OFFICE OF THE CHIEF OF POLICE

NOTICE
1.11

July 22, 2021

TO: All Department Personnel

FROM: Chief of Police

SUBJECT: AB 2425 – JUVENILE POLICE RECORDS

PURPOSE:

The purpose of this Notice is to establish procedures to comply with California Assembly Bill (AB) 2425 which restricts the release of juvenile arrest records if a juvenile is enrolled in or has completed a diversion program.

BACKGROUND:

The Assembly Bill sets timelines for sealing juvenile arrest records when the Department is notified that the juvenile has either enrolled in or has completed a diversion program, was counseled and released, or it is verified that the minor does not fall within the jurisdiction of the juvenile delinquency court.

Law enforcement agencies must seal juvenile police records according to the following set timelines:

- Within 30 Days, from the date law enforcement agencies are notified in writing by the diversion service provider of the juvenile's satisfactory completion of a diversion program.

- Within 60 Days, from the date law enforcement verified that the juvenile was not referred to probation or any district attorney. These are instances where juveniles were counseled and released without an arrest, citation, detention, or referral to probation or any district attorney.

  Note: Verification that the minor has not been referred to probation or any district attorney shall be made within six months of the decision to counsel and release the juvenile.

- Immediately, upon verification that the juvenile does not fall within the jurisdiction of the juvenile delinquency court under current state law.

RECORDS AND IDENTIFICATION RESPONSIBILITIES: Records and Identification (R&I) Division is responsible for releasing and sealing records under the control of the Department. As such, R&I shall be made aware of a juvenile's status by the Juvenile Coordinator when considered for diversion, release, or does not fall under the juvenile court.

Records and Identification Division shall keep confidential the police records of a juvenile that has enrolled in a diversion program. While in the program, any requests for the juvenile's police records shall be denied. Upon notification of satisfactory completion of the program, R&I shall seal the police records. If the juvenile does not satisfactorily complete the program and is no longer enrolled, R&I shall release the confidentiality of the police record and shall not seal the record.

Note: The Assembly Bill differentiates between "sealing" and keeping "confidential" the juvenile's record.

AREA JUVENILE COORDINATOR RESPONSIBILITIES: Coordinators shall submit an Intradepartmental Correspondence, Form 15.02.00, to R&I for the following:

- When a juvenile is officially registered and actively participating in a diversion program;
- When a juvenile has satisfactorily completed a diversion program;
- When a juvenile does not satisfactorily complete a diversion program;
- When a juvenile has been counseled and released by the Department; or,
- When it is determined that the juvenile does not fall within the jurisdiction of the juvenile delinquency court.

The 15.02.00 shall include the following information:

- The date when a juvenile is officially registered and is actively participating in a juvenile diversion program;
- The date when a juvenile completes and/or fails to complete a diversion program; and,
- The date when a juvenile has been counseled and released by a law enforcement agency.

Coordinators shall also make the following notifications, in writing via Department letterhead:

- Notify the applicable diversion service provider immediately upon sealing of the record;
- Notify the juvenile's social worker when the juvenile is a dependent of the juvenile court, that the juvenile's records have been sealed;

  Note: Any records the social worker has pertaining to the juvenile's contact with law enforcement or referral and participation in a diversion program will also be sealed.

- Notify the juvenile when their police record has been sealed; and,
- Notify the juvenile when it has been determined that the juvenile's public records are not eligible to be sealed.

  Note: Once a determination is made that the juvenile's record is not eligible to be sealed, the juvenile may request reconsideration by submitting a sworn statement which shall qualify as supporting documentation.

Note: The Office of Operations is currently in the process of creating a system to streamline notifications to R&I without the use of a 15.02.00. This process will be delineated in a forthcoming Notice.

For any questions, please contact the Office of Operations at (213) 486-6050.

MICHEL R. MOORE
Chief of Police

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