

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Kevin Allen
Director

Date: December 9, 2004

To: Hon. Louise Renne, President
Members, San Francisco Police Commission

Re: SFPD General Order 7.01

Dear President Renne and Commissioners:

The purpose of this letter is two-fold: 1) to urge you to require the Department to adopt a comprehensive juvenile policy and procedure manual that addresses the numerous police-juvenile interactions for which no written guidelines currently exist and which have been the source of OCC complaints; and 2) and to highlight various aspects of the current version of San Francisco Police Department General Order 7.01 which remain highly problematic.

Over the years, the OCC has received numerous complaints from juveniles. In some cases, juvenile complainants have suffered significant physical and emotional injuries because of police misconduct. In light of these complaints, in June 2003 the OCC recommended that DGO 7.01 be rewritten and that appropriate personnel from juvenile advocacy organizations be invited to provide a best practices review and participate in the evaluation and rewriting of the Department's policy and procedures regarding juveniles.¹ Additionally, after receiving complaints from juveniles and their parents arising from the Thurgood Marshall High School incident in which over 90 SFPD officers responded to a non-weapon fight on the school's campus, the OCC issued a best practice report.² This report calls for fundamental changes in the manner in which SFPD responds to incidents on high school campuses, including a recommendation that the Department adopt written guidelines and training for a crowd control policy that is specifically tailored to a juvenile population in a school setting.

While the current draft of DGO 7.01 has incorporated rules for complying with California Code of Regulations, Title 15, significant areas of police-juvenile interactions—

¹The full policy recommendation is available at http://www.sfgov.org/site/occ_page.asp?id=28032.

²This report entitled "Police Response to a Non-Weapon Fight Including Crowd Control Techniques In a High School Setting (September 14, 2004) is available at http://www.sfgov.org/site/occ_index.asp.

including those arising from OCC complaints—are not addressed in this DGO.³ For example, although DGO 7.01 covers detentions, it does not address critical and common procedures for handling juveniles who are detained but not arrested. The DGO is silent as to any notification to the parents, does not address the manner in which a juvenile may be released from police detention and does not include any documentation requirement. Two OCC complaints illustrate the imperative need for written procedures in this area.

In one case officers were responding to a car vandalism report involving 18 and 19 year old black females. Officers detained two young black females (13 and 15 year old) who were carrying groceries in close proximity to a market. The two young females who were sisters were pat searched by male officers, placed in a patrol car and transported several blocks for a cold show in which they were exonerated. Instead of driving the two sisters to their home, an officer released them several houses away from where they resided. Officers never notified the young girls' parents during the detention or after they were released; no incident report documenting the detention and cold show was written. The young girls were significantly traumatized by the police conduct; their families were incredulous that they had innocently sent their children on an errand to the local grocery store and that the police never notified them during or after their children were taken into police custody.

In another case, officers detained a juvenile on suspicion of inhaling an intoxicant. They knew he was a known gang member and he was wearing gang colors at the time of the police detention. Stating that they were transporting him to the police station, SFPD officers stopped and released the juvenile in rival gang territory. The juvenile was immediately stabbed by a rival gang member and had to be taken to the hospital.

DGO 7.01 provides no guidelines as to when detained juveniles may be transported; it includes no notification to a supervisor when juveniles are detained and transported; it includes no notification to parents when juveniles are detained and transported. It does not require officers to write incident reports documenting the detention and transporting of a juvenile. Nor does 7.01 forbid transporting juveniles without a proper police purpose. While it imposes some rules when male officers transport female juveniles (supervisor approval and broadcasting of officers' destination and starting and ending mileage), these protections are not afforded to male juveniles. As the aforementioned cases establish, both male and female juveniles need at the very least the protection that parental notification, supervisor approval, and incident documentation can provide.

DGO 7.01 is completely silent on the topic of interrogations of juveniles and provides the most minimal protection concerning a Miranda admonishment. While DGO 7.01 states that a juvenile should be given the Miranda advisement, the DGO does not state whose responsibility it

³ The Department's characterization during its November 18, 2004 presentation to the Police Commission of DGO 7.01 as just a "narrow piece of the pie" conveys the impression that the Department has other DGOs which specifically address juvenile policies and procedures. Other than DGO 7.02 which concerns the psychological evaluation of juveniles in acute psychological distress, the Department does not have other written DGOs governing juvenile policies and procedures.

is to provide the advisement and when the advisement should be given. Nor does the DGO include any documentation requirement.⁴

Moreover, a comparison with juvenile procedures in Berkeley, Seattle and Oakland demonstrates that DGO 7.01 fails to provide significant protections that other law enforcement agencies routinely provide to juveniles. For example, Berkeley Police Department's General Order J-18 requires that a juvenile be informed of his/her right to speak to a parent or guardian before and during questioning. Additionally, it requires that a juvenile be admonished of his/her Constitutional Rights as enumerated in the Miranda Decision "in language commensurate with the age and sophistication of the juvenile." Berkeley's General Order also requires any waiver of a juvenile's rights be in writing.⁵

Oakland Police Department General Order 0-9, VIII, entitled "Juvenile Interrogation and Notification Policy" requires officers to take immediate steps to notify parents that a minor is in custody and to provide the location where the minor is held. Oakland's DGO permits parents to see their child prior to/or during an interrogation if their child requests to see them. It also provides that no more than two officers can participate in a custodial interrogation of a juvenile.⁶

In a section entitled "Rights of Juveniles" Seattle Police Department Policies and Procedures 2.013 requires parents to be present and waive the rights of juveniles under the age of 12. As to interrogations involving juveniles over the age of 12, officers are required to determine "whether the juvenile is capable of a knowing waiver without any parental guidance." Officers are required to "reasonably accommodate" a parent's request to be present during an

⁴ In another OCC complaint, a juvenile taken into temporary custody at a district station reported that he was not given the Miranda advisement. In their OCC interviews, eight officer who had contact with the complainant, including the arresting officer, stated that they did not inform the complainant of his Miranda rights. All of these officers stated that they did not know whose responsibility it was to Mirandize the juvenile.

⁵ Berkeley Police Department's General Order J-18, Procedures, 4. Admonition of Rights provides:

(a) In any case where a minor is taken into temporary custody on the ground that there is reasonable cause for believing that such minor is a person described in section 601 or 602 Welfare and Institutions Code or that he/she has violated an order of the juvenile court, he/she shall be immediately admonished of his/her Constitutional Rights as enumerated in the Miranda Decision in language commensurate with the age and sophistication of the juvenile. The juvenile shall also be informed of his/her right to speak to a parent or guardian before and during questioning.

Berkely Police Department General Order J-18, Detention and Arrest of Juveniles, Interrogation, 13, provides:

Immediately prior to questioning, a juvenile shall again be advised of his/her Constitutional rights enumerated in the Miranda Decision. Such admonition shall be given in language commensurate with the age and sophistication of the juvenile and shall include his/her right to speak with a parent, as well as an attorney, and to have a parent and attorney present while being questioned.

(a) If a juvenile wishes to have a parent, guardian, probation or parole officer present, this shall be allowed.

(b) Any waiver of Constitutional rights by the juvenile must be in writing.

⁶ Oakland Police Department General Order 0-9, VIII, provides in pertinent part:

...C. Once a minor has been taken to a place of confinement, i.e., any law enforcement facility, the investigating officer or YSS Intake Officer shall take immediate steps to notify the minor's parents, guardian or responsible relative that the minor is in custody and to provide the location where the minor is held....

...J. A parent does not have the right to see their child prior to/or during an interrogation unless the minor has requested to speak to them. However, officers shall comply with the aforementioned advisement requirement as outlined in Part VIII, A of this order.

...N. No more than two officers shall take part in the custodial interviewing of a minor.

interrogation of their child. In cases where a juvenile is able to independently understand and waive the Miranda rights, parents may be excluded “if their presence can be shown to be either coercive or inhibiting.” Seattle’s “Rights of Juveniles” section also provides that “interrogations shall be conducted by only those officers/detectives that are actively involved in the investigation.” Additionally, it states that “if the juvenile requests an attorney, the interrogation must cease until an attorney is present.”⁷

DGO 7.01 also fails to address the medical needs of juvenile detainees. Although it requires injured or ill juveniles to be medically examined prior to booking (arrestees), it fails to establish procedures for injured juveniles who are detained but not booked (detainees). This failure is illustrated in another OCC complaint. While being taken into custody during a volatile incident on Martin Luther King Jr. Day, a juvenile complainant suffered a 1.5 cm laceration to his lip that required suturing. Evidence of significant bleeding from this laceration was apparent at the scene, during transport and at the district station. The juvenile was held at the district station but cited and released and therefore not subjected to the booking process. Although paramedics at the station evaluated the juvenile as requiring non-emergency transport to the hospital for further treatment, officers released the juvenile to his parent at the station without informing the parent of the paramedics’ recommendation and assessment and without determining whether the juvenile could obtain transportation to the hospital.⁸

Equally problematic is the Department’s pattern and practice of bringing juveniles to district stations. Although DGO 7.01’s admonishes that officers “should not bring juveniles into any police facility (including district stations) that contain a lockup for adults,” OCC’s investigation of numerous juvenile complaints indicate that it is standard SFPD practice to bring juveniles to district stations where juveniles are exposed to an adult custodial environment. DGO 7.01 itself is contradictory on its face: on the one hand it states that officers SHOULD NOT bring juveniles to district stations containing a lockup for adults.⁹ It then provides a huge exception that

⁷ Seattle Police Department Policies and Procedure 2.013 provides:

- A. Juvenile suspects arrested for specific offenses shall be afforded the same civil rights as an adult. In advising juveniles of their rights, officers shall include the additional warning to juveniles on the current *Explanation of Rights* form (9.28.1).
- B. Custodial interrogations of a juvenile shall not extend over periods of time that could be considered unreasonable or harassing. The interrogation shall be conducted by only those officers/detectives that are actively involved in the investigation. If the juvenile requests an attorney, the interrogation must cease until an attorney is present.
- C. A parent or guardian must be present and must waive the rights of a juvenile under the age of 12.
- D. In interrogations involving juveniles over the age of 12, officers/detectives should determine, given the totality of the circumstances, whether the juvenile is capable of a knowing waiver without any parental guidance. Officers and detectives should reasonably accommodate a parent or guardian's request to be present during an interrogation of their child. However, in those instances where a juvenile is able to independently understand and waive the Miranda rights, the adult(s) may be excluded if their presence can be shown to be either coercive or inhibiting.

⁸ The Department has indicated a willingness to write a DGO that establishes a procedure for addressing the medical concerns of detainees (both adult and juvenile). However, it is the OCC’s position that instead of a piecemeal approach, juvenile policies and procedures should be contained in one comprehensive document.

⁹ Note: all of SFPD’s district stations contain a lockup for adults.

swallows the rule by permitting officers to bring juveniles to district stations for the purpose of “investigation, facilitating release, or arranging transfer.” It even permits juveniles who have committed no criminal act (Welfare and Institution Code section 601 juveniles who are runaways or beyond parental control) to be brought to the station and exposed to an adult custodial environment. Several alternatives exist to protect juveniles from this exposure—officers can be required to contact parents through cell phones while officers are still in the field and to bring juveniles directly to appropriate facilities such as Huckleberry house, CARC and YGC that exist specifically for juveniles.

To adequately protect the rights of juveniles and to provide clear procedures for SFPD officers, the OCC strongly urges the Commission to require the Department to adopt a comprehensive juvenile policy and procedure manual. This endeavor would include the participation of appropriate juvenile experts and advocates whom the Commission invited to assist the Department in evaluating the Department’s current juvenile practices, analyzing best practices of other jurisdictions, and writing a comprehensive manual. Implicit in this task is a strict timeline for the manual’s completion and progress reports to the Commission. Topics to be addressed include but are not limited to those covered in DGOs 7.01 and 7.02 (especially those identified as problematic by the OCC and juvenile advocacy organizations), juvenile interrogations, the rights of juveniles, in custody juvenile death, and police procedures on school campuses.

Thank you for your time and consideration.

Sincerely,



Samara C. Marion
OCC Attorney

cc: Chief Heather Fong, Captain Marsha Ashe, Captain Charles Keohane, Mariam Morley (City Attorney)

JUVENILE POLICIES AND PROCEDURES

The purpose of this order is to set policy and procedures regarding arrest, detention and diversion of juveniles.

I. POLICY. It is the Department's policy that all juveniles shall be treated in accordance with all applicable regulations as defined by code laws. Airport Bureau members will comply with the contents of this order, however, since the Airport Bureau utilizes juvenile facilities within San Mateo County, members will comply with the exceptions to this order defined in Airport Bureau General Order 97-013, Juveniles.

~~A. DEFINITIONS~~

II. DEFINITIONS

XV = Title 15 requirement & section

Welfare & Institutions Code requirements

A. JUVENILE:

Any person under 18 years of age.

CHILD:

Any person under 14 years of age.

INFANT:

Any person under 2 years of age.

DEPENDENT:

Any person under the age of 21 who is under the jurisdiction of the Juvenile court ~~due to~~ because of his parental abuse, neglect, or abandonment.

GUARDIAN:

Adult responsible in the absence of a parent.

III. PROCEDURES ~~TEMPORARY CUSTODY OF 601 & 602 W & I OFFENSES.~~

~~Generally officers~~ Members should not bring juveniles ~~who are in temporary custody~~ into any police facility (including district stations) that contain a lockup for adults. ~~This includes district stations.~~ When a member does ~~During situations that require a member an officer to bring a~~ juvenile to a ~~district station~~ police facility for the purpose of investigation, facilitating release, or arranging transfer, the member shall strictly comply with the following procedures: ~~policies:~~ shall be strictly complied with:

A. **TEMPORARY DETENTION CUSTODY.** When taking a juvenile into temporary detention custody under Section 601 W & I (runaway, beyond parental control) or 602 W & I (violation of criminal law), members shall follow these procedures:

1. Search the juvenile for weapons, evidence or contraband, see Section H.G.

DGO 7.01
Rev. 11/09/04

2. Read the juvenile the Miranda advisement (625 (c) W & I Code).
3. Immediately take reasonable steps to notify the juvenile's parent, guardian or responsible relative, see Section G. I.F.H 1., 2., 3.. Leave a note if necessary.
4. Take the juvenile to an appropriate facility place of confinement (e.g., Huckleberry house, CARC, or YGC, etc.). Avoid taking the juvenile to the district station if possible.
5. Except where physically impossible, but no later than one hour after the juvenile has been detained taken into custody, members shall allow the juvenile him/her to make two telephone calls (627 (b) W & I Code).
6. Prior to the end of each watch, the watch platoon commander shall ensure that the juvenile detention logs have been properly completed (XV 1162)

1. JUVENILES BOOKED DETAINED FOR 601 W& I OFFENSES.

- 76 Members may bring juveniles booked who are being detained for 601 W & I offenses may be brought to the district station a police facility while the officer attempting to contact the juvenile's parents. Members shall the following strictly comply with to the following policies: shall be followed: (XV 1164)
- a. The juvenile Members shall not be held hold juveniles in a locked room or a secured facility. (XV 1104)
 - b. The juvenile Members shall not be handcuffed juveniles. to themselves himself or any fixed object (XV 1104)
 - c. The juvenile must Members shall ensure that juveniles do not have any contact with and adult or juvenile prisoners. (XV 1104)
 - d. Members are responsible to maintain constant personal observation of the juvenile notwithstanding the availability if video-monitoring equipment. The juvenile shall be under constant personal observation. (XV 1104)
 - e. Members shall not hold juveniles The juvenile shall not remain at the district station police facility for an extended period of time while making repeated attempts are made to contact the juvenile's parents. No juvenile shall be held at a district station more than six hours. (XV 1104)

- f. ~~If a member is unable to reach the juvenile's parent(s) or guardian, or if the parent/guardian cannot or will not respond, juvenile and his or her parent(s) are unable to resolve their differences, members shall immediately take the juvenile to Youth Advocates/Huckleberry House.~~
- g. ~~If a juvenile being detained under 601 W & I may become resistive or combative. The juvenile's actions may then constitute criminal conduct. The detention authority would then transition to a detention under 602 W & I (i.e. Battery, Battery on a Police Officer, or resisting arrest/detention). As such, the provisions for a secure detention in section III, B. 2 & 3 of this order would apply. If the officer is unable to reach the juvenile's parents or the juvenile and his/her parents are unable to resolve their differences, the officer shall bring the juvenile to Youth Advocates/Huckleberry House immediately.~~

~~B. DETENTION, ARRESTS AND SECURITY (206 W & I et seq.)~~

- ~~1. 300 WELFARE & INSTITUTION CODE (SHELTER). A juvenile who is a victim of neglect, mistreatment, or is in need of protective custody, may be detained per Section 300 W & I CODE. Detention shall not be in a secure facility.~~
- ~~2. 601 WELFARE AND INSTITUTION CODE (RUNAWAY, BEYOND PARENTAL CONTROL). A juvenile may be detained or arrested for violating Section 601 W & I Code. If arrested, the juvenile shall not be held in a secure facility.~~
- ~~3. 602 WELFARE AND INSTITUTION CODE (VIOLATION OF CRIMINAL LAW). A juvenile arrested for violating Section 602 W & I Code may be held in a secure facility.~~

B. JUVENILES DETAINED FOR 602 W & I OFFENSES

- 1. NON-SECURE DETENTION (207.1 W & I CODE). Juveniles under the age of 14 (regardless of the offense), and juveniles age 14 and over, who are not serious security risks or do not pose a risk of harm to themselves or others, shall be held in a non-secure custody. The following policies shall apply: (XV 1143, 1145 & 1150)**

(a) (1) The juvenile shall not be held in a locked room. Members shall not hold a juvenile in a locked room.

(b) (2) The juvenile shall not be handcuffed to any fixed object (cuffing rail, chair, etc.). Members shall not handcuff a juvenile to any fixed object.

(c) (3) The juvenile must not have contact (visual or audible) with any adult prisoner. Members shall use side-by-side supervision to ensure the prevention of any communication between adult prisoners and juveniles.

DGO 7.01
Rev. 11/09/04

(d)(4) The juvenile shall be under constant personal observation. Members shall not use video equipment as a substitute for constant personal observation.

(e)(5) The juvenile shall not be held longer than 6 hours at the facility. Members shall not hold a juvenile for longer more than 6 hours.

(f)(6) Members shall make an entry into the Non-Secure Custody Log (SFPD 472) indicating the offense, reasons and circumstances for the non-secure detention, starting time and ending times of the detention and the officer's name. (XV 1162)

2. SECURE DETENTION. Juveniles age 14 and over who whom the detaining member has reason to believe are serious security risks or who pose a risk of harm to themselves or others, may be held in a secure detention. The following policies shall apply: Members should shall consider the following factors before placing a juvenile in secure detention: (XV 1143 & 1145)

(a) The juvenile's age, maturity and history of delinquency.

(b) The seriousness of the offense.

(c) The juvenile's behavior.

(d) Availability of staff to provide adequate supervision and protection for the juvenile.

(e) The age, type and number of other subjects being held at the facility.

3. Members shall adhere to the following policies when holding a juvenile in secure detention: (XV 1104)

(a) The juvenile must be informed Members shall inform the juvenile of the purpose for his or her detention, the expected detention time and of the 6 hour maximum.

(b) Members may handcuff the juvenile may be cuffed to a stationary object for a maximum of 30 minutes. After 30 minutes, members shall either remove the juvenile from secure detention or obtain approval from a supervisor to extend the secure detention. Each 30 minute extension shall be approved and recorded by a supervisor on the detention log.

(c) If an adult prisoner is present with the minor in the same room or area, members shall maintain constant, side-by-side supervision with either the minor or adult prisoner to assure there is no communication between them.

(d) Members shall make an entry ~~must be made~~ in the Secure Detention Log (SFPD 473) indicating the offense, reasons and circumstances for the secure detention, the starting and ending times of the detention, and the ~~member's name and supervisor approval.~~ names of the member(s) and the supervisor who approved the detention.

(e) When the juvenile is released from secure detention, but remains and ~~remaining~~ at the police facility, the non-secure log shall also be completed.

(f) A juvenile shall be permitted to retain and wear his/her personal clothing unless the clothing is inadequate, presents a health or safety problem, or is required to be utilized as evidence of an offense.

4. ACCESS TO BASIC AMENITIES. In secure and non-secure detention, members shall ensure that the following amenities are made available to juveniles: ~~Whether being held in non-secure custody or secure detention, the following shall be available to juveniles:~~ (XV 1143)

(a) Reasonable access to toilets and washing facilities,

(b) A snack if the juvenile has not eaten within 4 hours,

(c) Reasonable access to drinking water,

(d) Privacy during visits with family, guardian, and/or lawyer,

(e) Reasonable access to a telephone.

5. WELL BEING/DISCIPLINE. ~~Arresting officers~~ Members are responsible for the security, safety and well being of juveniles they take into custody. ~~However,~~ members shall not discipline (punish) juveniles in their temporary custody.

(XV 1142)

6. SUICIDE RISK AND PREVENTION. Members shall keep any juvenile who appears suicidal ~~shall be kept~~ under constant personal observation by the ~~arresting officer~~ while in temporary custody. (Also see DGO 7.02, Psychological Evaluation of Juveniles.)

(XV 1142)

DGO 7.01
Rev. 11/09/04

7. **USE OF RESTRAINTS.** Members may handcuff juveniles may be handcuffed to themselves whenever they present a threat to themselves or others, or to prevent escape. (b) Members may handcuff the juvenile to themselves or may be cuffed to a stationary object for a maximum of 30 minutes. After 30 minutes, members shall either remove the juvenile from secure detention or obtain approval from a supervisor to extend the secure detention. (See section III (B) 2. And 3.) A secure detention should shall not last more than 30 minutes. If at the end of 30 minutes, a determination is made that the secure detention should continue, the requesting officer shall obtain permission for the extension from a supervisor. The need for a prolonged secure detention shall be reevaluated every 30 minutes and each 30 minute extension requires the permission of a supervisor. Each 30 minute extension shall be approved by a supervisor and recorded on the detention log.

(XV 1142)

8. **MEDICAL ASSISTANCE AND SERVICES.** Members shall ensure that juveniles who are obviously injured or ill juveniles shall be are examined at MEH SFGH prior to being booked. If immediate emergency medical attention is required, members shall ensure treatment shall be is administered at the nearest emergency hospital. In the event of an emergency medical situation, an ambulance should be summoned immediately. (Also see DGO 5.09, Absentia Bookings and Prisoner Security.)

(XV 1142)

C. EMERGENCY OR TEMPORARY SHELTER (300 W & I). Members shall take all juveniles detained for emergency or temporary shelter are to be taken to the Children's Protective Service (CPS) at SFGH, Ward 80, 995 Potrero Avenue for medical screening and placement. Detention for emergency or temporary shelter is proper appropriate when any of the following conditions exist:

1. The juvenile is in immediate need of medical care (305 W & I).

2. The juvenile's physical environment poses an immediate threat to the juvenile's health or safety. or the fact that the child juvenile is left unattended poses an immediate threat to the child's juvenile's health or safety (305 W & I). If the officer is taking the juvenile into custody because the juvenile is unattended, the officer must attempt to contact a parent or guardian prior to sheltering the juvenile.

3. The fact that the juvenile was left juvenile's having been left unattended poses an immediate threat to the juvenile's health or safety. Prior to detaining the juvenile, members shall attempt to contact the juvenile's parent or guardian to determine if the parent or guardian is able to take custody of the juvenile. (305 W & I).

3 4. The juvenile is in immediate danger of physical or sexual abuse (305 W & I).

4. ~~The juvenile is a dependent child or ordered temporarily removed from his parents by the juvenile court and the officer has reasonable cause for believing that the minor has left a court-ordered placement (305 W & I).~~

5. The juvenile is a dependent child of the juvenile court and the member has reason to believe that the juvenile has abandoned a court-ordered placement or has otherwise violated an order of the juvenile court (305 W & I).

6. The juvenile has been ordered by juvenile court to be temporarily removed from the custody of his or her parents and a member has reason to believe that the juvenile has abandoned a court-ordered placement or has otherwise violated an order of the juvenile court (305 W & I). Because the conditions above involve children who are not accused of violating any laws, they may be held in a secure facility.

ED. 601 & 602 W & I CODE OPTIONS. When taking a juvenile into temporary custody for violating Sections 601 or 602 W & I Code, ~~an officer shall~~ members have the following options:

1. ADMONISHMENT. If circumstances do not warrant diverting, citing, or booking, members may the juvenile may be admonished the juvenile at the scene, or in the presence of a parent or guardian. Members Juveniles should only be admonished juveniles who when they have no prior police contacts and their whose involvement in the crime is was minimal. When admonishing a juvenile, complete a Field Interview (SFPD 297). Upon admonishment and release of a detained juvenile, the officer shall issue an 849(b)1 p.c. form and prepare an incident report as required by DGO 5.03. Upon admonishment of a juvenile who was free to leave at any time during the contact (i.e. not detained) or briefly detained, members need not issue a certificate of release or complete an incident report. (DGO 5.03)

2. DIVERSION. When admonishment is insufficient, but circumstances do not warrant citing or booking, the officer members may divert the juvenile as follows:

a. 601 W & I VIOLATION. A juvenile may be diverted for 601 W & I violation (runaway, beyond parental control) to the Youth Advocates/ Huckleberry House. 1292 Page Street. A member of the Probation Department will be on duty to process the offender. An Members shall prepare an incident report and an admission form, (SFPD #XXX) and shall attach a copy of the form to the report.

DGO 7.01
Rev. 11/09/04

- b. 602 W & I VIOLATION. ~~If a juvenile has been arrested for a non-violent offense may be diverted provided he/she and~~ has little or no criminal record, ~~the juvenile may be eligible for diversion. diverted To be eligible for diversion,~~ ALL of the following criteria must be met ~~be present~~:
- (1) The juvenile ~~resides~~ must live in San Francisco.
 - (2) The current offense is a misdemeanor or a non-violent felony (~~non-violent means~~ no threats or use of force), and the offense is non-sexual in nature.
 - (3) The juvenile is not in possession of a firearm or narcotics (except ~~small amounts~~ less than one ounce of marijuana), did not resist arrest, is not wanted pursuant to an arrest warrant, and did not commit any traffic violations.
 - (4) ~~The value of property stolen or damaged is less than \$400.00. The~~ value of any property stolen is less than \$400.00 or the damage to any property is less than \$5000.00. (Includes the value of stolen autos only to the extent that they are damaged/stripped.)
 - (5) The juvenile has no prior felony arrests and no more than two misdemeanors arrests.
 - (6) ~~The~~ Verify that the juvenile is not currently on probation and has no cases pending in Juvenile Court. This can be done by contacting YGC or any authorized juvenile receiving facility.
 - (7) The juvenile has not previously been diverted, ~~or who~~ successfully completed a diversion program. Youth Court would be eligible for diversion again. This can be done by contacting YGC or any authorized juvenile receiving facility.
 - (8) The juvenile admits ~~his/her involvement that he or she was involved in~~ committing ~~in~~ the crime and appears to be a good candidate for diversion. The juvenile's statement should be documented in the incident report after he or she is Mirandized.
 - (9) The juvenile's parent(s) or guardian agrees to diversion.
 - (10) The juvenile is not involved in gang activity and has no gang affiliation

(11) The juvenile is not involved in a domestic violence situation. (This may include parent(s), sibling(s), other family members or a person with whom they have a romantic relationship.)

- c. A juvenile who does not meet all the diversion criteria may still be diverted if the member ~~feels~~ believes that there are extenuating circumstances ~~which that~~ indicate demonstrate diversion is appropriate ~~advisable~~. Members shall document these circumstances in the narrative of the incident report.
- d. When diverting a juvenile for a criminal offense (602 W & I), members shall follow these procedures:
 1. Notify the juvenile's parent or guardian and get his/her consent. Inform the parent/guardian that a Diversion Officer will contact him/her. Members shall obtain consent to divert the juvenile from the juvenile's parent or guardian and inform the parent or guardian that a diversion officer will contact him or her.
 2. Complete the Juvenile Diversion Checklist (SFPD 245) and ~~forward~~ fax it with a copy of the incident report to the Juvenile Division.
 3. Members shall submit your attach a copy of SFPD 245 to the incident report (with a copy of SFPD 245) in the normal manner. Members shall enter "x" in the subject code for the juvenile being diverted and list the offense(s) committed. Members shall title the report by naming the incident followed by the phrase "Juvenile Diverted" (e.g., Vandalism/Juvenile Diverted). A juvenile may be diverted in the same incident where others are cited or booked.
 4. Members should forward a photo of Book any evidence in the normal manner. A polaroid photo of the evidence should be forwarded to the Juvenile Division.
 5. Members shall not process or obtain "J" numbers for diverted juveniles. Do not process the juvenile or obtain a "J" number.

F E. CITATIONS. Juveniles may be cited for felonies under Section 602, Welfare and Institution Code (see DGO 5.06, Citation Release). Whenever possible, officers-members should cite juveniles and release them to their parent, guardian or responsible relative. When Members who believe that a violation should be brought to the attention of Juvenile Court, but believe booking the juvenile is not necessary, shall cite the juvenile. the juvenile shall be cited.

DGO 7.01
Rev. 11/09/04

G F. BOOKING. ~~When booking a juvenile, members shall complete an admissions form. If admonishing, diverting or citing is not satisfactory, the juvenile shall be booked. Members shall book juveniles shall be booked~~ when any of the following conditions exists:

1. The ~~gravity~~ seriousness of the offense is such that the release of the juvenile would prove dangerous to the public. ~~welfare.~~
2. The juvenile is arrested pursuant to a warrant.
3. The juvenile is in possession of a firearm.
4. ~~When booking a juvenile, members shall complete an admissions form. Describe the offense i.e., all elements of the crime, and provide a complete narrative of the events leading to the arrest. For example:~~
 1. ~~300 W & I Code shelter.~~
 2. ~~601 W & I Code beyond parental control.~~
 3. ~~602 W & I Code 211 PC (robbery).~~
 - a. ~~Because the above constitute violations of 602 Section Section 602 W & I, the juvenile may be held in a secure facility.~~

54 Pursuant to a memorandum of understanding between the Department of Social Services and the Juvenile Probation Department, members shall book any child children under the age of eleven who is being booked for 602 W&I offenses ~~(H) booked for 602 W & I offenses shall be booked at Children's Protective Services at the Child Protective Center (CPC) rather than~~ not Youth Guidance Center.

H G. NOTIFICATION OF PARENT OR GUARDIAN

1. LOCAL. Whenever a juvenile is taken to or arrives at a district station or other law enforcement facility, the arresting officer is responsible for notifying the juvenile's parent, guardian or responsible relative. Notification may be made by telephone, in person or by leaving a note, ~~or transportation to the juvenile's home as appropriate.~~
2. OUT OF TOWN. If the juvenile resides outside of the city, members shall make a collect telephone call ~~shall be placed~~ to the parent, guardian or responsible relative. When possible, members should attempt to make this call collect. If notification

cannot be made by telephone, members shall arrange for notification through the local law enforcement agency.

3. JUVENILE VICTIMS. A member taking a report from a juvenile who is a victim of a crime, the member shall notify the juvenile's parent, legal guardian, or responsible relative as soon as reasonable. This notification is not to be made in the event that the suspect is a parent, guardian or responsible relative. If the report is being taken at a school, the member may request school personnel make the notification.
4. DOCUMENTING NOTIFICATION. Members shall include in their incident report ~~whether notifications were made~~ how notification was made, or ~~whether other what actions the member took in attempting were taken~~ to notify parents or guardians.
5. WRITTEN STATEMENT. If the juvenile has been taken into temporary custody because of a violation of W & I Code §300, members must inform the parent that a written statement as described in W & I Code §307.4 is available. (Forms can be obtained from Child Protective Services)

I H. SEARCHING JUVENILES. Members shall search juvenile arrestees shall be searched immediately for weapons, contraband and items of evidence. Juvenile searches shall be conducted only by an ~~officer~~ a member of the same ~~sex~~ gender as the juvenile.

1. EXIGENT CIRCUMSTANCES. If ~~an officer~~ a member has knowledge or reasonably believes that a juvenile of the opposite sex has a dangerous weapon concealed upon him or her, the juvenile may be restrained (handcuffed) until search can be made by an ~~officer~~ member of the same ~~sex~~ gender as the juvenile. If there is a life-threatening situation, ~~an officer~~ a member may search a juvenile of the opposite ~~sex~~ gender.

I I. TRANSPORTING JUVENILES

1. WITH ADULTS. Officers Members shall not knowingly transport juveniles with adult arrestees. (XV & W&I)
2. FEMALE JUVENILES. ~~Female juveniles shall, when possible, be transported by female officers. When possible, female members shall transport female juveniles. If a female officer member is unavailable, two male officers members shall transport. The officers must Members shall first notify Communications Division ECD of their destination and the vehicle's starting mileage. Upon arrival officers members must give the vehicle's ending mileage. If a female member is unavailable, then a male member shall transport female juveniles with a supervisor's approval. Prior to the transport, the officer shall broadcast to Dispatch (Communications Division) his or her destination and the police vehicle's starting mileage. Upon arrival, the officer~~

DGO 7.01
Rev. 11/09/04

shall broadcast the vehicle's ending mileage. In both instances, Dispatch shall broadcast and record in CAD a starting time and ending time for the transport.

3. USE OF SEATBELTS. See DGO 9.04, Seat Belt Policy.

K.J. CITATIONS

1. CRIMINAL CITATIONS (602 W & I). See DGO 5.06, Citation Release.
2. TRAFFIC INFRACTION CITATIONS. See DGO 9.01, Traffic Enforcement.

J K. JUVENILE NUMBERS AND PROCESSING

1. JUVENILE NUMBERS. Members shall obtain a juvenile number (J number) must be obtained when formal action is taken against a juvenile under Section 601 or 602 W & I Code or when enroute to the Immigration and Naturalization Service. J numbers, however, are not required for admonishments, diversions, or shelter (300 W & I Code) contacts.
2. PROCESSING. Processing (photographs and fingerprints) of juveniles may be required depending on the nature of the offense and when the juvenile was last processed. Members shall process a juvenile when (a) the juvenile is arrested for any felony offense, or (b) the juvenile is arrested for any firearm or weapon related offense, or (c) sex related offenses, or (d) the juvenile has a failure to appear on his/her record, or (e) the juvenile's identity cannot be confirmed. s identity cannot be ascertained. Methods to confirm identity include CDL, DMV identification card, student body ID card with a photograph, identification by parents, teachers, counselors, prior contacts, etc. When contacting the Identification Section to obtain a "J" number, ask if processing is necessary.
 - a. In cases where you are When booking a juvenile for 601 or 602 W & I Code and it processing is not necessary, members shall to process the juvenile, affix the juvenile's right thumb print on the back of the Police Liaison copy (goldenrod) of the admission form (see Section E.2). Members shall also list in your incident report document in the incident report the method used to confirm the juvenile's identity.

L. CHANGE OF CUSTODY (XV & W&I)

1. If a subject is taken into custody for an adult warrant and, prior to booking, it is discovered that the subject is a juvenile, members shall process the subject as a

juvenile and book him or her at YGC. Members shall notify CJ#1 and have request that a booking form be completed with a notation that the subject is a juvenile and is being held at YGC.

2. If a subject booked at CJ #1 is found to be a juvenile, a ~~Company B~~ unit from Southern Station shall ~~processing and transportation~~ the juvenile to YGC. ~~shall be made by a Company B unit. A wagon may be used~~ If the juvenile is violent, members may use a patrol wagon to transport the juvenile.
3. If a subject over 18 years of age is arrested for a juvenile warrant, members shall book the subject at County Jail #9. YGC if the warrant is the only charge. If there are other charges committed as an adult, notify YGC, book him/her at CJ #1 and place a hold for the Juvenile Court. If the subject has additional charges, members shall notify YGC, book the subject at County Jail #9 and place a hold on the subject for Juvenile Court

~~J. CONSENSUAL SHELTER AND MENTAL HEALTH SERVICES. Section 25.9 of the Civil Code allows a minor age twelve and over to obtain shelter services and / or mental health services without parental consent when he/she is alleged to be a victim of child abuse or incest, or when he/she would present a danger of serious physical or mental harm to self or others. The law requires the shelter to make efforts to notify the parent; however, when mental health services are provided, the professional in charge of treating the minor may determine that it is not appropriate. In summary, the law allows many runaways to legally stay at shelters without parental consent.~~

M. UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR NARCOTICS.

Members shall have juveniles who are under the influence of alcohol or drugs or narcotics shall be taken to MEH taken by paramedics to SFGH for medical examination prior to being booked at YGC. If the juvenile must remain in the hospital and booking is required, members shall complete an admission form must be completed and deliver forward it to YGC.

Members shall place a police hold on the juvenile and request that a counselor be dispatched to the hospital for the purpose of taking custody of the juvenile. and place a police hold on the juvenile. Members shall remain with the juvenile until medically cleared or relieved by the counselor from YGC. and a police hold shall be placed on the juvenile. When released, members a Company D unit shall transport the juvenile shall be transported to YGC. by a Company D unit. A wagon may be used to transfer if the juvenile is violent. Members may use a patrol wagon if the juvenile is violent. Members shall maintain continuous visual observation of the juvenile. If released by medical staff, while still in Police custody, members shall transport the juvenile to YGC. If the juvenile is violent, members may request the patrol wagon from Mission Police Station. (XV 1151)

DGO 7.01
Rev. 11/09/04

N. PSYCHIATRIC CASES. ~~The policies and procedures regarding mentally disturbed juveniles are found in~~ (See DGO 7.02, Psychological Evaluation of Juveniles.)

O. MISSING JUVENILES. See DGO 6.10, Missing Persons.

P. SEXUAL ASSAULTS. See DGO 6.16, Sexual Assaults.

Q. JUVENILE DETENTION DISPOSITION REPORT AND JUVENILE DETENTION SUBSEQUENT REPORT FORMS. (1998 Gang Violence & Juvenile Prevention Act) DB 04-019

1. Members shall complete section (A) of form #JUS 8716 (Juvenile Detention Disposition Report) for any arrest of a minor for any criminal offense except 647 (f) P.C. and Vehicle Code violations that are categorized as infractions.
2. In the instance When a minor is being admitted to Youth Guidance Center (YGC) for a criminal offense, members shall complete section (A) of form #JUS 8716 and submit this form to the on-duty probation officer along with admission form, San Francisco Juvenile Court, Form #1202-03. Members shall also attach a photocopy of the face sheet of form #JUS 8716 to the original incident report to be forward to the Report Management Unit.
3. When members are instructed by the probation officer assigned to the Community Assessment Referral Center (CARC) to transport the minor to the center for citing and release, the member shall complete section (A) of form #JUS 8716. Members shall submit this form to the probation officer. Members shall also attach a photocopy of the face sheet of form #JUS 8716 to the original incident report to be forwarded to the Report Management Unit.
4. If (CARC) is closed or declines to receive a juvenile and the juvenile is not going to be referred to YGC, members shall issue a citation to the minor and release the minor to a responsible adult, members shall complete section (A) of form #JUS 8716 and submit the original form along with an attached photocopy of the incident report through inter-department mail to the Juvenile Division, attention YGC liaison officer. A photocopy of the face sheet of form #JUS 8716 shall be attached to the original report to be forward to the Report Management Unit.

Reference:

DGO 5.03, II. A. (1) and (2); Brief Detentions & Prolonged Detentions

GENERAL ORDERRev. 08/04/04

PSYCHOLOGICAL EVALUATION OF JUVENILES

This order presents guidelines for arrangement of emergency psychological assessment of persons under the age of eighteen, including coordination, emergency medical treatment and filing of criminal charges.

I. INFORMATION AND GUIDELINES

- A. **PSYCHOLOGICAL DISTRESS.** Occasionally, officers may come into contact with a juvenile who appears to be in acute psychological distress. In addition to many other symptoms, this distress may be characterized by severe depression, suicidal behavior, or threats of violence constituting a danger to the juvenile or to others.
- B. **COMPREHENSIVE CHILD CRISIS SERVICE (CCCS).** CCCS is a program of the City and County of San Francisco/ San Francisco Department of Public Health/ Community Behavioral Health Service. It is the City and County of San Francisco's designated agency responsible for psychiatric evaluation of persons under 18 years who may require urgent psychiatric services. CCCS is a 24-hour mobile response unit that has a response time of approximately 30 minutes. The telephone number for CCCS is (415) 970-3800. To obtain an emergency evaluation, call CCCS and request services.
- C. **PSYCHIATRIC EMERGENCY SERVICES (PES).** PES is a holding facility for adults at San Francisco General Hospital, 1001 Potrero Ave, San Francisco, CA. (415) 206-8125. If juveniles need to be assessed in a secure setting, CCCS will determine if the juvenile should go to PES. If CCCS determines that an evaluation should occur at PES, a CCCS team will meet the juvenile and responsible adult at PES. If an adult does not accompany the juvenile to PES, the officer will be required to stay throughout the evaluation. Do not transfer a juvenile to PES without first consulting with CCCS.

II. POLICY

- A. It is the policy of the San Francisco Police Department that officers respond in a helpful manner to juveniles whom they believe to be in acute psychological distress. Pursuant to section 5585.50 of the Welfare and Institutions Code, an officer may take a minor for psychiatric evaluation when the minor, as a result of mental disorder, is a danger to others, is a danger to himself/herself, or is gravely disabled, and authorization for voluntary treatment is not available. These are the same criteria that apply to adults under section 5150 W & I Code.

Members are required to provide a Miranda Advisement only in instances described in the Welfare and Institution Code § 625(c).

III. PROCEDURES.

A. CCCS ASSESSMENT WITHOUT PENDING CRIMINAL CHARGES.

When requesting an assessment, follow these procedures:

1. **NOTIFICATION.** Notify CCCS. CCCS will consult with you and decide where an assessment team will meet with you to conduct the evaluation.
2. **SUPERVISION.** If a responsible adult (parent, legal guardian, or school staff) does not accompany the juvenile, the officer shall remain until the evaluation is complete.

B. CCCS ASSESSMENT WITH PENDING CRIMINAL CHARGES.

When requesting an assessment of a juvenile in custody for a criminal offense, follow these procedures:

1. **CITATION PROCEDURES.** When it is appropriate to issue a criminal citation (see DGO 5.06, Citation Release), telephone CCCS and arrange to have an assessment team meet with you to conduct an evaluation. Members must remain with the juvenile during the evaluation. If the juvenile is not placed on a hold per 5150 W & I, the officer, prior to citing the juvenile, shall contact the authorized receiving facility during their operating hours. A probation officer from the authorized receiving facility, after consulting with the member, will determine whether the arrested juvenile should be brought to his/her facility.
2. **BOOKING PROCEDURE.** When booking is required, follow these procedures:
 - a. Prior to transporting a juvenile, contact CCCS as soon as practical and arrange to have the assessment team meet with you. A member of the assessment team will consult with you and determine where the evaluation should take place. (CCCS may join the officer(s) in the field and evaluate the juvenile at home, school, CCCS office, PES or other locations appropriate for the situation.)
 - b. Stay with the juvenile. If the assessment team decides not to request a psychiatric evaluation (5150 W& I), the arresting officers, prior to

booking the juvenile, shall contact the authorized receiving facility during its operating hours. A probation officer from the authorized receiving facility, after consulting with the member, will determine whether the arresting juvenile should be brought to his/her location.

- c. If the assessment team decides to psychiatrically hospitalize the juvenile for psychiatric evaluation. CCCS staff will make arrangements to secure an inpatient psychiatric bed and transportation to that bed.
- d. Put a "police hold" on the juvenile by filling out the lower portion of "Application for 72-hour Detention for Evaluation and Treatment," under the section labeled "Notification to be provide to Law Enforcement Agency." Notify the staff that you will book the juvenile into Youth Guidance Center in absentia. Leave the juvenile in CCCS custody, complete the admissions form and deliver it to the Youth Guidance Center.

C. NOTIFICATION AND TELEPHONE CALLS.

1. NOTIFICATION. Take reasonable and immediate steps to notify the juvenile's parent, guardian or responsible relative that the juvenile is in custody and is being detained for assessment. Inform the parent or guardian that they may be present during the assessment or should be accessible by phone to talk with CCCS during the evaluation.
2. TELEPHONE CALLS. Advise the juvenile that he/she has a right to make at least (2) completed phone calls: (1) to a parent, guardian, responsible relative or employer, and (1) to an attorney.

D. COORDINATION OF CCCS ASSESSMENT WITH EMERGENCY MEDICAL TREATMENT. When requesting an assessment of a juvenile receiving emergency medical treatment, follow this procedure:

1. NOTIFICATION. Telephone CCCS from the emergency room. CCCS will consult with you regarding coordination of its psychological assessment with the emergency medical treatment. CCCS will respond to the emergency room when the juvenile is medically cleared.

E. COORDINATION OF CCCS ASSESSMENT WITH EMERGENCY MEDICAL TREATMENT OF A JUVENILE IN CUSTODY FOR CRIMINAL OFFENSE. When requesting an assessment of a juvenile who is in custody for

a criminal offense and is receiving emergency medical treatment, follow these procedures:

1. NOTIFICATION. Telephone CCCS from the emergency room. CCCS will consult with you regarding coordination of its psychological assessment with the emergency medical treatment. CCCS will respond to the emergency room when the juvenile is medically cleared.
2. CITATION. If appropriate (see DGO 5.06, Citation Release) cite the juvenile. Prior to releasing the juvenile, arresting officers shall contact the authorized receiving facility during its operating hours. A probation officer from the authorized receiving facility, after consulting with the officer, will determine whether the arrested juvenile should be brought to his/her location.
3. BOOKING. If the juvenile must be admitted to the hospital, and booking is required, place a "police hold" on the juvenile with the emergency room staff by following these procedures:
 - a. Complete the lower portion of the "Application for 72- hour Detention for Evaluation and Treatment" under the section "Notification to be provided to Law Enforcement Agency."
 - b. Complete a YGC Admission Form and deliver it along with a copy of the completed "Application for 72-hour Detention for Evaluation and Treatment" to the Youth Guidance Center. The absentia booking process is complete. The officer shall remain at the hospital until a probation officer from YGC arrives to relieve him/her of responsibility for the juvenile.

F. INCIDENT REPORT

1. NO PENDING CRIMINAL CHARGES. Write an incident report, title it "Aided Case/5150 Evaluation/CCCS."
2. PENDING CRIMINAL CHARGES. If criminal charges are involved, write an incident report and title it by the primary offense, e.g., Battery/Fists/Aided Case/5150 Evaluation/CCCS.

- G. **QUESTIONS.** For consultations or further information, call the Juvenile Division at (415) 558-5500, Monday-Friday, 0900-1700 hours. During non-business hours, contact the Operations Center.
-

Reference

- DGO 5.06, Citation Release
DGO 7.01, Juvenile Policies and Procedures