

Memorandum

TO: ALL DEPARTMENT PERSONNEL **FROM: Edgardo Garcia**
Chief of Police

SUBJECT: DUTY MANUAL ADDITION **DATE: October 30, 2020**
L 3011.5 – HANDCUFFING
JUVENILES

Memo# 2020-042

BACKGROUND

On September 15, 2020 the San Jose City Council directed the San Jose Police Department to amend Department policy to set a minimum age at which juveniles will not be handcuffed.

California law establishes the minimum age for booking juveniles at Juvenile Hall as 12 years old for all but five very serious offenses. Section 602(b) of the Welfare and Institutions Code lists those offenses as; murder, rape by force, sodomy by force, oral copulation by force, and sexual penetration by force. This subject was addressed in a recent memorandum (2020-030) which updated Duty Manual section L 3012 – LAW VIOLATORS to comport with section 602 of the Welfare and Institutions Code. Additionally, the County of Santa Clara maintains a booking protocol for arrested juveniles.

These standards provide a logical framework for an age at which to prohibit the handcuffing of a juvenile. However, the Department recognizes that on rare occasions officers will need an exemption to restrain violent juveniles until calm may be restored.

ANALYSIS

Department members shall complete a Street Check for each juvenile under the age of 12 that is placed in handcuffs. A Street Check shall be required in addition to any other documentation completed in the event (e.g. a General Offence report or JCR). In each Street Check, the Department member will select “Handcuffed Juvenile Under 12” as the *Street Check Type*. In addition, the Department member will select the appropriate *Reason Code(s)* as follows:

- J1 – JUV HANDCUFF – ACTIVE THREAT TO SELF/OTHERS: The juvenile was handcuffed because they were an active violent threat to themselves or others.
- J2 – JUV HANDCUFF – IN CUSTODY: The juvenile was handcuffed because they were taken into custody for one of the five sections applicable under 602(b) W&I: murder, rape by force, sodomy by force, oral copulation by force, and sexual penetration by force.

- J8 – JUV UN-HANDCUFFED – BEFORE AGE KNOWN: The juvenile was handcuffed when they were believed to be twelve years old or older. Once their correct age was determined to be under twelve, and the juvenile was not in custody for a violation applicable under 602(b) W&I or an active violent threat to themselves or others, they were released from handcuffs.

- J9 – JUV UN-HANDCUFFED – NO LONGER ACTIVE THREAT TO SELF/OTHERS: The juvenile, having initially been handcuffed because they were an active violent threat to themselves or others, was released from handcuffs because they were no longer deemed an active violent threat to themselves or others.

There may be more than one applicable *Reason Code*, for example if a juvenile was handcuffed because they were actively violent toward themselves or others, and they are no longer actively violent toward themselves or others, they should be un-handcuffed. In this case, both “J1” and “J9” should be checked.

At the conclusion of the Street Check, the appropriate event disposition shall be selected. Department members will complete the Street Check as thoroughly as possible with the information available.

See the screenshots below for additional details. Remember to update your Versaterm MDT Helptables.

Duty Manual section L 3011.5 is being added to set a minimum age for handcuffing juveniles, to create an exemption for handcuffing juveniles who are law violators or are acting violently toward themselves or others, and to ensure appropriate documentation.

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*.

L 3011.5 **HANDCUFFING JUVENILES:**

Added 10-30-20

Juveniles under 12 years old should not be placed in handcuffs unless the juvenile is being arrested for having committed an offense for which the juvenile can be taken into custody per 602(b) W&I.

EXCEPTION: Juveniles under 12 years old may be handcuffed when being actively violent toward themselves or others. However, the handcuffs should be removed as soon as it is safe or practical to do so.

When a juvenile under 12 years old is placed in handcuffs, a thoroughly completed Street Check shall be performed. All the appropriate checkboxes and disposition of the juvenile shall be completed.

ORDER

Effective immediately, all sworn personnel will adhere to the above listed Duty Manual changes.



EDGARDO GARCIA
Chief of Police

EG:SD:MB

SCREENSHOTS:

Figure 1: STREET CHECK TYPE

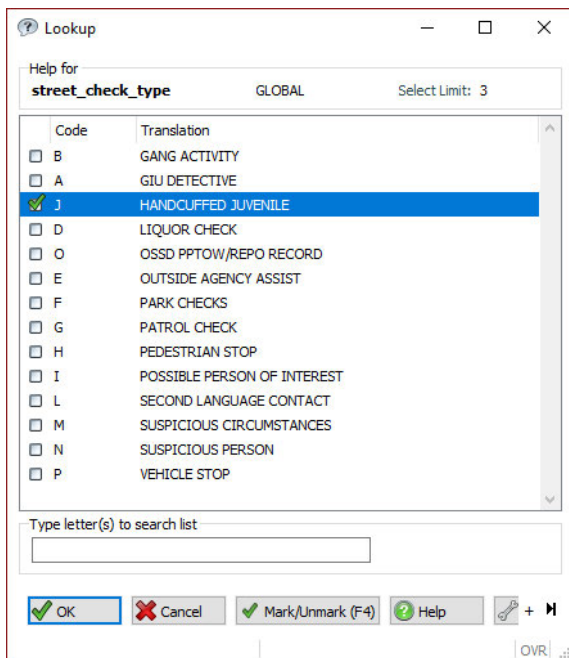


Figure 2: REASON CODE(S)

