

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

JUVENILE INTERROGATION

Authority:

Tracy Reece, Chief Probation Officer

Purpose:

To establish guidelines for custodial interrogation of juveniles who are under the age of 18, by any peace officer.

Definitions:

Welfare and Institutions Code 625.6: Establishes new rules when a peace officer conducts a custodial interrogation of a juvenile and requires that a youth under 18 years of age must be given access to an attorney before they waive their Miranda Rights.

Welfare and Institutions Code 625.6(d): This section does not require a probation officer to comply with subdivision (a) of Section 625.6 of the Welfare and Institutions Code in the normal performance of their duties under Section 625, 627.5, or 628 of the Welfare and Institutions Code.

Responsibilities:

- I. Intake Probation Officer (PO)/Supervising Probation Officer (SPO)/Watch Commander(WC):
 - A. When receiving a clearance call for a new law violation and the offender is under 18 years of age, ask the deputy/officer if an attorney was contacted.
 1. If the attorney was contacted, note the name of the attorney and if the youth has waived their rights in CE in the institutions section listed under details.
- II. Intake Probation Officer/Supervising Probation Officer:
 - A. Prior to interviewing the youth for the detention report, if the youth is under the age of 18 and has not contacted an attorney, contact the existing attorney of record. If they do not have an attorney of record, contact the on-call Deputy Public Defender at [REDACTED].
 - B. Upon contact, the probation officer shall acquire the name of the attorney prior to allowing the youth to speak with the attorney. The probation officer shall maintain visual supervision of the youth to allow for confidentiality during the telephonic contact with the attorney.
 - C. If the attorney wishes to meet with the youth in person or conduct a video conference interview, accommodate this by referring the attorney to the WC to make an appointment and proceed with the intake process, without discussing the offense.
 - D. If attorney contact is unsuccessful:
 1. Note efforts to contact the attorney in CE under collateral contact and do not interview the youth regarding the offense.
 2. Document the outcome in the Detention Report using the applicable statement:
 - a. The youth's attorney of record was contacted pursuant to WIC 625.6. The youth was advised by their attorney not to discuss the instant offense. Therefore, no statement was obtained from the youth.
 - b. The on-call Deputy Public Defender was contacted pursuant to WIC 625.6. The youth was advised by the attorney not to discuss the instant offense. Therefore, no statement was obtained from the youth.
 - c. Attempts made to contact the youth's attorney of record pursuant to WIC 625.6 were unsuccessful. Therefore, no statement was obtained from the youth.

- d. Attempts made to contact the on-call Deputy Public Defender pursuant to WIC 625.6 were unsuccessful. Therefore, no statement was obtained from the youth.
- E. If attorney contact is successful:
 - 1. If the youth's attorney allows the youth to discuss the offense, either through Probation's contact or the LE officer's contact with the attorney, Probation may proceed according to established process with Miranda and subsequent questioning regarding the offense.
 - 2. Successful attorney contact shall be documented in CE under institution section listed under details.

III. Arresting Probation Officer/Supervising Probation Officer:

- A. Should a PO or SPO arrest a youth under the age of 18 for a new law violation, the youth will be allowed to consult with legal counsel in person, by telephone, or by video conference prior to a custodial interrogation and before waiving any of the above-specified rights.
- B. Document efforts to contact legal counsel in CE-Collateral Contact.

Guidelines:

- A. Public Safety Exception: Pursuant to Welfare and Institutions Code section 626.6(c), exceptions to attorney consultation may exist when:
 - 1. The officer who questioned the youth reasonably believed the information they sought was necessary to protect life or property from imminent threat.
 - 2. The officer's questions were limited to only those questions that were reasonably necessary to obtain information regarding the protection of life or property.
- B. When a "Public Safety Exception" occurs, notate all details in CE-Supervision Note and in the Intake Report.
- C. When a youth is arrested solely for a probation violation or warrant, the probation officer is not required to contact the attorney.
- D. WIC 625.6 does not prevent the intake officer from asking the necessary clearance details for booking.
- E. The consultation cannot be waived, even if the youth is advised of their Miranda Rights and agrees to answer questions regarding the new offense.

Inspections:

Refer to the Policy and Procedure Inspection Matrix.

Foundation:

Miranda v. Arizona (1966)

Senate Bill Number 203

Welfare and Institutions Codes 625, 625.6, 627.5, and 628.

References:

Waiver of Rights

Caseload Explorer Documentation

Replaces:

Temporary Department Order #61- Juvenile Interrogation

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Issued by:  _____
Tracy Reece, Chief Probation Officer

5-12-21
Date

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