

CHIEF OF DETECTIVES

April 22, 2019

NOTICE

8.3

TO: All Concerned Personnel

FROM: Chief of Detectives

SUBJECT: STANDARDIZATION OF JUVENILE ARREST DIVERSION PROGRAM

The purpose of this Notice is to standardize the Juvenile Arrest Diversion Program (JADP) procedures as the program is implemented Citywide. Since 2013, the Department has worked in partnership with Community-Based Organizations (CBO) to divert juvenile offenders (11-17 years) with no prior/or minimal criminal history from the juvenile criminal justice system. The intent is to reduce the number of juvenile arrests for 602 Welfare and Institutions Code (WIC) crimes. It will also provide an alternative to booking by utilizing the CBOs who provide program services designed to rehabilitate juvenile offenders who commit low level offenses, and minimize recidivism while still holding the juvenile accountable.

If a juvenile fails to complete the terms of the Juvenile Arrest Diversion Program (JADP), the referral agency will notify the Department within 30 calendar days and a criminal filing shall be initiated.

Areas shall maintain current participation Agreements, Referral forms, and other JADP related documents. The newly standardized Department JADP Referral and Agreement Forms have been established and are attached to this Notice. This Notice will supersede any bureau, Area, or divisional orders on juvenile diversion.

PROCEDURE:

ARRESTING OFFICER'S RESPONSIBILITIES. An arresting officer shall ensure that:

- A juvenile who is arrested or detained for a 602 WIC crime should be transported to the station and logged into the appropriate Secure Juvenile Detention Log, Form 09.05.00, or Non-Secure Juvenile Detention Log, Form 09.06.00;
- The juvenile shall be identified using photo identification (i.e., school identification; state driver's license or identification card; passport; or consular identification card) provided by the juvenile or their parent/guardians. The juvenile may also be identified by available school records. When the juvenile's identity cannot be verified, the arresting officers shall utilize Department electronic resources (i.e., Blue Check or Fingerprint Identification Number). Officers shall include the method used to identify the juvenile in the Investigative Report (IR), Form 03.01.00;

- The probation status and arrest history of the offender shall be verified by the arresting officer. A query of the Detective Case Tracking System (DCTS) and the Juvenile Diversion section within the Automated Field Data Reporting (AFDR)/Incident Tracking system shall also be completed to discover prior reports involving the juvenile as a suspect;
- Review the Department's referral criteria to determine if the juvenile is eligible for the JADP. During business hours, contact the Area Juvenile Coordinator for advice. If the Area Juvenile Coordinator is not available, obtain advice from the Area Watch Commander;

Note: Officers should consider their training and experience, prior history with the juvenile, and the facts of the current offense in exercising their discretion for diversion.

- If the juvenile is eligible for diversion, the juvenile should be diverted to JADP. Instances where the juvenile is eligible for diversion but instead booked shall be documented on the JADP Referral, Form 09.13.00. The Area Watch Commander shall articulate the reason the juvenile was not diverted and sign the form;
- If the juvenile is eligible for the JADP and where more than one diversion program is available, the arresting officers should utilize their best judgment to determine program compatibility, considering the Department's objectives to rehabilitate youth, when feasible;
- Officers shall seek final approval for booking or diversion from the Area Watch Commander;
- If the juvenile is selected for the JADP, the juvenile shall not be booked. Instead, an IR shall be completed by the arresting officer, in lieu of an Arrest Report, Form 05.02.00. The verbiage "Juvenile Arrest Diversion Program" shall be written on the upper-left corner of the IR and an "Arrest" heading shall be included in the IR noting that the juvenile was referred to the JADP;
- Contact the juvenile's parent/guardian and inform them of the arrest. The juvenile and the juvenile's parent/guardian must agree to and sign the Department's JADP Agreement, Form 09.13.01, agreeing to and assuring compliance with the conditions of the diversion;
- Complete the Department's JADP Referral, Form 09.13.00, ensuring that all the required sections, including the victim's information (Confidential use only), are provided;
- If the juvenile and the juvenile's parent/guardian agree to the diversion program and sign the Department's JADP Agreement, Form 09.13.01, the juvenile may be released to the custody of the juvenile's parent/guardians;

- The completed Department JADP Referral, Form 09.13.00, as well as the signed agreement to participate, shall be attached to the IR, along with the arrest and criminal history of the juvenile. The IR shall be processed in accordance with existing procedures; and,

Note: All juvenile arrests, including bookable offenses and warrant arrests, shall contain a completed JADP Referral, Form 09.13.00. The form shall indicate the reason(s) the juvenile was not diverted (i.e., did not meet criteria due to 707 (b) WIC arrest, probation conditions, warrant arrest, etc.).

- If the juvenile and the juvenile's parent/guardian do not agree to abide by the terms of the JADP, the juvenile shall be booked and the petition shall be submitted for filing consideration. A refusal by the juvenile or the parent/guardian should be documented in the "Additional" heading of the Arrest Report.

**AREA/DIVISIONAL/CUSTODY SERVICES DIVISION (CSD) WATCH
COMMANDER'S RESPONSIBILITIES.** A watch commander shall:

- Confirm that the arrested juvenile is eligible and qualifies for referral to the JADP and that such a disposition is appropriate for the specific case, using current Department referral criteria;
- Consult the Area Juvenile Coordinator during business hours for advice regarding eligibility for the JADP. During off-hours, watch commanders shall provide advice to arresting officers, with the input from a night-watch detective, if available;
- Any deviation from this mandate shall be documented in the JADP Referral, Form 09.13.00. The Area Watch Commander shall articulate the reason the juvenile was not diverted and sign the form and forward the form with the IR or Arrest Report;
- Verify that the juvenile and his or her parent/guardian have agreed to the conditions of the program and have signed the completed JADP Agreement, Form 09.13.01, and,
- Review all reports for completeness prior to processing.

Exception: Juvenile custodial arrests which are ineligible for a juvenile diversion referral via the Department's JADP, should be processed in accordance with Chapters 18 and 19 from the Los Angeles Police Department Juvenile Manual.

Note: Department watch commanders shall comply with the following, relative to outside agencies who present juvenile arrestees for advice or booking approval:

- **Shall not** ask or require the outside agency arresting/booking officers (e.g., Los Angeles School Police Department, Los Angeles World Airport Police Department, California Highway Patrol, etc.) to submit their juvenile arrestees for consideration to the Department's diversion program, **nor** authorize the submission of juvenile arrestees arrested by outside agencies to the Department's diversion program. The watch commander **shall direct** the arresting officers to their own agency for its juvenile diversion program protocols and CBO partnerships.

AREA JUVENILE COORDINATOR'S RESPONSIBILITIES. An Area Juvenile Coordinator shall:

- Confirm that the arrested juvenile is eligible and qualifies for referral to the JADP and that such a disposition is appropriate for the specific case, using current Department referral criteria;
- Provide diversion eligibility advice to arresting officers during business hours;
- Assign the IR as a JADP case in the DCTS per existing procedures, if the juvenile is selected for the program;
- Forward a copy of the completed JADP Referral, Form 09.13.00; JADP Agreement, Form 09.13.01; IR; and, the criminal history to the selected CBO;
- Confirm that an appointment has been made for the juvenile at the CBO within ten (10) calendar days of the juvenile's release to his or her parent/guardian, if a notification confirming such appointment has not been received;
- Liaise with the CBO regarding the juvenile's orientation, intake, and assessment;
- Monitor the juvenile's case via the CBO for updates on the juvenile's progress;
- Classify IRs submitted under the JADP as "Cleared Other" if the juvenile successfully enters the program;
- Track all juvenile arrests to indicate whether a juvenile was or was not diverted to a CBO and identify the reason(s) the juvenile was not diverted; and,
- Track and monitor the status of juveniles in the JADP from time of referral to successful completion of the program; or, the non-completion of the program and the subsequent judiciary processing.

Exception: When a specialized division of the Department diverts a juvenile, the Investigating Officer (I/O) of the specialized division is responsible for monitoring and tracking the JADP case status from the time of referral to its successful completion, or non-completion of the program and the subsequent judiciary processing. To facilitate the Youth Diversion Coordinator's Citywide oversight, the I/O of the specialized division shall notify the Juvenile Coordinator from the Area of occurrence that they are handling a JADP referral case and provide status updates. The Area Juvenile Coordinator shall input the information in the JADP tracking mechanism indicating the specialized division and I/O's name.

The JADP Referral, Form 09.13.00, and the JADP Agreement, Form 09.13.01, attached to this Notice are temporary forms to be duplicated for immediate use. An Administrative Order to revise and/or implement the new Department forms will be forthcoming.

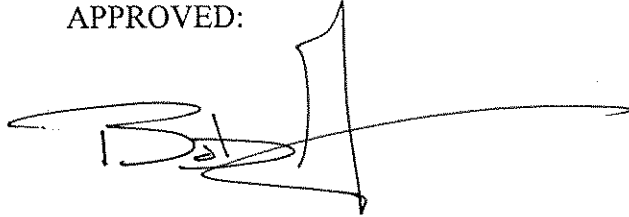
All Concerned Personnel

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Should you have any questions regarding this Notice, please contact Youth Diversion, Juvenile Division, at (213) 486-0500.

APPROVED:

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BOB GREEN, Deputy Chief
Chief of Staff
Office of the Chief of Police

A handwritten signature in black ink, appearing to read 'Sean W. Malinoski', with a long horizontal stroke extending to the right.

SEAN W. MALINOSKI, Deputy Chief
Chief of Detectives

Attachments

DISTRIBUTION "D"

JADP Eligible

Yes No

If no, provide reason and W/C signature below

Los Angeles Police Department
Juvenile Arrest Diversion Program Referral

DR No.: _____

Referral Date: _____

Division/Area Referred: _____

Referring Person Name/Title: _____

Phone No.: _____

Juvenile Information:

Name (Last, First): _____ Male Female Other
Home Address: _____ City: _____ Zip Code: _____
Date of Birth: _____ Age: _____ Contact Phone #: _____ Other Phone #: _____
E-mail: _____ Primary Language: _____

School Information:

Name and Address: _____ Phone #: _____ E-mail: _____
Grade: _____ School District: _____ Student Status: Enrolled Suspended Expelled Not Enrolled

Parent/Guardian Information:

Name (Last, First): _____ Relationship: _____ Primary Language: _____
Home Address: _____ City: _____ Zip Code: _____
Date of Birth: _____ Contact Phone #: _____ E-mail: _____

Victim Information (Confidential Use Only):

Name (Last, first): _____ Responsible Adult (Last, First): _____
Home Address: _____ City: _____ Zip Code: _____
Date of Birth: _____ Contact Phone #: _____ Other Phone #: _____ E-mail: _____
Other Victim(s) Name (Last, First): _____ Other Victim(s): _____

Offense: Misdemeanor Felony

Offense/Crime: _____ Penal Code: _____ Offense(s): 1st 2nd

Reason juvenile not diverted:

W/C Signature / Serial No. _____

CRITERIA ELIGIBILITY: Juvenile and Parent signed agreement:

NON-DIVERSION:

Grand Theft Person - 487 (c) PC

Assault/Battery - 148 (a); 148.3; 148.4; 148.5; 148.9; 242; 243.4; 243.5; 243.6 PC

Burglary/ Theft - 459 (2nd degree), 466; 484 (a), 485, 496 (a) PC

Disturbing the Peace - 415; 415.5 (a); 416 (a) & (b) PC

Vandalism - 594 PC

Weapon on school grounds - 626.10 (a) & (b), (c),(d),(f),(h) PC; (No firearm)

Brandishing Weapon - 417 (a)(1) PC; (No firearm)

Disorderly Conduct - 647(d) PC

- 707 (b) WIC offenses, including but not limited to:

Murder; Arson; Robbery; Kidnap for ransom; Kidnap (Ransom, Robbery, Sexual Assault, bodily harm); Sexual Assaults (Rape, Sodomy, Oral Copulation, Sexual Penetration) w/force, violence, duress, menace or threat of GBI; and, lewd or lascivious act.

- Probation conditions/or violations

- Firearms; Serious injury

- Prior arrest or diversion for the same/ or similar serious felony (Wobbler) charge within 2 years

The above is including but not limited to the listed offenses. Other offenses may be considered with approval of the W/C.



Date: _____

DR #: _____

JUVENILE ARREST DIVERSION PROGRAM AGREEMENT

The Los Angeles Police Department, in conjunction with approved Community-Based Organizations (CBO), offers diversion programs for youth offenders in lieu of booking. The CBO will balance the needs of the victim, the community and the youth offender.

Benefits of Juvenile Diversion:

- Formal criminal charges will not be pursued if the participant successfully completes the diversion program.
- The participant may receive various supportive services, such as counseling, mediation, job/life skills training and tutoring to develop proactive skills for academic progress.
- The participant and his or her family may obtain access to a variety of programs which support rebuilding family relationships.

Agreement to Participate:

1. I understand enrollment in this program is voluntary.
2. I agree to fully cooperate with CBO staff during orientation, throughout the services, and during any monitoring period by the CBO.
3. I agree to be responsive when contacts are made by the CBO staff (calls, letters, etc.) and to arrive on time to my appointments.
4. I understand that failure to enroll or failure to satisfactorily complete the diversion program will result in my case being returned to the Los Angeles Police Department for citation, arrest, or formal charges being filed against me.
5. I understand that I can withdraw from the program, at any time, before its completion and elect court/criminal processing instead.
6. I am requesting and authorizing the release of police records, including my criminal history, to the CBO to assist in determining my suitability for its diversion program.

The Juvenile Diversion Program assigned is:

_____ CYs (Administered by Centinela Youth Services) _____ Other CBO (PAL's, etc.)

_____ Teen Court (Administered by PESA- Parents, Educators/ Teachers & Students in Action)

I understand a representative from the CBO will be contacting me to schedule an appointment for orientation.

Date: _____ Participant's Name: _____ Signature: _____

Date: _____ Parent/ Guardian's Name: _____ Signature: _____

* If the minor is in foster care, the guardian/ foster parent may sign above & accompany minor to orientation*

Date: _____ Officer's Name & Serial No.: _____

Officer's Contact No.: _____ Officer's Email: _____