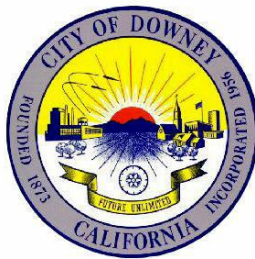


DOWNEY POLICE DEPARTMENT

TRAINING



BULLETIN

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Chief of Police

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SB 394- Primary Caregiver Diversion

Recent legislation has changed what crimes are eligible for Pre-trial Diversion, greatly expanding the number and types of crimes eligible to be dismissed before conviction. This new law creates a need for officers to advise people arrested for DUI of the "Watson Advisement."

Who is eligible for SB 394?

All primary care givers to any minor child. Specifically, *"A custodial parent or legal guardian of a minor child under 18 years of age, presently resides in the same household as that child, presently provides care or financial support for that minor child either alone or with the assistance of other household members, and the defendant's absence in the child's life would be detrimental to the child."*

What crimes are eligible for SB 394 Diversion?

Under SB 394, a person arrested for any, *"Misdemeanor or a nonserious, nonviolent felony, and who are not being placed into diversion for a crime alleged to have been committed against a person for whom the defendant is the primary caregiver,"* may ask the court for a diversion program.

How does this affect the Downey Police Department?

In the past, a person convicted of DUI would be read a "Watson Advisement" by the judge. This allows prosecution of second degree murder if the person kills someone while driving impaired in the future because they were formally made aware of the dangers of driving while intoxicated.

After SB 394, a person arrested for DUI may have their case dismissed after completion of the diversion program and never be advised of the Watson Advisement. Since there is no conviction requirement to be advised of the dangers of DUI, the LA County District Attorney's Office has requested all people arrested for DUI be advised of the Watson Advisement at the time of their arrest.

New DUI Arrest Procedure:

After any person has been arrested for any DUI offense, complete the normal booking procedure. During the booking process, and prior to their release, read verbatim the attached "Watson Advisement," to the arrestee, with your body camera activated. Have them sign the form and attach it to your arrest report. Also indicate in the arrest report, a Watson Advisement was read to the arrestee.

The Watson Advisement form is located on Sharepoint and copies are available to be used in the jail. A copy is attached to this bulletin for your reference.