

ARREST OF JUVENILES AND ADULTS

AUTHORITY

California Code Section(s):

Welfare and Institutions Code Sections 625, 626, 627, and 627.5
Penal Code Sections 825, 830.5, 833, 835, 835a, 841, 843, 1203.2, 1203.016,
1203.017, 1203.018, 3450, 3453, 3455, and 3465

Related Probation Officer Procedures:

D9 Division of Juvenile Facilities Commitments
E2 Search and Seizure
E4 Advisement of Rights
E9 Transportation of Offenders
F2 Use of Force
F8 Arming: Use of Firearms
F11 Safety Equipment for Non-Armed Probation Officers
H11 Electronic Monitoring Program (EMP)
H16 Post Release Community Supervision (PRCS)
I10 Juvenile Home Supervision Program (JHSP) and Juvenile Electronic
Monitoring Program (JEMP)

Related Probation Department Policies:

IV32 Department (County) Vehicles

Related Probation PRIORS Procedures:

A1 PRIORS Case Management System

INTRODUCTION

Persons under the age of eighteen (minors) are adjudged wards of the Juvenile Court pursuant to §725(b) of the Welfare and Institutions Code (WIC). Persons age eighteen and older (adults) are granted formal probation by the Criminal Court pursuant to §1203 of the Penal Code (PC), ordered to supervision under Post Release Community Supervision (PRCS), or ordered to Mandatory Community Supervision (MCS) by the Criminal Court. At any time during a period of wardship, or formal probation or community supervision, any Probation Officer who believes there is probable cause that a minor or adult is in violation of any term or condition of his/her probation or community supervision has the legal authority to arrest the person (§625 WIC, §1203.2 PC or §3453(s) PC) and book him/her into a Juvenile Detention Facility (JDF) or the County Jail. This also applies to any minor who is ordered to the Juvenile Home Supervision Program (JHSP) or Juvenile Electronic Monitoring Program (JEMP) (§628.1 WIC) and adults placed on the Electronic Monitoring Program (EMP) (§1203.016 PC, §1203.017 PC and §1203.018 PC) who are determined by the Probation Officer to be in violation of program rules or Court order.

Minors under supervision pursuant to §654 WIC, on probation pursuant to §725(a) WIC, and on Deferred Entry of Judgment pursuant to §790 WIC, and adults monitored in statutory programs such as those defined in §1000 and §1210 PC, shall not be arrested by Probation Officers, for a violation of probation/supervision/diversion, unless pursuant to a valid arrest/bench warrant issued by the Court.

AUTHORIZATION

Section 830.5 PC defines the scope and authority of Probation Officers as peace officers, which includes the power of arrest under specified circumstances. It is the policy of the Probation Department that officers occupying the position of Deputy Probation Officer II, Senior Deputy Probation Officer, Supervising Deputy Probation Officer, Deputy Chief Probation Officer, Assistant Chief Probation Officer, and Chief Probation Officer, who have successfully completed Arrest, Search & Seizure training pursuant to §832 PC and Probation Officer CORE training, are authorized to arrest individuals pursuant to the law and these procedures. Supervisory consultation and approval regarding a possible arrest prior to the actual arrest is always preferred and should occur when possible, but is not mandatory for the positions listed above when the need for an arrest develops suddenly during regular business hours, or the arrest occurs during non-business hours. The supervisor shall be notified as soon as possible during business hours after an arrest has taken place.

Officers occupying the position of Deputy Probation Officer I are authorized to make an arrest pursuant to the law and these procedures after successful completion of Arrest, Search & Seizure training pursuant to §832 PC, but must obtain prior supervisory approval to make the arrest and must be in the presence of a higher ranking officer during the arrest.

The only exception to the above is that any Probation Officer shall receive approval from a supervisor or manager if the Probation Officer is considering arresting a ward who is under post-release county supervision after being released from a commitment to the Division of Juvenile Facilities (DJF). The Probation Officer shall review the case with a supervisor prior to arresting a ward under post-release county supervision from the DJF.

ARREST POLICY

Probation Officers may make an arrest or cause an arrest to occur under the circumstances described below if all the requirements for a lawful arrest are present. Such arrests must ensure the safety of the community and all parties involved, and will occur:

1. To protect the community.
2. To protect the life and/or safety of the offender or other person(s).
3. To ensure an appearance in Court.
4. To implement the specific orders of the Court.
5. To implement the conditions of probation or community supervision.
6. To those people who overtly interfere with the Probation Officer carrying out his/her duties.

Probation Department policy is that all arrests shall be made by at least two Probation Officers or one Probation Officer with law enforcement assistance. Arrests shall not be made without law enforcement assistance when it appears that such action may seriously jeopardize the physical safety of any officer, offender, or any other party. An arrest can only be made by a Probation Officer alone in very limited circumstances in the field where the need to arrest becomes apparent unexpectedly, the individual is the same gender as the officer, and the individual is very cooperative and compliant.

SAFETY

The safety of the Probation Officer(s) conducting the arrest, as well as the offender and any other parties present, is of paramount importance. Arrests should be planned to provide the officer

with the safest conditions possible. The ideal location to make an arrest is in the office where immediate and almost unlimited assistance is available and the setting can be effectively controlled. The least ideal location is in the community. The location that poses the biggest threat is the offender's residence. The officer should keep in mind the threat other family members may pose when making an arrest. Once the offender has been handcuffed, the offender shall be notified of the reason for the arrest. Probation Officers shall not spend time justifying decisions to others present. The Probation Officer may call the parent(s) of a minor after the booking process to further explain the reason for the arrest, if necessary. If safety allows, the Probation Officer shall search the offender immediately and leave valuable possessions or money at the home. If it is necessary to leave the residence immediately, the Probation Officer may search the offender outside before securing him/her in the vehicle.

When arresting a minor on a school campus, a school administrator shall be notified of the arrest, when possible. A public school may require the officer to complete a form stating where the student is being taken and why. The arrest shall be made in the safest location possible. Further, the Probation Officer shall keep confidentiality in mind, and, when possible, the minor shall not be displayed or paraded in front of peers.

If the person being arrested resists and/or attempts to escape, professional judgment and evaluation of the circumstances shall guide any attempt made by a Probation Officer to either subdue or pursue the offender. If the Probation Officer believes his/her safety or the safety of others is in serious jeopardy, or the arrest itself is significantly increasing the safety hazards, the Probation Officer may terminate efforts to affect the arrest. If it will calm the situation, the Probation Officer may leave the scene, if able to do so, and shall immediately seek follow-up assistance from law enforcement. If such assistance cannot be immediately obtained, the Probation Officer shall request a warrant of arrest from the Court at the first available opportunity, to be served by law enforcement.

ADVISEMENT OF RIGHTS

Probation Department policy requires that all offenders, adult and juvenile, are advised of their legal rights prior to questioning by a Probation Officer. Further, §625 and §627.5 WIC requires juveniles to be advised of their legal rights when arrested by any Probation Officer even if not questioned. As soon as possible after an arrest of a juvenile, as soon as safety permits, the minor shall be advised of his/her legal rights by the Probation Officer.

NOTIFICATION OF JUVENILE ARREST

Immediate effort shall be made to notify a parent(s)/guardian(s) of the minor's arrest as soon as possible, if a parent(s)/guardian(s) is not present at the time of arrest. These efforts by the arresting Probation Officer shall include trying to contact the parent(s) at work or home, leaving a message on the home or cell phone number(s), and/or leaving a business card with a note indicating the minor's location and the telephone number for Juvenile Hall or the JTC. The Probation Officer shall make a "Contact" Event in PRIORS indicating the efforts made to notify a parent(s)/guardian(s).

CONSIDERATIONS AFTER ARREST

When there is no other adult present to take control of the offender's residence, the Probation Officer shall secure the residence prior to leaving, which may include turning off lights, locking the exit door upon leaving, etc. Securing the residence may also include checking rooms for

animals, children, an adult sleeping, etc.; however, the Probation Officer shall ensure the offender has a condition of probation allowing search and seizure if anything other than a quick, cursory glance in each room is being considered. A Probation Officer may leave a business card with a note written on it, or may call and leave a telephone message indicating the actions taken.

Any children remaining in the residence must be left with a responsible adult; the Probation Officer can allow a compliant offender to make contact via telephone in order for a responsible adult to respond immediately, or the Probation Officer can make arrangements. If there is no immediate responsible adult to respond immediately, the Probation Officer shall contact the Health and Human Services Agency, Child Protective Services, to take custody of any children.

If the offender needs to make arrangements for care of an animal, the Probation Officer can allow a compliant offender to make contact via telephone in order to secure arrangements, or the Probation Officer can make arrangements. If no arrangements can be made, the Probation Officer or complaint offender may secure the animal to the best of his/her ability with access to water. If necessary, the Probation Officer can contact the El Dorado County Animal Services.

If an offender is prescribed medication and the medication is readily accessible, the prescribed medication shall be brought with the offender to the JDF or the County Jail.

TRANSPORTING OFFENDERS

It is the policy of the Probation Department that an arrested offender being transported to the County Jail or JDF shall be handcuffed with his/her hands behind his/her back (unless belly chain handcuffs are being utilized) and seat belted into the rear passenger seat of the vehicle. Whenever possible, two officers shall be present to transport an offender and a caged vehicle shall be used to transport an offender. It is allowable for a single officer of the same gender as the offender to transport the offender in a caged vehicle, if necessary. When a caged vehicle is used for transport, officer(s) shall sit in the front seat and the offender shall sit in the back. When a non-caged vehicle is used, the second officer shall sit in the back seat behind the driver.

Probation Officers shall assess safety and security issues regarding the transportation of an offender (i.e. background and demeanor of offender, availability of a caged vehicle, availability of Probation Officers, etc.) and law enforcement assistance may be requested to transport arrested persons, if necessary.

When transporting an offender in custody, the “General In Custody Transportation Procedures” as outlined in Probation Officer Procedures Section E9, Transportation of Offenders, shall be followed.

MEDICAL CLEARANCE

A minor taken into custody by a Probation Officer shall be booked into either the Juvenile Hall in Placerville or the Juvenile Treatment Center in South Lake Tahoe, depending on the worksite of the Probation Officer. Under certain circumstances, prior to being booked, a minor must be cleared medically via the Marshall (in Placerville) or Barton (in South Lake Tahoe) Hospital Emergency Room. The Probation Officer shall assure this clearance is completed if any of the following occur:

1. The minor is injured during the course of the arrest (“Provision of First Aid” as outlined in Probation Officer Procedures Section F2, Use of Force, shall be followed).

2. The minor is ill or complains of being ill at the time of the arrest.
3. The minor appears intoxicated or under the influence of drugs/narcotics, or has admitted use within the past eight hours of any intoxicants/illegal substances after being asked by the Probation Officer. If the Probation Officer is uncertain whether medical clearance is necessary for a minor who has recently used alcohol or drugs, the Probation Officer shall contact the shift supervisor at the JDF in which the minor is being booked prior to booking the minor.
4. The minor has a pre-existing injury that may need immediate medical attention and/or clearance.

The Probation Officer shall contact his/her supervisor if questions arise, and/or the shift supervisor at the JDF in which the minor is being booked.

All adults taken into custody by a Probation Officer shall be booked into the County Jail. Jail medical staff is on duty at all times; therefore, medical clearance obtained by the Probation Officer prior to booking is generally not necessary. However, there may be circumstances in which the Probation Officer is told by medical or jail staff that an offender will not be accepted, due to an immediate medical emergency, for example, and the offender will have to be cleared for incarceration at the hospital.

NECESSARY DOCUMENTATION

The appropriate Incident Report form shall be completed as soon as possible after an arrest is made, but no later than the following business day. Additionally, appropriate PRIORS "Arrest" and "Contact" Events shall be completed as soon as possible, by the end of the day on which the arrest was made.

For a minor who is being booked into a JDF, the Probation Officer shall complete form #1a, the Juvenile Detention Facility Booking Sheet. The Probation Officer must write a statement of probable cause in the appropriate section of form #1a, explaining the reason(s) for the arrest. If the Probation Officer knows any classification or medical information that is important to communicate to JDF staff, the Probation Officer shall list this information in the appropriate section of form #1a. Examples may include suicide history, violent history, gang association, sexual orientation of the minor, medication(s) taken by the minor, etc.