



LAGUNA BEACH POLICE DEPARTMENT

TRAINING BULLETIN # 22-01

PURPOSE

The purpose of this training bulletin is to provide employees with information regarding the interviewing and interrogating of anyone under the age of 18.

Effective January 1, 2021, Senate Bill 203 expanded the restrictions on custodial interrogations of a minor in Welfare & Institutions Code section 625.6. The law now requires that any minor age 17 or younger consult with legal counsel prior to **custodial interrogation**. Thus, no minor may undergo **custodial interrogation or waive Miranda Rights** without first consulting with legal counsel in person, by telephone, or by video conference. This legal consultation requirement cannot be waived.

Just as dealing with an adult, any time a juvenile is in custody, or they could perceive themselves as in custody, a Miranda advisement must be given, and a public defender must be notified.

When interviewing a juvenile in the field or at the station, if they don't perceive themselves in custody or they have not been placed under arrest, a **Miranda advisement is not required**, and they may be questioned without representation. The moment a juvenile is read Miranda they are considered in custody and cannot be questioned without legal representation.

To avoid confusion, if a juvenile may consider themselves in custody, a **beheleer admonishment** may be used. This will ensure the juvenile knows they are not under arrest and a Miranda advisement is not needed, therefore legal representation is not required.

Bottom line is a juvenile may be questioned in the field or in the station **without a Miranda advisement**. A beheleer admonishment should be used before questioning a juvenile as soon as practicable. Once a juvenile is read Miranda, placed in custody, or they perceive themselves in custody, a legal representative must be contacted and provided before questioning.

Below are the phone numbers for Custodial Interrogation of minors under the age of 18:

Harbor Justice Center: (949) 476-4888
OC Public Defenders Office (714) 714-2864

Hours: 0800-1700
Hours: 1700-0800