

SPECIAL DIRECTIVE 18-05

TO: ALL DISTRICT ATTORNEY PERSONNEL

FROM: JOHN K. SPILLANE *JKS*
Chief Deputy District Attorney

SUBJECT: JUVENILE DIVISION MEDIA POLICY

DATE: JUNE 05, 2018

This Special Directive establishes the policy of the District Attorney with respect to Statements to the Media in Juvenile Proceedings, as stated in Legal Policies Manual (LPM), Chapter 25, Section 25.09.

LPM, Section 25.09, Juvenile Proceedings, is modified and replaced as follows:

25.09 JUVENILE PROCEEDINGS

District Attorney Juvenile court proceedings, records and case files are confidential and may be inspected or disseminated only under specifically enumerated circumstances. In most instances, the rehabilitation and protection of the minor outweighs the public's right to know. The governing Welfare and Institutions Code (WIC) sections are 204.5, 827, 827.5, 827.9 and 676. In addition, any such disclosures are subject to the State Bar Rules of Professional Conduct, Rule 5-120, and Penal Code (PC) § 168, and must conform to California Rules of Court, Rule 1410.

The following shall guide disclosure of information pertaining to minors.

Minor is Charged with a WIC § 676(a) Offense

- Information that is released in open court that was available to the public during public proceedings may be disclosed after the conclusion of the hearing. This includes the name of the minor, the case number, charges filed, upcoming court dates and disposition.
- After charges are filed but before any court hearing, media may be told
 - Charges are under review;
 - Charges were filed (which charges were filed should not be disclosed);
 - The court location where charges were filed and the court date;
 - The court will post a list of cases open to the public outside of the courtroom;
 - The media may petition the court for access to the court during the hearing on the case; and
 - WIC §§ 676 and 827 govern media access in Juvenile proceedings

Exceptions to Disclosure when a Minor is Charged with a WIC § 676(a) Offense

- No records or information may be released where any party has successfully petitioned the court to prohibit the disclosure to the public of any file or record pursuant to WIC § 676(e).
- No records or information may be released when the court has ruled that the proceedings are closed pursuant to WIC § 676(b), except the minor's name may be disclosed if the petition charges an offense listed in PC § 1192.7(c) and the minor is 14 years old or older.

If the Petition is Sustained

- The name of the minor may be disclosed to the public if the minor is 14 years or older and a charge was sustained for a serious (PC § 1192.7) or violent (PC § 667.5) felony.
- The name of the minor, the petition, the minute order reflecting that the charges were sustained, orders of adjudication and orders of disposition may be released if the petition is sustained for a crime enumerated in WIC § 676(a). No other documents may be released.

The Minor is Not Charged with a WIC § 676(a) Offense

- If the minor is not charged with an offense enumerated in WIC § 676(a) and is not charged with a serious (PC § 1192.7) or violent (PC § 667.5) felony, no information about the case or the minor may be released. It is permissible to respond that the LADA reviewed the charges and that charges were filed, the case was declined, or the case was referred back to the law enforcement agency for further investigation. It is not permissible to state what charges were filed or to release information that could be paired with other information known to the media that might lead to identification of the minor.
- Media may be told that they may petition the court for access to information pursuant to WIC § 827, California Rules of Court 5.552 and Local Rules 7.2 and 7.3. Media may access Juvenile court records only through petitioning the Presiding Judge of the Juvenile Court via a JV-570 Request for Juvenile Records form. The form may be obtained on the Judicial Council Website <http://www.courts.ca.gov/formnumber.htm>.

A Minor's Case is Sealed

- If a minor's case has been sealed, information in Juvenile Case Management or in the district attorney file may not be commented on to the media, even if the charges qualified for disclosure under the authorities listed above prior to sealing. A minor's case may be sealed pursuant to WIC §§ 781, 786, 786.5 and 793.

The first bullet point of the second paragraph of LPM section 25.03.03 is modified and replaced as follows:

“The following information shall not be released:

- The name of an accused juvenile, unless the minor is deemed a 602 ward and charged with a serious and violent felony as enumerated in Welfare and Institutions Code § 676, in which case the policy set forth in LPM 25.09 applies;”

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