

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 1

January 5, 2021

SUBJECT: INTERROGATION OF SUSPECTS – ADMONITION OF MIRANDA RIGHTS; ADVISEMENT OF CONSTITUTIONAL RIGHTS PER WELFARE AND INSTITUTIONS CODE 625 – JUVENILES; AND, JUVENILE ARREST SUPPLEMENTAL REPORT, FORM 05.02.06 – REVISED

PURPOSE: On September 30, 2020, California Senate Bill (SB) 203 was enacted. The Bill, which takes effect January 1, 2021, expands and extends protections for minors prior to custodial interrogation by law enforcement. Previously, these protections applied to juveniles 15 years of age or younger. The new Bill extends these protections to juveniles 17 years of age or younger. The purpose of this Order is to revise Department policy pertaining to juvenile interrogations in compliance with SB 203.

PROCEDURE:


I. INTERROGATION OF SUSPECTS – ADMONITION OF MIRANDA RIGHTS; AND, ADVISEMENT OF CONSTITUTIONAL RIGHTS PER WELFARE AND INSTITUTIONS CODE 625 – JUVENILES – REVISED. Department Manual Sections 4/202.10, *Interrogation of Suspects – Admonition of Miranda Rights*; and, 4/202.30, *Advisement of Constitutional Rights Per Welfare and Institutions Code 625 – Juveniles*, have been revised. The “Interrogation of Juveniles” portion of Department Manual Section of 4/202.10 has been removed and incorporated into Department Manual Section 4/202.30. Department Manual Section 4/202.30 is attached, with the revisions indicated in italics.

II. JUVENILE ARREST SUPPLEMENTAL REPORT, FORM 05.02.06 – REVISED. The Juvenile Arrest Supplemental Report, Form 05.02.06, has been revised. The revised form incorporates interrogation protections for juveniles 17 years of age or younger under the “ADMONITION OF MIRANDA RIGHTS” box. The use, completion and distribution of this form remains unchanged.

FORM AVAILABILITY: The revised Juvenile Arrest Supplemental Report is attached for immediate use and duplication and is available in E-Forms on the Department’s Local Area Network. All other versions of this form shall be mark “obsolete” and placed into Area/divisional recycling bins.

AMENDMENTS: This Order amends Sections 4/202.10 and 4/202.30 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



MICHEL R. MOORE
Chief of Police

Attachments

DISTRIBUTION "D"

DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. 1, 2021

202.30 ADVISEMENT OF CONSTITUTIONAL RIGHTS PER WELFARE AND INSTITUTIONS CODE 625 - JUVENILES. When an officer takes a person under the age of 18 (juvenile) into temporary custody for a 601 or 602 Welfare and Institution Code (WIC) offense and **does not** intend to interrogate the juvenile for a 601/602 WIC offense, the officer shall 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.
- You must seek legal counsel in person, by telephone, or by video conference prior to waiving your rights.

This consultation may not be waived.

Officers shall provide juveniles with telephone access and the telephone number of the Los Angeles County Public Defender's Office, if the juvenile does not have his or her own attorney.

***Note:** If no interrogation is sought, only read the admonition. Do not ask the question "Do you understand?"*

***Note:** An interrogation prior to legal counsel may only be conducted in exigent circumstances where an officer reasonably believes that information sought is necessary to protect life or property and the questioning is reasonably necessary to obtain that information. Circumstances shall be documented in the appropriate Department reports, including in the "Comments" section of the Juvenile Arrest Supplemental Report, Form 05.02.06.*

Officers shall not seek a waiver unless they intend to interrogate and the juvenile has consulted legal counsel in person, by telephone, or by video conference. The 625 WIC advisement may be given anytime during the period that the juvenile is in police custody. Officers shall be aware of the six-hour rule when conducting the interrogation of a juvenile in custody (see Department Manual Section 4/202.10).

Note: Providing the Miranda admonition for interrogation purposes will fulfill the 625 WIC requirement.

An advisement per 625 WIC shall be given in, but is not limited to, the following situations:

- Any juvenile taken into temporary custody/arrested by the Los Angeles Police Department on a 602 WIC offense where investigative responsibility lies with another division or police agency;

DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. 1, 2021

- Any juvenile arrested on a 601/602 WIC warrant or 602 WIC offense, wherein the investigator assigned to that case would be unable to interrogate the juvenile prior to the expiration of the six-hour rule; and,
- Any juvenile detained on a 601/602 WIC offense who is not booked but is placed in handcuffs, placed in the back of a police vehicle, transported by a police officer, or placed in some other situation that would indicate a restraint on the freedom of movement of such degree associated with a formal arrest.

Documentation. Officers shall document in the narrative portion of the arrest report, “The juvenile was advised per 625 WIC” *as well as document whether or not an attorney was contacted.* If the juvenile was detained and issued a (Traffic) Notice To Appear, Form 04.50.00, “625 WIC” must be printed on the bottom left-hand corner of the narrative portion of the citation. If the juvenile was detained and no formal arrest was made nor a citation was issued, then the 625 WIC advisement 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.

Gladys R. Admonition. 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 (See Department Manual Section 4/202.10).

If the officer plans on interrogating the juvenile, the juvenile section of the Gladys R. Questionnaire shall be completed after the Miranda admonition has been given, but before the questioning begins. The parent, guardian, or other responsible adult section may be completed anytime prior to filing the case with the District Attorney's Office. The purpose of the Gladys R. Questionnaire is to assist the District Attorney’s Office in proving that the juvenile understood the wrongfulness of his or her act.

Every effort should be made to locate and interview the parent, guardian or other responsible adult having contact with the juvenile to complete their section of the Gladys R. Questionnaire prior to filing a criminal case with the District Attorney’s office.

If a parent or guardian refuses to be interviewed or cooperate, and no other responsible adult having contact with the juvenile can be located and/or refuses to be interviewed, the word “Refused” should be written next to the parent/guardian name on the form, and the circumstances surrounding the refusal shall be documented on a Follow-up Investigation, Form 03.14.00. A copy of the Follow-up Investigation report shall be submitted to the District Attorney’s Office at the time of filing.

Note: A Gladys R. Questionnaire is not required if the juvenile is only being admonished per 625 WIC.

Documentation of Custodial and Non-Custodial Interrogation – Adults and Juveniles. Custodial interrogations, or any statement that requires a signature, shall be documented on the

**DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. 1, 2021**

Investigative Action/Statement Form, Form 3.11.20. Non-custodial statements shall be documented on a Continuation Sheet, Form 15.09.00, or a blank sheet of paper.

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

Watch Commander's Responsibilities. *In circumstances when an officer has detained or taken a juvenile 17 years of age or younger into custody, the watch commander shall:*

- *Confirm the juvenile was properly advised 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 Manual Section.*

JUVENILE ARREST SUPPLEMENTAL REPORT (Use this sheet as next to last page of Arrest Report.)

J No. (601/602 WIC) (Pre-Delinquent/Delinquent)	J No. (300 WIC) (Dependent)	DR No.
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SUBJECT'S NAME (LAST, FIRST, M.I.)	D.O.B.	Booking No.	CII No.
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PRIOR RECORD. Juvenile Automated Index printout must be attached. ADRIS checked for missing status & CWS for warrants? YES NO

Organization	Office	Assigned Worker	Phone No.	Active PDJ No.	Juvenile Court No. Active Court No.
On Probation <input type="checkbox"/> YES <input type="checkbox"/> NO					
On Parole <input type="checkbox"/> YES <input type="checkbox"/> NO					
On DCFS <input type="checkbox"/> YES <input type="checkbox"/> NO					

OFFICER NOTIFICATION: Within one hour of the juvenile being taken into custody, the officer shall take steps to notify the juvenile's parent, guardian, or responsible relative. Any deviation from procedure must be articulated within the Comments section of this report.

Parent, Guardian or Responsible Relative Notified	Attempted	Contacted	Date	Time	Phone No.	Name	Relationship	Ofcr Serial No.
	Y <input type="checkbox"/> N <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>						

OFFICER ADVISEMENT OF JUVENILE PHONE CALLS: Officer shall advise the juvenile of his or her right to place two calls within the first hour and a third call within three hours. Any deviation from procedure must be articulated within the Comments section of this report.

Phone Calls AdviseMENT	Officer's Name	Serial No.	Date	Time

DOCUMENTATION OF JUVENILE'S PHONE CALLS: Any deviation from procedure must be articulated within the Comments section of this report.

Juv. Refusal	Attempted	Contacted	Date	Time	Phone No.	Name of Person Contacted	Relationship
Y <input type="checkbox"/> N <input type="checkbox"/>	Responsible Adult (Parent/Guardian, Responsible Relative, or Employer)	Y <input type="checkbox"/> N <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>				
Y <input type="checkbox"/> N <input type="checkbox"/>	Attorney	Y <input type="checkbox"/> N <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>				
Y <input type="checkbox"/> N <input type="checkbox"/>	3rd Phone Call Within 3 hours to Responsible Adult or Attorney	Y <input type="checkbox"/> N <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>				

ADMONITION OF MIRANDA RIGHTS: For 601 and 602 WIC offenses.

- If no interrogation/waiver is sought, only read the Admonition. (DO NOT ask the question, "Do you understand?") Per 625 WIC OR
- If interrogation/waiver is sought, it must be ascertained if the juvenile understands these rights. Read verbatim per Form 15.03.00, and document the answers below.
- If the juvenile is 17 years or younger they must consult an attorney prior to waiving their rights (see Dept. Manual Section 4/202.10). Read verbatim, "You must seek legal counsel in person, by telephone, or by video conference prior to waiving your rights."

Attorney Consulted: YES NO (Exigent circumstances only. See Dept. Manual Section 4/202.10 and 4/202.30.)

Document the juvenile's responses to the admonition of Miranda rights:	If the waiver of rights is sought, the following will be asked:
1. 2. 3. 4.	Do you want to talk about what happened? <input type="checkbox"/> YES <input type="checkbox"/> NO

Gladys R. Questionnaire shall be completed when minor is under the age of 14 years. Shall be completed after the Miranda Admonition but before questioning begins. Gladys R. Questionnaire given and form attached? YES NO

IF DETAINED at a probation facility (e.g., Central, Los Padrinos, Barry J. Nidorf, etc.), indicate facts that support the reason for detention. If more space is needed, continue on page two.

Booking Approved By	Detention Approved By	Division of Citeback / Date & Time	Court Citation No.	Photos? Y <input type="checkbox"/> N <input type="checkbox"/>	Printed? Y <input type="checkbox"/> N <input type="checkbox"/>
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Comments of Investigating Officer/Arresting Officer.

Location of Interview	Date & Time of Interview	<input type="checkbox"/> ADMITS <input type="checkbox"/> DENIES	Adult Present at Interview	Relationship
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Document circumstances that led to the detention of the juvenile.

Page _____ of _____	SUBJECT'S NAME (LAST, FIRST, M.I.)	Booking No.	DR No.
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PETITION REQUEST FORMAT. Check the Type Petition Request box on the face of the Arrest Report. On a Continuation Sheet, Form 15.09.00, titled "DETECTIVE INFORMATION," list:

- Booking and DR number. (Omit booking number in the top space if multiple arrestees.)
 - Subjects' names and booking numbers. (These items are only required if multiple arrestees.)
- And, when applicable:
- Charges. (Allegations are not required.)
 - Subject(s)' statements, including response to admonition of rights.
 - Corrections to original reports.
 - Additional investigative information not contained in other reports.

Reports Required to Request Petition. Collate reports as follows:

- Juvenile Law Enforcement Worksheet.
- Arrest Report Face Sheet, Form 05.01.02. If multiple, use only one arrestee's face sheet per set of reports.
- Investigative Report, Form 03.01.00 (if completed in conjunction with Arrest Report).
- Arrest Report continuation pages(s) (Including Property Report, Form 10.01.00, and Property Receipt, Form 10.10.00 if applicable).
- Gladys "R" Questionnaire when applicable.
- Juvenile Arrest Supplemental Report, Form 05.02.06 (and reverse side, if used).
- 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 LIVESCAN).
- Juvenile Court Citation copy (if issued).
- Other related reports, including an IR, not completed in conjunction with the arrest, e.g., two days prior.

If Detained - Required Forms/Actions

601/602 Arrests. If the juvenile is a 601/602 WIC arrest and taken to Juvenile Hall, the following forms are needed:

- Los Angeles County Unified Medical Screening Form, Form SH-R-422 (2 copies).
- Juvenile Hall Entrance Record Form (2 copies).
- Probable Cause Determination (Declaration) (2 copies).
- LIVESCAN (2 copies).
- Arrest Report (1 copy).

300 WIC. If the juvenile is a 300 WIC arrest: The petition must be faxed to the Department of Child and Family Services (DCFS) within 24 hours. If the Detention occurs on Friday, the petition must be faxed on Monday.

- Fax one complete copy of the entire arrest report and IR to DCFS Intake and Detention Control Center at Fax (323) 881-0194. If there is a problem with the fax machine, officers shall call DCFS IDC at (323) 881-1303 during normal working hours.