

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 100.28

REVISED AUGUST 2017

CRIMINAL FINGERPRINTING; JUS 8715, ADULT DISPOSITION OF ARREST AND COURT ACTION; AND JUS 8716, JUVENILE DETENTION DISPOSITION REPORT

1. GENERAL. The Department of Justice (DOJ), Bureau of Criminal Identification and Analysis, has two requirements that shall be met to initiate or update an offender's criminal history with recordable arrest and disposition data.

a. The first requirement is Live Scan/Fingerprint processing to be completed by the booking agency for the appropriate court.

b. The second requirement is completion of a JUS 8715, Adult Disposition of Arrest and Court Action; or JUS 8716, Juvenile Detention Disposition Report. This document is designed to accompany a defendant through the criminal justice system from the point of arrest through final disposition.

(1) Unless specifically precluded by booking agency policy, the Area office initiates the form subsequent to the booking process and submits it to the district attorney or the court for further action.

(2) Completion of the JUS 8715 or JUS 8716 satisfies the requirements of Penal Code (PC) Sections 11115, 11117, 13020, 13100, 13125, 13150, 13151, and Welfare and Institution Code 602.5 regarding the duty and method of reporting data to DOJ.

c. Several counties have automated JUS 8715 reporting systems. Except as provided in paragraph 2.c., procedures in this General Order do not apply to arrests made in any of these counties. Counties may also report JUS 8715 data to DOJ electronically. Area commanders in these counties should contact the booking agencies within their jurisdictions to determine any special processing needs.

NOTE: Area offices have found the JUS 8715 documents returned by the courts after disposition are useful in the maintenance of evidence accounting procedures.

2. POLICY.

a. Any individual who is cited and released for a recordable offense in lieu of formal booking must be fingerprinted prior to their appearance in court. A

CHP 194, Fingerprint Notification/Verification, shall be provided to the violator at the time the citation is issued per PC Section 853.6(g). The top portion of the CHP 194 will serve to notify the violator they are required to be fingerprinted prior to the assigned court date.

b. A JUS 8715 or JUS 8716 shall be initiated for each citation issued or arrest made for a recordable offense. For recordable offenses, refer to the CHP 291, Redi-Ref, under the Section Number for the corresponding offense, followed by the diamond.

c. Area commanders are to coordinate with the sheriff(s) and chief(s) of police in charge of jail facilities used by this Department and with the district attorney and courts to ensure the following:

(1) The JUS 8715 and JUS 8716 (or computer-generated equivalents) are being properly routed to DOJ.

(2) The Area office receives a copy of the completed report following the disposition. In nonautomated counties, the disposition report is a completed JUS 8715 or JUS 8716 with prosecution and court action included. In automated counties, the disposition report is a computer-generated equivalent.

d. Local agencies in some counties have historically initiated JUS 8715s for California Highway Patrol (CHP) arrests. Area commanders shall review the information entered on those documents to ensure the CHP is properly identified as the arresting agency. The JUS 8715 or JUS 8716 and the arrest report(s)/notice(s) to appear should be submitted to the district attorney or the court as a package. This process will save the court or district attorney's office time reuniting these two documents.

e. While fingerprinting procedures are generally dictated by local booking agencies, Area commanders should coordinate with the local booking agency to conduct the fingerprint process for DOJ. Area commanders shall also ensure booking agencies are properly identifying the CHP as the arresting agency when conducting the fingerprint process through the JUS 8715 or JUS 8716.

3. PROCEDURES.

a. Issuance of a CHP 194. Initiate a CHP 194 when a citation is issued for violation of a recordable offense in lieu of formal booking (when the violator would otherwise not be booked prior to trial). If an offense requiring the use of a CHP 194 is written in conjunction with another recordable offense that does not meet the cite and release criteria, standard booking procedures will apply.

- (1) The officer is to complete the CHP 194 at the time of citation issuance.
- (2) The violator's right thumb print is to be affixed to the upper right-hand corner of the CHP 194 for identity verification.
- (3) The violator's right thumb print is also to be affixed to the green copy of the CHP 215, Notice to Appear, and a notation made the individual has been presented with a CHP 194.

NOTE: The BOOKING REQUIRED box shall be checked on the CHP 215, and a JUS 8715 or JUS 8716 must be initiated upon return to the Area office. The process of fingerprinting and completing the CHP 194, coupled with the initiation of the JUS 8715 or JUS 8716, constitutes booking.

b. Fingerprinting after Issuance of a CHP 194. The fingerprinting technician taking the fingerprints shall complete the CHP 194 and return it to the violator. The fully completed CHP 194 will serve as verification to the court the individual has been fingerprinted pursuant to the requirements of Section 853.6 PC. The violator should be reminded to present the CHP 194 to the court at the time of their scheduled hearing.

c. Initiation of a JUS 8715 or JUS 8716. A JUS 8715 or JUS 8716 is to be initiated when an arrestee is taken into custody, is issued a citation and released, or a complaint is sought for any felony or misdemeanor California Vehicle Code offense (including warrants).

NOTE: The BOOKING REQUIRED box shall be checked on the CHP 215 and a CHP 194 issued for the violations listed in paragraph 3.c. above. Area commands should establish local procedures to ensure, when required, a JUS 8715 or JUS 8716 is initiated for each felony or misdemeanor arrest (except as provided in paragraph 3.d.).

d. Per DOJ recordable offense criteria, a JUS 8715 or JUS 8716 is not to be initiated on the following:

- (1) Penal Code Section 647(f) - Under the Influence of Alcohol.
- (2) Any offense for which incarceration is not a possible punishment (e.g., infractions or nonspecific charges).

e. Automated JUS 8715s or JUS 8716s. Some booking agencies (e.g., Los Angeles Police Department) have automated booking procedures which involve the computer generation of a multiple page form. One of the pages in the set may be labeled with wording similar to "in lieu of JUS 8715 or JUS 8716." If such a document is forwarded to the Area office for submission to the district or city

attorney with the case documents, it should be reviewed to ensure the CHP has been properly identified as the arresting agency.

4. PREPARATION OF DOCUMENTS.

a. CHP 194. The top portion of the CHP 194 is to be completed at the scene by the officer issuing a citation in lieu of formal booking on a recordable offense. Enter the violator's name and date of birth, citation number, date of citation issuance, officer's name, identification number, Area number, and the recordable section(s) violated, along with a description of the violation.

b. JUS 8715 or JUS 8716. It is recommended the JUS 8715 or JUS 8716 be typewritten; however, if documents are handwritten (printed), all copies must be neat and legible. Area offices initiating the JUS 8715 or JUS 8716 are only responsible for completing Section A, Law Enforcement Information. The ARRESTING AGENCY block shall be completed by entering CHP and the Area's location number (e.g., 285). The DOJ will convert this to the appropriate Area office name. The LIVE SCAN BOOKING NUMBER block shall be completed by the booking agency.

5. ROUTING/DISTRIBUTION.

a. JUS 8715 or JUS 8716.

(1) If the disposition **is not** final at the Area office level, forward **all** copies of the JUS 8715 or JUS 8716, with the case documentation, to the appropriate level (prosecution or court) responsible for adjudicating the case.

(2) If the disposition **is** final at the law enforcement level (e.g., the individual was released pursuant to Section 849[b][1] PC and will not be prosecuted), route the JUS 8715 or JUS 8716 as follows:

(a) Mail the DOJ copy of the JUS 8715 (preprinted in orange ink) or JUS 8716 (preprinted in purple ink) to:

California Department of Justice
Bureau of Criminal Identification and Analysis
P. O. Box 903417
Sacramento, CA 94203-4170

(b) Retain the Arrest Agency copy (preprinted in blue ink) for the Area's files.

(c) The court copy (preprinted in green ink) and the JUS 8715A, Adult Subsequent Action Disposition Information, page may be destroyed.

(3) If the disposition **is adjudicated** at the prosecution or court level and returned to the law enforcement agency for distribution, route the JUS 8715 or JUS 8716 as follows:

(a) Mail the DOJ copy of the JUS 8715 (preprinted in orange ink) or JUS 8716 (preprinted in purple ink) to:

California Department of Justice
Bureau of Criminal Identification and Analysis
P. O. Box 903417
Sacramento, CA 94203-4170

(b) Retain the Arrest Agency copy (preprinted in blue ink) for your files.

NOTE: If two or more completed JUS 8715 or JUS 8716 forms are received stapled together, **do not separate them**. Remove only the Arresting Agency copies and forward the remaining copies to DOJ, ensuring they are numbered in the upper-right hand corner.

(4) Any subsequent action disposition information will be reported on the JUS 8715A or JUS 8717, Juvenile Detention Subsequent Disposition Report. Prosecution and/or court personnel will reproduce copies of the completed JUS 8715A or JUS 8717, and forward the original and two copies to the law enforcement agency. Route the forms as follows:

(a) Mail the original (for DOJ) of the JUS 8715A and JUS 8717 and one copy (for the Federal Bureau of Investigation) of the JUS 8715A to:

California Department of Justice
Bureau of Criminal Identification and Analysis
P. O. Box 903417
Sacramento, CA 94203-4170

(b) Retain a copy of the JUS 8715A or JUS 8717 for the Area's files.

6. FORM PROCUREMENT.

a. CHP 194. The CHP 194 is an automated form and can be found in the Forms directory on the CHP Intranet site.

b. JUS 8715, JUS 8715A, JUS 8716, or JUS 8717. The DOJ is no longer printing these forms for distribution. The forms are now automated and can be found in the Forms directory on the CHP Intranet site.

OFFICE OF THE COMMISSIONER

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