

**MARIN COUNTY SHERIFF'S OFFICE
INVESTIGATIONS POLICY AND PROCEDURE MANUAL**

**CHAPTER 2 - JUVENILE
INV 2-3
PAGE 1 OF 6**

**DATE
September 27, 1999
Rev: 01/25/02**

JUVENILE DIVERSION PROCESS

POLICY

The Sheriff's Office realizes that by providing adequate counseling, education and referral services to the Juvenile Offender, the overall best interest of the public is obtained. The function of the Sheriff's Office Juvenile Diversion Program is to balance the best interest of the Juvenile Offender and the interest and safety of the public.

Minors who fall under the jurisdiction of the juvenile court as a consequence of delinquent conduct shall, in conformity with the interests of public safety and protection, receive care, treatment and guidance which is consistent with their best interest, which holds them accountable for their behavior and which is appropriate for their circumstances.

All members of the Sheriffs Department will keep in mind the best interest of the Juvenile Offender and the safety of the public when deciding whether or not to refer the Juvenile Offender to the Sheriffs Office Juvenile Diversion Program.

PROCEDURE

A. Juveniles who qualify for Sheriffs Office Juvenile Diversion

1. Juveniles who fall under to authority of W&I 601
 - a. Runaway Juveniles
 - b. Juveniles who habitually refuse to obey their parents
 - c. Juveniles who habitually refuse to attend school

2. Juveniles who fall under the authority of W& I 602 and
 - a. are first time Misdemeanor offenders and
 - b. are not currently on Juvenile Probation and
 - c. will benefit from referral to Juvenile Diversion

B. Juveniles who DO NOT qualify for Sheriffs Office Juvenile Diversion

1. Juveniles who fall under authority of W&I 602 and
 - a. are suspected of Felony violation(s) or
 - b. are currently on active Juvenile Probation or have past involvement with Juvenile

Probation or

- c. would not benefit from Juvenile Diversion

C. Referral into the Sheriffs Office Juvenile Diversion Program

1. Juveniles who qualify for referral into the Juvenile Diversion Program will be referred by the arresting officer through issuance of a Marin County Sheriffs Office Juvenile Citation.
2. At the time of issuance, Comm. Center will be notified, provided with the Juvenile's name, date of birth, offense, and Case Number.
3. Comm. Center will enter this information on the Juvenile Diversion Log and will provide the deputy with the next available Juvenile Diversion date and time, (to be held every Wednesday, on the hour).
4. The issuing deputy will enter the time and date of the scheduled Diversion Hearing on the citation and will have either the juvenile or his parent/guardian sign the citation.
5. The deputy will provide the juvenile or parent/guardian with the original copy of the citation and will attach the copy of the citation to his report.
6. The deputy will contact the parent/guardian and advise of the issuance of the citation to their son/daughter in the event the parent/guardian was not available when the citation was issued.
7. The deputy, whenever practical, will fingerprint and photograph all juveniles who are issued a citation for W&I 602 violations. The deputy will forward the fingerprints and photograph to the Juvenile Section of the Investigations Division

D. Juvenile Diversion Hearing

1. The Juvenile Diversion Hearing will be conducted by a Detective assigned to the Juvenile Section of the Investigation Division.
2. The Detective will assure that the juvenile and his parent/guardian both attend this Diversion Hearing.
3. The Detective will begin the Diversion Hearing by first briefing the parent/guardian of the nature of the offense and the options available to the juvenile. The assigned Detective will also obtain any additional information he/she deems appropriate to making a determination regarding the Diversion Process.
4. The Detective will verify that fingerprints and photographs were obtained for all juveniles who fall under the authority of W&I 602. A copy of the fingerprints and photo will be retained in a Juvenile File at the Juvenile Section of the Investigations Division. (In the case of a retainable offense, the assigned Detective will provide a copy of the fingerprints to the Identification Section, who will then route them to the proper Automated Fingerprint Identification System this copy to the Department of Justice.)
5. The Detective will provide the offending juvenile with adequate counseling and guidance so that the juvenile can make better and more educated decisions in the future.

6. If after assessing the entire totality of the circumstances surrounding the juvenile and related offense, the Detective deems a Diversion Process as not being appropriate, the Detective will refer the juvenile and case to the Marin County Juvenile Probation Department for any further disposition. The Detective will do this by issuing the juvenile a Marin County Juvenile Probation Citation
7. If the juvenile is deemed appropriate for a Diversion Process, he/she may be referred to any of the listed Diversion processes.
8. After completion of the assigned Diversion Process, the assigned Detective will close the case with no further pending action.
9. The Detective will provide the parent/guardian with information regarding Sealing a Juvenile Record.
10. If the juvenile and his parent/guardian fail to appear for the scheduled Diversion Hearing, the Detective will forward the related case to the Marin County Juvenile Probation Department for further disposition. The Detective will then issue the juvenile a Marin County Juvenile Probation Department Citation, writing "Notified by U.S. Mail" on the signature space and will then mail the original copy of the citation to the juvenile's parent/guardian.
11. In all cases where a juvenile is referred to the Sheriffs Office Diversion Program, the Detective will prepare a subsequent report documenting whatever action resulted from the Diversion Process.

E. Diversion Referrals

1. Assignment to Community Service
 - a. The Detective will refer the juvenile to a determinate number of Community Service hours, at a non-profit organization, by a specified date.
 - b. The Detective will complete a Community Service Referral form. The original will be given to the juvenile or his parent/guardian and a copy will be attached to a subsequent report prepared by the assigned Detective. The Detective will also complete a Community Service Referral and will mail this form to the assigned agency.
2. Assignment to the Youth Substance Abuse Program
 - a. The Detective will refer the juvenile to the Youth Substance Abuse Program (YSAP) held by New Perspectives on the campus of Redwood High School.
 - b. The Detective will complete a YSAP Referral Form. The original will be given to the juvenile or his/her parent/guardian and a copy will be attached to a subsequent report prepared by the Detective. The assigned Detective will also mail a copy to the YSAP Program.
3. Assignment to the STAR Program at the Marin YMCA
 - a. The Detective will refer the juvenile to the STAR (Starting to Accept Responsibility) Program at the Marin YMCA located in Terra Linda.
 - b. The Detective will complete the STAR Referral Form. The original will be given to

the juvenile or his/her parent/guardian and a copy will be attached to a subsequent report prepared by the Detective. The Detective will mail a copy to the Marin YMCA STAR Program director.

4. Referral to Community Resources
 - a. The Detective will refer the juvenile and his/her parent/guardian to an appropriate counseling/mediation service within Marin County (Refer attached Community Referral List).
5. The Juvenile Detective will maintain logs, in the Juvenile Unit of the Investigations Division, in order to ensure that any assigned Diversion Process is completed in a timely fashion. Any failure by the juvenile to complete the assigned Diversion Process by the completion date will mandate that the case be forwarded to the Marin County Juvenile Probation Department for any further disposition.

RELATED STANDARDS

Welfare and Institution Code
California Law Relating to Minors

AFFECTED DIVISIONS

Patrol Division
Investigations Division
Communications Division

ATTACHMENTS

Marin County Sheriffs Office Juvenile Citation
Marin County Juvenile Probation Department Citation

DATE OF REVISIONS

9/27/99
01/25/02

By Order of



DANIEL PAYNE, CAPTAIN
BUREAU OF FIELD SERVICES

MARIN COUNTY SHERIFF'S OFFICE
JUVENILE CITATION

TO _____ PARENTS AND/OR GUARDIAN _____ RELATIONSHIP TO JUVENILE _____

ADDRESS _____ PHONE _____

RE: _____ NAME OF JUVENILE _____ BIRTHDATE _____ SCHOOL _____

You are hereby cited to appear at the Sheriff's Department, Juvenile Division, Hall of Justice, Room 167, Civic Center
on _____ the _____ day of _____, 19____, at _____ am/pm
to show cause, if any, why a petition should not be filed in the Juvenile Court, alleging that your son/daughter comes within the provisions of
Section 653 of the Welfare and Institutions Code of the State of California, in that on or about _____
the _____ day of _____, 19____, in the vicinity of _____ your son/daughter did (Description of
Offense) _____

_____ I promise to appear at the time and place indicated above
with my Parents/Guardian/Child.
ARRESTING OFFICER _____

White: Original to Parent or Juvenile
Yellow: Copy to Files of Juvenile Bureau

SIGNATURE OF JUVENILE OR PARENT
Signing this form is a Promise to Appear before the Juvenile
Officer and not an admission of guilt.

MARIN COUNTY PROBATION DEPARTMENT
JUVENILE CITATION

DATE ISSUED: _____
TIME ISSUED: _____

CASE # _____

TO: _____
(PARENT AND/OR GUARDIAN) RELATIONSHIP TO JUVENILE

ADDRESS: _____ PHONE _____

RE: _____
NAME OF JUVENILE BIRTH DATE AGE RACE

YOU ARE HEREBY CITED, PURSUANT TO SECTION 626 (c) OF THE WELFARE AND INSTITUTION CODE OF THE STATE OF CALIFORNIA, TO APPEAR AT THE PROBATION DEPARTMENT OFFICE. WHEN NOTIFIED, TO SHOW CAUSE, IF ANY YOU HAVE. WHY A PETITION SHOULD NOT BE FILED IN THE JUVENILE COURT. ALLEGING THAT YOUR CHILD COMES WITHIN THE PROVISIONS OF SECTION 601 OR 602 OF THE WELFARE INSTITUTIONS CODE OF THE STATE OF CALIFORNIA, IN THAT ON OR ABOUT THE DAY OF _____ 19____.

IN THE VICINITY OF _____
YOUR CHILD DID:
(DESCRIPTION OF OFFENSE) _____

(CODE SECTION) _____

PROBATION

(PARENTS/GUARDIAN) CHILD.

I PROMISE TO APPEAR WHEN NOTIFIED BY THE

DEPARTMENT WITH MY

CITING OFFICER

DEPARTMENT

PARENT

SIGNATURE OF JUVENILE OR

SIGNING THIS FORM IS PROMISE TO APPEAR BEFORE THE COUNTY PROBATION OFFICER OF MARIN COUNTY AND IS NOT AN ADMISSION OF GUILT. FAILURE TO APPEAR AS PROMISED CONSTITUTES A MISDEMEANOR. (SECTION 214, WELFARE AND INSTITUTIONS CODE.)

WHITE Original to parent or juvenile
YELLOW copy to Probation Department
PINK copy to files of Referring Department