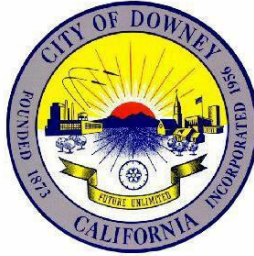


DOWNEY POLICE DEPARTMENT

TRAINING



BULLETIN

Leslie Murray
Chief of Police

No.23-04

Juvenile Arrest Diversion Program

Juvenile diversion is an intervention strategy that redirects youths away from formal processing in the juvenile justice system while still holding them accountable for their actions. The goal of an arrest diversion program is to reduce recidivism or the occurrence of problem behaviors without having to process youth in the justice system formally.

The Downey Police Department has partnered with the Parents, Educators/Teachers, and students in Action through the Juvenile Arrest Diversion Program (PESA-JADP), which the courts have approved. If program requirements are met (see below), juveniles who have committed an eligible offense or show a pattern of truancy, running away, or behavioral problems will be referred for participation in the arrest diversion program in lieu of criminal prosecution. Juveniles who are active gang members are not eligible for referral to this program.

The below information will serve as a guide to the five steps involved in the Downey Police Juvenile Arrest Diversion Program:

Step 1	Juvenile is arrested, and booked.
Step 2	<p>Determine Eligibility for Diversion Program</p> <p>Except for active gang members, all juveniles arrested for an eligible offense are to be referred to the PESA-JADP unless the juvenile's parent/guardian refuses participation in the program. <i>As a requirement for referral into the diversion program, the juvenile's Parent/ Guardian (who could be a facilitator at a group home, etc.) must sign and agree to the terms in the Juvenile Diversion Program Agreement form.</i></p> <p>Offenses Eligible for Diversion - All infractions, misdemeanors, and non-violent felonies (including Estes Robbery, where no firearm was used and no serious bodily injury occurred as a result).</p> <p>Offenses Not Eligible for Diversion - All 707(b) WIC offenses, all offenses involving a firearm, all offenses resulting in serious bodily injury, and all offenses involving a juvenile who failed to complete prior diversion.</p>

Step 3	<p>Completing Diversion Program Forms, Reports, and/or Citations</p> <p><u>Parent/Guardian Approval</u> - If the juvenile meets the criteria and the parent/guardian agrees to participate in the program, officers will fill out both the Juvenile Diversion Program Referral form as well as the Juvenile Diversion Program Agreement form and have the parent/guardian sign them (write the DR# on top of the forms consistent with an attachment). The juvenile will be issued a citation, with a court date listed as 60 days out. The parents will be given a citation as a written promise to appear, the same as the current juvenile arrest process. Once program referral eligibility is established and the appropriate citations and forms are completed, the officer will complete an arrest report and attach the citation(s) and Diversion Program form(s) to the report.</p> <p><u>Parent/Guardian Refusal</u> - If the juvenile or the parent/guardian of the minor refuses participation in the program and refuses to sign the Juvenile Diversion Program Agreement, the officer, in this case, will fill out the Juvenile Diversion Program Referral form and indicate by checking the appropriate area on the form that the parent/guardian refused to sign the agreement (write the DR# on top of the form consistent with attachment). This form will accompany the arrest packet and indicate why the juvenile was not referred to the diversion program. The minor will be issued a citation, with a court date listed 60 days out. The parents will be given a citation as a written promise to appear, consistent with the current juvenile arrest process. Once the appropriate citations and forms are completed, the officer will write an arrest report and attach the citation(s) and Diversion Program form(s) to the report. The case will be assigned and filed by the appropriate detective.</p>
Step 4	<p>Once approved, the detective bureau sergeant(s) will review the case and assign it to the detective as "Open". The handling detective will review the information and, if applicable, send the packet to PESA via fax (818-781-8180) or email (Pesaemmee@gmail.com). The packet should include:</p> <ul style="list-style-type: none"> • The police report. • Criminal history of diverted youth. • Citation(s). • Diversion Program Agreement form. • The Diversion Program Referral form.
Step 5	<p>Once the case is sent to PESA, the detective will make the case "Closed" and continue monitoring the status via months status reports received from PESA. Once a juvenile offender completes the program Downey PD will comply with appropriate sealing statutes.</p> <p>If a juvenile offender fails to complete the program, the detective will file the complaint with the district attorney's office.</p>



City of Downey



DOWNEY POLICE DEPARTMENT

JUVENILE DIVERSION PROGRAM AGREEMENT

The Downey Police Department (hereinafter referred to as “Law Enforcement Agency”), in conjunction with Parents, Education/Teachers & Students in Action (hereinafter referred to as “PESA”) an approved Community Based Organization offer diversion programs for youth who have been accused of committing a crime, who are truant or chronically absent from school, or who are displaying at risk behavior. PESA will balance the needs of the victim, the community, and the youth offender.

Benefits of Participating in a Juvenile Diversion Program:

- Formal criminal charges will not be pursued if the participant successfully completes the diversion program.
- The participant may receive supportive services, such as counseling, mediation, job/life skills training and tutoring to develop proactive skills for academic progress.
- The participant and their families may have accessibility to a variety of programs which support family relationships.

Agreement to Participate:

1. I understand enrollment in this program is voluntary.
2. I agree to fully cooperate with PESA staff including staff of their designated subcontractors, during orientation, throughout the services, and during any monitoring period by PESA.
3. I agree to be responsive when contacts are made by PESA or their designated subcontractors (calls, letters, etc....) and to arrive on time for any appointments, or other requirements of the diversion program.
4. I understand that failure to enroll or failure to satisfactory complete the diversion program will result in my case being returned to the Law Enforcement Agency for booking, arrest, being issued a citation or formal charges being filed against me.
5. I understand that I may withdraw from the program at any time, before its completion and elect to be booked, arrested, being issued a citation or having formal charges being filed against me.
6. I am requesting and authorizing the release of police records, including my criminal history to PESA for use by them to determine what services I need and that I am eligible for diversion.

I understand a representative from PESA will be contacting me to schedule an appointment for orientation.

Date: _____ Participants Name _____ Signature: _____

Date: _____ Parent/Guardian Name _____ Signature: _____

*If the minor is in foster care, the guardian/foster parent may sign above and accompany minor to orientation.

Date: _____ Officer’s Name & Serial Number: _____

Officer’s Contact No. _____ Officer’s Email: _____



City of Downey



DOWNEY POLICE DEPARTMENT

JUVENILE DIVERSION PROGRAM REFERRAL

Diversion Eligible: Yes No Citation Issued: Yes No Diversion Refusal: Yes No

Referral Date: _____ Report No. _____ Report Date: _____

Referral for Truancy: Yes No Referral for at risk behavior not criminal: Yes No

Referring Officer Name/Title: _____ Email: _____ Phone Number: _____

Juvenile Information:

Name: (Last, First) _____ Male Female Other

Home Address: _____ City: _____ Zip Code: _____

Date of Birth: _____ Age: _____ Contact Phone # _____: Other Phone #: _____

Email: _____ Primary Language: _____

School Information:

Name and Address: _____ Phone #: _____ Email: _____

Grade: _____ Student Status: Enrolled Suspended Expelled Not Enrolled

Parent/Guardian Information:

Name: (Last, First) _____ Male Female Other

Home Address: _____ City: _____ Zip Code: _____

Date of Birth: _____ Age: _____ Contact Phone # _____: Other Phone #: _____

Email: _____ Primary Language: _____

Offense: Infraction Misdemeanor Felony

Juvenile and Parent signed agreement: Yes No

Offense Crime(s): _____ Penal Code Section(s): _____

<p>Diversion Eligible Offenses: All Infractions All Misdemeanors Non-Violent Felonies (Estes Robbery is eligible as long as a firearm not involved, serious bodily injury did not occur)</p>	<p>Non-Diversion Eligible Offenses: 707 (b) offenses Offenses involving use of a firearm Offenses resulting in serious injury More than two prior arrests or prior diversions</p>
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Criteria for referral includes but is not limited to the listed offenses. Other offenses may be considered with approval of the Patrol Division Captain.

State of California
WELFARE AND INSTITUTIONS CODE
Section 707

707. (a) (1) In any case in which a minor is alleged to be a person described in Section 602 by reason of the violation, when he or she was 16 years of age or older, of any offense listed in subdivision (b) or any other felony criminal statute, the district attorney or other appropriate prosecuting officer may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. The motion shall be made prior to the attachment of jeopardy. Upon the motion, the juvenile court shall order the probation officer to submit a report on the behavioral patterns and social history of the minor. The report shall include any written or oral statement offered by the victim pursuant to Section 656.2.

(2) In any case in which an individual is alleged to be a person described in Section 602 by reason of the violation, when he or she was 14 or 15 years of age, of any offense listed in subdivision (b), but was not apprehended prior to the end of juvenile court jurisdiction, the district attorney or other appropriate prosecuting officer may make a motion to transfer the individual from juvenile court to a court of criminal jurisdiction. The motion shall be made prior to the attachment of jeopardy. Upon the motion, the juvenile court shall order the probation officer to submit a report on the behavioral patterns and social history of the individual. The report shall include any written or oral statement offered by the victim pursuant to Section 656.2.

(3) Following submission and consideration of the report, and of any other relevant evidence that the petitioner or the minor may wish to submit, the juvenile court shall decide whether the minor should be transferred to a court of criminal jurisdiction. In making its decision, the court shall consider the criteria specified in subparagraphs (A) to (E), inclusive. If the court orders a transfer of jurisdiction, the court shall recite the basis for its decision in an order entered upon the minutes. In any case in which a hearing has been noticed pursuant to this section, the court shall postpone the taking of a plea to the petition until the conclusion of the transfer hearing, and a plea that has been entered already shall not constitute evidence at the hearing.

(A) (i) The degree of criminal sophistication exhibited by the minor.

(ii) When evaluating the criterion specified in clause (i), the juvenile court may give weight to any relevant factor, including, but not limited to, the minor's age, maturity, intellectual capacity, and physical, mental, and emotional health at the time of the alleged offense, the minor's impetuosity or failure to appreciate risks and consequences of criminal behavior, the effect of familial, adult, or peer pressure on the minor's actions, and the effect of the minor's family and community environment and childhood trauma on the minor's criminal sophistication.

(B) (i) Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction.

(ii) When evaluating the criterion specified in clause (i), the juvenile court may give weight to any relevant factor, including, but not limited to, the minor's potential to grow and mature.

(C) (i) The minor's previous delinquent history.

(ii) When evaluating the criterion specified in clause (i), the juvenile court may give weight to any relevant factor, including, but not limited to, the seriousness of the minor's previous delinquent history and the effect of the minor's family and community environment and childhood trauma on the minor's previous delinquent behavior.

(D) (i) Success of previous attempts by the juvenile court to rehabilitate the minor.

(ii) When evaluating the criterion specified in clause (i), the juvenile court may give weight to any relevant factor, including, but not limited to, the adequacy of the services previously provided to address the minor's needs.

(E) (i) The circumstances and gravity of the offense alleged in the petition to have been committed by the minor.

(ii) When evaluating the criterion specified in clause (i), the juvenile court may give weight to any relevant factor, including, but not limited to, the actual behavior of the person, the mental state of the person, the person's degree of involvement in the crime, the level of harm actually caused by the person, and the person's mental and emotional development.

(b) This subdivision is applicable to any case in which a minor is alleged to be a person described in Section 602 by reason of the violation of one of the following offenses:

(1) Murder.

- (2) Arson, as provided in subdivision (a) or (b) of Section 451 of the Penal Code.
 - (3) Robbery.
 - (4) Rape with force, violence, or threat of great bodily harm.
 - (5) Sodomy by force, violence, duress, menace, or threat of great bodily harm.
 - (6) A lewd or lascivious act as provided in subdivision (b) of Section 288 of the Penal Code.
 - (7) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
 - (8) An offense specified in subdivision (a) of Section 289 of the Penal Code.
 - (9) Kidnapping for ransom.
 - (10) Kidnapping for purposes of robbery.
 - (11) Kidnapping with bodily harm.
 - (12) Attempted murder.
 - (13) Assault with a firearm or destructive device.
 - (14) Assault by any means of force likely to produce great bodily injury.
 - (15) Discharge of a firearm into an inhabited or occupied building.
 - (16) An offense described in Section 1203.09 of the Penal Code.
 - (17) An offense described in Section 12022.5 or 12022.53 of the Penal Code.
 - (18) A felony offense in which the minor personally used a weapon described in any provision listed in Section 16590 of the Penal Code.
 - (19) A felony offense described in Section 136.1 or 137 of the Penal Code.
 - (20) Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a controlled substance specified in subdivision (e) of Section 11055 of the Health and Safety Code.
 - (21) A violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, which also would constitute a felony violation of subdivision (b) of Section 186.22 of the Penal Code.
 - (22) Escape, by the use of force or violence, from a county juvenile hall, home, ranch, camp, or forestry camp in violation of subdivision (b) of Section 871 if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape.
 - (23) Torture as described in Sections 206 and 206.1 of the Penal Code.
 - (24) Aggravated mayhem, as described in Section 205 of the Penal Code.
 - (25) Carjacking, as described in Section 215 of the Penal Code, while armed with a dangerous or deadly weapon.
 - (26) Kidnapping for purposes of sexual assault, as punishable in subdivision (b) of Section 209 of the Penal Code.
 - (27) Kidnapping as punishable in Section 209.5 of the Penal Code.
 - (28) The offense described in subdivision (c) of Section 26100 of the Penal Code.
 - (29) The offense described in Section 18745 of the Penal Code.
 - (30) Voluntary manslaughter, as described in subdivision (a) of Section 192 of the Penal Code.
- (Amended by Stats. 2018, Ch. 1012, Sec. 1. (SB 1391) Effective January 1, 2019. Note: This section was amended on March 7, 2000, by initiative Prop. 21.)