

## **SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 44.2**

### **JUVENILE OPERATIONS: OPERATIONS**

**ISSUED APRIL 2006**

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#### **44.2.1 Dealing with Juvenile Offenders**

It is the policy of the Santa Clara Police Department to assure that any juvenile coming to the attention of a member of the Department shall be treated with the same courtesy, respect and consideration shown to an adult.

The primary responsibility of the Police Department is for the welfare and best interests of the child. Those children who have been victimized, have committed an offense, or who have demonstrated that they are in need of assistance will be referred to the appropriate agency for help or follow-up.

Officers are expected to use enforcement discretion consistent with the best interests of the juvenile, public safety and protection, individual rights and provisions of this General Order.

Action taken by officers in the field will be documented appropriately, and shall clearly state the disposition. In all cases, except minor counseling situations, a Juvenile Contact Report (JCR) will be completed. If an adult is arrested or involved as a suspect, an offense report will be completed in addition to the JCR.

#### **44.2.2 Juvenile Custody Options**

Officers are encouraged to dispose of juvenile matters in the field using an appropriate citation (JCR or traffic), or only counseling if the juvenile is released with no further action taken. This should be done while balancing the needs of the juvenile and the community. All citations and criminal complaints shall be referred to Juvenile Court or the local juvenile diversion program for disposition.

Notification:

Juveniles taken into custody should be released in the field to a parent or guardian whenever possible. Juveniles taken into custody who require medical treatment shall be transported to Valley Medical Center prior to release or transportation to Juvenile Hall if the offense is serious in nature and incarceration is indicated. This should be done without unnecessary delay.

The officer having custody of the juvenile will be responsible for notifying the minor's parents, guardian, or responsible relative that the juvenile is in custody, the charge and where the juvenile will be located.

When a juvenile is arrested or detained and taken to the Police Administration building or other facility of confinement, he/she must immediately, or within one hour of arrival, be informed of

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their right to make three local calls at police expense, to a parent, attorney, guardian, relative or employer.

Minors not in custody who are interviewed voluntarily in a non-secure setting are excluded from the above requirement.

### **44.2.3 Custodial Interrogation of Juveniles**

Officers taking juveniles into custody need to be aware of current statutory and case laws regarding advisement of rights to juvenile prior to any interrogation.

Interrogations shall be of reasonable duration and the juvenile involved shall be given opportunities for rest and personal necessities.

Not more than two officers shall be involved in the conduct of an interrogation at any time, unless otherwise directed by a supervisor. This does not mandate that only two particular officers may talk with a juvenile, rather that only two at one time may be present.

Prior to release or other custodial disposition or placement, the officer shall inform the juvenile and/or parent(s)/guardian(s) of the possible subsequent actions or procedures for resolution of the incident, and of Santa Clara Police Department and Santa Clara County Juvenile Justice System procedures.

This information is not to include any specific references that could jeopardize or hamper an investigation, threaten any person or party to the investigation, or that binds another officer or agency to a particular course of action.

### **44.2.4 School Resource Officers**

The Santa Clara Police Department shall work in collaboration with the Santa Clara Unified School District for the continued implementation of youth crime prevention programs.

The operational philosophy of these programs will be the prevention of and intervention in juvenile delinquency and welfare issues. Officers involved in these programs will participate in enforcement activities while in the schools, dependent on their availability.

School Resource officers shall:

Deliver classroom instruction appropriate to their respective positions and training while providing guidance on ethical issues in the classroom setting;

Be a resource to students, their families and school district personnel in the form of an informational source, problem-solving counseling assistance, and/or referral to appropriate personnel or agencies;

Provide career information and experience opportunities, and promote an accurate and positive image of law enforcement in modern society.

School Resource Officers, under the direction of the School Services Sergeant, will create and maintain effective working relationships with the community, school district personnel, other law enforcement agencies, and juvenile and social service agencies.

These officers will act as a Department liaison with these other groups as needed in the course of their duties, or as assigned by the Chief of Police because of the nature of their duties.

The School Resource Officers will participate as members of multi-agency or community task groups that support delinquency prevention activities as assigned.

#### **44.2.5 Community Recreational Programs (PAL)**

The Santa Clara Police Department supports community recreational programs for youth. Through the Santa Clara Police Activities League (PAL), local youth is provided an opportunity to experience a variety of team and individual sports.

The primary purpose of the Santa Clara PAL is to provide opportunities for the youth of this city to enjoy educational and social benefits and athletic activities under competent supervision.

Police personnel are encouraged to participate in PAL activities, as appropriate.

#### **44.2.6 Care of Juveniles in Temporary Custody**

Juveniles held in temporary custody within the Department shall:

- Have reasonable access to toilet and washing facilities;
- Be provided a snack if the juvenile has not eaten within the past four hours or appears to be in need of nourishment;
- Be given a blanket , if requested;
- Have reasonable access to drinking water; and
- Be provided privacy during visits with family, guardian, and/or lawyer.

Juveniles will only be placed in secure detention when they are fourteen years of age or older, **and** they present a serious security risk of harm to themselves or others. Juveniles aged thirteen or younger can **never** be placed in secure detention, regardless of the crime alleged.

#### **44.2.7 Juvenile Contacts in School Settings**

In order to minimize possible embarrassment to children, parents or schools, uniformed officers should use discretion when interrogating or taking children into custody at schools.

#### **44.2.8 Dependent Juveniles (300 W&I)**

Officers may, without a warrant, take custody of any dependent juvenile when one or more of the following elements exist:

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- When an officer has reasonable cause to believe that the minor has no parents or guardian willing to or capable of exercising care or control.
- When a minor is destitute and not provided with the necessities of life or suitable home.
- When a minor is a danger to the public and such danger is the result of a mental or physical disorder.
- When a minor is being neglected, deprived or physically abused by the person in charge of the minor.

Any officers having contact with minors under the above conditions will complete a JCR and deliver the minor to the Children's Shelter for care.

### 44.2.9 Discipline

It is neither the responsibility nor the intention of the Santa Clara Police Department to discipline juveniles in temporary custody in this facility. No officer with this Department or any group of persons shall be allowed to administer, perform, or inflict any discipline, punishment, or corrective action on any juvenile while in secure detention or non-secure custody. The forms of discipline referred to in this section include corporal punishment, denial of privileges, and mental stress.

### 44.2.10 Status Offenders (601 W&I)

Officers may, without a warrant, take custody of any minor when the minor disobeys the reasonable and proper orders or directions of a parent, guardian or custodian, or is beyond the control of such persons.

The assigned officer will determine that the elements of 601 W&I are present and not a law violator (602 W&I) nor a dependent minor (300 W&I). These elements will be fully documented on a JCR.

The reporting party will then be informed by the investigating officer that juvenile laws do not provide for placement of status offenders into a secure detention facility. He will then attempt to resolve the issue with the following alternatives:

Referral For Counseling: This can be done by private or public counseling services.

Issuance of Citation: A juvenile citation from a JCR is an alternative. This should be done when counseling is not possible or appropriate. It should be a consideration if the incident is not a combative one and there is no potential danger to the juvenile or family member.

### 44.2.11 Law Violators (602 W&I)

When the juvenile is a suspect in a criminal offense the officer assigned will proceed in accordance with one of the following procedures:

Citizen's Arrest Involving Misdemeanor Violation: When appropriate, officers should have the victim or person who observed the offense perform citizen's arrest. The minor will then be taken into custody and handled according to established guidelines. A JCR will be completed.

Issuance of Citation: When a citizen's arrest is made or an officer makes a misdemeanor arrest, a citation may be issued. The JCR citation will be used in these cases. The officer may also defer action for additional follow-up or coordination in other pending cases with the Investigations Division.

Arrest For Felony: When the circumstances cause an officer to reasonably believe a felony has been committed, such officer will make a direct arrest as authorized by Section 625.1(b) and Section 625.1(c) of the Welfare and Institutions Code.

In all cases when an arrest of a minor has been made, an officer continues to have the discretion outlined in [General Order 44.2.2](#) which allows officers to counsel and release, cite, or take the minor to Juvenile Hall, in accordance with this department's policies and procedures.

#### **44.2.12 Obtaining Medical Treatment**

When circumstances, facts, or other sources of information are such that it is reasonable to believe that a minor is in need of immediate medical treatment, the officer assigned to the incident will obtain the immediate and necessary medical treatment.

When it is determined that medical treatment for a minor is needed in a public place, the assigned officer will see that proper medical attention is rendered immediately. If needed, the minor will be transported to Valley Medical Center (VMC) or the nearest medical facility if the injury dictates.

There will be occasions when an officer is confronted with a medical emergency in a private location. The officer will exercise good judgment as to how and where treatment will be obtained. If resistance is experienced, in either assisting the minor or in allowing entrance, the officer may use force (short of deadly force, unless attacked) to obtain custody of the minor. Proper medical treatment will then be given. The officer should explain to the parent or guardian that the law does authorize such action.