OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 8 **March 3, 2020**

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

PURPOSE: Senate Bill No. 395, enacted on October 12, 2017, added Section 625.6 to the Welfare and Institutions Code. 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.

PROCEDURE:

I. Department Manual Section 4/202.10, *Interrogation of Suspects – Admonition of Miranda Rights*, has been revised and is attached with revisions indicated in italics.

II. Department Manual Section 4/202.30, *Advisement of Constitutional Rights per Welfare and Institutions Code 625 – Minors*, has been revised and renamed as *Advisement of Constitutional Rights Per Welfare and Instititions Code 625 – Juveniles*, and is attached with the revisions indicated in italics.

III. The Juvenile Arrest Supplemental Report, Form 05.02.06, has been revised to conform with the current practices and is attached.

FORM AVAILABILITY: The Juvenile Arrest Supplemental Report is attached for immediate use and duplication and is available for use in E-Forms on the Department's Local Area Network. All other versions of the Juvenile Arrest Supplemental Report shall be marked "obsolete" and placed in the divisional recycling bin.

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. 8, 2020

202.10 INTERROGATION OF SUSPECTS – ADMONITION OF MIRANDA RIGHTS. Generally, Department employees should not conduct a custodial interrogation once a suspect in custody unequivocally invokes either the right to silence or the right to an attorney.

Note: If the suspect 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 shall not read the Miranda admonition to a suspect or question a suspect prior to consulting with the investigating officer (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, that are the responsibility of a specialized detective division (e.g., bank robbery, arson, child abuse);
- Major narcotics cases that require specialized expertise (e.g., methamphetamine labs);
- 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 suspect after providing the Miranda admonition, unless otherwise directed by his *or* her watch commander or commanding officer.

Interrogating Officer's Responsibilities. When officers are conducting a custodial interrogation, the following procedures shall be followed:

- Officers shall read the Miranda admonition verbatim as delineated in the Officer's Notebook, Form 15.03.00;

  Note: Courtroom testimony shall also reflect that the Miranda admonition was read verbatim to the suspect.

- Officers shall document the suspect's responses to the Miranda admonition in the appropriate report;
- If the suspect does not unequivocally invoke *his or her* rights to silence and/or an attorney, the I/O shall conduct a non-coercive interrogation;
- If the suspect unequivocally invokes *his or her* rights to silence and/or an attorney at any time during the custodial interrogation, the officer should stop any questioning regarding the crime for which the suspect is in custody; and/or,

  Exception: An I/O may conduct non-coercive questioning on matters related to public safety, e.g., location of a victim during a kidnapping or medical condition, location of a weapon, etc.; or, matters unrelated to the crime for which the suspect is in custody, e.g., crimes in the area, local gang activity.

- Any statements made by the suspect shall be documented in the appropriate report.

Interrogation of Juveniles 15 Years of Age or Younger. *All sworn personnel that detain or take into custody a juvenile 15 years of age or younger shall provide the Advisement of Constitutional Rights per Section 625 Welfare and Institutions Code (WIC), and inform the juvenile of the Section 625.6 WIC requirements. Sworn personnel* ***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; and,*
- *You must seek legal counsel in person, by telephone, or by video conference prior to waiving any of your rights.*

In response to Section 625.6 WIC, the Los Angeles County Public Defender's Office will be available to provide telephonic attorney consultations for juveniles 24 hours per day, 7 days per 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 calling (213) 974-1234 for the County Operator.

Sworn personnel shall also ensure the following procedures are followed:

- *Officers shall not ascertain if the juvenile understands his or 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 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;*
- *Under the "Arrest" heading of the arrest report, officers shall indicate the juvenile was advised per Sections 625 and 625.6 WIC, and whether an attorney was or was not contacted; and,*
- *If "exigent circumstances" exist and no Section 625 or Section 625.6 advisement was given, officers shall clearly document the specific "exigent circumstances" under the "Arrest" heading of the arrest report.*

Exigent Circumstances – Defined. *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.*

Watch Commander's Responsibilities. *In circumstances when an officer has detained or taken a juvenile 15 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.*

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 Institutions 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.

If the juvenile is 15 years of age or younger, officers shall also advise the juvenile:

- *You must seek legal counsel in person, by telephone, or by video conference prior to waiving any of your rights.*

*Officers **shall not*** ascertain if the *juvenile* understands his *or her* rights and ***shall*** **not** seek a waiver *because the officer **does not** intend to interrogate. In the case of a juvenile 15 years old or younger, officers shall not seek a waiver if they intend to interrogate, unless 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 *s*ix-*h*our *r*ule 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;
- 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 *s*ix-*h*our *r*ule; 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. *O*fficers *shall* document in the narrative portion of the arrest report, "The *juvenile* was advised per 625 WIC." If the *juvenile* was detained and issued a (Traffic) *Notice to Appear*, Form 04.50.00, "625 WIC" *shall* 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. *Q*uestionnaire 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 *O*ffice. The purpose of the Gladys R. *Q*uestionnaire is to assist the District Attorney's *O*ffice 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. *Q*uestionnaire prior to filing a criminal case with the District Attorney's *O*ffice.

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 shall be submitted to the District Attorney's *O*ffice at the time of filing.

Note: A Gladys R. *Q*uestionnaire is **not** required if the *juvenile* is only being *advised* 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 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.

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

J No. (601/602 WIC) (Pre-Delinquent/Delinquent)	J No. (300 WIC) (Dependent)	DR No.

SUBJECT'S NAME (LAST, FIRST, M.I.)	D.O.B.	Booking No.	CII No.

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 ☐ YES ☐ NO					
On Parole ☐ YES ☐ NO					
On DCFS ☐ YES ☐ 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☐ N☐	Y☐ N☐						

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☐ N☐	Responsible Adult (Parent/Guardian, Responsible Relative, or Employer)	Y☐ N☐	Y☐ N☐					
Y☐ N☐	Attorney	Y☐ N☐	Y☐ N☐					
Y☐ N☐	3rd Phone Call Within 3 hours to Responsible Adult or Attorney	Y☐ N☐	Y☐ N☐					

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.

NOTE: If the juvenile is 15 years or younger they must consult an attorney prior to waiving their rights (see Dept. Manual Section 4/202.10). ☐ Attorney Consulted

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? ☐ YES ☐ 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?	Printed?
				Y☐ N☐	Y☐ N☐

Comments of Investigating Officer/Arresting Officer.

Location of Interview	Date & Time of Interview	☐ ADMITS ☐ DENIES	Adult Present at Interview	Relationship

Document circumstances that led to the detention of the juvenile.

Page _____ of _____	SUBJECT'S NAME (LAST, FIRST, M.I.)	Booking No.	DR No.

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.