

**PROBATION DEPARTMENT  
JUVENILE MANUAL**

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<b>Issue Date:</b>	<b>03/01/83</b>
<b>Revised:</b>	<b>12/10/19</b>

**Notes and  
References**

**ARRESTS OF PROBATIONERS**

**I. Introduction**

- A. Pursuant to §283 of the Welfare and Institutions Code (WIC) and §830.5 of the Penal Code (PC), a Deputy Probation Officer (DPO) is designated as a peace officer whose authority extends to any place in the State to persons on probation while engaged in the performance of the duties of their respective employment and for the purpose of carrying out the primary function of their employment. This authority allows a DPO to take into custody a youth who is under the jurisdiction of the Juvenile Court and under Probation supervision.
- B. The use of detention for a youth under Probation supervision is to be limited to those occasions when there exists a public or youth safety risks, and only for the time necessary to mitigate those risks. Whenever possible and appropriate, DPOs are to pursue non-detention options in addressing non-compliant behavior. The arrest of a youth under Probation supervision is to be consistent with public or youth safety, court orders, identified risks and needs, and case management goals and planning.
- C. All arrests of youth on probation will be made in accordance with Administrative Manual Chapter 1150, and primarily extend to terms and conditions of probation for youth under the supervision of the Probation Department.

283 W&IC  
830.5 PC  
US GC 8597,  
8598, 8617

Juvenile Manual  
Section 2111,  
Detention  
Options

Admin. Manual  
Chapter 1150

**II. Authorization for Arrests**

- A. In all cases, a DPO is to secure authorization from a Supervising Probation Officer (SPO) to effect an arrest of a youth under Probation supervision. No further authorization from a Manager or above is required when the arrest is deemed necessary to mitigate an immediate public or youth safety risk, including a high likelihood that the youth is likely to flee the jurisdiction of the Court.
- B. In all other cases where there does not exist an immediate public or youth safety risk, but other behaviors or relevant factors do exist, a DPO is to secure authorization from a SPO to effect the arrest. If in agreement that the arrest is warranted, the SPO will in turn secure further authorization from a Manager or above to pursue an arrest in such non-emergent situations.

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### **ARRESTS OF PROBATIONERS (continued)**

### **Notes and References**

- C. Authorization as described in B, above, is required for arrests for a violation of a home supervision or electronic monitoring agreement or related court orders. Alternatives to arrest for non-compliance with such agreements or orders are to be pursued whenever possible and appropriate. A youth's status on home supervision or electronic monitoring does not by itself lower the threshold for an arrest.
- D. The Juvenile Court may direct that a youth on home supervision or electronic monitoring be detained for any violation of the release agreement. Authorization as described in B and C, above, is required in these cases.
- E. All authorizations are to be documented in the youth's IMPACT file as an Events entry.

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### **III. Parental notification**

- A. If a youth is taken into custody, it is the DPO's responsibility to notify the parent or guardian as soon as reasonably possible.
  - 1. The notification of a youth being taken into custody can be made by telephone or personal contact.
  - 2. If parents/guardians cannot be located either in person or via telephone, the DPO is to leave a note at the home advising them of the action taken.
- B. If a youth is taken for medical clearance prior to booking in secure detention and/or admitted to the hospital prior to intake, the arresting DPO is responsible for making direct contact with the parent/guardian and informing them of the youth's status and location.

### **IV. Office Arrest Procedures:**

This method is preferred to arrests in the field whenever possible.

- A. Have at least one additional peace officer present to assist in the arrest and transportation of the youth to juvenile hall.
- B. Isolate the youth in an office, and place handcuffs on him/her behind their back.

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**ARRESTS OF PROBATIONERS (continued)**

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References**

- C. Search the youth in the office before any transport.
- D. Give all belongings (wallet, jewelry, money, etc.) to parents/guardians if present.
  - 1. If the parent/guardian is not present, place all property in a bag or envelope and bring to juvenile hall for safekeeping.
  - 2. Notify the parent that the property may be picked up by them at juvenile hall.
- E. Notify Juvenile Hall prior to transporting the youth.
- F. Be very careful when moving youth in restraints, and maintain physical contact at all times to decrease the chance of falling.
- G. Avoid the use of stairs when possible.
- H. Limit public exposure of the arrested youth as much as possible. Have another peace officer bring the transport vehicle as close as possible to the entrance in an effort to limit public exposure and search the vehicle for contraband prior to placing the youth inside
- I. A caged car shall be used to transport.

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chapter 1116

**V. Arrests at Schools**

- A. Arrests on school grounds should not be made when the possibility exists that the youth may also be taken into custody elsewhere (i.e., at home or at the Probation Department office).
- B. Any contacts at school shall be preceded by the officer checking in at the administrator's office and stating their purpose for being on campus. A School Resource Officer (SRO) may assist in an arrest that occurs on campus.
- C. Taking youth into custody from school should only be done when other means have not been successful or exigent circumstances exist.
- D. Contact with the youth should be conducted so as not to disturb school routine or embarrass the youth.

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## **ARRESTS OF PROBATIONERS (continued)**

### **Notes and References**

#### **VI. Arrest Procedures at the Home**

- A. Safety is a prime consideration in any field contact and especially when an arrest is to be made.
- B. Procedure for Arrest
  - 1. All contacts/arrests of youth at their home conducted by the DPO shall be made with the presence of another peace officer.
  - 2. Law enforcement assistance should be requested when the DPO is unfamiliar with the case and/or has concerns about potential behavioral outbursts or threat of officer safety.
  - 3. All staff and persons from other agencies should be briefed as much as possible on what to expect upon arrival at the home. Further, a discussion with assisting law enforcement to verify that they will handle any new law violation discovered should be done prior to going to the residence. Every person's role and his/her expected responsibilities should be identified.
  - 4. After the arrest is accomplished, the youth should be handcuffed and searched for weapons, contraband and/or illegal substances prior to being placed in the vehicle.
    - a. Any weapon/contraband substance should be identified as to time, place, and circumstances of confiscation and documented on a Pro-306 Juvenile Evidence Report and a Pro-313. For a technical violation of probation, the DPO may retain the evidence (i.e., very small amounts of marijuana, gang graffiti or gang paraphernalia, or weapons which are otherwise legal to possess).
    - b. Any evidence of a new crime shall be referred to the local law enforcement agency for a crime report. When possible, evidence of the crime shall be secured in place until arrival of the law enforcement officer to take possession.
    - c. The transportation vehicle should be searched for contraband prior to placing the youth in the car.

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**ARRESTS OF PROBATIONERS (continued)**

- d. All personal property should be left at the home and not transported to juvenile hall with the youth, whenever possible. When the DPO maintains control of personal property belonging to a youth following an arrest, he or she shall complete a Personal Property Receipt Form.

**Notes and  
References**

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