

OFFICE OF OPERATIONS

ORDER NO. 2

February 15, 1994

TO: All Personnel, Office of Operations

FROM: Director, Office of Operations

SUBJECT: JUVENILE TRAFFIC COURT CITATION PROGRAM

EFFECTIVE: Immediately

PURPOSE

This Order establishes procedures for issuing Personal Service Citations, Form 4.50, to juveniles for certain non-traffic related offenses which can be adjudicated by Juvenile Traffic Court Referees.

INFORMATION

Section 256 of the Welfare and Institutions Code expands the authority of Juvenile Traffic Court Referees by allowing them to adjudicate certain non-traffic related misdemeanor offenses. This expanded authority enables officers to resolve many juvenile encounters by issuing a Form 4.50 in lieu of making an arrest. Officers may now issue citations to juveniles for enforcement of the following violations (See attachment for detailed listing):

- * Every violation of the Vehicle Code (VC) that is not a felony (except 23152).
- * All infractions.
- * All violations of local ordinances relating to curfew, loitering, traffic and fare evasion.

PROCEDURE

The implementation of the Juvenile Traffic Court Citation Program (JTCCP) gives officers the option of either arresting or citing and field-releasing juveniles who commit offenses covered by the program. Before issuing a citation for the allowable sections, officers shall verify that:

- * There are no outstanding warrants for the juvenile;
- * The offense is not a violation of probation, when that information is available via the MDT;
- * The juvenile can provide satisfactory evidence of identification; and,
- * There is no clear and present danger to the juvenile or the community.

Juveniles who do not meet the above criteria shall be booked. Juveniles who qualify for the JTCCP may be cited to appear at Juvenile Traffic Court according to the same cite date schedule and procedures used for VC violations.

For JTCCP related citations, the Juvenile Traffic Court Commissioner has agreed to accept valid school identification in lieu of a California Driver's License or California Identification Card as satisfactory evidence of identification. In addition, since the program involves misdemeanor violations requiring Gladys R. statements, the Juvenile Traffic Court Commissioner has agreed to complete the required statements when juveniles under 14 years of age are cited.

CITATION COMPLETION

Officers shall enter the codified section such as "330 PC (Gaming)" in the violations section of the citation. The narrative portion shall include the parent or guardian's name and phone number and a prima facie description of the violation. A Personal Service Citation Continuation, Form 4.50.5, shall be used when additional space is required for the description of the violation.

In addition to the actual location of the violation, the officer shall include the corresponding Reporting District in the "location of violations" section of the citation.

The juvenile shall be cited to the appropriate juvenile traffic court under existing personal service citation guidelines. Juveniles who refuse to sign the citation shall be booked for the appropriate charge and the citation shall be cancelled by completing a Citation Cancellation Request, Form 4.45. If a correction to the citation is required, officers shall complete a Citation Correction Request, Form 4.7.

After releasing the juvenile, the officer shall obtain an arrest DR number for each citation and write that DR number at the top of the citation. The citation shall be turned in with the Daily Field Activities Report (DFAR), Form 15.52, at end of watch for supervisory review and distribution.

EVIDENCE

All evidence seized in connection with a JTCCP citation shall be booked in accordance with current Department guidelines.

SUPERVISOR'S RESPONSIBILITIES

The JTCCP citation shall be reviewed and processed in the same manner as all other juvenile traffic citations.

AUDIT RESPONSIBILITIES

Bureau commanding officers shall be responsible for ensuring that a semi-annual audit of the JTCCP is conducted during January and June of each year. The completed bureau report shall be submitted to the Office of Operations no later than the last business day of January and June.



BERNARD C. PARKS, Assistant Chief
Director
Office of Operations

DISTRIBUTION "O"

Attachment

JUVENILE TRAFFIC COURT CITATION PROGRAM

Penal Code:

- 330 Conducting or participating in gambling, dice, cards.
- 374.3 Dumping dirt, rocks, etc. on private or public property.
- 374.4 Littering on public or private property.
- 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 which are likely to provoke immediate violent reaction.
- 485 Keeping lost property.
- 490.1 Petty theft under \$50.00. Use with 488 or 484 PC.
- 555 Trespass onto posted industrial property.
- 594(a)(1) Vandalism with liquid or paint.
- 594.1(b) Purchase by minor of an aerosol container of paint more than 6 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 aerosol container of paint more than 6 oz. net weight.
- 602.7 Vending on MTA property.
- 602.8 Entering fenced property without permission.
- 602(m) Driving on private property without permission.
- 640(a) Bus, train, subway, fare evasion.
- 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).
- 640(a) Use of slugs in coin machine.

Business and Professions Code:

- 25658 Juvenile consuming (not under the influence) or purchasing alcohol.
- 25658.5 Juvenile attempting to purchase alcoholic beverage.
- 25661 Use or possess false identification.
- 25662 Minor possessing alcohol on highway or public place or any place open to the public.

Law enforcement has the primary responsibility for determining the dollar amount of damage caused for enforcement of Sections 594(a)(1) PC and 640.6 PC.