and County) activities, or substantial criminal destruction of property under the control of either agency.
- The use or possession of any firearm or weapon as defined in the Deadly Weapons Control Law, Article 2, of the PC.
- Escape from camp when no warrant has been issued.

EXCEPTION: A petition request need not be made as outlined above if the disposition of the case would more appropriately be “Proved Adult” or “Released to Other Law Enforcement Agency.”

Gun Involved

When requesting a petition for the commission or attempted commission of a felony, wherein a gun is used, the investigating officer should, in addition to any other allegations, request a filing for 12022.5 PC (Committing a Crime While Armed). This additional allegation shall apply to any juvenile who is a principal in the commission or attempted commission of a felony if one or more of the principals is armed with a firearm, whether or not the juvenile is personally armed with a firearm.

Toluene Case-Petition to be Filed

When a petition is to be filed for 381 PC (Willful Inhalation of Poisonous Fumes), prior to submitting the petition, the evidence shall be analyzed by Forensic Science Division and so noted in the Arrest Report or Detective Information D-1 Sheet.

The employee booking the evidence shall complete the top portion of the Analyzed Evidence Report, Form 12.20.0, in triplicate and forward all copies to Forensic Science Division. Evidence containing toluene shall be placed in a glass container in accordance with the Department Manual.

Identified Gang Members-Petition Requests

Investigating officers and juvenile coordinators responsible for the completion of petition requests shall ensure that all appropriate information relating to a juvenile's gang and criminal activities is documented in such a manner as to afford the probation officer and Juvenile Court the maximum information possible to reach an appropriate disposition.

Investigating officers and table coordinators involved in gang member investigations shall contact the appropriate Juvenile Court DA to ensure that the most appropriate prosecution is prepared for court presentation.

20.190. JUVENILE PETITION PROCEDURES

An officer requesting a juvenile petition shall check the appropriate "Type Petition Request" box on the face of the Arrest Report. On a Continuation Sheet, Form 15.9, entitled "Detective Information," the officer shall list:

- Booking and DR number.
- Juveniles' names and booking numbers (if multiple arrestees).

Example:

Subj. 1 Smith, John	Booking No. 6000 123
Subj. 2 Allen, James	Booking No. 6000 124
Subj. 3 Jones, Louis	Booking No. 6000 125

- Charges:

Example No. 1: **One subject or all subjects with same charges.**

<u>Charges:</u>	602 WIC 211 PC (Robbery)
	602 WIC 12022.5 PC (Use of Firearm)

Example No. 2: Multiple subjects and counts

<u>Charges:</u>	602 WIC 459 PC (Burglary) 1 count-Subject 1 602 WIC 459 PC (Burglary) 2 counts-Subject 2 and 3
<u>Charges:</u>	602 WIC 211 PC (Robbery)-All Subjects 602 WIC 12022.5 PC (Use of Firearm)-Subject 2 only
<u>Charges:</u>	602 WIC 10851 VC (DWOC)-Subject 1 602 WIC 10852 VC (Tampering)-Subject 2 and 3

- Statements, including response to admonition of rights.
- Corrections to original reports.
- Additional investigative information not contained in other reports.

NOTE: Certain statistical errors on the Disposition of Arrest and Court Action Form, which are critical, e.g., date and time of arrest, location of arrest, etc., require the completion of a Follow-Up Report.

Reports Required

When requesting a petition, the requesting officer shall put the reports in the following order:

- Juvenile DA Law Enforcement Worksheet;
- Arrest Report face sheet (If multiple, use only arrestee's face sheet per set of reports);
- Investigative Report (IR) (If completed in conjunction with the Arrest Report);
- Arrest Report continuation page(s) (Including Property Report and Property Receipt if applicable);
- Gladys R., when appropriate;
- Juvenile Arrest Supplemental Form;
- Investigative Action/Statement Form, Form 03.11.20;
- Juvenile Automated Index Printout (for a dependent and delinquent);
- Attach Printouts (e.g. CCHRS, CII, FBI, DMV, and Live-scan);

- Other related reports, including an IR not completed in conjunction with the arrest, e.g. two days prior.

NOTE: A copy of the Disposition of Arrest and Court Action Form should be filed in the Investigator's Case Envelope, Form 15.15.00.

20.200. SUPPLEMENTAL TO PETITION

To report additional investigative information concerning a case in which a petition request has been submitted, the Follow-Up Report shall be used. The appropriate information shall be documented on the Follow-Up Report in the following manner:

- Check the "Supplemental" box.
- Date this report.
- Type of original report, indicate "Arrest Report."
- DR number, if applicable.
- Date of original report, date of Arrest Report.
- Arrestee information (supplemental to 5.2).
- At the top of the narrative section, the words "Supplemental to (followed by one of the below phrases)," shall be included:
 1. Detained petition request.
 2. Release petition request.
 3. Non-book petition request.
 4. Non-book petition and warrant request.

EXAMPLE: "Supplemental to Detained Petition Request."

- The narrative section shall indicate further investigative findings that will support the original charge.

- If no booking number is available, the investigating officer shall include sufficient data to identify the juvenile and enable other entities of the juvenile justice system to connect the report to the petition.

NOTE: When an investigation reveals new facts that warrant the filing of additional allegations, a new Arrest Report shall be completed (see Non-Book Petition Request section within this chapter). The Supplemental Report shall not be used to add additional charges or allegations to a previously submitted Petition Request.

- The completed Follow-Up Report shall be forwarded to the Probation Department or to the DA's Office for detained cases.

20.210. DETAINED PETITION REQUEST

Detained Petition Request Required

A detained petition shall be requested within legal time limits in each of the following cases for which the Department has investigative responsibility:

- When a juvenile is arrested by members of this Department and the juvenile's continued detention is necessary.
- In all cases where juveniles are detained at Probation Department facilities including Probation Alternative Detention (PAD) or assigned to a Community Detention Program (Home Electronic Surveillance).
- When the juvenile is arrested for the use or possession of any firearm or weapon as defined in the Deadly Weapons Control Law, Article 2, of the PC, while in the commission of a felony or attempt felony.
- Any 707(b) WIC offenses listed in Chapter 7 of this manual.

20.220. COMBINED ARREST AND PETITION REQUEST

When an arrest of a juvenile is made by the investigating officer responsible for the Follow-Up investigation of the case and application for the petition is required, the investigating officer may complete a "Combined Arrest and Petition Request" Report utilizing the Arrest Report, Continuation Sheet, and a Juvenile Arrest Supplemental Report. The information below shall be included in these reports:

- Print "COMBINED ARREST AND PETITION REQUEST" on the top left-hand corner of the Arrest Report face sheet form.
- Complete the statistical portion of the report.
- Indicate: "Released or Detained Petition Request" in the Comments of Investigating Officer section.
- Complete the disposition portion of the report.
- Complete the Juvenile Arrest Supplemental Report, except for the Prior Record portion.
- Include a copy of the Juvenile Automated Index printout as the last numbered page of the Arrest Report, when a juvenile is booked.
- Complete a Probable Cause Declaration (PCD) form if the juvenile is to be detained.
- Complete a Juvenile DA Law Enforcement Worksheet.
- Include the signature of both the investigating officer and the supervisor approving disposition. A Continuation Sheet, which will be page two of the report, shall follow the below-listed format as closely as possible:

Circumstances of Arrest

- Subject(s).
- Charges.
- Source of Activity.
- Observations.
- Arrest.
- Booking.
- Evidence.
- Additional information.
- Medical treatment, if given.

- Gang affiliation and background information on gang and criminal activities.
- Complete a DA Witness List which includes:
 1. Victim's name, home and business address, and corresponding phone numbers.
 2. Witnesses' names, home and business addresses, and corresponding phone numbers.
 3. Arresting/investigating officer's name, rank, serial number, and Area of assignment.
 4. A brief statement as to what each person can testify to shall be noted following the pertinent data of each person on the subpoena list.

NOTE: A Detective Information Sheet is not necessary for a Combined Arrest and Petition Request Report. The charges against the juvenile and all other pertinent information relative to the arrest may be articulated in the narrative portion of the Arrest Report.

20.230. DEVIATIONS FROM DISPOSITION GUIDELINES

When an investigator believes that a case disposition should be other than that required by the above procedures, they shall discuss the circumstances of the case with their detective coordinator / supervisor.

If the coordinator / supervisor agrees with the investigator's recommendation, they may approve the deviation. Any deviation from these guidelines, and the coordinator's name who approved the deviation, shall be recorded on the Juvenile Arrest Supplemental Report in the "Comments of Investigating Officer" Section.

20.240. 628.1 WIC RELEASES BY PROBATION

The Probation Department may release a detained juvenile on "home supervision" pursuant to Section 628.1 WIC. A juvenile so released is entitled to the same legal protections as a juvenile in secure detention, including a detention hearing. A Detained Petition is required in this case.

20.250. CITY AND COUNTY OF LOS ANGELES OFFENSES

When filing a detained petition request, the investigating officer should also complete an additional charge for any other offense the juvenile committed outside the City, but within Los Angeles County, if the concerned law enforcement agency provides the investigating officer with sufficient information to support the charge and requests that this Department list the additional offense.

CHAPTER 21

MISSING AND FOUND JUVENILE INVESTIGATIONS

21.10

DEFINITIONS

“At-Risk”-Defined

Penal Code Section 14215(b) defines “At-Risk” as any indication of the following:

- The victim of a crime or foul play; or,
- In need of medical attention; or,
- No pattern of running away or disappearing; or,
- May be the victim of a parent/family abduction; or,
- Or mentally impaired.

NOTE: “At-Risk” is not the same as “**High-Risk**” regarding missing person. “High-Risk” missing persons requires a DNA sample to be requested from the missing person’s parents or blood relative.

Child-Defined

California PC Section 14215(c) defines a child as any person under the age of 18 years. When used in this manual, the terms “child, dependent, juvenile, and minor” are interchangeable.

Detective-Investigator Defined

The majority of missing juvenile cases that involve runaways are investigated by Police Officer II or III and are assigned to the Area Detective Juvenile Units. Other cases involving child abduction/parental concealment cases are typically investigated by detective personnel assigned to the Area detective Major Assault Crime (MAC) Units. However, detective commanding officers may dictate that these cases, or portions of the investigations, may be investigated by other entities within their command.

Any responsibility or direction referenced to the title of “detective” or “investigator” in this manual would be transferred to the person assigned to the investigation, no matter what rank or classification.

Found or Located Juvenile-Defined

A “found juvenile” is any juvenile who is found, or who is unable to locate a parent or guardian, and/or does not know the whereabouts of their residence. The term “found” or “located” also refers to any reported or unreported missing juvenile who has been located, alive or deceased.

Missing Juvenile-Defined

California PC 14215 defines a missing person as either an adult or juvenile.

- Who is missing voluntarily or involuntarily, or under circumstances not conforming to their ordinary habits or behavior, and who may be in need of assistance; or,
- Who has been taken, detained, concealed, enticed away, or retained by a parent is in violation of PC Section 277.

NOTE: Any references in this chapter to the terms “missing juvenile” or “missing person” share the same definition as the terms “juvenile” or “child” and may be interchanged.

“High-Risk”-Missing Person in reference to DNA-Defined

California PC 14250(a)(4) defines a “High-Risk” Missing Person as a person of any age who is missing as a result of any of the following circumstances:

- Stranger Abduction,
- Someone missing under suspicious circumstances,
- Someone missing under unknown circumstances, or,
- There is a reason to assume the person is in danger, or deceased, and the person has been missing more than 30 days; or less than 30 days, at the discretion of a Department supervisor.

NOTE: “High-Risk” missing persons requires a DNA sample to be requested from the missing person’s parents/blood relative.

Suspicious Circumstances-Defined

Circumstances that give rise to the belief that "foul play" may have been involved include any of the following:

- There is reason to believe a crime may have occurred; or,
- The person is suffering from a physical, mental, or emotional condition that causes them to constitute a danger to themselves or others; or
- The disappearance is “out of character” for the person, and no known reason can be determined.

21.20. DEPARTMENT, STATE, FEDERAL AND OTHER MISSING PERSONS AND DATABASES

DEPARTMENT SYSTEMS

Network Communications System (NECS)

The NECS is the Los Angeles Police Department’s electronic communication system that interfaces with the various county, State, and Federal law enforcement electronic communication systems and databases.

Missing and Unidentified Persons System (MUPS)

The Missing Persons System (MUPS) is the Department’s internal electronic communication system that is used in NECS to access or enter information into the State and Federal Missing Persons data bases. When you go into NECS and go to the MUPS screen, on top of the page it will have written, “MISSING PERSON SYSTEM MENU (MUPS).

Detective Case Tracking System (DCTS)

The DCTS is the Department’s electronic computer database used to track, monitor, and document information regarding investigations assigned to detective personnel.

STATE SYSTEMS

California Department of Justice (DOJ)

The California DOJ is the State’s coordinating entity for law enforcement matters.

California DOJ Missing and Unidentified Persons Section (DOJ MUPS)

The California DOJ MUPS is based in Sacramento. It is the State’s main contact for entries into the MUPS and provides support to law enforcement and the public regarding missing person (adult and juvenile) cases.

The DOJ MUPS maintains the State of California's Missing Children Hotline which is toll-free and operates 24 hours a day. The Hotline receives tips on the whereabouts of missing persons.

The DOJ MUPS also places missing juvenile information on the "Featured Missing Children" Section of the California Attorney General's website, and creates the State's "Special Edition Missing Children Poster."

The DOJ MUPS can also be used as a referral agency for parents/guardians to several non-profit organizations for missing juveniles

The phone number for the DOJ MUPS is (916) 227-3290 or (800) 222-3463.

California DOJ Missing Persons System (MPS) and Unidentified Person System (UPS)

The California DOJ maintains the MPS and the UPS within the California Justice Information System (CJIS). These systems are electronic databases that store information regarding missing, found, and unidentified persons, including missing juveniles.

NOTE: The State MPS and UPS are often verbally combined and referred to as "MUPS" within NECS.

Missing Person System

The MPS is most commonly used by law enforcement to enter and query missing person information. Information entered into MPS is queried against information entered into the UPS.

Unidentified Person System

The UPS database is the repository for unidentified human remains information (unidentified John/Jane Doe cases).

Information entered into UPS is queried against information entered into the MPS. The UPS is also used by law enforcement to enter information regarding found (living) persons whose identity is unknown, such as an abandoned baby, a child who cannot speak, a person found unconscious or a person with a medical condition that prevents their identity from being disclosed (dementia). Both the MPS and UPS databases are linked to each other and work in conjunction with the Federal Bureau of Investigation (FBI) National Crime Information Center (NCIC) Missing Person File (MPF).

Information can be entered into the UPS system by contacting the State of California DOJ MUPS.

California DOJ Missing Persons DNA Program

The State of California, Department of Justice, Missing Persons DNA Program is responsible for the State of California DNA database for all cases involving reports of unidentified persons or a “High-Risk” missing person.

California Law Enforcement Web (CLEW)

The State of California DOJ is the coordinating entity for the California Law Enforcement Web (CLEW), which is a State website accessible to law enforcement personnel (sworn and civilian).

The CLEW contains digital copies of Federal NCIC and California DOJ CLETS manuals, as well as spreadsheets (updated weekly) containing a list of “open” missing person cases (juvenile and adult) from every law enforcement agency in the State of California and is sorted by agency number “ORI.”

The missing person spreadsheets are valuable for Department personnel who wish to view/audit their geographic areas “open” missing person cases for comparison against “open” and “closed” cases in DCTS.

To obtain access to this website, law enforcement employees may obtain a password by visiting: <http://clew.doj.ca.gov/>. Additional information about these spreadsheets can be obtained from the California DOJ MUPS Unit (see above).

California Law Enforcement Telecommunications System (CLETS)

The CLETS is California’s telecommunication system used by law enforcement agencies across the State. The system can be accessed through the Department’s NECS, which allows for queries into various criminal justice systems such as the State’s DOJ CJIS.

FEDERAL MISSING PERSONS SYSTEMS

Federal Bureau of Investigation Law Enforcement Enterprise Portal (LEEP)

The FBI Law Enforcement Enterprise Portal (LEEP) system provides a secure backbone network that law enforcement members, including, criminal justice officials, first responders, and public safety officials, can use to store, process, and transmit sensitive but unclassified information.

The LEEP website is the location where the NCIC manual and related updates are located. It also contains a variety of specific missing and abducted children resources, manuals, checklists, and other related information.

The LEEP Online website is password protected and is available to members of the Department. To obtain an online password to this website, go to <https://www.cjis.gov/>

National Center for Missing and Exploited Children (NCMEC)

The National Center for Missing and Exploited Children (NCMEC) is a private, non-profit organization established in 1984 by the United States Congress.

The NCMEC is primarily funded by the Justice Department and acts as an information clearinghouse providing resources for parents, juveniles, law enforcement agencies, schools, and communities to help locate missing children.

The NCMEC also raises public awareness to help prevent child abduction, child sexual abuse and child pornography.

The NCMEC provides information to help locate juveniles reported missing because of a parental abduction, child abduction, or a juvenile running away from home or other care facility. The NCMEC can help distribute photographs of missing juveniles and accepts tips and information from the public. It can also coordinate these activities with numerous State, Federal and tribal law enforcement agencies.

Department employees may share information about missing person cases with the NCMEC, as outlined in National Child Search Assistance Act in 1990, 42 USC. §§ 5779 and 5780 which mandates that law enforcement maintain close liaison with the NCMEC for the exchange of information and technical assistance in missing juvenile cases. Department employees make the determination of what information is appropriate to be disseminated to the NCMEC (14209 PC).

Additionally, Department personnel should be aware that the NCMEC has produced a variety of investigative manuals and guides that can assist first responders and investigators in missing juvenile cases. A listing of these can be found at the end of this chapter.

National Crime Information Center (NCIC)

The NCIC system operated by the Federal Bureau of Investigation is a nationwide criminal justice computerized information system that serves all 50 states including the District of Columbia, the Commonwealth of Puerto Rico, the US Virgin Islands, and Canada.

National Crime Information Center-Missing Person File

The FBI maintains the Missing Person File (MPF) which is contained within the NCIC. The MPF is an electronic database that stores information regarding missing, found, and unidentified persons.

Once a missing person is submitted into NECS, it is automatically forwarded to the State of California MUPS, which then forwards the information into the NCIC Missing Person File.

National Law Enforcement Telecommunications System (NLETS)

The National Law Enforcement Telecommunications System (NLETS) is the National teletype information system used to assist law enforcement in sending interstate teletypes and administrative messages across state lines.

National Missing and Unidentified Persons System (NamUs)

The National Missing and Unidentified Persons System (NamUs) is an internet-based clearinghouse for missing persons and unidentified decedent records. NamUs fills the nation's need for a unified, online, free database system for unidentified remains and missing person records.

NamUs is the one place where anyone interested in solving a missing person and unidentified decedent case; including law enforcement, medical examiners and coroners, victim advocates, families, as well as the general public, can share information by searching this database to help solve these cases. To obtain additional information on this system as well as an online password to this website, go to <http://namus.gov/> or call (855) 626-7600.

21.30. MISSING JUVENILE REPORT TYPES

The following is a list of MUPS missing person report types that should be selected prior to entry into the Department NECS MUPS screen "EMP."
Only one report type may be selected when entering into the NECS MUPS.

NOTE: The report type cannot be modified.

Catastrophe-Entry Letter "C"

When any juvenile is reported missing and is assumed to be a victim of a disaster (e.g., boating accident, plane crash, earthquake, fire, flood, etc.).

Lost-Entry Letter "L"

When any juvenile is reported to have strayed away, and their whereabouts is unknown (e.g., lost at the beach, street fair or large public event, lost while hiking).

Parental/Family Abduction-Entry Letter "P"

When any juvenile is taken, detained, concealed, enticed away, or retained by a parent, non-parent family member, or the agent of a parent.

NOTE: If an incident involves the completion of an Investigative Report (IR) for parental/family abduction or child concealment, a Missing Juvenile Report shall also be completed for each missing juvenile. If the parent/guardian is the suspect in the

abduction of a juvenile, a Missing Person Report is generally not required for the adult. An arrest warrant for the adult may be obtained as well as entering the adults' information into the Suspect Section of the Missing Person Report.

Runaway-Entry Letter "R"

Any juvenile who is voluntarily missing, left of their own free will or has been rejected or "thrown away" by their family.

Stranger Abduction-Entry Letter "S"

When a juvenile is taken or abducted against their will by an unknown or known person, who is not a family member.

NOTE: If this report type is selected during the initial entry into NCIC, the information is automatically forwarded to the FBI's National Center for the Analysis of Violent Crimes (NCAVC), as well as the NCMEC.

Unknown Circumstances-Entry Letter "U"

When any juvenile is reported missing, and there are insufficient facts to determine the circumstances of why they are missing.

Suspicious Circumstances-Entry Letter "X"

When any juvenile is missing under circumstances that may indicate foul play.

NOTE: If this report type is selected during the initial entry into NCIC, the information is automatically forwarded to the FBI's NCAVC and NCMEC.

21.40. REPORT CATEGORIES

The following is a list of optional missing juvenile report categories that may be entered during the initial entry into the Department's "NECS MUPS EMP" screen.

Up to four optional categories may be selected at the time of the initial entry into MUPS, or added to the record at a later date. The purpose of the optional entries is to alert other law enforcement agencies of special handling procedures when contact is subsequently made with the missing juvenile.

The following is a list of missing juvenile report categories that may be used:

Abduction Committed During Commission of a Crime-Entry Letter "A"

This category code is used when a juvenile is abducted during the commission of another crime, such as Kidnapping, Grand Theft Auto or another criminal offense.

Prior Missing-Entry Letter “P” This category code is used when a juvenile is reported missing and has been reported missing on prior occasions.

“At-Risk”-Entry Letter “R”

California Penal Code Section 14215(b) defines “At-Risk” as evidence that a person is “At-Risk” including, but is not limited to, evidence or indications of any of the following:

- Victim of a crime or foul play; or,
- In need of medical attention; or,
- No pattern of running away or disappearing; or,
- May be the victim of a parental abduction; or,
- Mentally impaired.

Amber Alert-Entry Letter “K”

Used when a juvenile is reported missing and an Amber Alert has been issued. If an Amber Alert was not issued when the information was first entered into NECS/NCIC, the information should be entered at a later time.

NOTE: This entry code **shall not be used** if only a CARE Alert is issued.

Sexual Exploitation Suspected-Entry Letter “S”

This category code is used when a juvenile is reported missing and is believed to be involved in prostitution, pornography, sex tourism, or sexual molestation.

Silver Alert-Entry Letter “E”

This category code is used for a juvenile or an adult who is developmentally disabled or cognitively impaired

Urgent Cases-Entry Letter “N”

This category code is used when you want to notify NCMEC of any case

21.50.

**MISSING JUVENILE-REPORTING REQUIREMENTS AND
PROCEDURES FOR ACCEPTING MISSING PERSON REPORTS**

Penal Code Sections 14211(a) and (c) states that law enforcement shall:

- Accept any report, by any party, including any telephonic report, of a missing person, including runaways, without delay; and,
- Shall give priority to the handling of these reports over the handling of reports relating to crimes involving property; and,
- In cases of reports involving missing persons, including, but not limited to, runaways, shall immediately take the report and make an assessment of reasonable steps to be taken to locate the person by using the current report forms, checklists, and guidelines.

In cases involving a juvenile who was kidnapped, abducted, taken away, and either returned home, or was found alive or deceased, prior to law enforcement being aware of the incident, a Missing Persons Report shall be completed in conjunction with all other required reports. The concerned missing juvenile's information shall be entered into NECS and immediately removed, indicating the juvenile was found alive or deceased in the respective NECS fields.

No Waiting Period Required

The National Child Search Assistance Act 1990, 42 USC 5779-80 policy prohibits law enforcement agencies from establishing or maintaining any policy that requires the observance of any "waiting period" before accepting a missing juvenile report. Whenever a person reports a missing juvenile, there is no "waiting period" or other time frame that must elapse before a person can make a missing person report.

No Reporting Party Requirement

The majority of missing juveniles are reported missing by a parent, guardian, or family member; however, there is no reporting party requirement. Any responsible adult with accurate information may report a juvenile missing, including representatives of DCFS, probation, schools, group homes, hospitals, co-workers, or friends. A Department employee may report a missing juvenile when documentation from a parent, legal guardian, next of kin, physician, etc., is not available.

Courtesy Reports

When the Department accepts a missing juvenile report, and the juvenile has permanent residence outside the City of Los Angeles, an outside DR number (99) shall be obtained.

If another law enforcement agency has agreed to assume the investigative responsibility of a missing juvenile case, the original NCIC entry should not be removed until:

- The other law enforcement agency has re-entered the missing juvenile into NCIC under their ORI, and the new entry has been confirmed; or,

The missing juvenile has been located

A missing juvenile can have more than one entry within MUPS/NCIC at any one time, as long as the entries are with different law enforcement agencies or LAPD Areas/Divisions (or ORI number).

Parent/Guardian Mandated Reporting Requirement When a Juvenile Is Missing or Deceased

Juvenile Death Reporting Requirement “Caylee’s Law” – PC Section 273j(a)(1)

Any parent or guardian having the care, custody, or control of a juvenile under 14 years of age, who knows or should have known that the juvenile has died, shall notify a public safety agency, as defined in Section 53102 of the Government Code, within 24 hours of the time that the parent or guardian knew or should have known that the juvenile has died.

Penal Code Section 273j(a)(2) states that this subdivision shall not apply when a juvenile is otherwise under the immediate care of a physician at the time of death, or if a public safety agency, a coroner, or a medical examiner is otherwise aware of the death.

Missing Juvenile Parent/Guardian Reporting Requirement–PC Section 273j(b)(1)

Any parent or guardian having the care, custody, or control of a juvenile under 14 years of age shall notify law enforcement within 24 hours of the time that the parent or guardian knows or should have known that the juvenile is a missing person and there is evidence that the juvenile is a “person “At-Risk.” Penal Code Section 14215(b) states “evidence that a person is “At-Risk” means there is evidence of, or there are indications of, any of the following:

- The victim of a crime or foul play; or,
- In need of medical attention; or,
- No pattern of running away or disappearing; or,
- May be the victim of a parent/family abduction; or,
- Mentally impaired.

Penal Code Section 273j(b)(2) states that this subdivision shall not apply if law enforcement is otherwise aware that the juvenile is a missing.

21.60. MISSING/FOUND PERSON INVESTIGATION. FORM 3.16

This form is used to record information about juveniles and adults who are reported missing or found. This form may also be used as a Follow-up Report to the original Missing/Found Person Investigation.

Completion-General

A separate report is required for each missing juvenile or adult.

Completion as a Follow-Up Report

When used as a follow-up report, the reporting officer must check the "Follow-up Report" box that is located in the lower "detective section," record the appropriate information in the report, and cause the report to be distributed as follows:

Distribution

- (1) Copy to Area of occurrence.
- (1) Copy for detective case package.
- (1) Original submitted to Area Records Unit, who will forward to Records and Identification Division.

21.70. MISSING/FOUND PERSONS INVESTIGATION

The Missing/Found Persons Investigation, Form 3.16, is used to report the following:

- Missing juvenile or adult;
- Found juvenile or adult;
- Closing an "open" missing juvenile case when the case is transferred to another law enforcement jurisdiction; or
- Follow-up Report – When reporting the final disposition of a missing juvenile case – generally reserved for investigative personnel.

21.80. NUMBER OF REPORTS AND DIVISION OF RECORD (DR) NUMBERS

The following sub-sections outline the procedures for the issuance of DR numbers in missing juvenile cases. When a missing juvenile DR number is obtained, the missing juvenile is automatically entered into NCIC. A Missing/Found Person Investigation Form shall be assigned a separate DR number for each juvenile reported missing. A found report of a juvenile who was reported missing by LAPD shall share that same DR number as the original Missing Juvenile Report.

DR Number Issuance

Missing juvenile DR numbers shall be obtained from the records unit of the geographic Area in which the original report is submitted for distribution. If the records clerk is unavailable, the DR number shall be obtained from an Area Records Unit within the respective geographic bureau. For additional information within this

chapter, see the section titled “Juveniles Missing From Institutions, Hospitals, Foster Care or Placement.”

Issuance of DR Number with Other Related Crime Reports

If one or more juveniles are reported missing as a result of a related crime, i.e., kidnapping, abduction, concealment, or stolen vehicle, an independent missing juvenile report and DR number shall be completed for each missing juvenile in the same incident.

It is also recommended that the “MIS” field of the NCIC missing juvenile entry include information regarding the connected crime, additional related missing persons, as well as any additional information that may be important to officers who come in contact with the missing juvenile.

Issuance of DR Number Related to Child Concealment/Family/Parental Abduction Report

When an IR is taken for a parental/family abduction or concealment case, an independent missing juvenile report and DR number shall be obtained for each missing juvenile.

In these cases, it is recommended that the “MIS” field of the NCIC missing juvenile entry, contain information regarding the connected crime or other missing juveniles or persons related to the incident. For additional reference, see the NCIC and CLETS MUPS Manual, which can be located on the California DOJ CLEW website.

Telephonic DR Number Issuance

In cases where a missing juvenile DR number needs to be obtained telephonically, the requesting employees shall:

- Contact the Records Unit of the geographic Area of occurrence.
- If the Records Unit of the concerned geographic Area is not available, officers shall obtain the DR number from a Records Unit of another Area within the corresponding geographic bureau.
- When the DR number is obtained telephonically, officers shall document the following information in the respective boxes on the missing person report that will be provided by the Area Records Unit personnel:
 - (1) DR number;
 - (2) File Control Number (FCN);
 - (3) NCIC number (also referred to as the NIC number) in the NCIC Box; and,

- (4) Name/serial number and division of the issuing employee; in the narrative; and
- (5) Date and time of DR issuance - document in the narrative of the report.
- (6) System Message (teletype) Number (9 digits) – documented in the narrative.
- Upon returning to the respective Area station, officers shall make contact with the concerned Area Records Unit where the DR number was issued to obtain and attach the MUPS/NCIC and Broadcast printouts to the report. If the DR number was telephonically obtained from an Area Records Unit other than the Area of occurrence, the reporting officer shall request the respective records unit to fax the MUPS/NCIC printout to the requesting officer. Additionally, the officer can run the juvenile's NCIC Number via NECS "QM" screen and print out the missing juvenile NCIC missing juvenile hit confirmation.
- The completed report, along with the MUPS/NCIC, and broadcast printouts shall then be submitted to the Area Watch Commander for approval.

21.90. NECS ENTRY

For clarification purposes, when a missing juvenile is entered into the Department NECS Missing Person System, the information is automatically transferred into California DOJ Missing/Unidentified Persons System (MUPS), and then into the FBI NCIC Missing Person File.

NECS/NCIC Automated Information

The following are the most common NECS terminal formats used to enter, change, clear or supplement information regarding missing persons:

- The "**EMP**" format is used to enter missing juveniles into the NCIC Missing Persons System.
- The "**EMID**" format is used to enter missing juveniles' personal identifiers into the NCIC Missing Persons System. This format is called "EMP Identifiers."
- The "**EMPARTY**" format is used to enter the reporting party, suspect, and other persons' names and identifying information into the NCIC Missing Persons System. This format is called "Enter Missing Person Party."
- The "**EMV**" format is used to enter information of a vehicle involved with a missing juvenile investigation. This format is called "Missing Person Vehicle – Entry." Personnel should contact DOJ MUPS to ensure "EMV" entries were properly entered into the State CLETS database.
- The "**MMP**" format is used to modify missing person data within the administrative screen. This format is called "Modify - Missing Person

Administrative Data.”

- The “**MMID**” format is used to modify missing person identifiers. This format is called “Modify Missing Person Identifiers.”
- The “**MMPD**” format is used to add, modify, or delete identifiers of missing persons such as AKAs. This format is called “MUPS: Missing Person Description: Add/Mod/Del.”
- The “**LM**” format is used to enter located juveniles from another jurisdiction.
- The “**MUPS**” format is used to review all screens related to missing persons within NECS. The format is called “Missing Person System Menu.”
- The “**MM**” format is used to change or modify information about a missing person already in the computer.
- The “**QM**” format is used to check if a juvenile is missing.
- The “**CM**” format is used to cancel missing juveniles who have been located by outside agencies.
- The “**XM**” format is used to cancel missing wants if the missing juvenile is found by LAPD.

NCIC Entry–File Retention Period

A missing person record is retained indefinitely within NCIC until action is taken by the originating agency to cancel or clear the record, or until an NCIC “locate” is entered.

NCIC Entry-Two-Hour Entry Requirement

Per State and Federal law, all missing juvenile investigations, regardless of age or circumstances, shall be entered into NCIC within **two-hours** of accepting the initial report. When the DR number is obtained, the missing juvenile is automatically entered into the NCIC (PC Section 14211).

NOTE: If the Department’s NECS is down, in order to enter the missing juvenile’s information into NCIC, Department personnel shall obtain a manual DR number immediately by calling MUPS at (916)227-3290 (during business hours), after hours call DOJ Command Center (24/7) at (916) 227-3244, who will enter the missing juvenile into NCIC.

The two-hour time frame shall begin when the reporting officer has completed the initial investigation and determined that the juvenile is missing. For reports made at

police desks, the time starts when the reporting party meets with the desk officer. For audit purposes of the two-hour NCIC entry time, the beginning of the two-hour time requirement is documented on the Missing/Found Persons Investigation Report box titled, "Date/Time of Formal Report to Police."

The initial investigation to determine if a juvenile is missing should take a very brief amount of time, and any conflicts in this determination should result in the NCIC entry being immediately made for the best interest of the missing juvenile. To meet this time requirement, the narrative of the Missing Report is not required when obtaining a DR number. The DR number can be obtained telephonically from the concerned Area Records Unit.

The ending time of the two-hour requirement is documented when the concerned Area records personnel enters the missing juvenile's information into NECS and obtains the respective DR number. This time is documented on the missing juvenile teletype printout that Area records personnel print out at the time of DR issuance and is attached to the report.

If the original or copy of the concerned teletype is missing, a copy (which will depict the entry date and time for audit purposes) can be obtained by using the NECS "QM" (query missing) screen. When the missing juvenile NCIC number is entered into the corresponding box, a copy of the original entry will return depicting the date and time of the NCIC entry. This can only be done on cases that are listed as an active missing within NCIC.

The NECS/NCIC entry date and time are depicted in the last line of the "QM" return. These are identified by the code "DTE" (date) and "EDU" (Eastern Standard Time), which will require conversion back to Pacific Standard Time (PST) for the purposes of an audit.

NCIC Entry–Supervisor Responsibilities

A supervisor who is made aware of the investigation of a missing juvenile shall ensure that the officer assigned causes the missing juvenile's information to be entered into NCIC, **within two-hours of accepting the report**. This includes reports taken at Area front desks.

NCIC Entry–Watch Commander Responsibilities

A watch commander who is made aware of the investigation of a missing juvenile shall ensure that the officers enter the information into NCIC **within two-hours of acceptance the report**. Typically this involves reports completed by front desk personnel and submitted to the watch commander for approval. If a field supervisor is at the scene of the incident, the Watch Commander may assign this responsibility the supervisor.

NCIC Entry–Name/Date of Birth Not Known

If a juvenile is reported missing and his/her date of birth is unknown, employees shall use “January 1” as the month and day, followed by the approximate year of birth (example: 01/01/2011). This allows for easier modification to the date of birth field in MUPS when the actual DOB is ascertained at a later date.

If the name of the found juvenile cannot be determined (typically due to age (infant), medical condition (unconscious or amnesia), or mental/physical condition, the name used for the found person on the report should be either John Doe or Jane Doe.

Additional procedures include:

- The entry into MUPS should be made into the California Unidentified Person System (UPS) using “L” for the Report Type Code, which stands for “Unidentified Living Person” (a person who is living and unable to ascertain his/her identity). Contact DOJ MUPS for these entries (see below).
- The Living Doe should be photographed and a flyer created which should be sent to DOJ MUPS so that the Doe can be placed on the Attorney General’s website.
- Fingerprints should be taken and forwarded to DOJ.
- Dental x-rays and charts should be collected and sent to DOJ.
- DNA should be collected (collection kits may be requested from the State DOJ MUPS). See DNA section for additional information and to order kits.
- An off-line NCIC search should be requested based on physical descriptors and/or any possible names provided for or by the Doe. NCIC can be reached at ioau@leo.gov or (304) 625-3000 (normal business hours – EST).
- Contact the DOJ MUPS for additional information at (916) 227-3290 or missing.persons@doj.ca.gov

NCIC Entry–Caution/Medical Conditions-Reporting Officer’s/Investigator’s Responsibilities

When appropriate, the reporting employee or investigator assigned should ascertain if the missing juvenile’s MUPS/NCIC entry should include a “Caution and Medical Condition” (CMC) indicator when it is known that an individual is armed and dangerous, has suicidal tendencies, has previously escaped custody, is a drug addict, or any other circumstances involving the individual.

By adding a CMC code to the NCIC entry, any person who runs the concerned juvenile’s name in the NCIC will be alerted by a CMC indicator in the NCIC MUPS return.

The following are the NCIC MUPS “Caution” indicator codes that should be used in the CMC field of the NECS EMP screen when they are associated with a missing person record:

Safety Issues

Armed and Dangerous
Escape Risk
Explosive Expertise
International Flight Risk
Martial Arts Expert
Sexually Violent Predator (Contact ORI for detailed information)
Suicidal
Violent Tendencies

Medical– Health – Drug Issues

Alcoholic
Allergies
Diabetic
Epilepsy
Hemophiliac
Heart Condition
Known to Abuse Drugs
Medication Required
Suicidal

NOTE: Violent tendencies do not include simple assault. These reasons can be used even if:

- (1) The CII Rap Sheet only shows the juvenile as being charged and not convicted/adjudicated;
- (2) If the juvenile was found not guilty; or,
- (3) The charges were dismissed.

The reason for the caution indicator entry must also be entered in the Miscellaneous (MIS) Field of the entry.

For further information on this subject, refer to the FBI’s NCIC manual available on the CAL DOJ CLEW website. If the initial reporting officer or investigator determines that the missing juvenile meets any of the above conditions, they should alert their supervisor and concerned Geographic Area watch commander, or outside law enforcement entity where the missing juvenile may be located.

Personnel desiring to update the NCIC MUPS “Caution” or “Medical” codes shall contact their respective Records Unit.

Further information on this subject may be found in the FBI NCIC Manual, Missing Person File, Caution and Medical Conditions Section, which can be viewed on the Juvenile Division LAN website, Missing Section, NCIC Manuals Sub-Section. Additionally, DOJ MUPS can also provide assistance in these matters.

NCIC Entry-Caution/Medical Conditions–Supervisor Responsibilities

Upon being notified that a missing juvenile may require an NCIC “Caution” or “Medical” condition code(s), Department personnel shall ensure the NCIC entry is updated by Records Unit personnel and the concerned geographic area patrol watch commander and detective supervisors are notified.

NCIC Entry-Caution/Medical Conditions-Detective Responsibilities

Upon being notified that a missing juvenile meets any of the MUPS/NCIC “Caution” or “Medical” condition codes that were not entered into the initial MUPS/NCIC entry, the concerned investigator shall immediately inform a supervisor and cause the entry to be updated.

NCIC Entry–Locate Requirement–Agency Other Than this Department

Upon being notified that Department personnel have found a missing juvenile who has been entered into NCIC by a law enforcement agency other than this Department, the officers involved in locating the juvenile should request that their Area records personnel transmit a NECS “Locate” message to the originating law enforcement agency.

NOTE: An NCIC “Locate” message shall not be transmitted on a missing person record of a juvenile removed from the United States and located in another country until the juvenile has been returned or the issue of return has been resolved (NCIC Missing Person File Manual).

NCIC Entry–Missing Person Found Before Their Information Has Been Entered Into NCIC-Reporting Officer’s Responsibilities

Penal Code Section 14213 requires that in cases where a missing person has been found before their information has been entered into NCIC, the reporting officer shall:

- Complete a Missing Person Investigation Report and mark both the “Missing” and “Found Person” investigation checkboxes located at the top left corner of the report and include the found information within the narrative section.
- Cause the information regarding the missing person to be entered into NCIC/MUPS, and then immediately removed by the concerned Area Records personnel.

NCIC Entry-Vehicle Involved with Missing Juvenile Investigation

If a missing juvenile is believed to be driving, or is a passenger in a vehicle, and the vehicle’s license plate or VIN number is known, the vehicle may be entered into the NCIC as a vehicle related to a missing person investigation. Three separate vehicles (each requiring a license plate number or VIN) can be entered into NCIC for each missing person.

If the vehicle information is available at the time of the initial report, it shall be included

in the respective boxes within the Missing Person Report as the vehicle data entered into NECS MUPS Vehicle Entry Screen will generate a missing person's vehicle entry into the DOJ Stolen Vehicle System.

A separate Vehicle Report is not needed for this entry if it is not stolen. If the information is obtained after the initial missing person has been entered into MUPS, the vehicle information may be entered after the fact via the respective NECS MUPS Missing Person Vehicle Entry Screen. Information regarding the entry into NCIC shall be documented within the original report or subsequent Follow-Up Report.

NOTE: Vehicle information entered into the MUPS will remain in the respective record for the year of the entry, plus four years, after which time the vehicle record will be automatically retired. Additional information may be located in the NCIC 2000 Operating Manual.

Once the vehicle is entered in the NECS MUPS Missing Person Vehicle Entry system, the vehicle shall immediately be run in CLETS to ensure the entry was correctly entered. The DOJ MUPS can assist with questions or problems regarding these entries.

NCIC Entry–Two or More Missing Persons Related to Same Incident

When a juvenile is reported missing, and other juveniles and or persons (including adults) are reported missing at the same time and are believed to be related to the same incident, those involved persons should be cross-referenced in the “Miscellaneous Field” (MIS) of each MUPS/NCIC missing person entry.

NCIC Entry–Miscellaneous Field (MIS Field)

When needed, additional information can be added into the entry's “miscellaneous field” (MIS Field) of the MUPS/NCIC entry. Information entered into the MIS field is searchable within NCIC and is only visible to those who run the entry in question.

Following is a list of examples of information that may be considered:

- Additional missing juveniles/persons who are reported missing at same time or related to each other;
- Vehicles involved;
- Persons of interest;
- Caution code information;
- Medical information; and,
- Important information about the missing juvenile that law enforcement may need

to know when coming in contact with a missing juvenile.

Following are three examples of MIS field entries of missing juvenile cases:

Example No. 1:

Parental abduction case - two additional juveniles are still missing – check area for and detain Doe, Jane, F/Wht/12 years of age, DOB 00/00/00, FCN Number 00000000000000 and Doe, John, M/Wht/10 years of age, DOB 00/00/00, FCN Number 00000000000000.

Example No. 2:

Missing juvenile is diabetic and in need of insulin. Consult medical personnel immediately.

Example No. 3:

Missing juvenile was abducted by mother who has a felony warrant: Suspect is Doe, Jane, F/Wht/DOB 01/01/80. Warrant No. 000000111. Consult medical personnel immediately – Juvenile is diabetic.

NCIC Entry–Image Capabilities

The NCIC system allows for the addition of electronic images to assist law enforcement agencies in quickly identifying a missing juvenile. Officers may add additional images of the suspect, the vehicle involved, or other missing juveniles related to the case.

As of 2016, due to software limitations, law enforcement computer systems within police stations, as well as in police vehicles in the State of California, do not have the ability to view images associated with NCIC entries on computer screens.

However, several (with more coming online in the future) criminal justice computer systems in other states, as well as some federal computer systems, do have this capability. Many of these out of state law enforcement agencies have patrol vehicle mounted computers that allow direct viewing of images entered into the NCIC database that aids with quick and verifiable field identification.

Because of this image viewing capability, investigators should consider updating the NCIC image field if it is believed that the juvenile will cross state lines or international borders.

The NCIC system allows for the inclusion of the missing juvenile's photograph, and up to ten (10) additional images.

The addition of images can include photos of wanted suspects such as a known child abductor, different images of the missing juvenile, or the suspect's different hair styles, tattoos, or other personal identifiers that may help law enforcement to identify a missing juvenile or the suspect. The images of any involved vehicle may also be included.

When Department personnel wish to add images to an NCIC entry, they can contact either one of the two below listed entities, who will assist with the entry of the images.

- Federal Bureau of Investigation
Criminal Justice Information Services Division
NCIC Help Desk (304) 625-3000, Hours: 0700 to 1600 hours (EST)
- National Center for Missing and Exploited Children (NCMEC)
Ask for the NCMEC Case Manager assigned the case by calling (24/7)
1-800-THE LOST (1-800-843-5678). In the event of a critical case after hours, a NCMEC Call Center Specialist can add the image as long as the case is entered at NCMEC.

**21.100. BROADCASTS-PERIODIC VOICE/MOBILE DIGITAL
COMPUTER/ELECTRONIC**

The immediate broadcast of a missing juvenile's information is a vital tool to aid in alerting law enforcement in helping search for and finding the missing juvenile. The following topics are related to missing juvenile broadcasts.

“Be-on-the-Lookout” (BOLO) Radio Information Broadcast Bulletin Requirement

Penal Code Section 14211(d) mandates that a “Be On The Lookout” (BOLO) bulletin shall be broadcast locally, without delay, within the Department's jurisdiction if a missing person is under 21 years of age, or there is evidence that the person is “At-Risk.”

The term “At-Risk” (PC Section 14215 means there is evidence of, or there are indications of, any of the following:

- Victim of a crime or foul play; or,
- In need of medical attention; or,
- No pattern of running away or disappearing; or,
- May be the victim of a parent/family abduction; or,
- Mentally impaired.

**“Be-on-the-Lookout” (BOLO) Radio Information Broadcast Bulletin–
Reporting/Responding Officer's Responsibilities**

When a missing person is under 21 years, or any age if “At-Risk,” the reporting officer shall cause a missing juvenile BOLO broadcast to be transmitted without delay. The broadcast shall follow the Department's initial crime broadcast sequence protocol.

Additionally, if it is determined that the missing juvenile may be en route to a specific

location outside of the immediate area, consideration should be given to the issuance of a broadcast bulletin to those jurisdictions as well.

Once a BOLO broadcast is requested by the initiating officer, it is broadcasted only once. Any extended/additional broadcasts require a teletype from the concerned Area Watch Commander.

“Be-on-the-Lookout” (BOLO) Communications Division-Extended Request to Verbal/MDC BOLO Broadcasts–Watch Commander’s Responsibilities

Whenever continued verbal or MDC missing juvenile broadcasts are required, the Watch Commander of the Area of occurrence shall send a Communications Division Broadcast Teletype Request to the Communications Division Watch Commander for evaluation.

A request for 24-hour missing juvenile informational broadcasts is limited to those juveniles who are deemed “At-Risk” which means there is evidence of, or there are indications of, any of the following:

- Victim of a crime or foul play; or,
- In need of medical attention; or,
- No pattern of running away or disappearing; or,
- May be the victim of a parent/family abduction; or,
- Mentally impaired.

Broadcast Teletype Request

When requesting a missing juvenile extended broadcast message, the following information shall be contained in the teletype request:

- To: “Communications Division Watch Commander.”
- Title: “Missing Juvenile Extended Broadcast Request.”
- What type of broadcast to be made; Voice, MDC, or both;
- Where to broadcast the missing juvenile information; i.e., Bureau only, Bureau group, or City-wide;
- How often the broadcast shall be made; i.e., every ½ hour, every hour, or once each shift;

How long the broadcast should be conducted. Typically, a broadcast is conducted for eight hours from the time the teletype was received. It is recommended that this time be extended in unusual circumstances;

- Include any specific information that may be of assistance;
- Name of Missing Person and DR Number; and,
- Requesting Watch Commander's contact information.

An example of this teletype request is as follows:

**“MISSING JUVENILE HOURLY VOICE AND MDC COMMUNICATIONS
DIVISION REQUEST**

PACIFIC AREA PATROL WATCH COMMANDER REQUESTS THAT A
VERBAL AND MDC MISSING BROADCAST BE MADE EVERY ½ HOUR,
FOR THE DURATION OF 24 HOURS, BUREAU/GROUP-WIDE. PLEASE
CONTACT PACIFIC AREA WATCH COMMANDER AT THE END OF THE 24
HOURS TO CONFIRM IF AN EXTENSION IS NEEDED.”

MISSING JUVENILE’S INFORMATION:

NAME: DOE, JOHN DR NUMBER: 15-999999 INCIDENT NO.
160324999999, INVESTIGATIVE AREA: PACIFIC DETECTIVES – JUVENILE
UNIT, SEE INCIDENT NO. 160324999999 FOR BROADCAST INFORMATION.

ANY QUESTIONS, CONTACT PACIFIC AREA WATCH
COMMANDER’S OFFICE, PHONE NUMBER (310) 999-9999.
LT. JONES, JANE, SERIAL NO 99999
PACIFIC AREA WATCH
COMMANDER

NOTE: A Bureau group would be to the geographic bureau where the incident occurred and any other geographic Area in an adjacent Bureau, which borders the Area of occurrence.

Requests for 24-hour broadcasts for juveniles or “At-Risk” missing persons are broadcasted by Communications Division on City-wide, Air, K9, and TAC 1 frequencies.

**“Be-on-the-Lookout” (BOLO) Cancellation Radio Broadcast
Bulletins– Reporting/Responding Officer’s Responsibilities**

Whenever a missing juvenile is found in which a verbal or digital broadcast was originally issued, a cancellation broadcast indicating that the missing juvenile was found shall be made by Communications Division.

Periodic Missing Juvenile Voice/Mobile Digital Computer Broadcasts– Watch Commander's Responsibilities

The respective Area watch commander shall decide how often a missing juvenile voice/MDC broadcast shall be made by notifying Communications Division via a teletype if needed.

The MDC broadcasts of critical missing juveniles are generally sent one time, which occurs when the initial verbal broadcast is done by Communications Division. If an additional MDC broadcast is needed, the Area Watch Commander should make the request on the original teletype broadcast.

Depending on the circumstances, an additional MDC broadcast may be requested in conjunction with the start times of each watch so that officers who come on duty after the initial MDC broadcast can read the information.

Missing Juvenile Broadcasts-Outside Law Enforcement Agencies

The normal communication of missing person information to law enforcement agencies outside the Department is accomplished via the law enforcement CLETS teletype system. In critical missing juvenile cases, the concerned watch commander may consider making telephonic notifications to the surrounding law enforcement agencies.

The notification would request that they consider making periodic courtesy verbal BOLO broadcasts to their on-duty personnel, especially after shift changes.

Additionally, it is recommended that these agencies be emailed a copy of the missing juvenile flyer with a color photo (when available) for distribution.

It is generally not recommended to fax flyers with photographs due to the low resolution and the inability to fax in color.

Missing Juvenile Broadcasts–Other City of Los Angeles Departments

In critical missing juvenile cases, the watch commander may consider requesting that other governmental agencies consider making verbal broadcasts over their internal private radio communication systems, requesting that their employees contact law enforcement if they have information regarding the missing juvenile.

Additionally, it may also be appropriate that these agencies and organizations also be emailed a copy of the missing juvenile flyer with a photo (when available) for distribution. RACR Division can help with making these notification requests.

Some of these organizations may include:

- LAFD

- Department of Water and Power
- Department of Recreation and Parks
- Department of Sanitation
- Department of Transportation

21.110. MISSING JUVENILE FLYER/POSTER DISTRIBUTION

Depending on the circumstance surrounding a missing juvenile, the distribution of flyers to the public may be a consideration. The following sub-sections are just a few flyer distribution considerations.

NCMEC Flyer/Poster Distribution Services

NCMEC's ability to distribute posters alerting the nation to the case of a missing juvenile is extensive and can assist with the following distribution.

- NCMEC has a large network of private-sector partners who post pictures of and information about missing juveniles.
- NCMEC has a partnership with a major direct- marketing service company that jointly coordinates with NCMEC the “Have You Seen Me?” program, which causes the distribution of facial images and names of missing juveniles to over 60 million households through weekly newspaper distribution of advertising supplements.
- Missing-juvenile posters are accessible on NCMEC's multilingual, searchable, website database.
- Wal-Mart works with NCMEC to distribute fliers to its 2,800 individual stores on a monthly basis.
- NCMEC works with the US Postal Service, which has a photo distribution program in place that sends fliers by fax to post offices nationwide for display and dissemination by mail carriers in targeted areas.
- The NCMEC has the capability to electronically distribute flyers/posters to many law enforcement agencies, FBI Field Offices, State missing children's clearinghouses, the Border Patrol, and medical examiners' offices throughout the country. These services are available 24/7 by calling 1-800 THE LOST.

Besides the services provided by the Department’s Media Relations, NCMEC can help obtain national media exposure through its partnership with major television networks, major newspapers, leading nationwide publications, and corporations.

These partnerships allow NCMEC access to broadcast and print media that can be used to make the public aware of cases of missing juveniles.

NOTE: When this level of media exposure is needed, coordination of this request with NCMEC must be made via Media Relations.

DOJ Missing and Unidentified Persons Section (MUPS) - Poster Distribution Services

The California Department of Justice (DOJ) Missing and Unidentified Persons Section (MUPS) provides a variety of law enforcement services related to missing persons investigations. One of their services includes the creation and distribution of missing person flyers.

Additionally, the DOJ MUPS publishes and distributes the Monthly Missing Children Poster and Quarterly Bulletins, which feature missing juvenile and dependent adults throughout California.

CHP ENTAC-AMBER Alert Poster Distribution Services

The CHP ENTAC can assist in the creation and distribution of missing juvenile electronic posters in cases involving AMBER Alerts throughout the state to businesses, hospitals, schools, media outlets, and other law enforcement agencies. To request assistance, agencies should call CHP ENTAC at (916) 843-4199, which is staffed 24/7.

Flyer/Poster Distribution Considerations

The following is a partial listing of distribution locations for missing juvenile flyers:

- Electric and Gas Meter Readers.
- Churches, synagogues, and other religious organizations.
- US Post Office, Federal Express, and United Parcel Service delivery personnel.
- Local pizza companies and franchises.
- Fast food chains – including drive-up windows.
- Supermarkets and drug stores.
- Shopping malls.
- Service and civic organizations
- Red Cross chapters.
- Parent-teacher associations.
- Cadet/Explorer/Boy & Girl Scout troops/Indian Guides, and related.
- Local veteran organizations such as the American Legion and Veterans of Foreign Wars.
- Retiree organizations.
- Labor unions.
- Printers.
- Paper suppliers.
- Liquor stores.
- Airline companies.
- Taxicab and bus companies.
- Trucking companies.

- Public and private transportation agencies.
- Hospitals and medical clinics.
- Colleges and universities.
- Political groups.

Social Media Distribution Considerations

The utilization of social media tools (such as Facebook, YouTube, Twitter, and email) can be an important tool in alerting the public to a missing juvenile, by both the public and law enforcement. The majority of individuals already have some familiarity with social media options, but not everyone is comfortable with social media use.

To assist in this area, personnel may contact the following entities for additional information regarding the utilization of social media for alerting the public.

- Community Relationship Division - Digital Media Unit

In many cases, families that are not familiar with social media may ask for information on how they may be able to use social media themselves. A PDF guidebook and related resources have been developed for parent(s) and reporting parties (as well as law enforcement) of missing juveniles that provides recommendations for using these tools.

This guidebook, the “Social Media Guide for Parents of Missing or Runaway Children” as well as other related resources can be located on the Department LAN, Juvenile Division website, Missing Juvenile Section, Social Media Sub-Section.

21.120.

TELETYPES–BROADCAST MESSAGES

The missing person teletype is the nation’s standard for notifying law enforcement agencies of important information. The information contained on a missing person teletype is taken from the actual Missing Person Report from which a missing person entry is made into MUPS/NCIC.

When a juvenile is reported missing, teletype messages can be sent to law enforcement and other criminal justice agencies. Specific computers located in the geographic Area and specialized divisions Record Units have the capability to either send or receive these teletype messages, and it is their responsibility to send these messages. These messages can be limited to just within the Department, specific local agencies, countywide agencies, regions of the State, State-wide, or nationally, depending on the circumstances of the incident.

Teletype messages regarding missing juveniles are classified into two categories:

1. **Directed Messages.** Directed messages are those addressed to one or more specific points throughout the State network (CLETS), or nationally (NLETS) through the California Department of Justice.
2. **Broadcast Bulletins.** Broadcast bulletins are messages addressed to one of the following specific sections within the network facilities available to the Department:
 - Local (Citywide);
 - Local and Sheriff's Local (Countywide);
 - Area (directed to either one or more of the six broadcast areas that California is divided into); and,
 - All-Points Bulletin (also known as "APB") can be directed to all participating enforcement agencies in California. Extended coverage can also be directed to all other states, if necessary.

For additional information on CLETS APB messages, refer to the California DOJ CLETS Manual, Chapter 7 – All Points Bulletins. This manual is located on the Juvenile Division website, Missing Juvenile Section, Computer Sub-Section. Additionally, geographic Area/specialized division records unit staff may have copies of this manual and can provide additional assistance.

If the Area Records Unit or R&I Division are unavailable to provide assistance with the immediate sending of an APB or teletype, within or out of state, Department personnel may contact:

- State of California DOJ CLETS Teletype Center (Sacramento)
Hours: 24/7 - Telephone No. (916) 227-3275

Missing Juvenile Teletypes–Teletype Content

The information contained on a missing person teletype is taken from the actual Missing Person Report from which a missing person entry is made into NCIC and the State of California DOJ MUPS. All missing person teletypes shall include the following information in the below sequence:

- Title: "Missing Juvenile."
- Description;
- Clothing; and,
- Mental Condition

In the miscellaneous field, include the following:

- Type of missing, i.e. Critical, Runaway, Parental Abduction, Family Abduction, Stranger Abduction, Unknown Circumstances, or Lost.
- Other important details that might aid in locating the missing juvenile, potential suspect or vehicle information, including the original incident number.

Local–Citywide and Countywide Missing Person Teletypes (MPTTY)

Whenever a juvenile is reported missing, Department records personnel using the NECS shall issue, at a minimum, a Missing Person Teletype (MPTTY), which causes a teletype to be sent to all geographic Areas within the Department.

When requested, a countywide or multi-county teletype may be sent if the missing juvenile is deemed “At-Risk” or if other circumstances necessitate the issuance of a countywide teletype. Penal Code Section 14215(b) defines “evidence that a person is “At-Risk” that there is evidence of, or there are indications of, any of the following:

- Victim of a crime or foul play; or,
- In need of medical attention; or,
- No pattern of running away or disappearing; or,
- May be the victim of a parent/family abduction; or,
- Mentally impaired.

All Points Bulletin Teletype Broadcast Messages (Statewide)

All Points Bulletin (APB) broadcasts are teletype messages that are distributed to all CLETS participating law enforcement agencies in California, including some criminal justice agencies. Extended coverage of APB messages to all other states, except Alaska and Hawaii, is accomplished at the direction of the person sending the message.

All Points Bulletins are allowed for missing person/juvenile cases; however, the CLETS manual states that APBs cannot be sent on cases involving runaway juveniles unless other extenuating circumstances would dictate the need. The CLETS APB messages are sent with the assistance of specific codes.

Those codes allow APB messages listed in the below subsections. Refer to the California DOJ CLETS Manual, Chapter 7–All Points Bulletins for additional

information. This chapter can be found on the Juvenile Division website, Missing Juvenile Section.

All Points Bulletin–Missing Juveniles-Acceptance of Messages

Before requesting the transmittal of a missing juvenile APB broadcast via NECS, officers shall verify that the receiving agencies are participants of the APB system. Area/division records units shall maintain a list of current APB system subscribers.

For broadcasts to non-subscribing agencies within Los Angeles County, a message should be directed to the Los Angeles County Sheriff's local broadcast system. Outside of county messages to a nonsubscribing agency should be sent directly to that agency.

All-Points Bulletin-Geographic Highway Designations

The APBs can be sent to law enforcement agencies that are located near specific highway corridors that travel across the entire state. When a specific highway corridor is selected, these messages are sent to all agencies near the selected highway, within California state boundaries.

Example: When APB Highway Code 0200 is selected during the creation of an APB message, the area covered is State Route 99/Interstate 5, within the State of California from the borders of Oregon to Mexico.

The APB highway corridors for the State of California include:

Highway Name:	Direction of Travel:	Code:
• US 50	East/West	0100
• Interstate 5/State Route 99	North/South	0200
• US 101/State Route 1	North/South	0300
• US 395	North/South	0400
• Interstate 80	East/West	0500

The above north/south highways can be broken down to more defined geographic highway areas when needed. The north/south highway areas are:

- | | |
|------------|------------|
| • Northern | • Southern |
| • Central | |

The APB geographic highway regions are not available for east/west highways.

Following is a sample missing juvenile highway APB:

MISSING JUVENILE/SUSPICIOUS CIRCUMSTANCES/MED ALERT

01122009 1142 HRS

ATTN: I-5 CORRIDOR LAW ENFORCEMENT AGENCIES
ATTEMPT TO LOCATE JANE DOE, DOB 01011901, AGE 14, FMJ,
HGT/506, WGT/125, UNK CLOTHING. JANE IS TRAVELING FROM
LOS ANGELES TO EUREKA, CA TO MEET AN UNKNOWN MALE
SHE MET ON THE INTERNET. *****CAUTION***** JANE IS A
DIABETIC AND TAKES INSULIN. (continued)

VEHICLE: 2005 TOYOTA PICKUP, BLK, CA VEH LIC/1X11111
IF LOCATED, PLEASE NOTIFY OFCR BROWN, LAPD PACIFIC
JUV DETS, AT (310) 202-4513 DAYTIME WORKING HOURS. OFF
HOURS CALL LAPD RACR DIV, AT (213) 484-6700.

APB Geographic Designations

California has been divided into nine geographic areas. The APB messages involving missing juveniles may be sent to all law enforcement agencies in one or more regions within a geographic area. The Geographic APB Codes are as follows:

0700	Northern Coast	1200	Northern Inland Area
0800	Southern Coast	1300	San Joaquin Area
0900	Central Coast	1400	Bay Area
1000	Sacramento Area	1500	Los Angeles Area
1100	Mid-East Border		

APB Crime Specific Designations

The APB messages regarding missing juveniles may be sent to specific entities within law enforcement agencies that have a special interest in missing person/juvenile cases. This is accomplished by using specific teletype crime codes that route these teletypes to specific law enforcement teletype terminals.

Teletype APB crime codes that are related to cases involving missing juveniles are grouped under the specific designation of "Kidnap/Missing/Unidentified Person." The APB crime codes to be used to route APB messages to those designations are 2100, 2101, 2102, and 2103.

21.130.

**MISSING JUVENILE–INITIAL RESPONSE–REPORTING
OFFICER’S RESPONSIBILITIES**

Officers, or other designated personnel, who initially respond to an incident of a missing juvenile, either in person or by telephone, should determine if the incident is a missing person case according to the definition of a missing person and Department policy.

NOTE: If it is determined that the person who is missing is a victim of a kidnapping, parental abduction, or child concealment, in addition to the IR, each missing juvenile shall have its own Missing Person Report and DR number.

Responsibility for Handling a Missing Juvenile Call

Officers assigned a call involving a missing juvenile shall be responsible for the disposition of the call unless they are specifically relieved by their watch commander.

If an officer assigned a missing juvenile investigation is re-assigned, or their shift ends, the updated chronological logs, as well as other materials and/or information related to the case shall be provided to the Area Watch Commander or supervisor, for subsequent reassignment.

Additionally, officers who are last assigned the radio call shall notify Communications Division that the missing juvenile’s investigation is being re-assigned to another unit. The officers assuming the responsibility of the call shall notify Communications Division that they have assumed the responsibility of the incident.

Responding Officer’s Responsibilities

The following criteria are an outline of the Department’s policy of what officers shall do when responding to a missing juvenile call.

- Officers shall respond to all missing juvenile cases without delay.
- If the reporting person is unable (e.g., disabled) to go to the station and no patrol units are available for dispatch to the reporting person’s location, complete a formal Missing/Found Persons Investigation, Form 3.16, without delay, over the telephone.
- All missing person cases shall be given priority over non-emergency property crimes, pursuant to PC 14211(a).
- Officers should use Department policy and the definition of a missing person to determine if the call meets the criteria for a missing juvenile.
- A supervisor shall be requested to the location if the missing juvenile is under 16 years of age, or any person, regardless of age, who is considered “At-Risk” (refer to the definitions at the beginning of the chapter).

- Cause a Citywide BOLO voice broadcast to be made if the missing juvenile is under 21 years (Federal law defines a missing juvenile as under 21 years), or there is evidence that the person is “At-Risk” of any age.
- Complete a Missing/Found Person Investigation without delay.
- When appropriate, utilize the Missing Juvenile First Responders Checklist, which gives resources and directions for the first responding officers during the early hours of a missing juvenile investigation (PC 13519.07). The above checklists and documents may be found at the end of this chapter, on LAPD Forms by searching the words “missing checklists,” as well as on the Department LAN in the Juvenile Division website under the Missing Juvenile Section.
- If the juvenile is “special needs,” additional checklists and forms are available to assist first responders. To locate, go to LAPD Forms and search the words “missing checklists.”
- The reporting party does not need to be related to the missing juvenile to file a report.
- A missing juvenile report will be accepted, regardless of the jurisdiction from which the person is missing.
- Obtain a DR number within two-hours of accepting the report. The DR number can be obtained telephonically to meet the two-hour requirement. This causes an entry into MUPS/NCIC (PC 14211).
- Every reasonable effort should be made to obtain a recently dated photograph of the missing juvenile.
- An immediate search of the premises and surrounding neighborhood shall be made if the juvenile is UNDER 16 years, or if other circumstances indicate the advisability of such a search. A supervisor shall determine the necessity for a search when a juvenile is at least 12 years old but under the age of 16 years.
- When appropriate and/or required, search the immediate and surrounding area in a logical and systematic manner, taking into consideration the particulars related to the missing juvenile. Consider using one of the several checklists that can be located on the Department LAN in the Juvenile Division website, Missing Juvenile Section. Canvass the area for potential witnesses and individuals with knowledge of the missing juvenile, and conduct interviews.
- Provide the person reporting an Authorization to Release Dental/Skeletal X-Rays/Photograph of the Missing Juvenile, DOJ Form BCIA 4048 (in LAPD Forms - search the word “dental.”) Ascertain from the reporting party if a Child Identification Form or something equivalent has been completed for the missing juvenile – if so, see Child Identification Form Section.

- Request that the person who reported the juvenile missing notify the concerned geographic Detective Division, or if appropriate, the outside agency, without delay, if the missing juvenile returns home, is located, or any additional information is obtained that may assist in locating the missing juvenile.
- After consulting with the concerned geographic Area patrol supervisor, if additional advice is needed, officers should be directed to contact the below investigative personnel, in the following order:
- **During Normal Hours:**
 - Area Juvenile Coordinator;
 - Other Area detective supervisor;
 - Area Detective Watch Commander; or,
 - Area Detective Commanding Officer.

During Off Hours:

- Night Watch Detectives or RACR Division.

Parent/Reporting Party Public Assistance Phone Numbers

When a juvenile is reported missing, abducted, or lost, the parent/guardian/person reporting may be referred to the following organizations that can provide assistance:

National Center for Missing and Exploited Children (NCMEC)

24-Hour Number: 1-800-THE-LOST (1-800-843-5678). The NCMEC has bilingual English and Spanish speaking staff in various departments and units, including 24-hour Call Center specialists as well as access to over 200 languages via a language service.

California DOJ Missing and Unidentified Persons Unit

24-Hour Number (800) 222-3463.

If the case involves a family/parental/stranger abduction or concealment, besides the above organizations, the reporting party may also be referred to:

Find the Children Organization – Missing Child Reunification Program

Inter-Agency Council on Child Abuse and Neglect (ICAN)

Phone: (310) 314-3213

Initial Response to “In-Person” Reports of Missing Juveniles at the Police Desk–Desk Personnel Responsibilities

Many missing juvenile reports are taken at the front desk of the geographic Areas. Usually, a few or several hours have passed since the juvenile was discovered missing; however, sending a patrol unit to conduct a more in-depth investigation should be considered.

Even though the report is being completed at the desk, the reporting officer is still required to follow the procedures outlined in the previous section “Initial Field Response of a Police Unit–Responding Officer’s Responsibilities.”

The only deviations to the procedures are as follows:

- If the juvenile is UNDER 16 years, or other circumstances indicate the advisability of a search, the Watch Commander (or designee) should be advised and consulted regarding the need and necessity of an immediate search of the area where the juvenile was last observed, the residence, and the neighborhood where the juvenile resides.
- If the Watch Commander determines that the dispatch of a police unit is warranted, the missing juvenile’s information must be entered into NCIC within the two-hour requirement which would generally start when the reporting party came to the front desk.
- When warranted, utilize the Missing Juvenile First Responders Checklist which outlines resources and directions for use by first responding officers during the early hours of a missing juvenile investigation (PC 13519.07). The checklist is located at the end of this chapter, as well as on the Department LAN, Juvenile Division website, Missing Juvenile Section.
- If the Watch Commander determines that no response is required, the Department employee shall proceed with the report and the initial investigation.

Supervisor’s Responsibilities-All Missing Juvenile Cases

When a supervisor is called to the scene of a missing juvenile, they shall be responsible for the following:

- Review the circumstances of the incident and make an initial assessment to determine if additional resources are needed.
- When appropriate, consider utilizing the Missing Juvenile First Responders Checklist, which gives resources and directions during the early hours of a missing juvenile investigation. If the juvenile is “*special needs*,” additional checklists/documents are available to assist in the initial response. In LAPD Forms, search the words “missing checklists.”

- To aid in obtaining a more in-depth background on a missing juvenile, when appropriate, have the parent/guardian complete the eight-page “Child Victim Background Questionnaire” form that can be found at the end of this chapter, as well as on LAPD Forms by searching the word “child victim.” When a suspect or “person of interest” is involved in a missing juvenile investigation, a similar set of questions is also located at the end of this chapter, or on LAPD Forms by searching the words “suspect.”
- Determine if the incident meets the AMBER/CARE criteria or SILVER Alert protocol, if developmentally disabled, or cognitively impaired.
- Determine the extent and need of the immediate search of the premises and surrounding area, as well as the completion of a detailed log.
- Ensure that the officers assigned the completion of the initial missing person report obtain a DR (automatic entry into MUPS/NCIC) within **two-hours**.
- When appropriate, consider the utilization of the missing juvenile canvass and search forms located on the Department LAN, Juvenile Division, Missing Juvenile webpage.
- Notification to the Watch Commander is required if the missing juvenile is deemed “At-Risk,” when circumstances indicate the need for an immediate, large-scale, organized search, or when appropriate.

Watch Commander’s Responsibilities-All Missing Juvenile Cases

When a juvenile has been reported missing, the responsible Area Watch Commander shall:

- Assign priority to missing juvenile reports over non-emergency property crimes (PC 14211[a]).
- Ensure that a police unit and a field supervisor are immediately dispatched on all missing juvenile calls when the juvenile is under the age of 16 years or is a person “At-Risk.”
- Ensure that all reports of missing juveniles are entered into NCIC within **two-hours** of acceptance of the report.
- The Watch Commander of the Area of occurrence shall decide how often the missing juvenile broadcasts (verbal and electronic) are made. Communications Division shall be notified by teletype when appropriate.
- Determine if the incident meets the AMBER/CARE/SILVER Alert protocols, if so, notification to RACR Division is required.
- When circumstances indicate the need for an immediate large scale search, the

Area Watch Commander shall follow their divisional notification protocols.

21.140. MISSING JUVENILE-SPECIAL RESPONSE

Under 16 Years, or if there is Evidence that the Missing Juvenile is “At-Risk” Reporting Officer’s Responsibilities

Whenever a missing juvenile is under 16 years, or there is evidence that the missing juvenile is “At-Risk,” which means there is evidence of, or there are indications of, any of the following (PC 14215[b]):

- A victim of a crime or foul play; or,
- In need of medical attention; or,
- No pattern of running away or disappearing; or,
- May be the victim of a parent/family abduction; or,
- Mentally impaired.

When an officer responds to an initial call of a missing juvenile that meets any of the above indicators, in addition to the initial response requirements noted above, the following shall be done:

- Notify the Watch Commander and request a supervisor to respond.
- Contact the Watch Commander at Communications Division and request a “Be on the Look-Out (BOLO)” voice broadcast, without delay, if the missing juvenile is under 21 years of age, or there is evidence that the person is “At-Risk” (see beginning of chapter for “At-Risk” definition).
- Consider contacting the surrounding law enforcement agencies to alert their employees of the missing juvenile.
- Organize and cause a search of the residence and/or surrounding area.

Disposition of Call Notification–Officer’s Responsibilities

The disposition of a call involving an “At-Risk” or “Critical” missing juvenile shall be made to the concerned area supervisor or Watch Commander (if a supervisor is not at the scene).

Additionally, the officer shall be responsible for making a verbal broadcast to Communications Division requesting a broadcast be made to Department personnel when the missing juvenile is found, or there is another disposition, indicating that a search is no longer required.

Disposition of Call Notification–Supervisor’s Responsibilities

The disposition of a call involving an “At-Risk” or “Critical” missing juvenile shall be made without delay to RACR Division.

21.150 SPECIAL MISSING JUVENILE PUBLIC ALERTS AND RESOURCES

AMBER/CARE Alerts

Information regarding AMBER/CARE Alert protocols is located in Chapter 22 “Child Abduction.”

Missing Juvenile-SILVER Alert

The State of California SILVER Alert program establishes a quick response system designed to issue and coordinate alerts for a juvenile or an adult who is developmentally disabled or cognitively impaired.

The goal of the SILVER Alert is to provide immediate information to the public about the missing person that includes a description, images, time and location last seen. This information helps speed up the process in locating the person and returning them home safely (California Government Code 8594.10, CHP Information Bulletin No. 227 – Year 2015).

SILVER Alert Procedures

Employees shall utilize the Department’s “Alert” program for missing juveniles that meet the SILVER Alert criteria.

The SILVER Alert, utilizing the Child Abduction Regional Emergency/AMBER Alert, Form 09.31.00, may be requested in a missing juvenile/adult incident or a case that meets the criteria for a SILVER Alert

Criteria for Issuance of SILVER Alert

The criteria for issuing a SILVER Alert are:

- A missing juvenile or an adult that is developmentally disabled or cognitively impaired.
- Missing under unexplained or suspicious circumstances.
- All available local resources have been utilized.
- The missing person is in danger because of age, health, mental or physical disability, environment or weather conditions, the person is in the company of a potentially dangerous person, or there are other factors indicating the person may be in peril.
- There is information available that, if disseminated to the public, could

assist in the safe recovery of the missing person.

Approval for the Issuance of a SILVER Alert

Contact the concerned Area Watch Commander who will coordinate with detective personnel.

Guidelines for Initiating a SILVER Alert

When a missing juvenile meets the criteria for issuing a SILVER Alert, the following procedures shall be followed:

1. Ensure that the missing juvenile's information has been entered into NCIC within two-hours.
2. As soon as there is sufficient information for a SILVER Alert, the assigned supervisor shall ensure that the Department's "Alert" form is completed, faxed to RACR Division, and a follow-up phone call made to confirm the form was received.
3. During working hours, a copy of the "Alert" form must be forwarded to Media Relations Section (MRS) via e-mail at wwwpress@lapd.lacity.org (no dot between www and press) with a follow-up phone call to confirm that the form was received.

During off hours, the person responsible for requesting the SILVER Alert must advise RACR Division to notify the on-call MRS officer. Media Relations Section personnel shall prepare a press release based on the information on the "Alert" form and disseminate the release to the appropriate news wire services and media outlets.

4. The assigned investigator shall contact the Communications Division Watch Commander at (213) 978-6552 and request that a SILVER Alert be broadcasted every hour. The Watch Commander, Communications Division, shall ensure that the hourly broadcasts are made.
5. Upon obtaining additional follow-up information, or in the event the missing juvenile is located, the Area supervisor, detective supervisor or the watch commander must contact RACR Division, Communications Division, and MRS to advise them that the child has been located.

NOTE: The SILVER Alert system does not replace current reporting procedures as required by PC Section 14211 relative to the Missing Unidentified Persons System and Department Manual.

Missing Juvenile–“Special Needs” Resources

Finding and safely recovering a missing juvenile with special needs often presents a unique and difficult challenge for families, law enforcement, first responders, and search teams because of their debilitating physical impairments, social impairments, cognitive impairments, or communication challenges.

Personnel may consider utilizing several forms and checklists that are specifically designed for law enforcement during the initial response. These forms and checklists are located in LAPD Forms (search the words “missing checklists”), as well as the Juvenile Division website. Some of these checklists include:

- Missing Child "Special Needs" First Responder Checklist
- Missing Child "Special Needs" First Responder Questionnaire
- Missing Child "Special Needs" First Responder Information Document

21.160. CHRONOLOGICAL RECORD, FORM NO. 03.11.08-REQUIREMENTS

The Chronological Record, also referred to as the “Chronological Log or “Detailed Log,” is commonly used during missing juvenile investigations. The form is used to document dates, times, efforts, contacts, and notifications made during a search or field investigation.

The log should be used during the entire incident or upon further instruction from the Area Watch Commander. If the officer responsible for maintaining the log is reassigned or EOW, the concerned Area watch commander shall be contacted to determine who will be re-assigned the log.

Upon conclusion of the incident, the Chronological Record, as well as any other related forms and checklists, shall be submitted with the Missing Juvenile Report to the investigative unit assigned the missing investigation.

In some cases, such as a parental/family abductions, the missing juvenile incident may have occurred several days prior, or due to the circumstances, a Chronological Record may not be of benefit. In those cases, the reporting officers shall obtain advice from a supervisor and document the information in the narrative of the Missing Juvenile Report.

Chronological Record–Age Requirements–Reporting Officer’s Responsibilities

Age 11 Years or Under

Whenever a juvenile, age 11 years or under, is missing, a Chronological Record, or equivalent form, shall be maintained by the field unit assigned the call, or as directed by a supervisor.

Age 12 to 15 Years

A supervisor shall determine the necessity to maintain a Chronological Record when the missing juvenile is 12 to 15 years. However it shall be completed as directed, or

when other circumstances indicate the necessity for its completion.

Age 16 and 17 Years

A Chronological Record is not required when a missing juvenile is between 16 and 17 years. However, it shall be completed as directed, or when other circumstances indicate the necessity for its completion.

Chronological Record–Discontinuance at Conclusion of Incident

Upon conclusion of the incident, or when informed to discontinue the Chronological Record, or equivalent, the Chronological Record, as well as any other related forms and checklists maintained during the incident, shall be submitted with the Missing Juvenile Report to the concerned investigative unit assigned the investigation.

Information concerning the discontinuance of the Chronological Record, or its equivalent, shall be documented with the narrative of the Missing Juvenile Report, DFAR, or MDC record (if the report has already been submitted).

Chronological Record–Watch Commander’s Responsibilities

If the initial investigation and search for a missing juvenile has continued over multiple watches/days, the concerned Watch Commander shall make contact with the Area Juvenile, MAC, or other detective coordinator, for advice regarding the continuance of the Chronological Record, or any equivalent report.

21.170.

SEARCHING FOR MISSING JUVENILES–REQUIREMENTS, PROCEDURES AND RESOURCES

Immediate Search–Age and Circumstances Requirement

Officers assigned to a missing juvenile investigation shall conduct an immediate search of the premises and surrounding neighborhood.

However, in some cases, such as a parental/family abduction where the incident may have occurred several days prior, or due to other unique circumstances, an immediate search may not be beneficial. In those cases, the reporting officers may be instructed by a supervisor not to conduct an immediate search. When this occurs, it shall be documented within the narrative of the Missing Juvenile Report. The following circumstances outline the missing juvenile immediate search requirement:

Age 11 Years or Under

Whenever a juvenile, age 11 years or under, is missing, an immediate search of the premises and surround neighborhood shall be conducted.

Age 12 to 17 Years

Whenever a juvenile, age 12 to 17 years, is missing, a supervisor shall determine the necessity of an immediate search. However, a cursory search of the immediate/surrounding area should be done at a minimum. The concerned Watch Commander shall be consulted for direction in cases involving missing juveniles reported telephonically, or in-person, at the front desk.

Immediate Search–Reporting Officer’s Responsibilities

Officers assigned to conduct an immediate search for a missing juvenile shall be responsible for the following:

- Request a supervisor to respond to the location.
- Initiate a Chronological Record documenting all efforts and contacts made during the search.
- Conduct an immediate search of the premises and surrounding area. Special attention should be paid to the initial search of the immediate area where the juvenile was last seen, as well as the surrounding neighborhood. When searching residences, especially in cases involving young juveniles, special attention should be given to the following locations and items:
 - * Cabinets
 - * Under house
 - * Yards
 - * Garages
 - * Storage areas
 - * Attics/basements
 - * Refrigerators/freezers
 - * Vehicles **and their trunks**
 - * Crawl spaces
 - * Boxes, crates, and other large items

It is recommended that in cases involving young juveniles, a secondary search team re-search the residence, because there have been many cases where a juvenile was hiding or sleeping in the residence during the initial search, and the initial officers did not find the juvenile.

- To assist in the initial search of a missing juvenile, several checklists, forms and canvass guides are available to assist those involved in the search. The use of these forms and guides allows for a more uniformed approach to the search. Additional information about these checklists, guides, and forms can be found on the LAN, Juvenile Division, Missing Juvenile webpage.

Missing Juvenile–Immediate Search–Supervisor’s Responsibilities

A supervisor who is notified of or responds to a missing juvenile incident shall be responsible for the following:

- Responding to cases involving missing juveniles age 11 years and under.

- Evaluating the incident and requesting additional assistance when needed.
- Notifying the Area Watch Commander.
- Ensuring that an immediate search is conducted and a Chronological Record (or equivalent) is initiated in incidents of juveniles, age 11 years and under, or any age when circumstances indicate the necessity of a search.
- Determining the necessity of a search and completion of a Chronological Record, when a missing juvenile is 12 to 17 years.
- Coordinating the search and utilization of search and canvass forms when needed.

Large Scale Search–Notifications–Watch Commander’s Responsibilities

When circumstances indicate the need for an immediate, large-scale search for a missing juvenile, the following notifications shall be made:

- Detective Commanding Officer,
- Patrol Commanding Officer,
- Area Commanding Officer,
- Bureau Commanding Officer, and,
- RACR.

Searching For Lost/Missing Juveniles–Equipment Resources

Resources available when conducting a search for a missing juvenile include:

- Area Command Post Vehicle;
- Area Mobile Community Sub-Station Vehicle;
- Bureau Command Post Vehicle;
- Incident Command Post Unit (ICPU);*
- Command Post Trailers;*
- Sound and Light Trucks.*

*In addition to deploying Area or Bureau command post vehicles and equipment, the above equipment can also be requested by contacting RACR.

21.180.

**SEARCHING FOR MISSING JUVENILES—COMPUTER AND
CELL PHONE INFORMATION**

Missing Juvenile—Forensic Exam of Computers

Depending on the circumstances surrounding a missing juvenile case, the missing juvenile's personal computer could also be of investigative assistance. With the increased use of the Internet, the missing juvenile's Internet and/or social networking account may have some bearing on the juvenile's disappearance.

It is not suggested that the home computer should be seized in every case, but it is a possibility that should be considered. Whenever this is done, a consent form shall be obtained from the computer's owner and a "Receipt for Property Taken into Custody" Form 10.10, shall be issued.

Before seizing any computer that may be subject to a forensic exam, or regarding any questions related to the seizure and/or examination, concerned Department personnel shall be directed to Commercial Crimes Division, Computer Forensics Unit.

It should be noted that the simple act of unplugging or turning on a computer, removing a USB device, or attempting to access a computer for information may compromise the digital information contained within the computer. During off-hours, contact may be made via RACR.

**Missing Juvenile—Searching Social Networking Websites—
Obtaining Access**

Missing juveniles, particularly cases involving runaways, have been known to utilize and make entries on social networking websites. Personnel assigned to investigate missing juvenile cases are encouraged to search these websites to assist with the investigations. However, due to Department computer restrictions, personnel must be granted special access.

Employees who investigate missing juvenile cases, including School Car and J-Car personnel, are authorized to obtain access to social networking websites.

To obtain access, a Department 15.2 needs to be completed via the requesting employee's Commanding Officer, to the Commanding Officer, Information Technology Division. The 15.2 shall indicate that the employee requesting special access is currently assigned to investigate missing juvenile cases and that access to internet social websites is necessary in their day-to-day investigations.

If immediate access is needed to these types of restricted websites, personnel assigned to an Area's cyber-support, gang, vice, and/or homicide units typically have access to, as well as background for accessing/searching these websites.

In emergency situations involving a missing abducted child, personnel may contact the Juvenile Division Internet Crimes Against Children (ICAC) Unit or Commercial Crimes Division, Computer Crimes Section.

Missing Juvenile–Searching Social Networking Websites–Exigent Circumstance

When Department personnel believe that a social networking website or specific website account contains information regarding a missing juvenile, personnel may consider obtaining information directly from the internet company.

While it is standard procedure for all internet companies to provide subscriber information when requested by a court warrant/order, companies may provide this information without a warrant/order during specific law enforcement investigations. Many internet companies may quickly release subscriber and related information when law enforcement makes an official law enforcement “exigent circumstances” request or notification. This typically involves cases where law enforcement provides a brief, written statement that the current incident involves one of two reasons:

- A threat of death, **or**
- The prevention of serious injury to a person.

For most internet companies, if either of these two reasons is justified in writing, they would generally cause the immediate disclosure of the information. Many internet companies consider that a missing juvenile case falls into this category, again, depending on the individual circumstances of the case.

The majority of the larger social networking and internet companies have created written law enforcement guides that provide information regarding the immediate release of information due to “exigent or emergency circumstances” which usually include cases of missing/runaway juveniles.

Additionally, many of the larger internet companies have 24-hour phone numbers or email addresses that can be utilized to obtain this information quickly.

The typical information that social networking/internet companies can provide includes:

- Basic Subscriber Information;
- Internet Protocol (IP) addresses;

- Sent/Received Messages;
- Private message headers;
- Subject lines in private message headers;
- Stored user files (blogs, images, friends); and,
- Real-time capture of IP log-ins

Under Federal law, internet and social networking websites are permitted to disclose information, including user identity, log-in, private messages and other information voluntarily to a Federal, State, or local governmental entity.

The release of this information is based on each private online companies “good faith” belief that an emergency involving the danger of death or serious physical injury to any person requires such disclosure without delay.

Additional information and assistance on this subject may be obtained from Juvenile Division, Internet Crimes Against Children Unit, as well as Commercial Crimes Division, Computer Crimes Section, as well as Major Crimes Division, Technical Support Section.

Missing Juvenile–Cell Phone Information–Exigent Circumstance

Cell phones can provide vital information that may help determine the missing juvenile’s location. Depending on the circumstances surrounding the incident, cellular companies may be able to provide physical tracking information of certain cell phones, as well as a variety of other useful information that may aid in locating a missing juvenile.

Major Crimes Division, Technical Support Section, is responsible for City-wide cellular tracking for the Department and shall be contacted directly during normal business hours when cell phone tracking/pinging is considered. During non-business hours, RACR shall be notified, and they will contact the on-call Major Crimes Technical Support Section personnel. Department personnel shall not contact phone carriers directly to initiate cellular tracking (See [Chief of Detectives Notice dated October 16, 2012, titled: “Cellular Telephone Tracking Requests”](#)).

21.190. MISSING JUVENILE–SPECIAL NOTIFICATIONS–OUTSIDE JURISDICTIONS–REPORTING OFFICER’S RESPONSIBILITIES

Missing Juvenile has Permanent Residence Outside the City of Los Angeles

Per California law, if the missing juvenile has permanent residence outside the City of Los Angeles, **within 24-hours of the original report**, in addition to basic response requirements outlined previously, the initial reporting officer shall have the following additional responsibilities:

- Telephonically notify, or cause a Department teletype to be sent to the Watch Commander, or related position of the law enforcement agency that has jurisdiction of the juvenile’s permanent residence/where they were last seen; and,
- Forward a copy of the completed Missing Juvenile Report (with DR and FCN numbers) to the above agency. The forwarding of this report may be done via email, FAX, or written letter.
- Document the above notification within the Missing Juvenile Report.

Missing Juvenile Last Seen Outside of the City of Los Angeles

Per PC 14211(g), if the missing juvenile has been seen outside the City of Los Angeles, **within 24-hours of the original report**, the reporting officer shall:

- Telephonically notify, or cause a Department teletype to be sent to the Watch Commander, or related position of the concerned law enforcement agency and notify them of the location where the juvenile was last seen; and,
- Forward a copy of the completed Missing Juvenile Report (with DR, FCN, and NCIC numbers) to the above agency. The forwarding of this report may be done via email, FAX, or by written letter; and,
- Document the above notification within the Missing Juvenile Report.

Missing Juvenile-Resident of Los Angeles–Last Seen Outside the City of Los Angeles

If the missing juvenile is a City of Los Angeles resident, and they were last seen outside the City, the employee conducting the missing juvenile investigation shall:

- Make immediate telephonic notification to the Watch Commander of the concerned law enforcement agency and notify them of the location where the juvenile was last seen; and,
- Forward a copy of the completed Missing Juvenile Report to the above agency. This may be done via FAX, email, or regular mail. The initial reporting officer

should ensure that the law enforcement agency received the copy of the report; and,

- Record the name of the person and agency notified in the narrative portion of the report.

Missing Juvenile-Resident of Los Angeles–Last Seen Outside the City of Los Angeles-Real Time Analysis and Critical Response (RACR)-Responsibilities

When advised by an outside agency that a resident of the City of Los Angeles has been reported missing, RACR shall make the appropriate notifications. For missing juveniles who are residents of the City of Los Angeles, but last seen outside of the City, Area detectives from the juvenile's residence shall be contacted for advice. When Area detectives are unavailable during off hours, RACR shall be notified.

Missing Juvenile-Non-Resident of the City of Los Angeles

If the juvenile reported missing resides outside the City of Los Angeles, the employee conducting the preliminary investigation shall (PC 14211[g]):

- Obtain an outside DR number (99);
- Make immediate telephonic notification to the Watch Commander of the concerned law enforcement agency and notify them that a resident of their jurisdiction has been reported missing;
- Within 24 hours, forward a copy of the completed Missing Juvenile Report (with DR, FCN, and NCIC numbers) to the outside agency. The forwarding of this report may be done via email, FAX, or written letter. The initial reporting officer should ensure that the law enforcement agency received the copy of the report;
- If the missing juvenile was seen within a jurisdiction other than the City of Los Angeles, or the jurisdiction of permanent residence, **within 24-hours of the original report**; the reporting officer shall notify and forward a copy of the report to the law enforcement jurisdiction last seen;
- Record the name of each person and agency notified in the narrative portion of the report, and,
- Coordinate and assist the investigative efforts with the agency that has primary investigative responsibility.

Real Time Analysis And Critical Response (RACR)-Responsibilities

The RACR Division shall be responsible for completing the appropriate notifications when advised by an outside agency that a resident of Los Angeles has

been reported missing or observed outside the City of Los Angeles.

During off-hours, RACR shall be the entity to answer questions regarding missing juvenile investigations.

**21.200. AUTHORIZATION TO RELEASE DENTAL/SKELETAL X-RAYS/
PHOTOGRAPH OF MISSING JUVENILES, BCIA 4048 (LAPD FORMS)**

The Department of Justice Form, BCIA 4048, is the State's designated form that provides information to the reporting party, regarding their responsibilities for providing identification information of the missing person to law enforcement and State of California DOJ, per PC 14212(a). The form is available in both English and Spanish, and is located on LAPD Forms.

The form, which is also known as the Dental/Photograph Release Form, provides instructions to the reporting party, as well as medical professionals, in obtaining the missing juvenile's dental or skeletal X-rays, or both, and treatment notes of the missing juvenile. Additionally, the form authorizes the release of a recent photograph of the concerned missing juvenile.

Reporting Officer's Responsibilities

The BCIA 4048 Authorization Form shall be provided by the reporting officer to the reporting party at the time of completion of the initial Missing Juvenile Report. The reporting officer should determine which written language form would best fit the reporting party (English or Spanish) and then provide the form, **in person**.

The reporting officer shall notify the reporting party of their responsibilities as outlined in the form. This includes obtaining the missing juvenile's dental or skeletal X-rays, or both, and treatment notes of the missing juvenile, as well as a photograph of the missing juvenile (if not already provided to the reporting officer), and return these documents to the assigned investigating officer.

If the authorization form is not initially provided, the reporting officer may send the form to the reporting party via standard mail, fax, or email. Whenever possible, efforts should be made to confirm that the form was received by the reporting party. The issuance of the form to the parent/reporting party of the missing juvenile must be documented by checking the respective box at the bottom of the Missing Juvenile Report, as well as in DCTS and the related Follow-Up Report, when required.

The forms in both English and Spanish can be located on LAPD Forms by searching form number "BCIA 4048."

21.210. PHOTOGRAPHS–MISSING JUVENILE INVESTIGATION

California PC Sections 14210(d) and 14211(f) require that law enforcement make an attempt to obtain the most recent photograph available of the person reported missing. When obtained, the photograph is forwarded via email to the California Department of Justice Missing and Unidentified Persons (MUPS) Section.

Photographs–Reporting Officer’s Responsibilities

Reporting officers should make every reasonable effort to obtain two recent dated photographs of the missing juvenile. Whenever possible, the photographs should show the juvenile in a “natural environment” that better matches their “real life” appearance.

Experiments have been conducted to test the ability of adults to recognize juveniles using school photographs, in which the children appeared cleaned up, happy and smiling, compared to photographs showing juveniles in a natural environment. The experiments showed that adults recognized juveniles more frequently from “real life” photographs.

The following guidelines should be used for obtaining and processing photographs:

- Obtain a recent photograph depicting the juvenile in a “natural” day-to-day environment, when possible. The use of “glamour shots” is not recommended for law enforcement or public distribution, especially for immediate TV coverage.
- When the DR number is obtained, write the number on the back of the photograph, as well as the age of the juvenile and date photograph was taken. The appearance of a missing juvenile today may be very different from when the photograph was originally taken.
- The photograph should then be placed into an envelope (whenever possible to assist in avoiding loss) and the DR number written on the outside of the envelope and the back of the photograph. The envelope should then be attached to the Missing Juvenile Report so it can be forwarded to the investigating detectives.
- If the parent/guardian does not have access to a physical photograph, other means should be used whenever possible, including the following:
 - * Digital photograph. Have the reporting party email a photograph of the missing juvenile to a Department email account. The emailed photograph can be printed and forwarded to the concerned investigator.
 - * School, daycare identification, or yearbook photograph. Many schools use an outside vendor for the school yearbook photos and ID cards. These photos are usually stored in a private database that can be accessed

if needed. Some of these photos may be stored for several years. Access to this resource may be obtained by the National Center for Missing and Exploited Children;

- * DMV drivers license or identification. Many juveniles have an identification card, as California does not have a minimum age requirement to obtain an identification card;
- * Passport photographs;
- * US border entry photographs. Many times when someone enters this country, their photograph is taken at the US border entry points and airports;
- * Sport club identification cards. Many youth sports teams require players to have an identification card;
- * DCFS;
- * Booking photograph;
- * Relatives/friends of the missing juvenile or family;
- * Social media websites;
- * Cruise ship identification cards. Many cruise ship companies take photographs of all passengers for security purposes and depending on the company, may store this information for many years.

21.220. CHILD IDENTIFICATION FORM

Reporting Officer's Responsibilities

- When a Missing Juvenile Report is completed, the employee completing the report shall ascertain from the reporting party if a Child Identification Form has ever been completed for the missing juvenile.
- If a Child Identification Form has been completed and is immediately available, the reporting employee should attach it to the Missing Juvenile Report. If a form has been completed but is not immediately available, the reporting party shall be advised to bring it to the investigating detective.
- A statement concerning the existence of a Child Identification Form should be included in all Missing Juvenile Reports. The Child Identification Form should accompany the original report to the concerned detectives. It shall

not be distributed with the Missing Juvenile Report copies.

NOTE: This procedure shall not apply to courtesy missing reports for which this Department has no investigative responsibility, although the existence of a Child Identification Form shall be noted in the report.

Found Juvenile Report–Completion of Report

- A Found/Missing Person Investigation Report shall be completed whenever a missing juvenile is found, alive or deceased. The Found Persons Investigations box shall be checked.

NOTE: Detective personnel are exempt from this requirement as they may utilize the original Missing Person Investigation Report to close a missing juvenile case if the juvenile has been located within 30 days of the initial report.

However, if unique or unusual circumstances were involved when the juvenile was reported missing, while they were missing, or when they were found; such as they were the victim of a crime, were injured, located deceased, or other unusual circumstances surrounding the recovery, a Found/Missing Person Investigation Report must be completed, so the event is properly documented.

- When a missing person (any age) is found, the information shall be immediately reported to DOJ by removing the NCIC entry from the system (PC 14213[a]). If the original Missing Juvenile Report was generated by the Department, the reporting of this information is satisfied upon the reporting of the missing juvenile being found within the Department's NECS, MUPS System.
- In the event that a missing person is found alive or dead in less than 24 hours, and it is believed that the person missing was abducted, a Found/Missing Person Investigation Report shall be completed (PC 14213[c]).
- If the juvenile is an unreported missing, complete one report and check both the "Missing" and "Found" Persons Investigation" boxes. On the first line of the narrative section of the report, write the words "UNREPORTED MISSING/FOUND."
- Complete a Found/Missing Person Investigation Report, utilizing the same DR number as the original Missing Juvenile Report. Obtain an outside "99" DR number if reported missing from a jurisdiction other than LAPD.

Found/Unidentified Juveniles–Officer’s Responsibilities

An officer investigating a found/unidentified juvenile who has permanent residence within the City of Los Angeles shall:

- Determine if the juvenile is in need of medical attention and provide when required.
- Interview the juvenile and determine if they were a victim of a crime while missing, if so, take appropriate action.
- Query the Department NECS system to determine if the missing juvenile has been entered into MUPS/NCIC.
- Query the juvenile dependency and delinquency status within the Los Angeles County Juvenile Automated Index.
- When appropriate, contact the DCFS Law Enforcement Hotline and check for any prior child abuse incidents that may impact the release of the juvenile. Request DCFS response when warranted.
- When a missing juvenile is found, the parent/legal guardian or reporting party must be notified.
- Notify the concerned Area Detective Unit that has primary investigative responsibility of the case and inform them that the juvenile has been found. The officer locating the juvenile must request release disposition advice from the concerned personnel in the following order:
 - * Personnel from the concerned detective unit that is assigned the missing investigation.
 - * Any detective supervisor from the Area that has the investigative responsibility.
 - * Patrol Watch Commander of the Division handling the found investigation.
- Forward a copy of the Found/Missing Person Investigation (and Arrest Report if completed) to the law enforcement agency that made the initial Missing Person Report, within 24 hours.
- Ensure that the disposition and release of the juvenile are thoroughly documented within the narrative of the Found/Missing Person Investigation Report.
- Submit the report for supervisory approval, and then immediately submit to the Area Records personnel for the removal of the missing juvenile MUPS/NCIC entry.

- If a missing person (any age) is reported missing from a law enforcement agency other than LAPD, a report indicating that the person was found shall be made within 24 hours, and forwarded to the law enforcement agency that made the initial report.
- If the missing juvenile is reported from another law enforcement agency, request that the Geographic Area Records personnel send a “Locate” teletype to the concerned agency, notifying them that the juvenile has been located – see section titled “Found/Unidentified Juvenile - Residence is Outside the County of Los Angeles – Officer’s Responsibilities” for additional information on this topic.

Found Juvenile Report–Removal of MUPS/NCIC Entry–Detective Responsibilities

When Department investigative personnel are informed that a missing juvenile has been found, and Area Records personnel are not available to remove the MUPS/NCIC entry via NECS, Area detective personnel who have investigative responsibility for the case may remove the NCIC entry.

NOTE: Any Department employee who enters, removes, updates, or modifies any information from NECS/NCIC, including the removal of the missing juvenile from MUPS, is required to take and pass the **NCIC/CLETS Full Access NCIC Proficiency Examination**. For further information about taking this examination, personnel should contact their concerned Training Coordinator.

Found Juvenile Report–Protective Custody Arrest Reports–Officer’s Responsibilities

When appropriate, a found juvenile may be taken into protective custody and booked for a 300 WIC dependency section, upon the approval of the Watch Commander. Typically the booking charges include:

- 300(b) WIC Dependent
- 300(b) WIN Neglect
- 300(b) WIE Endangered

Fingerprints and booking photographs are not permitted for any 300 WIC dependent booking charge. For cases in which a juvenile is taken into protective custody, DCFS must be immediately contacted to respond.

Found Juvenile Report – Delinquency Arrest Reports – Officer’s Responsibilities

When appropriate, a found missing juvenile, who is determined to be a runaway, may be arrested and booked under the following charges:

- 601WIC-Runaway: When the juvenile has permanent residence within Los Angeles County.
- 601 WIC-Transient: When the juvenile has permanent residence outside of Los Angeles County.

Juveniles booked for 601 WIC runaway/transient charges and immediately released to their parent/guardian are generally not photographed or fingerprinted, and are processed in the Department jail facilities in the same manner as 300 WIC bookings.

Found Juvenile–Interview of Juvenile–Officer’s Responsibilities

- A found juvenile shall be interviewed “in person” by Department personnel to confirm their identity and safety, and to determine the circumstances as to why they were missing. Interviews of found juveniles, especially runaways, should not be done by telephone as the juvenile’s identity cannot be verified, their safety unknown, and it is generally easier for the juvenile not to disclose they were a victim of crime (especially when sexual in nature) during phone interviews.

It should be noted that in some cases, unrelated person have called law enforcement by telephone and falsely represented themselves as the juvenile’s legal parent/guardian, or social worker, in an attempt to have the juvenile removed from the MUPS and NCIC systems – a significant concern when the juvenile may be involved with sex trafficking and/or sexual exploitation.

- If the missing juvenile cannot be interviewed due to distance, Department personnel should request the closest law enforcement agency, probation, DCFS, or other government agency to assist in the visual identification process and check on the juvenile’s welfare.
- When unable to confirm identity or conduct an in-person interview, Department personnel must document the reasons why and the attempts made to confirm the identity of the missing juvenile in-person.
- If the Juvenile is located outside the country (typically parental/family abduction or runaway cases), the following entities can provide investigative assistance:

* Foreign Prosecution Interpol Liaison unit (FPLU), Fugitive Warrant Section, GND, in Cases where the investigating officer strongly suspects foul play, or a juvenile 12 years or younger:

* FBI – West Los Angeles Field Office – Crimes Against Child Unit;

Juvenile Manual Section 21.420 “Closure of Investigation-Investigator’s Responsibilities” under the section “Interview of Found Juvenile and Missing Juvenile-case Closure Requirements”.”

Found “Runaway” Juvenile

When a runaway juvenile is found, the interview by the recovering officer can be important in the prevention or re-occurrence, especially since juveniles who run away repeatedly learn how to remain concealed longer, thereby increasing their risk of exploitation.

Offices need to be aware that some juveniles run away to escape sexual or physical abuse while others may have been told to leave by a parent/guardian. Returning home may not be the best or safest option for these juveniles, which is why their pre-release interview is critically important.

The Following is a list of potential questions that may be used during an interview:

- Why did you runaway?
- How long have you been away?
- Where did you go?
- Where and with whom did you stay while you were gone?
- Did anyone encourage you to leave?
- How did you survive (get money, food, where did they sleep)?
- Who helped you while you were gone?
- Has anyone hurt you or tried to hurt you?
- Did someone touch you in a way you did not like or sexually assault?
- Do you have health issues that you need medical care for now?

- Why did you return (if returned willingly)?
- Is it safe for you to return home? If yes, why? Use a 0–10 scale to quantify safe feeling (In this scale, 0 is least safe, and 10 is safest).
- Have you run away before (unreported/another jurisdiction)?
- Will you leave again?
- What can be done to prevent you from running away again?
- Do you drink or do drugs?
- Are you a member of a gang?
- Do you have someone you can talk to at home or school?

**Found /Missing Juvenile Report–Notification to DCFS–
Officer’s Responsibilities**

Personnel assigned to a missing juvenile investigation shall contact the DCFS Hotline at (800) 540-4000 on any report of a missing juvenile. This notification is to ascertain if DCFS has custody of the juvenile, or make notification to them if the juvenile falls under their jurisdiction so they can make the appropriate notification to the concerned social worker. Personnel should consider contacting the assigned social worker for additional insight that can help locate the missing juvenile.

**Found/Missing Juvenile Report–Notification to Probation
Department– Officer’s Responsibilities**

When a juvenile is reported missing, the concerned officers must contact the Probation Department to check if they have custody of the juvenile, or if on probation, causing a notification to the juvenile’s probation officer that the juvenile is missing. If the Probation officer is not available, the notification shall be made to the “officer-of-the-day.” If the juvenile who is on probation is found, the concerned officer must make notification to the Probation Department.

**Found/Unidentified Juvenile-Residence Outside the City of Los
Angeles– Officer’s Responsibilities**

An officer investigating a missing juvenile, who has residence outside the City of Los Angeles, shall do the following if the juvenile is found:

- Contact the agency reporting the juvenile as missing and confirm the identity of the juvenile. Once confirmed, have records personnel send a “Locate Missing Person” teletype to the respective agency via the NECS

“LMP” screen.

- Request the contact information of the reporting party and determine the length of time needed to arrange for the pick-up of the juvenile.
- Complete a Found/Missing Person Investigation Report. The report shall contain an outside “99” DR number.
- If a found missing juvenile is under 12 years or "At-Risk," the NCIC MUPS entry must be immediately removed from NCIC.
- If a found missing juvenile is over 12 years, the NCIC MUPS entry shall be removed within 24 hours.
- Send a copy of the Found/Missing Person Investigation Report to the agency having jurisdiction over the original missing juvenile case.

**Found Runaway Juvenile-Residence Outside the County of Los Angeles–
Secure Detention Required–Officer’s Responsibilities**

When a runaway juvenile–also known as a “transient runaway” who has permanent residence outside of Los Angeles County has been found, many times the responsible parent/guardian may not be able to respond to take custody of the juvenile. This is very common when the concerned party needs to respond from out of state or from a distant county. In these cases, the Los Angeles County Probation Department allows for transient runaway juveniles to be held at Los Padrinos Juvenile Hall (in the city of Downey).

- Contact the agency reporting the juvenile as missing and confirm the identity of the juvenile. Once confirmed, have records personnel send a NECS MUPS “Locate Missing Person” message (LMP).
- Obtain booking approval from the Watch Commander for the charge of 601 WIC (Transient) and detain the juvenile in a “non-secure” setting.
- Abide by all arrest and detention procedures that are outlined for any juvenile who is detained for a 601/602 WIC charge.
- Telephonically contact Los Padrinos Juvenile Hall for secure placement.
- Book the juvenile for the charge of 601WIC “Transient Runaway” at a Department jail facility, listing the disposition location as Los Padrinos Juvenile Hall.
- Complete the Arrest Report as required.

- Complete a Found/Missing Person Investigation Report.
- Provide the parent/guardian with the contact information for Los Padrinos Juvenile Hall.

For additional reference, the Los Angeles County Probation Department works with the State of California in regards to the Interstate Compact for Juveniles, which may be able to assist in gaining cooperation and assistance from other states in the return of runaway juveniles to their respective jurisdictions. Questions regarding the Interstate Compact for Juveniles should be directed to the respective IDC supervisor at the juvenile hall where the juvenile will be detained.

Found Juvenile-Release Guidelines

Generally, found missing juveniles should only be released to those who have legal care or custody of the juvenile. While the majority of time found juveniles are released to their biological parent(s) or legal guardian, in some instances the juvenile may be released to DCFS or the Probation Department.

The following are the guidelines that officers should follow when a juvenile is found and being released:

- Run the juvenile in MUPS/NCIC/Wanted Person System to check for any outstanding warrants or information.
- Query the concerned juvenile's delinquency **AND** dependency rap sheets. If either rap sheet indicates that the juvenile falls under the jurisdiction of DCFS and/or the Probation Department, the concerned entity shall be contacted to ascertain to whom the juvenile should be released.

In some cases, parental rights may have been temporally or permanently removed which would prevent law enforcement from releasing the juvenile to their parent/guardian.

- Officers may contact the DCFS Hotline at (800) 540-4000 to determine if a DCFS response is needed to evaluate the release of the juvenile.
- When proper custody regarding the release of the juvenile has been determined, the employee releasing the juvenile shall obtain valid identification of the party to whom the juvenile is released.

This information shall be documented in the report, and a copy of the identification should be attached to the report.

- When applicable, the person to whom the found juvenile is released should be directed to obtain applicable counseling services for the juvenile and the

parents/guardian as well, especially in cases involving runaway youth.

These services may be obtained from Area Juvenile Units, the Probation

Department, the City's 311 line, the County's 311 line, as well as the website www.healthycity.org which lists counseling resources broken down by zip code.

If the found/recovered juvenile was involved in a parental kidnapping/parental abduction/or child concealment incident, the involved parties, including the involved juvenile, may be referred to the Los Angeles County Child Abduction Task Force for reunification and counseling services. These services are provided at little or no cost and are available in different languages. The contact information for these counseling services is:

Inter-Agency Council on Child Abuse and Neglect (ICAN)
Find the Children – Reunification Program (310) 314-3213

Found Juvenile-Release Restrictions

When Department personnel release a missing/found juvenile to someone other than Probation/DCFS personnel, the following guidelines should be followed to ensure the juvenile's proper release:

- Juveniles should only be released to the juvenile's parents, guardian, or a responsible relative or other responsible adult designated by the parent/guardian.
- The identity of the adult should be verified, and a copy of their identification should be obtained.
- The relationship between the adult and the juvenile should be verified.
- The concerned adult's criminal records should be checked for arrests and/or probation/parole status involving sex offender convictions and sex registrations requirements.

While being a sex offender or registrant does not preclude the release of the juvenile, awareness and confirmation with the concerned parole/probation officer that the juvenile is allowed to live with the offender should occur.

Chapter 21

Missing and Found Juvenile Investigations Investigator Follow-Up Section

MISSING JUVENILE FOLLOW-UP INVESTIGATION**Missing Persons Investigation–Follow-Up Use of Form**

The Missing/Found Person Investigation is the primary report used to report a missing juvenile. However, when a juvenile is found, or the case is closed, the original report shall also be used by detective personnel as a Follow-up report to close the investigation, in addition to any other previous required Follow-Up Reports.

Depending on the case, follow-up investigation relating to a missing juvenile can be reported on the following Department reports:

- Missing/Found Persons Investigation: The detective portion of the original form shall always be completed, and then the report submitted, when a missing juvenile investigation is closed.
- Follow-Up Investigation Report, as it relates to a missing juvenile investigation, shall be completed on all missing juvenile cases, as required by the missing juvenile follow-up schedule, or as otherwise required as an “exceptional” Follow-Up. See the section titled in this chapter “Follow-Up Schedule - Missing Juvenile Cases – Exceptional Requirements” for additional information.

Missing Persons Investigation–Used as a Follow-Up to Report the Closure of a Case

When a missing juvenile is found, or the case is closed, the assigned investigator shall complete the detective portion of the original report to document the closure of the case.

This is accomplished by checking the “Follow-Up Report” box on the lower left portion of the original Missing/Found Person Investigation Report. Additionally, the investigator shall complete the required detective sections on the front and back pages of the report.

Juvenile found or case closed within 30 days of the original report

If the missing juvenile has been found or the case is closed within 30 days from the date of missing, and no exceptional circumstances are involved that require further documentation, no additional Follow-Up Report is required.

Juvenile found or case closed after 30 days of the original report

If a missing juvenile has been found or the case is closed after 30 days of the original report. The investigator is responsible for completing the Follow-Up Report, as well as the completion and submission of the original Missing/Found Person Investigation Report, Form 3.16.

Missing Persons Investigation–Retention of Original Report

The division of investigative assignment shall be responsible for maintaining the original Missing/Found Person Investigation Report until the missing juvenile is found or the case is closed.

Once the missing juvenile report is closed, the original report shall have all applicable detective follow-up boxes completed, submitted to a detective supervisor for approval, and then forwarded to the Area Records Unit for final distribution to Records and Identification Division.

Follow-up Investigation Report–Use in Missing Juvenile Investigations

When required, a Follow-up Investigation Report shall be completed on all missing juvenile investigations, including cases involving lost, runaway, stranger/parental/family abduction, kidnapping, unknown circumstances, and catastrophe cases.

The completion of a Follow-up Investigation Report shall follow the Department's missing juvenile follow-up schedule, or as otherwise required as an "Exceptional" Follow-Up. See the section titled "Follow-Up Schedule - Missing Juvenile Cases – Exceptional Requirements" for additional information.

Follow-up Investigation–Multiple Missing Juvenile Progress Report

A Follow-up Investigation Report can be used as a Multiple Missing Juvenile Progress Report. This is typically used when an investigator is updating several missing juvenile cases at one time.

For example, an investigator has three juvenile missing reports that require a report after six months; however, there is no additional information to report. The investigator has the option to complete a Follow-Up Investigation Report for each missing juvenile case, or combine all three on one Follow-Up Investigation Report. For additional information see exemplar titled "Multiple Missing Juvenile Progress Report" at the end of the chapter.

FOLLOW-UP CASE CATEGORIZATION AND SCHEDULES**Follow-Up Case Categorization**

All Missing juvenile investigations shall be classified as **Category I**. Department policy prevents downgrading a Category I case to a Category II; see DOM. Categorization of missing juvenile cases as Category II in DCTS is not allowed.

Follow-Up Schedule-Missing Juvenile Cases

The following is the required follow-up schedule for all “open” missing juvenile investigations. This schedule requires that a Follow-Up Investigation Report be completed at the end of each of following time frames:

- 30 days – Initial Follow-up
- 90 days
- Six months
- One year – Shall also complete and attach a completed NCIC Validation Form, which documents the investigative efforts made to locate the juvenile. A sample is located at the end of this chapter. For additional information regarding the NCIC validation process, see the below section titled: Follow-Up Investigation Report - NCIC Yearly Validation Procedures and Documentation.
- A Follow-Up Investigation Report shall be submitted each year thereafter until the juvenile is found, or the case is closed (must complete a new, updated NCIC Validation Form).
- An Additional Follow-Up Investigation Report may be required, or waived, as noted in the “Exceptional Requirement” Follow-Up Section below.

NOTE: When completing the yearly required follow-up, that report shall also be used to document the information required by the yearly NCIC validation requirement. See validation section as well as the reference documents at the end of this chapter for additional information.

Follow-Up Schedule-Missing Juvenile Cases–Exceptional Requirements

The following circumstances are the exceptional requirements that mandate the completion of additional Follow-Up Investigation. An “exceptional” Follow-Up Investigation Report shall be completed when any of the following situations occur:

- When new or additional information is received regarding any missing juvenile; or,
- When required by a supervisor.

Additionally, a Follow-Up Investigation Report shall be completed at the end of each subsequent 30-day period, regardless of age, when the missing juvenile:

- May be in danger.
- Needs medical assistance.
- Circumstances necessitate an ongoing investigation.

NOTE: The monthly completion of the mandatory 30-day Follow-Up Report may be waived after one year from the time of the original report, upon approval of the Detective Commanding Officer of the concerned Division. However, the yearly Follow-Up Report is still required, as well as when any new or additional information is received regarding the case.

Follow-Up Investigation Report-NCIC Yearly Validation Procedures and Documentation

The yearly required Follow-Up Report shall be used to document the results of the NCIC Validation, as well as any other information. The FBI and CAL DOJ policies and regulations require that the information entered into NCIC regarding missing person cases must be checked yearly to confirm that the NCIC missing juvenile record is complete, accurate, and the missing juvenile is still outstanding. The verification of this information is referred to as an NCIC validation.

Federal and State laws require that once each year, corresponding with the anniversary date of the original NCIC entry, each “open” missing person entry must be validated. Investigative efforts and verifications conducted during validations process are documented in the yearly Follow-Up Report and used for auditing purposes by the FBI and Cal DOJ.

To assist in the documentation process, investigators should utilize the NCIC Validation Form at the end of this chapter. For additional information regarding NCIC validation process, contact: Juvenile Division NCIC Validation Coordinator: (213) 486-0550.

Follow-Up Investigation Report-Missing Juvenile Cases-General Initiation Instructions

A missing juvenile Follow-up Investigation Report shall be initiated when:

- The case is closed after 30 days from when the initial report was completed.
- The report type is reclassified from the original missing juvenile report. An example would be a missing juvenile that was originally entered into NCIC as a “runaway” and NCIC entry was changed to “unknown circumstances.”
- The responsibility for investigation of the case is transferred to another division.
- Corrections to the original report are necessary, including the name, DOB, personal identifiers.
- Subsequent information is learned, or follow-up investigation is conducted, which merits the documentation of these circumstances.
- Information that eliminates a known or possible suspect.
- A change in the missing juvenile or involved suspect’s identity.

NOTE: Whenever information is received that changes information contained within NECS, MUPS, or NCIC, a Follow-Up Investigation Report shall be completed to document the change.

An update to the Department’s Consolidated Crime Analysis Database (CCAD) is required. To accomplish this, the Follow-up Investigation Report shall contain the words “CCAD UPDATE” in bold print centered on the first line of the report narrative.

- Investigative efforts that produce positive or negative information toward locating the missing juvenile.
- Required by a detective supervisor.

Follow-Up-Missing Juvenile Cases-Investigative Case Notes

Information or investigative efforts must be documented in the “Case Notes” section of the DCTS, or if unavailable, on an Investigator’s Case Progress Log, Form 1.44. A Chronological Record may be used instead of a Investigator’s Case Progress Log.

Relevant information recorded on the Investigator's Case Progress Log (or Chronological Record) shall always be transferred to the DCTS, as well as to the Follow-Up Investigation Report when reporting the progress or changing the case status of an investigation.

Follow-Up-Missing Juvenile Cases–Investigation Continued Status

When a juvenile is still missing, and a Follow-Up Investigation Report is submitted updating the status on the case, the Follow-Up Investigation Report shall indicate "Investigation Continued." However, within DCTS, that status shall not be used until the case is officially closed.

Within DCTS, an "open" missing juvenile case shall have a blank in the case status box to properly reflect that the case is open.

When an investigator updates DCTS to reflect that a required Follow-Up Investigation Report has been submitted they shall utilize the appropriate follow-up submission button so the case shows "open" within DCTS, but not overdue.

The case status of "Investigation Continued" or "IC" shall be the only case status utilized on a Follow-Up Investigation Report when the juvenile has been found, arrested, or the case is officially closed.

When a missing juvenile case is closed, and a Follow-Up Investigation Report is required, the words "**CASE CLOSED**" shall be printed in bold letters on the top of the narrative portion of the Follow-Up Investigation Report.

21.260. INVESTIGATIVE FOLLOW-UP RESPONSIBILITIES

The following information outlines the Department's follow-up responsibilities, policies, and investigative resources during missing juvenile investigations.

Investigative Responsibility–City of Los Angeles Residents

The Area where the missing juvenile's parent or guardian resides is responsible for the follow-up investigation.

Transferring Investigative Follow-Up Responsibility to Another LAPD Area

In cases where the initial investigation determines that the missing juvenile has a permanent residence in an Area other than where the report was initially reported, and it is believed the investigation should be transferred to the Area of residence, the following should be done:

- Conduct the initial investigation where the juvenile was last seen or reported missing; and,
- Exhaust all investigative leads to find the juvenile within the Area where he/she was reported missing; and,
- Contact the concerned LAPD Area detective table coordinator or representative and discuss the transfer of the investigation; and,
- If a transfer is agreed upon, immediately fax/email a copy of the Missing Report as well as any important case notes, to the concerned detective coordinator or their representative and confirm they received the report; and,
- The Area completing the original missing report shall have the Area Records personnel modify the original DOJ NCIC missing juvenile record's "MIS" (miscellaneous field) with a notation of the Area name and telephone number of who is now responsible for the follow-up investigation, or have the receiving Area complete a new Missing Juvenile Report with their DR and ORI numbers; and,
- When necessary, assist the Area assuming the investigation with any leads that may develop; and,
- Ensure that the original Missing Person Report, along with all related documents, are transferred to the concerned investigative entity.

NOTE: In cases where a juvenile is missing from a location in the City, other than his/her residence, and is still in that vicinity, that Area is responsible for the investigation. Any conflicts in the assignment of follow-up investigations should be handled between the Detective Commanding Officers of the Areas involved.

21.270. INVESTIGATIVE RESPONSIBILITY–NON-RESIDENT OF LOS ANGELES (COURTESY REPORTS)

State law requires law enforcement agencies to accept any report of a missing person without delay, regardless of jurisdiction. This includes cases where the missing juvenile has permanent residence in a jurisdiction outside of the City. Cases such as these are commonly referred to as "Courtesy Reports."

When a Division takes a Courtesy Report for a missing juvenile, the initial response, as well as the follow-up responsibility, shall remain with the LAPD Division where the DR was obtained.

Once the originally assigned LAPD Division has exhausted all investigative leads within the City of Los Angeles, the case should be transferred to the agency that has jurisdiction over the missing juvenile. It is imperative that all agencies involved in the investigation work closely together to locate the juvenile.

A missing juvenile “Courtesy Report” and follow-up investigation must remain “open” and assigned to the Division until:

- The missing juvenile is found; or,
- Another law enforcement agency assumes investigative responsibility for the case and enters the missing juvenile’s information into NCIC/MUPS with their Originating Response Indicator (ORI); or,
- The case is closed.

When assigned a case where the missing juvenile has permanent residence outside of the City, the investigator shall:

- Investigate any immediate leads to locate the juvenile until the case follow-up responsibility has been determined and resolved; and,
- Immediately contact the law enforcement agency of permanent residence and send a copy of the initial report; and,
- Coordinate the investigation with the agency of the missing juvenile’s residence; and,
- Contact the concerned agency responsible for the investigation and request that they assume follow-up responsibility of the case due to the juvenile’s permanent residence falling within their jurisdiction.

If another law enforcement agency agrees to assume the follow-up investigation:

When transferring a missing juvenile investigation from one agency to another, the assigned Department investigator shall:

- Immediately send a copy of the entire report, as well as copies of all attachments, printouts, or other pertinent information. Copies of all related reports and notes completed by Department personnel should be maintained in the Divisional case package.
- Request the agency to enter the missing juvenile into MUPS/NCIC under their ORI. The Department’s MUPS/NCIC entry shall not be canceled when transferring a courtesy report to another law enforcement agency until the assuming agency has entered the missing juvenile into MUPS/NCIC under their ORI.

NOTE: A missing person can have two or more “open” missing person MUPS/NCIC entries at any one time, as long as the entries are from different ORIs (Originating Response Indicator).

- Query the NECS system to verify the existence of the new missing juvenile entry in MUPS/NCIC and print out a copy for retention in the case package.
- Remove the Department’s MUPS/NCIC entry.
- Contact the parent/guardian, as well as any other involved entity (school, NCMEC, etc.) and inform them of the change in the investigative agency.
- Close the Department’s Missing Juvenile Investigation, the DCTS record, and complete/update/close all related reports and forms.
- Cause the removal of the Missing Juvenile School Notification Form, when required.
- Contact any organization that may have an investigative interest, or provided assistance in the case and notify them that another agency has assumed the investigation (i.e. CAL DOJ MUPS, NCMEC, NAMUS).
- Assist the assuming law enforcement agency with any follow-up investigation they may need within the City.
- Any future leads regarding the missing juvenile shall be routed to the assuming agency.

If the law enforcement agency declines to assume the follow-up investigation:

- Immediately send a copy of the report to the law enforcement agency where the missing juvenile has permanent residence, as required by law.
- Advise the concerned law enforcement agency of the State’s POST guidelines, which address this subject. See below section titled: Courtesy Missing Juvenile Reports - Peace Officer Standards and Training – Case Transfer Guidelines.
- Make notification to the Detective Commanding Officer, who may elect to contact staff of the other law enforcement agency to discuss the transfer/share investigation of the case.
- If the law enforcement agency still declines to assume the investigation, the originally assigned LAPD Division shall assume the full investigative responsibility of the case.

NOTE: It should be noted that there is no State or Federal law that requires the agency of residence to assume the investigative responsibility of a missing juvenile case when the incident was reported to another agency. The acceptance of the transfer is strictly **voluntary**.

Courtesy Missing Juvenile Reports - Peace Officer Standards and Training – Case Transfer Guidelines

When conflicts arise in the follow-up responsibility of a missing juvenile case where the juvenile has permanent residence in another jurisdiction, investigators may refer to the State guidelines written on the subject.

The State of California Commission on Peace Officer Standards and Training (POST) “Guidelines and Curriculum for Handling Missing Person and Runaway Cases” references the transfer of a missing juvenile investigation as a result of jurisdiction of residence and states the following:

POST Guidelines “Section 4 Follow-Up Investigation:

PC 14211(g) requires the agency taking the initial missing person report ‘within no more than 24-hours, notify and forward a copy of the report to the department that has jurisdiction of the residence address of the missing person or runaway, and of the place where the missing person was last seen.

It is recommended that the initial investigation should be handled by the agency of jurisdiction where the missing person was last seen. This includes entry of the missing person into the Department of Justice’s MPS (Missing Persons System) and coordinating a bilateral investigation with the agency of the missing person’s residence. Once this agency has exhausted all investigative leads, the case **should** be transferred to the agency that has jurisdiction over the missing person’s residence.

This would include making the proper computer notation with the Department of Justice as to the agency responsible for the investigation. Any future leads should be routed to the agency with jurisdiction based on the missing person’s residence. It is imperative that all agencies involved in the missing person investigation work closely together, enhancing the probability of locating the missing person.”

21.280.

JUVENILES MISSING FROM INSTITUTIONS, HOSPITALS, FOSTER CARE OR PLACEMENT

Investigative Responsibility

A juvenile who is missing while in the care or custody of a child-welfare agency or institution with whom the juvenile has been placed is considered “missing from care.” This includes placement of juveniles involving DCFS, Probation Department, hospitals and related institutions, caregivers, foster parents, relatives, caregivers and private agencies providing placement services.

Status Offender Detention Alternative (SODA), Probation Alternative Detention (PAD) homes, as well as foster care facilities, are temporary placement facilities only and shall not be considered as a permanent place of residence.

NOTE: Department personnel completing a Missing Juvenile Report where the juvenile being reported missing is from a placement facility or group or foster care home; the reporting Department personnel shall use the location of placement as the location of occurrence and not the location last seen or the residence of the juvenile’s parents.

Generally, the law enforcement agency having jurisdiction over the missing person’s place of residence has the investigative responsibility for the missing person case. However, due to the varying degrees of dependency, placement, parental responsibility, and assignment of the missing juvenile’s case worker, determining this location can be difficult.

To avoid confusion among those involved, the investigative responsibility of a juvenile “missing from care” shall remain with the Area where they were first reported missing. The investigative responsibility of juveniles “missing from care” can only be re-assigned to another Area or law enforcement agency when both entities agree to the re-assignment.”

EXAMPLE: A juvenile is placed at a mental hospital in Harbor Division, runs away, and is reported missing to Harbor Area, but the juvenile’s permanent residence is with his parents in Van Nuys Division. In this case, Van Nuys Detectives would be contacted, and if agreed upon, the case would be transferred for follow-up responsibility, once Harbor Area has exhausted all leads within their Area.

EXAMPLE: A juvenile who lives with her parents in Southwest Area is removed from her home by DCFS due to a child abuse investigation. The juvenile is temporarily placed in a foster home in Wilshire Area pending an investigation. Three days after placement, the juvenile runs away from the foster home and is reported missing at Wilshire desk.

In this case, once Wilshire Area has exhausted all local leads within their Area, and it has been determined that parental rights to the child have not been removed, Southwest detectives would be contacted, and once agreed upon, the case would be transferred for follow-up responsibility.

EXAMPLE: A juvenile is deemed a “ward of the court”, and all parental rights have been removed. The juvenile is living in a group home, foster care, or similar type facility in Foothill Division and runs away; however, the birth mother lives in Newton Division. Since the juvenile is a ward of the court, and the parent has no parental rights over the juvenile, Foothill Division would maintain investigative responsibility of the case. However, if the juvenile returns to Newton Area, Newton detective personnel would assist Foothill detective personnel with investigative leads within their division.

21.290. INVESTIGATOR RESPONSIBILITIES DURING THE INVESTIGATION OF A MISSING JUVENILE

The following sections outline several policies and protocols that must be followed by investigators who are assigned to investigate missing juvenile cases.

Missing Juvenile Investigators Checklist

Due to the many complexities and time sensitive requirements required during a missing juvenile investigation, the Department created a Missing Juvenile Checklist, which is designed to assist Department personnel with conducting thorough and timely missing juvenile investigations and follow-ups.

While the guidelines in the checklist are intended to supplement existing Department investigative protocols, it is impossible for a single checklist to provide direction for every missing juvenile case. No two missing juvenile investigations will be the same and, therefore, no two investigations will be investigated in the same manner.

While it is unlikely that every procedure and resource documented in the checklist will be utilized in each and every investigation, each should be given appropriate consideration. Additionally, the adoption and implementation of the procedures in the checklist should not preclude the use of initiative in a particular investigation or situation.

A copy of the checklist is located in the reference documents section at the end of this chapter and a digital version may be found in LAPD Forms by searching the words “missing juvenile checklist.”

Missing Juvenile, Suspect or “Person of Interest” Questionnaires

Depending on the circumstances surrounding the missing juvenile, the investigator/first responder may consider having the parent/guardian/reporting party, or other persons complete an in-depth questionnaire on either the concerned missing juvenile and suspect(s) or “person(s) of interest(s). Once the questionnaire is completed, the results can be used to provide additional information that is not documented on the Missing Persons Investigation, specifically the background and personality of the juvenile, as well as the suspect(s).

While the questionnaire can be used during any investigation of any missing juvenile, it should be considered for critical cases involving abductions/parental/family, suspicious/unknown circumstances, or long-term missing cases that require a due diligence.

There are two separate questionnaires; one is for obtaining in-depth victimology and personal information regarding a missing child victim and his/her family. The other questionnaire serves the same purpose, but for the possible suspect(s) or person(s) of interest. Copies of these forms are located at the end of this chapter, as well as in LAPD Forms.

The FBI’s Child Victim Background Questionnaire (CVBQ) can be located on LAPD Forms by searching the words “CVBQ” for the questions.”

The FBI’s General Assessment Questionnaire (GAQ) which would be used for the suspect/person of interest can be located on LAPD Forms by searching the words “GAQ.”

Verification and Updating of Missing Juvenile Entry within MUPS and DCTS

Upon initial assignment of a missing juvenile investigation, investigators shall:

- Contact the reporting party and confirm that original missing juvenile report contains the correct information. Special attention should be made to confirm the correct spelling of the name, DOB, sex, race, and physical descriptors.
- Verify the information contained within the original MUPS/NCIC/DCTS entry, including the missing juvenile’s full name, DOB, date last seen, as well as other identifying information. The information contained on the Missing Juvenile Report shall match the information contained within MUPS, the MUPS printout, and DCTS. Special attention should be paid to errors in the following data fields: spelling of the name, DOB, sex, race, and physical descriptors.
- Check for existing/prior Missing Juvenile Reports.

- Query the Juvenile Automated Index (JAI) to ascertain the juvenile's dependency and delinquency record.

Within 60 days of initial entry into MUPS/NCIC Record of the Missing Juvenile

- Review and update the MUPS/NCIC record with any additional information, including, when available, medical and dental records or notes, and other identifying information that may assist in the identification of a missing juvenile.

To assist with this requirement, an NCIC Missing Person File Data Collection Entry Guide is available to investigators to help with the gathering of this information. Typically this guide would be shared with the missing juvenile's parents/guardians or others who could provide this information. Once information is obtained, it shall be updated within NCIC via Area records unit personnel. The guide is located on the Department LAN by searching the words "NCIC Missing Person File."

DCFS Notifications

When a juvenile is reported missing, the initial reporting officer is required to contact the DCFS Hotline to check the juvenile's active dependency status or prior contact with their agency. As part of the initial follow-up investigation of a missing juvenile who may fall under the jurisdiction of DCFS, the assigned investigator should consider contacting DCFS for the following:

DCFS Law Enforcement 24-Hour Hotline (800) 540-4000

DCFS can provide information regarding the juvenile's dependency status, as well as the contact information for the assigned social worker, if applicable. If the juvenile has been involved with DCFS, DCFS can provide a history.

DCFS/LAPD Divisional Liaisons (when assigned)

Some geographic divisions have DCFS liaisons assigned at the division who should be contacted to review any information they may have that can assist in the investigation.

DCFS Runaway Outreach Unit (213) 351-0278

The DCFS Runaway Outreach Unit (ROU) is a countywide specialized program designed to locate, stabilize and reduce the recidivism of the Runaway/Pre-delinquent/Crossover youth population within DCFS.

Investigators should consider contacting the ROU to assist in the following:

- Identifying the primary DCFS Children's Social Worker (CSW).
- Identifying the ROU Secondary Runaway CSW.
- Creating a runaway profile on DCFS missing juveniles.
- Assisting with immediate shelter care placement.
- Assisting with transporting juveniles to DCFS Hotline location or placement.
- Assisting with photo identification for missing juveniles.
- Assuring juveniles who runaway (AWOL) are active on the DCFS Abducted Runaway Kids System (ARKS) and are successfully stabilized in care; and,
- Assuring that active protective custody (WIC 300) warrants are cleared upon a youth's return to DCFS care.

DCFS-Child Abduction Unit (CAU) (323) 881-1352

The CAU is a countywide specialized program designed to assist and coordinate cases where children missing from DCFS care have been taken by the child's parent/relatives.

The CAU can provide assistance and resources in DCFS child/family abduction cases. The CAU works with the missing child's assigned social worker.

Probation Department Notifications

When applicable, investigators should contact the Probation Department to ascertain the juvenile's current or past delinquency status. To obtain full Probation Department information, two contacts should be considered:

In-Custody Detention Information

To check if the juvenile is currently in custody and their housing status at any LA County detention facility (Juvenile Hall or camp), contact the Probation Department's Inmate and Detention Control (IDC) Reception Desk at Central Juvenile Hall (Eastlake) (323) 226-8616.

Probation Delinquency Status

To check a juvenile's delinquency status, contact any Probation Department Field Office. During off hours, contact a Probation Department's Intake and Detention Control Officer located at any of the county's three juvenile halls.

Initial Follow-Up Contact with Parent/Guardian or Reporting Party

Once a missing juvenile case is assigned, the reporting party should be contacted as soon as possible. When contact is made, the following is a list of recommended topics for the investigator to discuss with the reporting party:

- Ascertain if the juvenile is still missing and/or further investigation is warranted.
- Confirm the spelling of the name of the missing juvenile, the correct DOB, and other important identifying information that may have been written on the report or MUPS in error.
- Obtain a brief, recent history of family dynamics or relationship dynamics that apply to the missing juvenile.
- If not originally provided, obtain a recent photograph of the missing juvenile depicting the juvenile in a natural state (no glamor shots), as well as smiling and showing teeth if possible.
- When applicable, or when a request is made by the reporting party as to who they can contact for additional assistance, the following organizations can provide valuable, no-cost resources that can assist in finding the missing juvenile:

NCMEC 24-Hour Number (800) 843-5678

and

California DOJ Missing Persons Clearinghouse (800) 222-3463

If the case involves a family/parental/non-family abduction, besides the above organizations, when appropriate, the following local organization may also provide assistance to the left behind parent/guardian/family, including counseling and reunification services:

Find the Children Organization – Reunification Program

(310) 314-3213 Inter-Agency Council on Child Abuse and Neglect (ICAN)

Public Missing/Abduction/Runaway Juvenile Assistance Documents

When a juvenile is missing, several documents are available to the public that may be provided or directed to:

“When your Child is Missing”

US Government– Office of Juvenile Justice and Delinquency Prevention (OJJDP) English and Spanish Versions. This is a digital PDF document that provides in-depth resources for the parent/guardian that can help them locate the missing juvenile, as well as a variety of additional resources. This PDF is available for download on the Department’s public website www.LAPDOnline.org, missing juvenile section, as well as on the Department LAN, Juvenile Division website.

“A Family Resource Guide on International Parental Kidnaping”

US Government – OJJDP English and Spanish Versions

This is a digital PDF document that provides descriptions and assessments of civil and criminal remedies available in international parental kidnaping cases. It explains applicable laws and identifies the public and private resources that may be called on when an international abduction occurs or is threatened. This guide is available for download on the Department’s public website www.LAPDOnline.org, missing juvenile section, as well as on the Department LAN, Juvenile Division website.

21.300. DENTAL/SKELETAL X-RAY RECORDS OF MISSING JUVENILES

Dental/Skeletal Records-General Information

Dental/skeletal records, which include dental charts, dental x-rays, or treatment notes, are critical for comparison by coroner investigators. This is accomplished by comparing dental records of the missing person’s teeth with records of a deceased person’s (or unidentified living person’s) teeth. Once dental records/treatment notes are obtained by the investigator, they are sent to California DOJ MUPS by the assigned investigator. Once the dental records/treatment notes are obtained by the DOJ MUPS Section, they are reviewed by dental personnel who then code the records for entry into the MUPS NCIC record, which can assist coroner officers and investigators around the country.

The original dental records/treatment notes should be left with the dental or medical providers. Therefore, copies should be requested by the parents, reporting parties, or law enforcement investigators. The dentist/medical provider should be instructed to “freeze” the concerned person’s medical/dental record file until further notice. This helps with obtaining replacement copies in the event a set is lost in the mailing and identification process.

Investigators should be aware that dental records are perishable, and must be obtained as soon as possible. There are no laws in place requiring dental offices to keep any records, but in general they are retained for about 7 year but there is nothing in place preventing them from being destroyed at any given time. Other than dental records and treatment notes, skeletal X-rays can also be of critical value, especially when dental records are not available. This can occur if the missing person does not have any dental records available, a body is recovered, and the teeth are missing, or, the teeth have been damaged thus preventing comparison/elimination.

In these cases, identification may be accomplished by the examination of other x-rays of the missing juvenile. The term “dental or medical records or x-rays,” includes all those records or x-rays and treatment notes, which are in the possession of a dentist, physician and surgeon, or medical facility (14212 PC).

NOTE: In unique cases where the parent/guardian/reporting party may be a “person of interest” in a missing juvenile investigation, once the dental/skeletal/photograph release form is signed, the investigator should be the one to obtain the dental/skeletal records directly from the concerned dental/ medical personnel. This would avoid any potential conflict with the investigation of a “person of interest” who might otherwise obtain possible evidence in a criminal investigation.

Dental Records of Juveniles Who Are Under the Jurisdiction of DCFS or the Probation Department

In cases where dental records are needed of juveniles who fall under the control of DCFS or the Probation Department, the concerned investigator should work with the assigned social worker or Probation Officer to obtain the dental records. Additionally, the CAL DOJ MUPS Unit may be able to provide assistance in locating dental records of these juveniles, as they have access to the State’s Dental-Cal system that has contact information of dentists who have treated these juveniles.

Dental/Skeletal Follow-Up with Reporting Party

- Inquire if the Dental/Skeletal/X-Rays/Photo Release Form, BCIA 4048, was issued by the reporting officer. If not, the investigator shall document that the responsible party has received the form within DCTS, the required Follow-Up Report, and Missing Juvenile Report.
- Inform the parent/reporting party that if the missing juvenile is still missing after 30 days, the Dental/Skeletal/X-Rays/Photo Release Form, BCIA 4048, signed by the family shall be taken immediately to the missing juvenile’s dentist, physician, and surgeon, and request that they release copies of the required records.

Once the records are received, within 10-days, the parent/guardian/reporting party shall bring the records to the assigned LAPD investigator (PC 14212[c]).

NOTE: In unique cases where the parent/guardian/reporting party maybe a “person of interest” in a missing juvenile investigation, once the release form is signed, the investigator should obtain the dental/skeletal records directly from the concerned dental/medical personnel.

- If a photograph was not provided with the report, request a quality photo showing the juvenile in a natural state (no glamor shots), smiling and showing teeth if possible; and,
- Provide the parent/guardian/reporting party the case DR number, as well as the investigator’s contact information.

Dental/Skeletal Records-Juvenile or any age if “At-Risk”

When an investigator determines that a missing juvenile has been missing for 30 days, the investigator should contact the parent/guardian/reporting party and:

- Remind them to execute the Authorization to Release Dental/Skeletal X-Rays/Photograph of Missing Juvenile Release Form, BCIA 4048. Request that the parent/guardian/reporting party obtain the records listed on the form and provide them, along with the completed DOJ Release Form, to the investigating officer.

NOTE: If the release form was not provided to the parents/guardian/reporting party, the release form shall be provided by the investigator and documented on the Follow-Up Investigation Report and DCTS. When the documents are received, within 24 hours of receipt, the investigator shall:

- Immediately check with the coroner to see if they have human remains that match the description of the missing juvenile.
- Immediately send to DOJ MUPS the following items:
 - * A copy of the Missing Juvenile Report; and,
 - * A copy of the signed DOJ Release Form, BCIA 4048; and,
 - * Copies of dental records (charts & x-rays), treatment notes; and,
 - * Skeletal x-rays (if requested); and,
 - * Photographs (color) – if not previously provided.

Dental/Skeletal Records-Juvenile 16 Years or Older

When a juvenile, **16** years or older, is still missing after 30 days, the investigator shall instruct the parent/guardian/reporting party to:

- Obtain the dental/skeletal records for the investigating officer. within ten days
- The dental/skeletal records shall then be sent immediately to DOJ MUPS for inclusion into the missing juvenile's MUPS/NCIC record.

Dental/Skeletal Records/Coroner Check–Juvenile Missing More Than 30 Days

If the missing juvenile has not been found **within 30 days**, the investigator should:

- Check with the coroner to see if they have human remains that match the description of the missing juvenile.
- Send to DOJ MUPS the following items (PC 14212):
 - * A copy of the Missing Juvenile Report; and,
 - * A signed DOJ Release Form, BCIA 4048; and,
 - * Copies of dental records (charts & x-rays), treatment notes; and,
 - * Skeletal x-rays (if requested); and,
 - * Photographs (color) – if not previously provided.
- Consider obtaining DNA samples, depending on the case circumstances. See Missing Juvenile DNA Section below for additional information.

Dental/Skeletal/Medical Records–Next of Kin Cannot be Located or Fails to Obtain Records

If the dental/skeletal/medical records are not submitted to the concerned investigator within 30 days (or sooner as required), or in the event there is no family member or next of kin willing to secure the records, and the medical provider is known, the concerned investigator may proceed as follows (PC 14212):

- Complete an original and two copies of the Authorization to Release Dental/Skeletal X-Rays/Photograph of Missing Juvenile, DOJ Form BCIA 4048.
- Prior to contacting the dentist, contact Fiscal Operations Division, Appropriations Section, at (213) 486-8540, and make arrangements for payment to a concerned dentist if a bill is going to be submitted for payment.

- Deliver a copy of the Release Form to the concerned medical provider and obtain the records.

In the event the dentist or doctor's office requests payment for providing a copy of the missing juvenile's dental/medical records, the investigator shall direct the dentist/doctor to bill the Los Angeles Police Department and forward the bill to the investigating detective division, care of the investigating officer. Instruct the dental/medical office personnel to include the respective DR number on the bill.

The investigating officer's immediate supervisor shall verify that the dental/medical records for which payment has been requested have been received and so indicate on the Authorization to Release Dental/Skeletal X-Rays/Photograph of Missing Juvenile, Form BCIA 4048.

One copy of the Release Form, the bill, and a Form 15.7, explaining the need for payment shall be forwarded to the below entity for processing:

Fiscal Operations Division
Appropriations Section
PHF 7th Floor, (213) 486-8540

The investigator shall maintain the original Authorization to Release Dental/Skeletal X-Rays/Photograph of Missing Juvenile, Form BCIA 4048, as well as a copy of the dental/medical records in the detective's case package.

Skeletal X-Rays

A frequently overlooked forensic tool, skeletal x-rays, particularly of the head, are often available even when dental records cannot be found. Securing these x-rays follows the same procedure as dental records. It is strongly recommended that these be obtained digitally, and transmitted to DOJ-MUPS, as well as uploaded as JPG images to NamUs.

Forwarding of Dental/Skeletal/Medical Records to DOJ MUPS

When the missing juvenile's dental/skeletal records have been obtained, the investigator shall indicate that information on the Missing/Found Persons Investigation and in DCTS.

Telephonic contact should be made with the DOJ MUPS before sending any dental/skeletal records. When either dental or skeletal records have been received, within 24 hours, the investigator shall send the following information to the DOJ/MUPS:

- A copy of the Missing Juvenile Report;
- A copy of the Release Form;
- A copy of the dental/skeletal records.

Shipping of Records

- Send above information to the DOJ MUPS via the Department's shipping courier. For tracking purposes, delivery confirmation should be requested. Contact Area Records personnel for the name and account number of the Department's current shipping courier.
- Place the records in a protected package to prevent the records from being damaged during the shipping process.
- Request that DOJ MUPS notify the investigator when the records are received. The investigator shall document the date the records were received by DOJ MUPS in DCTS.
- The package shall be sent to the following physical shipping address:

California Department of Justice Bureau of Criminal Information & Analysis
Missing and Unidentified Persons Unit
4949 Broadway, Room B216
Sacramento, California 95820-1528
Phone: (916) 227-3290 Email: missing.persons@doj.ca.gov

The assigned investigator shall maintain the original Authorization to Release Dental/Skeletal X-Rays/Photograph of Missing Juvenile, BCIA 4048, in their detective's case package.

21.310.

MISSING JUVENILE PHOTOGRAPH-FOLLOW-UP

When a missing juvenile has been reported, law enforcement is required by State Law (PC 14210) to obtain a recent photograph of the missing juvenile and forward it to DOJ MUPS. The following outlines procedures for processing the photographs.

- The assigned investigator should attempt to obtain a recent photograph that shows the juvenile in a current and natural state (no glamor shots), smiling, and showing teeth if possible;

- Ensure that the back of the photograph has the following information written in permanent ink:
 - * The words: “Missing Juvenile;”
 - * The missing juvenile’s last name, first name, middle initial;
 - * The DR number; and
 - * The age of the juvenile when the photograph was taken.
 - *

Photograph Retention

The photograph shall be maintained in the Detective Case Package or file in such a way that it would not easily fall out or be misplaced.

Transmitting Photographs Electronically to DOJ MUPS

In order to send a photograph of a missing juvenile to DOJ MUPS, the investigator shall:

- Confirm with the parent/guardian that the correct photograph was received by the investigator.
- Scan the photograph at a resolution of 72 DPI. If scanned at a larger resolution, there is a possibility the file will not be sent or received.
- **Within 24 hours** of receipt of the photograph, electronically forward the photograph to the DOJ MUPS email address at missing.persons@doj.ca.gov
- In the subject of the email write: “LAPD Missing Juvenile Photograph Submission”
- In the body of the email document the following:
 - * Last Name of the missing juvenile
 - * First Name of the missing juvenile
 - * Middle Name of the missing juvenile
 - * DOB of the missing juvenile
 - * FCN Number
 - * OCA No
 - * Agency Name and Division
 - * Investigators name
 - * Investigator's phone number
 - * Investigator’s email
 - * Request email confirmation that the photograph and report were electronically received.

- Attach the electronic copy of the photograph and missing juvenile report to the email and send it to the above email address.
- Once email confirmation has been received from DOJ MUPS, update the Missing/Found Persons Investigation and the DCTS. It is recommended that the email acknowledgment be copied and pasted directly into the DCTS notes when possible.
- Upon DOJ MUPS' receipt of a missing juvenile's photograph, the photograph will be placed in the California DOJ Missing Persons Website at <http://ag.ca.gov/missing/>
- Once the photograph is received, DOJ MUPS will update the MUPS/NCIC and subsequent CLEW Missing Person Record File so that it reflects that the concerned missing juvenile's photograph is available for viewing and comparison.
- Additional information regarding the sending of missing juvenile photographs to DOJ MUPS may be obtained by contacting:

California Department of Justice Missing and Unidentified Persons Section
 Phone: (916) 227-3290 or (800) 222-3463
 Email: missing.persons@doj.ca.gov

NCIC Photograph Imaging Capabilities for Attachment to NCIC Entry

Investigators may consider attaching digital images of the missing juvenile, wanted suspect, or an involved vehicle to the NCIC entries related to the missing/abducted juvenile, or other types of investigations. Additional information on this subject may be found in the first half of this chapter under the title: NCIC Entry–Image Capabilities.

21.320. CALIFORNIA DEPARTMENT OF JUSTICE, MISSING AND UNIDENTIFIED PERSONS SECTION (MUPS)

The California Department of Justice (DOJ) Missing and Unidentified Persons Section (MUPS) assists law enforcement and criminal justice agencies in locating missing persons and identifying unknown living and deceased persons through the comparison of physical characteristics, fingerprints, and dental/body x-rays. The MUPS maintains the Missing Persons System (MPS) and the Unidentified Persons System (UPS) available through CLETS, which in turn shares information with the NCIC Missing Person File.

Additionally, the DOJ MUPS has other resources available that can assist an investigator during a missing juvenile investigation.

Following is a listing of the services provided by the DOJ MUPS:

Law Enforcement Assistance

- Functions as the State clearinghouse and repository and maintains the California Missing and Unidentified Persons databases, as well as a compilation of missing person statistics.
- Provides technical assistance with the entry, removal, and modification of data entries into the MUPS/NCIC system that cannot be resolved by Department personnel.
- Queries or provides access to a variety of governmental and private databases for information that may result in the location or identification of a missing juvenile and/or unidentified juvenile (alive or deceased).
- Assists law enforcement with questions regarding transactions and updates to the State and NCIC Missing and Unidentified Persons databases.

Physical Identification

- Provides analytical assistance to law enforcement by comparing physical descriptions of missing juveniles to unidentified juveniles (living or deceased) and searching a multitude of government and public databases.
- Identifies unknown juveniles by dental/skeletal x-rays/charts.

Dental/Skeletal/Photograph Identification and Submission by Law Enforcement

- Responsible for receiving all photographs, as well as dental and skeletal records from law enforcement, related to missing juveniles.
- Charting and classifying dental and skeletal x-rays/charts submitted by law enforcement agencies on missing juveniles.
- Provides dental record comparisons for missing and unidentified juvenile cases submitted by law enforcement agencies and coroner's offices.

Missing Children Clearinghouse

- Maintains an international, 24-hour, toll-free missing juvenile telephone

hotline (800) 222-FIND for the public to receive and relay information to law enforcement agencies regarding missing juveniles. Investigators should provide this phone number to the parent/guardian of a missing juvenile.

- Offers resources to families who are attempting to locate a missing juvenile.
- Publishes and distributes the DOJ Monthly Missing Children Poster and Quarterly Bulletin. Investigators may contact DOJ MUPS for consideration of submission of a Department missing/found/unidentified juvenile case.
- Can assist in coordinating additional resources that can be utilized to locate a missing juvenile, especially when producing and distributing informational flyers, posters in California publications, buildings, and schools.
- Maintains the Attorney General's Missing Person website with photographs of missing juveniles and adults - <http://ag.ca.gov/missing/>
- Nationwide networking of all missing juvenile clearinghouses to aid in locating juveniles taken out of or brought into California.
- Can place a missing juvenile on the Featured Missing Children section of the California Attorney General's website.
- Provides parents with several non-profit missing juvenile organizations and resources.

To request any of the above services, contact:

California Department of Justice
Bureau of Criminal Information & Analysis
Missing and Unidentified Persons Section
4949 Broadway, Room B216
Sacramento, California 95820-1528
Phone: (916) 227-3290 or (800) 222-3463
Fax: (916) 227-3270
Email: missing.persons@doj.ca.gov
Website: <http://ag.ca.gov/missing/>

21.330.

**CALIFORNIA DEPARTMENT OF JUSTICE CRIMINAL HISTORY UNIT
RECORD FLAGGING – CRITICAL MISSING JUVENILE CASES**

The California Department of Justice (DOJ) CLETS Administration Section has the ability to “flag” criminal record files and license plates on **critical** missing juvenile

cases. To “flag” a person or vehicle, a written request on Department letterhead, (signed by a captain) and faxed to the DOJ Criminal History Unit. Contact information is (916) 227-3677 Fax: (916) 227-0696.

21.340. NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM(NamUs)

The National Missing and Unidentified Persons System (NamUs) is a clearinghouse for missing persons and unidentified decedent records. NamUs provides an online, free public database for missing persons and unidentified remains records.

NamUs is the one place where anyone interested in solving missing or unidentified person cases; including law enforcement, medical examiners and coroners, victim advocates, families, and the general public, can search a database when looking for any missing or unidentified person. NamUs is independent of NCIC, DOJ MUPS, and NECS. Entries into NamUs are supplemental entries to NCIC and other required systems.

Investigators are encouraged to enter all long-term missing juvenile cases into NamUs, which can help solve open missing juvenile cases by matching identifiers with those of unidentified bodies across the United States.

NamUs contains information about missing persons that can be entered by anyone, but before it appears as a case in the NamUs database, the information is verified. The NamUs database and website provide the ability to print missing juvenile posters and even map out possible travel routes in a search for a missing juvenile. Other resources include links to state clearinghouses, medical examiner and coroner offices, law enforcement agencies, victim assistance groups and pertinent legislation.

The Unidentified Persons Database contains information entered by medical examiners and coroners. Unidentified persons are people who have died and whose bodies have not been identified. Anyone can search this database using characteristics such as sex, race, distinct body features and even dental information.

When a new missing juvenile or unidentified decedent case is entered into NamUs, the system automatically performs cross-matching comparisons between the databases, searching for matches or similarities between cases.

Law enforcement personnel have special access to certain files of the database that are not visible to the public. This password protected area is used to share specific case information with other law enforcement around the country.

To access NamUs, visit <http://www.namus.gov/>. Department personnel must obtain a law enforcement password to view confidential sections of the website. For

further information, contact (855) 626-7600, and ask to be connected with the NamUs Law Enforcement liaison administrator for the State of California.

The NCMEC, as well as the DOJ MUPS, can provide additional information regarding NamUs.

21.350. VIOLENT CRIMINAL APPREHENSION PROGRAM/ViCAP WEB

The Federal Bureau of Investigation's (FBI) Violent Criminal Apprehension Program (ViCAP) maintains the largest nationwide investigative repository of violent crime cases in the United States. ViCAP, a web-based data information center, is designed to collect and analyze information about a variety of violent crimes, including “open” missing juvenile cases where the circumstances indicate a strong possibility of foul play and the victim is still missing. Investigators should strongly consider the entry of these types of cases into ViCAP.

The Department has a dedicated ViCAP Coordinator, who is also known as the Law Enforcement Agency (LEA) Manager. The LEA Manager is located within Robbery-Homicide Division and should be consulted whenever an investigator has a case that may fit the criteria for entry into ViCAP. The LEA Manager can also grant access to ViCAP for individuals who require such access.

ViCAP Coordinator/LEA Manager
Robbery Homicide Division
(213) 486-6850

21.360. CORONER'S OFFICE-FOLLOW-UP INVESTIGATION

Working with the Los Angeles County Coroner's Office is a necessary part of a missing juvenile follow-up investigation. Typically Coroner's Office personnel are contacted by the first reporting officer; however this first contact only involves the searching for unidentified decedents that the Coroner's Office is currently in possession.

A missing juvenile could end up as an unidentified decedent after the Coroner's Office was first contacted when the original Missing Person Report was completed. As part of an investigators follow-up, contacting the Coroner's office periodically during the missing juvenile investigation can help identify these cases.

The following are the procedures that investigators should follow when contacting the Coroner's Office regarding a missing juvenile investigation:

- Discuss the case with a Coroner Investigator, who is assigned to the

Identification Section.

- Mail, email, or deliver a copy of the Missing Juvenile Report, a color copy of a photograph of the missing juvenile, and the investigator's contact information to the Coroner Identification Section.
- Faxing of photographs to the Coroner's Office should not be done, because when the photographs are printed on a black and white low-resolution fax machine, they are low quality and not generally identifiable. Flyers with photographs should be delivered, mailed, or transmitted via email, with a confirmation phone call to the Coroner's Office to confirm receipt.
- If needed, investigators should set up a conference with a Coroner's Investigator.

Coroner's Office Identification Section - Contact Information:

Los Angeles County Coroner
Identification Section
1104 N. Mission Road
Los Angeles, California 90033

Phone Number: (323) 343-0754
24-Hour Number: (323) 343-0714

21.370.

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN (NCMEC)

The National Center for Missing & Exploited Children (NCMEC) serves as a clearinghouse on issues related to missing and sexually exploited children. NCMEC is a private, nonprofit organization authorized by Congress to perform 22 programs and services to assist law enforcement, families, and the professionals who serve them. As part of their mission, NCMEC provides technical assistance in cases of child abduction, missing juveniles, and child sexual exploitation.

NCMEC provides the following services to assist law enforcement and parents:

- Confirms NCIC-Missing Person File entries for juveniles.
- Provides technical case assistance.
- Maintains the web site www.missingkids.org.
- Organizes networks for law enforcement personnel investigating cases in the United States and internationally.
- Operates a 24-hour, toll-free hotline with English and Spanish bilingual specialists as well as access to over 200 languages via a language telephone service.
- Distributes photos and posters of missing juveniles.
- Provides photo enhancements and age progressions of missing juvenile photos.

- Records leads and sightings and disseminates related information.
- Operates Project ALERT (America's Law Enforcement Retiree Team), which provides free onsite assistance to hard-pressed local law enforcement agencies in difficult missing juvenile cases.
- Offers assistance in coordinating and planning successful reunifications.
- Administers victim reunification travel funds, which can be used by financially eligible parents for international travel to attend a court hearing or to reunite with abducted children.
- Provides information and technical assistance to parents, officers, and attorneys on preventing family abductions.
- Provides information about the Hague application process and can assist parents and attorneys with questions about necessary forms.

NCMEC's Analytical Resources

NCMEC's Case Analysis Division provides direct analytical support to law enforcement for missing juvenile cases, unidentified living and deceased juvenile cases, attempted abductions of juveniles, suspicious circumstances involving juveniles, and juvenile sex trafficking investigations.

Analysts are available Monday-Friday from 8:00 am – 5:00 pm EST with an on-call analyst available 24/7 for emergency cases and time-sensitive requests. Contact the NCMEC 24-hour Call Center, (800) 843-5678, to reach the on-call analyst.

NCMEC analysts can assist Department employees in missing juvenile investigations by:

- Developing intelligence using donated public records databases, NCIC, Nlets, the Internet, and various internal NCMEC systems.
- Performing searches of attempted abductions and sex offenders within a specified region of a critical missing juvenile cases.
- Producing a timeline for an offender's history to include places of residence, employment, and travel based on information gathered from public records and NCIC Offline results.
- Providing large-scale topographical and aerial maps for grid searching purposes for missing juvenile cases.
- Reviewing leads received through NCMEC's Call Center.
- Facilitating the distribution of all leads to state missing juvenile clearinghouses and local law enforcement.
- Helping to identify and recover juveniles who are victims of child sex trafficking as well as link cases of possible sex trafficking to missing juvenile cases known to NCMEC.
- Helping to build cases against those who traffic juveniles by providing

biographical reports on suspects as well as through link analysis showing potential relationships between juvenile victims and suspects on other missing or exploited cases.

- Collecting data from law enforcement on nationwide attempted abduction cases and suspicious incidents involving juveniles and adults unknown to them.
- Distributing a regionalized biweekly report summarizing the attempted abduction cases and suspicious incidents confirmed within the previous 14 days.
- Identifying and analyzing regional trends and patterns among attempted abduction cases and suspicious incidents using NCMEC databases, external data sources, and geographic information databases.
- Providing analysis of similar attempted abduction cases and suspicious incidents occurring within a certain radius.

The NCMEC services are available to the public and law enforcement 24/7, and can be reached at (800) THE-LOST (843-5678).

NCMEC's Family Abduction Unit–Domestic and International Cases

NCMEC's Family Abduction Unit (FAU) consists of case management teams that provide technical assistance and support for families, law enforcement agencies, and attorneys. For more information regarding NCMEC's FAU, see Chapter 22 – Child Abduction.

NCMEC–Registration of Missing Juvenile Cases

NCMEC can provide a wide range of resources and technical assistance in missing juvenile cases. To obtain these services, Department personnel are encouraged to register their missing juvenile cases by calling NCMEC at (800) THE-LOST (843-5678) 24/7. Additionally, officers and investigators should also advise the parent/guardian/reporting party of the missing juvenile to contact NCMEC for additional assistance.

21.380.

SCHOOL MANDATED NOTIFICATION AND FOLLOW-UP INVESTIGATION

When a juvenile has been reported missing, contact with the school of attendance is required by State law and can provide a variety of investigative information. School districts are allowed to release pupil record information regarding missing juvenile cases if the information is necessary to protect the health or safety of a pupil or other persons. Additional information regarding the release of this information can be found in California Education Code Section 49076.

Following is additional information that an investigator should consider, especially in cases where the parents/reporting party cannot be located:

Reviewing the Missing Juvenile's School Registration Information

Investigators should consider making contact with the juvenile's school of record and reviewing the registration and emergency contact information. Many times these records may uncover additional names, addresses, and phone numbers of individuals that can assist in the investigation.

Even in long term missing juvenile cases where a juvenile has not attended a particular school for several years, investigators can ask the last school of attendance to retrieve the juvenile's photograph, archived school registration, and emergency contact documents. In some cases involving parental/family abductions, the school records may provide information that the juvenile's records were transferred to another school or district where the juvenile may be located.

Mandated School Notification of Missing Juveniles

Pursuant to California Educational Code 49068.6 (a), within **10 days of disappearance**, law enforcement agencies are required to notify the juvenile's school or district of attendance that the juvenile is missing. The notification shall be in writing, include a photograph when available, which is then placed in the front of the student's school attendance record. Many schools may be able to provide a copy of the juvenile's school ID photograph if needed.

Once the notification notice is received and placed into the missing juvenile's school file, if a school receives a record inquiry or request from any person or entity for the missing juvenile, school personnel are required to notify law enforcement.

To meet this requirement, investigators are required to utilize the [Department's Emergency School Notification \(ESN\) Form, Form No. 09.29.00](#), which is located in LAPD Forms.

School Notification Form for Missing Juveniles—Investigator's Responsibilities

When **any** juvenile is reported missing, including runaways, parental/family abductions, concealments, and kidnappings, the investigator is required to provide written notification to the school, or district of attendance, that the juvenile is missing.

The notification requirement pertains to all schools, public, charter, or private, grades pre-school through 12th grade, and is accomplished by the completion of the ESN Form, and include a copy of the missing juvenile's photograph, when available.

Once completed, the ESN Form shall be given to the school within **10 days of the child's disappearance**. When possible, the ESN Form should be hand delivered, or followed up with a phone call, to explain the form and the school's

responsibilities.

Distribution of the ESN Form to the School

When possible, investigators should try to deliver the ESN Form in person to the concerned school administrative personnel to explain the purpose of the form and why their cooperation may be vital in obtaining future information that may help aid in the missing juvenile's recovery.

The following are points for investigators to consider when delivering an ESN Form to school administrators:

Investigators should notify the principal of the juvenile's former school that the juvenile is missing and request an immediate interview.

- Ask if anyone at the school who may receive and process requests for the forwarding of student records join in the interview.
- Explain that the investigator should be notified immediately of any recent or future requests for the student's records and that the requesting party should not be informed that law enforcement is being contacted.
- Request information on necessary school procedures for formalizing the law enforcement request, and follow them carefully.
- Obtain agreement that the notification requested will be made.
- Verify that the student's record is flagged to ensure that it will not be inadvertently forwarded without a law enforcement notification. The flagging notation should be physically attached to the record, or written on an envelope containing the record, but not marked in such a way that a forwarded copy of the record will show the notation.

If the school receives a record request from another school for information about the missing juvenile, the school need not refuse to forward the student's record. If the abductor, attempting to enroll a child in a new school, learns that the old school is refusing to forward records, he or she might flee again. To avoid this risk, the school should immediately notify the investigating officer of any request for the records and then forward the record without comment.

Quick law enforcement action is key to using record flagging effectively. The old school must be contacted as soon as the child is reported missing, or an abducting parent may obtain records in person before the flagging request is made. When the old school reports that the records have been requested, immediate action must be taken to locate the child through the new school, before the abductor flees again.

If the juvenile has not attended school for a long period of time, the form shall be provided to the juvenile's last school of known attendance.

Upon completion and delivery of the form, it shall be documented within the detective follow-up section on the original Missing Juvenile's Report, as well as the DCTS and Follow-up Investigation Report.

If the child is located within the initial 10-day period, no notification to the school is required.

Distribution of the ESN Form

Original:	Retained in Detective Case Package
Copy:	To school of record

Juvenile Located–Case Closed–Removal of School Notification Form

When a juvenile has been located, or the case is closed, the assigned investigator shall ensure that the school where the ESN Form was delivered has been advised to remove the ESN Form from the juvenile's school records. The removal of the ESN Form shall be documented within the DCTS record and Follow-Up Investigation Report if required.

21.390. MISSING JUVENILE–FINGERPRINTS

When a juvenile is missing, especially those missing who are kidnaped, long-term missing, or in cases of family abductions, the fingerprints obtained and registered by an investigator can become extremely important when it comes to the identification of the juvenile.

Fingerprints are also beneficial in cases where a runaway youth begins to use another name in an attempt to conceal his/her identity, as well as those who may be involved in human trafficking. Fingerprints are commonly used to identify those who are deceased and classified as an unidentified person.

Investigators should consider registering (not just running) a missing juvenile's fingerprints (even if just one thumbprint is available) into the California Department of Justice Automated Fingerprint Identification System (AFIS) and the NCIC Next Generation Identification (NGI) System, formerly known as the NCIC Integrated Fingerprint Identification System (IAFIS).

This procedure can help locate the juvenile in the future if they use a false name during future law enforcement arrests/contacts, a real concern with missing juveniles who become victims of human trafficking and prostitution. Registration

can also help match missing juvenile fingerprints to those compared against a deceased juvenile's remains that may have been found, and the identity of the body is unknown.

A missing juvenile's fingerprints may be on file somewhere, but unless they have been registered into the state AFIS system and the national NGI System, a missing juvenile may not be located or identified. A missing juvenile's fingerprints may be obtained in a variety of ways, including:

Prior Arrest Which Resulted in Booking and Fingerprints

Most physical arrests result in fingerprints that are entered into AFIS and are then automatically entered into NGI and *visa versa*. However, when it comes to arrests of juveniles where fingerprints are obtained during booking, low-grade arrests such as 601 WIC-related offenses, are not uploaded into NGI.

In these cases, investigators should inquire if the missing juvenile has fingerprints on file with NGI to ensure identification outside the State.

For additional information, investigators should contact either of the following entities:

California Department of Justice
Division of California Justice Information Services
CJIS Operation Support Bureau-Field Operations Program
Sacramento, California
(916) 227-3755

or

Federal Bureau of Investigation
Criminal Justice Information Service Division
Alexandria, Virginia
(304) 625-2000

Child Identification or Child Safety Forms

Investigators should inquire with the parent/guardian/reporting party if they have fingerprints of the missing juvenile. Depending on the age of the juvenile, the parent/guardian may have access to a child identification or child safety form that may contain a juvenile's fingerprints. Typically these forms were obtained at safety events in their community or school.

Department of Motor Vehicles

Investigators should check with the Department of Motor Vehicles to determine if the juvenile has applied for a State of California Identification Card or Driver's

License (or equivalent if obtained from another state or country).

California law requires that the applicant (even on State identification cards) supply a right thumbprint during the application process. This thumbprint is typically accessible to law enforcement via the “CAL Photo” software program. Provisional driver’s permits are issued at 15 ½ years; however, other states may have different ages for these cards and licenses. California DMV issues identification cards to persons of any age, and many parents obtain California identification cards for very young children in order to establish identification.

Child Identification Form/Missing Juvenile Fingerprint Submission to FBI Next Generation Identification (NGI) System – Investigator’s Responsibilities

When an investigator has been provided, or obtained fingerprints of a missing juvenile, after seven calendar days following the date of the formal missing report, the investigator must submit the fingerprints for registration into the respective fingerprint systems.

A missing juvenile’s fingerprints are submitted into AFIS and the national NGI as follows:

- Take the original fingerprint card to Technical Investigation Division (TID), Photo Lab Section, and have the card photographed and photocopied for retention in the Investigator’s Case Package. This is done so a copy is available if the original card is lost in the mail when sent to California DOJ and the FBI for print registration.
- Contact the California DOJ MUPS and notify them that you are sending a fingerprint card of a missing juvenile to their office for submission into the FBI’s NGI system.
- On the original fingerprint card, somewhere away from the fingerprints, clearly write the following information.
 - * The missing juvenile’s last name, first name, and middle initial,
 - * DOB,
 - * DR number,
 - * The words “LAPD Missing Juvenile Investigation–NCIC Entry,” and,
 - * The NCIC Number of the missing juvenile entry.
- Place the below items into an envelope:
 - * Original fingerprint card, protected by a semi-rigid material to protect the original card during the shipping process,
 - * A copy of the Missing Juvenile Report,

- * A written request asking that the prints be entered into the FBI's NGI System.
- Forward the fingerprints using the Department approved shipping carrier to:

California Department of Justice Bureau of Criminal Information & Analysis
Missing and Unidentified Persons Unit
4949 Broadway, Room B216
Sacramento, California 95820-1528
Phone: (916) 227-3290 Email: missing.persons@doj.ca.gov
Email: missing.persons@doj.ca.gov
For questions call (916) 227-3290 or (800) 222-3463
- Upon CAL DOJ MUPS receiving the prints, they will forward the prints to the FBI CJIS Division for entry into NGI. Once the FBI has received the fingerprints and entered them into NGI, the investigator should contact the FBI CJIS at (304) 625-9361 and obtain the FBI identification number related to the juvenile's fingerprints that they have entered into NGI.
- Once the FBI number is obtained, the investigator shall request Department records personnel update the missing juvenile's missing person entry in NCIC with the new FBI identification number provided above. This FBI number shall be entered into the MUPS/NCIC record's "miscellaneous field" by including the following statement: "Fingerprints on file within NGI for comparison--See FBI number_____" (include the FBI number that was provided from CJIS).
- Questions regarding the updating of the MUPS/NCIC record can be directed to the FBI CJIS at (304) 625-9361, as well as the CAL DOJ MUPS at (916) 227-3290.

NOTE: If the Missing Person Report is cleared prior to seven calendar days following its date of completion, the fingerprints (Child Identification Form) must be returned to the juvenile's parent or guardian.

NOTE: In unique situations, a missing juvenile's fingerprints may be found on items that the juvenile has touched. Contact TID Latent prints Section to assist in lifting the prints.

Fingerprints of missing juveniles may be searched and enrolled in the FBI Criminal Justice Information Services (CJIS) Division's NGI System as well as NCIC. Enrolling the fingerprints allows a stop to be placed so the investigating agency may be notified if the concerned missing juvenile has ever been fingerprinted. Fingerprints may be submitted for all missing persons regardless of age.

NCIC. Enrolling the fingerprints allows a stop to be placed so the investigating agency may be notified if the concerned missing juvenile has ever been fingerprinted. Fingerprints may be submitted for all missing persons regardless of age.

Latent Prints

Missing person stops are not placed on latent prints. However, latent prints may be searched against the NGI repository and deposited into the Unsolved Latent File (ULF). All new fingerprint submissions are searched against the ULF.

A hit against a latent print residing in the ULF will generate an Unsolved Latent Match (ULM) notification. The ULM is sent to the agency that deposited the latent print. Contact the CJIS Division's Latent and Forensic Services Unit at (304) 625-5868 or IST@leo.gov.

For further information regarding the registration of a missing juvenile's fingerprints, Department employees should contact an FBI CJIS Division Document Specialist by sending an email to DOCSPEC@leo.gov. In the email, request that a CJIS Document Specialist contact you via phone. The FBI's CJIS Division monitors this email account during normal working hours, EST.

21.400. MISSING JUVENILE-DNA PROGRAM

Information regarding missing juvenile DNA is listed in this section. More in-depth information about this subject may be found within the Missing Juvenile DNA guidebook, which can be located on the Department Juvenile Division website, missing juvenile webpage.

State of California, Department of Justice, Missing Persons DNA Program

The State of California, Department of Justice, Missing Persons DNA Program is responsible for the DNA data bank for all cases involving the report of an unidentified person or a "High-Risk" missing person case.

The Missing Persons DNA Program stores DNA profiles in two different files. One file is made up of DNA profiles from relatives of the reported missing person or a DNA profile established from a sample from the missing person (reference file) or samples from unidentified persons.

DNA Information Follow-Up with Parent/Guardian/Reporting Party

State law requires that if a missing juvenile is classified as “High-Risk” the parent or other appropriate relatives/responsible persons shall be notified that they may provide a **voluntary DNA** sample for testing, and/or submit a DNA sample from a personal article belonging to the missing person.

Penal Code Section 14250(a)(4) defines “High-Risk” for DNA missing person purposes as:

- Missing as result of stranger abduction; or,
- Missing under suspicious circumstances; or,
- Missing under unknown circumstances; or,
- Reason to believe a person is in danger or deceased; and,
- Missing more than 30 days; or
- Missing less than 30 days at the discretion of a detective supervisor.

Authorization to Obtain DNA Sample From Articles and Family Members Related To Missing Juveniles—Issuance of Form

Detective/Investigator Responsibility:

Penal Code Section 14250(c)(2) requires that if a missing juvenile or adult is classified as “High-Risk”(see above definition) the parent or other responsible persons are to be notified **within 30 days** after a report has been made, so they may provide a DNA sample for testing. A personal article belonging to the missing person, if available, may also be provided.

It is important that the investigator responsible for obtaining the permission/refUSI for the DNA sample be aware that the law states that the submission of DNA samples is **strictly voluntary-no incentive or coercion may be used to compel someone to provide a sample.**

Once the parent/guardian voluntarily agrees to provide a DNA sample for testing, the assigned investigator must meet with the parent/guardian to obtain the DNA sample as soon as practicable, but within 30 days of the original notification. The samples shall be taken in a manner prescribed by the Department of Justice Missing Person DNA Program. Prior to the investigator obtaining and submitting a DNA sample, the investigator is required to submit the following to the CAL DOJ MUPS:

- Authorization to Release Dental/Skeletal X-Rays/Photograph of Missing Juvenile, BCIA 4048 (copy—original kept in case package)
- Dental/Skeletal X-rays (if available)
- Recent Photograph of the missing juvenile (if available)

The instructions to obtain DNA are very specific due to the testing of DNA being very sensitive, therefore, it is imperative that all of the proper steps outlined on the DOJ DNA Instruction Sheet provided by the DOJ Missing Person DNA Program be followed to prevent sample contamination.

Once the form is completed, and the responsible party agrees to provide a DNA sample, the investigator shall follow the instructions delineated on the State of California Missing Persons DNA Donor Submission Form Instruction Sheet, DOJ No. BFS 900. This form is located inside the Missing Person DNA Collection Kit.

All DNA samples obtained in missing person cases SHALL be mailed to the DOJ Missing Persons DNA Program address listed on the related forms within 72 hours after collection. The DNA samples shall be mailed via the Department's contracted express delivery service so the package can be tracked. Each geographic detective area has its own express shipping account number, which shall be used on the shipping air bill. The account number can be obtained from the Area Division's Record Unit. The Department employee sending the DNA sample shall ensure that the sample kit was received by DOJ.

Once the DNA sample is submitted, the investigator who submitted the DNA sample will receive a confirmation letter that documents the findings of the DNA sample. It should be noted that the DOJ Missing Person's DNA Unit cannot guarantee that the DNA sample submitted will be returned to its owner/provider.

Upon the written request of anyone who submits his or her DNA sample, including the parent or guardian of a juvenile who submits a DNA sample of the juvenile, the sample shall be removed from the DNA data base.

All DNA samples, and profiles developed from samples, shall be confidential and

shall only be disclosed to personnel of the DOJ, law enforcement officers, coroners, medical examiners, district attorneys, and persons who need access to a DNA sample for purposes of the prosecution or defense of a criminal case.

An exception is allowed for law enforcement officers or agencies, who may publicly disclose the fact of a DNA profile match after taking reasonable measures to first notify the family of an unidentified deceased person or the family of a “High-Risk” missing person that the person has been identified.

Questions regarding DNA collection procedures can be made to the State of California Missing Persons DNA Program(510) 620-3300. They may also be reached by email at **DNAmismissingpersons@doj.ca.gov**.

All information regarding the parent/guardian notification for obtaining DNA samples, and all related information regarding the obtaining, sending, receiving, and analyzing of the DNA samples shall be documented in DCTS and a Follow-Up Report.

In cases involving foster care juveniles or court supervised juveniles, investigators must contact the juvenile’s concerned DCFS social worker or probation officer to arrange for obtaining DNA information. In some cases, a court order may need to be obtained.

Distribution of Missing Person DNA Donor Submission Form

The DNA Submission Form shall be completed in triplicate and distributed in the following manner:

- Original: Send to DOJ Missing Persons DNA Unit.
- Copy: Divisional case file.
- Copy: Provided to the person signing the form.

Obtaining DOJ Missing Person DNA Collection Kits

Missing Person DNA Collection Kits are available at no cost to law enforcement and can be obtained by contacting:

California Department of Justice
Missing Persons DNA Program
Phone: (510) 620-3300
Email: DNAmismissingpersons@doj.ca.gov

Emergency Missing Person DNA Collection Kits may be available on a limited basis from Detective Support and Vice Division, Missing Persons Unit, at (213) 996-1800.

Obtaining DNA Samples When No Family Members Are Available

Obtaining DNA in missing juvenile cases that fall under the care of

DCFS/Probation can be challenging, especially when it comes to locating the biological family members who may not be known, located, or living.

PKU/Guthrie Cards (also known as “heel sticks”) are collected on all infants born in US hospitals, and are an excellent way to obtain a direct DNA reference sample, especially for missing children who were adopted or dependent foster care children, and no biological parents are known.

Obtaining “heel stick” samples requires a court order, and are kept on file with state departments of health for varying time frames (California started collecting in 1982). Caution should be used when obtaining these samples, as the State DOJ Missing Persons DNA Program can only receive half of the “heel stick” one time. Caution should be used in obtaining and sending these to DOJ, as they might be the only sample available, and investigators should contact the DOJ Missing Person DNA Program prior to obtaining a “heel stick” sample.

California Department of Public Health
Genetic Disease Screening Program
California Biobank Program Coordinator
Phone: (510) 412-1500

21.410. FOUND JUVENILE INVESTIGATIONS

Removal of MUPS/NCIC Entry–Investigator’s Responsibilities

An investigator receiving a Found Persons Report, or who establishes that a missing juvenile has been found, shall ensure that the MUPS/NCIC entry is removed as follows:

- If a missing juvenile under 12 years of age, or "At-Risk," is found, the NCIC entry must be removed immediately.
- If a missing juvenile 12 years of age, or over, is found, a law enforcement agency must remove the NCIC entry within 24 hours of being found.

21.420. CLOSURE OF INVESTIGATION–INVESTIGATOR’S RESPONSIBILITIES

Interview of Found Juvenile

Department personnel shall interview found juvenile in-person. In unique cases, an individual who reported a juvenile missing may have been coerced to report the juvenile found. It is because of these circumstances that in-person interviews, in lieu of telephonic interviews, should be conducted. The purpose of the interview is to:

- Verify the identity and safety of the juvenile;
- Provide the juvenile an opportunity to disclose if they had fallen victim to crime while missing; and,
- Provide counseling resources to the juvenile and their family.

A listing of potential questions to ask a found juvenile (especially a runaway) can be found at the end of this chapter.

Missing Juvenile-Case Closure Requirements

Investigators shall close a missing juvenile investigation and remove the MUPS/NCIC entry if the following circumstances exist:

- A missing juvenile returns home, or is found, and their identity is confirmed in-person by law enforcement or other government personnel; or,
- A missing juvenile has been deemed emancipated by the court, and their identification has been confirmed in-person; or,
- Another law enforcement agency has assumed investigative responsibility of the case, and that agency has entered the case into the MUPS/NCIC system; or,
- In parental/family abduction cases, if the juvenile was wrongfully taken or abducted by a parent/guardian, the Missing Juvenile Report shall not be closed, unless the juvenile has been returned to the parent/guardian with lawful custody, even if a criminal complaint is not filed.

Warrant Discovery

Missing juvenile investigations shall not be canceled, closed, or removed from any computer system; e.g., MUPS, NCIC, or DCTS, due to the discovery of any warrant, including those issued by the criminal, dependency, civil, or delinquency courts.

If a warrant is discovered, the original missing juvenile entry and case shall remain “open” until the missing juvenile is found or the case is closed. Once a

missing juvenile case is closed, all information regarding that juvenile's dental, skeletal, DNA, and photographs are removed from all State and National missing person databases.

This is especially critical in cases where skeletal remains or decomposed bodies are found, and coroner's offices are tasked with attempting to match the remains with active missing person cases.

Upon discovery of a warrant, the investigator should consider:

- Contacting the entity responsible for the warrant to combine investigative efforts, when applicable.
- Request the entity responsible for the warrant to contact the investigator if the juvenile is arrested and/or detained on their warrant.

Missing Juvenile Turns 18 Years While Still Missing

Missing juvenile investigations shall not be canceled, re-entered as an adult missing, or removed from MUPS/NCIC, or DCTS, based solely on the fact that the missing juvenile has turned 18 years. The original missing juvenile case and the related MUPS/NCIC/DCTS entry shall remain open and assigned to the originally assigned investigative entity until the juvenile is found or the case is closed.

Cases involving missing juveniles who turn 18 years while still missing shall not be transferred to DSVD Missing Persons Unit due to the fact the missing juvenile is still missing past their 18th birthday and shall remain classified in MUPS/NCIC as a missing juvenile until they are found or the case is closed.

Follow-Up Responsibilities–Case Closure

When a missing juvenile case is closed, the investigator shall ensure that the following is completed:

- Ensure that the missing juvenile information is removed from NCIC when a disposition is made on the investigation, and in those cases where DOJ has been notified, advise DOJ of the disposition within 24 hours. The disposition shall include a notation indicating the NCIC information removal date. The removal of a missing juvenile from NCIC and the DOJ MUPS Database is accomplished by using the Department's NECS system.
- Upon removal of missing juvenile information from NCIC, a copy of the original NCIC printout and the related MUPS update showing that the NCIC want was removed shall be attached to the Missing Juvenile Report when a disposition is made. Once a missing juvenile is removed from all systems

(including NCIC), the investigator should re-run the juvenile in NCIC to verify the missing juvenile entry has been removed.

- If an Emergency School Notification (ESN) Form was submitted to the school which the missing juvenile last attended, ensure that the school is contacted and told to remove the ESN Form. Documentation of who the investigator contacted to remove the ESN Form shall be documented in the investigator's notes section at the bottom of the completed Missing Juvenile Report, along with the DCTS, as well as the final Follow-Up Investigation Report, when required.
- If the missing juvenile was registered with NCMEC, NamUs, INTERPOL, FBI, ICE, DCFS, or any other organizations, ensure that proper case closure notifications are made.
- If a missing juvenile case resulted in photographs, dental or skeletal records, or DNA evidence being sent to DOJ MUPS and DNA Sections, the investigator may request the return of those items. In some cases, the missing person or reporting party may wish to have the evidence items returned to them.
- Ensure that all of the necessary boxes on the bottom of the Missing Juvenile Report (front page) and back page, entitled, To Be Completed By Detective, are filled out.
- Make the appropriate entries in DCTS and close the case.
- When the case has been closed, the case shall be submitted to the Area Juvenile Coordinator or other designated supervisor for final approval signature. Copies of all signed reports, along with all DCTS case notes and related documents shall be placed into a Detective Case Package for filing into the Area Detective Files.
- The original completed Missing Juvenile Report shall be submitted to the Area Records Unit for final distribution to Records & Identification Division for scanning and archiving.
- Area Detective Divisions are responsible for keeping case package files of all open and closed missing juvenile cases investigated by their Division.

Removal of MUPS/NCIC Entry by Investigators

All MUPS/NCIC records should be removed by Area Records personnel, and should only be done when a Missing Persons-Found Report has been completed

and submitted to the Area Records Unit. This is done in order to meet NCIC guidelines that require the immediate removal of missing juvenile entries once a missing juvenile has been found.

CLETS Full Access Operator Proficiency Examination

Only Department employees who have passed the CLETS **Full** Access Operator Proficiency Examination every two years may remove or modify NECS MUPS/NCIC entries (not all Department employees meet this requirement). The Juvenile and MAC Coordinators are responsible for ensuring that personnel who remove or modify missing juvenile NCIC records take this exam upon assignment of these responsibilities. Information on taking this exam can be obtained from the Area/Divisional Training Coordinator.

21.430. AREA DETECTIVE JUVENILE/MAC OR CONCERNED COORDINATOR-RESPONSIBILITIES INVOLVING MISSING JUVENILE INVESTIGATIONS

Area Juvenile/MAC or concerned detective coordinators who are responsible for investigating missing juvenile cases shall:

Response

- Respond to missing/lost juvenile investigations to ensure effective and proper investigations;

Coordination

- Responsible for the coordination, initial review, assignment, and auditing of the Area's missing juvenile investigations—specifically those involving runaway, lost and found juveniles.

NOTE: Child/parental abduction and concealment investigations, and cases related to child custodial disputes, shall remain the responsibility of the geographic Area MAC Table. During the investigative process, Missing Juvenile Reports **shall not** be separated from related custody or abduction investigation reports (Operations Order No. 5, titled Child Abduction/Missing Juvenile Procedures, dated November 30, 2004).

Training of Patrol Personnel

- Provide training to Area patrol and supervisory personnel regarding the initial response and investigation of missing juvenile cases.

Training and Assignment of Investigative Personnel

- When possible, ensure that the Juvenile Table's missing juvenile cases are

investigated by personnel of Police Officer III rank or higher.

- Ensure that personnel assigned to investigate missing juvenile cases are provided the necessary training on the proper handling and documenting of assigned cases.

Due to the importance of these cases, personnel assigned may be allowed to attend the Department's Basic Detective School (or portions of the school), DCTS, CLEAR, and other applicable training courses, seminars, and on-line training courses that are listed on the Department's Juvenile Division website, training sub-section.

Be familiar with the below organizations as well as the services and assistance they can provide in the investigation of missing juvenile cases:

- DSVD Adult Missing Persons Unit
- Juvenile Division, Consultants Office
- Gang and Narcotics Division, Fugitive Section, Interpol and Foreign Prosecution Unit.
- Robbery Homicide Division–Rape Special Section
- DOJ Missing and Unidentified Person's (MUPS) Unit
- DOJ Missing Person DNA Program
- National Center for Missing and Exploited Children (NCMEC)
- FBI Child Abduction Response Team–WLA Office
- National Missing and Unidentified Persons System (NamUs)

Training Courses-Missing Juvenile Response and Investigation

- See the end of this chapter – Section, “Missing Juvenile Training Courses.”

Issuance of Investigations

- Monitor DCTS to ensure that Missing Juvenile Reports are properly assigned to the area.
- Ensure that proper expeditious notifications are made to other LAPD Area detective units or outside law enforcement agencies of investigations that require notifications.
- Ensure all “open” missing juvenile cases are assigned within DCTS as “Category I” and **NOT** Category II and that each case receives proper tracking and required follow-up.

Upon receiving a missing juvenile investigation, ensure that the information on the missing juvenile teletype attached to the Missing Juvenile Report accurately reflects the same information as the original Missing Juvenile

Report.

If there is a discrepancy in the comparison, the Juvenile or concerned Table Coordinator shall immediately return the report and printout to the Area Records Unit for correction. If the Area Records Unit is unavailable, the correction can be done by any other Area Records Unit.

- Ensure that assigned investigators update NCIC with any new or corrected information as required.

Auditing of Missing Juvenile Cases

- Missing juvenile cases (especially long-term open cases) should be audited to verify that they are cross-reported with NCMEC, NamUs (when appropriate), DOJ MUPS, and the DOJ Missing Person DNA Program (if applicable).
- Ensure that missing juvenile cases that have been open over 30 days depict that the Form BCIA 4048 was issued and that dental/skeletal/photo records were received by DOJ and documented in DCTS by checking the corresponding boxes on the status window screen.
- Ensure that missing juvenile cases, especially those that are missing more than 30 days, have received due diligence efforts that are properly documented in DCTS, and all required follow-up reports containing this information has been submitted.
- Ensure that when missing juvenile investigations are closed, the original report that now contains the case closure information is resubmitted to the Area Records Unit for distribution to R&I Division.
- Completed and closed original missing juvenile reports are not to be stored in the Area Detective files—they should only be copies. Completed copies of the Missing Juvenile Report are kept in the detective section's juvenile case files, until the involved youth reaches 18 years.
- Compare the Area list of “open” missing juvenile cases against the monthly CAL DOJ CLEW Report of “open” missing juvenile cases.
- Coordinate with Juvenile Division, Operations Section, NCIC Validation Liaison, to ensure that the Area's missing juvenile NCIC Validation Report is up-to-date and all cases have been validated bi-monthly.

Missing Juvenile NCIC Validation Coordinator Responsibilities

The Area Juvenile or concerned detective coordinator is responsible for coordinating the Area's NCIC Validation requirements related to their Area's

open missing juvenile cases.

The FBI and CAL DOJ policies and regulations require that the information entered into NCIC regarding missing juvenile cases must be checked yearly to confirm that the NCIC missing juvenile record is complete, accurate, and the missing juvenile is still outstanding. The verification of this information is referred to as an NCIC validation.

This requirement must be completed when all missing juvenile yearly Follow-Up Reports are completed, and must be documented within that report, as well as DCTS.

The Juvenile Division NCIC Validation Coordinator sends a bi-monthly report to each geographic Area/Bureau, which depicts **all** of their “open” missing juvenile cases. This information allows geographic areas to audit their records to ensure they match those that are “open” within DCTS.

An NCIC Missing Juvenile Validation Form is to be used during the yearly validation process and is kept in the Investigator’s Case Package for review. A copy of that NCIC Validation form is located at the end of this chapter.

For additional information regarding the NCIC validation process, contact: Juvenile Division, NCIC Validation Coordinator, (213) 486-0550.

21.440. AREA MAC COORDINATOR-RESPONSIBILITIES INVOLVING CHILD ABDUCTION/MISSING JUVENILE INVESTIGATIONS

The investigative responsibility for cases involving family/parental child abduction and child concealment cases resides with Area MAC tables. This includes the assignment of the related missing juvenile investigation, which shall not be bifurcated to the Area Juvenile Table.

It is critical that the Area MAC Coordinator and MAC Table investigators follow the same requirements and responsibilities that relate to the investigation and follow-up responsibilities of missing juvenile cases.

For additional information regarding child family/parental abductions and concealments, see Chapter 22 – Child Abductions.

21.450. AREA RECORDS UNIT RESPONSIBILITIES

The Area Records Unit shall:

- Enter the missing juvenile’s information into the NCIC Missing Person System and DOJ within **two-hours** of the initial report; and,

- Indicate on the Missing Person Report the date and time the information was sent to NCIC and DOJ.
- Provide original Missing Juvenile Reports to the concerned investigative unit.
- Process a closed, Missing Juvenile Report that depicts the final disposition. The original Missing Juvenile Report shall be sent to R&I Division for filing. Only copies of completed Missing Juvenile Reports shall be kept in Area Records Units or detective files.

21.460. PUBLICITY ON MISSING JUVENILES

Commercial radio, television broadcast, or newspaper coverage regarding a missing juvenile must be arranged by the parents or reporting person directly with the concerned media. Investigators shall cooperate with the involved media to the extent of providing confirmation of the information given by the reporting persons.

21.470. MISSING JUVENILE REWARDS

Depending on the case, a reward may be offered for information to assist in locating a missing juvenile. Following are the available programs:

City of Los Angeles Reward Program

The City of Los Angeles has a reward program that can be utilized, depending on the circumstances of the incident. For further information, contact Investigative Analysis Section (IAS), Detective Bureau, or see Office of the Chief of Police, Administrative Order No. 5, Dated February 19, 2015, Reward Procedure-Revised.

State of California Missing Children Reward Program

The State of California Victim Compensation and Government Claims Board administers the Missing Children Reward Program to assist local law enforcement agencies and other parties involved in the identification and recovery of missing juveniles in California. The purpose of this program is to enhance other non-state reward funds that are offered throughout California. Funds are available to reward persons with up to \$500 for providing information that leads to the location and recovery of a missing juvenile listed in the California Department of Justice Missing Person Registry, <http://dojapp.doj.ca.gov/missing/default.asp>.

The State requires that the person requesting the reward comply with the following rules:

- The applicant has provided information that leads to the location and recovery of a missing juvenile.
- The juvenile is listed in the Department of Justice Missing Person System at the time of the recovery.
- A reward of non-state funds has been offered for information leading to the location of that missing juvenile.
- The applicant did not contribute to the disappearance of the missing juvenile.
- The applicant is not related to the missing juvenile.
- The applicant does not work for any organization involved in the recovery of missing persons.
- The applicant is required to complete the reward application, and it must be submitted and received by the Victim Compensation and Government Claims Board no later than six months from the date the missing juvenile was recovered.
- An applicant may submit only one application for each recovered missing juvenile.

The application for the Missing Children Reward Program can be accessed by the public on the internet by visiting the following link:

<http://www.vcgcb.ca.gov/docs/forms/missingchild/MissingChildrenApp.pdf>

The completed application must be printed and mailed to:

The State of California
Victim Compensation and Government Claims Board
P.O. Box 3036
Sacramento, CA 95812-3036

If the public requests assistance with completing the application or has questions regarding victim compensation, they should be directed to contact the Victim Compensation and Government Claims Board, Customer Service Section,

at (800) 777-9229.

21.480. INTERNATIONAL INCIDENTS INVOLVING MISSING JUVENILES

When a missing juvenile investigation involves other countries, it is important that the investigator is aware of the resources and assistance that are available. The investigator should also be aware that in many of these cases, the focus of the investigation would now turn to diplomacy and use of international treaties.

When working with foreign governments, it is important for an investigator to recognize that they cannot expect to export laws of the United States to the targeted country.

While many of the international laws address parental abductions, many of the laws may be applied in other areas such as juveniles who run away to another country such as Mexico, or other South American countries.

Additional information related to missing juvenile cases involving juveniles taken out of the country due to parental/family abductions can be found in the Child Abduction Chapter of this manual.

Following is a list of governmental entities that can provide assistance in missing juvenile cases that involve other countries.

21.490. INTERPOL-INTERNATIONAL MISSING JUVENILE CASES

The International Criminal Police Organization (INTERPOL), is made up of 188 member countries, and is the world's largest international police organization. INTERPOL serves as an international point of interface for law-enforcement authorities in the United States who are seeking investigative assistance in other countries.

INTERPOL can aid in any missing juvenile investigation where international law enforcement assistance is needed. This includes cases involving runaways, stranger or family abductions, or unknown circumstances. In the United States, the National Central Bureau (USNCB) is referred to as INTERPOL Washington.

The NCB houses the Human Trafficking and Child Protection Division that facilitates cases involving missing children, parental abductions, child sex offenders, child pornography, and human trafficking.

INTERPOL's ability to work with law enforcement officials in one or more of its member countries can provide assistance to local investigators trying to locate a missing juvenile, track identified abductors, or interview witnesses or family members in another country.

Missing juvenile from another country and believed to be traveling to the

United States

In cases where there is evidence that indicates that a missing juvenile is being transported from another country to the United States, the United States National Central Bureau (USNCB) is the official US representative to INTERPOL and is the designated national entity that may enter records for missing/abducted juvenile cases into NCIC.

When information is received regarding another country's missing juvenile meeting the above criteria, the Department employee receiving the information should relay the following information to the provider:

- Advise them to immediately contact their local international law enforcement agency and advise them of the incident.
- If the international law enforcement agency determines that the juvenile is missing/abducted and will be transported to the United States, it is that agency's responsibility to contact their country's INTERPOL liaison. That country's INTERPOL liaison will then coordinate with the United States National Central Bureau (USNCB) INTERPOL for review of the case and potential entry into NCIC.

INTERPOL International Notice Program

The INTERPOL administers a system of international lookout/advisory notices to assist law enforcement authorities in INTERPOL member countries. The notices, which are color-coded to designate their specific purposes, are issued by INTERPOL at the request of member countries and are distributed to member countries and their appropriate law enforcement officials.

When applicable, investigators should obtain International Notices in any missing juvenile case when it is believed that they are currently within, or may be taken to, other countries. This includes cases of missing juveniles who are runaways that have fled to other countries.

An example of using this notice system would be a 13-year-old runaway who is taken to Mexico by a 20-year-old man claiming to be her boyfriend. The juvenile can be entered into the NCIC as a missing juvenile; however, due to lack of additional information, no warrant is issued for the adult.

In this example, since the juvenile has been entered into NCIC as a missing juvenile, the investigator may request INTERPOL to issue a Yellow Notice for the juvenile and a Blue Notice for the adult boyfriend.

Following is a summary of the most common INTERPOL notices:

Blue Notices

Issued in order to seek the location of, identify, or obtain information about persons of interest in criminal investigations, including offenders, suspects, witnesses, and missing juveniles. Blue Notices may also be issued for a close acquaintance (relative, friend, or associate) of an offender or missing juvenile who may assist in locating a child abductor or other witness.

Green Notices

Issued to warn about persons who are a possible threat to public safety or may commit a criminal offense, based on an assessment by a national law enforcement authority and previous criminal convictions or history (habitual offenders, child molesters, pornographers, violent gang members).

Red Notices

Issued in order to seek the location and arrest of fugitives for the purpose of extradition. A Red Notice serves as an international wanted notice and provides information on the identification of fugitives charged with, or convicted of, serious crimes. The country initiating the notice commits to seeking the provisional arrest and extradition of the fugitive in question should they be located.

A request for a Red Notice must concern a person who is the subject of an arrest warrant and is wanted for prosecution or to serve a sentence.

Approximately one-third of INTERPOL member countries (not including the US) consider a Red Notice to be a valid request for provisional arrest and will detain the person identified in the Red Notice.

Yellow Notices

Issued in order to locate a missing person (juvenile or adult, including kidnaping victims) or to identify a person who is unable to identify him or herself. This notice should be issued in cases of missing juveniles who are leaving, or have left, the United States.

INTERPOL Notice Issuance Approval and Contact Information

Due to the Department's size and extensive interaction with INTERPOL, Gang and Narcotics Division (GND), Fugitive Section, has assigned detective personnel as internal INTERPOL Liaisons.

Department personnel seeking information from INTERPOL, including the issuance of any INTERPOL notices, should first contact the Department's INTERPOL Liaison, at the contact number below.

Approval to obtain INTERPOL Notices must be obtained from the investigative supervisor assigned to the case, and then from the Department's INTERPOL Liaison.

INTERPOL International Missing Juvenile/Missing Adult Assistance

INTERPOL has three specific units that can assist with missing juvenile and adult investigations.

Outbound Missing Juvenile Desk

This desk assists with investigations involving US citizens who are currently in the US or being transported to another country.

Inbound Missing Juvenile Desk

This desk assists with investigations involving juveniles who are missing from another country and are believed to be currently in, or being transported to, the US.

Missing Adults Desk

This desk addresses issues with persons 18 years or older who are reported to be missing by international or domestic law enforcement agencies and are believed to be currently in, or being transported to, the US.

INTERPOL Contact Information (24/7)

LAPD GND INTERPOL Liaison
Fugitive Warrant Section, Foreign Prosecution Liaison Unit
Business hours M-F 0500-1500 hours Phone: (213) 486-5310
Off-Hours: Call RACR Division
United States Department of Justice
United States National Central Bureau - INTERPOL
Human Trafficking and Child Protection Division
Washington, DC 20530
Phone: (202) 616-9000 Fax: (202) 616-8400
Email: usncb.interpol.washington@usdoj.gov

International Missing Juveniles-Additional Investigative Assistance

When a missing/abducted juvenile is believed to be traveling, abducted to, or currently in, another country (including Mexico and Canada), the following organizations may be able to provide additional assistance.

- **Gang & Narcotics Division's Foreign Prosecution Liaison Unit**

Provides assistance in working with law enforcement agencies and surrounding issues in other countries, especially Mexico and other Latin American countries (213) 486-5320.

- **Gang & Narcotics Division's INTERPOL Liaison**
Provides assistance with having a missing juvenile case, as well as persons involved, reviewed and considered for entry into international law enforcement databases. Additionally, INTERPOL law enforcement partners may assist in the recovery of the missing juvenile, as well as help with locating/interviewing persons involved in the case located in other countries (213) 486-5320.
- **Los Angeles County District Attorney's Office-Child Abduction Unit**
Provides guidance and investigative assistance in both domestic and international parental/family abduction or concealment cases. Assistance can be provided by both Deputy District Attorneys, as well as any of the DA investigators assigned to the Child Abduction Unit (213) 257-2677.
- **State of California Department of Justice, Foreign Prosecutions and Law Enforcement Unit (FPLEU)**
Provides law enforcement assistance in law enforcement cases involving Latin America and other countries. Contact their San Diego Office at (858) 268-5408.
- **US Department of State, Office of Children's Services**
Provides assistance to law enforcement and families impacted by international abductions. Contact (888) 407-4747 and speak with a Child Abduction Specialist.
- **Federal Bureau of Investigation-Los Angeles Field Office**
The FBI Los Angeles Office-Violent Crime Unit can provide investigative assistance, depending on the circumstances of the case (310) 477-6565.
- **Immigration and Customs Enforcement (ICE)**
Provides a variety of resources available for certain missing/abducted/concealed juvenile cases where the victim or suspect is believed to be exiting/entering the US. Contact (562) 624-3800; off hours, (800) 973-2867 and ask to speak with the on-call Los Angeles ICE Agent.
- **National Center for Missing and Exploited Children (NCMEC) International Team**
Provides information and support to parents, law enforcement, and attorneys, as well as providing information and technical assistance on the civil and criminal aspects of abduction, parent-child reunification, and more (800) 843-5678.

OFF-LINE SEARCH INVESTIGATIVE TOOLS**NCIC Off-Line Search**

An off-line search is a special technique within NCIC that can be used to obtain relevant investigative information that can help locate information about a missing juvenile; any involved person in a missing juvenile investigation such as a parent, reporting party, or witness; and information about a vehicle license plate or VIN number related to any missing juvenile or involved party.

Anytime a person, vehicle, or article has been run in NCIC for wants or warrants by any government entity, information regarding that computer check is kept in a historical off-line database that can be searched when requested. The information within the NCIC Off-Line searchable database includes the name, date and time of every government agency and the employee who conducted a previous NCIC check on a concerned person, vehicle or vessel, or any article with a serial number. An example of the use of an Off-Line search in a missing juvenile investigation would be as follows.

An investigator has a missing juvenile case that has been open for several years, yet no investigative leads have developed about the missing juvenile, nor has the investigator been able to locate the reporting party.

In this case, the investigator should consider conducting an NCIC Off-Line search on the missing juvenile and the reporting party. Within a few working days of sending the Off-Line search request to the FBI, the requesting investigator will receive an email response that will provide information on every law enforcement agency that has run the missing juvenile and reporting party in NCIC.

If one of the FBI off-line search responses is recent, the investigator would contact that agency and employee who requested the NCIC to find out why they ran the concerned person; if the concerned person was present when they ran the name (such as at a border crossing or traffic stop); and if they had any information regarding the event in question, such as an FI, copy of a traffic ticket, a report, or maybe even a photograph.

The FBI's Criminal Justice Information Services (CJIS) Division can search active and purged NCIC databases Off-Line using one or more of the information fields contained in the NCIC record check to determine if a record for an individual or item of property is, or has been, entered into NCIC as a query.

For example, non-unique personal descriptors, such as sex, height, weight, estimated age, and hair color can be used in searches for a missing, wanted, or deceased person's records.

Through the use of "wildcard" characters, the CJIS Division staff can search

fields when only partial information is available, such as license plate and Vehicle Identification Numbers. For more information regarding the NCIC Off-Line search, contact the FBI's CJIS Division at (304) 625-3000 (normal business hours, M-F, EST), or e-mail ioau@leo.gov. A sample of the FBI Off-Line Search Request Form is located at the end of this chapter. A four-page information brochure which explains the NCIC off-line search program can be found on the Juvenile Division website, Missing Juvenile section.

State of California DOJ Journal Search

The State of California DOJ stores records regarding searches within several State DOJ CLETS databases. Law enforcement personnel can search these databases for information regarding anyone who has conducted searches in the following databases:

- CAL DMV
- Supervised Release File
- Wanted Persons
- Criminal History
- Stolen Vehicles
- Stolen Property
- Automated Firearms
- NLETS
- FBI/NCIC

NOTE: Investigators should keep in mind that when requesting CAL DOJ journal searches, the only information retained in these databases is information that was run from WITHIN the State of California. Information from these same databases contained outside of California can be obtained by conducting an NCIC Off-Line search that is outlined in the previous section.

Additional information regarding the procedures of conducting DOJ Journal searches can be obtained from the DOJ Journal Search document at the end of this chapter.

21.510. CHILD FINGERPRINTING AND PHOTOGRAPHING-BIOMETRIC IDENTIFICATION SYSTEM (BIS) PLAN

In light of recent high-profile child abductions, the Department has developed a plan to offer free child fingerprinting and photographing on a frequent basis. To accomplish this, the Department will utilize five electronic fingerprinting machines, referred to as Biometric Identification Systems (BIS).

One BIS has been deployed in each of the four geographic Bureau offices. Each Bureau shall ensure that their respective Areas hold a minimum of three BIS events each calendar year. Each Area shall deploy the BIS at their Annual Open House with a minimum of two additional weekends per year.

When the BIS machines are not being used by the Areas, they will be available for checkout at each geographic Bureau office. Each Area is strongly encouraged to schedule additional BIS events at locations such as area libraries, swimming pools, and fire station open houses.

The fifth BIS is located at the Community Relations Section (CRS) and shall be deployed at special community events, such as the Los Angeles Police Celebrity Golf Tournament, the Los Angeles Marathon, major community celebrations, parades, and festivals.

The BIS special events shall be coordinated with the appropriate public agencies and communities, including Los Angeles City Council Offices to maximize publicity.

NOTE: For events where a large number of children are anticipated, a Bureau can borrow additional BIS machines.

21.520. INVESTIGATOR'S RESOURCE MANUALS AND GUIDES

Personnel assigned to investigate missing juvenile cases have numerous manuals and guides that can provide a valuable amount of additional information to assist an investigator in their assignment. Many of these resources can be found on the Department LAN, Juvenile Division website, Missing Juvenile Section.

Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management

Authored by a team of over 38 professionals from local, State, and Federal agencies, this guide outlines a standard of practice for law-enforcement officers handling missing-juvenile cases whether runaways, throwaways, family/non-family abductions, or when the circumstances of the disappearance are unknown. The guide describes the investigative process required for each of these types of cases and offers a wealth of resources to assist an investigator.

Long-Term Missing Child Guide for Law Enforcement–(NCMEC)

This in-depth guide outlines the best-practices, recommendations, and resources which will assist investigators with challenging, complex, long-term missing juvenile cases.

Federal Resources for Missing and Exploited Children: A Directory for Law Enforcement and other Public and Private Agencies Federal Agency Task Force for Missing and Exploited Children Report

This directory was prepared by the Federal Agency Task Force for Missing and Exploited Children and represents the Task Force's initial efforts to enhance the coordination of the delivery of Federal services to missing and exploited children and

their families.

Designed to provide information about Federal resources, the directory is a compilation of the many services, programs, publications, and training that address issues of child sexual exploitation, child pornography, child abductions, and missing children cases. The directory contains information ranging from access to specialized forensic resources for an abducted child case to proactive training and prevention programs.

California Peace Officer and Standards (POST) Missing Persons Investigations: Guidelines & Curriculum-PDF

This document outlines California State laws and POST guidelines regarding missing juvenile investigations. This is a great document for additional resources regarding out of Area missing juvenile investigations, along with various resources that Department personnel can use in conducting missing juvenile investigations. This PDF also includes access to State laws pertaining to missing juvenile investigations.

NCIC 2000 Operating Manual-Missing Person File

This is the NCIC Missing Person File Manual that provides specific information regarding the NCIC missing person entry.

State of California DOJ C.JIS Missing Person Manual

This is the official DOJ MUPS data entry guide. It provides expanded information on how to make, modify, and cancel MUPS messages.

NCIC Missing Person File Data Collection Entry Guide

This guide is designed to assist law enforcement with the entry of missing person records into the National Crime Information Center (NCIC) Missing Person File. The instructions and reports provided in the guide are intended to assist law enforcement with the collection of information to create an accurate profile of the missing person. This is a must have for anyone working within and or updating NCIC MUPS.

Effective Use of the NCIC Database in Missing-Child Incidents: A Reference Guide for Public-Safety

This guide is written by NCMEC and explains how to use NCIC more effectively during missing juvenile investigations.

NCIC Off-Line Search Information and Brochure

This four-page information brochure shows how to use the NCIC off-line search program, which can be very beneficial in long-term missing juvenile cases.

When Your Child Is Missing: A Family Survival Guide

This guide provides parents/caregivers of missing juvenile's information that can be used to look for the missing juvenile. This guide gives the public and investigators information regarding missing juvenile investigations. The guide is available in English and Spanish.

21.530. MISSING JUVENILE LAW ENFORCEMENT TRAINING

There are several entities that can provide law enforcement training in the area of initial response and investigation of missing juvenile cases. The following is just a few of those entities:

Department Training Resources

- **Juvenile Division Consultants Office**
While not responsible for the investigations of missing juvenile cases, the Juvenile Division Consultants Office can provide information regarding policies, laws, as well as the handling, processing, and investigation of missing juvenile cases.
- **Juvenile Division Training Unit**
Coordinates the Department's four-day Juvenile Procedures School, which contains several hours of missing juvenile training in various aspects, including the response and investigation of critical and abducted children investigations, family/parental abductions, stranger abductions, amber alerts, runaway and foster care youth, as well as human trafficking of missing juveniles.
- **Gang & Narcotics Division's Foreign Prosecution Unit**
Provides assistance in working with law enforcement agencies and surrounding issues where missing juveniles are in other countries, especially Mexico and other Latin American countries.
- **Gang & Narcotics Division's INTERPOL/Fugitive Liaison**
Provides assistance with having a missing juvenile case, as well as persons involved, reviewed and considered for entry into international law enforcement databases. Additionally, INTERPOL law enforcement partners may assist in the recovery of the missing juvenile, as well as help with locating/interviewing persons involved in the case located in other countries.

County Training Resources

- **Los Angeles County District Attorney's Office – Child Abduction Unit**
Provides training, guidance and investigative assistance in both domestic and

international parental/family abduction or concealment cases. Assistance can be provided by both Deputy District Attorneys, as well as any of the DA investigators assigned to the Child Abduction Unit (213) 257-2677.

State Training Resources

- **State of California DOJ Missing and Unidentified Persons Section (MUPS)**
The State DOJ MUPS offers law enforcement training each year depending on funding. Call (916) 227-3290 or (800) 222-3463.
- **State of California Department of Justice, Foreign Prosecution Unit**
Provides law enforcement assistance in cases that involve Latin America and other countries. Contact their San Diego Office at (858) 268-5408.
- **California Child Abduction Task Force**
Sponsored by the Governor's Office of Emergency Services (Cal OES) and provides a variety of free child abduction training programs across the State, with usually one to two in Southern California each year. Contact the Center for Innovation and Resources and ask to have your name entered into the email notification database (805) 584-0526. Information regarding future trainings, as well as future course notifications, can be found at www.childabductions.org.

Federal Training Resources

- **Federal Bureau of Investigation-Los Angeles Field Office**
Provides training on critical missing and child abduction cases. The FBI also conducts a two-day "Crimes against Children" law enforcement training each year, as well as a variety of other seminars. Call (310) 477-6565 and ask to speak with a Crimes against Children supervisor or the ViCAP Coordinator.

Other Missing Juvenile Training Resources

- **National Center for Missing and Exploited Children (NCMEC)**
Provides various in-person and online webinar training courses. Department personnel should register for the NCMEC University at <http://www.missingkids.com/NCMECUniversity>. For information call (800) 843-5678 and ask to speak with the training division.
- **National Missing and Unidentified Persons System (NamUs)**
Provides seminars regarding NamUs and investigative resources for missing persons that may be deceased but not identified. Call (855) 626-7600.
- **RTI International**
Provides a series of free online law enforcement courses specifically related to missing juvenile cases. Contact RTI at (866)-252-8415. Courses include:

- CODIS for Missing Persons: Using DNA for the Identification of Remains
 - Cold Case Safety Net: Missing and Unidentified Persons
 - Developing a Missing Persons Protocol
 - Investigative Strategies: Missing and Unidentified Person Cases
 - Using Genetic Results to Identify Human Remains
- **National Criminal Justice Training Center/Fox Valley College**
 Contracts with the US Department of Justice to provide free law enforcement multi-day missing juvenile courses across the US.
 Phone: (877)71-AMBER (26237). For a complete listing of all missing juvenile investigative courses, visit: <http://www.amber-net.org/training.htm>.

The below is a partial listing of some of their free courses:

- Public Safety Telecommunications Best Practices for Missing Children
- Patrol First Response for Missing and Abducted Children
- Basic Forensic Response to Missing and Abducted Children
- Canvassing, Search and Recovery Strategies for Abducted Children
- Child Abduction Response Team (CART) Training
- Investigative Strategies for Missing and Abducted Children (ISMAC)
- Leadership for Missing and Abducted Children (LMAC)
- Specialized Investigative Techniques in Child Abduction Cases (SITCAC)

REFERENCE DOCUMENTS

INVESTIGATIVE CHECKLIST FOR FIRST RESPONDERS



This Checklist is meant to provide a framework of actions, considerations, and activities that may assist in performing competent, productive, and thorough missing/abducted-children investigations.

First Responder

☐ Activate patrol-vehicle-mounted video camera, if circumstances warrant, when approaching the scene to

NCMEC Investigative Checklist for First Responders

Located on LAPD Forms

Search the words “FIRST RESPONDERS”

- ☐ Interview other family members, friends/associates of the child, and friends of the family to determine
 - ☐ When each last saw the child.
 - ☐ What they think happened to the child.
 - ☐ If the child had complained about being approached by anyone.

**INVESTIGATIVE CHECKLIST FOR LAW ENFORCEMENT
WHEN HELPING UNSUPERVISED AND RUNAWAY CHILDREN**



This Checklist provides an investigative framework for officers when coming in contact with unsupervised and runaway children who have been contacted. This information is offered to enhance the effectiveness of the investigation.

**NCMEC
Investigative Checklist
for
Unsupervised
and Runaway Children**

**Located on
LAPD Forms**

**Search the words
“CHECKLIST
RUNAWAY”**

In this Checklist the term "child" is used to refer to anyone younger than the age of 18 or the legal age of majority.

INVESTIGATIVE CHECKLIST FOR LAW ENFORCEMENT WHEN RESPONDING TO MISSING CHILDREN WITH SPECIAL NEEDS



This Checklist is meant to enhance the response measures taken by law enforcement to safely recover missing children with special needs and is to be used in conjunction with the *Missing Children With Special Needs* addendum and *Missing Children With Special Needs Lost Person Questionnaire*.

NCMEC Investigative Checklist for Special Needs Children

Located on LAPD Forms

Search the words “SPECIAL NEEDS”

- [] Identify additional physical features the child may be attracted to such as roadways/highways, trains, heavy equipment, fire trucks, park swings, and road signs.
- [] Determine if the child has any favorite places.
- [] Determine if the child has a favorite song, toy, or character.

LAPD CRITICAL MISSING CHILD CHECKLIST

66 Pages

**Located on
Juvenile Division Website
Main Page
Look for words
“Critical Missing Child
Response Checklist”**

CALIFORNIA DEPARTMENT OF JUSTICE – JOURNAL SEARCH

How can I check to see if a name or license plate was run on CLETS?

This is called a journal search. Each time an entry or query is performed, journal tapes record the traffic through CLETS and store it for three years. The information is available for retrieval at any time. If you need a journal search conducted, please follow the procedures identified below:

- A. If the search is for traffic to/from your agency, you should request the CLETS Host Agency to conduct a journal search for you. They are required to maintain journal tapes for all traffic routed through their switch to/from CLETS for a minimum of one year.
- B. If it is unknown where the traffic originated, a request can be made to DOJ on your agency's letterhead specifying the following:
 - 1. Reason for the Search - Is the search required as a result of a CLETS misuse investigation, to locate a missing person or vehicle, etc?
 - 2. Time Frame for Search - DOJ will search a maximum 30-day time period within the past three years.
 - 3. Parameters - Provide as much information as possible so an accurate search can be conducted (i.e., full name, date of birth, vehicle license plate, driver license, file control number, state identification number, serial number, etc.)
 - 4. Data bases to Search - Identify data bases to be searched; i.e., Department of Motor Vehicles, Supervised Release File, Wanted Persons, Criminal History, Stolen Vehicles, Stolen Property, Automated Firearms, NLETS, FBI/NCIC. (Typical misuse data bases include Department of Motor Vehicles, Criminal History, Wanted Persons, and Supervised Release File.)
 - 5. Names and Telephone Numbers of all Individuals Authorized to Receive Journal Search Information within Requesting Agency - Provide names and telephone numbers of individuals who are authorized to receive journal search information or may inquire on the journal search in requestor's absence. This information is confidential and will be treated as such by DOJ.

If you would like DOJ to conduct a journal search, your request may be faxed to (916) 227-3658 or mailed to:

CLETS Administration Section
State of California Department of Justice
CLETS Administration Section
P.O. Box 903387
Sacramento, CA 94203-3870
FAX: (916) 227-3658

FOR USE WITH CRITICAL MISSING AND LONG TERM MISSING CASES
CHILD VICTIM BACKGROUND QUESTIONNAIRE
(CVBQ)

FOR USE FOR OBTAINING ADDITIONAL
INFORMATION ON MISSING CHILD

**Have the parent/guardian fill out this form about the missing person
(Original Located on LAPD Forms – Search for letters “CVBQ”)**

CHILD VICTIM BACKGROUND QUESTIONNAIRE	
Victimology is a comprehensive collection of personal information regarding a child victim and his/her family. This form is designed to collect background information regarding the child that will be important to the investigation. If possible, this form should be completed by multiple sources familiar with the child (e.g., teacher, peer, neighbor, family member). Each person should complete a separate form.	
Name of person completing form: _____	DOB: _____
Relationship to victim: _____	Today's date: _____
How long have you known the victim (e.g., Jan 2001-Feb 2007): _____	
Date of last contact: _____	

Located on LAPD FORMS
Search for the words
“CVBQ”

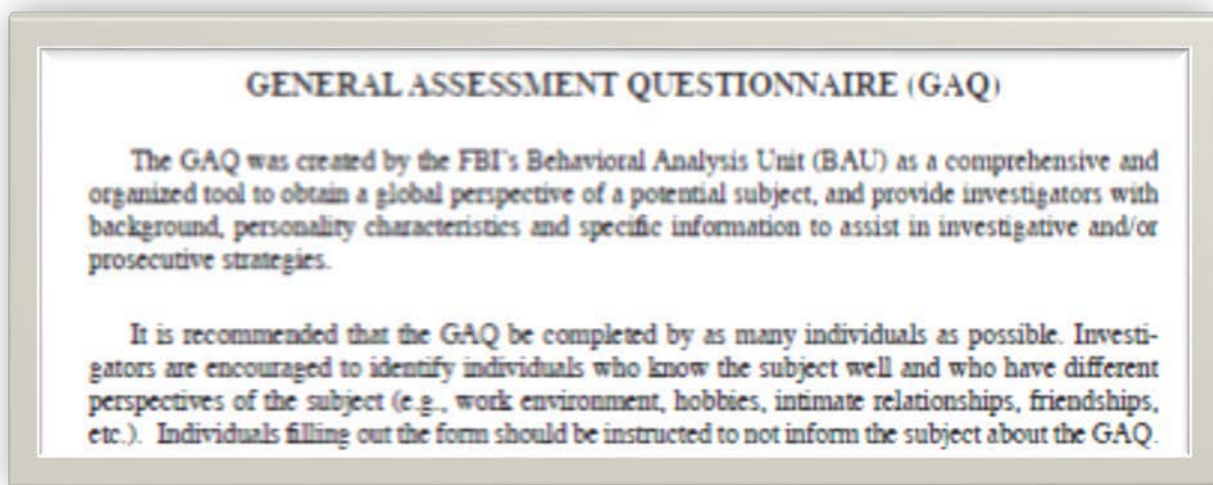
FOR USE WITH CRITICAL MISSING AND LONG TERM MISSING CASES

GENERAL ASSESSMENT QUESTIONNAIRE

(GAQ)

FOR USE FOR SUSPECTS OR PERSONS OF INTEREST

This form is used to gather information on a suspect, or person of interest.
(Original Located on LAPD Forms – Search for letters “GAQ”)



GENERAL ASSESSMENT QUESTIONNAIRE (GAQ)

The GAQ was created by the FBI's Behavioral Analysis Unit (BAU) as a comprehensive and organized tool to obtain a global perspective of a potential subject, and provide investigators with background, personality characteristics and specific information to assist in investigative and/or prosecutive strategies.

It is recommended that the GAQ be completed by as many individuals as possible. Investigators are encouraged to identify individuals who know the subject well and who have different perspectives of the subject (e.g., work environment, hobbies, intimate relationships, friendships, etc.). Individuals filling out the form should be instructed to not inform the subject about the GAQ.

Located on LAPD FORMS

**Search for the letters
“GAQ”**

Questions To Ask A “Found” Runaway/Missing Juvenile

When a missing juvenile is located, and one that has runaway, the interview by the recovering officer can be critically important in the prevention or re-occurrence, especially since juveniles who run away repeatedly learn how to remain concealed longer, thereby increasing their risk of exploitation.

Additionally, officers need to be aware that some juveniles run away to escape sexual or physical abuse, while others may have been told to leave by a parent/guardian. Returning home may not be the best or safest option for these juveniles, which is why their pre-release interview is critically important.

The following is a list of potential questions that may be used during an interview and for use to provide the juvenile and their family contact information for organizations that may be able to provide assistance.

1. Why did you runaway?
2. How long have you been away?
3. Where did you go?
4. Where and with whom did you stay while you were gone?
5. Did anyone encourage you to leave?
6. How did you survive (get money, food, where did they sleep)?
7. Who helped you when you while you were gone?
8. Has anyone hurt you or tried to hurt you while you were away from home?
9. Did someone touch you in a way you did not like or sexually assault you when you were away from home?
10. Do you have health issues that you need medical care for now?

11. Why did you return (if returned willingly)?
12. Is it safe for you to return home? If yes, why?
13. If you return, will you be safe at home? Use a 0–10 scale to quantify safe feeling (In this scale, 0 is safest and 10 is least safe).
- 14.
15. Have you run away before (unreported/another jurisdiction)?
16. Will you leave again?
17. What may be done to prevent you from running away again?
18. Do you drink or do drugs?
19. Are you a member of a gang?
20. Do you have someone you can talk to at home or school?

If is critical that the juvenile, as well as their family/guardian be connected to organizations that can provide assistance to the juvenile. While there are several organizations that can provide assistance in this area, the following is a just a sampling of potential programs and organizations that can provide assistance.

- **Department of Children and Family Services (800) 540-4000**
- **Los Angeles County Probation Department (866) 931-2222**
- **Teen Line (310) 855-4673**
- **California Youth Crisis Line (800) 843-5200**
- **National Center for Missing and Exploited Children (24/7) (800) 843-5678**
(Ask to speak with a family advocacy specialist)



California Department of Justice Missing and Unidentified Persons Section

Reporting Reference Chart

All local police and sheriffs' departments shall accept any report of a missing person (MP) without delay, per Penal Code (PC) § 14211(a). Additional requirements/guidelines are below. As you read the chart from left to right, report types are listed by age group, and note the applicable code section, PC, Education Code (EC), or federal statute (U.S.C.).

Required Action MP Age	"Be On the Look-Out" Bulletin	Initial Entry into the DOJ Missing Person System (AFPS)	MP Report Forwarded to Appropriate Jurisdiction	Initial Coroner Check	MP Report with Photograph and X-rays Submitted to DOJ ²	Written Notice Submitted to School	DNA - Advise Family of Right to Submit Sample ³	Validate and Update AFPS Record
At Risk ¹ (Any Age)	Without Delay <i>PC § 14211(d)</i>	Within 2 Hours <i>PC § 14211(e)</i>	Within 24 Hours <i>PC § 14211(e)</i>	Recommended Within 30 days <i>PC § 14212(e)</i>	Recommended Within 30 days <i>PC § 14212(e)</i>	If a child, within 10 Days <i>EC § 49068.6</i>	Within 30 Days <i>PC § 14250(c)(2)</i>	Within 60 days NCIC Guidelines
Ages 0 to 15	Without Delay <i>PC § 14211(d)</i>	Within 2 Hours <i>PC § 14211(e)</i>	Within 24 Hours <i>PC § 14211(e)</i>	Recommended Within 30 days <i>PC § 14212(e)</i>	Recommended Within 30 days <i>PC § 14212(e)</i>	Within 10 Days <i>EC § 49068.6</i>	Within 30 Days <i>PC § 14250(c)(2)</i>	Within 60 days NCIC Guidelines
Ages 16 to 17	Without Delay <i>PC § 14211(d)</i>	Within 2 Hours <i>PC § 14211(e)</i>	Within 24 Hours <i>PC § 14211(e)</i>	Recommended Within 30 days <i>PC § 14212(e)</i>	Recommended Within 30 days <i>PC § 14212(e)</i>	Within 10 Days <i>EC § 49068.6</i>	Within 30 Days <i>PC § 14250(c)(2)</i>	Within 60 days NCIC Guidelines
Ages 18 to 20	Without Delay <i>PC § 14211(d)</i>	Within 2 Hours <i>PC § 14211(e)</i>	Within 24 Hours <i>PC § 14211(e)</i>	Recommended Within 30 days <i>PC § 14212(e)</i>	Recommended Within 30 days <i>PC § 14212(e)</i>	Not Applicable	Within 30 Days <i>PC § 14250(c)(2)</i>	Within 60 days NCIC Guidelines
Ages 21 and over	Law Enforcement Discretion	Without Unreasonable Delay	Within 24 Hours <i>PC § 14211(e)</i>	Recommended Within 30 days <i>PC § 14212(e)</i>	Recommended Within 30 days <i>PC § 14212(e)</i>	Not Applicable	Within 30 Days <i>PC § 14250(c)(2)</i>	Within 60 days NCIC Guidelines

¹ Per PC § 14215(b), "at risk" means there is evidence of, or there are indications of, any of the following: (1) is a victim of a crime or foul play; (2) is in need of medical attention; (3) has no pattern of running away or disappearing; (4) may be the victim of a parental abduction; or (5) is mentally impaired.

² Per Health & Safety Code § 102870, the DOJ shall act as a repository for dental examination records of missing and unidentified person and will compare the records for the purposes of identification.

³ Per PC § 14250(a)(4), for the purpose of DNA collection, a high-risk missing person is anyone missing as a result of a stranger abduction, suspicious circumstances, unknown circumstances, there is reason to assume the person is in danger or deceased, and that the person has been missing for more than 30 days or less in the discretion of the investigating agency.

LOS ANGELES POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION

✓ MULTIPLE

DATE THIS REPORT 08-31-2012		DATE ORIGINAL REPORT		SPECIFIC TYPE OF ORIGINAL REPORT (ADW, TFV, EVID, ARREST/BURG, ETC.)				RD	PCD	DR NO. 12-119434	
VICTIM BOOKED TO/ARRESTEE (AS ON ORIGINAL REPORT)				IF RECLASSIFYING TO HOMICIDE SEX DESCENT		AGE		BKG. NO. (SUPPL. TO ARREST)		WORK FOLDER PERIOD ORIG. RPT. INDEX NO.	
CASE STATUS <input type="checkbox"/> 1. CLEARED BY ARREST <input type="checkbox"/> 2. CLEARED OTHER <input type="checkbox"/> 3. REPORT UNFOUNDED <input type="checkbox"/> 4. INVESTIGATION CONTINUED											
Use this section only to add or correct info - do not repeat info from previous reports. Exception: Complete entire suspect info if making final disposition.											
DATE OCCURRED		CHANGE TO - ON OR BTWN MO/DAY/YEAR TIME		& MO/DAY/YEAR TIME		TYPE ORIG. RPT. CHG. TO		RD CHG TO	DR NO. CHG TO	INV. DIV. CHG. TO	
PROPERTY VALUE:		ADDITIONAL LOSS		PARTIAL RECOVERY		TOTAL RECOVERY		DELETED FROM ORIGINAL REPORT		DESCRIPTION CHANGE	
										ITEM NUMBER RECOVERED/DELETED (ON MULTIPLE REPORTS USE NARRATIVE)	
S-	SEX	DESCENT	HAIR	EYES	HEIGHT	WEIGHT	D.O.B	AGE	NAME & ADDRESS (OR NAME & CHARGE, IF ARRESTED)		
1									ACTION TAKEN		
									LA OR BKG NO.		
2									NAME & ADDRESS (OR NAME & CHARGE, IF ARRESTED)		
									ACTION TAKEN		
									LA OR BKG NO.		
3									NAME & ADDRESS (OR NAME & CHARGE, IF ARRESTED)		
									ACTION TAKEN		
									LA OR BKG NO.		
P/T/D	MULTIPLE RPT: PCD & DR NO.			TYPE OF CRIME			RD	VICTIM'S NAME			DATE ORIG. RPT.
VALUE											
EXAMPLE											
12-11-22343 Missing Juvenile Smith, James J No. 34554 06-05-12 Grandmother of M/J telephonically interviewed on 08/27/12. No new information. School Notification Form delivered to Eagle Rock High School on 08/26/12. M/J entered into NCMEC - Case Number assigned is 12334224J. Digital photo of MJ emailed to DOJ MUPS Unit. See DCTS record for additional info.											
12-11-21455 Missing Juvenile Rosales, Alex J No. 56773 06-07-12 DCFS assigned worker Ms. Graham telephonically interviewed on 08/26/12. No new information. School Notification Form delivered to LA High School on 08/20/12. M/J entered into NCMEC - Case Number assigned is 12453345J. Digital photo of MJ emailed to DOJ MUPS Unit. See DCTS record for additional info.											
12-11-00434 Missing Juvenile Coffey, Maria J No. 56773 06-20-12 Mother and father of M/J interviewed in person on 08/26/12. No new information. Check with NCMEC Case Manager Nicole Wilson. They are getting ready to run M/J thru their database services to obtain any new info. Updated MUPS entry with new information on 08/23/12 - added additional jewelry - Blue Swatch digital watch. Sent email flyer of M/J to LA Coroner's Office - email received by Coroner Investigator Macian. He will check for matches against Jane Does. Spoke with Mark Lazieer at DOJ MUPS Unit for additional resources and possible inclusion in the DOJ quarterly missing person poster. See DCTS record for additional info.											
<div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <h2 style="margin: 0;">Sample of Missing Juvenile Multiple Follow-Up Report</h2> </div>											
WAS PROPERTY BOOKED IN CONJUNCTION WITH THIS REPORT OR INCIDENT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES IF YES, HAS 10.06.00 BEEN COMPLETED? NO YES											
SUPERVISOR APPROVING				SERIAL NO.		REPORTING OFFICER(S)				SERIAL NO. DIVISION	
DATE & TIME REPRODUCED				DIVISION		CLERK					

03.14.00 (03/85)

LOS ANGELES POLICE DEPARTMENT

CHARLIE BECK
Chief of Police



ERIC GARCETTI
Mayor

ADDRESS OF STATION
Los Angeles, Calif. 00000
Telephone: (XXX) XXX-0000
TDD: (877) XXX-XXXX
Ref#: FILL IN THIS BOX

August 29, 2015

Mr. John Public
123 Main Street
Los Angeles, California 90012

Dear Mr. Public,

This letter is to notify you that the missing person case you have filed with the Los Angeles Police Department meets the definition of a "high-risk" missing person, and by State law, you are required to be notified of your right to submit a voluntary DNA sample for analysis.

Under California Penal Code Section 14250, law enforcement agencies investigating "high-risk" missing person cases shall notify the reporting parties of the missing person that they may submit a voluntary sample, and/or personal articles belong to the missing person for DNA testing to assist in this case. Any DNA samples submitted will only be used to identify the missing person and will be destroyed upon request.

To submit a voluntary DNA sample or personal article belonging to the missing person, please contact the below investigator to schedule an appointment:

Detective/Officer XXXXXXXX, Serial No. 00000
Los Angeles Police Department, Pacific Area
12312 Culver Boulevard, Los Angeles, CA 90066
(213) 485-0000 Monday to Friday, 0700 AM to 4:00 PM

Reported Missing Person: Doe, Jane DR No. 15-21 00000 Case Number: 08 JUV 354

Very truly yours,

WILLIAM J. BRATTON
Chief of Police

PATRICK M. SMITH, Lieutenant
Detective Commanding Officer
Pacific Area

AN EQUAL EMPLOYMENT OPPORTUNITY — AFFIRMATIVE ACTION EMPLOYER

www.LAPDOnline.org
www.joinLAPD.com

NCIC/III OFF-LINE SEARCH REQUEST FORM

Date of Request _____ Name of Requester _____

Agency's ORI _____

Telephone Number () _____ Facsimile Number () _____

Agency's E-mail _____

Type of Investigation _____ Case Number _____

Type of Search Requested _____

Time Frame for Search _____

PERSON:

Name(s) and Date(s) of Birth _____

Social Security Number(s) _____

Other Identification Number(s) _____

Race _____ Sex _____

VEHICLE:

License Plate(s) _____

License Plate State(s) _____

Vehicle Identification Number(s) _____

Make _____ Model _____

Vehicle Year(s) _____

Vehicle Color(s) _____

ARTICLE/GUN:

Serial Number(s) _____

Description _____

BOAT:

Boat Hull Number(s) _____

Description/Manufacturer(s) _____

After completing this form, agencies should send it to the CJIS Division's Investigative and Operational Assistance Unit (IOAU) staff via facsimile at (304) 625-5393. For additional information about requesting an off-line search, agencies should contact the IOAU at (304) 625-3000; e-mail <ioau@leo.gov> or via the NLETS to ORI/DCFBIWAQ9.

Validation Procedures of Missing Juvenile Cases

The FBI and CAL DOJ policies and regulations require that the information entered into NCIC regarding missing person cases must be periodically checked in order to confirm that the NCIC record is complete, accurate, and the missing juvenile is still outstanding. The verification of this information is referred to as a NCIC validation. Federal and State law require that once each year, with the date corresponding with the month and day of the original entry into NCIC, each "open" missing person entry be validated.

Validation is accomplished by reviewing the entry and current supporting documents, and by recent consultation with any appropriate complainant, victim, prosecutor, court, governmental agencies, or other appropriate sources or individuals.

The following procedures outline how to validate a missing juvenile NCIC entry.

Case File Documents

The case file should be reviewed and contain the following documents:

- Missing persons report
- Copies of all completed follow-ups related to the case
- Missing juvenile's photograph (when available)
- Investigator's case notes (or contained within DCTS)
- Copies of the concerned teletypes and broadcasts

Record Systems Checks

Investigators should check the concerned law enforcement databases for any new contact information, including but not limited to:

- Query name for driver's license and identification card application and/or issuance status, as well as traffic citation issuance (50 state check).
- Query name using Department databases for any new information.
- FBI Off-Line Search
- Passport Issuance via Department of State

Recent Reporting Party Contact

Investigators must make contact with the parent/reporting party to determine the following:

- Confirm that the juvenile is still missing
- Confirm the information in the NCIC entry is accurate, especially the spelling of the name, DOB, sex, decent and physical descriptors.
- Confirming and update any contact information including changes to the parent/reporting party's home and work addresses, phone numbers, and email addresses. Documentation of this information must be documented within DCTS or the related Follow-Up Report.

Validation Procedures of Missing Juvenile Cases

Page 2 of 2

Concerned Party Consultations

The following is partial list of those that should also be contacted:

- Contact DOJ MUPS Unit to ensure that the NCIC record is complete and not missing any information as required.
- If case involves DCFS as a runaway, contact to the concerned social worker or their supervisor.
- If juvenile is on probation, contact to the concerned Probation Department employee or their supervisor.
- National Center for Missing and Exploited Children (NCMEC), to update their files with additional information, as well as case investigating officers contact information.
- Other appropriate or concerned law enforcement agencies, sources or individuals.

If case involves a parental/family abduction / child concealment or related incident:

- LA County District Attorney's Contact the Child Abduction Unit's Deputy-in-Charge and determine if an active case and/or arrest warrant is still active on the case, as well as to determine if any new information has developed in the case since previous contact.
- Contact the concerned DA Investigator if assigned to the case (contact info provided by Deputy-in-Charge) to determine if they have any new leads or information unknown to the LAPD investigator. Both entities should update their case records with the corresponding investigators contact information, as many times the original investigators have changed – especially in long-term cases. It should be noted that in these cases it is the LAPD investigators responsibility to continue looking for the suspect and missing child in these cases, as the DA investigators are only supplemental in the DA's continued investigation.

If case involves a parental/family abduction and the child involved was under the care/custody/supervision of the DCFS:

- Contact the DCFS Child Abduction Unit (323 881-1303) and ascertain if they have any new information about the missing child or the concerned parties/suspects. Many times DCFS has additional information the investigator may not be aware of.

If the case involves a missing juvenile who is believed to have left the county

- Contact the FBI's WLA Office, Crimes Against Child Unit and ascertain if they have any information on the case or if they have any recommendations regarding locating the juvenile in the foreign country, or being alerted if the concerned juvenile or if a suspect in the case attempts to enter the USA via a controlled border crossing, including boarding a flight from an international destination with arrival in an airport in the USA.

CHAPTER 22

CHILD ABDUCTION INVESTIGATIONS

When a child goes missing, it impacts the whole family. The majority of kidnapping cases are *intra familial*, but a child can be abducted by a non-family member. The Area Major Assault Crimes (MAC) Unit is responsible for these cases. Officers should contact the MAC Coordinator for advice.

22.10. CHILD ABDUCTION DEFINITIONS

The following definitions apply for this chapter:

Abduct

Abduct means take, entice away, keep, withhold, or conceal.

Child-Penal Code 277(a)

Child means a person under 18 years.

Court or Custody Order-Penal Code 277(b)

Court or custody order means a custody determination decree, judgment, or order issued by a court of competent jurisdiction, whether permanent or temporary, initial or modified, that affects the custody or visitation of a child, issued in the context of a custody proceeding. An order, once made, shall continue in effect until it expires, is modified, rescinded, or terminates by operation of law.

Custody Proceeding-Penal Code 277(c)

Custody proceeding means a proceeding in which a custody determination is an issue, including an action for dissolution or separation, dependency, guardianship, termination of parental rights, adoption, paternity, except actions under Section 11350 or 11350.1 of the Welfare and Institutions Code, or protection from domestic violence proceedings, including an emergency protective order pursuant to Part 3 (commencing with Section 6240) of Division 10 of the Family Code.

Lawful Custodian-Penal Code 277(d)

Lawful custodian means a person, guardian, or public agency having a right to custody of a juvenile.

Right to Custody-Penal Code 277(e)

Right to custody means the right to the physical care, custody, and control of a juvenile pursuant to a custody order as defined in subdivision (b) or, in the absence of a court order, by operation of law, or pursuant to the Uniform Parentage Act contained in Part 3 (commencing with Section 7600) of Division 12 of the Family Code.

Whenever a public agency takes protective custody or jurisdiction of the care, custody, control, or conduct of a juvenile by statutory authority or court order, that agency is a lawful custodian of the juvenile and has a right to physical custody. In any subsequent placement of the juvenile, the public agency continues to be a lawful custodian with a right to physical custody of the juvenile until the public agency's right of custody is terminated by an order of a court of competent jurisdiction or by operation of law.

Absence of a Court Order to the Contrary-Penal Code 277(f)

Absence of a court order to the contrary refers to a parent who loses his or her right to custody of the juvenile to the other parent if the parent having the right to custody is dead, is unable or refuses to take the custody, or has abandoned his or her family. A natural parent whose parental rights have been terminated by court order is no longer a lawful custodian and no longer has a right to physical custody.

Keeps or Withholds-Penal Code 277(g)

Keeps or withholds means retains physical possession of a juvenile whether or not the juvenile resists or objects.

Visitation-Penal Code 277(h)

Visitation means the time for access to the juvenile allotted to any person by court order.

Person-Penal Code 277(i)

Person includes, but is not limited to, a parent or an agent of a parent.

22.20. CHILD ABDUCTION CRIMINAL CHARGES

Abduction by One Parent Against Another Parent-Penal Code Section 278.5(a)

“Every person who takes, entices away, keeps, withholds, or conceals a child and maliciously deprives a lawful custodian of a right to custody, or a person of a right to visitation.”

This section covers the most common juvenile abduction violations. This section is applicable when a parent maliciously deprives a juvenile from another parent, regardless of whether or not a court order exists. It is unlawful for one parent to take, keep, withhold, or conceal a juvenile from the other parent, with or without a custody order. There are no requirements that a custody order be obtained in order to arrest and prosecute a party for violating this section.

Below are examples of when a parent would be in violation of 278.5(a) PC.

Situation #1:

Parents (including natural parents with or without a marriage relationship) have children and live together. The parties have never been to court and have never obtained a custody order. One parent moves out, picks up the children from the baby-sitter and leaves the state. This parent then mails the other parent a letter stating, "I am going to keep the children and you will never see them again."

NOTE: It does not matter if there is or is not a custody order, this has no bearing on the situation.

Situation #2:

A parent has physical custody by a court order, and the other parent has visitation rights. The parent with physical custody intentionally hides or takes the child, depriving the other parent of their visitation rights.

Problems may arise with conflicting and outdated orders. During investigations involving a custody order, judgment or decree, officers should, if possible, verify the legality of these documents.

In some cases, it may be necessary to contact the clerk of the issuing court to verify the legality of the order. The crime continues as long as children are being detained or concealed.

NOTE: In cases where the parent habitually returns the child late, officers should refer the complaining parent to family court. When a crime has occurred, officers shall complete an Investigative Report (IR).

Abduction Without Right of Custody-Penal Code Section 278

This section covers persons who are not legal custodians, but who take, keep, withhold, or conceal a juvenile from a parent or public agency having custody. Some 278 PC violations involve relatives of the juvenile, e.g., grandparents, siblings, or step-parents, who take juveniles from a natural parent.

There is no requirement that the juvenile's parents actually have a custody order for this violation. The majority of 278 PC cases involve natural parents who have lost their rights of custody in Dependency Court under Sections 300 or 602 of the Welfare and Institutions Code (WIC), typically after action has been taken by the Department of Children and Family Services (DCFS).

EXAMPLES:

- The abductor is not a parent, and has no court-ordered right of custody or visitation.
- The abductor is a parent, but their custody rights to the juvenile have been removed by the Dependency Court, after action was taken by DCFS.
- The detention or concealment of a juvenile would be a violation of a court order from a person or public agency having lawful charge of the juvenile.

NOTE: DCFS would be the victim in this case.

Situation #1

Relatives with permission of the parent, take the juvenile on a vacation. They believe the parents are incompetent and keep the juvenile after the vacation.

Situation #2

A parent loses custody of a juvenile by court action and the juvenile is placed in a foster care center. The parent, without custodial rights, goes to the center and takes the juvenile without authorization.

NOTE: In cases where a stranger has taken the juvenile, kidnaping laws apply. The difference between a violation of this section and kidnaping is that kidnaping requires force or the taking of the juvenile for sexual purposes, financial gain, or other illegal motives. There are overlapping areas in both 278 and 207 PC. If an arrest is appropriate, the suspect shall be booked for the more serious offense.

Protective Custody-Penal Code Section 279.6(a)(1)

This section provides authority to prevent unlawful flight with a juvenile by taking the juvenile into protective custody. It is an effective tool for an officer who responds to the initial call. The parent's intent can be determined by investigating the following areas:

- Prior taking.
- Statements such as, "You will never see the child again."

- Hiding the location where they reside.
- Removing the juvenile from school.
- Quitting their job.
- Telephone no longer in service.

These are suggested areas to investigate and do not limit an officer's investigative actions. Other relevant areas may establish reasonable cause and should be addressed during the investigation.

Situation #1

Officers are called to a child custody dispute where the juvenile is present, but one parent is packing the car or is preparing to go to the airport, and the intent to deprive the other parent is determined. Officers may take the juvenile into protective custody through the application of Section 279.6(a)(1) PC. If the juvenile is taken into custody, officers should notify their Area MAC Coordinator and DCFS Hot Line requesting that a social worker respond to their location.

Situation #2

The natural parents live together in the City with their child. One parent moves out and takes the child. The other parent locates the child living at a new residence within the City and calls the police. This is a potential violation of the child abduction law, but there is no apparent intent to flee the jurisdiction and therefore no cause exists to take the child into custody.

Section 279.6(a)(1) stands independent of the other child abduction sections and is based solely on the intent to flee the jurisdiction, or there are conflicting claims of custody and the parties cannot agree. In this scenario, officers would take the juvenile into protective custody.

Taking a Juvenile Into Protective Custody-Penal Code Section 279.6(a) & (b)

279.6(a) A law enforcement officer may take a juvenile into protective custody under any of the following circumstances:

- (1) If it appears that a person is likely to conceal the juvenile, flee the jurisdiction with the juvenile, or, by flight or concealment, evade the authority of the court.
- (2) There is no lawful custodian available to take custody of the juvenile.
- (3) There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the juvenile.
- (4) The child is an abducted child.

279.6(b) When a law enforcement officer takes a juvenile into protective custody pursuant to this section the officer shall do one of the following:

- (1) Release the juvenile to the lawful custodian, unless it reasonably appears that the release would cause the juvenile to be endangered, abducted, or removed from the jurisdiction.
- (2) Obtain an emergency protective order pursuant to Part 3 (commencing with Section 6240) of Division 10 of the Family Code ordering placement of the juvenile with an interim custodian who agrees in writing to accept interim custody.
- (3) Release the juvenile to the social services agency responsible for arranging shelter or foster care.
- (4) Return the juvenile as ordered by a court of competent jurisdiction.

ViCAP Prior to returning a juvenile to a complaining parent when there is no custody order regarding the juvenile, officers should obtain advice from the Area MAC Coordinator due to the equal status of both parents.

22.30. OUT-OF-STATE RESIDENTS

Out-of-state residents pose unique problems when dealing with child abduction laws. California has enacted a series of laws that are known as the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA, Family Code Sections 3400-3461). This Act covers situations in which a party has an out-of-state custody order, but wants the order enforced in California. Under this Act, various procedures exist by which an out-of-state party can obtain a California court order directing enforcement of the out-of-state order. **Department employees must not take action on out-of-state custody orders, without a California court order directing enforcement of the out-of-state order.** If the case involves potential danger to the juvenile, officers shall take the juvenile into protective custody and release to DCFS.

The below examples demonstrate some of the potential problems that officers may encounter.

EXAMPLE: One parent lives in Las Vegas and has legal custody of the juvenile. The other parent is a resident of Los Angeles and has visitation rights for a summer vacation in Los Angeles. At the conclusion of the vacation, the non-custodial parent does not intend to return the juvenile to the custodial parent. The custodial parent goes to the juvenile's location and phones the police. Officers arrive and the custodial parent shows them the Nevada custody papers and wants the juvenile.

Officers should investigate the facts of the incident, and during normal business hours contact their Area MAC Coordinator for advice. During non-business hours, officers should contact their watch commander for advice. If the investigation reveals that the local parent is stable (has a job, phone, home and lived in the area a reasonable period of time), the watch commander may elect not to take the juvenile into custody pending verification of the out-of-state custody papers/presentation of a California court order directing enforcement of the out-of-state custody order.

EXAMPLE: Both parents are from Michigan and are divorced. One parent has physical custody and the other parent has only visitation rights. While on visitation, the non-custodial parent keeps the juvenile and moves to California. The custodial parent locates the juvenile in the City of Los Angeles and phones the police. Officers arrive and the custodial parent shows them the Michigan custody order and wants the juvenile returned.

Officers should investigate the facts of the incident and follow the procedures of the above example; however, the key difference is the stability of the local parent. Officers should make a determination as to the stability of the local parent, bearing in mind that the parent has already fled once. If sufficient reasonable cause is developed that the parent might flee, officers should take custody of the juvenile pursuant to 279.6(a) PC pending verification of custody papers/presentation of a California court order directing enforcement of the out-of-state custody order.

NOTE: Do not choose sides on court orders. If a parent only has an out-of-state order, it is not automatic that this parent should recover the juvenile. Directing that parent to obtain a California court order, allowing for the enforcement of the out-of-state order, may be the most prudent course of action. If the parent does obtain such a California order, and the other parent refuses to comply by returning the juvenile, officers may arrest for felony charges on 278.5 PC or misdemeanor charges of 166(a)(4) PC. The juvenile should then be returned to the lawful parent/guardian.

22.40. JURISDICTION

California Penal Code Sections 278 and 278.5 can both be charged as felonies. Penal Code Sections 279 and 278.5 cover the jurisdiction of these crimes. Because these crimes can involve multiple locations (where each parent resides, where the juvenile primarily resides, etc.), California counties have reached an agreement as to where jurisdiction lies in these cases.

It is the policy of the Los Angeles County District Attorney's Office (as well as the District Attorney's Offices of other California counties) that absent extremely unusual circumstances, the jurisdiction for 278 PC and 278.5 PC violations will be the physical location where the left-behind parent or custodian (victim) resides.

EXAMPLE: Mother has primary physical custody of the juvenile and lives in Anaheim, California. Father, who lives in Los Angeles, has visitation for the weekend. At the end of the weekend, the mother goes to father's home and attempts to obtain her child. The Mother found that the Father had moved. Mother reports this crime to LAPD. The mother can be told that the appropriate reporting agency is Anaheim PD as that is where the mother lives.

Any prosecution would be conducted by the Orange County District Attorney's Office. However, because the juvenile is missing, Department personnel would be required to complete a "courtesy" Missing Juvenile Report and cause the information to be entered into NCIC within two hours.

The assigned investigator would then coordinate with Anaheim PD to assume investigative responsibility of the missing juvenile investigation. For additional information on this subject, see Chapter 21, section titled Investigative Responsibility–Non-Resident of Los Angeles (Courtesy Reports).

EXAMPLE: Father has primary physical custody of the juvenile and lives in Santa Clarita, California. Mother has visitation and lives in Long Beach. Custody transfers of the juvenile occur in the lobby of Pacific Division. At the end of a visit, the father is waiting at the station when the mother calls his cell phone and tells him that she is not returning the child. Father immediately relays this information to the front desk officer at Pacific Division. Father can be told that the appropriate reporting agency is the Sheriff's Office in Santa Clarita as this is where the father lives. However, Department personnel must still take a Missing Juvenile Report and cause the information to be entered into NCIC within two hours, as required by State law and Department policy.

The assigned investigator would then coordinate with LASD Santa Clarita investigators to assume investigative responsibility of the missing juvenile investigation. For additional information on this subject, see Chapter 21, section titled Investigative Responsibility-Non-Resident of Los Angeles (Courtesy Reports).

EXAMPLE: Mother has primary physical custody of the juvenile and lives in Los Angeles. She sends her child to New York for a two-week court-ordered visit with the father. At the end of the two weeks, the father refuses to send the juvenile back to Los Angeles. Mother can appropriately report this as a felony 278.5 PC crime to LAPD as she lives in Los Angeles.

22.50. CHILD ABDUCTION-JUVENILE TAKEN OUT OF COUNTRY

When a missing juvenile investigation involves other countries, the investigation can become complicated. It is important that the investigator assigned one of these cases is aware of the resources that are available to assist in the investigation. The investigator should also be aware that in many of these cases, the focus of the investigation will now turn to diplomacy and use of international treaties.

When working with foreign governments, it is important for an investigator to recognize that they cannot expect to export laws of the United States to the targeted country.

The Hague Convention on the Civil Aspects of International Child Abduction is an international treaty that calls for the prompt return of an abducted child, to the country of his or her habitual residence. To carry out the provisions of the treaty, each participating country established a central authority. In the United States, the Central Authority is the Office of Children's Issues, US Department of State.

The US Secretary of State conferred responsibility for discharging the country's treaty obligations within the state on the Governor of California, who designated the Office of the Attorney General, which requested that the local District Attorneys handle applications to pursue the return of the child. Not all nations are signatories to the Hague Convention, and there may be limited options when a non-signatory nation is involved.

When it has been determined a juvenile may have been taken to a foreign country that is a Hague signatory, the left-behind parent/guardian should immediately contact the Los Angeles District Attorney's Office (LADA) to discuss filing an application for return of the child pursuant to the Hague Convention.

The reporting party may also be advised that after a missing person/child abduction report has been made, they may contact NCMEC 24/7 at 1-800-THE-LOST (1-800-843-5678).

Officers should be aware that an outstanding warrant for child abduction pending against the taking parent may prevent a foreign judge from sending the juvenile back to the United States. Therefore, criminal warrants are generally not filed simultaneously to seeking return pursuant to the Hague Convention. However, officers should take an IR titled "Child Stealing/Abduction" (UCR Code 922) in the event that charges are pursued later because the taking parent refuses to return the child after a Hague hearing, or the taking parent cannot be located in the other country, or the taking parent flees to a non-Hague country.

If the foreign country to which the juvenile was taken is a non-Hague country, officers should complete an IR titled "Child Stealing/Abduction" (UCR Code 922) and forward to the LADA's Office for filing consideration. In either case, the investigator

should begin coordinating with the LADA Child Abduction Unit, US Department of State, NCMEC's International Missing Children's Division, and INTERPOL.

The role of these agencies is not one of enforcement or direct intervention. They support the efforts of citizens of the United States and law enforcement by providing information and access.

While the US Department of State is the link primarily to the diplomatic sector, INTERPOL, the world's largest international association of police organizations, serves as a point of contact for both the United States and foreign law-enforcement agencies seeking assistance in criminal investigations extending beyond their national boundaries. Agents from a wide spectrum of Federal law-enforcement agencies combine to allow for a comprehensive approach to international investigations.

NOTE: The LADA Child Abduction Section helps parents/guardians gather needed information to establish "outgoing" Hague Convention cases.

NCMEC's International Missing Children's Division provides a wide range of services to law enforcement and other concerned individuals in preventing and resolving all types of international abduction cases and manages cases involving the United States and any other country including Hague signatory countries and non-Hague signatory countries, return cases, and access/visitation cases.

Department employees are **strongly encouraged** to register all missing juvenile cases with the NCMEC, as well as advising the left behind parent/guardian that they may also contact NCMEC for additional assistance. For further information, see Chapter 21–National Center for Missing and Exploited Children (NCMEC).

22.60. DOMESTIC AND INTERNATIONAL CHILD ABDUCTION RESOURCES

Following is a listing of resources that are available to investigators in child/family abduction investigations.

Los Angeles District Attorney Child Abduction Unit

The Child Abduction Section of the LADA's Office has three primary responsibilities: prosecuting child abductors pursuant to Penal Code Sections 278/278.5; assisting in the location and recovery of abducted children within the United States pursuant to Family Code Sections 3130-3134.5; and seeking to return children abducted internationally to their country of habitual residence pursuant to The Hague Convention on the Civil Aspects of International Child Abduction (Hague Treaty).

Criminal

The Deputy-in-Charge and two deputy district attorneys prosecute parents, grandparents, and other relatives for abducting juveniles, including cases where DCFS has legal custody of the juvenile. Cases may include charges of kidnaping, child abuse, domestic violence, burglary, auto theft, identity theft, or other crimes committed during the course of the abduction.

Department investigators are required to submit all child/family abduction cases to the LADA Child Abduction Unit for filing review and consideration, as well as to obtain advice on related cases and investigations. Some cases may be rejected for a variety of concerns including lack of international jurisdiction. However, in some of these cases, the missing juvenile investigation may need to remain as an “open” missing juvenile case and NCIC entry until the juvenile is found. The investigator should be guided by the LADA Child Abduction Unit’s Deputy-in-Charge for insight into this matter.

Civil

In 1976, the California legislature mandated that the District Attorney’s Office “take all actions necessary to locate and return a child” (currently codified in FC Sections 3131). California is the only state to mandate and reimburse its District Attorneys for this work. The Bureau of Investigations provides a sergeant and seven senior investigators to locate and serve parents with the appropriate court documents, and recover children under the direction of the Family Court judges.

Child Abduction investigators are 830.1 PC peace officers but do not file criminal charges in child abduction cases because the unit's mandate only extends to civil enforcement. If there are pending criminal charges, investigators will work with the filing agency to coordinate the arrest of the suspect and the recovery of the children.

International

In 1988, the United States ratified the Hague Convention on the Civil Aspects of International Child Abduction, which has approximately 100 signatory countries. The treaty dictates that a child taken from one country to another should be returned to his/her habitual residence for custody and visitation decisions unless certain limited defenses apply.

District Attorneys are mandated to “take all actions necessary” to return abducted children, the responsibility to enforce the Hague treaty fell to the District Attorney and was later codified in Family Code Section 3455.

When a juvenile has been wrongfully removed from Los Angeles to a signatory country, LADA staff will assist the left-behind parent with the application, supporting documents and send the file to the United States Central Authority (US State Department). When a child has been wrongfully removed from another country to Los Angeles, Deputy District Attorneys appear in court pursuant to Family Code Section 3455, with the permission of the US Central Authority to assure that the provisions of the treaty are followed.

LADA Child Abduction Unit Investigators

LADA Child Abduction Unit Investigators are a great resource for investigators for additional information and resources on how to locate someone who had been abducted or are concealing a missing juvenile.

Parental/Family Abduction/Child Concealment Warrants

In cases where a warrant has been issued in a case filed by the LADA Child Abduction Unit, as part of the due diligence of the case, the assigned investigator should contact the unit's Deputy-in-Charge and determine if an active case/arrest warrant exists, and determine if any new information has developed.

Additionally, the investigator should make contact with the assigned DA Investigator (contact information provided by Deputy-in-Charge) to determine if they have any new leads or information.

Both entities should update their case records with the corresponding investigator's contact information, as original investigators change, especially in long-term cases. It should be noted that in these cases it is the LAPD investigator's responsibility to continue looking for the suspect and missing juvenile in these cases, as the DA investigators are only supplemental in the DA's continued investigation.

Contact Information

Following is the contact information for the LADA Child Abduction Unit:

Los Angeles District Attorney Child Abduction Unit
Los Angeles County Hall of Justice
211 West Temple Street, 3rd. Floor, Los Angeles, California 90012
Phone: (213) 257-2677

The Unit's office hours are Monday - Friday, 8:30 am to 5:00 pm. During emergencies or off-hours, Department personnel should contact the LADA Command Center at (213) 974-3607.

The Hague Convention

The LADA's Office, Child Abduction Unit, in coordination with the California Office of the Attorney General, Child Abduction Unit, coordinates actions related to the Hague Convention.

Federal Bureau of Investigation

The Federal Bureau of Investigation (FBI) can provide many resources to personnel during the investigation of Family and Non-Family Child Abductions.

Contrary to popular belief, an investigator does not have to wait for ransom demands or proof of interstate victim transportation before requesting the assistance of the FBI in cases of suspected child abduction. Officers should consider notifying the FBI as one of the first steps in organizing an effective investigative base. Prompt assistance from the FBI will not only secure certain resources and technical capabilities, not normally available to local agencies, but may also enlist the help of agents who have experienced similar cases in the past and are able to provide valuable on-site investigative direction.

The FBI can provide a variety of investigative resources/ assistance to personnel in critical missing/abduction cases, as well as any case where the juvenile is missing under suspicious, high-risk, or unknown circumstances, or where it is reasonably believed that the juvenile could be in danger of serious bodily injury or death.

Generally, the FBI should not be notified on cases involving runaways, missing juveniles in which there is no evidence of foul play or custody disputes that are not reasonably believed to be endangering the life or physical health of a child.

Following is a listing of resources available to employees:

Non-Family Child Abduction Resources

In a Non-Family Child Abduction, the first few hours following the disappearance of a child are the most critical to their successful recovery, and having a pre-planned response can be vital.

The FBI can make available a copy of their Child Abduction Response Plan (CARP) to assist in developing a pre-planned response.

A copy of the FBI CARP Plan can be obtained by contacting the FBI West Los Angeles Field Office and asking to speak with the FBI Crime Against Children Unit supervisor by calling 24/7 (310) 477-6565.

The FBI WLA Office can provide the assistance that may be needed by the Department, including Special Agents to assist in the following:

Child Abduction Rapid Deployment Teams (CARD)

A CARD regionalized team is comprised of Special Agents with investigative experience and advanced training concerning child abductions. The FBI has agents assigned to Los Angeles's FBI Office that may be mobilized in certain child abduction cases. The knowledge and experience of the agents assigned to CARD teams can be an invaluable investigative resource in an abduction case.

Neighborhood Canvassing and Road Blocks

The FBI has Special Agents who have received in-depth training on neighborhood canvassing and road blocks. The neighborhood canvass process has proven itself to be a vital tool in locating additional information and witnesses.

Family Child Abduction Resources

During an investigation of Family Child Abductions, the Los Angeles FBI office can assist with interstate or international cases where the juvenile is at risk of substantial physical harm, i.e. parent who threatens to kill their child.

Department investigators should be aware that the FBI can utilize the resources from the 56 FBI Field Offices located throughout the United States to assist in a child abduction investigation when the suspect and victim travel interstate.

Unlawful Flight to Avoid Prosecution (UFAP) Warrant

If the abducting parent/guardian or family member is the subject of a State felony custodial interference charge, and the abducting parent has left California, a Deputy District Attorney assigned to the LADA's Child Abduction Unit may request the US Attorney to authorize issuance of a Federal Unlawful Flight to Avoid Prosecution (UFAP) Warrant.

The issuance of a UFAP Warrant is most commonly issued in cases involving fugitives who flee interstate/internationally.

UFAP Warrants can also be issued in cases involving interstate or international parental kidnaping. Because many fugitives flee with their children, the issuance of these warrants serves as an effective means for the FBI to assist with these fugitive arrests.

In order for the FBI to assist with a UFAP arrest warrant, the following criteria must be met:

- A felony warrant has been issued by a State Court that authorizes extradition of the suspect;
- A current and outstanding warrant has been issued for the abductor's arrest charging them with a felony under California law;
- The LADA must send a letter requesting the FBI to obtain a UFAP warrant;
- The LADA/State Attorney General's Office must agree to extradite and prosecute the fugitive from anywhere in the US if the suspect is apprehended by the FBI.
- There must be probable cause to believe the abducting parent has fled California or internationally to avoid prosecution or confinement.

Once the UFAP warrant is issued, the FBI is authorized to begin an investigation to locate and apprehend the abducting family member. Officers are reminded abducted children located during the course of a UFAP investigation do not come under FBI authority and are usually placed with local child-protective authorities.

To avoid the possibility of the juvenile being inadvertently turned over to a friend or relative of the abductor, investigators should secure a local court order preventing any release until the legal custodian is present.

International Parental Kidnaping Act (IPKA)

In family child abduction cases where the child and victim travel internationally, the FBI has concurrent jurisdiction to investigate through the International Parental Kidnaping Act (IPKA). The IPKA is used in criminal investigations and handled by the FBI and the Assistant US Attorney (AUSA).

A Federal criminal arrest warrant allows for an arrest warrant to be issued for a parent who removes or retains a child under 16 years, outside of the US, with the intent to permanently deprive parental rights.

The criminal process enables the arrest of the abducting parent, but does not specifically order the return of the child, although the child is usually returned when the parent is apprehended.

The civil process facilitates the return of the child but in no way seeks the arrest or return of the abductor. As a result, a criminal process would not be pursued if circumstances indicate it will jeopardize an active Hague Convention civil process.

International and Inter-State Investigative Assistance

The FBI can provide investigators involved in missing/abducted child cases investigative assistance across the United States and internationally.

In addition to the resources of the FBI's Los Angeles Field Office, the FBI can utilize the resources of all 56 FBI Field Offices located throughout the United States.

Internationally, the FBI has Special Agent "Legal Attaches" assigned to approximately 60 offices internationally that cover approximately 200 countries. These Attaches can assist in an investigation when the subject and victim travel internationally.

FBI-Law Enforcement Resources

The FBI has a variety of resources that may be made available to law enforcement in child abductions, as well as other criminal investigations. A listing of those resources includes:

- Cellular Tracking, Pen Register, Trap & Trace, and Title III.
- GPS tracking for vehicles.
- Pole Cameras.
- Behavioral Analysis Unit.
- Ransom Packages.
- Polygraph Examiners.
- Crisis Negotiation Team for the victim's residence.
- Evidence Response Team.
- Computer Analysis Response Team.
- Child Abduction Response Team.
- Special Operations Group for surveillance.
- Treasury Enforcement Communications System (TECS) search to determine if the child/victim has left the country and determine previous travel, and to flag in the event they try to cross the border.
- Airline Reporting Corporation (ARC) search to determine if the child has an airline reservation and previous travel history.
- Border Liaison Officers.
- Violent Criminal Apprehension Program (ViCAP) search to determine if similar crimes have occurred.

- NCIC Off-Line searches of individuals and vehicles to determine if other agencies have queried them or they are a subject of another investigation.

Anytime a juvenile is missing, whether it involves a parental/family or stranger abduction, or the case involves a juvenile who is missing under suspicious or unknown circumstances, employees are strongly encouraged to contact the FBI WLA Office to ascertain what additional resources or assistance they may provide.

To obtain any of the resources explained above, contact the FBI Los Angeles Field Office at the below number and ask to speak with the Supervisor of the Violent Crime Major Offender (VCMO) Unit. A supervisor is on call 24/7 and can be contacted any time on critical missing juvenile cases.

FBI Contact Information:

Federal Bureau of Investigation-Los Angeles Field Office
Violent Crime Major Offender (VCMO) Unit (310) 477-6565

NCMEC Family Abduction Unit–Domestic and International Cases

NCMEC's Family Abduction Unit (FAU) consists of cases management teams that provide technical assistance and support for families, law enforcement agencies and attorneys. This support focuses on preventing family abductions and assisting in the location and recovery of missing juveniles nationally and internationally.

NCMEC's FAU works each case on an individual basis, coordinating with government and nongovernmental agencies in the US and other countries to provide technical assistance and information regarding both civil and criminal remedies. They also help to identify, develop, and promote resources to resolve national and international family abductions through trainings and presentations for the legal and law enforcement communities.

NCMEC's Family Advocacy Division has a team of dedicated professionals who work with officers and families to provide counseling and reunification assistance and referrals. The Family Advocacy Division can also provide short and long-term support for families through local victim advocates and mental-health agencies. NCMEC's Family Advocacy Division can help make skilled therapists available during every stage of reconnecting and rebuilding, whether it's at the airport when the recovered child steps off a plane or months later.

NCMEC's Family Advocacy Division also works closely with the US Department of Justice's Office of Victims of Crime and administers their Victim Reunification Travel Program. Eligible parents can make a request for financial assistance to

attend a Hague Convention custody hearing or to be reunited with a child located in another country.

A listing of additional NCMEC investigative services available to law enforcement may be found in Chapter 21 National Center for Missing and Exploited Children (NCMEC).

Recommended NCMEC Family/Parental Abduction Reading and Publications

Parents and Attorneys can be referred to NMEC's publication, Family Abductions: Prevention and Response, which provides step-by-step information on how to prevent and what to do if their child is abducted (English and Spanish versions available): <http://www.missingkids.org/publications/NC75>

Law enforcement can refer to NCMEC's chapter on Family Abduction in Missing and Abducted Children: A Law-Enforcement Guide to Case Management and Program Management, which includes a checklist, guidelines, and resources for domestic and international cases. <http://missingkids.org/publications/NC13>

For more information, call 1-800-THE-LOST or visit:
<http://www.missingkids.org/FamilyAbduction> and
<http://www.missingkids.org/Support>.

United States Department of State–Children's Issues

The US Department of State's Office of Children's Issues was designated as the US Central Authority for providing assistance to searching families involved in or who may become involved in international family abductions. While not a law enforcement agency, the Office of Children's Issues can provide information to officers who are assessing the impact of international involvement on a local missing juvenile investigation.

If the other country is a signatory to the Hague Convention, the Office of Children's Issues is able to invoke certain provisions of the treaty to compel other signatories to take appropriate actions. While the abduction case goes through various hearing stages in the Hague signatory country, the Office of Children's Issues is authorized to request that country's Central Authority to conduct a Welfare and Whereabouts Check to verify the child's location and assess his or her safety and well-being.

If the other nation is not a signatory to the Hague Convention, the Office of Children's Issues may arrange for a Welfare and Whereabouts Check to be conducted by US Embassy personnel stationed in that country. Officers should remember international child abduction, as applied by the Hague Convention, treats the abduction as a civil rather than a criminal matter. The goal of the Hague Convention and US Department of State is to secure the safe return of the

child, not to arrest or punish the abductor.

The agency responsible for the issuance of United States passports, the US Department of State also has authority to revoke the passport of US citizens who are the subject of a Federal UFAP warrant or under court order not to leave the country. If a foreign country is made aware a passport has been revoked, the suspect becomes an undocumented alien and may be deported back to the United States.

Unfortunately, such action against an individual who holds dual citizenship may not create a significant hardship for the suspect.

The following actions are recommended during investigations where a missing juvenile may be or has been taken out of the country:

- Contact the Department of State, Office of Children's Issues. Telephone: (888) 407-4747 email: preventabduction1@state.gov. This mailbox is monitored 24/7, Website: childabduction.state.gov (do not put www in front of this address).
- If the child has left the US, but has not reached their final destination, it may be possible to intercept the child and taking-parent at the transit location, if the transit location is a Hague signator, and request the child's return to the US. Securing the return of the child may depend on whether or not the left behind parent can provide proof of custodial rights or a court order that prohibits the child's removal from the US.
- Once the child and taking parent arrive at their final destination country, it may be possible for the Office of Children's Issues to confirm their entry into the destination country. Find out if the Hague Convention remedy is available in the case in question. This typically can be answered and dealt with by the Los Angeles County District Attorney's Office, Child Abduction Unit.
- If the Hague Convention does not apply, request the Department of State, Office of Children's Issues, to attempt to locate, visit and report on the child's welfare through the Embassy and Consulate abroad.
- Advise the reporting parent/guardian to request the Department of State, Office of Children's Issue's to enroll the child into the Children's Passport Issuance Alert Program (CPIAP) by contacting the Prevention Branch at (888) 404-4747 or preventabduction1@state.gov. Enrollment in CPIAP allows requesting parents to be informed if their children have a valid US passport or if a passport application has been submitted for their children.

- For more information visit the Department of State's website regarding passport alerts at:
<http://www.travel.state.gov/content/childabduction/en/preventing/passport-issuance-alert-program.html>
- If the reporting party does not have a passport, they should be instructed to apply for one immediately in case they need to travel abroad.

For more information concerning passports, including the Children's Passport Issuance Alert Program, contact:

US Department of State, Office of Children's Issues Prevention Branch,
Phone: (888) 407-4747 (24/7) during normal office hours (8:15am to 5:00pm EST M-F), and ask to speak with a "Prevention Officer."
During off hours ask to speak with the "duty officer." Email:
PreventAbduction1@state.gov

Information about the role of the US Department of State in regard to international child abductions may be obtained from the Office of Children's Issues - Prevention, US Department of State at (888) 407-4747 or visit
<http://www.travel.state.gov/content/childabduction/en.html>

United States Department of State-Passport Services

Process for Denial or Revocation of a US Passport

Depending on the type of criminal case, a judge in a court proceeding may request that a person's passport be surrendered, or their travel is restricted, as part of a bond or sentencing order. Depending on the circumstances, courts, prosecutors, or law enforcement may need to take further action to ensure the offender does not obtain another passport.

The principal law enforcement reasons for the US State Department to deny or revoke a passport are the existence of:

- (1) A valid State or Federal felony arrest warrant; or,
- (2) A criminal court order, condition of parole or condition of probation that forbids departure from the United States (See 22 C.F.R. 51.60-51.62).

Valid State or Federal Felony Arrest Warrant

If an offender already **has** a valid passport, law enforcement officers may specifically request that the State Department revoke the offender's valid passport on the basis of an active felony arrest warrant, in the manner indicated below.

If an offender **does not have** a valid passport, and the issuing agency has properly entered the active felony arrest warrant into the Wanted Person File of NCIC, the State Department is automatically notified and the application will be denied, and the ORI will be notified.

Criminal Court Order, Parole or Probation Condition Forbidding Departure from US

In cases where there are travel restrictions based on a court order in a criminal case, an offender may still be able to obtain a passport, or use their currently issued passport, unless law enforcement takes additional steps, as indicated below.

When an offender is subject to a criminal court order prohibiting departure from the US, law enforcement should immediately notify the Office of Passport Services in order for Passport Services to place a lookout in their system. Law enforcement may also request that the Department revoke an offender's passport by a criminal court order.

Requesting that a Passport be Denied or Revoked

If an offender meets the conditions described above, law enforcement may request that the new passport be denied (for court-ordered travel restrictions), or have his or her existing passport revoked (for court-ordered travel restrictions or active felony arrest warrants). The request must include:

- The offender's name (including aliases), date and place of birth, social security number, and last known address;
- All passport numbers and date of issuance (if available);
- The phone, fax number and email of the contact officer; and
- Documentation.

For court-ordered travel restrictions: A copy of the criminal court order stating that the offender is forbidden to leave the US and is precluded from possessing or applying for a US passport shall be provided with the request.

For felony arrest warrants: A copy of the valid arrest warrant (sealed warrants must not be provided and cannot be acted upon) shall be provided with the request.

The information is then sent to Passport Services by one of the following methods:

To request that a currently-issued passport be revoked on the basis of a valid felony arrest warrant or court order precluding departure: visit this link:

<http://www.travel.state.gov/content/passports/en/passports/information/legal-matters/passport-information-for-criminal-law-enforcement-officers.html>

(continue)

Email: CA-PPT-Revocations@state.gov Fax: (202) 485-6496
Mail: ATTN: Office of Legal Affairs, CA/PPT/S/L
1150 Passport Services Place, Dulles, VA 20189-1150

To prevent the issuance of a future passport based on a court order precluding departure:

Email: CA-PPT-CourtOrders@state.gov Fax: (202) 485-6496
Mail: ATTN: Office of Legal Affairs, CA/PPT/S/L
1150 Passport Services Place, Dulles, VA 20189-1150

Also notify the US Department of State, Law Enforcement Liaison Division, when the travel restrictions are no longer in effect for the offender so that the lookout may be removed from the system.

For Additional Information, Contact the US Department of State, Law Enforcement Liaison Division, Telephone (202) 485-6550.

INTERPOL-International Missing Juvenile and Abduction Cases

The International Criminal Police Organization (INTERPOL) can aid investigators with child/family abduction investigations, as well as any type of missing person investigation where international law enforcement assistance is needed.

In most abduction cases filed LADA Child Abduction Unit, will begin the alert process with INTERPOL. However, the investigator should always cross staff with the assigned LADA child abduction investigator to confirm this.

In some international cases, the LADA's Office may not be involved due to the circumstances surrounding the incident and LAPD is still responsible for the missing juvenile investigation. In those cases, investigators should ensure that a missing juvenile, who is believed to be in another country, be registered with INTERPOL in order to help assist in locating the missing juvenile.

Additional information on this topic, as well as how to register and contact INTERPOL can be located in Chapter 21.

22.70. LAW ENFORCEMENT INTERNET GUIDES AND RESOURCES FOR CHILD/FAMILY ABDUCTIONS

Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management-2011 Version
http://www.missingkids.com/en_US/publications/NC74.pdf

Law Enforcement Guide on International Parental Kidnaping-2002 Version
<http://www.ncjrs.gov/pdffiles1/Digitization/194639NCJRS.pdf>

Federal Resources on Missing and Exploited Children Directory-2011 Version
<https://www.ncjrs.gov/pdffiles1/ojjdp/231619.pdf>

FBI Missing Child/Abduction Resources
<http://www.fbi.gov/news/testimony/helping-law-enforcement-find-missing-children>

**State of California, Department of Justice, Office of the Attorney General
Child Abduction Reference Manual**
On the Department LAN, Juvenile Division webpage, Missing Juvenile Section.

**22.80. PARENT, CARE GIVER, FAMILY/PARENTAL ABDUCTION
INFORMATION AND RESOURCES**

When a child is abducted by a family member, the parent who has been left behind faces seemingly insurmountable obstacles. The emotional, legal, and financial difficulties precipitated by the abduction can be among the hardest challenges a parent will ever encounter. For parents whose children are taken to foreign countries, these hardships can be particularly overwhelming.

Given the complex nature of international abductions, a swift and informed response is often difficult. Unfamiliar languages and laws, compounded by the vast psychological and physical distance of separation, can frustrate recovery efforts.

Despite these obstacles, however, left-behind family members can marshal an effective response when provided with the proper resources that can help them.

Below is a list of government publications that can help family members or guardians accomplish this task. These guides offer descriptions and realistic assessments of available civil and criminal remedies, explain applicable laws, identify public and private resources and identify strategies to help left-behind parents recover their children or reestablish meaningful contact with them in another country.

Investigators are encouraged to provide or direct the public to these resources so that they can be downloaded and printed from the internet. The below guides can be located on the Department LAN, in the Juvenile Division website, Missing Juvenile Section.

The public also has access to these guides that can be found on the public website <http://www.LAPDonline.org> by searching the words “missing children information.”

Resource Guides for Law Enforcement and the Public

When Your Child Is Missing: A Family Survival Guide-English Version-2010

<https://www.ncjrs.gov/pdffiles1/ojjdp/228735.pdf>

When Your Child Is Missing: A Family Survival Guide-Spanish Version-2011

<https://www.ncjrs.gov/pdffiles1/ojjdp/232789.pdf>

Family Resource Guide on International Parental Kidnapping-English Version-2007

<http://www.ncjrs.gov/pdffiles1/ojjdp/215476.pdf>

Family Resource Guide on International Parental Kidnapping-Spanish Version-2002

<http://www.ncjrs.gov/pdffiles1/ojjdp/199832.pdf>

22.90. CHILD ABDUCTION PUBLIC ALERT SYSTEMS

The first two hours after a child is abducted or kidnaped is a critical time. The ability to provide information to the community, via the media, during these first few hours may save the life of a child or keep them from serious harm. The following outlines the implementation of the public alert systems that can provide valuable assistance in missing/abducted child investigations by alerting the community.

The Department's public alert process is based upon the Child Abduction Regional Emergency (CARE) Alert and the California Child Safety AMBER Network (CCSAN) Alert, which is also referred to as an AMBER Alert.

To facilitate the alert process, the Department utilizes the CARE Alert program to begin the notification process of incidents of missing and child abduction incidents that meet the Department's CARE Alert criteria.

Child Abduction Regional Emergency (CARE) Alert Program

The Child Abduction Regional Emergency (CARE) Alert Program is designed to notify the public of a child abduction. The CARE Alert program requires that under certain circumstances, a Child Abduction Regional Emergency/AMBER Alert, Form 09.31.00, be completed for a child abduction or kidnap.

The CARE Alert is the first step in the alert process. If the incident meets additional criteria, a supplemental AMBER Alert may be issued, or can be combined together with the original CARE Alert and issued at the same time.

CARE Alert Procedures

Department employees shall utilize the CARE Alert program for missing and child abduction incidents that meet CARE Alert criteria.

The Child Abduction Regional Emergency/AMBER Alert shall be used to document and report both the CARE and AMBER Alerts.

NOTE: An AMBER Alert is supplemental to a CARE Alert.

Initiation/Time Frame Issuance for CARE Alert

The CARE Alert, utilizing the Child Abduction Regional Emergency/AMBER Alert, shall be prepared within the **first two-hours** of being notified of a child abduction or kidnapping. Personnel are also reminded of the State and Department legal requirement that also requires the missing juvenile to be entered into NCIC within **two-hours**. See Chapter 21.

Criteria for Issuance of the CARE Alert

A CARE Alert shall be issued under the following circumstances **only**:

- There has been a confirmed abduction by a nonfamily member; or,
- A parental abduction where the child was removed from California, or the jurisdiction of the United States; or,
- The child faces a threat of injury or death.

NOTE: When circumstances surrounding a child's disappearance are unknown, a CARE Alert may be implemented after a complete investigation, or when significant time has elapsed and no alternative explanations for the child's absence are discovered (e.g., runaway).

Approval of the Issuance of a CARE Alert

The approval of the issuance of a CARE Alert shall be made by:

- Area detective supervisor, or;
- Detective Division watch commander in the detective supervisor's absence.

Completion of the CARE Alert Form

The Child Abduction Regional Emergency/AMBER Alert form shall be completed to indicate when the Department received information of the abduction; when the information was forwarded to, and received by, Media Relations Section (MRS), Public Information Office.

NOTE: The Robbery Special Section, Robbery-Homicide Division (RHD), shall be consulted prior to the preparation of the Child Abduction Regional Emergency/AMBER Alert form involving a kidnap for ransom, or any other case which could be compromised by the release of the information.

Distribution of the CARE Alert Form

The completed Child Abduction Regional Emergency/AMBER Alert form shall be forwarded to MRS via fax at (213) 486-5925 or e-mail at press@lapd.lacity.org.

During off hours, the person responsible for the completion of the Child Abduction Regional Emergency/AMBER Alert form shall contact RACR Division.

Media Relations Section personnel shall prepare a press release based on the information articulated on the Child Abduction Regional Emergency/AMBER Alert form and disseminate the release to the appropriate news wire services and media outlets.

Upon receiving information, or in the event the abducted child is located, a fax or email containing the updated information, including details and circumstances on how the child was located, shall be prepared by the Area detective supervisor and sent to MRS for release to the appropriate news services.

In the absence of the Area detective supervisor, the Detective Division watch commander shall prepare the fax or email the information to RACR.

NOTE: The CARE Alert system does not replace current reporting procedures as required by California Penal Code Section 14205 relative to the Missing Unidentified Persons System and Department Manual.

22.100. AMBER ALERT PROGRAM

The term AMBER Alert is officially an acronym for "America's Missing: Broadcasting Emergency Response," but was originally named for AMBER Hagerman, a 9-year-old child who was abducted and murdered in Arlington, Texas, in 1996.

The AMBER Alert program is a voluntary partnership between law-enforcement agencies, broadcasters, transportation agencies, and the wireless industry, to activate an urgent bulletin in the most serious child-abduction cases. The goal of an AMBER Alert is to instantly galvanize the entire community to assist in the search for and the safe recovery of the child.

An AMBER Alert is supplemental to a CARE Alert and is a level higher than a CARE Alert.

AMBER Alert Procedures

Department employees shall utilize the CARE Alert program for missing and child abduction incidents that meet AMBER Alert criteria.

The Child Abduction Regional Emergency/AMBER Alert shall be used to document an AMBER Alert; however, the CARE Alert and AMBER Alert can be combined if the criteria for both alerts are met.

Initiation/Time Frame Issuance for AMBER Alert

The AMBER Alert, utilizing the Child Abduction Regional Emergency/AMBER Alert shall be requested as soon as a verified child abduction or kidnaping has occurred.

Criteria for the Issuance of an AMBER Alert

An AMBER Alert shall be issued when **all** of the following conditions apply:

- A confirmed abduction has occurred; or the child has been taken by anyone including, but not limited to, parents and/or guardians; **and**,
- The victim is 17 years or younger, or suffers from a confirmed mental or physical disability; **and**,
- There is reason to believe the victim is in **imminent** danger of serious bodily injury or death; **and**,
- There is information available that, if disseminated to the general public, could assist in the safe recovery of the victim.

NOTE: An AMBER Alert is **not** intended for cases involving runaways, missing children in which there is no evidence of foul play or custody disputes that are not reasonably believed to endanger the life or physical health of a child.

Approval of the Issuance of the AMBER Alert

The approval of the issuance of the AMBER Alert shall be made by:

- Area detective supervisor, or;
- Detective Division watch commander in the detective supervisor's absence.

Guidelines for Initiation of an AMBER Alert

When the criteria for an AMBER Alert have been met, the following procedures shall be followed:

1. Ensure that the missing juvenile's information has been entered into NCIC within **two-hours**.
2. The assigned investigator must immediately contact RACR Division and request an AMBER Alert, RACR (213) 484-6700.
3. The assigned investigator must contact Communications Division at (213) 978-6552 and request that an AMBER Alert be broadcasted every hour. The Watch Commander, Communications Division, must ensure that the hourly broadcasts are conducted.
4. The completed Child Abduction Regional Emergency/AMBER Alert form with the AMBER Alert check box marked must be forwarded to MRS via fax (213) 486-5925 or e-mail at wwwpress@lapd.lacity.org. During off hours, the person responsible for requesting the AMBER Alert must contact RACR Division. Media Relations Section personnel must prepare a press release based on the information articulated on the Child Abduction Regional Emergency/AMBER Alert form and disseminate the release to the appropriate news wire services and media outlets.

After a request for an AMBER Alert has been made, the Area detective supervisor, or Detective Division watch commander in the detective supervisor's absence, must notify RHD, of the request. During off-hours, the responsible detective personnel must contact RACR Division.

5. Upon obtaining additional follow-up information, or in the event the abducted child is located, the Area detective supervisor or Detective Division watch commander in the detective supervisor's absence, must contact RACR Division, RHD, Communications Division, and MRS to advise them that the child had been located.

NOTE: The AMBER Alert system does not replace current reporting procedures as required by California Penal Code Section 14211 relative to the Missing Unidentified Persons System and Department Manual.

22.110. AMBER/CARE ALERT RESOURCE GUIDES AND CRITICAL MISSING CHILD CHECKLISTS

To assist personnel during the response to critical missing child cases, several guides and checklists are available for utilization by patrol officers and supervisors, as well as detective personnel.

These guides and checklists contain numerous resources that are specifically designed to assist personnel during the initial response and/or investigation of an incident involving critical missing juveniles. The following documents can be found on the Department LAN, Juvenile Division website, in the Missing Juvenile Section.

LAPD Abducted Child Resource Guide

The LAPD Abducted Child Resource Guide provides a listing of phone numbers and organizations that may provide assistance. The guide is located on the LAN, Juvenile Division website, in the Missing Juvenile Section.

“At-Risk” Missing Abducted Child Response Checklist

This is a multi-page checklist that contains several forms, lists, and phone numbers that can assist in an immediate, large-scale, organized search of a critical “at-risk” missing or abducted juvenile investigation. The guide is located on the LAN, Juvenile Division website, in the Missing Juvenile Section.

FBI Missing Child Abduction Response Plan-An Investigative Guide

This is the FBI’s investigative guide that can assist officers/investigators with a snapshot of the most important items to consider when conducting the initial response to a missing child investigation.

Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management

Authored by a team of professionals from local, State, and Federal agencies, this guide outlines a standard of practice for law-enforcement officers handling missing child cases whether runaways, throwaways, family/non-family abductions, or when the circumstances of the disappearance are unknown. It is a step-by-step checklist of the investigative process required for each of these types of cases and offers a wealth of resources to assist an investigator.

Federal Resources for Missing and Exploited Children: A Directory for Law Enforcement and other Public and Private Agencies Federal Agency Task Force for Missing and Exploited Children Report

This directory was prepared by the Federal Agency Task Force for Missing and Exploited Children and represents the Task Force's initial efforts to enhance the coordination of the delivery of Federal services to missing and exploited children and their families.

Designed to provide information about Federal resources, the directory is a compilation of the many services, programs, publications, and training that address issues of child sexual exploitation, child pornography, child abductions, and missing children cases. The directory contains information ranging from access to specialized forensic resources for an abducted child case, to proactive training and prevention programs.

CHAPTER 23

EMERGENCY PROTECTIVE ORDERS

23.10. **EMERGENCY PROTECTIVE ORDERS (EPO) INVOLVING JUVENILES**

In order for an EPO to be issued, especially in cases involving juveniles, officers should be familiar with the law that governs the issuance of Emergency Protective Orders. Emergency Protective Orders come under the Domestic Violence Prevention Act (D.V.P.A.), which is contained in the Family Code (FC), from Sections 6240-6275.

For an EPO to be issued, the parties involved must fit within certain delineated relationships (see FC 6211) with two exceptions. The first is FC Section 6250(d), which allows for an EPO for "an elder or dependent adult who is in immediate and present danger of abuse as defined in WIC Section 15610.07, based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no EPO shall be issued based solely on an allegation of financial abuse." The second is FC Section 6274, which allows an EPO "relating to stalking under Penal Code Section 646.91, if the requirements of that section are complied with." This refers to actual criminal stalking. In neither of the two exceptions does there need to be one of the domestic relationships otherwise required.

23.20. **EMERGENCY PROTECTIVE ORDERS**

Telephonic Emergency Protective Orders (EPOs) are no longer limited to the prevention of domestic violence, it can also be a valuable tool to help prevent child abuse, and child abduction as well. Both adult and juveniles are eligible for an EPO, and they can even be used to grant temporary custody of a juvenile if the circumstances meet the specific criteria outlined below. Officers may request an EPO whether or not the suspect is present or has been arrested.

An EPO is issued by a Los Angeles County Family Court judicial officer (judge or commissioner) pursuant to a specific request by a law enforcement officer after the judicial officer has made the findings required by the Family Code.

EPOs are typically issued telephonically, 24-hours a day, 7 days a week, weekends and holidays are included.

Field officers may advise a person of the availability of an EPO when an adult or juvenile is in immediate and present danger of domestic violence, abuse, or abduction, based upon an allegation of a recent incident of abuse or threat of abuse provided they fall within at least one of the following relationships with the person who poses the threat:

- Domestic violence perpetrated against a spouse/former spouse; or,
- Registered domestic partner/former registered domestic partner; or,
- Cohabitant or former cohabitant. A cohabitant is a person who regularly resides in the household (FC 6209). For example, sub-lessees of different units of a house, who shared some common areas of the house, but who had no romantic or friendly relationship and who were not even previously acquainted, were not cohabitants within the meaning of FC 6209. *O’Kane v Irvine* (1996) 47 CA4th 207, 212, 54 CR2d 549; or,
- Dating or engagement relationship. A dating relationship as defined by FC 6210 means frequent, intimate associations characterized by the expectation of affection or sexual involvement independent of financial considerations; or,
- Parties who have a child together; or,
- Child of the party; or,
- Child subject to a paternity action; or,
- Individuals related by blood or marriage, e.g., grandparent, grandchild, brother/sister, parent, in-law, grandchild, or stepchild.

Only an officer may request an EPO from an on-call judicial officer where an officer asserts reasonable grounds to believe any of the following:

- (a) That a person is in immediate and present danger of domestic violence, based on the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought.
- (b) That a child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member.
- (c) That a child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has an intent to abduct the child or flee with the child from the jurisdiction or based on an allegation of a recent threat to abduct the child or flee with the child from the jurisdiction (The jurisdiction will be determined by the Court Commissioner).

- (d) That an elder or dependent adult is in immediate and present danger of abuse as defined in WIC Section 15610.07, based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.

Field officers shall carry the most current Application for Emergency Protective Order (CLETS), Judicial Council Form EPO-001 (Rev. January 1, 2007), and any related EPO forms with them at all times. Blank EPOs are available at each geographic Area and on LAPD Forms by searching the word “EPO.”

Attached in the rear of this chapter is an EPO Quick Reference Guide.

Investigating Officers Responsibilities

An officer who intends to apply for an EPO shall:

- Prepare the top portion of the Application for Emergency Protective Order because the Court Commissioner will advise what boxes need to be marked in the lower section titled “Emergency Protective Order;”
- If a juvenile is to be protected, list the parent or guardian who will gain temporary care and control of the endangered juvenile along with the juvenile’s name on top of the application;
- If applicable, complete an IR titled “Domestic Violence” or other applicable crime report. (If the EPO is subsequently denied, reasons for the denial must be documented in the IR);
- If applicable, on the EPO, place a check in the “civil harassment” or “workplace violence” box, depending on whether the incident occurred at the workplace or not;
- Notify the Threat Management Unit, (213) 996-1370, when an officer obtains an EPO for workplace violence involving any City employee as the protected person;
- Request a supervisor to respond to the location.

If the Court Commissioner Issues an EPO:

- Telephonically obtain a File Control Number from the concerned Area Records Unit that will be used to track the EPO; and,

NOTE: Subsequent Arrest Reports will bear the incident/crime number.

- Mail the court copy of the application and EPO to the clerk of the designated court (on the EPO) or, if none, to:

Los Angeles County Superior Court, Department 8,
111 North Hill Street, Los Angeles, California 90012.

- Deliver the remaining copies to the divisional EPO coordinator. The EPO must be served upon the restrained party by the officer, if the restrained party can reasonably be located; and,
- If a juvenile is to be protected, contact and notify the DCFS Child Abuse Hotline at (800) 540-4000; and,
- Give copies of the application and EPO to the protected party as indicated on the forms; and,
- Retain the court, restraine (if not served) and officer copies of the application and EPO; and,
- If the EPO was not granted, retain the court copy of the application in the EPO notebook.

Supervisors' Responsibilities

A supervisor who responds to a domestic violence incident where an EPO is being requested must:

- Review the circumstances of the incident with the officer(s) to determine if it meets the EPO criteria;
- If it is believed that an EPO is warranted, the supervisor must telephone the County operator at (213) 974-1234, who is available 24/7, and ask to speak with the on-call EPO judicial officer (Officers shall have a blank EPO available).
- Once connected, the supervisor must identify themselves as a law enforcement supervisor, and explain that an EPO is being sought.

- The County operator will then telephone the “on-call” Superior Court Commissioner and establish a three-way conference call between the County Operator, the police supervisor, and the Court Commissioner.

NOTE: All conversations between the operator, the officer, and the commissioner are tape-recorded by the County operator. If a copy of the recording is needed in the future, contact the Los Angeles County Operator Supervisor at number above, who will provide further instructions.

- The supervisor will then relate the circumstances of the incident to the Superior Court Commissioner.
- If the Court Commissioner determines that an EPO will be issued, the commissioner will instruct the supervisor to fill in certain parts of the EPO Form, Judicial Council Form EPO-001 (Rev. January 1, 2007), as instructed by the commissioner.
- Once the call is completed, and an EPO has been authorized by the Court Commissioner, the supervisor must instruct the investigating officer to complete the final documentation and serving process as outlined in the “Investigating Field Officers Responsibilities” section outlined above.

Watch Commanders’ Responsibilities

Area Watch Commanders must ensure that:

- An EPO file is maintained in a clearly marked three-ring binder in a location accessible to the uniformed desk personnel; and,
- All EPOs are logged by date of issuance, and cross-referenced alphabetically on the Temporary Restraining Order Control Log, Form 15.40, by the name of the person who is being protected (requestor of the EPO); and,
- Information is provided to authorized persons regarding the existence and provisions of the EPO; and,
- EPO records are maintained according to existing records retention requirements.

23.30. EMERGENCY PROTECTIVE ORDERS - CONFLICTS WITH OTHER PROTECTIVE ORDERS

Officers should be aware of the court's instructions when conflicts arise between EPOs and existing protective orders. On page two of the EPO Form, Judicial Council Form EPO-001 (Rev. January 1, 2007), the following statement explains the particulars which address this issue.

"The provisions of this emergency protective order take precedence in enforcement over provisions of other existing protective orders between the same protected and restrained persons to the extent the provisions of this order are more restrictive."

The provisions in this EPO take precedence over the provisions in any other protective order, including a criminal protective order, if:

- (1) The person to be protected is already protected by the other protective order; and,
- (2) The person to be restrained is subject to that other order; and,
- (3) The provisions in this EPO are more restrictive than the provisions in the other order.

23.40. VIOLATION OF AN EMERGENCY PROTECTIVE ORDER

A juvenile arrested in violation of the provisions of an EPO (if no other crime is alleged) must be booked 602 WIC / 273.6 PC (Violation of Court Order), a misdemeanor, and processed according to existing guidelines. Arresting officers must:

- Attach a copy of the valid EPO to the Arrest Report and number it as a page in sequential order.
- Write the appropriate booking number and DR number on the upper right-hand corner of the EPO.

NOTE: Each violation of an EPO requires a new, separate DR number. The initial administrative DR number assigned to the EPO is for control purposes and must be referred to in the narrative portion of the Arrest Report.

- Document in the narrative portion of the Arrest Report, whether the defendant knew they were the subject of a valid EPO.

23.50. SAFE CHILD CUSTODY EXCHANGE AT AREA STATION LOBBIES

The role of the Department during child custody exchanges is to keep the peace. Officers should advise parents/guardians that only those parties specified in the court order should make the custody exchange and that both parties should be present during the exchange.

Parents/guardians may not drop off juveniles at Area stations to facilitate custody exchanges, and at no time should juveniles be left unattended. Family Court orders are civil in nature. Therefore, violations do not represent an independent cause for arrest.

If one parent/guardian is late for the exchange, officers should advise the complaining parent/guardian that being late for a custody exchange should be addressed in the court that originated the custody agreement. If the parent/guardian is insistent on a report, officers should contact the Area watch commander or detective supervisor for advice.

EMERGENCY PROTECTIVE ORDER (EPO) (Fam C §§6240–6274) QUICK REFERENCE GUIDE

A peace officer, sheriff's officer, parole, or probation officer will make contact by phone requesting an EPO and will fill out the form on site (Fam C §6240; Pen C §646.91(b)). An EPO is available 24 hours a day/7 days a week (Fam C §6241). An EPO is valid only if it is issued by a judicial officer (Fam C §6250.3). A prompt response to the requesting peace officer is critical to getting that officer back on patrol.

Does the EPO request meet statutory eligibility and proof requirements?

Who is eligible for an EPO?	Facts/Standard of Proof (Fam C §6251; stalking, Pen C §646.91) Reasonable grounds have been asserted that there is an immediate and present danger of:
Domestic violence perpetrated against a spouse/former spouse, registered domestic partner/former registered domestic partner, cohabitant or former cohabitant,* dating or engagement relationship,** parties who have a child together, child of the party or child subject to a paternity action, or any other person related by consanguinity or affinity in the second degree.*** (Fam C §§6250(a), 6211)	<ul style="list-style-type: none"> Domestic violence based on person's allegation of recent abuse or threat of abuse. The EPO is necessary to prevent the occurrence or recurrence of domestic violence.
Child abuse (Fam C §6250(b))	<ul style="list-style-type: none"> Child abuse by a family or household member. The EPO is necessary to prevent the occurrence or recurrence of child abuse.
Child abduction (Fam C §6250(c))	<ul style="list-style-type: none"> Abduction by a parent or relative based on an allegation of recent attempt to abduct or flee the jurisdiction or a threat to abduct or flee. The EPO is necessary to prevent the occurrence or recurrence of abduction.
Elder or dependent adult abuse (Fam C §6250(d))	<ul style="list-style-type: none"> Abuse based on an allegation of recent abuse or threat of abuse. An EPO may not be issued solely on allegations of financial abuse. The EPO is necessary to prevent the occurrence or recurrence of abuse.
Stalking (Pen C §646.91) (Stalking does not require that the parties have a personal relationship)	<ul style="list-style-type: none"> Stalking based on the person's allegation that he or she has been willfully, maliciously, and repeatedly followed or harassed by another person. It must be a credible threat made with the intent to place the person who is the target of the threat in reasonable fear for his or her safety or the safety of their immediate family. The EPO is necessary to prevent the occurrence or recurrence of stalking.

*Cohabitant is a person who regularly resides in the household (Fam C §6209). For example, sublessees of different units of a house, who shared some common areas of the house, but who had no romantic or friendly relationship and who were not even previously acquainted, were not cohabitants within the meaning of Family Code §6209. *O'Kane v Irvine* (1996) 47 CA4th 207, 212, 54 CR2d 549.

**A dating relationship as defined by Family Code §6210 means frequent, intimate associations characterized by the expectation of affection or sexual involvement independent of financial considerations.

***Related by blood or marriage, e.g., grandparent, grandchild, brother/sister, parent, in-law.

Remember—Whether the respondent is in custody or the protected person left the home for safety reasons has no bearing on the availability of an EPO and should not be factored into the immediate and present danger determination.

Did you provide clear orders to the officer so that the EPO form is filled out properly?

Personal conduct restraints (Fam C §6252)	Cannot molest, attack, strike, stalk, threaten, sexually assault, batter, harass, telephone (including but not limited to annoying telephone calls as described in Pen C §653m), destroy personal property, contact (either directly or indirectly by mail or otherwise), or disturb peace of the party. The court, on a showing of good cause, can name other family or household members to be protected.
Stay Away (Fam C §6252)	Cannot come within a specified distance of the protected party and any named location TIP: Distance is discretionary, but standard distance is 100 yards.
Temporary care and control of a minor child (Fam C §6252)	TIP: Ask if there are existing custody orders. In a child abuse situation, has a juvenile court petition been filed. This information will help you make an informed decision on who is given temporary care and control of the minor child.
Residence Exclusion (Fam C §6252)	Immediate move out can be ordered if the protected party lives with the person to be restrained. The court may exclude a party from the dwelling only after 3 conditions have been met—see Fam C § 6321(b)(1)–(3).
Firearms and Ammunition (Pen C §§12021(g), 12316(b))	Automatic prohibition
Prohibited from taking action to locate protected party (Fam C §6322.7(a); Pen C §136.3(a))	Automatic prohibition
Duration (Fam C §6256; Pen C § 646.91(g)(1),(2))	5 judicial business days or 7 calendar days maximum after EPO is issued. The count starts the day following the issuance of the EPO.

NOTE: A stalking EPO can include civil harassment and workplace violence protections (Pen C §646.91).

NOTE: A Criminal Protective Order has precedence in enforcement over any civil protective order against the defendant, unless a court issues an EPO in which case the EPO takes precedence in enforcement over any other restraining or protective order, provided the EPO meets the following requirements: (1) The EPO is issued to protect one or more individuals who are already protected persons under another restraining or protective order; (2) the EPO restrains the individual who is the restrained person in the other restraining or protective order; and (3) the provisions of the EPO are more restrictive in relation to the restrained person than are the provisions of the other restraining or protective order. Pen C §136.2(e)(2)(A)–(C); Fam C §6383(h).

This is a quick reference guide. Please read the full detailed section in the Judges Guide to Domestic Violence Cases: California Protective Orders (Rev. 2010).



ADMINISTRATIVE OFFICE
OF THE COURTS

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CHAPTER 24

EMANCIPATED MINORS

24.10. **EMANCIPATED MINORS DEFINED**

In this state, for most purposes, a person becomes an adult, legally, at age 18. Before that age, however, it is possible for a juvenile to become "emancipated," i.e., have the rights, or most of the rights, of an adult.

The "Emancipation of Minors Act," which starts at section 7000 of the Family Code, statutorily defines emancipation of minors and expressly enumerates the rights, liabilities, and privileges of emancipation.

Definition of an “Emancipated Minor” (Family Code Section 7002)

An “emancipated” minor (juvenile) is any person under the age of 18 who:

- Enters into a valid marriage (which requires parental approval and a superior court order), even if it ends in dissolution; or,
- Is on active military duty; or,
- Receives a declaration of emancipation from the Superior Court (Minor must be at least 14 years of age, willingly living separate and apart from his or her parents or legal guardian, with the consent or acquiescence of the parents or guardian, and managing his or her own lawful financial affairs. See Family Code Section 7120).

Rights of an “Emancipated Minor” (Family Code 7050)

Once emancipated, a minor obtains certain rights, privileges, and liabilities. An emancipated minor is considered as being over the age of majority for the purposes of:

- Consenting to medical, dental or psychiatric care without parental consent, knowledge or liability; or,
- Entering into binding contracts; or,
- Suing and being sued; or,
- Terminating the minor's right to support by his parents;

- Terminating the parental right to control the minor or the minor's earnings; or,
- Establishing a residence; or,
- Buying, selling, encumbering, exchanging, etc., real property; or,
- Applying sections 300 and 601 WIC; or,
- Applying for a work permit (Education Code Section 49110); or,
- Ending vicarious parental liability, except that provided by the VC or which arises from an agency relationship; and,
- Enrolling in any school or college.

Law Enforcement's Concerns of Emancipated Minors

For law enforcement's concerns, emancipated juveniles are subject to:

- The provisions of 602 WIC, and may get arrested for 602 WIC offenses.

NOTE: Emancipated minors are exempt from the provisions of WIC Sections 300 and 601.

- May consent to medical, dental, or psychiatric care.
- Have no right to parental support.

Minors, 14 years of age or older, may petition the Juvenile Superior Court for a Declaration of Emancipation. They must be able to show that they are willingly living separate and apart from their parents/guardians with the consent or acquiescence of the parents/guardians, and are managing their own lawful financial affairs.

NOTE: Parents or guardians may not petition the court for the emancipation of their minor child. The emancipation process must be initiated by the minor child.

24.20. PROCEDURES FOR HANDLING EMANCIPATED MINORS

Officers should be aware that juveniles, family members, and social service providers may use the term “emancipated” inaccurately. Juveniles are sometimes described as “emancipated” because they have aged out of the foster-care system, or because they are living apart from their parents.

Legal emancipation as described above is very rare, and generally occurs only in cases where a youth has a stable residence and source of income and is living apart from his or her parents by mutual agreement, not due to family conflict, abuse or neglect.

When officers encounter alleged emancipated juveniles in the field, every effort should be made to verify the emancipation.

If the issue of emancipation cannot be resolved, and it appears that the minor may be a dependent (300 WIC) or status offender (601 WIC), Department personnel must handle the situation as if the juvenile were not emancipated. The investigating officer assigned to the case must resolve the issue of emancipation and make the appropriate disposition.

Emancipated minors of school age are still subject to the provisions of the California Compulsory Education Laws; thus, a suspected minor who violates daytime curfew (truancy) laws may be detained and returned to school officials (Sections 48264 and 48265 of the Education Code) or cited for Section 45.04(a) LAMC (Daytime Curfew).

Emancipated minors suspected of committing a 602 WIC criminal offense must be handled as any other juvenile arrested for the same charge. If the detective determines that an emancipated minor must be the subject of a non-detained juvenile petition request, the juvenile must be released without any requirement for a parent or guardian to take custody.

If an emancipated juvenile is suspected of committing a 602 WIC criminal offense which that would require detention, they shall be transported to the respective Juvenile Hall.

Emancipated minors may apply to the Department of Motor Vehicles for either a California Identification Card (can apply at any age) or a Driver's License (can apply at 15 1/2 years of age), which will then display their emancipated status.

All court-ordered emancipations are routinely indexed in the DMV database; therefore, a query may resolve the issue of emancipation.

Any questions regarding emancipation may be directed to:

Los Angeles County Children's Court, Adoption Unit
201 Centre Plaza Drive, Room 2100
Monterey Park, Los Angeles, California 91754
Telephone: (323) 526-6390.

CHAPTER 25

SCHOOL INVESTIGATIONS

25.00. POLICE INVESTIGATIONS AT SCHOOL - DEPARTMENT POLICY

The policy of this Department is to conduct investigations and police related business on school property in conformance with accepted legal practices, and in recognition of the authority and responsibility of school officials to manage the school environment.

25.10. ENFORCEMENT/INVESTIGATIONS ON SCHOOL CAMPUSES

This chapter pertains to dealings with juvenile students on Los Angeles Unified School District (LAUSD) school property during school hours and/or during school-sanctioned events. It does not pertain to juveniles using school facilities legally after school hours or juveniles trespassing or committing offenses on school property after school hours.

The investigation of crimes and/or arrests made at private schools, up to grade 12, would generally follow the procedures in this chapter; however, each private school may have their own internal policy dealing with “police actions” that takes place on their campus.

NOTE: Officers serving in security and related capacities for a school district while in an off-duty assignment are also subject to these policies and procedures.

25.20. INTERVIEWING/INTERROGATING JUVENILES ON LAUSD PROPERTY

If an investigation involves the questioning or arrest of a student under the age of 18 years on school grounds or premises during school hours, the officer shall:

- Contact the respective school administrator and, to the degree possible, explain the nature of their business and the need to meet with the juvenile(s) in question (except in exigent circumstances).
- Request permission to question the student at the school.

- Attempt to secure a secluded place to interview the juvenile.

NOTE: Generally, juveniles should not be publicly contacted by officers in the school setting for purposes of questioning unless an arrest is anticipated or reasonably possible. However, **this does not apply to victims of alleged child abuse or neglect** – See next section for additional information on this subject.

- Advise school authorities that the student is in custody and is being taken from the school for investigation, if necessary.
- Request the school official to contact the Los Angeles School Police Department (LASPD) Watch Commander, their general counsel, or district office to verify the Board of Education policy with respect to police investigations on campus whenever a school official is not cooperative.

Officers shall not enlist school officials or employees to conduct interviews, inquiries, or similar fact-finding activities regarding juveniles as part of an investigation.

School officials (excluding school police) who act at the direction of the police become "agents" of the police.

All police and government agents shall abide by Constitutional tenets. If a police officer instructs a school official to perform a task (e.g., ask a question to the subject juvenile) the officer is responsible for ensuring that the task is within the parameters of the law.

EXCEPTION: Police officers are not precluded from questioning school officials with regard to their knowledge of juveniles in their charge, the juvenile's activities, and similar matters.

Interviewing Victims of Child Abuse At Schools

California Penal Code (PC) Section 11174.3(a) provides the legal authority for law enforcement officers to interview children who are victims of child abuse at school. The code states:

“Whenever a representative of a government agency investigating suspected child abuse or neglect or the State Department of Social Services deems it necessary, a suspected victim of child abuse or neglect may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility.”

A Department employee investigating suspected child abuse or neglect shall inform the child that they are afforded the option of being interviewed in private or selecting any adult who is a member of the school staff, including any certified or classified employee or volunteer aide, to be present at the interview. This advisement shall be given prior to the interview being conducted.

Advice regarding notifying a parent and /or guardian before interviewing a child in an investigation for a crime other than child abuse should be obtained from the Area Juvenile Coordinator, Major Assault Crimes Coordinator or other respective detective coordinator.

The purpose of the staff person's presence at the interview is to lend support to the child and enable the victim to be as comfortable as possible. However, the member of the staff so elected shall not participate in the interview. The member of the staff shall not discuss the facts or circumstances of the case with the child. The member of the staff is subject to the confidentiality requirements of this article, a violation of which is punishable as specified in PC Section 11167.5.

A representative of the school shall inform a member of the staff so selected by a child of the requirements of this section prior to the interview. A staff member selected by a child may decline the request to be present at the interview. If the staff person selected agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. Failure to comply with the requirements of this section does not affect the admissibility of evidence in a criminal or civil proceeding.

25.30. JUVENILES ARRESTED IN SCHOOL DURING SCHOOL HOURS

When the circumstances warrant an arrest/removal of a juvenile from school property, officers conducting the arrest/removal shall:

- Notify the school administrator before making an arrest of a juvenile during class hours on school property for the purpose of making mandatory notification, as well as obtaining additional information that would further clarify or resolve the necessity for the juvenile's detention; and,

EXCEPTION: When exigent circumstances exist, or such notification would potentially jeopardize the ability of officers to safely and effectively make the arrest, officers it is not required to notify the principal or his/her designee prior to making the arrest, but notification shall be made after the arrest.

- When possible, avoid arresting juveniles on school grounds if the use of force is a reasonable possibility; and,

NOTE: Officers should use handcuffs or other restraining devices when making an arrest in schools whenever deemed necessary to ensure the security of juvenile arrestees and the safety of the officers and others.

- To the degree possible, minimize embarrassment to the juvenile and disruption of school activities and functions by having the school principal, or his/her designee, make contact with the juvenile and escort the juvenile back to his/her office; and,
- Include pertinent information provided by the school administrator and/or school employee(s) in the Arrest Report; and,
- Include the name, business address, and telephone number of any school administrator/employee supplying pertinent information in the Witness Section of the Arrest Report. **Do not include home address of school employees;** and,
- Ensure that the juvenile's parent(s), guardian(s), or responsible adult is notified of the juvenile's removal.

Area Detective Coordinators reviewing reports involving juveniles arrested on campus shall ensure that the juvenile's principal or school administrator is aware of the juvenile's arrest and detention.

Searching Juveniles and Property

Searches of juveniles and their property on school premises are subject to the same legal requirements as any other search.

25.40. LOS ANGELES UNIFIED SCHOOL DISTRICT POLICIES CONCERNING LAW ENFORCEMENT ACTION

The following policies are contained in the "Administrative Guide of Rules and Regulations" of the Los Angeles City Board of Education under Chapter 4, "Law Enforcement and Litigation."

- **LAUSD Board Rule - Section 1204 "Interviewing of Students."**

"Upon presentation of proper identification, duly authorized representatives of law enforcement agencies having jurisdiction over the area in which the concerned school is located shall be allowed to interview pupils in the presence of the principal or a teacher."

An LAUSD Legal Staff Brief provided to school administrators on this subject provides additional information on this subject. That brief states:

“Law enforcement personnel can interview anyone regarding suspected child abuse/neglect investigation. Other interviews are permissible if investigating a crime and the disruption to instruction is minimized. In general, for suspected in-home child abuse/neglect or abduction/ kidnapping cases, the school should not contact the parent regarding the interview.

However, the school should obtain the officer’s name and contact information should the parent later contact the school about an interview. If a student is released from school to law enforcement, the school should take immediate steps to notify the parent unless the case is suspected child abuse/neglect or kidnapping/abducting (Education Code Section 48906).”

- **LAUSD Board Rule - Section 1205 “Student Not To Be Taken From Schools”**

"No pupil shall be taken from a school by any person other than a school employee." Exception to this rule may be made only:

1. By the parent or guardian, when properly identified.
2. Upon the written request of the parent or guardian, properly verified;
3. By properly identified law enforcement officers when an arrest is made.
4. By properly identified peace officers in case of emergency as determined by the principal or his or her designated representative.”

- **LAUSD Parent Notification Policy - Law Enforcement Removal of Student from LAUSD Facilities**

“The responsibility of notifying parents of students taken from school by peace officers and the place to which the student is reportedly taken in accordance with items (3) and (4) of this Rule rests with the school administrator who releases the minor to a peace officer, **except where the minor has been taken into custody as a suspected victim of child abuse or neglect where responsibility for notifying the parent or guardian rests with the peace officer to whom the minor is released.**”

- **LAUSD Policy on the Release of LAUSD Student Information to Law Enforcement**

“In general, if an LAUSD school cannot disclose pupil record information to a person, a school cannot confirm or deny a student’s attendance to that person. In emergency situations (as determined by the LAUSD school), the school can share information with appropriate persons in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of a pupil or other persons (Education Code Section 49076 (b) (1)).

Necessary information might include confirmation the student is in attendance, parent/guardian contact information, and/or medical information if the child is being taken into custody.”

25.50. INVESTIGATION INVOLVING BOMB THREATS AT SCHOOLS

An employee receiving information regarding a bomb threat at a school or college shall notify the geographic detective division watch commander without delay. The watch commander shall dispatch an investigating officer to the scene to conduct the preliminary investigation. When an investigating officer is not available, the investigative Area watch supervisor shall request that the uniform Area watch commander dispatch a patrol unit.

The supervisor dispatching personnel to the scene of a school bomb threat shall notify the school police officer or person in charge of the school, and request that a school police officer or school official respond to the scene.

The decision to evacuate a school or to search a school during school hours rests with the school official in charge. If the investigation reveals that dangerous explosives may be involved, Emergency Services Division, Bomb Squad, shall be notified without delay at (323) 342-4200.

Notifications concerning bomb threats at schools shall be made by telephone when possible. Department personnel shall avoid transmitting the information by means likely to result in it becoming public knowledge.

25.60. POSSESSION OF MARIJUANA ON SCHOOL GROUNDS

- Health and Safety (H&S) Code Section 11357(e), “Possession of not more than 28.5 grams of Marijuana on School Grounds by a Juvenile.” A juvenile found in possession of **not more** than 28.5 grams of marijuana on school grounds shall be arrested and booked on the misdemeanor charge of 602 WIC/11357(e) H&S.

- Health and Safety Code Section 11357(d), “Possession of not more than 28.5 grams Marijuana on School Grounds by an Adult.” An adult found in possession of **not more** than 28.5 grams of marijuana on school grounds shall be arrested and booked on the misdemeanor charge of 11357(d) H&S.

Officers arresting persons on school grounds should utilize the above sections (more serious offense) to enhance penalties for possession of marijuana on school grounds.

NOTE: For the above purposes, "school" is defined as "any school providing instruction in kindergarten or, grades 1 through 12 inclusive, during which the school is open for classes or school-related programs.”

Detective Responsibilities

A detective assigned follow-up responsibility on a juvenile who has been arrested and booked on any charge, which also includes an offense of possessing marijuana on school grounds, shall prepare either a detained or released petition request for the marijuana offense, regardless of the disposition of any other related charge(s).

25.70. SCHOOL-RELATED LAWS:

- Education Code (EC) Section 44810, Willful Interference with Classroom Conduct.
- Section 626.2 PC, Entry Upon School Grounds by a Student or Employee Without Permission after Written Notice of Suspension or Dismissal.
- Section 626.6 PC, Nonstudent Remaining on or Returning to the School Within Seven Days After Being Directed to Leave.
- Section 626.8 PC, Disruptive Presence at School.
- Section 71 PC, Threatening School or Public Officers.
- Section 415.5 PC, Fighting in Public.
- Section 594 PC, Vandalism.
- Section 653.22 PC, Loitering.
- Section 626.8 PC, School Disruption.

- Section 245.6 PC, Hazing

“Hazing” means any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this State.

The term “hazing” does not include customary athletic events or school-sanctioned events. Hazing that does not result in a serious bodily injury is a misdemeanor; hazing that results in death or serious bodily injury is a misdemeanor or felony. There is no requirement that the perpetrator also be a current, former, or prospective student.

25.80. POLICE OFFICERS OF THE LOS ANGELES UNIFIED SCHOOL DISTRICT-INVESTIGATIVE RESPONSIBILITY

Officers of the Los Angeles School Police Department (LASPD) are peace officers and may make arrests, conduct investigations, and complete reports to protect the personnel and property of the LAUSD.

Our Department enjoys a productive and cooperative relationship with the LASPD. As the LASPD has grown and evolved over the years, it has assumed more investigative responsibilities, to the benefit of both organizations and the communities we serve. To ensure there is no confusion regarding our investigative responsibilities and accountability for crimes occurring on LAUSD property within the City of Los Angeles, the following information outlines the investigative responsibilities of the LASPD.

It is LAPD policy to retain final authority in all police matters occurring on LAUSD property within the City. This policy is consistent with State law, the California Education Code, and the Department Manual. The LASPD derives its police powers under PC Section 830.32 pursuant to Section 38000 of the Education Code. As stated, in part, in PC Section 830.3, LASPD officers are “peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836.”

However, as stated in Section 38000 of the Education Code, “It is the intention of the Legislature in enacting this Section that a school district police or security department is supplementary to city or county law enforcement agencies, and is not vested with general police powers.”

The Department Manual states that police officers from outside agencies, including LASPD, “may make arrests, conduct investigations, and complete reports involving routine criminal matters to protect property designated as the concerned agency’s responsibility. The LAPD shall retain final responsibility in all police matters

occurring on school district, community college, park, or Housing Authority property within the City.”

The Department Manual further clarifies that “Outside police agency officers will normally conduct routine preliminary investigations of crimes occurring on property designated as the concerned agency’s responsibility.

The responsibility for conducting follow-up investigations shall remain with the LAPD. The LAPD shall conduct both the preliminary and the follow-up investigations of any complex felony crimes and crimes of violence involving the use of any weapon.”

These guidelines do not preclude the LASPD from handling the preliminary and follow-up investigation of juvenile property crimes and minor crimes against persons, which do not involve a firearm or other type of weapon and/or do not cause serious injury, that occur on LAUSD property.

The LAPD shall continue to maintain responsibility for the preliminary and follow-up investigation for most sex and robbery crimes occurring on or around LAUSD property. The LASPD may conduct certain sex and robbery investigations.

Department personnel shall not deviate from these guidelines. All requests for deviation shall be on a case-by-case basis and only upon approval of the Commanding Officer, Detective Bureau.

LASPD - Investigation of Sex Crimes

The LAPD shall maintain both the preliminary and follow-up investigative responsibility on **all felony sex crimes**. These crimes shall include, but are not limited to, the following PC sections:

- 261 PC, Rape;
- 261.5 PC, Unlawful sexual intercourse;
- 264.1 PC, Rape in concert;
- 286 PC, Sodomy;
- 288 PC, Lewd act with child;
- 288a PC, Oral copulation;
- 243.4 PC, Sexual battery;

- 311.4 PC, Sexual exploitation of a child; and,
- 314 PC, Indecent exposure (LASPD may complete the IR).
The LASPD may conduct the preliminary and/or follow-up investigations of alternate felony/misdemeanor, misdemeanor sex, and sex-related crimes, under the following conditions:
 - **Preliminary Investigation.** Notification shall be made to, and advice obtained from, the concerned Area or Bureau Sex Coordinator, prior to the completion of any sex or sex-related preliminary investigation. If the Area/Bureau Sex Coordinator is unavailable, notification and advice shall be sought from the concerned Area's Detective Commanding Officer, or Patrol Watch Commander, in that order.
 - **Follow-Up Investigation.** Follow-up investigations of alternate felony / misdemeanor, misdemeanor sex or sex-related cases can be conducted by the LASPD under the following conditions:
 1. Upon approval of the concerned Area or Bureau Sex Coordinator and their respective Detective Commanding Officer;
 2. Crime occurred on LAUSD campus/property, with the boundary being the curb surrounding the school or school property line, or any LAUSD school bus (contracted buses included);
 3. In unlawful sex cases, only cases where the victim and the suspect are both students, and the age difference between the victim and suspect is minimal;
 4. The victim is an LAUSD student. All cases involving LAUSD employees as victims or suspects shall be investigated by LAPD;
 5. Indecent exposure cases; and,
 6. The LASPD detectives assigned a sex, or sex-related investigation shall maintain liaison with the concerned Area or Bureau Sex Coordinator.

LASPD - Investigation of Crimes Against Children

The LAPD shall maintain both the preliminary and follow-up investigative responsibility for all **crimes against children**. These crimes shall include, but are not limited to, the following Penal Code Sections:

- 273a (a) PC, Willful harm or injury to child; and,

- 273d PC, Corporal punishment or injury of a child.

LASPD - Investigation of Violent Crimes (Other Than Robbery)

The LAPD shall maintain both the preliminary and follow-up investigative responsibility for all Part-I crimes of violence involving serious bodily injury or the use of a firearm or weapon. Those crimes shall include, but are not limited to:

- 187 PC, Homicide;
- 203 PC, Mayhem;
- 207 PC, Kidnapping;
- 246 PC, Shooting at inhabited dwelling;
- 25400(A)2 PC, Carrying a concealed firearm.
- 245 PC, Assault with a Deadly Weapon – with serious bodily injury; and,

NOTE: Serious Bodily Injury is defined in 243(f)(4) PC, as “Serious impairment of the physical condition,” including, but not limited to, the following:

- Loss of consciousness or concussion;
- Bone fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; or,
- Serious disfigurement.

LASPD - Investigation of Robbery

The LASPD personnel may conduct 211 PC, Robbery, preliminary and/or follow-up investigations under the following conditions:

- The crime occurred on LAUSD campus/property with the boundary being the curb surrounding the school or school property line, or any LAUSD school bus (contracted buses included);
- Student-on-student robbery crime only;

- Victim and/or suspects are not identified gang members;
- No weapon was seen;
- No shots were fired;
- No serious bodily injury to the victim, as defined in 243(f)(4) PC;
- The crime does not involve a high-profile incident or is one that may garner media attention; and,
- The LASPD shall make crime broadcasts for all robbery cases to which they respond.

LASPD - Investigation of Hate Crime/Incidents

The LASPD personnel may conduct the preliminary investigation of hate crimes and incidents; however, the LAPD shall maintain all follow-up responsibility.

The LASPD personnel may conduct the preliminary investigation of hate crimes and incidents under the following conditions:

- The crime occurred on LAUSD property with the boundary being the curb surrounding or property line, or any LAUSD school bus (contracted buses included);
- No weapon was seen, or shots fired;
- The crime does not involve a high-profile incident or is one that may garner media attention; and,
- No serious bodily injury to the victim, as defined in 243(f)(4) PC.

The LASPD personnel shall make immediate notification to the concerned Area Watch Commander of all hate crimes and incidents, and document the notification within the notification section of the IR.

On **hate crimes**, not hate incidents, an additional notification shall be made to RACR Division at (213) 978-6500.

LASPD - Investigation of Property Crimes

The LAPD shall maintain both the preliminary and follow-up investigative responsibility for the following property crimes:

- 503 PC, Embezzlement;
- 470 PC, Forgery; and,
- 459 PC, Burglary, involving substantial property loss or suggests sophistication beyond a routine burglary.

LASPD - Investigation Of Other Crimes/Charges Not Listed

The LAPD is responsible for all crimes that occur within the City of Los Angeles and reserves the right to assume the preliminary and follow-up investigation of any crime. This may be applicable in cases that require Technical Investigation Division participation or specialized investigative expertise.

LASPD - Investigation Of Crimes Occurring Outside Of LAUSD School Property

Los Angeles School Police Department personnel encounter victims of crimes that occur away from LAUSD property. When this occurs, they should request LAPD to respond. If the victim is unable to wait for the responding unit, LASPD personnel should contact the concerned LAPD Watch Commander for advice.

LASPD - Investigative Liaison/Follow-Up Requirement

An LASPD detective assigned to investigate a crime shall maintain liaison with the concerned LAPD geographic Area or specialized division detective supervisor to ensure investigative control.

All follow-up investigations completed by LASPD shall be submitted for final approval to the concerned LAPD Detective III supervisor who has ultimate investigative responsibility.

25.90. GUIDELINES FOR PHYSICAL ARRESTS OF LOS ANGELES UNIFIED SCHOOL DISTRICT EMPLOYEES ON SCHOOL GROUNDS

Procedure

When an investigation requires the arrest of a school employee on school grounds during school hours, detective assistance should be requested. If geographic Area detectives are unavailable, a supervisor shall be contacted for advice. When time permits, notify the LASPD prior to the arrest.

Detectives or patrol officers shall, whenever practicable, contact the school principal or other person in charge of the school to facilitate the arrest.

Officers shall request the cooperation and assistance of school officials to ensure that the school employee to be arrested is not in public view and that the arrest is not witnessed by students.

The nature of the case or the individual to be arrested may require that officers deviate from this policy. Factors that could justify deviation include, but are not limited to:

- Officer safety (e.g., weapon involved, history of combativeness, etc.).
- Reasonable belief that the individual to be arrested may flee.
- Any delay could result in danger to others present or would further criminal activity.
- Any delay could result in the destruction of evidence.

25.100. NOTIFICATION OF JUVENILE ARRESTS TO THE LOS ANGELES SCHOOL POLICE DEPARTMENT

Recent events of violence on school campuses have placed a renewed emphasis on the safety and security of students attending school in the LAUSD. While members of the LASPD are involved in the arrests of students during school hours, on or near school campuses, they are seldom aware of the arrests of students by members of our Department that occur during non-school hours or away from campus.

In an effort to reduce school violence and crime, the LASPD has requested that the Department notify them of all arrests involving juveniles attending school within the LAUSD (Operations Order No. 13, 2005).

Officer's Responsibility

When a juvenile is arrested for any offense, the reporting officer shall ask the juvenile what school they attend and document the information under the heading of "Additional" in the Narrative Section of the Arrest Report.

Supervisor's Responsibility

A supervisor reviewing an arrest report involving a juvenile shall ensure that the reporting officer has documented the name of the school the juvenile attends in the "Additional" heading of the Arrest Report.

Area Detective's Responsibility

Detectives reviewing an Arrest Report of a juvenile who attends school within the LAUSD shall notify the concerned Assistant Commanding Officer, Area Detective Division.

Commanding Officer, Area Detective Division's Responsibility

The Commanding Officer, Area Detective Division, shall cause a notification to be made to the LASPD's Watch Commander at (213) 625-6631, each time a juvenile that attends school within the LAUSD is arrested. The notifications shall include:

- The name of the juvenile arrested;
- The date and time of the arrest;
- The booking charge; and,
- The name of the school the juvenile attends.

NOTE: When the Assistant Commanding Officer, Area Detective Division is off duty, the Detective Commanding Officer shall ensure that the LASPD is notified.

25.110. NOTIFICATION TO JUVENILE DIVISION ON ALL SEXUAL ABUSE CASES INVOLVING SCHOOL STAFF AND JUVENILE VICTIMS

The investigation of sexual abuse cases involving juveniles (under the age of 18 years) and suspects associated with schools and other educational institutions can be very complex and can become the focus of a substantial number of media attention.

Therefore, when these types of allegations are brought to the Department's attention, it is imperative that immediate and appropriate investigative resources are committed to investigating the incident(s).

When a Department employee becomes aware of a sexual abuse case wherein the victim is a juvenile, and an adult suspect who is an employee of the school or other education institution, the Department employee shall:

- Make telephonic notification to the Sexually Exploited Child Unit (SECU), Juvenile Division, as soon as practical.
- The preliminary investigation remains the responsibility of the respective geographic Area.
- Once notification is made, an on-duty/on-call Juvenile Division supervisor will determine if investigative responsibility will be handled by Juvenile Division or by the geographic Area.
- All related telephonic notifications shall be made to SECU, Juvenile Division, at (213) 486-0580, Monday through Friday, from 0600 to 1700 hours. After business hours and on holidays, the on-call Juvenile Division supervisor shall be notified. Department field or investigative personnel involved in the initial reporting of these incidents shall document their finding and forward their report to:

Juvenile Division
Sexually Exploited Child Unit
Mail Stop 400
- The SECU will determine if final investigative responsibilities belong to the Area or Juvenile Division.

25.120. REQUIRED NOTIFICATIONS OF SCHOOL EMPLOYEE ARRESTS INVOLVING SEX AND NARCOTICS-RELATED OFFENSES

There are several laws that require law enforcement agencies to make certain immediate telephonic and written notifications when a school employee is arrested for certain sex and/or narcotic-related offenses.

These laws, including PC Sections 291, 291.5 and H&S Sections 11591 and 11591.5, pertain to any teacher, or any other person who is employed at any public or private school, pre-school through the 12th grade, as well as any public or private community college or university.

These laws mandate that law enforcement agencies, upon arresting employees in this classification for the specified sections, make certain immediate notifications to the administration of the arrested person's employer, as well as notification to certain State entities.

Arresting Officer's Responsibilities

Arresting officers shall cause an immediate arrest notification to their immediate supervisor upon the arrest of anyone who is found to be employed by, or volunteers at:

- Any school or educational institution, public or private, from pre-school to university.

Arrest Charges Requiring Notification:

- Any felony or misdemeanor sex crime and/or felony narcotics offense, the arresting officer's supervisor, shall be immediately notified.

Upon a supervisor's review and approval of the booking, as well as ensuring the concerned arrestee qualifies for the arrest notification, the arresting officer shall:

- Immediately telephone Real-Time Analysis and Critical Response(RACR) Division and make the formal arrest notification.
- Document the RACR notification on the Arrest Report face sheet in the notification box, as well as the Narrative Section under the heading of "notifications."

The documentation shall include the date and time, as well as the name and serial number of the RACR employee notified.

- Once the Arrest Report is completed, the arresting officer shall send one copy of the report via Department mail to:

Juvenile Division
Commanding Officer
PAB - Stop 400.

Watch Commander Responsibilities

The watch commander shall:

- Ensure that the arresting officer has telephonically notified RACR on all qualified arrests; and,

- The notification is documented by the arresting officer on the Arrest Report face sheet and Narrative Section of the Arrest Report; and,
- The arresting officer has forwarded a copy of the completed Arrest Report to Juvenile Division.

Area or Specialized Division Detective Responsibilities

When an Area or specialized division is made aware of an arrest that meets the above notification requirements, detective personnel shall ensure that the above notification procedures are made.

Real-Time Analysis and Critical Response Division Responsibilities

Real-Time Analysis and Critical Response (RACR) Division shall be responsible for:

- Receiving all Department telephonic notifications regarding school employee/volunteer sex and felony narcotics-related arrests to determine if the arrest charges qualify for immediate employer notification.
- Instructing arresting / investigating officers to immediately forward a copy of the completed arrest report to:

Juvenile Division
Commanding Officer
PAB - Stop 400.

- Immediate telephonic notification to the arrestee's school administration when required.
- Forwarding information regarding arrest notifications to the Juvenile Division, Commanding Officer.
- Maintaining a file of all immediate telephonic notifications made in conjunction with qualified arrest notifications, as required.

Juvenile Division Responsibilities

Juvenile Division is responsible for:

- Receiving all qualified arrest notifications from RACR Division.
- Receiving copies of qualified arrest reports from Department personnel.

- Issuing a Department written notification letter to the arrested employee's school administration and State credentialing boards, as required.
- Maintaining a file of all written notifications made in conjunction with qualified arrest notifications, as required.

25.130. LASER POINTERS ON SCHOOL GROUNDS (SECTION 417.27 PC)

Penal Code Section 417.27 prohibits the possession of a laser pointer by any student on any elementary or secondary school premise, unless possession is for valid instruction. Further prohibits directing the beam of a laser pointer into the eyes of another or into a moving vehicle or into the eyes of a guide dog.

CHAPTER 26

BASIC JUVENILE COURT PROCEEDINGS

26.10. **ARRAIGNMENT**

During the arraignment, the complaint is read to the juvenile and the juvenile's rights are read read and explained. The juvenile then enters a plea. The date, time, and location for adjudication are set.

Arraignment of Detained Juveniles

This is the first opportunity for the court to review the propriety of detention. The court will consider the nature of the charge. The judge may read the police report, but generally asks the Deputy District Attorney (DA) to relate the facts and the juvenile's record. Evidence may be taken into consideration, but generally is not.

The DA may argue that detention is needed for the welfare (health, safety, or well-being) of the juvenile or for the safety of the public. Defense counsel could request a Dennis H./William M. hearing, which is a hearing to determine if continued detention is warranted and necessary. Bail is not an issue since there are no provisions for bail in Juvenile Court.

26.20. **DETENTION HEARING - DENNIS H./WILLIAM M. HEARING**

The initial hearing known as the "Arraignment" or Detention Hearing" is not open to the public. The judge reviews the petition, hears the charges against the juvenile and makes a decision whether they should remain detained and if the matter should go to trial. At this hearing, the juvenile is appointed an attorney by the court or the juvenile states if he wishes to retain private counsel. The juvenile also will be asked to admit or deny the charges made against him.

The juvenile has a right to a re-hearing if the probation officer or the preparer of the report(s) is not present at the detention hearing. (In re Dennis H. (1971) 19 Cal. App. 3d 350). The court must decide if there is a reasonable probability that:

- A crime occurred; and,
- That the arrested juvenile committed the crime.

The court may take sworn evidence. Unlike a preliminary hearing, the DA may use hearsay. The officer who took the crime report may testify to what the victim said. If the reporting officer's testimony contains enough facts (hearsay or otherwise) to identify the juvenile as the perpetrator of the crime, then no further witnesses are needed. The court may receive other evidence.

The court must also decide if, even though it believes that the juvenile probably committed a crime, there is a good cause for detention. The DA may call the deputy probation officer (DPO) to the stand or ask the court to read and consider the DPO's detention report. The DPO will state why they believe the welfare of the juvenile or the safety of the public requires continued detention of the juvenile.

The defense may examine and present witnesses. Occasionally, the defense may call a parent, relative, school teacher, or minister to the stand. The DA may argue that the welfare of the juvenile or safety of the public requires continued detention of the juvenile.

26.30. PRIMA FACIE HEARING

The juvenile's attorney may request that evidence of the *prima facie* case be presented (evidence, affidavits, and documentation) within three days of the detention hearing.

26.40. JURISDICTION HEARING

In this hearing the judge informs the parties what can happen at the hearing. The judge considers the Pre-Plea Report and the defense admits or denies charges. The hearing is equivalent to a trial in adult court. The parent(s) / guardian(s) are informed of fines or restitution the juvenile is ordered to pay if they admit to the petition. If the petition is true, the court sets a Disposition Hearing to decide how to care for, treat and guide the juvenile.

There must be a Jurisdiction Hearing on the charges within 15 court days after the Detention Hearing if the juvenile is locked up. There must be a Jurisdiction Hearing on the charges within 30 calendar days after the arrest unless parties agree for more time.

26.50. FITNESS HEARING

The purpose of the fitness hearing is to determine if the juvenile's case should remain in the juvenile court, e.g., juvenile system. The Juvenile Court only has jurisdiction if the juvenile was less than 18 years when the crime was committed.

26.60. FINAL FITNESS DETERMINATION

The District Attorney may petition the court for a Fitness determination, to determine if the juvenile will be tried as an adult. The key to fitness is found in the crime charged and the juvenile's record.

The juvenile court system is an escalatory process. As a juvenile's background builds, they are dealt with more restrictively. When a juvenile is charged with a serious 707(b) WIC offense, and has experienced camp, they stand a better chance of being declared unfit. In detained cases only, when a Juvenile Court declares a juvenile unfit, the case is dismissed and the DA's Office must file the matter in adult court within 48 hours.

26.70. OTHER PRETRIAL MOTIONS

Adjudication

Adjudication of a juvenile case is the same as a trial, without a jury, in adult court. The standard of proof required to prove a juvenile case is "beyond a reasonable doubt."

Bifurcated Adjudication

After the DA rests, the defense is granted a continuance before proceeding with its case. This may occur when the People want to proceed, but the defense is not ready.

26.80. DISPOSITION HEARING

At this hearing, the judge considers the "Disposition Report" written by a Deputy Probation Officer that considers the juvenile's social history (school, family, criminal history, victim's statement and recommendation). Based on this report and arguments presented by the attorneys in court, the judge decides where to place the juvenile.

26.90. SUPPLEMENTAL PETITION

After a juvenile has been declared a ward of the court and put on a rehabilitation program, Probation can request the DA to seek a change of plan by filing a supplemental petition (777 WIC) if they determine that the original plan or program was not effective. The factual basis for this petition is either a new criminal offense or a violation of the conditions of the existing probation order, e.g., failure to attend school, failure to obey the directions of the parent, failure to remain in the home or in placement, etc. The proof of each of the charges, whether they amount to a crime or a probation violation, must be proven beyond a reasonable doubt. The trial of a supplemental petition proceeds in the same manner as any other adjudication.

26.100. GLADYS R. HEARING

A Gladys R. Hearing consists of calling one or more witnesses to establish that a juvenile under 14 years generally knows right from wrong, knew that their conduct in this case was wrong, and knew the wrongfulness of the criminal act. The questions asked of the juvenile are directly related to the crime the juvenile committed.

The DA usually calls the juvenile's parent/guardian to the stand to see if they taught the juvenile the wrongfulness of the criminal act. The juvenile's probation officer can also be called to testify since their duties partially consist of counseling the juvenile regarding prior crimes.

Recent case law provides that the Juvenile Court may conclude that the juvenile knew their conduct was wrong based on factual circumstances of the juvenile's conduct in the present case; i.e., running when the police arrive or hiding stolen property.

26.110. CONTESTED DISPOSITION

If either party or the court requests the probation officer is called and questioned about their report. Either party may call witnesses.

26.120. DIAGNOSTIC STUDY

If the court wants a further evaluation of the juvenile, including a psychological and psychiatric workup, the court may order a "90-day diagnostic study." This study is done by DJJ, which returns the juvenile and a report to the court within 90 days for a further hearing on disposition.

26.130. REHEARING

Anything decided by the court is subject to rehearing. The defense may request a rehearing from any ruling. The DA may request a rehearing only from pretrial motions.

26.140. ADMISSION OF PETITION

Prior to accepting a juvenile's admission of a petition, all waivers must be taken, and the juvenile must be given notice of the possible consequences. The juvenile does not plead guilty to the charges; the juvenile admits the truth of the petition. A factual basis for the admission must be established by the prosecution.

CHAPTER 27

JUVENILE COURTS

27.10. JUVENILE COURTS

Inglewood	110 E. Regent Street Inglewood, CA 90301 Depts. 240-242
Long Beach	415 W. Ocean Boulevard (Liaison) Long Beach, CA 90802 Depts. 245-246
Los Angeles	1601 Eastlake Avenue (Liaison) Los Angeles, CA 90033 Depts. 201-205
Pasadena	300 E. Walnut Avenue Pasadena, CA 91101 Depts. 270-271
Pomona	400 Civic Center Plaza Pomona, CA 91766 Depts. 281-283
San Fernando	16350 Filbert Street (Liaison) Sylmar, CA 91342 Depts. 276-279
Los Padrinos	7281 East Quill Road Downey, CA 90242 Depts. 250-252

Compton 200 W. Compton Boulevard
Compton, CA 90220

Depts. 260-261

27.20. CHILDREN'S COURT - 300 WIC DEPENDENCY CASES

Ed Edelman Children's Court 201 Centre Plaza Drive
Monterey Park, CA 91754

Depts. 402-423

27.30. JUVENILE HALL

The Los Angeles County Probation Department detention facilities are:

- **Barry J. Nidorf (Sylmar) Juvenile Hall**, 16450 Filbert Street, Sylmar, CA 91342, (818) 364-2023.
- **Central (Eastlake) Juvenile Hall**, 1605 Eastlake Avenue, Los Angeles, CA 90033, (323) 226-8506.
- **Los Padrinos Juvenile Hall**, 7285 Quill Drive, Downey, CA 90242, (562) 940-8660.

NOTE: Los Padrinos Juvenile Hall is the only facility that currently accepts juveniles who are in custody for a 601 WIC offense. All out-of-county and out-of-state transient juveniles arrested for 601 WIC (Transient) shall be detained at Los Padrinos Juvenile Hall, pending the arrival of their respective parents.

27.40. OFFICER UNABLE TO APPEAR IN JUVENILE COURT – OFFICER'S DUTIES

When a subpoenaed officer is unable to appear in Juvenile Court for any reason, the officer must notify the Subpoena Control Officer (SCO) or, in the SCO's absence, the concerned watch supervisor, as soon as possible prior to the date and time scheduled to appear.

27.50. SUBPOENA CONTROL OFFICER'S DUTIES REGARDING JUVENILE COURT HEARINGS - OFFICER UNABLE TO APPEAR IN COURT

The SCO must notify the concerned DA's Office when they are:

- Unable to serve a Juvenile Court subpoena on an officer. The reason for non-service must be given to the concerned Juvenile Court Liaison Officer.
- Notified that a subpoenaed officer will be unable to appear. All notifications must be made to the Juvenile Court Liaison Officer prior to the court appearance.

EXCEPTION: Notification must be made directly to the Long Beach Juvenile Court (See the Department Manual).

27.60. JUVENILE COURT PROCEDURES

Department personnel who are subpoenaed to Juvenile Court must report directly to the concerned Juvenile Court building the day of the hearing. Department personnel must do the following:

- Report directly to the Juvenile Court Liaison Office and check in with the Court Liaison Officer.
- Sign in on the LAPD court check-in roster.
- Personnel reporting to court on an overtime basis must time stamp their overtime slip when checking into court.
- Department personnel must remain in the Juvenile Court Liaison office or the approved Juvenile Court Liaison waiting room until called for court appearance or until notified that they are no longer needed by the court.
- When no longer needed, the officer must check out with the Court Liaison Officer.
- The officer must sign out on the court roster.
- The officer must time stamp their overtime slip and have it signed by the Court Liaison Officer.

27.70. ON - CALL (ON-DUTY) JUVENILE COURT PROCEDURES

On-call status must be authorized by a supervisor only for day watch on-duty officers who have been subpoenaed to Eastlake or Sylmar Juvenile Courts, and who can report to court within one hour of being notified. An officer reporting to court must:

Check in with the following person:

- Eastlake - Liaison Officer, Room 229
- Sylmar - Liaison Officer, Room 1

NOTE: Compton and Inglewood Court no longer have a Court Liaison Officer.

After checking in with the Juvenile Court Liaison Officer, the subpoenaed officer must go directly to the appropriate hearing room and check on the status of the case.

27.80. SUBPOENA CONTROL OFFICER--RESPONSIBILITIES

Each SCO is responsible for coordinating their respective Area's or Division's on-call system, and for ensuring that the appropriate Juvenile Court On-Call Liaison personnel are notified if an officer is to be placed on call. The SCO must provide the Juvenile Court On-Call Liaison Officer with the juvenile's name, the department of appearance, and the respective subpoenaed officer's name. The SCO must immediately notify the Juvenile Court On-Call Liaison Officer if an officer is unable to appear in court. The Juvenile Court On-Call Liaison Officers may be contacted at the following locations/telephone numbers:

- Eastlake Juvenile Court (323) 226-8955.
- Sylmar Juvenile Court (818) 362-1806.
- Inglewood Juvenile Court (310) 419-5255.

NOTE: On-call day watch officers who have not been called to court shall contact their respective SCO at the end of watch to determine if their case has been continued.

Officers with any Juvenile Court problems or issues, not related to on-call status, are encouraged to contact the Department's Juvenile Court Liaison Officer at Eastlake Juvenile Court, at telephone number (323) 226-8955.

CHAPTER 28

JUVENILE VENDOR LAWS

28.10. JUVENILE VENDORS

Juveniles are often involved in peddling fruit, flowers, magazines, and candy, etc. These situations usually involve adults who employ juveniles to sell merchandise door-to-door or on street corners. The juveniles are often instructed to tell prospective customers that the proceeds of the sales will go to some charitable organization or will assist the juvenile in attending a summer camp, etc., when, in fact, the money is kept by the adult and only a small portion is returned to the juvenile as payment for their services. Usually the amount earned is well below the current minimum wage.

It is not the intent of this Department to curtail legitimate fund-raising activities; e.g., girl scouts, boy scouts, parochial schools, however, in an attempt to eliminate the exploitation of juveniles, the following should be considered when officers become aware of such activities.

28.20. CODE LEDGER

The majority of violations involving juveniles conducting door-to-door sales are classified in the Education Code (EC), Labor Code (LC), and the Los Angeles Municipal Code (LAMC).

28.30. LAWS

EC 49111	Work permit required for 12 to 17 year olds, which allows working on weekends and holidays and during summer vacation.
EC 49112a	Limits 14 to 15 year olds to three hours per day while school is in session.
EC 49112a	Limits 16 to 17 year olds to eight hours of work prior to the school day.
LC 1391(a)(3)	Limits 16 to 17 year olds to eight hours of work per day, 48 hours per week and prohibits work between 10:00 p.m. and 5:00 a.m. (exception: may work as late as 12:30 a.m. prior to non-school day).

EC 49116(a)	Prohibits 14 to 15 year olds from working in excess of three hours per school day.
EC49116(b)	Prohibits 16 to 17 year olds from working in excess of four hours per school day.
EC 49118	Work permits expire five days after the opening of the next school year.
EC 49160	Prohibits employing a juvenile without a work permit.
EC 49161 & LC 1299	Employers must keep all work permits on file.
EC 49164 & LC 1299	Work permit files shall be open to inspection.
EC 49181 & LC 1304	Failure to produce a work permit is <i>prima facie</i> evidence of illegal employment.
EC 49182 & LC 1303	Violation of EC 49160 & LC 1299 by a parent or employer is a misdemeanor.
LC 1292 & LC 1297	Prohibits juveniles from using dangerous machinery, chemicals, etc.
LC 1308	Prohibits adults from employing juveniles under 16 years for peddling, entertainment, etc.
LC 1301	Provisions of LC applicable to a person who owns or controls property upon which juvenile is employed.
LC 1199b	Prohibits juveniles from receiving less than minimum wage.
LC 1197.1	Prohibits an employer from paying less than minimum wage. Allows a fine of \$50.00 for each day an employer violates <u>each</u> juvenile's minimum wage.
LC 1391.2	Juveniles must receive the same pay as adults for same work.
LAMC 44.12	"Solicitation-Information Card" issued by City required.
LAMC 80.73	Prohibits selling food or merchandise from a vehicle, push cart, or wagon in excess of 10 minutes without permit (Infraction).

LAMC 41.43	Prohibits selling goods within 200 feet of a public park.
LAMC 42.00	Prohibits selling merchandise (except newspapers) on a public street or sidewalk.
LAMC 42.13	Prohibits peddling fruit or vegetables on a public street or sidewalk from 8:00 p.m. to 8:00 a.m.
LAMC 11.00	"Business Tax Registration Certificate" required for all businesses operating in the City (Misdemeanor).

CHAPTER 29

JUVENILE UNIT RESPONSIBILITIES

29.10. JUVENILE UNIT RESPONSIBILITIES

The following information pertains to the investigative responsibilities of the Area Juvenile Units, as well as the personnel assigned. This information also pertains to any detective unit that has responsibilities for managing juvenile functions or related personnel.

The below responsibilities are general guidelines, as each Geographic Area's Detective Commanding Officer may need to alter the investigative responsibilities of juvenile-related responsibilities as a result of their deployment needs.

29.20. AREA JUVENILE UNIT'S RESPONSIBILITIES

The Area Juvenile Unit must be responsible for the following:

- All runaway, missing, and lost juvenile investigations and/or related arrests, that are not related to any other crime;

NOTE: Child abduction investigations and/or any cases related to child custodial disputes must remain the responsibility of the geographic Area Major Assault Crimes (MAC) Table. During the investigative process, Missing Juvenile Reports must not be separated from related custody and/or abduction investigation reports (Operations Order No. 5, dated November 30, 2004).

- Juvenile-related cases as determined by the Detective Commanding Officer; and,
- Suspected Child Abuse Report (SCAR) investigations that do not meet the criteria for immediate dispatch, or as directed by the Area MAC Coordinator ([Special Order No. 26, dated August 28, 2006](#)); and,
- Other duties at the discretion and direction of the Area Detective Commanding Officer.

29.30. JUVENILE CAR (J-CAR) OPERATIONS

The following information was published in Operations Order No 2, dated April 3, 2002, and established a uniform policy for the deployment of Area J-Cars and defines the responsibilities and supervision of personnel assigned to these positions.

Each Area Commanding Officer must select three Police Officers III for assignment to the J-Car. Officers assigned to this position should be deployed in uniform and in plain or dual purpose vehicles.

Deployment of J - Car Personnel

Juvenile Car officers must be deployed on PM watch only, and a minimum of five days per week (preferably seven days per week, if deployment permits). By deploying J-Cars in each Area during PM watch, the Department can best provide those critical front-end intervention measures that will aid in reducing juvenile-related crime throughout the City. Any deviation from the PM watch assignment must be approved by the geographic bureau commanding officer.

Officers assigned to the J-Car must be deployed in either uniform or plain clothes, in a plain or dual-purpose vehicles.

Supervision of J - Car Personnel

The Area Juvenile Coordinator must provide line supervision to all J-Car officers. However, in the absence of the Area Juvenile Coordinator, supervision must be provided by the on-duty PM watch Detective II, or in the Detective II's absence, the on-duty Area watch commander. Juvenile Car personnel must not be assigned duties unrelated to juvenile matters, except in emergency or tactical situations.

Juvenile Car Personnel - Responsibilities

Juvenile Car personnel duties include, but are not limited to:

- Liaising with Area public and private K-12 schools when required;
- Conducting follow-up investigations on Suspected Child Abuse Reports (SCARs) and Missing Juvenile Reports;
- When required, performing cite-back interviews;
- Meeting with juveniles and their parents or legal guardians who seek assistance and advice on such matters as incorrigibility, truancy, runaways, suspected child abuse/neglect situations, etc;
- Providing expertise to all Area personnel on juvenile-related issues (i.e. patrol locations where juveniles are known to congregate);

- Providing roll call training and disseminating information on juvenile-related matters to patrol personnel;
- When required, taking appropriate enforcement action against juveniles who commit crimes;
- Conducting juvenile-related follow-up investigations and preparing case dispositions as directed by the Area Juvenile Coordinator;
- Providing on-scene advice or assistance in the preliminary investigation of the following types of occurrences:
 1. Suspected Child Abuse Cases (SCARs)
 2. Missing / Lost / Found juveniles
 3. Unfit homes
 4. Abused children
 5. Any crime or activity involving a juvenile when requested by officers.

NOTE: Juvenile Car personnel have the option of advising or relieving patrol officers in any type of juvenile-related situation. In all cases, however, J-Car personnel must be available to lend expertise and ensure that any such incident is handled in a proper manner.

- Providing juvenile expertise and information at community meetings; and,
- Completing a Daily Field Activities Report (DFAR) for each tour of duty.

29.40. SCHOOL CAR OPERATIONS

The following information establishes a uniform policy for the operations, deployment and responsibilities of personnel assigned to Area School Cars.

Deployment of School Car Personnel

Area School Car personnel should be deployed during the day. Officers assigned to these positions should be deployed under the supervision of the Area Juvenile Coordinator and have their responsibilities clearly defined.

Supervision of School Car Personnel

The Area Juvenile Coordinator (or person designated by the Area Detective Commanding Officer) must provide line supervision to all School Car personnel.

School Car Personnel--Responsibilities

Officers assigned to an Area School Car must be responsible for the following duties:

- When required, handling juvenile-related matters on and around school campuses in their respective Areas. This includes the following:
 - Providing visible patrol during school hours.
 - Making arrests for offenses committed on campuses or in the vicinity of school grounds.
 - Responding to radio calls to school campuses from school personnel and taking the appropriate action, e.g., handling child abuse investigations, missing juveniles, etc.
- Handling any juvenile-related matter as directed by the Area Juvenile Coordinator, e.g., providing advice to youths and their families who seek assistance from the Department on juvenile issues such as incorrigibility, truancy, potential cases of child abuse/neglect, gang awareness, etc.
- Providing expertise to other field units handling juvenile-related matters.
- Providing roll call training on juvenile issues as directed by the Area Juvenile Coordinator.

29.50. AREA JUVENILE COORDINATOR RESPONSIBILITIES

The Area Juvenile Coordinator must be of the rank of either Detective II or III, and may be a primary or collateral duty assignment, at the discretion of the Area Detective commanding officer.

The AJC is a critical link in providing appropriate updated training, legal information and advice, specifically related to juvenile procedures, to geographic Area personnel.

In order to accomplish this, it is recommended that all newly-assigned Area Juvenile Coordinators attend the Department's Juvenile Procedures School if they have not done so within the last five years of being assigned.

Responsibilities of the Juvenile Coordinator

The Area Juvenile Coordinator's responsibilities are as follows:

- Ensure that all duties assigned are completed in a thorough and timely manner.
- Ensure that all J-Car and School Car Unit personnel receive appropriate training.
- Ensure that personnel assigned to Area juvenile units are scheduled to attend the Department's Juvenile Procedures School within 60 days of their assignment to these positions, or at the earliest opportunity pending the school's availability, as outlined in Administrative Order No. 5, dated June 23, 2005.
- Direct, supervise, and coordinate daily operations and assignments of assigned Area School Car personnel.
- Direct, supervise, and coordinate daily operations and assignments of assigned Area J-Car personnel. During off-hours, ensure that the on-duty PM Watch Detective II provides appropriate guidance and supervision to J-Car Officers. In the PM Watch Detective II's absence, the on-duty Area watch commander must assume this responsibility.
- Provide training and expertise to Area personnel or community groups regarding juvenile issues and/or procedures.
- Assume responsibility as the Area/Division Family Source Program (FSP), formally known as the Youth Advocacy Program (YAP), Coordinator and City Attorney Parenting Program (CAPP) Coordinator.
- Ensure that all detective table and/or specialized unit investigative supervisors are familiar with, or have been trained in, the FSP and YAP procedures and are making FSP and YAP referrals, when appropriate.
- Assist the Area Office with the coordination of the Area's Secure Juvenile Detention Log, Form 09.05.00, and Non-Secure Juvenile Detention Log, Form 09.06.00, to be in compliance with the State of California Corrections Standards Authority's mandated procedures for handling temporarily-detained juveniles within Department facilities and ensure that Area personnel are trained on the proper completion of those logs. These logs are filed in the Area Administrative Office.

- Assist personnel of the Board of State and Community Corrections, as well as the Los Angeles County Superior Court, with in-person inspections of concerned juvenile detention facilities.
- Attend meetings and complete other duties, as directed by the Area commanding officer.
- Ensure that due diligence is completed for any juvenile warrant that is obtained and maintain a warrant package.

CHAPTER 30

JUVENILE CASE LAW

30.10. JUVENILE CASE LAW

The following is a listing of significant case laws that involve juveniles.

30.20. WARRANTLESS ENTRY INTO A RESIDENCE WHEN OFFICER HAS REASONABLE BELIEF THAT VIOLENCE IS IMMINENT

Ryburn v. Huff, 132 S.Ct. 987, 181 L.Ed.2d 966 (2012)

<http://www.supremecourt.gov/opinions/11pdf/11-208.pdf>

RULE: Police officers may make a warrantless entry into a residence whenever they have an objectively reasonable basis for believing that violence is imminent.

FACTS: Burbank Police Officers Darin Ryburn and Edmundo Zepeda responded to Bellarmine-Jefferson High School in Burbank, California, to investigate a report concerning rumors that a student, Vincent Huff, who was often the target of bullying by other students, had written a letter threatening to “shoot up” the school. Principal Sister Milner, concerned about the safety of her students, asked the officers to investigate. Although the officers were unable to verify the existence of such a letter, one of Vincent’s classmates told the officers that he believed that Vincent was capable of carrying out the alleged threat.

Vincent hadn’t been at school for two days. Based upon their training and experience, the officers found Vincent’s absences from school and his history of being subjected to bullying as cause for concern. So they decided to go to Vincent’s home in an attempt to contact him and his parents; George and Maria Huff.

At the Huff residence, no one responded when the officers knocked at the door and announced their presence. The officers called the residence by telephone, but no one answered. They then called Maria’s cell phone. Maria answered, confirming that both she and Vincent were inside the house. Informed that the officers wished to talk to her and her son, she hung up on them.

One or two minutes later, Maria and Vincent came out on the front steps. When the officers told them that they were there investigating some threats at the school, Vincent responded; “I can’t believe you’re here for that.” Maria was asked if they could go inside to talk to which she responded; “No,” not without a warrant.

In Sergeant Ryburn's experience as a juvenile bureau sergeant, it was “extremely unusual” for a parent to decline an officer’s request to interview a juvenile inside. Sergeant Ryburn also found it odd that Maria never asked the officers the reason for their visit. Asked if there were any guns in the home, Maria avoided the question by “immediately turning around and running into the house.”

Sergeant Ryburn, who was “scared because [he] didn’t know what was in that house” and had “seen too many officers killed” in similar situations, entered the house behind her. Vincent entered the house behind Sergeant Ryburn and Officer Zepeda entered after him. Officer Zepeda testified to being concerned about “officer safety” and did not want Sergeant Ryburn to enter the house alone. Two other officers entered the house after everyone else believing they’d all been invited.

The officers all remained in the living room as George Huff entered the room and challenged their authority for being there. The four officers were in the living room for about five to ten minutes, ultimately determining that the rumors about Vincent were false.

While there, no searches were conducted. The officers then left and reported their conclusions to the school. The Huffs later sued the Burbank Police Department and the officers involved in Federal court.

The Federal trial court found for the civil defendants (the officers) after a two-day bench trial. The Plaintiff Huffs appealed. The Ninth Circuit Court of Appeals, in a split 2-to-1 decision, reversed (*Huff v. City of Burbank* (2011) 632 F.3d 539) with the majority finding that the officers entered the house based upon no more than an unsubstantiated rumor. The officers/defendants petitioned to the U.S Supreme Court.

HELD: The United States Supreme Court unanimously reversed. Officers may enter a residence without a warrant when they have “an objectively reasonable basis for believing that an occupant (or the officers are) imminently threatened with [serious injury].” (*Brigham City v. Stuart* (2006) 547 U.S. 398.)

The officers in this case testified to being aware of the following information:

1. The unusual behavior of the parents in not answering the door or the telephone;
2. Maria hanging up on the officers when they finally reached her on her cell phone;
3. Maria not inquiring about the reason for their visit or expressing concern that they were investigating her son;
4. Maria refusing to tell the officers whether there were any guns in the house;

5. Maria running back into the house while being questioned about the possible presence of firearms.

When you combine this with the information already obtained at the school; i.e., that Vincent was a student who had been the victim of bullying and who had been absent from school for two days, plus the fact that he may have threatened to “shoot up” the school, the court found that the officers’ belief that there could be firearms inside the house and that family members or the officers themselves were in danger was certainly reasonable.

The court also took into account that the situation was “rapidly evolving” and that the officers had to make quick decisions. In finding the officers’ actions to be reasonable under these circumstances, the court criticized the Ninth Circuit’s conclusion that it was constitutionally insignificant that Maria Huff may have “merely asserted her right to end her conversation with the officers and returned to her home.” It is not true that conduct cannot be regarded as a matter of concern just because it may be lawful.

The court further held that the Ninth Circuit’s practice of looking at each separate event in isolation and concluding that each, by itself, did not give cause for concern, is flawed. “It is a matter of common sense that a combination of events each of which is mundane when viewed in isolation may paint an alarming picture.”

Lastly, the court found fault with the Ninth Circuit’s failure to follow the well-established rule that “judges should be cautious about second-guessing a police officer’s assessment, made on the scene, of the danger presented by a particular situation.” Rather, “reasonableness ‘must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight’ and that ‘[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split second judgments in circumstances that are tense, uncertain, and rapidly evolving.’” As such, the Ninth Circuit’s ruling, finding for the plaintiffs, was reversed, with the case being remanded for a finding in the officers’ favor.

30.30. MIRANDA – A JUVENILE REQUEST TO SPEAK WITH A PARENT

People v. Nelson
(2012) 53 Cal.4th 367

RULE: Once a suspect – adult or juvenile – has made a valid waiver of his Miranda rights, any subsequent assertion of the right to remain silent or the right to counsel must be articulated clearly and unambiguously such that a reasonable officer would understand it to be an assertion of his rights. A juvenile’s request to speak with a parent is neither a per se nor a presumptive invocation of Fifth Amendment rights.

FACTS: Fifteen-year-old Samuel Nelson beat his 72-year-old neighbor to death while burglarizing her home in 2004. Defendant agreed to accompany Orange County Sheriff's investigators to the sheriff's office to discuss the case. Nelson was advised of his Miranda rights and waived them. Well into the interrogation, defendant admitted to burglarizing the victim's home but continued to deny any complicity in her death. After about three-and-a-half hours of questioning, defendant was asked if he would submit to a polygraph test. Defendant asked if he could call his mother, saying he wanted to "let her know what's happening" and to "talk to her about it" and "see what [he] should do." The detectives continued with the questions and defendant continued answering them. Confronted with the evidence against him, defendant eventually confessed to two additional burglaries.

He also made more requests to call his mother and was permitted several times to try to reach her. Not being able to locate his mother, he spoke instead with his grandmother and brother. At one point, defendant told the investigators to leave him alone because they were "getting on [him] for something [he] didn't do." He also declined to take a polygraph, saying his relatives advised him not to take the test and to "do nothing until a lawyer or his mother got there." Despite this advice, however, defendant continued to answer the investigators' questions. Ultimately, defendant asked to have "a few moments to [himself]," explaining he needed time to think.

The investigators complied, but first offered him a pencil and paper with which to write down his feelings, telling him that it was his chance to explain what happened and that he should "[d]o the right thing." When the investigators returned, defendant had not written anything, but instead asked if he could be left alone again, at least until his family members, who were only 10 minutes away, got there.

The investigators again encouraged him take this opportunity to write down in his own words what had happened. They left him alone again. When they returned, defendant had written out a statement admitting to beating his neighbor to death with a hammer he'd brought with him while burglarizing her home.

At his murder trial, these statements and a subsequent, more-detailed confession were admitted into evidence against him over his objection. Convicted of first-degree murder and multiple counts of residential burglary, the defendant appealed. The Court of Appeal reversed the conviction, ruling that defendant had effectively invoked his Fifth Amendment rights when he asked for the assistance of his mother and to be left alone. The People petitioned to the California Supreme Court.

HELD: The California Supreme Court reversed, reinstating defendant's conviction. On appeal defendant conceded that he had initially waived his Miranda rights, but claimed his repeated requests to talk to his mother and to be left alone constituted a Fifth Amendment invocation of his rights.

The California Supreme Court disagreed. In *Davis v. United States* (1994) 512 U.S. 452, the United States Supreme Court held that once a suspect waives his Miranda rights, any later attempt to invoke them “requires, at a minimum, some statement that can reasonably be construed to be an expression of a desire for the assistance of an attorney.”

At this later stage of an interrogation, the test is an objective one. “[T]he suspect ‘must articulate his desire to have counsel present sufficiently clearly that a reasonable police officer in the circumstance would understand the statement to be a request for an attorney.’” The suspect’s subjective intentions are irrelevant. An ambiguous or equivocal attempt at an invocation of rights at this stage is not legally effective and may be ignored.

The court also noted that “[e]ven though officers may ask questions to clarify whether the right to counsel is being invoked, they are not obligated to do so.” And further, even though the U.S. Supreme Court in *Davis* was discussing a suspect’s Fifth Amendment right to the assistance of counsel at the interrogation stage, the same rule applies to one’s apparent attempt to invoke his right to silence

***Berghuis v. Thompson*, 560 U.S. 370 (2010)**

The court rejected defendant’s argument that a higher standard should be used in the case of a juvenile, finding no persuasive basis for treating them differently from adults. The court then applied the *Davis* standard to Nelson’s case.

Defendant did not express a desire to talk with his mother until confronted with the prospect of taking a polygraph test. A reasonable officer would have interpreted defendant’s request as no more than a desire to tell her what was happening and to seek advice on the taking of such a test, and not as an attempt to invoke his right to counsel or to remain silent. And in fact, when the investigators abandoned the request that he take a polygraph test, defendant continued without hesitation to answer questions.

The statements about his other relatives’ advice likewise was not a clear and unambiguous invocation; rather, a reasonable officer would interpret them as conveying a reluctance to take a polygraph test without first speaking to an attorney or his mother. Defendants’ requests to be left alone to think would be interpreted by a reasonable officer as mere expressions of defendant’s frustration with the investigators’ repeated refusal to accept his denial of guilt for the murder. Defendant never communicated an intent to stop the interview altogether.

Although it is now recognized that a minor’s request to speak with a parent is not per se an invocation (*People v. Lessie* (2010) 47 Cal.4th 1152), the rule is not absolute.

When a juvenile has made a valid waiver of his Miranda rights, a post-waiver request for a parent would be deemed an invocation if the circumstances are such that a reasonable officer would understand that the juvenile is actually – as opposed to might be – invoking the right to counsel or silence. Under the circumstances of this case, the court found that a reasonable officer would not have viewed Nelson's request to call his mother or to be left alone as clear and unequivocal invocations of his rights under Miranda.