



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



## 540.05 ARRESTING / BOOKING / RELEASING JUVENILES 7-03-2024

### PURPOSE

The purpose of this order is to establish procedures for arresting, booking, and releasing juveniles.

### POLICY

It shall be the policy of the Sacramento Police Department (SPD) to extend recognized protections that balance the needs of the community and the rights of juvenile offenders with officer safety when a juvenile is remanded, cited, arrested, released, placed into temporary custody, or delivered to a probation officer.

During any contacts with juveniles, the primary concern is balancing the best interest of the child, with community and officer safety. Therefore, in cases involving juveniles being detained or taken into custody, officers shall consider the disposition which least restricts the juvenile's freedom of movement while ensuring the best interest of the community, the safety of the juvenile, and officers.

When a person who is contacted appears to be under the age of 18, they should be treated as a juvenile until their age is otherwise known. Likewise, a person whose age is not yet known but appears to be under the age of 12 should be treated as a juvenile under the age of 12 with respect to handcuffing until their age is otherwise known.

Officers should be aware that juveniles are much more impressionable than adults and that officers' behavior and actions, whether directly or indirectly with a juvenile, can have significant positive or negative effects on a juvenile and affect how they perceive and react to law enforcement in the future.

### PROCEDURE

#### A. DEFINITIONS

1. **ACCELERATED CITATION** – A means of releasing a juvenile on a citation for a felony offense that ensures the scheduling of a juvenile hearing within 72 hours.
2. **DEPENDENTS** – Juveniles at risk of physical or emotional abuse or neglect, or who are in need of immediate medical care or shelter.
3. **JUVENILE** – Any person under the age of 18 years. Juvenile and minor may be used interchangeably.
4. **STATUS OFFENDERS** – Juveniles deemed to be runaways, curfew violators, or incorrigibles.
5. **TEMPORARY CUSTODY** – Legal equivalent of an arrest.
6. **WARDS** – A minor who has guardian appointed by the court to care for and take responsibility for that person.
7. **WRITTEN PROMISE TO APPEAR** – Citation.

#### B. GENERAL

1. Pursuant to Welfare and Institutions Code § 602(a) any juvenile who is between 12 years of age and 17 years of age, inclusive, when they violate any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge the juvenile to be a ward of the court.
  - a. Pursuant to Penal Code § 26, children under the age of 14, cannot commit crimes in the absence of clear proof that at the time of committing the act charged against them they knew its wrongfulness.
2. Pursuant to Welfare and Institutions Code § 602(b), juveniles under 12 years of age can be prosecuted in juvenile court, if they commit one or more of the following crimes:
  - a. Murder.
  - b. Rape by force, violence, duress, menace, or fear.
  - c. Sodomy by force, violence, duress, menace, or fear.
  - d. Oral copulation by force, violence, duress, menace, or fear.
  - e. Sexual penetration by force, violence, duress, menace, or fear.
3. Because a juvenile under 12 years of age cannot be prosecuted, unless they commit one of the above



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



crimes, it also means they:

- a. Cannot be taken into temporary custody under Welfare and Institutions Code § 625.
  - b. Cannot be cited with a notice to appear before a probation officer under Welfare and Institutions Code § 626.
4. When determining which disposition to make of a juvenile taken into temporary custody, the officer shall consider the least restrictive alternative for the juvenile while providing for the safety of the community and the juvenile. Options for release are:
- a. Releasing the juvenile.
  - b. Releasing the juvenile to a parent or legal guardian.
  - c. Delivering the juvenile to a public or private agency including school, youth service or community center.
  - d. Preparing a written promise to appear and giving one copy to the juvenile or responsible adult and the other copy to the probation officer.
  - e. Delivering the juvenile to the juvenile probation department (Youth Detention Facility [YDF]).
5. Pursuant to Welfare and Institutions Code § 627(a), when an officer takes a juvenile to YDF or to any other place of confinement, the officer shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that such juvenile is in custody and the place where the juvenile is being held.
6. Pursuant to Welfare and Institutions Code § 627(b), immediately after being taken to a place of confinement, except where physically impossible, no later than one hour after the juvenile has been taken into custody, the juvenile shall be advised and has the right to make at least two telephone calls from the place where the juvenile is being held.
- a. One call completed to the juvenile's parent or guardian, a responsible relative, or their employer.
  - b. Another call completed to an attorney.
  - c. The calls shall be at public expense and shall be in the presence of a public officer or employee.
7. Juveniles who are under the age of 12 or status offenders should not be placed in handcuffs unless:
- a. The juvenile is being arrested for having committed an offense for which the juveniles can be taken into custody pursuant to Welfare and Institutions Code § 602(b).
  - b. The juvenile is displaying assaultive behavior, as defined in General Order 580.02 (Use of Force), or an intention to harm themselves.
    - (1) When a juvenile under 12 years of age is handcuffed due to assaultive behavior or an intention to harm themselves, the handcuffs shall be removed as soon as it is safe or practical to do so.
8. Juveniles under 12 years of age who were initially handcuffed due to the belief that they were 12 years of age or older shall be released from handcuffs once their correct age has been determined, if they are not displaying assaultive behavior or an intention to harm themselves or are not in custody for an offense per Welfare and Institutions Code § 602(b).
9. When a juvenile under 12 years of age is placed in handcuffs, officers shall make a report of the incident by:
- a. Documenting the purpose of the handcuffing in a general offense report if the juvenile was arrested.
  - b. Documenting the purpose of the handcuffing in an incident report if the juvenile was not arrested.
  - c. Officers shall include the reason for unhandcuffing the juvenile, which may include:
    - (1) The juvenile was no longer displaying assaultive behavior or an intention to harm themselves.
    - (2) The juvenile was handcuffed before their age was known.

## C. FELONIES

1. Officers shall book juvenile offenders whose offense(s) include:
  - a. Sex crimes.
  - b. Crimes involving severe personal injury requiring immediate medical attention.
  - c. Substantial property damage.
  - d. A crime pattern or series.
  - e. Prior criminal history for the same offense.
  - f. Threat of violence to self or others.
  - g. Offenders who are wards of the court (e.g., Welfare and Institutions Code §§ 601 and 602).
2. When a juvenile is arrested for a felony, the arresting officer(s) shall evaluate the circumstances surrounding the case to decide if the suspect is to be booked at the YDF or released on an accelerated



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



juvenile citation.

- a. In determining a disposition of the juvenile, the officer shall select the alternative which least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community pursuant to Welfare and Institutions Code § 626.
3. If booking is appropriate, officers shall transport the juvenile offender directly to the YDF unless the juvenile is to be interviewed by an investigating officer or detective.
4. Accelerated juvenile citations:
  - a. The accelerated juvenile citation process shall be used for offenders whom the YDF intends to release upon arrival.
  - b. To begin the accelerated juvenile citation process, officers shall contact the YDF intake officer and determine if they concur with the use of this process.
  - c. Officers shall determine if the juvenile has an SPD fingerprint reference number (S#).
  - d. If the juvenile does not have an S#, the officer must first obtain an S# through the records division.
  - e. The juvenile offender must be fingerprinted.
  - f. Juveniles may be fingerprinted at:
    - (a) The Hall of Justice (5770 Freeport Blvd., Sacramento, California 95822) Monday-Friday between the hours of 0900-1130 and 1300-1530 hours.
    - (b) YDF.
  - g. Officers shall use Welfare and Institutions Code § 602 on the electronic citation as the charge.
  - h. Officers shall write the statute violated (e.g., Penal Code § 459 or 487) in the description, indicate that the crime is a felony, and that the citation is an accelerated juvenile citation.
5. If the YDF intake officer does not concur with the accelerated process, officers shall book the offender at the YDF.

## D. MISDEMEANORS

1. When a juvenile has been arrested for a misdemeanor, in determining which disposition of the juvenile to make, the officer shall select the alternative which least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community pursuant to Welfare and Institutions Code § 626.
2. Officers shall consider the release factors prescribed in Penal Code § 853.6(i) when evaluating release of juvenile offenders on a written promise to appear.
3. When releasing a juvenile on a written notice to appear, officers should attempt to locate a parent, guardian, or other responsible relative of the juvenile to release the juvenile to or to notify of the offense and subsequent release.
  - a. If the juvenile is also a status offender (e.g., curfew, truancy) officers shall only release a juvenile to a parent, guardian, or responsible adult designated by the parent or guardian.
4. If the misdemeanor offender is booked at the YDF, officers shall ensure that a crime report is completed by the end of their shift.
5. Officers should not wait more than 45 minutes for a responsible adult to arrive for the juvenile.

## E. CONTACTING PARENT/GUARDIAN/RESPONSIBLE RELATIVE

1. If the juvenile's parent, guardian, or a responsible relative does not have a phone but is believed to be at home, and the location of the residence is within the city limits or close to the city limits, the officer shall notify SPD Dispatch and request a unit be dispatched to the residence.
2. The responding officer shall ask the appropriate adult to pick up the juvenile offender, obtain an estimated time of arrival, and forward that information to dispatch or the officer with the juvenile.
3. If a juvenile's parent, guardian, or a responsible relative cannot respond to pick up the offender, the officer may transport the juvenile to the residence and release them to the parent, guardian, or other responsible adult, or book them into the YDF .
4. If there is no answer at the residence, the officer shall leave a written note for the appropriate person informing them that the offender will be at the YDF.

## F. MIRANDA ADVISEMENT

1. Welfare and Institutions Code § 625 mandates that in any case in which juveniles are taken into temporary custody pursuant to Welfare and Institutions Code §§ 601 or 602, they shall be advised of their Miranda rights.
2. If officers will not be questioning the juvenile the advisal of Miranda rights do not have to be issued



# SACRAMENTO POLICE DEPARTMENT

## GENERAL ORDERS



immediately but shall be issued as soon as practical. In this case, officers shall only advise the juvenile of their rights and do not need to ensure that the rights were understood, nor do they need to obtain a waiver.

3. When the juvenile is being transported to detectives for questioning, officers shall not question the juvenile nor mirandize the juvenile as detectives will advise the juvenile of their Miranda rights.
4. All advisements and waivers shall be fully documented in the respective reports, including any responses by the juvenile to remain silent or requests for legal representation.

### G. QUESTIONING JUVENILE SUSPECTS UNDER 18

1. Welfare and Institutions Code § 625.6 mandates that prior to a custodial interrogation, and before the waiver of any Miranda rights, a juvenile 17 years of age or younger shall consult with legal counsel in person, by telephone, or by video conference.
  - a. Legal consultation may not be waived.
  - b. An exception can be made when interrogation or questioning is deemed reasonably necessary to protect life or property from imminent threat.
2. No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent and does consent to an interview or interrogation.
3. During a custodial interrogation of a person 17 years of age or younger relating to the commission of a misdemeanor or felony, a law enforcement officer shall not employ threats, physical harm, deception, or psychologically manipulative interrogation tactics pursuant to Welfare and Institutions Code § 625.7.
  - a. Deception includes, but is not limited to, the knowing communication of false facts about evidence, misrepresenting the accuracy of the facts, or false statements regarding leniency.
  - b. "Psychologically manipulative interrogation tactics" include, but are not limited to the following:
    - (1) Maximization and minimization, and other interrogation practices that rely on a presumption of guilt or deceit.
      - (a) Maximization includes techniques to scare or intimidate the person by repetitively asserting the person is guilty despite their denials or exaggerating the magnitude of the charges or the strength of the evidence, including suggesting the existence of evidence that does not exist.
      - (b) Minimization involves minimizing the moral seriousness of the offense, a tactic that falsely communicates that the conduct is justified, excusable, or accidental.
    - (2) Making direct or indirect promises of leniency, such as indicating the person will be released if the person cooperates.
    - (3) Employing the "false" or "forced" choice strategy, where the person is encouraged to select one of two options, both incriminatory, but one is characterized as morally or legally justified or excusable.
  - c. The prohibition of the use of these interrogation tactics does not apply to interrogations of a person 17 years of age or younger if both of the following criteria are met:
    - (1) The law enforcement officer who questioned the person reasonably believed the information the officer sought was necessary to protect life or property from an imminent threat.
    - (2) The questions by law enforcement officers were limited to those questions that were reasonably necessary to obtain information related to the imminent threat.
4. A custodial interrogation of juvenile, who is in a fixed place of detention, and suspected of committing murder, shall be audio and video recorded in its entirety.
  - a. This recording is not mandatory pursuant to Penal Code § 859.5 when:
    - (1) Recording is not feasible because of exigent circumstances that are later documented in a report.
    - (2) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
    - (3) The custodial interrogation occurred in another state by law enforcement officers of that state unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
    - (4) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

- (5) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of a peace officer, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.
- (6) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (7) The questions are part of a routine processing or booking and are not an interrogation.
- (8) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

- b. These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred

## H. STATUS OFFENDERS

1. Runaways from court-ordered placements per Welfare and Institutions Code § 602 shall be taken to the YDF.
2. Runaways from dependency placements per Welfare and Institutions Code § 300 shall be taken to the Children's Receiving Home.
3. All other runaways, curfew violators, and incorrigibles per Welfare and Institutions Code § 601 shall be released to a parent, guardian, or responsible adult.
4. Regardless of the number and frequency of instances of running away by a juvenile (not on court-ordered probation for a criminal offense), the juvenile's detention shall be in a non-secure facility, unless circumstances as defined in Welfare and Institutions Code § 207 apply. Limited detentions at the YDF may be authorized pursuant to Welfare and Institutions Code § 207:
  - a. For up to 12 hours after having been taken into custody for the purpose of determining if there are any outstanding wants, warrants, or holds against the juvenile in cases where the arresting officer or probation officer has cause to believe that the wants, warrants, or holds exist.
  - b. For up to 24 hours after the juvenile has been taken into custody, in order to locate the juvenile's parent or guardian as soon as possible and to arrange the return of the juvenile to the juvenile's parent or guardian, with the exception of an out-of-state runaway who is being held pursuant to the Interstate Compact for Juveniles.
5. SPD personnel shall, when possible, attempt to pick up runaway juveniles for outside agencies when requests are received.
  - a. Officers shall ensure that the requesting agency is notified of the disposition of juvenile as soon as possible.

## I. VIOLENT OR MENTALLY DISTURBED JUVENILES

1. With the exception of arrests for homicide, extremely violent or mentally disturbed juveniles shall not be brought to a police facility and shall be taken directly to the YDF.
2. If a juvenile arrestee needs medical care, officer(s) shall comply with General Order 522.02 (Emergency Care for Individuals Under Police Care or Control).
3. Officers shall follow the procedures described to General Order 522.01 (Handling Mentally Ill Persons) when handling mentally ill juveniles.