



## Juveniles

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If an incarcerated individual claims to be less than 18 years of age, notify the Detention Processing Supervisor and Processing Sergeant immediately so that the possible juvenile can be separated from adult incarcerated individuals. The supervisor/sergeant will notify the Watch Commander. A preliminary investigation is done to determine whether the incarcerated individual is/is not a juvenile.

- If the incarcerated individual is a juvenile, the arresting agency is contacted and requested to return to the facility to transport the subject to Juvenile Hall.
- The booking is processed for release indicating the incarcerated individual is "en route to Juvenile Hall".
- When the arresting officer arrives, all property and money is returned and signed for. (The arresting officer may ask to have all property given to them instead of the incarcerated individual due to safety precautions.
- The arresting officer assuming custody of the incarcerated individual will sign the "Release Approval Report" under "Agency Released To".
- In the JIMS notes enter, "**Determined to be a juvenile**" and close out the booking using the OTHER disposition.

Courts may order an incarcerated individual housed in Juvenile Hall be tried as an adult per California Welfare and Institution code 707. This may require delivery to an adult detention facility for booking. When this occurs, process as follows:

1. The juvenile is delivered to the receiving area and kept separated from adult incarcerated individuals
2. The booking process is completed
3. In the JIMS notes enter, "**Incarcerated individual housed at Juvenile Hall**"
4. The juvenile is returned to Juvenile Hall - copies of all court documentation directing future court appearances is sent with the juvenile

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## JUVENILE PROCESSING IN DETENTION FACILITIES

### *Reference Sheriff's Policy and Procedure section Q.9 Processing Juvenile incarcerated individuals in Detention Facilities*

There are two standardized procedures for the "pre-arraignment" and "post-arraignment" processing of juveniles housed or temporarily brought into any Sheriff's detention facility.

#### PRE-ARRAIGNMENT PROCESSING

Whenever an incarcerated individual is booked into a detention facility as an adult, and prior to arraignment is determined to be a juvenile, the following procedures are followed:

1. Inform sworn staff so the juvenile is separated from adult incarcerated individuals.
2. Inform the on-duty Detention Processing Supervisor (DPS).
3. The DPS will inform the Sergeants and Facility Watch Commander.
4. The Watch Commander will assign responsibility to conduct a preliminary investigation to determine whether the incarcerated individual is/is not a juvenile.
5. If the incarcerated individual is a juvenile the arresting agency is contacted and requested to return to the facility to transport the subject to Juvenile Hall.
6. The booking is processed for release indicating the incarcerated individual is "en route to Juvenile Hall".
7. When the arresting officer arrives, return all property and money to the incarcerated individual and have them sign. The arresting officer may ask to have all property given to them instead of the incarcerated individual due to safety precautions.
8. Have the arresting officer assume custody of the incarcerated individual and sign the "Release Approval Report" under "Agency Released to:"
9. Release the officer and incarcerated individual from the facility and close out the booking as "OTHER". Remember in the Notes Section enter, **the incarcerated individual was determined a juvenile.**

Whenever Juvenile Hall incarcerated individuals are certified by the court to be tried as adults per Welfare and Institution code 707 and delivery to a detention facility is required for booking, they are processed as follows:

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1. The juvenile is delivered to the receiving area and kept separated from adult incarcerated individual.
2. Complete the booking process.
3. In the "Notes" section enter: Incarcerated individual housed at Juvenile Hall.
4. The juvenile is delivered to the transporting deputy for return to Juvenile Hall. Copies of all court documents directing future court appearances are sent with the juvenile.

### **POST-ARRAIGNMENT**

When information is received from court that an incarcerated individual at a Sheriff's detention facility is a possible juvenile, the following procedures are followed:

1. The facility Watch Commander is immediately notified. The Facility Watch Commander will:
2. Assign responsibility to conduct a preliminary investigation to determine whether the incarcerated individual is/is not a juvenile.
3. Place the suspected juvenile incarcerated individual in Administrative Separation if, after the investigation, the incarcerated individual is reasonably believed to be a juvenile
4. The juvenile incarcerated individual is kept in Administrative Separation until all necessary arrangements are completed to certify the juvenile incarcerated individual and the "Adult" case to Juvenile Court.
5. The shift Detentions Processing Supervisor is notified to arrange the appropriate criminal court in a timely manner. After the criminal court has certified the suspected juvenile incarcerated individual's case(s) to the Juvenile Court, the shift Detentions Processing Supervisor will notify the Juvenile Hall Duty Supervisor of the certification.
6. Arrangements are made with Sheriff's Transportation personnel to transport the incarcerated individual to Juvenile Hall Intake.
7. All property and money are returned to the incarcerated individual and they will sign for it.

### **TEMPORARY PRESENCE IN A DETENTION FACILITY FOR TESTING**

Procedures for receiving juveniles into a detention facility, for the purpose of conducting chemical testing (i.e., blood test, urine test, or breath test), or for booking as adults (Live scan and Photos) are as follows:

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1. The juvenile incarcerated individual is kept separated from adult incarcerated individuals and the necessary testing conducted in a timely manner.
2. The arresting/transporting officer will remain in the immediate vicinity of the juvenile incarcerated individual.
3. Upon completion of the testing, the arresting/transporting officer will immediately remove the juvenile incarcerated individual from the detention facility.

Court proceedings begin with a petition, normally prepared and filed in court by the District Attorney or the Probation Officer. This petition alleges a minor, falls within the provisions of Section 602 of the California Welfare & Institutions Code (W&I).

Welfare and Institution Code sections 707 and 707.1 govern the conditions under which the court transfers juveniles to a criminal court and/or orders special housing for juveniles.

**707 W&I** – Fitness Hearing provides that a minor may not be appropriately dealt with under the Juvenile Superior Court law

**707.1 W&I** – Minors declared not proper subjects for juvenile law, criminal prosecution, custody, and release provides that a minor whose case was filed directly in or transferred to an adult criminal court, may be delivered to the custody of the Sheriff. The District Attorney has the authority to file petitions in certain specified felony crimes and determine whether the offender should be certified to adult court for trial.

**707.2 WI** - Evaluation of minor by Youth Authority. Prior to the sentence and after considering a recommendation on the issue made by the probation department, the court may remand the minor to the custody of the Department of the Youth Authority for a period not to exceed 90 days for the purpose of evaluation and report concerning their amenability to training and treatment offered by the Department of the Youth Authority.

If the court decides not to remand the minor to the custody of the Youth Authority, the court shall make a finding on the record that the amenability evaluation is not necessary.

**707(b) W&I** – Minors who commit one of the serious offenses are presumed to be unfit for Juvenile Court. Juvenile Court has jurisdiction over the minor until age 25 for a 707(b) offense and age 21 for all other offenses. Juvenile Court and the Probation officer will investigate and evaluate fitness criteria during a Fitness Hearing to determine if the minor is a fit subject for juvenile court law.

If the matter is certified to adult court for trial, the Juvenile Superior Court will suspend its proceedings and direct the District Attorney to begin criminal proceedings in the appropriate adult court of jurisdiction.

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**1767.3 WI - Written Order is a sufficient warrant for any Peace Officer to return (a person) to the custody of the Sheriff. This document orders the person be arrested and detained as a ward of the Youth Authority, pending further instructions. A Youth Authority detainer is entered as a Hold type of arrest if any local or out-of-county charges are pending. If this is the only charge holding the subject in custody, enter the arrest type: Booked – CYA. The document number entered is the “YA” number.**

## **JUVENILE WARRANTS**

Warrants are accepted and booked per **Section 602 W&I**. Each Juvenile Department Warrant is booked separately.

Individuals brought in on a juvenile warrant will not be booked unless they meet one of the following criteria:

- We accept adults on Juvenile Court Warrants if 25 years or over.
- If under 25, we will accept for booking only if there is a court order to house in an adult facility.
- If under 25, we will accept for booking if additional arrests do not originate from Juvenile Court.

The detention processing technician (DPT) will review the Booking Intake/Personal Property Inventory (J-15 form) for the individuals date of birth. This must be done prior to issuing a booking number.

If the DPT determines the individual is 25 years of age or older, they will be booked into Sheriff's custody per the normal booking process.

If the DPT establishes the individual is under 25 years of age and the coinciding criteria are not met, the arresting officer will be redirected to Juvenile Hall.

Any outstanding juvenile court warrant(s) found during a wants and warrants check will be called for and booked.

In the event, the individual is brought in on charges that carry zero bail or on charges that qualify to be processed as book and release, the individual will remain in Sheriff's custody on the juvenile warrant.

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## JUVENILE COURT WARRANT SCHEDULING

All Juvenile Court Warrants will be scheduled for court in JUVSD.

- Juvenile Warrants are sent to court on the 2<sup>nd</sup> (second) court day.
- If accompanied by a field arrest, schedule for the next court day after the field arrest (ARR).

**NOTE: Juvenile warrants are not scheduled per 825 PC.**

## SUPERIOR COURT JUVENILE DIVISION

### ORDER TO PRODUCE

Incarcerated individuals with dependent children who are under the jurisdiction of the San Diego County Department of Social Services are transported and produced in Juvenile Court.

- The name in the heading of the document is not necessarily the person to be produced.
- The person to be transported is named in the body of the order.

## Incarcerated individuals RECEIVED/RETURNED FROM OTHER INSTITUTIONS

### TRANSFERS FROM JUVENILE HALL – ORDER OF DETENTION

On or after the incarcerated individual's 18<sup>th</sup> birthday, the Sheriff may receive and house a transfer from Juvenile Hall. **Charges which are not shown on the document are obtained by contacting Juvenile Hall.** Normally, Juvenile Court cases are “No Bail.” The court destination (JUVEC, JUVNC, JUVSB, or JUVSD), date, and time specified on the court document is entered in Court Scheduling.

### BOOKED IN ABSTENCIA – HOUSED AT JUVENILE HALL

When a court document is received for a person housed at Juvenile Hall, the incarcerated individual is **Booked in Absentia**. Contact Juvenile Hall for Pre-book and Booking information for the incarcerated individual. Once the booking is completed, contact Juvenile Hall with the incarcerated individual's booking number. The incarcerated individual is in “**Temporary out of Custody**” status. Enter “**Booked in Abstencia @ Juvenile Hall**” in the Notes section.

## SUPERIOR COURT REMAND – JUVENILE DEPARTMENT

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In conjunction with criminal proceedings for Sections 601 or 602 W&I, a Superior Court Remand will order the incarcerated individual to appear as a witness in Juvenile Superior Court, in the matter of a minor. The incarcerated individual's name is noted in the body of the remand but may be different from the name in the heading of the document. However, the charge(s) will apply to the person named in the heading of the document. No bail is entered, unless otherwise specified on the order. The court destination indicated on the document is entered in court scheduling.

#### **ORDER CERTIFYING JUVENILE TO JUVENILE COURT**

When the court determines the defendant is a minor, the court will suspend proceedings in adult court and certify the incarcerated individual to Juvenile Court. This document orders the person be tried as a juvenile and housed in Juvenile Hall. Update the computer and prepare the incarcerated individual for release. The incarcerated individual is no longer housed in Sheriff's custody; therefore, the booking is closed with a disposition of PCO (Per Court Order), and an explanation put in the "Notes" section.

The court order and custody records are forwarded to the shift DPS who will arrange for transport to Juvenile Hall (See Detentions P&P Q.9). The Watch Commander is notified prior to beginning the release process. The booking is closed with a disposition of PCO (Per Court Order), and "Enroute to JUV HALL" in the "Notes" section.

***NOTE: Court orders to transfer incarcerated individuals to Juvenile Hall following their 18<sup>th</sup> birthday ARE NOT honored. A forthcoming Transport Order must be received prior to arranging the transfer to Juvenile Hall.***

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