
JUVENILE ARREST/CITE PROCEDURE

4100.1 PURPOSE

This procedure establishes guidelines for when Notices to Appear or Applications for Petitions are submitted on all juvenile arrest cases.

4100.2 INTRODUCTION

A juvenile comes within the jurisdiction of the juvenile court under one of the following circumstances:

- If the juvenile does not have adequate parental care (W&I 300)
- If the juvenile persistently violates his parents directions or the rules of society (W&I 601 – status offenders, curfew and school attendance laws)
- If the juvenile violates any federal, state, or local city ordinances (W&I 602). Minors under the age of 14 years are presumed incapable of criminal intent unless they knew the wrongfulness of the act. In criminal cases, the prosecution bears the burden of proving the juvenile committed the offense

4100.3 JUVENILE TRAFFIC COURT CASES

Juveniles arrested for any of the following offenses shall be issued a citation and ordered to appear in court. A crime report must be completed. No Juvenile Petition Should be attached.

4100.3.1 OFFENSES

- SAMC 10-183(a) – Curfew (Juvenile Court)
- SAMC 10-197 – No Bike License (Probation Department)
- CVC 23140 – Minor Driving With BAC of .05% or more (Probation Department)
- CVC 21200.5 – DUI On A Bike (Probation Department)
- CVC 23222(a) & (b) – Possession of Open Alcoholic Beverage In Vehicle (Probation Department)
- B&P 25662 – Minor Possessing Alcoholic Beverage (Juvenile Court)
- H&S 11357b – Possessing Marijuana, Less Than One Ounce (Infraction) (Probation Department)
- CPC 602m – Trespassing (Juvenile Court)
- CPC 647f – Drunk In Public (Probation Department)
- H&S 11357(e) - Possessing Marijuana on a School Campus (Probation Department)

4100.3.2 PROCEDURE FOR PREPARING CASES

- Complete report and citation, listing the specific violations

Santa Ana Police Department

Santa Ana PD Procedures Manual

JUVENILE ARREST/CITE PROCEDURE

- Include the minor's parent/guardian information and telephone number on the cite
- Assign a date 4-5 weeks in the future, on any non-holiday, Monday through Thursday
- Advise the juvenile he/she must be accompanied by a parent/guardian when making the court appearance
- Include the minor's current school information
- Fingerprint the minor. Imprint should be placed on the reverse side of the citation. Scan the citation into RMS. Submit the citation via the Station Supervisor.

4100.3.3 COURT OF APPEARANCE

Juvenile Traffic Court is located at:

341 the City Drive South, Orange, CA 92868, Lamoreaux Justice Center

4100.4 JUVENILE CENTRAL COURT CASES

Juveniles arrested for any of the following offenses shall be issued a citation and ordered to appear in court. This applies to all juveniles under the age of 18 years. No Juvenile Petition should be attached.

4100.4.1 OFFENSES

- CPC 308(b) – Minor Possessing Tobacco Products (Probation Department)
- CPC 640 – Acts Committed On Facilities, Vehicles of Transportation Systems (Probation Department)
- CPC 640a – Use of Slugs In Vending Machines (Juvenile Court)
- B&P 25658 – Furnish Alcohol To Minor (Probation Department)
- B&P 25658.5 – Minor Purchase or Attempt To Purchase Alcohol (Juvenile Court)
- B&P 25661 – Possession of False ID By Anyone Under 21 Years Who Attempts To Use That ID To Purchase Alcohol (Juvenile Court)
- ALL infractions of any SAMC offenses relating to traffic violations (Superior Court)
- ANY infraction or misdemeanor of the Vehicle Code, not declared to be a felony except, violations of section CVC 23152, 20001a & 20002a – these violations must be included on a petition, and no citation shall be issued (Probation Department)

4100.4.2 PROCEDURE FOR PREPARING CASES

- Complete report and citation, listing the specific violations
- Include the minor's parent/guardian information and phone number on the cite
- Assign a date 4-5 weeks in the future, on any non-holiday, Monday through Friday
- Advise the juvenile he/she must be accompanied by a parent/guardian when making the court appearance
- Include the minor's current school information

Santa Ana Police Department

Santa Ana PD Procedures Manual

JUVENILE ARREST/CITE PROCEDURE

- Fingerprint the minor. Imprint should be placed on the reverse side of the citation
- Scan the citation into RMS and submit the citation via the station supervisor

4100.4.3 COURT OF APPEARANCE

Central Justice Center

- 700 Civic Center Drive West, Santa Ana, CA 92702

4100.5 JUVENILE COURT CASES

The following offenses will be heard in the Juvenile Court and shall be submitted via an Application for Petition, (County of Orange Probation Department form F057).

Note: It is not necessary to issue the juvenile offender a citation when submitting the case on a petition.

4100.5.1 OFFENSES REFERRED TO THE PROBATION DEPARTMENT

- CVC sections 23152, 20001a, & 20002a (Probation Department & Application)
- CPC 594 – All subsections (Probation Department & Application)
- CPC 602.8A – Trespassing (Juvenile Court)
- W&I 777 – Violation of Juvenile Probation(Probation Department & Application)
- Any SAMC offense not previously listed (e.g. 14-53 – dangerous fireworks; 16-1 – littering; 21-5 – business license required; 10-33 – drinking in public; 10-34 – urinate/evacuate bowels in public; 10-149 – discharge of firearms, air gun or other weapon)
- All Felony offenses (Probation Department & Application)
- All Misdemeanor offenses not previously listed (Probation Department)

4100.5.2 PROCEDURE FOR PREPARING CASES

1. Complete crime arrest report, listing the juvenile's complete name, age, birth date, physical description, home address, telephone number, current school name attending.
2. List the juvenile's parent/guardian information on the report, as well as their business telephone number.
3. Complete an Application for Petition. Arresting officer completes the "Police Use Only" section of the petition. Parent /guardian information is included. Arresting officer prints and signs their name in the space provided.
4. Scan the juvenile petition as an attachment into RMS. Submit Application for Petition via the station supervisor. Ensure the juvenile has been fingerprinted and photographed prior to release to parent, or transportation to the Orange County Juvenile Hall.

Santa Ana Police Department

Santa Ana PD Procedures Manual

JUVENILE ARREST/CITE PROCEDURE

4100.6 IMPORTANT REMINDERS

1. Any probationer arrested must have a petition completed. Probation must receive a petition to allege a probation violation (W&I 777). Combine W&I 777 with the new charge. NO CITATION is required.
2. CJIs should be run and attached to every juvenile arrest to determine probation status.
3. If an officer wishes to combine different category types (e.g. SAMC 10-183(a) with CPC 308b violations) the minor should be cited on one Notice to appear and advised to appear in the Juvenile Traffic Court.
4. All citations issued on youth under 12 years of age, all felonies and all applications for petition must be filed with the Probation Department, regardless of the violation cited.

4100.7 SUMMARY

Officers are advised that nothing within this procedure precludes the officer from submitting an Application for Petition to the Probation Department, if he/she determines a serious misdemeanor violation warrants the processing of the juvenile offender under section 602 W&I, rather than issuing a citation.

4100.8 JUVENILE COURT GUIDELINES (ATTACHMENT)

See attachment: [Court Guidelines.pdf](#)

Attachments

Court Guidelines.pdf



Chambers of
KIRK NAKAMURA
PRESIDING JUDGE

Superior Court of California County of Orange

CENTRAL JUSTICE CENTER
700 CIVIC CENTER DRIVE WEST
SANTA ANA, CA 92701

October 23, 2019

M-E-M-O-R-A-N-D-U-M

To: All Orange County Law Enforcement Agencies
Orange County Probation Department

From: Honorable Kirk Nakamura, Presiding Judge, Superior Court
Honorable Joanne Motoike, Presiding Judge, Juvenile Court

Subject: **AMENDED JUVENILE TRAFFIC AND MINOR OFFENSE CITATIONS**

This memorandum supersedes the memorandum of the same subject, dated July 2, 2007, and applies to citations issued to persons between the ages of 12 and 17 years of age on or after December 1, 2019.

Superior Court Judges and Commissioners are authorized to adjudicate designated juvenile offenses pursuant to *Superior Court Administrative Order 01/2: Miscellaneous Order 900.3*. The violations impacted by this order have been revised, effective December 1, 2019. This memorandum is intended to provide law enforcement with notice of the change as well as an amended filing guideline.

Law Enforcement Agencies should follow the *Juvenile Citation Filing Guidelines* to ensure citations issued for designated offenses have the appropriate court location marked for appearance. Citations issued with the incorrect appearance location may be returned to the filing agency for correction. Citations will be filed at the Superior Court, Juvenile Court or Probation Department as indicated on the guidelines provided.

This memorandum does not preclude the submittal of an Application for Petition by law enforcement to the Probation Department for appropriate action, if it is determined that a serious misdemeanor violation warrants the processing of the minor under section 602 of the Welfare and Institutions Code.

Questions may be directed to the Juvenile Court Operations Manager at (657) 622-5520.

Kirk H. Nakamura
Presiding Judge, Superior Court

Joanne Motoike
Presiding Judge, Juvenile Court

ATTACHMENT: Juvenile Citation Filing Guidelines for citations filed on or after December 1, 2019

JUVENILE CITATION FILING GUIDELINES - CITATIONS ISSUED ON OR AFTER DECEMBER 1, 2019

SUPERIOR COURT (JUSTICE CENTERS) VIA CITATION <i>Cite to appear at the Superior Court</i>	JUVENILE COURT VIA CITATION <i>Cite to appear at the Lamoreaux Justice Center</i>	PROBATION DEPARTMENT VIA CITATION <i>Cite to appear at the Lamoreaux Justice Center</i>
BUSINESS AND PROFESSIONS CODE None	BUSINESS AND PROFESSIONS CODE <i>Infractions</i> filed via citation The following <i>misdemeanors</i> filed via citation: BP 25658.5 – Attempting to purchase alcohol BP 25661 – False identification BP 25662 – Possession of alcohol	BUSINESS AND PROFESSIONS CODE <i>Misdemeanors</i> filed via citation <u>except</u> those listed under Juvenile Court.
HEALTH AND SAFETY CODE None	HEALTH AND SAFETY CODE None	HEALTH AND SAFETY CODE <i>Infractions</i> filed via citation <i>Misdemeanors</i> filed via citation
FISH & WILDLIFE or PUBLIC RESOURCE CODE (CODE OF REGULATIONS TITLE 14) <i>Infractions</i> filed via citation <u>except</u> citations issued to youth under 12 years of age	FISH & WILDLIFE or PUBLIC RESOURCE CODE (CODE OF REGULATIONS TITLE 14) <i>Misdemeanors</i> filed via citation	FISH & WILDLIFE or PUBLIC RESOURCE CODE (CODE OF REGULATIONS TITLE 14) None unless filed with an application for petition
HARBORS AND NAVIGATION <i>Infractions</i> filed via citation and any equipment or registration provisions <u>except</u> citations issued to youth under 12 years of age	HARBORS AND NAVIGATION <i>Misdemeanors</i> filed via citation	HARBORS AND NAVIGATION None unless filed with an application for petition
LOCAL ORDINANCE <i>Infractions</i> filed via citation <u>except</u> violations relating to curfew, loitering, alcohol or drug offenses, and citations issued to youth under 12 years of age	LOCAL ORDINANCE <i>Misdemeanors</i> or <i>infractions</i> filed via citation relating to curfew, loitering, alcohol or drug offenses	LOCAL ORDINANCE <i>Misdemeanors</i> filed via citation <u>except</u> those listed under Juvenile Court
ALL OTHERS None	ALL OTHERS <i>Infractions</i> filed via citation	ALL OTHERS <i>Misdemeanors</i> filed via citation

File citation with the Superior Court according to the *Court Designation List* posted on www.occourts.org

File citation with the Juvenile Court:
Lamoreaux Justice Center
341 The City Drive South
Orange, CA 92868

File citation or application with the Probation Department located at 301 The City Drive South, Orange or by mail to:

Orange County Probation Department
Attn: Records Unit – MOB 4th Floor
P.O. Box 10260, Santa Ana, CA 92711

Applications for a petition on a misdemeanor offense should include the JUS 8716/8717 form.

JUVENILE CITATION FILING GUIDELINES - CITATIONS ISSUED ON OR AFTER DECEMBER 1, 2019

LAW ENFORCEMENT CITATION FILING RULES APPLICABLE TO ALL VIOLATIONS

All citations issued on youth under 12 years of age, all felonies and all applications for petition must be filed with the Probation Department, regardless of the violation cited.

Law enforcement personnel are advised that nothing contained in this guideline precludes the submittal of an application for Petition by law enforcement to the Probation Department for appropriate action, if it is determined that a serious misdemeanor violation warrants the processing of the minor under WIC 602.

SUPERIOR COURT (JUSTICE CENTERS) VIA CITATION <i>Cite to appear at the Superior Court</i>	JUVENILE COURT VIA CITATION <i>Cite to appear at the Lamoreaux Justice Center</i>	PROBATION DEPARTMENT VIA CITATION <i>Cite to appear at the Lamoreaux Justice Center</i>
<p align="center">VEHICLE CODE</p> <p align="center"><i>INFRACTIONS ONLY</i></p> <p><i>Infractions</i> filed via citation under the following divisions <u>except</u> citations issued to youth under 12 years of age:</p> <p>Division 2: Administration</p> <p>Division 3 & 3.5: Registration</p> <p>Division 7: Financial Responsibility</p> <p>Division 11: Rules of the Road violations <u>except</u> offenses listed under Juvenile Court or Probation Dept. (bike helmet, under the influence, or possession violations)</p> <p>Division 12: Equipment of Vehicles</p> <p>Division 16.5: Off Highway Vehicles</p>	<p align="center">VEHICLE CODE</p> <p><i>Infractions</i> filed via citation, including:</p> <p>VC 21212 - Bike helmet</p> <p>VC 23223 - Possession of open container in motor vehicle</p> <p><u>Excludes</u> violations listed under Superior Court or Probation Dept</p> <p><i>Misdemeanors</i> filed via citation, including:</p> <p>VC 12500 - Driving without a license</p> <p><u>Excludes</u> violations listed under Superior Court or Probation Dept</p>	<p align="center">VEHICLE CODE</p> <p>VC 21200.5 - Riding bike under the influence</p> <p>VC 21221.5 - Driving motorized scooter under the influence</p> <p>VC 21296 - Driving electronic motorized board under the influence</p> <p>VC 23136 - Driving under the influence BAC = > 0.01</p> <p>VC 23140 - Driving under the influence BAC = > 0.05</p> <p>VC 23220 - Drinking alcohol, smoking, or ingesting marijuana in vehicle on lands</p> <p>VC 23221 - Drinking alcohol, smoking, or ingesting marijuana in vehicle on highway</p> <p>VC 23222 - Possession of open container or cannabis while driving</p> <p><i>Misdemeanors</i> filed via citation for the following offenses:</p> <p>VC 14601(a) - Driving on suspended license</p> <p>VC 14601.2 - Driving on suspended license (DUI conviction)</p> <p>VC 23152 - Driving under the influence BAC = >0.08</p> <p>VC 23153 - Driving under the influence w/bodily injury</p>
<p align="center">PENAL CODE</p> <p>None</p>	<p align="center">PENAL CODE</p> <p><i>Infractions</i> filed via citation</p> <p>The following <i>misdemeanors</i> filed via citation:</p> <p>PC 602(m) - Trespassing</p> <p>PC 640a - Use of slug/counterfeit coin</p>	<p align="center">PENAL CODE</p> <p><i>Misdemeanors</i> filed via citation, including:</p> <p>PC 647(f) - Public intoxication</p> <p><u>Excludes</u> violations listed under Juvenile Court</p>