



IMPERIAL COUNTY PROBATION DEPARTMENT

PROCEDURES MANUAL

DAN PRINCE

CHIEF PROBATION OFFICER

PROCEDURES MANUAL REVIEW SIGN-OFF

Instructions:

1. Employee signs and dates this form.
2. Supervisor signs and dates this form.
3. Send form to Administration.
4. Form filed and retained in employee's personnel file.

Initials:

1. ____ I have been given a copy of the Procedures Manual and have read it.
2. ____ I understand that the Manual represents the current policy of the Department and that I

am expected to comply with it.
3. ____ I have been given the opportunity to discuss with my supervisor any questions or
concerns I have about any item in the Policy Manual.

My signature does not mean I am in personal agreement with everything in the Policy Manual.

PRINT NAME

SIGNATURE

SUPERVISOR'S SIGNATURE

DATE

TABLE OF CONTENTS

SECTION 1

01-01 This Section 1 Intentionally Left Black

SECTION 2

02-01 This Section 2 Intentionally Left Black

SECTION 3

Adult & Juvenile Combined Procedures

03-01 Miranda Warning or "Advisement of Constitutional Rights"
03-02 Confidentiality
03-03 Incident Reports
03-04 Scope and Authority of Probation Officers
03-06 Transportation of Clients
03-07 Chronological Case Reporting
03-08 Officer of the Day Responsibilities
03-09 Probation Holds

SECTION 4

Adult Procedures

04-01 Court Officer Duties / Testifying
04-02 Adult Supervision Standards
04-03 Community Service Work Program
04-04 Domestic Violence Program
04-05 Deferred Entry of Judgment Program (DEJP)
04-06 Transferring Cases Intrastate
04-07 Transferring Cases Interstate
04-08 Termination of Probation
04-09 Certificate of Rehabilitation and Pardon

SECTIONS

Adult Court Report Writing

05-01 Court Investigation Report Format
05-02 Victim Contact/Restitution/Restitution Fine
05-03 Motions
05-04 Civil Custody Investigation Report
05-05 Conservatorship Investigation Report
05-06 Guardianship Investigation Report
05-07 Step-Parent Adoption Report
05-08 Bail Review Report

SECTION6

Juvenile Procedures

06-01	Court Officer Duties
06-02	Juvenile Supervision Standards
06-03	Traffic Hearing Procedures
06-04	Intakes
06-05	Placement
06-06	Juvenile Electronic Monitoring
06-07	Home Supervision
06-08	Sealing of Records
06-09	Transfer of Juvenile Cases
06-10	School Site Officer
06-11	New Referral Procedures

SECTION7

Juvenile Court Report Writing

07-01	Court Investigation Report Format
07-02	Victim Contact/Restitution/Restitution Fine
07-03	Ex-Parte Report
07-04	Home Supervision and Conditional Release
07-05	Service of Legal Papers

SECTIONS

APPENDIX

- Placement Written Reports/ Case Plan
- Behavior Rating Scale
- Teamlet Meet/ Forms
- Juvenile Wardship Petition
- Notice To Parents Legally Responsible
- 777(a) Sample
- Detention Hearing Worksheet
- Building a Case of Truancy
- Fees: Adult/ Juvenile
- Fees: Sliding Scale
- Child Custody Report Forms / Format
- Child Custody Visitation Report and Forms
- Step-Parent Adoption Sample Report and Forms

SECTION 1

01-01 This Section 1 Intentionally Left Black

SECTION 2

02-01 This Section 2 Intentionally Left Black

SECTION 3

ADULT AND JUVENILE COMBINED PROCEDURES

03-01	Miranda Warning or "Advisement of Constitutional Rights"
03-02	Confidentiality (Duty to Warn)
03-03	Incident Reports
03-04	Scope and Authority of Probation Officers
03-05	Search and Seizure
03-06	Arrest and Transportation of Clients
03-07	Chronological Case Reporting
03-08	Officer of the Day Responsibilities
03-09	Probation Holds

SUBJECT: Miranda Warning or "Advisement of Constitutional Rights"	NO: 03-01
Page 1 of 1	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
- II. **PURPOSE:** To provide guidelines on issuing the Miranda Warning.
- III. **RESPONSIBILITY:** It is the responsibility of all officers to comply with these procedures.
- IV. **GENERAL PROVISIONS:** The Probation Department will adhere to the following:
- V. **SPECIFIC PROVISIONS:**
 1. All minors, who are detained, taken into custody or arrested or when it appears that a new law violation will be discussed with a probationer (minor or adult), are to be advised of their constitutional rights(627.5 P.C.).

In cases where the defendant has obtained defense counsel for a new charge, the Probation Officer must first obtain permission from the attorney before discussing the new charge with the defendant.
 2. In pre-sentence investigations, defendants do not have to be advised of their rights, as the information cannot be used against them in another prosecution. The information obtained may be used in prosecuting another person.
 3. The constitutional rights, in accordance with the Miranda decision, are as follows:
 - a. You have the right to remain silent.
 - b. Anything that you say can and will be used against you in a Court of Law.
 - c. You have the right to talk to an attorney and have him/her present while you are being questioned.
 - d. If you cannot afford an attorney, one will be appointed to represent you.
 4. To establish a waiver of these rights:
 - a. Do you understand each of the rights I have explained to you? Do you have any questions?
 - b. Having these rights clearly in mind, do you wish to discuss the matter under investigation or talk to me?
 5. If the probationer waives his rights, the officer may proceed with the interview.

SUBJECT: Confidentiality	NO: 03-02
Page 1 of 4	ISSUE: I EFFECTIVE DATE: February 1, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
Title II, Chapter I, California Administrative Code, 827 W&I
6354(f) Gov. Code
1203.05 P.C., 11105 P.C., 11075 P.C., 11076 P.C., 13100 P.C., 131.3 P.C., 13300 P.C.
- II. **PURPOSE:** To protect the probationer from illegal and unwarranted release of information relating to him and to comply with Administrative Code requirements.
- III. **RESPONSIBILITY:** All employees of the Probation Department are responsible for knowing and complying with these provisions of the regulations. Any employee responsible for misuse, is subject to immediate dismissal and/or criminal and/or civil action.
- IV. **GENERAL PROVISIONS:** State Summary Criminal Record History Information and Probation case information, in general, is confidential and may only be released to those agencies that have a need to know and a right to know. The unauthorized release of such information is strictly prohibited, and all release requests not covered specifically in this manual, should be screened with an immediate supervisor. Unauthorized inquiry or use of the Department of Motor Vehicles Driver History Information outside the scope of work-related criminal investigation is prohibited.
- V. **SPECIFIC PROVISIONS:**
 1. The Attorney General, through the Department of Justice, shall furnish State Summary Criminal History Information to any agency statutorily permitted to receive such information when it is needed in the course of carrying out the duties of that agency. Such information is available through the California Law Enforcement Telecommunications System (CLETS) and is commonly called a CII "Rap Sheet".
 - a. It is strictly forbidden to utilize the CLETS for any reason other than a work-related criminal investigation.
 - b. All requests from CLETS must be submitted by a qualified operator and must be logged in on the log sheet and signed by the requestor.
 2. All State Summary Criminal History Information, whether a direct copy of a "Rap Sheet" or a narrative interpretation of such information, is considered to be restricted under this statute and may be released in accordance with the Attorney General's Authorized Agency List and contingent on the receiving agency's need to know.

- a. In all such releases, the criteria of both the need to know and the right to know must be met or it is a violation punishable as a misdemeanor.
 1. "Right to know" means the right to obtain criminal record information pursuant to Court order, statute, or case law.
 2. "Need to know" means the necessity to obtain criminal offender record information in order to execute official responsibilities.
 - b. All such releases must be documented in the probation file and on the Criminal Record Information Release Sheet and signed by the person releasing such information.
 - c. The only legal means for a person to view their "rap sheet" is to obtain an application form from the Police Department, Sheriffs Department, or the Department of Justice. (11122 P.C.)
 - d. Probation files containing confidential information are to be kept in locked file cabinets during non-working hours.
 - e. Any employee taking a probation file out of the office is responsible for its security, at all times, to avoid violation of the regulations governing confidentiality.
3. Release of Criminal History Information with a signed waiver:
 - a. If a probationer or former probationer has signed a waiver to specifically designate release of their criminal records to a specific person or entity, and the release would assist in furthering the rehabilitation of the probationer, the Criminal History Information may be released. The Probation Department still has the discretion as to whether to actually release the information requested.
 - b. A military recruiter is not an authorized release entity according to the Attorney General.
 4. Release of information to crime victims:
 - a. Crime victims have a constitutional right to be included in the court process as their case is being adjudicated. Probation Officers have certain statutory obligations, in felony cases, to notify victims of the right to appear at Sentencing Hearings, the right to make a statement to the Court, the right to restitution and/or civil recovery for losses, and the right to review the recommendation of the Probation Officer.
 - b. Crime victims may be furnished the address of probationers if their interest is to pursue civil litigation. The Probation Officer should carefully screen such requests. The crime victim may be furnished with disposition information regarding a case if it has an impact on restitution or any potential danger that they may face.
 5. Release of information during field contacts:
 - a. During incidental contacts with others, the Probation Officer may need to identify oneself, leading by implication to the conclusion that the subject

- b. of the inquiry is a probationer. Such incidental revelation is permissible, and it should be handled with discretion. The mere fact that an individual is subject to probation jurisdiction is not protected in the same manner as Criminal History Information.
 - c. Probation Officers are to properly identify themselves and the scope of their duties in making the contact. In this context, the release of information would be limited to the establishment of probation jurisdiction and not for a specific release of Criminal Record Information.
- 6. Release of information during phone calls:
 - a. When a telephone call is received from a person requesting information on a probationer or requesting to speak to a probationer's Probation Officer, the call should be immediately transferred to the On-Duty Probation Officer (OD). Only Probation Officers may release confidential information to anyone, including law enforcement. This includes the names of adults or juveniles on probation.
 - b. Confidential information should not be released via the telephone unless the identity of the caller has been established.
- 7. Release of Information - Duty to Warn:
 - a. Duty to Warn occurs when a threat to harm is directed toward a specific victim, as per *Tarasoff v. University of California* (Cal. Sup. Ct 07/01/76). In all such circumstances, the Probation Officer shall not be hampered by the confidentiality statutes in notifying the potential victim(s) of the threat and taking immediate action against the probationer in order to protect the public.
 - b. In cases that present no danger of physical violence, but do present the danger of monetary loss, the Probation Officer must determine a "reasonably foreseeable risk of harm" between the probationer's criminal history and prior pattern of criminal conduct and a current situation. If established, the Probation Officer should order the probationer to notify the individuals that may be facing potential harm. If the probationer fails to comply, the matter should be returned to Court to modify the conditions of probation.
- 8. Release of Adult Probation Records:
 - a. Adult probation files constitute a part of the records of the Court and shall, at all times, be open to the inspection of the Court or any person appointed by the Court for that purpose.
 - b. Adult probation reports, filed by the Probation Officer with the Court, may be inspected or copied only from the **Court Clerk's Copy**:
 - 1. By any person, from the date judgment is pronounced or probation granted, up to and including sixty (60) days from the date judgment is pronounced or probation is granted, whichever is earlier. (1203.05 P.C.)

2. By any person, at any time, by order of the Court, upon filing a petition by such person.
 3. By the general public, if the Court orders that a report shall be open or that the contents of the report shall be disclosed.
9. Release of Juvenile Probation Records:
 - a. Juvenile probation records, including all petitions filed, reports of the Probation Officer, and all other documents contained in the file, that are submitted to the Court, may be inspected by the following:
 1. Court personnel
 2. The minor who is subject to the proceedings
 3. The minor's parents or guardian
 4. The attorney(s) for those parties
 5. Any other person who may be designated by Court order of the Judge of the Juvenile Court upon filing a petition.
 6. District Attorney in conducting a criminal investigation
 7. Child Protective Services in conducting dependency proceedings
 8. School officials pursuant to the provisions of Sections 827(b)(1) through 827(e) W&I Code
 - b. Probation files are subject to Subpoena Duces Tecum, which is a legal document to produce records. A Judge must sign the Subpoena before the files are to be released.
10. Release of Psychological/Psychiatric Reports:
 - a. In order to use a psychological/psychiatric report in a probation report, Probation Department must have received it directly from the doctor.
 1. Probation Officers are not to copy such a report from the District Attorney's file without permission from the District Attorney's Office.
 2. The confidential information shall be transmitted to the Court separately from the probation report and sealed after sentencing.
11. W-2 forms (statement of wages) cannot be furnished to any other person or agency, including the Court. It cannot be retained and must be given back to the defendant after the information is obtained from it.
12. Purging of Probation Records:
 - a. Probation records may be purged five (5) years after the termination of probation.
 - b. Clerical staff will identify the files to be purged and route them to the Assistant Chief Probation Officer for approval.
 - c. These files will be destroyed by either shredding or by a contracted disposal company hired specifically to dispose of confidential files.

SUBJECT: Incident Reports	NO: 03-03
Page 1 of 1	ISSUE: 1 EFFECTNE DATE: February 1, 2003 Bv: Michael W. Kellev, CPO

- I. **AUTHORITY:**
Chief Probation Officer
- II. **PURPOSE:** To provide uniformity in documenting unusual incidents.
- III. **RESPONSIBILITY:** It is the responsibility of all staff to comply with this procedure.
- IV. **GENERAL PROVISIONS:** Incidents considered unusual or potentially subject to litigation will require a narrative detailing the events.
- V. **SPECIFIC PROVISIONS:**
 1. Use Incident Report Form.
 2. Examples of incidents that require an incident report are as follows:
 - Injury to staff (dog bite, serious cuts, etc.)
 - Forced entry
 - Use of Pepper Spray (O.C.)
 - Exposure to communicable disease
 - Traffic accident
 - Rendering first aid to an injured defendant/citizen
 - Damage to personal property
 - Use of force/ complaints from family members/other people present
 - Arrests and searches with more than 2 deputies
 3. Incident reports documenting routine arrests and searches, do not require an incident report; however, should have a detailed chrono entry.
 4. Incident reports will be filed with the immediate Supervising Probation Officer (SPO) within forty-eight (48) hours of the incident.
 5. SPO will make appropriate review and comments and will forward to the Chief Deputy Probation Officer within twenty-four (24) hours of the receipt of any Incident Reports.

SUBJECT: Scope and Authority of Probation Officers	NO: 03-04
Page I of 3	ISSUE: 1 EFFECTIVE DATE: February I , 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
- II. **PURPOSE:** Guidelines for use of authority by Probation Officers
- III. **RESPONSIBILITY:** It is the responsibility of all Probation Officers to be aware and to comply with this procedure.
- IV. **GENERAL PROVISIONS:** It is the mission of the Imperial County Probation Department to protect the community, to enforce Court orders, to promote responsible behavior in offenders, to provide information and recommendations to the Courts, and to provide services to victims. It is the role of the Deputy Probation Officer to serve the Courts, the community, and those offenders placed under its jurisdiction by Statute and by Court Order. To accomplish the above, Deputy Probation Officers are classified as peace officers per Section 830.5 P.C. Pursuant to Section 830.5(a), the authority of the Probation Officer shall extend to:
- V. **SPECIFIC PROVISIONS:**

A. **Powers of Arrest**

1. As designated in the Penal Code, the peace officer powers of a Deputy Probation Officer are limited and, therefore, Deputy Probation Officers will not preempt other law enforcement agencies in enforcing the law. The Deputy Probation Officer may arrest non-probationers who are observed committing serious crimes during the performance of the Deputy Probation Officer's duties.

However, the Deputy Probation Officer must first consider other alternatives and resources and make certain that the immediate arrest of the non-probationer is in the public's interest and can be made with minimal danger to the Deputy Probation Officer and other persons.

2. In order for a Deputy Probation Officer to arrest a non-probationer for a criminal offense, the Probation Officer must be engaged in probation-related duties at the time such situation occurs. Such intervention may be appropriate in the following circumstances:
 - a. **Crimes against persons:** The Probation Officer observes an assault or battery in progress or is the victim of an assault or battery, and arrest is the most effective means of intervening.
 - b. **Interference:** A non-probationer is interfering with an investigation or arrest of a probationer.
 - c. **Property offenses:** The Probation Officer discovers illegal, stolen articles on the premises of a probationer, and it is apparent that another person present in the residence is responsible.
 - d. **Drug offenses:** The Probation Officer discovers illegal drug use, possession of drugs, or observes a drug sale and has probable cause to believe another person may be responsible.
3. Probation Officer will not attempt the arrest of non-probationers, except as noted in the subsections above, unless responding to a request by a law enforcement officer. Most important, a Probation Officer will not attempt an arrest without law enforcement assistance when the Probation Officer believes that arrest cannot be effected successfully without assistance. In any case, the Probation Officer must take the most prudent course of action in view of all immediate circumstances; the most prudent course of action may be to merely report the information to law enforcement and not directly affect an arrest.
4. The unit supervisor will be notified immediately upon completion of any arrest situation by a Probation Officer regardless if the arrest was planned or unplanned.

B. Level of Response

1. A Probation Officer is considered "on duty" anytime, day or night, when, because of their peace officer status, they are required to respond to a probation-related situation. Level of response may be determined by:
 - a. Seriousness of the violation.
 - b. The Probation Officer's confidence in his/her ability to successfully execute the arrest.
 - c. The necessity of arrest at the time of the incident.
 - d. Alternatives to arrest.

2. The Probation Officer **will request uniformed law enforcement assistance in an arrest anytime case factors indicate a potential safety hazard** to the Probation Officer and where the presence of additional law enforcement personnel will minimize danger to the Probation Officer and others who may be involved.
3. The Probation Officer should never attempt an arrest when motor skills, reflexes, or judgment may be adversely affected because of the use of alcohol or medication.

SUBJECT: Arrest and Transportation of Clients	NO: 03-05
Page I of 2	ISSUE: 1 EFFECTIVE DATE: February I, 2003 Bv: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
- II. **PURPOSE:** To provide a means of safety arresting and transporting individuals who are being arrested in the office or field.
- III. **RESPONSIBILITY:** It is the responsibility of Imperial County Probation Officers and Probation Aides to know and to comply with this procedure.
- IV. **GENERAL PROVISIONS:** As part of the supervision process, probation staff have the responsibility of arresting and transporting probationers who have been taken into custody. Only Probation Officers who have completed 832 P.C. training are eligible to make arrests. Probation Aides have no authority to place individuals under arrest, however, they may convey information from a Probation Officer to Law Enforcement, authorizing an arrest upon the authority of that Probation Officer.
- V. **SPECIFIC PROVISIONS:**
 1. Probation staff should carefully plan the circumstances of arresting and transportation, including an assessment of potential problems when dealing with unstable or dangerous probationers.
 - a. When viable, planning and coordination should be conducted in advance of the arrest, i.e.; obtaining handcuffs, necessary keys and radios, securing a county car, coordination with other staff members, notifying a supervisor, etc.
 - b. In problematic situations, arrangements must be made for the assistance from other law enforcement agencies.
 2. Persons under arrest and being transported while in custody shall be handcuffed, behind the back, and searched for weapons and contraband. Prior to placing an arrestee into the County vehicle, the back seat area should be searched thoroughly. Once the vehicle is searched, the arrestee shall be placed in the back seat of the vehicle on the right hand side with the seat belt fastened on the arrestee.
 3. Whenever possible, a caged car should be used for transportation any persons in-custody. If one is not available, a non-caged car may be used; however, another probation staff must sit in the back seat next to the arrestee, behind the passenger seat. If a portable radio is available, local law enforcement dispatch must be contacted and

apprised of the arrest and the transport destination. When transporting an arrestee, always call in your starting point, mileage and the ending mileage.

4. Staff shall not use their own personal vehicles to transport clients whether they are under arrest or not.
5. In cases where other law enforcement agencies have assisted in the transportation of probationers to the County Jail or the Juvenile Hall, every effort must be made to expedite the process in a timely manner. Barring any unforeseen circumstances, all paperwork such as booking sheets etc. should be filled out by the Probation Officer.

SUBJECT: Chronological Case Reporting	NO: 03-06
Page 1 of 2	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 Bv: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
1203.10 P.C.
- II. **PURPOSE:** To have an ongoing historical record of any significant activity in a probation case.
- III. **RESPONSIBILITY:** It is the responsibility of all Probation Officers and Probation Aides to "chrono" all notable activity in computer case files and comply with case plans.
- IV. **GENERAL PROVISIONS:** Chronos should contain short, readable sentences of significant value. While chrono entries are confidential, the Court and attorneys occasionally read them when they are subpoenaed for Court therefore, they should be written in a professional manner with no demeaning statements.
- V. **SPECIFIC PROVISIONS:**
 1. Chronos should contain the following information:
 - a. Whether a probationer is functioning effectively, his attitude, how he is receiving help with his problems, and information on the client's specific compliance with probation terms.
 - b. Whether a client is reporting as directed and paying fines and restitution as ordered.
 - c. All personal contacts, instructions and directions given to a probationer.
 - d. All phone conversations, telephone messages, home visits, searches.
 - e. Any contacts from law enforcement concerning a probationer. This should include information as to the content of the call and any requests from law enforcement for action or information.
 - f. The receipts of correspondence and monthly report forms are to be "chronosed" within one week of receipt.
 2. In writing the chronos, the following abbreviations will be used:

Standard Abbreviations:

<i>FN</i>	-	Field Visit
<i>HN</i>	-	Home Visit
<i>TIC</i>	-	Telephone Call
<i>LIM</i>	-	Left Message
<i>W/C/B</i>	-	Will Call Back
<i>WN</i>	-	Work Visit

<i>JN</i>	Jail Visit
<i>ON</i>	Office Visit
<i>NIC</i>	No Change
<i>E/T</i>	Early Termination
<i>RptRec</i>	Monthly Report Received by Mail
<i>NIR</i>	Monthly Report
<i>or D</i>	Defendant
<i>V</i>	Victim
<i>C/S</i>	Courtesy Supervision
<i>Sp/W</i>	Spoke with
<i>O/C</i>	Out-of-County
<i>OD</i>	Overdose
<i>TFT</i>	To Finish Term
<i>CS</i>	Consecutive Sentence

Agencies:

<i>P.D.</i>	Police Department (identify as: HPD, ECPD, CXPD, BPD, CHP, FBI, etc.)
<i>DMV</i>	Department of Motor Vehicles
<i>Welf.</i>	Department of Social Welfare
<i>CII</i>	Calif. Bur. of Criminal Identification & Investigation
<i>SIP</i>	State Prison
<i>CDC</i>	California Department of Corrections
<i>CRC</i>	California Rehabilitation Center
<i>CYA</i>	California Youth Authority
<i>Rehab.</i>	In-patient Drug/Alcohol Counseling
<i>ISC</i>	Interstate Compact
<i>DA</i>	District Attorney's
<i>PubDef</i>	Public Defender

Court Calendar Notations:

<i>OR</i>	Defendant Released on Own Recognizance
<i>T/W</i>	Time Waived
<i>Ss</i>	Suspended
<i>N/B</i>	No Bail
<i>B/B/F</i>	Bail Bond Forfeited
<i>FTA</i>	Failed to Appear
<i>B/W</i>	Bench Warrant
<i>NC</i>	Nolo Contendere Plea or No-Contest Plea
<i>G</i>	Guilty
<i>N/G</i>	Not Guilty
<i>OSC</i>	Order to Show Cause

SUBJECT: Officer of the Day Responsibilities	NO: 03-07
Page 1 of 1	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 Bv: Michael W. Kelle, y CPO

- I. **AUTHORITY:**
Chief Probation Officer
- II. **PURPOSE:** To provide continuous coverage for the Probation Department in regards to dealing with matters that need immediate attention.
- III. **RESPONSIBILITY:** It is the responsibility of all staff to be aware and comply with this procedure.
- IV. **GENERAL PROVISIONS:** Situations that need immediate attention will be referred to the On-Duty Probation Officer (OD). Clerical staff will contact the OD when it is deemed that a situation cannot wait until a more appropriate person is available or individual requests that they need to speak to someone immediately.
- V. **SPECIFIC PROVISIONS:** The procedures regarding workflow and the related chain of command responsibilities will be as follows:
 - A. When a probationer or ward enters the lobby, with or without an appointment, the on-duty clerical person will inform the assigned probation officer. If the probation officer is not available, and will not be available within a reasonable amount of time, the clerical person will inform the OD, who will then make contact with the client and make a determination as to what should be done. If neither the assigned probation officer or an On-Duty Officer is available, the clerical person will inform a Supervisor to designate another probation officer. If the Supervisor is not available, the clerical person will inform the Division Manager, who will then designate another probation officer to assist.
 - B. When there is an OD telephone call, and the OD is busy on another matter, clerical will take a message and the OD or the appropriate officer (as determined by the above chain of command) will return the call. If a client walks in and is waiting in the lobby, the clerical person will tell them that they will be seen as soon as someone is available.
 - C. When a client walks in from Court after receiving a sentencing date, and is requesting an appointment, the front desk clerical person will give that person an appointment. A copy of the court referral form will be processed.

SUBJECT: Procedures for Probation Hold	NO: 03-08
Page 1 of 1	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 Bv: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
- II. **PURPOSE:** To establish procedures for probation holds..
- III. **RESPONSIBILITY:** It is the responsibility of all staff to be aware and comply with this procedure.
- IV. **GENERAL PROVISIONS:** The intent of probation hold is to assure that following are-arrest, pursuant to Penal Code Section 1203.2, a probationer will remain in custody until he/she can be brought before the court.
- V. **SPECIFIC PROVISIONS:** The requirements for placing a probation hold are as follows:
 1. When a verbal probation hold is placed on the defendant, the Probation Officer must fax a written hold form to the jail, as soon as possible, or by the next court day.
 2. A release form must be faxed to the jail within 48 hours, or as soon as possible, if the Probation Officer decides to drop the hold.
 3. If the Probation Officer decides to leave the hold in place, a petition must be signed by a Judge to extend the hold beyond 48 hours. A copy must be faxed to the jail showing the extension approved by the Court.
 4. A petition, pursuant to Section 1203.2 P.C., to violate the person's probation should be filed with the Court as soon as possible, preferably by the next court day when Violation of Probation (VOP) is heard.
 5. Probation holds are to be used when there is a clear-cut case of a probation violation, the person is considered dangerous, or may flee the jurisdictions of the Court.

SECTION 4

ADULT PROCEDURES

- 04-01 Court Officer Duties/ Testifying
- 04-02 Adult Supervision Standards
- 04-03 Community Service Work Program
- 04-04 Domestic Violence Program
- 04-05 Deferred Entry of Judgment Program (DEJP)
- 04-06 Transferring Cases Intrastate
- 04-07 Transferring Cases Interstate
- 04-08 Termination of Probation
- 04-09 Certificate of Rehabilitation and Pardon

SUBJECT: Court Officer Duties / Testifying	NO: 04-01
Page 1 of 4	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
- II. **PURPOSE:** To provide an informational service to the Court and accurate tracking of probation cases.
- III. **RESPONSIBILITY:** The Adult Division Probation Officer (SPO) shall see that this procedure is implemented and carried out for the benefit of the Department and the Superior Court.
- IV. **GENERAL PROVISIONS:** Staff assigned to cover Superior Court will provide coverage on all new cases appearing for sentencing and cases appearing for violation of probation. In the event that the assigned Court Officer is not able to fulfill his/her commitment, it is his/her responsibility to arrange court coverage and inform a supervisor of the change.
- V. **SPECIFIC PROVISIONS:**
 1. The Court Officer must be prepared to address all inquiries the Court may have.
 2. A Probation Officer, who is scheduled to cover a court hearing, shall double check the Court Calendar and reviews the files to determine that all the necessary information is available to properly represent the Department in Court.

On the day prior to serving as court officer, the Superior Court clerks will fax the Probation Department a calendar listing those cases which will be heard in Department 5 the following day. One of our Records clerks will check our records to see which cases are assigned to a specific probation officer. The Records clerk will then gather those cases which will be heard in Department 5 the following day and give them to the assigned court officer sometime between 4:30 p.m. and 5:00 p.m.

The court officer should review all of the cases either that afternoon when he/she receives the files or the following morning prior to leaving the court. Should the court officer have any questions regarding these cases, he/she should check with the probation officer to whom the case is assigned to clear up any confusion prior to leaving for court. The assigned court officer will be in Department 5 by no later than 8:30 a.m. While in court, the court officer will record all further hearing dates, directives, or requests of the court. The

court officer will also provide the court with reports and recommendations of the assigned probation officer. The court officer will record these events on the Daily Court Proceedings form in each file and on the court calendar.

3. Sentencing Hearings:
 - a. If it is at all possible, the probationer should sign and date the probation orders at the time of sentencing.
 - b. The "chronos" on the calendar should contain the sentence and whether the Judge specifically ordered chemical testing, search and seizure, the number of days in the County Jail, the date to report to jail, and any other pertinent information.
4. When the Judge orders a pre-sentence report or supplemental report, the Court Officer will fill in the name, date of birth, and phone number of the defendant on the Superior Court Calendar.
 - a. When the defendant arrives at the Probation Department, clerical staff will give the defendant a Personal History Form to fill out.
 - b. The referral form will then be routed to the Adult Division Probation Officer for assignment.
 - c. During Court, all notes will be made on the Court Calendar.

When the Court Officer is through with that day's court calendar, he/she will return all probation files and the court calendar to our Records clerks so that the day's events can be recorded in the computer and the files can be returned to the assigned probation officers. If there were any problematic or difficult cases, the court officer should contact the assigned probation officer and speak with that officer directly to avoid any problems in court for future hearings.

5. Courtroom Demeanor and Testimony:
 - a. Check your clothing and appearance. Dress like a professional.
 - b. Report early or at least on time.
 - c. Act like a professional.
 - d. Never chew gum or have related substances in your mouth while testifying. It interferes with clear speech. A sudden cough or sneeze could send that substance into the courtroom.
 - e. When not using your hands to gesture, keep them folded in your lap while seated in the witness stand.
 - f. Avoid crossing your arms or legs while testifying.
 - g. Never let them see you sweat.
 - h. Be polite to the attorneys on both sides of the case.
 - i. If you must address the court staff, use their respective titles:
 1. To address the judge: "Your honor:

2. To address the clerk or court reporter: Either "madam," "Ms. or Mr. (Name)"
 3. To address the bailiff: "Mr./Ms. Bailiff" or "Deputy (Name)"
- J. When you are finished with your testimony and you are excused by the court, leave the courtroom.
6. Testifying in Court:
- a. Tell the truth.
 - b. Be yourself.
 - c. Be natural and use common language. Try to avoid work-related jargon or slang.
 - d. Speak in a clear tone of voice.
 - e. Avoid covering your mouth or resting chin on your hand while you are speaking.
 - f. Speak at a normal rate of speed so that the court reporter and the jury can hear your words and the interpreter, if any, can properly translate your words into the target language.
 - g. When asked a question, pause, think about the question and think about your answer before you start talking.
 - h. Answer the questions with a "yes" or "no" if possible then explain. Be brief and on point if a narrative answer is requested.
 1. Avoid answering any question that you do not understand completely. Ask to have the question clarified.
 - J. "I do not know" or "I do not remember" are valid answers, if appropriate.
 - k. Avoid appearing overconfident. Use terms like "approximately" when asked for measurements of time and distance.
 - l. Avoid appearing arrogant.
 - m. Avoid giving the answer to a question until the attorney has finished asking it.
 - n. Avoid allowing yourself to be talked into false testimony or affirming incorrect statements.
 - o. Listen carefully to each question, and be sure that everything in it is true before adopting it as your own. "Isn't it true that "
 - p. If you realize that you have made an error in your testimony, immediately ask the judge for permission to correct the error.
 - q. If your testimony is interrupted for any reason, stop talking.
 - r. Avoid being anxious or volunteer information.
 - s. Avoid testifying, reading form or otherwise referring to your report without first asking for permission from the judge to refresh your recollection by looking at it.
 - t. Remember that you cannot offer or volunteer your opinion unless you are testifying as a court qualified expert witness.
 - u. Avoid answering the question with the phrase "I believe... ", "I think " or "I am not sure ... "

- v. Listen to the question and do not allow the Attorneys to put their words in your mouths.

SUBJECT: Adult Supervision Standards	NO: 04-02
Page 1 of 4	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY**
Chief Probation Officer
- II. **PURPOSE:** To establish uniform criteria and procedures for adult supervision standards.
- III. **RESPONSIBILITY:** It is the responsibility of all Supervising Probation Officers (SPO) to be aware of and to comply with the adult supervision standards and criteria.
- IV. **GENERAL PROVISIONS:** The primary mission of the probation officers in this division is to protect the community by providing services to the court, defendants, and the public. The basic concept of this mission is that criminals under probation supervision will be appropriately supervised and assisted to become law-abiding individuals. The supervision may be intensive for offenders whose behavior poses a continuous threat to public safety; or **banked** (little or no supervision) for those whose offenses pose less of a risk to the public. AS officers also write reports for the courts about the offenders' backgrounds and make recommendations for various sentencing alternatives.

AS officers also provide programs for special offender populations, such as sex offenders and spousal abusers (Family Domestic Violence and Sex Offenders Unit), pregnant women with a history of substance abuse, and offenders whose criminal behavior is primarily linked to substance abuse. AS also has a unit of armed officers who work closely with our law enforcement partners to conduct fourth waiver searches of probate residences and arrest absconders.
- V. **SUPERVISION:** All probationers will be supervised according to the risk they pose to the community. Those probationers requiring the greatest supervision and determined by their risk assessment scores as maximum supervision, will be placed in the Regular Supervision Category and will be actively supervised. All other cases, which have been determined by their risk assessment scores, to be medium or minimum supervision, will be in the Minimum Supervision Category and will be placed on a caseload where they will receive less supervision, which includes no field supervision except in emergency situations. It is anticipated that cases will move back and forth between these categories as the circumstances of the individual cases change.

The Regular Supervision Category will only include those probationers who reside in Imperial County. All other probationers will be transferred to the Probation Department of their county of residence, or will be placed in the Minimum Supervision Category.

VI. SPECIFIC PROVISIONS:

A. Intensive Supervision Standards

1. Reporting: One (1) time per week, "face-to-face" in the office.
2. Field Visits: To verify probationer's address and when information indicates that it is necessary.
3. Searches: When information indicates that terms of probation may be violated.
4. Chemical Testing: Three times per week.
5. Financial Payments: Agreed upon payment to be made monthly. A violation of probation (VOP) report is to be generated if the payment is sixty (60) days past due (any exceptions should be discussed with your Supervisor).
6. Probationers are to remain on Intensive Supervision for six (6) months and if they are in compliance they are to be reassigned at that time.

B. Regular Supervision Standards

1. Reporting: One (1) time per month, "face-to-face" in the office or in their home.
2. Field Visits: To verify probationer's address and when information indicates that it is necessary.
3. Searches: (when ordered) When information indicates that probationer may be violating terms of probation.
4. Chemical Testing: (if ordered) Two (2) times per quarter, on a random basis, more frequently if necessary.
5. Financial Payments: Agreed upon payment to be made monthly. A violation of probation (VOP) report is to be generated if the payment is sixty (60) days past due (any exceptions should be discussed with your Supervisor.)

When the case is closed, the Probation Officer will print all notes from Jalan and file it in the client's file.

6. Counseling: Must be in a counseling program within thirty (30) days of the initial meeting with Probation Officer (or show proof of being on a waiting list for a counseling program).

C. Minimum Supervision Standards

1. Reporting: Report by mail each month using a Monthly Report Form. Failure to report for two (2) months consecutively will generate a VOP report to the Court (exceptions should be discussed with your Supervisor) and one (1) "face-to-face" visit in the office twice annually.
2. Field Visits: When information indicates that it is necessary.
3. Chemical Testing: (If ordered) One (1) test every six (6) months on a random basis.
4. Searches: (If ordered) When information indicates that probationer may be violating terms of probation.
5. Financial Payments: One (1) agreed upon payment per month is to accompany the written report. Failure to pay for two (2) consecutive months will generate a VOP report to the Court (exceptions should be discussed with your Supervisor).

When a file is closed, the Probation Officer will print the notes from Jalan and file it in the client's file.

6. Counseling: If counseling is required in these cases, the defendant must enroll within thirty (30) days of the initial meeting with the Probation Officer or show proof of being on a waiting list to enter a program.
7. Classification: These cases will only be comprehensibly reclassified if there has been new activity, which would significantly change either the risk or needs.

However, if a significant event occurs in any one of these cases, the Probation Officer must consider reclassification since the event might be a new offense, etc., which could move that probationer into the Regular Supervision Category.

8. Each probationer should have a CII "Rap" sheet and Driver's License run each year.

D. Initial meeting with Probationer:

- 1) Determine if the case is a misdemeanor or felony violation of a specific code, such as Penal Code, Vehicle, Health and Safety Code, Business and Professions Code, etc.

- 2) a) Misdemeanor cases carry on up to one (1) year of confinement time in County Jail.
b) Felony cases carry prison confinement time over one (1) year.
- 3) Determine if the defendant was convicted and sentenced to:
 - a) State prison suspended sentence (SPS)
 - b) Imposition of sentence suspended (ISS)

SPS cases are determined suspended sentences and generally carry a direct consequence of state prison time.

ISS cases are non-determined sentences.

- 4) Determine the serenity of the offense; read the pre-sentencing report; read the sentencing minute orders to determine all of the court ordered probation terms and conditions; read the police report and other documents of information.
- 5) Determine and assess the issues surrounding victims and restitution.
- 6) Assess the defendant's background including: Criminal history, social background, employment status, drug abuse history, violence history, gang affiliation history, weapon possession history, and other relevant factors that are necessary for safety and case management.
- 7) Assess and determine the defendant's status:
 - a) Confined/serving jail time
 - b) Enrolled in an outpatient or residential program
 - c) Counseling requirements
 - d) Community Service requirements
 - e) Stay of execution
 - f) Residence status/living arrangement
 - g) Interstate Compact issues
 - h) Any relevant issues for proper monitoring of the defendant
- 8) Contact defendant for probation orientation: Review of terms, conditions, fines, fees, restitution, resource referrals, residence confirmation, reporting instructions, drug/or sex offender registration, additional background assessment, and relevant court ordered issues and provide them with a copy.
- 9) Assess each case to determine supervision method and level of supervision.
- 10) Assess to determine drug testing frequency. (If applies) determine severity of drug problem.
- 11) Document:
 - a) Office and field contacts with the probationer.
 - b) Goals and objectives, progress, violations of probation, court appearances, and all status information relevant to case management.
 - c) Verify that the Judge and the probationer have both signed and dated the Probation Order.
 - d) Explain the expectations of the Court and the Probation Department and make sure that the probationer understands.

- e) The probationer should be advised that any violation of probation or the law will be reported to the Court and could result in revocation or modification of probation.
- 12) Follow upon: Court proceedings; victims information and issues; probation modifications, violations of probation - file violations through court; court ordered conditions, scheduled payments towards fines, fees, supplemental reports, and restitution; defendant's current criminal activity, additional cases, counseling and treatment progress, continued drug use (if applies), continued violence (if applies), and any other relevant issues that could affect the defendant's probation status.
- 13) Employ any community resource(s) to:
 - a) Protect the community
 - b) Offer the defendant guidance and rehabilitation
 - c) Adhere to court ordered probation terms and conditions
 - d) Meet case management objectives
- 14) Maintain files and documentation in Jalan System/case files

SUBJECT: Community Service Work Program	NO: 04-03
Page I of 2	ISSUE: 1 EFFECTIVE DATE: February I, 2003 By: Michael W. Kelley, CPO

I. **AUTHORITY:**
Chief Probation Officer

II. **PURPOSE:** To establish procedures for individual job duties.

III. **RESPONSIBILITY:** It is the responsibility of all staff to be aware and comply with these procedures.

IV. **GENERAL PROVISIONS:**

V. **SPECIFIC PROVISIONS:**

A. **Imperial County Referrals to Another County:**

1. Client will report to the Probation Department with Court document.
2. Obtain the address of the program from a CLASP booklet (California League of Alternative Service Programs). Verify that the class is for adults or juveniles and that the location of the class is convenient for the client.
3. Access the CLASP from (#6302) in the computer and fill it out completely.
4. Collect the \$10.00 transfer fee. If the client cannot pay, provide them with a self-addressed envelope and tell them to mail a money order as soon as possible.

Assigned for convenience close to home (El Centro, Brawley, Calexico, etc.)

a. Obtain personal information, such as address, phone number, working? Not?

b. Explain how Community Work Service works, explaining the due date if by court or review and need to complete prior to that date.

Make copies for records and for defendant.

Explain if any problems to call back for re-assignment or doubts.

5. The final report is due by the completion date that the Judge stipulates.
6. The date that the Judge gives to the client to return to Court to show proof of enrollment goes under the box under special instructions.

File alphabetically in binders. Also write down defendant's name, completion date and ours and due date on the Community Work Service binder to keep track. On due date call the referring agency to confirm if defendant completed or not. If court left completion date up to the Probation Department - to (supervising officer) grant extension.

Call defendant to inquire why not completed with hours. Officer to use discretion if wants to grant extension or not.

NOTE: If defendant completed, make memo to court to inform. Now, if defendant has not completed and this was due to neglect or carelessness also inform the court with a memo. File with District Attorney, Public Defender and the Court.

B. Referrals from Another County:

1. The client will usually call for an appointment. Inform them of the \$20.00 fee.
2. The referral should have been received from the referring county before the client reports.
3. Fill out our referral form (#6302), make a copy, and give the original to the client. Attach the copy to the referral from the other county and place it in the folder marked "Referrals to Imperial County".
4. Clients that are referred from another county are charged \$20.00, which is to be paid at the time of the appointment.
5. Staple the receipt to the client's paperwork and enter it into the Community Service log.
6. Imperial County has several work sites that are willing to accept workers during normal working hours.

Add all new clients to the Community Service log and update clients that have completed their hours.

SUBJECT: Domestic Violence Program	NO: 04-04
Page 1 of 1	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
- II. **PURPOSE:** To establish procedures for all job duties.
- III. **RESPONSIBILITY:** It is the responsibility of all staff to be aware and to comply with These procedures.
- IV. **GENERAL PROVISIONS:** The defendant is referred to the Domestic Violence Caseload through the Court process.
- V. **SPECIFIC PROVISIONS:** Probation requirements are contained in Section 243(e)(1), and the batterers' treatment in Section 1203.097.
 1. The defendant will be instructed by the Court to contact the Probation Department to set up an evaluation appointment within two (2) court days after sentencing.
 2. The front desk will get copies of Court paperwork from the defendant, give him/her a Personal History Form to fill out and return on his/her scheduled appointment.
 3. If the Domestic Violence Officer is unavailable to set up an appointment, the front desk will instruct the defendant to call the Probation Department within the next couple of days to schedule an appointment.
 4. At the scheduled appointment the defendant signs his Domestic Violence Court Orders, which includes his/her Batterers' Program assignment and a monthly Fines & Fees Payment Plan.
 5. The Probation Officer is to send a Victim Letter to the victim's last known address. [P.C. 1203.097(b)(4)]

SUBJECT: Deferred Entry of Judgement Program (P.C. 1000)	NO: 04-05
Page I of2	ISSUE: 1 EFFECTIVE DATE: February I, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
- II. **PURPOSE:** To establish procedures for all job duties.
- III. **RESPONSIBILITY:** It is the responsibility of all staff to be aware and to comply with these procedures.
- IV. **GENERAL PROVISIONS:** A candidate is referred to the Deferred Entry of Judgment Program (DEJP) for screening through the Court Process.
- V. **SPECIFIC PROVISIONS:** The criteria for a candidate to be eligible to enter the Deferred Entry of Judgment Program can be found in Section 1000 P.C.
 1. The applicant will be instructed by the Court to contact the Probation Department to set up a screening evaluation appointment immediately after Court.
 2. The front desk will get copies of Court paperwork from the candidate, give him/her an Adult Personal History Form, to fill out.
 3. If the Deferred Entry of Judgment Officer is unavailable to set up an appointment, the front desk will instruct the candidate to call the Probation Department within the next couple of days to schedule an appointment.
 4. At the scheduled appointment, the candidate is assessed as to whether he/she meets the criteria for the P.C. 1000 Deferred Entry of Judgment Program. A DEJP Screen Report is prepared and submitted to the Court, with a recommendation.
 5. Run rap/ See if defendant is ineligible per 1000 P.C.
 6. Schedule appointment with defendant for interview
 7. Prepare a supplemental report for court on whether or not defendant is eligible and suitable. If defendant is eligible and suitable, list counseling program referred to:
 - a. Sober Roads
 - b. Behavioral Health Services Outpatient Program
 - c. Residential Programs
 - d. Out of County Programs
 8. If defendant was ordered to report to Probation and does not, Failure to Appear. Call jail information to obtain booking number and defendant's location. Call housing / camp to have defendant pulled out for interview. Take the appropriate paperwork: Bail Review form, rap sheet, pens and County ID.

Sign out.

While in the Sheriff's Office, wait in booking area to interview defendant, once completed wait until search and escort takes defendant to be re-housed.

9. Return to the department to review rap sheet and District Attorney's file.
 - a. Look for record of flight, such as Bench Warrants and Failure to Appear.
 - b. Prior convictions.
 - c. Cases pending, charges pending court action
 - d. On Probation?/ Parole?
10. Submit approval/ type report/ proofread.
11. File with the appropriate authorities, such as District Attorney, Public Defender, Court etc.
12. Receive court referrals on review dates.
13. Prepare reviews for the court with information on the defendant's progress and include a recommendation if needed.
14. Respond to all subpoenas

SUBJECT: Transferring Cases Intrastate	NO: 04-06
Page I of 3	ISSUE: 1 EFFECTIVE DATE: February I, 2003 By: Michael W. Kellev, CPO

- I. **AUTHORITY:**
Chief Probation Officer
- II. **PURPOSE:** To provide for the continued supervision of a probationer residing out-of-county.
- III. **RESPONSIBILITY:** It is the responsibility of all Adult Supervision Officers to comply with these procedures.
- IV. **GENERAL PROVISIONS:** Whenever possible, persons who have serious or violent criminal histories and are on probation in our County, but residing in another jurisdiction, should be under courtesy supervision of the local probation officer where the probationer resides.
- V. **SPECIFIC PROVISIONS:**
 - A. **Courtesy Supervision:**
 - 1. A letter requesting "Courtesy Supervision" is to be sent to the county where the probationer will be residing. Many counties no longer accept courtesy supervision cases, therefore, 1203.9 P.C., Transfer of Jurisdiction, may be considered in the serious/violent cases.
 - a. Use Courtesy Supervision form when transferring cases and keep a copy of it in the probationer's file.
 - b. Enclose a copy of the pre-sentence report and the probation orders.
 - 2. Financial matters will remain with our department.
 - 3. Reporting and overseeing the terms of probation is done by the receiving county.
 - 4. Quarterly reports are to be provided by the Supervising Probation Officer upon request or when a violation of probation occurs.
 - 5. A "closing" progress report should be written to the other jurisdiction prior to the expiration of probation.
 - B. **Court Transfers:** Pursuant to Section 1203.9 P.C., cases may be transferred to Courts in other counties in California if the case meets all of the following statewide criteria:
 - 1. Cases ordered transferred to, or received from, another county, will have precedence over all other cases in processing.
 - 2. Deferred Entry of Judgment, (1000 P.C.), and cases not supervised by the Probation Officer, will not be transferred.
 - 3. Cases pending appeal will not be transferred until the appeal has been decided.

4. Cases with less than twelve (12) months probation supervision time remaining will not be initiated for transfer.
5. When the Court orders a fine as a condition of probation payable to the Court Clerk or some other agency, the case will not be transferred until the fine is paid in full or the order is modified to make the fine payable as directed by the Probation Officer.
6. A credit sheet for all time in custody must be completed prior to transfer.
7. Violation proceedings and any other Criminal Court actions pending against the probationer must be disposed of prior to the initiation of transfer requests.
8. A Residence Verification and Acceptance of Transfer form must be sent.
9. Restitution is to be determined prior to transfer including the name, address, and total amount due to each victim. Delinquent cases (i.e. those with no payment for 60 days) should not be initiated for transfer until the accounts are made current or violation proceedings are initiated and completed. The sending county is responsible for notification to the victims of the transfer.
10. All requests for investigations must include the most recent pre-sentence report and the original Court order and any subsequent modifications. The investigation will not commence until all those documents are received.
11. No cases shall be transferred or accepted where a residential treatment program is an order of the Court, until that condition is fulfilled and the defendant is released.
12. Joint agreements between counties supercede the proceeding guidelines. Transfers must not be designed as a quick disposal of troublesome cases. The procedure for the transfer of cases is as follows:
 - a. The sending Probation Officer completes a referral document, retains a Copy for his/her files, and forwards the original and three (3) copies to the 1203.9 P.C. coordinator of the receiving Probation Department.
 - b. The referral document is distributed to the Field Probation Officer who conducts residence investigation, completes his/her part of the document (indicating whether acceptable), and forwards original and all three (3) copies to the Clerk of the appropriate Court in the receiving county for the Judge's signature.
 - c. The Probation Officer retains one (1) copy for probation records while filing the original with the Court.
 - d. After acceptance, the sending Probation Officer submits his/her "Recommendation for Transfer" together with the original and one (1) copy to the sending Court.
 1. The "Recommendation for Transfer" is in the form of a supplemental report. The case does not have to be "calendared" in Court.
 2. The recommendation must contain (in accordance with 1203.9 P.C.), a statement that the defendant be committed to the care and custody of a Probation Officer of the receiving county.
 - e. Upon an order of transfer by the sending Court, the Clerk sends the original document to the receiving Court, with the Court file, and keeps a copy for the Court records.

1. As soon as the transfer is made, the Probation Officer must notify the Probation Department in the receiving county, in writing, concerning the transfer.
2. A copy of any papers not previously sent to the receiving Probation Department should be forwarded at the time, including "chrono" sheets.
3. A copy of the closing letter should be forwarded to the defendant.

SUBJECT: Transferring Cases Interstate	NO: 04-07
Page I of 2	ISSUE: I EFFECTIVE DATE: February I, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
Sections 11175 and 11179 P.C.
- II. **PURPOSE:** The Uniform Act for Out-of-State Probationer and Parole Supervision provides for the continued supervision of probationers residing out-of-state.
- III. **RESPONSIBILITY:** It is the responsibility of all Adult Supervision Officers to comply with these procedures.
- IV. **GENERAL PROVISIONS:** As of June 16, 2000, the Interstate Services Unit (ISU) will only provide reporting instructions to persons convicted of sex offenses or violent crimes. Each of the fifty (50) states has entered into a legal agreement whereby the state of original jurisdiction retains control over/and is kept informed of the whereabouts and progress of each probationer by means of a quarterly progress report. The agreement also provides for violators to be returned to Court without the usual extradition proceedings.

The following criteria must be met prior to receiving reporting instructions:

- Residency
- Medical emergency
- Loss of Employment

- V. **SPECIFIC PROVISIONS:** Referrals for Interstate Compact services are made through California Interstate Services Unit, Department of the Youth Authority, 4241 Williamsborough Drive, Suite 223, Sacramento, CA 95823, phone #916.262.1368.
- A. Fill out the following mandatory forms and mail them to Interstate Compact, along with two (2) copies of both the pre-sentence report and the probation orders.
1. Form #1: Investigation Request (2 copies)
 2. Form #3: Waiver of Extradition (4 copies)
 3. Form #5: Application of Probationer for Compact Services (4 copies)
- B. Further correspondence on the case should go directly to the other state. Sacramento is to only be involved in the initial referral contact.
- C. If our County is to supervise a case from another state and the probationer moves to another county in our state, we are to forward the case material directly to the other county for supervision with a copy of our cover letter to Sacramento.

- D. Supervision requests, from other states to our office must be answered within thirty (30) days of receipt and a notice is sent to the sending state by our clerical staff at the time of receipt, along with a notation as to which Probation Officer in our office is assigned to the case. Verification of address is also conducted by a Probation Officer in our office.
- E. It is a part of the Interstate Agreement that progress reports are provided by the Supervision Probation Officer on a quarterly basis.

SUBJECT: Termination of Probation	NO: 04-08
Page 1 of 2	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 Bv: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
1203.4 and 17(b) P.C.
- II. **PURPOSE:** To ensure uniform termination of probation.
- III. **RESPONSIBILITY:** It is the responsibility of all Probation employees to comply with these procedures.
- IV. **GENERAL PROVISIONS:** Adult probation cases will automatically expire on the expiration date; however, early termination of probation may be considered for those persons who are performing well on probation and who are not believed to be in need of further supervision.
- V. **SPECIFIC PROVISIONS:** Early termination should only be considered when the probationer is within one (1) year of completing probation or has completed one-half of his/her term of probation.
 - A. Early termination may be requested by the supervising officer with the filing of a motion.
 - 1. Obtain a CII Rap Sheet, an FBI Rap Sheet (if the probationer has been out of state), and a DMV records check.
 - 2. The reason for early termination should be stated on the petition.
 - 3. A copy of the motion must be provided to the District Attorney's Office (with 15 days notice), Defense Counsel, and the probationer.
 - B. If the case is supervised out-of-county or out-of-state, we should let the other jurisdiction know of the probation termination.
 - C. Benefits of Section 1203.4 P.C.
 - 1. The defendant is automatically entitled to this when early termination is granted.
 - 2. In cases where we are recommending against 1203.4 P.C., a closing report to the Court is necessary.
 - 3. In cases where we are recommending in favor of 1203.4 P.C., in spite of a previous violation report, a closing report should be submitted giving the reasons for the recommendations.

4. If the motion is granted, this means that the conviction is set aside and the probationer is found "not guilty."
 - a. From that point on, the defendant is relieved of criminal penalties and disabilities, which include relief from drug and sex offender registration, except for felony sex offenders.
 - b. It is important to note here that the Appellate Courts have made it clear that the relief from criminal penalties and disabilities does not include relief from certain civil penalties such as restrictions placed on the obtaining of certain business licenses or restrictions on employment for convicted persons.
 - c. If the dismissal is not granted, drug offenders are required to continue registering for five (5) more years after probation terminates, and sex offenders are required to continue registering for life. Felony sex offenders are required to continue to register for life even when 1203.4 P.C. is granted, unless they also obtain a Certificate of Rehabilitation and Pardon. Dismissal of Record does not wipe out the record, it merely sets aside the conviction.
5. In *People v. Sharman*, 17 C.A. 3d 550 (1971), the Appellate Court ruled that a defendant granted 1203.4 P.C. privileges, is not relieved of the following "penalties and disabilities":
 - a. The right of the State to keep the dismissed conviction record on file at CII.
 - b. Disbarment.
 - c. Revocation of/and application for business and professional licenses.
 - d. Suspension by the State Medical Board.
 - e. Suspension by the State Board of Education. (This restriction was later amended in 1976 by the State Legislature. See "Licenses").
 - f. Deportation.
 - g. Right to hold public office.

SUBJECT: Certificate of Rehabilitation and Pardon	NO: 04-09
Page I of I	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 Bv: Michael W. Kellev, CPO

- I. **AUTHORITY:**
Chief Probation Officer
4852.01 P.C. to 4852.21 P.C.
- II. **PURPOSE:** A Governor's pardon restores certain citizenship rights to the individual who has demonstrated a high standard of constructive behavior following conviction for an offense.
- III. **RESPONSIBILITY:** Each person who is eligible to initiate the Certificate of Rehabilitation proceeding is entitled to receive free assistance by the County Probation Officer.
- IV. **GENERAL PROVISIONS:** Anyone who has been convicted of one or more felonies in California may apply to the Superior Court in his/her county of residence for a Certificate of Rehabilitation provided a three (3) year California residency requirement has been met.
- V. **SPECIFIC PROVISIONS:** Persons, who obtain a 1203.4 P.C. record clearance (expunge) for a felony offense may further file a petition for a Certificate of Rehabilitation and Pardon.
 - A. **Filing the Petition**
 - I. A petition for Certificate of Rehabilitation and a Notice of Filing Petition Form must be filed in Superior Court of the petitioner's county.
 2. Notice of the filing must be sent to the District Attorney's Office of the county of residence, each county in which the petitioner was convicted of a felony, and to the Governor's Office.
 - a. The Notice must indicate the date and time of the hearing.
 - b. The Notice must be sent thirty (30) days before the hearing.
 3. Once a petition is filed, the Court will schedule a hearing to consider the petition.
 - B. For further information, refer to "How to Apply for a Pardon", distributed by the California Board of Prison Terms, Investigation Section, 545 Downtown Plaza, Suite 200, Sacramento, CA 95514; Telephone: 916.322.9467.

SECTION 5

ADULT REPORT WRITING

05-01	Court Investigation ReportFormat
05-02	Victim Contact/Restitution Fine
05-03	Motions
05-04	Civil Custody Investigations
05-05	Conservatorship Investigations
05-06	Guardianship Investigations
05-07	Step-Parent Adoptions
05-08	Bail Review

SUBJECT: Court Investigation Report Formats	NO: 05-01
Page of 3	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 Bv: Michael W. Kellev, CPO

- I. **AUTHORITY:**
Chief Probation Officer
Sections 1203 P.C., 1170, 1000.1(b) P.C.
Rule 411 and 411.5
- II. **PURPOSE:** To provide guidelines for writing Adult Court Reports.
- III. **RESPONSIBILITY:** It is the responsibility of staff writing Adult Court Reports to comply with these procedures.
- IV. **GENERAL PROVISIONS:** The function of the Probation Officer is to assist the Court in determining an appropriate disposition. Any opinions and recommendations advanced by the Probation Officer are advisory only.
- V. **SPECIFIC PROVISIONS:** The Probation Department is required to investigate and report to the Court, the circumstances of the offense committed and the background of the defendant, following conviction of a felony offense. The report can be waived by a written stipulation filed by the Court, by the prosecuting and defense attorneys, or if an oral stipulation to waive the report is made in open Court.
 - A. Determine if the case is a misdemeanor or felony violation of a specific code.
 1. Penal Code, Vehicle, Health and Safety Code, Business and Professions Code, etc.
 2. Misdemeanor cases carry up to one (1) year of confinement time in County Jail
 3. Felony cases carry prison confinement time over one (1) year
 4. Determine if the defendant was convicted and sentenced to:
 - a) State prison suspended sentence (SPS)
 - b) Imposition of Sentence suspended (ISS)
 5. State Prison Suspended cases are determined suspended and generally carry a direct consequence of state prison time.
 6. Imposition of Sentence Suspended cases are non-determined sentences.
 - B. Felony Pre-sentence Reports for the Consolidated Superior Courts:
 1. Pre-sentence Court Report Forms are to be obtained from JALAN.
 2. Contents of the Probation Report are listed in Section 1203(b) P.C. and Rule 411.5(a)(1).
 3. General sentencing statutes must be read and learned (1170 P.C., Rule 410, 414,416,423,425,452,408).
 4. Factors in Aggravation (Rule 421) and Mitigation (Rule 423) must be listed.

5. Defendants are to thoroughly complete an Adult Personal History Form and meet with the Probation Officer for the interview.
6. The probation report must be made available to the prosecuting attorney and the defendant or his/her counsel at least 72 hours, (excluding weekends and holidays), prior to the pronouncement of judgment, unless waived by both parties. Upon specific request, the report must be made available at least nine (9) days prior to judgment.
7. The sentence recommendation of the Probation Officer must be made available through the District Attorney to the victim or next of kin if the victim is deceased.
8. Jail sentences may be ordered as a condition of probation but may not exceed the statutory limitations of one (1) year unless the defendant signs a "Johnson Waiver".

C. Pre-Plea Report:

1. The Probation Officer conducts an investigation and reports prior to the finding of guilt.
2. The content is basically the same as a Pre-sentence Report except that the recommendation is not to be specific. An appropriate recommendation would be for or against the grant of probation. Also, the report does not contain a Credit Sheet.
3. The defendant may not want to discuss the offense since there has not been a finding of guilt.

D. Violation of Probation Report:

1. The report must contain the time in custody and/or a Credit Sheet.
2. Except in unusual circumstances, the report should contain a recommendation from the Supervising Probation Officer.
3. The report must be filed, with the Court, at least 48 hours, (excluding weekends and holidays), before the scheduled court hearing, unless the defendant is in custody on the violation.

E. Pre-sentence Report:

1. The report must be filed with the Court at least 72 hours, excluding weekends and holidays, before the scheduled court date.

F. Pre-sentence credit for time served:

1. All felony and misdemeanor convictions will receive credit towards the defendant's term of imprisonment for all of the days in custody. (2900.5 P.C.)
2. Complete a Credit Sheet, Pre-sentence Reports and Violations of Probation Reports.
3. "Crime Time" software should be used to calculate the time between the dates.

- G. Conditions of Probation:
1. Use the Terms Admitting to Probation. These are the standard terms that are to be imposed, however, any additional terms relating to the offense may be added. (1203.1 P.C.)
 2. The Court may order any reasonable terms of probation and the defendant has the right to refuse probation.
 3. Felony Probation may not exceed a period of five (5) years unless the maximum sentence itself may legally be for more than five (5) years. Misdemeanor probation cannot exceed three (3) years.
- H. Mentally Incompetent and/or Developmentally Disabled Persons (Sections 1026, 1368 & 4011.6, 1367, 1370 P.C., Sections 5150, 6506 W&I):
1. If in the process of investigating a Court referral, the Probation Officer feels the offender possibly falls into the category established by Section 1367 P.C., a recommendation should be made to suspend criminal proceedings pursuant to Section 1369 P.C., pending resolution of the mental competency issue.
 2. This process can also be instituted by a Supervision Probation Officer after the defendant is granted probation and there is a subsequent violation.

SUBJECT: Victim Contact/Restitution/ Restitution Fine	NO: 05-02
Page 1 of 3	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 Bv: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
- II. **PURPOSE:** To provide written procedures and procedure regarding Restitution Fines and Court ordered Restitution to Victims.
- III. **RESPONSIBILITY:** It is the responsibility of all staff writing sentencing reports, Batterers' Program reports, handling victim restitution, and restitution fine cases, to comply with these procedures.
- IV. **GENERAL PROVISIONS:** The Probation Department continues to be sensitive to victims who have suffered physical or property loss as a result of others' criminal behavior. As a public service agency and as the arm of the Court, this department is obligated to make a reasonable effort to seek out victims and ascertain the nature of the loss. Also, the Probation Officer must learn the victim's feelings regarding the offense and its consequences and report it to the Court at the time of sentencing. It is the procedures of this department that collection of restitution will be of the highest priority.

The term "victim" has been redefined for restitution purposes to include the immediate surviving family of the actual victim. This will ensure direct restitution to families incurring economic loss as a result of criminal activity even if the actual victim dies of unrelated cause prior to the offender's sentencing. In addition, the parent of minor victims will be able to recover their lost wages and profits resulting from time spent with their children in court or while assisting the police or prosecution.

- V. **SPECIFIC PROVISIONS:**
 - A. **Victim Contact:**
 - 1. The Probation Officer is required to contact the victim to obtain facts and feelings regarding the case.
 - 2. Probation Officer contacts must reflect concern for the victim.
 - 3. The report to the Court will accurately convey the victim's statements.
 - 4. Each victim shall be mailed the Department Victim's Letter.
 - 5. In cases of serious personal injury or significant property loss, a telephone contact will be made, absent compelling reasons to the contrary.
 - B. The victim of a crime, or next of kin if the victim is deceased, must be informed of all sentencing proceedings and notified of the right to appear, declare their views regarding sentencing, and have the sentencing Court consider those opinions (Sections 1191.1 and 679.02(a)(3) P.C.).

- C. Determining Restitution Amount: The appropriate amount of restitution shall be based upon all information provided by interested parties.
 - 1. Absent compelling reasons to the contrary, the Probation Report shall state the total amount owed and recommended method of payment at the time of the Sentencing Hearing and the basis for this finding. If not included, the report shall indicate the reason for exclusion.
 - 2. When restitution is not determined by the Court at the Sentencing Hearing, the Court will order that the restitution amount is, "To be determined by the Court".
 - 3. The restitution order must also have victim's name, as well as, amount owed to them. The restitution order is valid, but not enforceable, until a specific amount is entered on the record by the Court.
- D. Restitution Hearing:
 - 1. In every case where a victim suffers economic loss and the Court orders restitution to the victim, the offender is entitled to a hearing to determine or contest the amount of the order. (1202.4(f)(1) P.C.)
 - 2. An offender is not entitled to a separate a hearing to determine or contest the amount of restitution fine. (1202.4(d) P.C.).
- E. The Restitution Fine:
 - 1. Amount of the Restitution Fine
 - a. Felony conviction: \$200.00 - \$10,000.00
 - b. Misdemeanor conviction: \$100.00 - \$1,000.00
 - 2. Fines above the minimum may be determined by using the following formula: \$200.00 times the number of years, times the number of felony counts.
 - 3. The minimum will be ordered regardless of present ability to pay.
 - 4. If sentenced to probation, payment of the fine shall be a condition.
 - 5. The Restitution Fine cannot be stayed in any case without compelling and extraordinary reasons to do so. The reason must be stated on the record. (1204.4(c) P.C.)
 - 6. If sentencing involves a period of parole, order a second restitution fine at the same amount of the first. The second fine will be suspended unless parole is revoked. (1202.45 P.C.)

F. Restitution Order:

1. If sentenced to probation, payment of the Restitution Order shall be a Condition of Probation.
2. It is to be paid to the victim or to the State Restitution Fund.
 - a. Victim:
 1. Restitution is to be ordered to the victim in the amount of the victim's full losses, which may include benefits paid by an insurance company.
 2. It is not the Court's obligation to order restitution directly to insurance companies.
 - b. Restitution Fund: When a victim has received assistance from the Victims of Crime Program (VOCP) and an order of restitution to the victim is imposed as part of the sentence, the Restitution Fund is to be reimbursed for the amount that it has paid to the victim.(1202.4(f)(2) P.C.)

SUBJECT: Motions	NO: 05-03
Page 1 of 2 (<i>Plus Attached Sample</i>)	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 By: Michael W. Kelley, CPO

I. **AUTHORITY:**
Chief Probation Officer

VI. **PURPOSE:** To establish procedures for Probation Court Motions..

VII. **RESPONSIBILITY:** It is the responsibility of all staff to be aware and comply with this procedure.

GENERAL PROVISIONS: The intent of the filing of motions is to uniformly place on calendar modifications and violations of probation..

VIII. **SPECIFIC PROVISIONS:** The requirements for filing motions in court are as follows:

1. Court case number
2. Probation number
3. The defendant's name
4. (1) Calendaring a hearing date by following the statute/ rules of the Court. If the place of address is within the State of California, 10 working days if the place of address is outside the State of California, but within the United States and 20 working days if the place of address is outside the United States, but the extension shall not apply to extend the time for filing notice of intention to move for new trial notice of intention to move to vacate judgment pursuant to Section 663A or notice of appeal.
(2) Time of day
(3) State the department in which the hearing will be in
5. Select the type of motion you need by placing an x. If the defendant is in custody indicate what facility and the booking number. If the defendant's attorney is a private attorney state his or her name. If not, just state Public Defender.
6. State the convicted date of the defendant
7. State the charge starting the count
8. State the date of sentencing date, starting with the day, month and year
9. State the probation period () years
10. State the termination date
11. State the terms and conditions the defendant violated
12. State how the defendant failed to comply
13. Select probation revoke or probation ____ and a bench warrant issued, by placing an **x**.
14. When stating the execution date remember too that you need 10 working starting days starting with the date of execution

PROOF OF SERVICE BY HAND, MAIL OR FAX DELIVERY

15. Court case number
16. Probation number

17. Defendant's name
18. State the date you personally will serve a copy to all parties
19. State the persons or places you will personally serve
20. If mailing the proof of service, state that the address you're mailing to is your "last known address" then state the person's name and address
21. State the executed date. The date you will personally serve the person or persons

NOTE: Refer to attached example

SUBJECT: Civil Custody Referrals, Investigations & Court Reports	NO: 05-04
Page 1 of 5	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
- II. **PURPOSE:** To outline procedure for referral of civil custody investigations, and to provide a guide for completing civil custody investigations and reports to the Court.
- III. **RESPONSIBILITY:** It is the responsibility of assigned investigators to be aware and comply with this procedure.
- IV. **GENERAL PROVISIONS:** Individuals filing custody petitions in court will be referred to the Probation Department for a report.
- V. **SPECIFIC PROVISIONS:** The procedures regarding custody investigations will be followed as follows:

REFERRAL PROCESS:

- 1.) All Civil Custody Investigations are undertaken and completed upon direction of the Superior Courts of Imperial County as provided in Section 582 of the Welfare and Institutions Code of California. As a matter of policy, the Court usually makes a referral for probation investigation if the custody of the minor children is a matter of issue between the parents in a divorce hearing. (Usually after conciliation efforts have failed.) The Judge hearing the divorce matter directs his clerk to prepare an Order of Referral to the Probation Department and the Order of Referral to the Probation Department, and the Order is transmitted to the Probation Department.
- 2.) Usually the judge will not make the referral to the Probation Department unless both attorneys concur. It is possible, however, for the Judge to order an investigation by the Probation Department even if one or both attorneys do not favor such a procedure. The Probation Officer has a responsibility in such cases to provide the Court with as much information as possible. If, however, the litigants or their attorneys fail to cooperate with the Probation Officer the referring Court should be contacted for instructions on how to proceed.
- 3.) As soon as the Order of Referral is received by the Probation Department the deputy assigned to the case will contact both the attorneys and get information as to the addresses of the litigants, and any other information the attorney wishes to make available for the report. Be sure that our clerk has docketed the case.
- 4.) As soon as possible a letter will be mailed to each litigant asking them to contact the Probation Officer and make an appointment for an interview. Along with the letter send a Civil Custody Report Face sheet with instructions to bring the completed face sheet with them to the interview.

- 5.) Should one of the parties fail to respond to the letter or fail to appear for interview, the Probation Officer should immediately notify the party's attorney and advise him of the facts.
- 6.) If through a delay of receiving the Order of Referral the Probation Department does not have four weeks to complete the investigation and report, the deputy should contact both attorneys and suggest that they agree to continue the matter to a date, which will allow an adequate investigation. If they agree, they should contact the Court Clerk to so stipulate. If they do not agree, the Court should be contacted for directions on how to proceed.

INVESTIGATION PROCESS:

- 1.) At the time of the interview with each of the litigants, the Civil Custody Report Face sheet for each litigant should be reviewed with the individual to insure that all items have been completed. If necessary, Juvenile Face sheets can be completed on the children. The litigants should be requested to submit a written statement relative to the issues as they see them. Also, a financial statement maybe in order.
- 7.) In reviewing the Civil Custody Report Face sheet with the individuals the following is considered to be of prime importance:
 - a) Name (including maiden names and former married names of the mother)
 - b) Addresses
 - c) Telephone numbers
 - d) Dates of birth
 - e) Social Security Number
 - t) Driver's license number
 - g) Any other identifying information for each litigant
 - h) Name and Date of birth for all children
 - i) Name and address of not more than six references for each party.
- 8.) Letters to the persons given as references by the litigants should be mailed out as soon as possible so that a convenient interview date may be selected.
- 9.) Three points in particular must be covered in detail with each of the litigants:
 - a) The Probation Department's role in completing the investigation, including the responsibility to seek information from any source, including employers, doctors, school, neighbors, relatives, etc.
 - b) The issue as seen by each party. If written statements have been obtained and are vague, evasive or indefinite, the deputy should resolve these matters. The investigating deputy should use cross-examination techniques to obtain specific details about any alleged problems.
 - c) The plan for care, supervision, and support for the children, should this party obtain custody of the children, be explored in detail.
- 10.) As in any investigation, record check to CII, DMV and the local police department should be initiated. Check the County Clerk's file for divorce, previous custody orders, etc. The investigator also should feel free to contact employers and schools for any information which might be available from those sources regarding either the

- parents of the children. Where indicated, the investigator should verify as much of the information as he deems advisable to establish the veracity of the parties involved.
- 11.) In the event persons given as reference are unwilling or unable to come to the office for an interview a questionnaire could be mailed to them. Upon receipt of the questionnaire the deputy should evaluate the information submitted. If highly significant but undeveloped information is submitted by the references, the deputy probation officer should make arrangements to contact the reference for further elaboration of their comments. This same process should be used in interviews with references.
 - 12.) In no way should the deputy probation officer feel limited to contacting only those persons who are given as references. Any independent investigation deemed advisable should be undertaken on the initiative of the investigating officer.
 - 13.) At least one unannounced home call should be made to evaluate the present living arrangement for each of the litigants and, if the children are residing elsewhere, an additional home call should be made at their place of residence. If possible, during the interview the interaction of the children with the parent who has custody, or the person giving them temporary care, should be observed and evaluated.
 - 14.) If the children are of an age to be interviewed care should be taken not to force the children to choose which parent they prefer to live with. However, if this information is volunteered by the children the matter could be pursued to determine the reason for their choice. (More freedom, more activities outside the home, etc.)
 - 15.) If, during the course of the investigation, psychological or psychiatric data is needed, both parties should be requested to consider obtaining this information at their own expense. Additionally, if a polygraph examination is needed to resolve any point of issue, this too should be discussed. Medical and dental information regarding the litigants and children might be treated in this section if there are special problems not covered elsewhere in the report. If the children are, or have been, under the supervision of the Probation Department, or have received institutional treatment, a summary of the case should be included in a special section of the report.

FORMAT FOR REPORT TO THE COURT:

The completed Civil Custody Report Provides the Court with a social history on each of the litigants. It is essential that they be complete.

1) **Reason for Hearing**

This section should review the present Court Status or the proceedings and should indicate the date of hearings and the date the Court ordered the Probation Department investigation.

2) **Present Situation**

This section would include a statement as to where each party is presently residing and would indicate the current address of and allude to the present provisions for care and support of the children.

3) Plaintiffs Statement

This section may be paraphrased and summarized. It is important, however, to insure that any statements included in this section accurately reflects statements made by the plaintiff so as to avoid any charges of misrepresenting the plaintiffs position. The narrative of this section shall include the issues as seen by the plaintiff and a statement relative to the plaintiffs plan for the care, supervision and support of the children should (he) (she) be granted custody.

4) Plaintiffs References

Indicate that (number) reference letters were mailed out on the plaintiffs behalf. Also indicate the number of replies received and identify any references that did not reply. The Court's attention should be directed to the fact that the references' remarks are attached to the report for the court's perusal. Brief generalizations relative to the remarks of the references may be included in this section.

5) Defendant's Statement

(Same instructions as outlined in Plaintiffs Statement Section of this procedure.)

6) Defendant's References

(Same instructions as outlined in Plaintiffs References Section of this procedure.)

7) Minor's History and Statement

This section includes a brief, developmental history of the child or children. Any salient problems which the child has should be mentioned in this section, unless these problems are to be treated in the Collateral Information section of this report.

This section would also indicate the nature of the child's interrelationships with his siblings, with his parents and with any person who might be providing the minor with temporary care.

Finally, the child's feelings about living with each parent should be explored and evaluated here, if such information is available.

8) Collateral Investigation or Information

The deputy should be guided by last paragraph of Investigation Process section. Any psychiatric, psychological or medical reports may be attached to the Civil Custody Report. In this event, a statement alluding to the attachment of the collateral report would be made. In additions, the conclusions of the report, along with the diagnosis and recommendations, would be cite din brief narrative form.

9) Evaluation

This section would evaluate the future of the children in light of the background of each parent and the plan proposed for the future care of the children by each parent. Special attention should be given to the plan of each parent for supervision during working hours, housing, the motional inter-play between parent and children, and any other positive or

negative factors which would give cause to believe the tone parent is able to provide a better home environment for the children in the future.

I 0) Recommendation

The Civil Custody Report should include full information provided by both parties and by independent investigation so that neither side can allege prejudiced treatment. In making a recommendation, custody should be awarded to one of the litigants and not to a third party unless it appears neither parent can provide proper care and supervision of the children.

MISCELLANEOUS:

- 1) After the Civil Custody Report has been typed, proof read and signed, the probation officer will provide the original and one copy to the County Clerk. A copy of the report is delivered to the referring judge.
- 2) The probation officer notifies the attorneys for the parties that the report is prepared. They may request the report be mailed or that it will be picked up by their office at the Probation Department.
- 3) As a general practice, the reports will be delivered to the Clerk and the court two days prior to the date scheduled for the hearing.
- 4) After the report has been filed with the referring Court and the County Clerk, the investigating officer will not discuss his investigation report or recommendation with the attorneys, or with either of the litigants, or with anyone else.
- 5) After the Court hearing the probation file will be filed in the probation office files and will not be made available to anyone outside the probation office without a specific Court Order.

SUBJECT: Conservatorship Investigations	NO: 05-05
Page 1 of 1	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
Probate Code §1811 - 1812
- II. **PURPOSE:** Study of the Petition for appointment of conservator.
- III. **RESPONSIBILITY:** Staff assigned to prepare civil investigations must be trained and aware of procedures.
- IV. **GENERAL PROVISIONS:** Petitions filed will be reviewed and investigated by the Probation staff. Recommendations will be submitted to the Courts.
- V. **SPECIFIC PROVISIONS:** Further details of procedure are contained in the "Court Investigator Handbook" located with civil officers.

CONSERVATORSHIPS: PUBLIC AND PRIVATE

Public conservatorships are initiated by County Counsel when filing a Petition for Appointment of Temporary Conservator, Person and Estate, Order Appointing Court Investigator, Citation for Conservatorship, Capacity Declaration (medical) and Confidential Supplemental Information. The order of appointment of court investigator delineates the duties of the investigator/probation officer. The citation indicates that date of hearing. County Counsel set the matter on calendar and forwards the above-mentioned information to Probation Department/Court Investigator within two weeks.

Private conservatorships are initiated by legal counsel and attorneys are required to provide court investigator with a petition, Order Appointing Court Investigator, Citation, Capacity Declaration and Supplemental Information. However, they commonly submit a cover letter addressed to the Probation Department with the name of proposed conservatee and hearing date. Presently, it is the court order's responsibility to request pertinent documentation. Private counsel also gives a one-week advance notice. At times continuances are necessary.

All forms are available through JALAN and/or clerical.

SUBJECT: Guardianship Investigations	NO: 05-06
Page 1 of 1	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
Probate Code §1513, 1513(a)
- II. **PURPOSE:** To provide a method for guardianship investigations.
- III. **RESPONSIBILITY:** It is the responsibility of assigned staff to be aware and comply with this procedure.
- IV. **GENERAL PROVISIONS:** Staff assigned to do civil investigations will be assigned investigation of guardianships.
- V. **SPECIFIC PROVISIONS:** The procedures to conduct guardianship investigations will be as follows:

GUARDIANSHIPS

Private guardianships are initiated by petitioner's legal counsel. Counsel will file and calendar a Petition for Appointment of Guardian of Minor/Person., Notice of Hearing, Order Appointing Court Investigator and Cover Letter. All documents should be forwarded to the Probation Department. Once again, attorneys may only provide a cover letter and the court investigator has the responsibility to contact the attorney and request necessary information. The investigator will research law enforcement histories, schedule interviews and complete reports. The Superior Court will set hearing date.

SUBJECT: Step-Parent Adoptions

NO: 05-07

Page 1 of 2

ISSUE: 1
EFFECTIVE DATE: February 1, 2003
By: Michael W. Kellev, CPO

- I. AUTHORITY:
Chief Probation Officer
Probate Code §9001 - 9002
- II. PURPOSE: To provide guidance in preparation of Step-Parent Adoptions and a guide for completing the investigation and report to the Court.
- III. RESPONSIBILITY: It is the responsibility of assigned staff to be aware and comply with this procedure.
- IV. GENERAL PROVISIONS: Court referrals for Step-Parent Adoptions will be handled in this manner.
- V. SPECIFIC PROVISIONS: The procedure regarding the preparation of a report on step-parent adoptions is as follows:.

STEP-PARENT ADOPTIONS

Petitioner's legal counsel will file and calendar Petition for Adoption and Petition to Declare Free Form Parental Custody and Control. The attorney will request an evaluation by court investigator and the Superior Court will make the order. The attorney then will provide the Probation Department with the above-mentioned documents and re-calendar matter when report is completed and filed with the Superior Court. The investigator will send parties letter indicating purpose of evaluation and Personal History forms. Upon receipt, the investigator will research law enforcement histories on parties, schedule interviews and complete report.

REFERRAL PROCESS:

Step-parent adoptions investigations are undertaken and completed upon directions of the Superior Court of Imperial County as provided in Section 227a of the Civil Code of California.

Usually the attorney handling the case forwards a copy of the Petition for Adoption, copies of Marriage Certificate of the parties, birth certificate of each child being adopted, divorce records of both parties, and Consent to Adoption signed by the natural parent not having custody (if required- see Section 7000 - 7018 C.C.), to the Probation Officer after filing.

Probation Officer will receive a "Notification of Pendency of Action: from the State Department of Health and Welfare, Sacramento, California before proceeding.

As soon as the "Notification of Pendency Action" is received by the Probation Department the deputy assigned the case will contact the attorney and get information as to the address of the adopting party, and any other information the attorney wishes to make available for the report.

Be sure that our clerk has docketed the case. As soon as possible contact the natural parent having custody and the adopting parent to make an appointment for an interview.

INVESTIGATION PROCESS:

At the time of the interview complete the Probation Department Face Sheet for Step-Parent Adoption.

Have the parent having custody sign two copies of the Court Report of Adoption (State form VS-44 (1-78)) for each child being adopted. Be sure to get all the information necessary to complete this form, either from the parent or the documents provided.

All births, marriages and divorces must be verified as well as Consent to Adoption where needed.

A home visit should be made to evaluate the living arrangements, accommodations and suitability for the child.

FORMAT FOR THE REPORT TO THE COURT:

The completed report provides the Court with social history and verification that the parties have met the requirements for adoption.

Petitioner:
Attorney:
Statement of the Case:
Minor's History:
Parent's History:
Petitioner's History:
Home and Financial Conditions:
Summary:
Recommendation:

MISCELLANEOUS:

One copy of the report is filed in the case.

Report and all copies of "Court Report of Adoption" are delivered to the County Clerk.

The deputy will advise the attorney that the report has been filed.

Further details available in the civil binder with the civil investigators.

SUBJECT: Bail Reviews	NO: 05-08
Page 1 of 1	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
Penal Code
- II. **PURPOSE:** To provide information to the Courts on bail reduction, increase or release on own recognizance..
- III. **RESPONSIBILITY:** The assigned staff are responsible to be aware and comply with this procedure.
- IV. **GENERAL PROVISIONS:** Referrals picked up at the courts and processed by records and adult assignment. Bail Review report is researched and turned into the Court.
- V. **SPECIFIC PROVISIONS:** The procedures regarding Bail Review investigations are to be conducted as follows:

BAIL REVIEWS

- 1) Receive court order
- 2) Run rap sheet.
- 3) Call jail information to obtain booking number and defendant's location
- 4) Call jail housing/ camp to have defendant pulled out for interview.
- 5) Take the appropriate paperwork: Bail Review form, rap sheet, pens and County I.D.
- 6) Sign out.
- 7) While in the Sheriff's Office, wait in booking area to interview defendant. Once completed, wait until search and escort takes defendant to be re-housed.
- 8) Back to the departments to review rap sheet and District Attorney's file
 - a) Look for record of flight, such as Bench Warrant and failure to Appear
 - b) Prior Convictions / Ties to the Community
 - c) Cases pending, charges pending court action
 - d) On Probation? / Parole?
- 9) Submit for approval / type report / proof read
- 10) File with the appropriate authorities, such as District Attorney, Public Defender, Court, etc.

SECTION 6

JUVENILE PROCEDURES

06-01	Court Officer Duties
06-02	Juvenile Supervision Standards
06-03	Traffic Hearing Procedures
06-04	Intakes
06-05	Placement
06-06	Juvenile Electronic Monitoring
06-07	Home Supervision
06-08	Sealing of Records
06-09	Transfer of Juvenile Cases
06-10	School Site Officer
06-11	New Referral Procedure

SUBJECT: Court Officer Duties

NO: 06-01

Page 1 of 2

ISSUE: 1
EFFECTIVE DATE: February 1, 2003
By: Michael W. Kellev, CPO

- I. **AUTHORITY:**
Chief Probation Officer
- II. **PURPOSE:** To provide adequate Court coverage.
- III. **RESPONSIBILITY:** The Juvenile Supervisor shall see that this procedures and procedure is implemented and carried out for the benefit of the Department and the Juvenile Court.
- IV. **GENERAL PROVISIONS:** Staff assigned to cover Juvenile Court will provide general coverage for the court sessions and specially scheduled hearings. In the event that the assigned court officer is not able to fulfill his/her commitment, it is his/her responsibility to arrange court coverage and inform a supervisor of the change.
- V. **SPECIFIC PROVISIONS:** The Court Officer must be prepared to address all inquiries the Court may have.
 1. Officers scheduled to cover court shall double-check the court cases against the court calendar and review the files to determine that all the necessary information is available to properly represent the Department in Court.
 2. Court Officers are to announce each case as follows: "This is the matter of _____. The minor is present in court with his/her attorney - - - his/her mother_____, father_____, who needs the services of the Court Interpreter_____. Also present is_____for the People and my name is_____for the Probation Department. This matter is on for (Detention, Jurisdictional Hearing, Disposition Hearing, Review). The probation report has been filed with the Court and we submit (on the recommendations... or minor is doing well in placement and we recommend. . . or we are recommending detention because...)"
 3. At the time that the Court orders a Dispositional Report, the Court Officer is to instruct the minor's family to report directly to the Probation Department to schedule an interview appointment.
 4. Clerical shall make the copies of Dispositional Reports available to the parties and attorneys (Rule 1492), however; it is customary for the Probation Officer to have an extra copy of the report for the parent(s)/guardian(s) at the time of the hearing.

5. When the minor is admitted to probation, the Court Officer will make any necessary changes to the copies of the probation orders prior to submitting on the recommendations and giving to the Judge to sign.
6. The Court Officer will address the continuation of home supervision and electronic monitoring for all minors that are appearing in Court. The information will be routed to the Supervising Probation Officer.
7. The Proceedings and Dispositions Notice, detailing the Court action, is to be completed by the Court Officer and given to the clerks.
8. Notes are to be made on the Court calendar during the Court hearing. Following Court, all "chronos" will be made in the corresponding case files which will then be given to records clerk.
9. The "chronos" for dispositional hearings should contain the sentence and whether the Judge specifically ordered chemical testing, search, the number of days in Juvenile Hall, and the date the minor is to report to the Juvenile Hall.
10. Following Court, the Court Officer must relay all of the important case information, needing attention, to the specific Supervising Probation Officers.

SUBJECT: Juvenile Supervision Standards	NO: 06-02
Page 1 of 2 (<i>Plus Attached Samples</i>)	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
- II. **PURPOSE:** To establish criteria and procedures for supervision standards.
- III. **RESPONSIBILITY:** It is the responsibility of all Supervising Probation Officers to be aware of and comply with the supervision standards and criteria.
- IV. **GENERAL PROVISIONS:** All juvenile probationers will be actively supervised.
- V. **SPECIFIC PROVISIONS:**
 - A. **Formal Probation:**
 1. All minors are to have Case Plans completed and signed by parents.
 2. Minors will be actively supervised and required to make a minimum of One (1) office or home visit "fact-to-face" each month.
 3. Minors will be required to turn in a monthly report form, signed and dated, each month.
 4. Additional office visits and home visits will be conducted when information indicates that the minor is not abiding by the conditions of probation.
 5. Searches will be conducted when the information indicates that it is necessary.
 6. Those minors that have terms of probation that include chemical testing:
 - a. Will be drug tested at least one time per quarter.
 - b. Will be done on a random basis or more frequently if needed.
 - B. **Informal Probation:**

Minors on informal probation will be seen by the Probation Officer, as necessary, to assist the parent/guardian in resolving issues relating to the minor's behavior.
 - C. Review and evaluate file upon assignment. Check for all proper documentation completeness of file and check for the following:
 2. Violent History

3. Nature of crime
 4. Medical issues concern
 5. Geographic information of the subject, such as surroundings and location of the residence
 6. Prior and present gang activity
 7. Information on who resides in the same address of the subject
 8. Check for criminal history in the family of the subject
- D. Interview the client and fill out Fact Sheet. Review and explain terms and conditions of probation. Remind of consequences for failure to comply.
- E. Contact parents of the minor and go over terms and conditions of probation. Be prepared to answer any questions or concerns. Review parents' responsibilities and make sure parents have information to contact the officer assigned to the case.
- F. The school the minor is attending must be notified when the minor becomes a ward of the court. In addition, permission must be requested to contact minor at school campus.
- G. Refer to court order interventions, such as drug and alcohol counseling, anger management, community work services, parenting classes, and any other services necessary.
- H. Monitor / Supervise Closely
1. Conduct home visits
 2. Follow-up with parents and minors making sure they understand terms and conditions of probation
 3. Intensive supervision through drug testing
 4. Supervise school performance by communicating with school officials
 5. Conduct random searches, person search and property search, residential searches
 6. Document all contacts made in regards to the case, including parent contacts, school officials contact, law enforcement officials and others that may apply

SUBJECT: Traffic Hearing Procedures

NO: 06-03

Page 1 of 2

ISSUE: 1
EFFECTIVE DATE: February 1, 2003
By: Michael W. Kellev, CPO

- I. **AUTHORITY:**
Chief Probation Officer
603.5, 255, 258 W&I
- II. **PURPOSE:** To establish Probation Department procedures for conducting traffic hearings.
- III. **RESPONSIBILITY:** It is the responsibility of all Probation Officers who are conducting traffic hearings to abide by this procedures.
- IV. **GENERAL PROVISIONS:** A Juvenile Hearing Officer may hear and dispose of any case in which a minor, who is under the age of eighteen (18), is charged with a violation of the Vehicle Code.
- V. **SPECIFIC PROVISIONS:**
 1. All juvenile traffic citations are referred to the Probation Department by the citing agency.
 2. Clerical staff is to mail out the hearing notices two (2) weeks prior to the traffic hearing. The hearing notice and prior traffic cards are attached to the citation by the clerical person.
 3. The Traffic Hearing Officer runs the DMV printout and attaches it to the citation. The Traffic Hearing Officer runs the violation(s) through Crime Time.
 4. The minor and the minor's parents must read and sign the information form and the Advisement of Rights form.
 5. In a contested matter, the involved parties are told where the hearing will be held in Adult Traffic Court and they will receive a notice.
 - a. The Traffic Hearing Officer mails the notice to the minor and the law enforcement officer.
 - b. The Traffic Hearing Officer Clerk takes copies of the citation and letter to the Courthouse, Traffic Division, to schedule a hearing.
 6. Minors eligible to attend Traffic School are given a date and referral is made.
 7. "Fix-it" tickets are dismissed with proof of correction (ticket signed off by a law enforcement officer or DMV clerk).

8. Helmet law violators receive warning letters for the first violation. Subsequent violations require a mandatory appearance.
9. Alcohol or marijuana related offenses require a written notice, suspension of the minor's driving privileges, and the license is collected at that time. The minor and the parent read and sign the DMV advisement form given to them by clerical.
10. Seatbelt violators receive a warning notice for the first violation. A mandatory appearance is necessary for subsequent violations.
11. There is a Penalty Assessment of \$17.00 for every \$10.00 of the fine.
(example: \$20.00 + \$34.00 for a total of \$54.00)
12. The Traffic Hearing Officer completes the Probation Officer's Traffic Report Recommendation, and gives the completed file to clerical.

SUBJECT: Intakes	NO: 06-04
Page 1 of 5	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
Sections 626.5(b), 628, 631 W&I Code
Rule 1470
- II. **PURPOSE:** To inform Probation Officers of their legal responsibilities and set guidelines for juvenile intake procedures.
- III. **RESPONSIBILITY:** It is the responsibility of all Probation Department staff to comply with these procedures.
- IV. **GENERAL PROVISIONS:** There are many legal responsibilities and options for the Probation Officer when a minor is cited or taken into custody. They range from dismissal to filing a petition, or from releasing to detention.
- VI. **SPECIFIC PROVISIONS:** All new intakes must fill out all forms in the referral packet.
 - A. New Intakes
 1. **Minor out-of-custody**
 - a. Following the receipt of a police report, the clerical staff will attach the minor's pre-existing records and forward it to the Intake Probation Officer.
 - b. The Intake Probation Officer schedules an appointment with the minor and minor's legal parent(s)/guardian(s).
 1. At the time of the appointment:
 - a. Explain the purpose of the interview
 - b. Advise the minor of his/her rights
 - c. Ask for an admission statement
 - d. Explore the attitude of the minor and parent(s)/guardian(s), home and school situation, etc.
 - e. Explain disposition and expectations, such as essay, community service hours, counseling, traffic school, etc.
 - c. Types of Dispositions
 1. Intake procedure: Case closed with a letter
 - a. Send a reprimand letter to the minor and parent(s)/guardian(s).
 - b. Place copy of letter in minor's file and close case.
 2. Intake procedure: Minor placed on Informal Probation (654W&I)
 - a. Minor and parent(s)/guardian(s) receive and sign a copy of the Informal Probation Agreement.
 - b. Include curfew and other special terms.

- c. Restitution may be part of the Informal Probation Agreement but must be paid directly to the victim.
 - d. Forward all case material to clerical staff and they will make a probation file and route it to the Supervision Officer.
- 3. Intake Procedure: Petition to be filed
 - a. Complete a Petition Request Form and attach the police report, along with the Probation Department's records, and forward all of the material to the District Attorney's Office. The Deputy District Attorney will make the decision whether or not to charge the minor.
 - b. The Intake Probation Officer will receive the petition from the District Attorney's Office and will make four (4) copies to file with the Court.
 - c. Forward case material to clerical staff to make probation file and place in "Pending Court" drawer.
 - d. The Court Clerk will set the court date and notify all interested parties.
- 4. Complete a Report of Action Form on all cases and forward to clerical.

2. Minor In-Custody

- a. The Intake Officer will obtain a copy of the police report as soon as possible. Probation records and files will also be reviewed and taken into consideration.
- b. Types of Dispositions:
 - 1. Intake Procedure: Minor to be released
 - a. If the minor is detained more than 24 hours, but a petition is not filed, the Intake Officer must complete a letter explaining the reason for detention. The letter is to be mailed or given to the parents/guardian(s) or other person to whom the minor is released. A copy is to be placed in the file.
 - b. Time Limits:
 - 1. Minor Misdemeanor cases: A minor must be released within 24 hours.
 - 2. Felonies and serious misdemeanors (as defined by 631/623 W&I, i.e. involving violence, threat of violence, or use of a weapon): A minor must be released within forty-eight (48) hours.
- 2. Intake Procedure: Minor held In-Custody
 - a. Types of Cases:
 - 1. Minor misdemeanor cases: A petition must be filed with the Court within 24 hours of minor being booked into Juvenile Hall.

2. Felonies and serious misdemeanors (as defined by 631/623 W&I, i.e. involving violence, threat of violence, or use of a weapon): A petition must be filed with the Court within 48 hours of minor being booked into Juvenile Hall.
- b. Complete an Application for Petition and send it to the District Attorney's Office along with the police report, the criminal field card, and any other informative material.
- c. Obtain two (2) copies of the Petition from the District Attorney's Office and give one (1) copy to Defense Counsel at the Detention Hearing or as soon as possible.
- d. Forward the materials to clerical to make file.
- e. Contact the Superior Court Clerk to schedule a Detention Hearing and request an interpreter, if necessary.
- f. File the Petition and inform the District Attorney's Office, the defense attorney, the minor's parent(s), and the Juvenile Hall of the scheduled detention hearing.
- g. Meet with the parent(s) to develop a Case Plan.
- h. A detention hearing must be held within 24 hours from the time of filing the petition.

3. Procedures for Intake

- a. Affidavit for Juvenile Court Proceedings
 - a) Front Page - Fill Out Basic Information
 - a. Minor's name, date of birth, address and phone number
 - b. Name of parents or guardians and their address
 - c. Victim's name and offense committed
 - d. Date and time of offense committed
 - b) Back Page - Fill Out Basic Information
 - a. 48-hour expiration date and time (critical)
 - b. Brief summary (report)
 - c. Date, officer name and badge number
- b. Minor's Legal Rights Form
 1. Fill Out Basic Information
 - a. Name, offense committed and date
 - b. Co-minors, minors on probation and officer name
 - c. Read legal rights (does minor understand - does minor wishes to speak)
 - d. Minor's signature to answering questions and completing phone call
 - e. Officer's signature and date
 - f. Complete phone call
 - g. Minor's statement if he wishes to speak
 - h. Parent's statement if contact was made
 - i. Follow-up

- c. Booking Sheet (4 pages)
 - 1. Fill Out Basic Information
 - a. Offense committed
 - b. Arresting agency
 - c. Date and time when prisoner was admitted
 - d. Warrants or holds
 - e. Suicidal, illnesses, scars, marks and tattoos
 - f. Last school attendance and grade information
 - g. Mailing address and emergency notification
 - 2. Middle Portion
 - a. Minor's basic information
 - b. Describe clothes, money, jewelry, or any other personal belonging
 - c. The minor must sign document (critical)
 - d. Arresting officer must sign document (critical)
 - e. Bottom portion of document will be completed by Juvenile Hall staff
- d. Screening Questionnaire
 - 1. Basic Information
 - a. Name, date, time, sex, and date of birth of minor
 - b. Behavior exhibited by the minor
 - c. Mental state of minor
 - d. Appearance of minor
 - e. Level of consciousness of minor
 - f. Health problems of minor
 - g. Suicidal assessment
 - h. Drug use history of minor
 - i. Allergies and reactions
 - j. Signature of minor and probation officer
- e. Notice of Use of Force
 - 1. Have minor read or explain pepper spray; make sure minor understands the procedure and consequences before signing
 - 2. Date and officer's signature
- f. Defacing Property Form
 - 1. Fill out bottom section of document only
 - 2. Make sure to sign and date document
- g. Fingerprints Document (card)
 - 1. Basic Information
 - a. Name, date of birth, date when taken into custody and officer's name
 - b. Lightly place right and left thumb finger on card, do not roll finger

- c. A photograph of the individual will be taken by Juvenile Hall staff and will be placed on the subject's file

Evaluation and Filing Procedures for Petitions

4. Reasons for Filing Petitions

- a. Parents or Guardians Contact - Interview parents or guardians in regards to violation of probation, review minor's progress on probation, drug testing results, prior violations, and compliance with conditions of probation.
- b. School Referral - Interview minor on new alleged violation of probation, verify minor's school performance by requesting attendance, academics, and behavior reports.
- c. Arrested on a new offense or in-custody.

Once determination has been made that the minor has violated his conditions of his probation, the following procedures are to include: Arrest of the minor and it would include: Filling the Affidavit for Juvenile Court Proceedings (see attached example A-Z). Refer to reverse side of affidavit and information is to include synopsis of violation of probation. Information should include date the minor was placed on probation, conditions of probation violated and the reasons for the arrest. The Probation Officer is required to fill out the lower section of the affidavit and it should include the following: Date executed, name, signature, and badge number of the officer, including the 48 hours of expiration date and time.

SUBJECT: Placement	NO: 06-05
Page 1 of 5	ISSUE: 1 EFFECTIVE DATE: Bv: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
AB575
Sections 202(e), 628(a), 635,636.1, 652, 726.4, WIC
- II. **PURPOSE:** To comply with current law.
- III. **RESPONSIBILITY:** It is the responsibility of the Juvenile Probation Officers to comply with this procedures.
- IV. **GENERAL PROVISIONS:** Every effort is to be made to keep a minor in the home or with available family.
- V. **SPECIFIC PROVISIONS:**
 - A. **Efforts To Prevent Removal Of Minor From The Home:**
 1. Reasonable efforts must be made to maintain the child at home, if it is safe to do so.
 2. Documentation must show that problems that led to removal were identified and that the family was helped to remedy those problems.
 - a. Services are to be specifically tailored to meet the needs for a particular family.
 - b. Document efforts every step of the way.
 - c. Complete a Case Plan within the first thirty (30) days.
 1. Confer closely with the child and parent(s) to establish appropriate goals.
 2. Send a copy of the Case Plan to the service provider and set a timetable for each service provider's adherence to the Case Plan.
 3. Match services to minor and parent's schedule.
 4. Part of the Case Plan can be protection of the community.
 5. In the event that the minor or the minor's parent(s) refuse to sign the Case Plan, the Placement Officer must document it on the Case Plan.
 - B. **Placing A Minor:**
 1. As soon as a clearly defined need for placement becomes apparent, the Deputy Probation Officer should inform the Placement Officer of the possible placement and obtain a packet of the necessary paperwork.

2. Following a placement order, the Court Officer shall immediately notify the supervision Probation officer to complete the paperwork. The Placement Officer assumes responsibility for the case after the minor is placed, unless the minor had previously been on the Juvenile Intensive Supervision Program (JISP) caseload.
 - a. Complete the following paperwork and send to Foster Care.
 1. The Foster Care (FC) Application (#FC-2):
 - a. It must be filled out and dated on the date of placement.
 - b. Any placement, other than county operated ranch or camp, requires a foster care application.
 2. Certification (#SOC158A).
 3. Statement of Citizenship (#MC13).
 4. Release of Information (#).
 5. Health Insurance Questionnaire (#DH56155).
 6. Medical Support Notice (CA2.1) must be completed for each parent.
 7. Support Questionnaire (CA2.1Q) must be completed for each parent.
 8. Determination of federal and non-federal claiming for foster care.
 9. Group Home Agreement (#SOC154).
 10. Application for County Medical Services Program (#SAW-1)/(CA 1/DFA285-A1).
 11. CHDP Referral Form (#PM357) [should have been completed at Intake].
 12. Copy of Court Order.
 13. Copy of minor's birth certificate.
 14. Copy of minor's Social Security Card.
 15. Placement Case Plan (#2401).
 16. Medical Consent Form (#2403).
3. The Placement Officer searches for a placement that meets the minor's needs.
 - a. If no suitable placement can be found in California, the Placement Officer must contact his/her supervisor for direction.
4. A Placement Case Plan is to be completed by the Placement Officer before the time of placement.
 - a. The minor, the minor's parent(s), and the Placement Officer must confer and sign the agreement.
 - b. In the event the parent(s) refuse to discuss or sign the Case Plan, the Placement Officer must document it on the Case Plan.
5. Placement of dangerous wards:
 - a. Foster parents and institutions receiving Court Wards, must be notified of any violent, homicidal, suicidal, or cruelty tendencies exhibited by the minor. The following steps will be taken upon placement of any minor with the above dangerous characteristics:

1. All original and supplemental Juvenile Court reports will clearly outline behavior characteristics of a dangerous nature, preferably set down in the evaluation section of the Court report.
 2. All camps, ranches, and institutions normally receiving copies of Court reports for pre-placement evaluation purposes should receive a cover letter specifically stating the area of the Court report in relation to the description of these dangerous behavior characteristics.
 3. Foster parents and others, who do not normally receive copies of the probation report, shall be specifically informed about the dangerous behavioral characteristics of the minor being placed.
 4. The Probation Officer will "chrono" the date and content of the notification.
6. Particular needs of minors to be placed:
- a. Serious medical and dental problems should be taken care of before placement. Funds are available for this expense, as well as transportation and clothing from foster care funds.
 - b. Initial clothing orders may be issued by the Placement Officer. Wards are eligible when there is need, if it is a first placement, or there has been a substantial break in placement. Foster Care will issue an authorization letter to the placement that they will be reimbursed for the purchase. The clothing belongs to the minor; it was purchased for/and must accompany the minor if he/she is moved.

C. Required Court Reviews

1. Fifteen (15) day review for detained minors who are pending placement.
2. Six (6) month review to be conducted every six months for minors who are in placement:
 - a. To review the minor's status and safety
 - b. To review the continuing necessity for/and appropriateness of the placement
 - c. Check on the agency's compliance with the case plan and the extent of progress that has been made toward alleviating the causes necessitating placement,
 - d. The likely date of permanent placement.
3. One (1) year Permanency Hearing for minors who have been in placement for over a year from the date minor is considered to have entered placement (sixty (60) days from the Detention Hearing):
 - a. Must hold subsequent hearings every twelve (12) months thereafter
 - b. Court must decide whether or not the minor will return home, be adopted, appoint a guardian, or remain in long-term foster care.

- c. Notice of Hearing must be sent to parent(s)/guardian(s) and foster parents not more than thirty (30) days or less than fifteen (15) days prior to the hearing
 - d. Report must be filed ten (10) days prior to the hearing
 - e. All changes in FC placement after the Permanency Plan has been set require Court authorization.
- D. Visitation Requirements of Minors in Foster Care
 - 1. Frequency of visits by the Probation Officer: One (1) visit per month with at least two (2) weeks in between visits.
 - 2. The results of the visit must be documented in the Case Plan: The Case Plan must contain the specific details of the visitation plan.
 - 3. Special attention should be given to the following:
 - a. Verify the minor's location, safety, and well being.
 - b. Provide assistance in preserving the child's religious and ethnic identity
 - c. Assess the effectiveness of the placement's efforts.
 - 1. Provide the services that the minor and the minor's family need.
 - 2. Monitor the minor's progress
 - 3. Meet identified goals.
 - 4. Establish and maintain a relationship with the minor
 - 5. Solicit the minor's input on his/her future.
 - 6. Provide information and discuss with the minor any placement plans and progress.
- E. Efforts to Return the Minor Home or Find Permanent Placement
 - 1. Identify problems that led to removal and tailor services to remedy those problems.
 - 2. Arrange parent-child and sibling visitations.
- F. Alternative Permanent Plans
 - 1. Must make reasonable effort to place the minor into permanent placement if reunification is no longer the goal.
 - a. Document every step or effort in implementing permanent plan alternatives.
 - b. Must make child-specific recruitment efforts to find permanent placement.
 - c. Consider minor's safety and well-being foremost.
 - d. Every minor who is at least sixteen (16) years old, must attend Independent Living Skills Program.

G. Placement Runaway Procedure

1. The Placement Probation Officer or the On-Duty (OD) Officer when the Placement Officer is not available is to do the following:
 - a. Notify parent(s)/guardian and document attempts to notify them.
 - b. Request a Bench Warrant.
 - c. Notify potential victims.
2. Following apprehension, the Placement Officer is responsible for conducting the Detention Hearing.
3. When the Placement Officer is not available, the responsibility goes to:
 - a. Intake Officer
 - b. OD Officer

H. Travel Arrangements

1. Obtain supervisor's approval when the trip is definite.
2. Refer to the Imperial County and the Probation Department Travel Procedures concerning prior approval for reimbursement of necessary expenditures. Approval for out-of-state or overnight trips must be submitted to the Probation Department's Administrative Services Specialist at least two (2) weeks before the planned departure.
3. If appropriate, check on the availability of a county vehicle and reserve it for your trip.
4. Make and confirm arrangements. Notify Juvenile Hall of the minor's departure date and make arrangements for the parent's final visit, if appropriate. Plan where and when minor is to be picked up or delivered.

SUBJECT: Juvenile Electronic Monitoring Program	NO: 06-06
Page I of 5	ISSUE: 1 EFFECTIVE DATE: February I, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
- II. **PURPOSE:** This management tool is to be used to reduce crowding at the Juvenile Hall and special circumstances as identified by the Supervising Probation Officer. The decision to release a minor on this program will be made after review by the Chief Deputy Probation Officer, a Probation Officer III and/or the Juvenile Hall Supervisor.
- III. **RESPONSIBILITY:** It is the responsibility of all staff to be aware and to comply with these procedures.
- IV. **GENERAL PROVISIONS:** The Juvenile Electronic Monitoring Program (EMP) will receive communications from the central monitoring company (Sentencing Alternatives), and be available for adult supervision.
- V. **SPECIFIC PROVISIONS :**
- A. When a crowding situation occurs, the Juvenile Hall Supervisor will notify the Chief Deputy Probation Officer in regard to how many minors need to be released so that the approved capacity of the Juvenile Hall can be reached. The Probation Officer III, the Superintendent, and assigned Supervising Probation Officers will then identify and review minors who might be eligible for release. Release can be "outright", via home supervision, or electronic monitoring. Electronic monitoring release will be for those minors who pose a greater risk to the community than those suitable for "outright" release or home supervision.

Violent offenders and sex offenders will not be eligible for this program:

Definitions:

1. **Violent Offenders:** 707 WIC offenses, or other offenses involving violence which likely means that the perpetrator represents an unacceptable risk to the community.

2. Sex Offenders: Any offense that must be registered under Section 290 P.C. An exception can be made in some instances if, in the judgment of staff, the perpetrator will not pose a serious risk to the victim, or the community at large, if released.
- B. The Probation Officer will go to the Juvenile Hall, take custody of the electronic monitoring candidate(s), and return to the Probation Department where he/she will explain the program to the minor(s), complete the paperwork, and fit him/her/them with a transmitter. He/she will then go to the residence(s) and install the field monitoring device. The following forms need to be completed:
 1. Juvenile Home Electronic Monitoring Program Agreement.
 2. Terms and Conditions.
 3. In-Home monitoring instruction.
 4. Schedule.
 5. Employment Information.
 6. Termination.
- C. The Probation Officer will contact Sentencing Alternatives and set up a file on the new addition(s) to the program. Sentencing Alternatives will subsequently notify the involved Probation Officer(s) or the Probation Aide directly via FAX or email of any deviations from the Release or Curfew Plan(s).
- D. The Electronic Monitor Program Packet contains 7 pages to be filled out by DPO supervising minor. Paperwork required DPO, minor and parent signature.
- E. Before program can be set-up, minor and parent will be interviewed by DPO and will go over "Electronic Monitor" contract. Minor at residence must have an operative telephone, without call waiting, caller I.D., answering machine, cordless telephone or party line.
- F. Said minor will have to wear a "tamper-proof," non-removable ankle bracelet 24 hours a day during the entire commitment to the home detention program. Minor and parent will be required to abide by very stringent conditions set by the Electronic Monitor Program and the Juvenile Court.
- G. As per the Electronic Monitor Program Company, Sentencing Alternatives, every client suitable for said program must be set-up 24 hours after ordered by the Juvenile Court to allow minor's parents to call telephone company if needed for removal of extra accessories to the residence telephone line.
- H. Once the packet is reviewed and signed by the Probation Officer, minor and parent, the minor will be transported to his/her resident and begin Electronic Monitor set-up (Packet Info.)

Page 1 - Fill out basic information (half page) account # / or unit # Agency= IV Co. Prob.

Start Date _ _ _ _ _ Ending Date _ _ _ _ _

Name of Minor _ _ _ _ _ DOB _ _ _ _ _ Home Telephone _ _ _ _ _

Home Address _ _ _ _ _

Cross Street Applicable

Police Dept./Responding Agency _ _ _ _ _ P.D. Phone# _ _ _ _ _

Height _ _ _ Weight _ _ _ Hair _ _ _ Eyes _ _ _ Gender (M) (F)

Race _ _ _ Impairments _ _ _

Vehicle Yr. Make _ _ _ _ _ Vehicle Plate# _ _ _ _ _ State _ _ _

Primary Officer _ _ _ _ _ DPO in charge of said case _ _ _ _ _ I.D. # _ _ _

Page 2 - Fill out basic information

- Agency information
- Officer information
- Notification instructions
- Business hours 24 hours at Juvenile Hall (760) 339-6217 after hours
- Weekend (760) 339-6217

Page 3 - Fill out basic information

Offender Schedule: Select one that applies to minor - select home schedule that applies to school hours during the week, home confinement during weekends and Holidays. Select the hour that the minor must leave by and return by during school hours.

Notification of Tamper Signals:

Juvenile Hall at (760) 339-6217

Notify next day business -J.H. (760) 339-6217

Prepared by _ _ _ _ _ Date _ _ _ _ _

Page 4 - Fill out basic information regarding minor. Go over very carefully and explain each and thru Page 7 every "condition" while on the Electronic Monitor Program. Place an "X" on each condition that is reviewed with minor and parent.

Last page -Make sure to get a signature from minor and parent and DPO. Next step will be faxing all information regarding client. Fax Pages 1-3 to Sentencing Alternatives at 1-800-664-4940.

Equipment will be issued at J.H. by the juvenile detention officer's supervisor. Juvenile Hall supervisor will "sign out" two units and equipment bag containing equipment for installing "EM." Always taken an extra unit in case assigned unit does not work. Once at minor's residence, check with parents regarding only having one working basic telephone line with a regular telephone (again, make sure no call waiting, cordless phone, party line, and cell phones hook up to telephone).

Check that telephone line is in operative condition. Check and hear for dial tone. Once you hear dial tone, install telephone line cord in splicer along with the other telephone line attached to the EM box. Plug into telephone wall jack outlet and check for dial tone again.

When you hear dial tone, now install "AC" adapter plug into wall outlet plug. Check "EM box" in back of unit for "green light." If green light appears on box proceed with next step. Place the (anklet) on the minor's ankle (inside of ankle) make sure to place prongs facing downward. Place a "sized tamper band" around the anklet to hold in place around the ankle. Make sure the tamper band is not too tight or too loose fitting around ankle.

After selecting the right sized tamper band, place a Velcro strap on the anklet properly. Next, on back of the Electronic Monitor box plug in the "signal verifier", a beeping sound should start as soon as the "signal verifier" is plugged in. This beeping sound verifies that the anklet is in "range" properly.

Next measure, the minor's radius distance inside of the home or apartment, make sure the "signal verifier" beeps twice to confirm radius. After measuring radius inside, start measuring outside of the residence, i.e. backyard, front of the home. If signal verifier beeps twice, range is set and ready for minor to be set with reset tool. To reset the anklet, get the reset tool, check to see that batteries are in place. Before resetting "anklet" press # sign and the number____, wait for blinking yellow light to appear on reset tool before placing the prongs of the reset tool on the anklet. Leave on until you see a yellow light indicator lights up and wait at least 10 second before removing reset tool away from anklet.

Next, to verify that the set-up was complete and correct, call Sentencing Alternatives at 1-800-892-9668 and ask to be transferred to "Data Control" and ask if you are "ready to go on line with the unit." Make sure you give them the unit number you are connecting. Once cleared to go online, you are ready to place a safety cap to cover "tamper band." Before placing safety cap over tamper band and anklet, make sure to trim off the "earlets" on the tamper band with a nail clipper on both sides of the anklet so the safety cap snaps tightly with a flush seal.

Do not forget to pick up all equipment that was used at the residence. Unplug the "signal verifier" from the back of the "EM" unit. Said minor is hooked up and ready to go on the EM program. Remind parents and minor before leaving residence about EM unit about not to place

anything on top of unit, and not to unplug unit from AC outlet at anytime. Call Juvenile Hall for any problems regarding the unit or telephone.

Speak with a Sentencing Alternatives "trouble shooter." If for any reason you cannot make the unit work, try the extra unit first. If that doesn't work call Sentencing Alternatives program and they will transfer you to a "trouble shooter" specialist and will guide you step-by-step regarding your EM set-up.

SUBJECT: Home Supervision	NO: 06-07
Page 1 of 1	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer, Section 628.1 W&I
- II. **PURPOSE:** To be consistent with the code for detaining minors on home supervision.
- III. **RESPONSIBILITY:** All Probation Officers are to comply with the following procedures.
- IV. **GENERAL PROCEDURES:** A minor on home supervision is entitled to all of the legal protections as a minor in secure detention (628.1 W&I).
- V. **SPECIFIC PROVISIONS:**
 - A. **Placing a minor on home supervision:**
 - 1. When the minor meets one or more of the criteria for detention pursuant to Section 628 W&I, however detention in the Juvenile Hall does not appear necessary, the Probation Officer makes a recommendation for or against Home Supervision.
 - 2. The Probation Officer may release the minor on Home Supervision, following a Detention Hearing.
 - 3. A minor can be placed on Home Supervision for a maximum of fifteen (15) days.
 - 4. The minor and the minor's parent(s) or guardian must sign a written promise that they understand and will observe the specific conditions of release.
 - 5. Following a violation of the Home Supervision Agreement, a minor may be taken into custody until the matter is reviewed at a Detention Hearing that is to be set within forty-eight (48) hours (Rule 1471h).
 - 6. Following a court hearing where a minor is placed on or taken off home supervision, the Court Officer will notify the Home Supervision Aide of any changes as soon as possible.
 - B. **Supervising minors on home supervision:**
 - 1. The responsible Probation Officer for a minor on home supervision is the minor's Supervising Probation Officer. In cases where a minor is not on probation, then the responsible Probation Officer is the one who placed the minor on home supervision.
 - 2. The Probation Aide in charge of home supervision is to contact the responsible Probation Officer regarding any supervision issues in a home Supervision case. If the Probation Officer is not available, then the Supervising Juvenile Probation Officer III will be contacted.
 - 3. Taking the minor into custody is the responsibility of the Probation Officer.

SUBJECT: Sealing of Records	NO: 06-08
Page I of 2	ISSUE: 1 EFFECTIVE DATE: February I, 2003 By: Michael W. Kelley, CPO

- I. AUTHORITY:
Chief Probation Officer
Sections 781, 389 W&I
- II. PURPOSE:
- III. RESPONSIBILITY: It is the responsibility of all probation staff to comply with this procedures.
- IV. GENERAL PROVISIONS:
1. The petition to seal records may be filed **five (5) years** or more after the jurisdiction of the Juvenile Court has terminated over the person or, if no Juvenile Court petition was filed **five (5) years** or more after the person was cited to appear before a probation officer or was taken before any officer of a law enforcement agency, or at **anytime after the person has reached the age of eighteen (18) years.**
 2. If after a hearing the Court finds that, since the termination of jurisdiction or action, pursuant to Section 626, as the case may be, he/she **has not been convicted of a felony or any misdemeanor involving moral turpitude,** that rehabilitation has been attained to the satisfaction of the Court, and that the petition indicates that **there is no currently pending civil litigation directly relating to, or arising from, the criminal act that caused the records to be created,** it shall order records sealed.
 3. If a Ward of Juvenile Court is subject to the registration requirements set forth in Section 290 of the Penal Code, a Court, in ordering the sealing of the juvenile records of the person, also shall provide in the order that **the person is relieved from the registration requirement and for the destruction of all registration information in the custody of the Department of Justice and other agencies and officials.**
- V. SPECIFIC PROVISIONS: The procedure for sealing of records is as follows:
1. Check to make sure there is not an adult record of conviction for a felony or any misdemeanor involving moral turpitude. Advise the client that **if there is any adult violation(s) pending, the District Attorney (DA) will refuse to seal their records and the sealing of records fee will not be refunded.**

2. Collect \$25.00 fee and have the client fill out the Sealing Records Information form.
3. Pull the client's file and place their index card, along with the other information. Prepare a "Request for Record Transcript" and have the Assistant Chief Probation Officer sign the authorization and make three (3) copies.
 - a. Mail original and one (1) copy to Sacramento (address on bottom of form).
 - b. Place a copy in Communications' box at Courthouse.
 - c. Place a copy in the client's file.
4. When the form is received from both agencies, make a copy of them along with a copy of the Juvenile Index Card and attach to the Request Slip and route to the DA.
5. Prepare an Order to Seal Records and make two (2) copies:
 - a. Place one (1) copy of the petition in the file and place in "Pending Court drawer".
 - b. Take the original petition and a copy to the Clerk's office and have the clerk put it on calendar for two (2) weeks from filing date (Monday).
 - c. After the Court date, the Court will send a copy of the petition. Make sure that the petition is certified at the bottom.
 - d. Send a "Request Letter", a copy of the petition, and a "Response Letter", to all interested agencies and chrono this information in the file. The Sheriff's Department usually books all juveniles, so it will be necessary to send them a request also.
 - e. After receiving all acknowledgements from the agencies, place all paperwork into the file, seal it with tape, indicate the date of destruction [five (5) years from date of minute order] and place in the locked cabinet.
 - f. After the file is completely sealed, send a letter to the client indicating that his/her file has been sealed.
6. If the Probation Officer determines that the former ward is not eligible to petition for sealing, then clerical will send a letter to the client explaining the denial and place the file into the "closed" drawer.

SUBJECT: Transfer of Juvenile Cases Between Counties and Interstate	NO: 06-09
Page 1 of 2	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
Section 752 W&I Code
- II. **PURPOSE:** To provide procedures on the transferring of juvenile cases.
- III. **RESPONSIBILITY:** It is the responsibility of the Probation Department staff to comply with this procedures.
- IV. **GENERAL PROVISIONS:** When the minor's parent(s), who has legal custody, moves to another county or state, transfer of the case is indicated. This is done even if the minor is not with the parent(s).
- V. **SPECIFIC PROVISIONS:**
 - A. **Transfer to another county in California**
 1. The transferring county shall verify that the legal residence of the minor is in the receiving county prior to the order to transfer.
 2. Send a request for verification of residence to the receiving county. When residence is verified, file the petition and set the matter for hearing. It may not be necessary for the minor and/or the parent(s) to attend, depending on the distance.
 3. The original documents or certified copies thereof, described in Section 752 of the W&I Code, along with duplicate copies of the transfer documents, shall precede, or for in-custody minors shall accompany the minor at the time of transfer.
 - B. **Transfer In-Custody**
 1. Prior to the actual transportation of the minor, the transferring county will notify the receiving county of the pending transfer.
 2. In order to accept the minor, the receiving county must have received the original documents described in Section 752 W&I Code, or they must accompany the minor.
 - C. **Interstate Compact**
 1. If placement for interstate is contemplated, the investigation should be completed before the minor is sent.

2. Fill out Parole & Probation Form 1 (YA 3.528) and send with three (3) copies of all letters, Court Reports, orders, and forms. Make copies for our file also.
3. Forms must be completed and signed by the minor, parent(s), Probation Officer (as witness), and the Court. You will need five (5) copies altogether.
4. Interstate Compact may be used for investigation of possible out-of-state assistance in returning or retrieving minors. Compact members will assist in making arrangement to transport absconding probationers. The procedure to follow would require filling out the "Request for Escapee, Absconder or Juvenile Charged with being Delinquent" form (YA 3.500).

SUBJECT: School Site Officer	NO: 06-10
Page I of 9	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
California Juvenile Court 3.20(3)(a)
Education Code 48260-48265
- II. **PURPOSE:** To provide assistance to the designated schools by assuring that those minors on probation are attending school daily and are in compliance with State law.
- III. **RESPONSIBILITY:** It is the responsibility of the Probation Officer(s) assigned to the schools to comply with this procedures.
- IV. **GENERAL PROVISIONS:** The Deputy Probation Officer assigned to a school site is to assist school officials in providing a safe educational environment by directing services and supervising minors who may be a ward of the court.

Probation Officers are located at comprehensive school sites, continuation schools and alternative education schools around the Imperial County area.

Directing Services and Interventions

- **Truancy** Supervising students' attendance, identification of minors labeled as truants, investigate possible causes for students failing to attend school.
- **Behavioral** Supervise student behavior in school classroom, identification of minors exhibiting improper behavior in school grounds, investigate possible causes of minor's behavior exhibited in school grounds.
- **Academic Performance** Supervise minors who may be showing poor academic performance and who may be labeled as at-risk students. Analyze possible causes for minors to show poor academic performance in school.
- **Crisis Intervention** Assist minors who may have family issues and may be affecting students' performance in class, suicidal, depression and other variables.
- **Assists School Officials During Classroom Searches and Drug Testing**

- **Patrol School Campus In The Morning Before School Starts, During Recess And At The End Of The Day When Students Are Released**
- **Participate In Special School Events**
- **Collaborate With Other Law Enforcement Agencies**
- **Drug and Alcohol** Assist and redirect minors with substance abuse problems and other issues.
- **Resources /Referrals** Referrals to Drug and Alcohol, Family Resource Center and Behavioral Health Services, Child Protective Services and other variables.
- **ADA** Average daily attendance count and assistance to school administrators.

Taking into Custody Procedures

Once a determination has been made that a probationer will be taken into custody, the Probation Office will do the following procedures:

The Probation Officer shall contact the supervisor to get approval to arrest the probationer. The Probation Officer will explain the circumstances of the offense to the supervisor. The PO will, if possible, have a backup PO with them. If no officer is available, school staff or local law enforcement representatives may assist in the arrest.

The probationer will be advised that he/she is under arrest for violation of probation. The subject will be immediately handcuffed for the safety of the subject and the officer as well. The arrest will be performed away from public view, if possible. The probationer shall be read their Miranda rights. The PO may exercise discretion in whether to read them the Miranda rights at the scene or at Juvenile Hall. During the booking process, spontaneous statements made by the probationer are admissible in court. The probationer shall be ordered to turn around and place their hands on their head. The PO will secure the probationers' hand and commence to pat them down for weapons or contraband. When the probationer is of the opposite sex and there is no other officer available of the same sex of the subject, the PO is to refer to the department's Policy Manual for procedures. Any items found on the probationer's possession shall be removed for officer safety.

The probationers shall be cuffed with their hands behind them. Once it has been established that the probationer is secure, the PO will escort the probationer to the vehicle. Prior to placing the prisoner in the backseat, the officer shall check the rear seat area for any contraband or weapons that can be used against them. If one officer is transporting the prisoner and there are no cage units, the officer will determine whether the prisoner will be placed in the front or backseat of the vehicle. The determination will be based on the prisoner's offense,

attitude toward the arresting officer, fight or flight risk, and present mental state of prisoner. The officer will then radio in to Juvenile Hall identifying themselves by badge number. The PO will advise Juvenile Hall staff he/she has a subject in-custody or 10-15 and will be transporting the 10-15 to Juvenile Hall or police station. If the prisoner is of the opposite sex, the officer will advise Juvenile Hall that he/she has a 10-15 of the opposite sex. The PO will provide Juvenile Hall staff the beginning mileage and unit number and time. The PO will go directly to either Juvenile Hall or the police station. Once the officer arrives at Juvenile intake, the officer will advise Juvenile Hall that they are 10-6 at intake. The prisoner will be removed from the vehicle and escorted to Juvenile Hall through the intake gates located at the south side of the Probation Department. Once in Juvenile Hall, the PO will advise the Shift Supervisor that he has a prisoner for booking. The PO will fill out all booking documentation needed (refer to intake procedures for booking process).

Home Visits and Its Purpose

The Deputy Probation Officer assigned to a school site may be required to conduct home visits to students' residences. The purpose of the home visit is to make contact with the parents of students and discuss intervention and prevention issues in regards to the student. The student may be either on informal or formal probation. School officials such as counselors, truant officers and school administrators may assist the DPO in conducting home visits on students who are showing behavior or attendance problems in school.

Truancy Mediation

The Imperial County Probation Department keeps a Deputy Probation Officer assigned to participate in school districts Student Attendance Review Board (SARB) Hearings. SARB Hearings are conducted with the purpose of assessing and finding solutions to attendance and behavior problems exhibited by students in school. The DPO participates as a mediator between the school district, the student and the parents of the student and informs the minor and family that if directives of SARB contract are not followed, the case may be referred to Probation Department for a Mediation Hearing. Under Mediation Hearing, the student is placed on informal for six months. In addition, the guardians of the minor are informed about the terms and conditions of the informal probation contract, emphasizing their responsibility in regards to attendance and behavior of the minor exhibited at school. Moreover, during this meeting the officer notifies the parents of the minor that if they fail to comply this can provide grounds for prosecution in Municipal Court. During the six months of the informal probation agreement, school officials will provide monthly progress reports of the minor in question to the DPO handling the case.

The Following Are Steps to Follow After SARB Case Has Been Summated

1. Upon receiving SARB case for mediation, a Mediation Hearing must be held at the Probation Department, if possible.

2. Review and evaluate case for completeness prior to contacting the minor and the parents of the minor.
3. A notice of the meeting must be issued by the school district and delivered.

The notice of the meeting must contain the following items:

- A. Name and address of the person(s) to who notice is directed
 - B. Date, time and place of the meeting
 - C. The name of the minor classified as a truant
 - D. The section pursuant to which the meeting is required
 - E. Notice that the District Attorney may file criminal complaint for failure to comply
4. Notice must be served five days prior to the meeting. Service must be personally or by certified mail with return receipt requested.
 5. At the start of the meeting the DPO advise the student and the parents of the student that any statement they make could be used against them in subsequent court proceedings.
 6. Upon completion of Mediation Hearing, the DPO may file a petition pursuant to Section 601 W&I Code, if the DPO determines that available community resources cannot resolve the truancy problem, or if the guardians of the minor fail to respond to services provided or the directives of school officials, SARB, the DPO or District Attorney.

Basic Documentation Necessary for Filing

- 1. Attendance Records**

Attendance records must be as simple as possible. The case must be understood by the prosecuting attorney or probation officer and explainable to the trial court.

- 2. Documentation Letter**

Keep copies of all correspondence between the school and the guardians of the minor, all instructions given to the parents, and any other written documents provided by either party.

- 3. Case History**

Document every occurrence concerning the case, including the action taken, the name of the person who initiated the action, names of all the persons involved, and the dates and times of interactions. Include all telephone conversations, any observation of behavior, or any detail concerning the case. The records give the prosecuting attorney or probation officer and the court an overview of the

school's actions as well as the completeness of those actions regarding the preparation of the case prior to the submittal of the case for prosecution.

4. Case Outline

Summarize the case briefly. Tell what the problem is, what the school has done to solve the problem, and what the school has done to educate the parents about the problem. Include the parent's response to the school's effort and an analysis of why the school feels that the problem is now deserving of criminal action. The summary orients the prosecuting attorney and focuses the submitting official's attention on prosecutable issues.

Refer to 602 W&I Code Filing Procedures for Proper Filing Process

If the student follows mediation contract and completes forty-five days of perfect attendance and behavior, the case will be closed with a successful outcome.

Other Duties Assigned to DPO Located on School Campus Include

- Transportation of students to school or from school to other locations
- Counsel students on disciplinary issues referred by school staff
- Assist instructors in classroom with supervision and safety issues
- Assist school administrators during parent conferences, including IEP meetings
- Assists school officials during classroom searches and drug testing
- Patrol school campus in the morning before school starts, during recess and at the end of the day when students are released
- Participate in special school events
- Collaborate with other law enforcement agencies

Taking into Custody Procedures

Once a determination has been made that a probationer will be taken into custody, the Probation Office will do the following procedures:

1. The Probation Officer shall contact the supervisor to get approval to arrest the probationer. The Probation Officer will explain the circumstances of the offense to the supervisor. The PO will, if possible, have a backup PO with them. If no officer is available, school staff or local law enforcement representatives may assist in the arrest.
2. The probationer will be advised that he/she is under arrest for violation of probation. The subject will be immediately handcuffed for the safety of the subject and the officer as well. The arrest will be performed away from public view, if possible. The probationer shall be read their Miranda rights. The PO may exercise discretion in whether to read them the Miranda rights at the scene or at Juvenile Hall. During the booking process, spontaneous statements made by

the probationer are admissible in court. The probationer shall be ordered to turn around and place their hands on their head. The PO will secure the probationers' hand and commence to pat them down for weapons or contraband. When the probationer is of the opposite sex and there is no other officer available of the same sex of the subject, the PO is to refer to the department's Policy Manual for procedures. Any items found on the probationer's possession shall be removed for officer safety.

3. The probationers shall be cuffed with their hands behind them. Once it has been established that the probationer is secure, the PO will escort the probationer to the vehicle. Prior to placing the prisoner in the backseat, the officer shall check the rear seat area for any contraband or weapons that can be used against them. If one officer is transporting the prisoner and there are no cage units, the officer will determine whether the prisoner will be placed in the front or backseat of the vehicle. The determination will be based on the prisoner's offense, attitude toward the arresting officer, fight or flight risk, and present mental state of prisoner. The officer will then radio in to Juvenile Hall identifying themselves by badge number. The PO will advise Juvenile Hall staff he/she has a subject in-custody or 10-15 and will be transporting the 10-15 to Juvenile Hall or police station. If the prisoner is of the opposite sex, the officer will advise Juvenile Hall that he/she has a 10-15 of the opposite sex. The PO will provide Juvenile Hall staff the beginning mileage and unit number and time. The PO will go directly to either Juvenile Hall or the police station. Once the officer arrives at Juvenile intake, the officer will advise Juvenile Hall that they are 10-6 at intake. The prisoner will be removed from the vehicle and escorted to Juvenile Hall through the intake gates located at the south side of the Probation Department. Once in Juvenile Hall, the PO will advise the Shift Supervisor that he has a prisoner for booking. The PO will fill out all booking documentation needed (refer to intake procedures for booking process).

Procedures for Intake

1. **Affidavit for Juvenile Court Proceedings**
 - a) **Front Page - Fill Out Basic Information**
 - Minor's name, date of birth, address and phone number
 - Name of parents or guardians and their address
 - Victim's name and offense committed
 - Date and time of offense committed
 - b) **Back Page - Fill Out Basic Information**
 - 48-hour expiration date and time (critical)
 - Brief summary (report)
 - Date, officer name and badge number
2. **Minor's Legal Rights Form**
 - a) **Fill Out Basic Information**

- Name, offense committed and date
- Co-minors, minors on probation and officer name
- Read legal rights (does minor understand - does minor wishes to speak)
- Minor's signature to answering questions and completing phone call
- Officer's signature and date
- Complete phone call
- Minor's statement if he wishes to speak
- Parent's statement if contact was made
- Follow-up

3. Booking Sheet (4 pages)

a) Fill Out Basic Information

- Offense committed
- Arresting agency
- Date and time when prisoner was admitted
- Warrants or holds
- Suicidal, illnesses, scars, marks and tattoos
- Last school attendance and grade information
- Mailing address and emergency notification

b) Middle Portion

- Minor's basic information
- Describe clothes, money, jewelry, or any other personal belonging
- The minor must sign document (critical)
- Arresting officer must sign document (critical)
- Bottom portion of document will be completed by Juvenile Hall staff

4. Screening Questionnaire

a) Basic Information

- Name, date, time, sex, and date of birth of minor
- Behavior exhibited by the minor
- Mental state of minor
- Appearance of minor
- Level of consciousness of minor
- Health problems of minor
- Suicidal assessment
- Drug use history of minor
- Allergies and reactions
- Signature of minor and probation officer

5. Notice of Use of Force

- Have minor read or explain pepper spray; make sure minor understands the procedure and consequences before signing
- Date and officer's signature

6. Defacing Property Form

- Fill out bottom section of document only
- Make sure to sign and date document

7. Fingerprints Document (card)

a) Basic Information

- Name, date of birth, date when taken into custody and officer's name
- Lightly place right and left thumb finger on card, do not roll finger
- A photograph of the individual will be taken by Juvenile Hall staff and will be placed on the subject's file

Evaluation and Filing Procedures for Petitions

Reasons for Filing Petitions

1. **Parents or Guardians Contact** - Interview parents or guardians in regards to violation of probation, review minor's progress on probation, drug testing results, prior violations, and compliance with conditions of probation.
2. **School Referral** - Interview minor on new alleged violation of probation, verify minor's school performance by requesting attendance, academics, and behavior reports.
3. **Arrested on a new offense or in-custody.**

Once determination has been made that the minor has violated his conditions of his probation, the following procedures are to include: Arrest of the minor and it would include: Filling the Affidavit for Juvenile Court Proceedings (see attached example A-Z). Refer to reverse side of affidavit and information is to include synopsis of violation of probation. Information should include date the minor was placed on probation, conditions of probation violated and the reasons for the arrest. The Probation Officer is required to fill out the lower section of the affidavit and it should include the following: Date executed, name, signature, and badge number of the officer, including the 48 hours of expiration date and time.

Supervision Procedures

1. Review and evaluate file upon assignment. Check for all proper documentation completeness of file and check for the following:
 - a. Violent history
 - b. Nature of crime
 - c. Medical issues concern
 - d. Geographic information of the subject, such as surroundings and location of the residence
 - e. Prior and present gang activity
 - f. Information on who resides in the same address of the subject

- g. Check for criminal history in the family of the subject
2. Interview the client and fill out Fact Sheet. Review and explain terms and conditions of probation. Remind of consequences for failure to comply.
3. Contact parents of the minor and go over terms and conditions of probation. Be prepared to answer any questions or concerns. Review parents' responsibilities and make sure parents have information to contact the officer assigned to the case.
4. The school the minor is attending must be notified when the minor becomes a ward of the court. In addition, permission must be requested to contact minor at school campus.
5. Refer to court order interventions, such as drug and alcohol counseling, anger management, community work services, parenting classes, and any other services necessary.
6. Monitor / Supervise Closely
 - Conduct home visits
 - Follow-up with parents and minors making sure they understand terms and conditions of probation
 - Intensive supervision through drug testing
 - Supervise school performance by communicating with school officials
 - Conduct random searches, person search and property search, residential searches
 - Document all contacts made in regards to the case, including parent contacts, school officials contact, law enforcement officials and others that may apply

SUBJECT: Referral Procedures	NO: 06-11
Page 1 of 9 (<i>Plus Attached Samples</i>)	ISSUE: 1 EFFECTIVE DATE: February 3, 2003 By: Michael W. Kellev, CPO

- I. **AUTHORITY:**
Chief Probation Officer
§601, 602 and 654 W&I Code
- II. **PURPOSE:** To establish a method of processing juveniles who have been cited by law enforcement for violation of State Penal Code Sections.
- III. **RESPONSIBILITY:** It is the responsibility of all Juvenile Deputies to comply with this procedure.
- IV. **GENERAL PROVISIONS:** There are many legal responsibilities and options for the probation officer when deciding to dispose of a referral.
- V. **SPECIFIC PROVISIONS:**

There are four main categories of referrals that a Probation Officer will receive on a mmor:

- 1. In-Custody
- 2. Out of Custody
- 3. Minors from another country, state or county
- 4. Minors on probation from another state or county

All of the above case scenarios need to have a check of their bench warrant status. The following will be a step-by-step breakdown of forms founding each referral, what the forms are for and how they are used by the investigator. After these explanations you will find a breakdown of how to make such determinations found on form "601/602 Update Sheet."

A referral will be given to the Probation Officer via their "in box" or directly from the supervisor.

The first page of the referral for all four categories will consist of a 601/602 Update Sheet (see the attached form). Use of this sheet is described as follows:

A. Using the "601/602Update Sheet"

This sheet will have the minor's name, date of birth, address, charges placed on the individual by the arresting officer, the assigning supervisor and probation officer assigned to the case.

The "Referral Date" is the date that the clerical staff logged the referral into the computer. It is not necessarily the date the incident happened or the date the minor had been admitted into Juvenile Hall. On some occasions, the "Referral Date" will reflect the same day of arrest and detention. For example, a child coming into custody on a weekend may not be entered into the computer until the clerical staff arrived to work on Monday.

A brief history of the minor's prior record will be included. Lines in the middle remain blank until the Probation Officer has determined how a case will proceed.

4. **The line marked "Petition filed"** will be used if the District Attorney has approved the case for Court. The Probation Officer will write in the filing date of the petition and check off "Yes" if they filed a petition. The filing date will be found on the front page of the petition (see the attached example of a petition with the filing date stamp from the Court in the upper right hand corner on Page 1 of the petition). A check will be placed by the "No" for all cases handled without going to Court.
5. **The line marked "DA Reject"** will be marked "Yes" if the case has been rejected by the District Attorney (DA). You will place a check by "No" if a case has NOT been rejected. If you look at the bottom of the "Case Handling" form that is attached to your police report, you will see the reject mark checked off (see example of the attached CH Form).
6. **The line marked "Refer to 'CAP' (Court Alternative Program)"** will be marked "Yes" if the case was referred to this program.
7. **The line marked "Informal/CAP"** will be used if the minor is placed on informal probation by a Probation Officer and if no court action was taken.
8. **The line marked "Resubmit"** will be a decision made by the District Attorney. He will mark this finding on the "Case Handling (CH) Form". This is the same form used to check off DA rejects.
9. **The line marked "Counseled and Dismissed"** will be used if the Probation Officer has determined that the case can be handled without court intervention or informal probation.
10. **The line marked "Other"** will be marked by the Probation Officer if any other action was taken that is not listed in the above categories.

This sheet is placed on the left hand side of the file only if the minor will be going to Court and a petition has been filed. A file will also be created if the minor is placed on Informal Probation. The Probation Officer will not make the file. The Probation Officer will request a file be made by the Records Clerk if a petition has been made. If the minor

was placed on Informal Probation, the Supervisor will ask the clerks to make a file. The Supervisor will then assign the case to field supervision.

B. Making A Decision On Which Way To Proceed Under The Categories In The "601/602 Update Sheet"

C. JUVENILE INTERVIEWS AND AGENCY CONTACTS

INTRODUCTION: The information and instruction herein pertain to referrals the DPO receives requesting an investigation of an alleged offense. These referrals can be new cases or action request on active supervision cases.

PURPOSE AND SCOPE: The interview is a means of securing information about a minor who allegedly comes within the provisions of the Juvenile Court law. Interviewing affords the DPO an opportunity to observe the attitudes expressed by the minor and family. The interview also provides the DPO an opportunity to assist the minor and family to accept the situation and to assume responsibility for the minor's behavior.

There is a differentiating factor between the DPO's service and that of caseworkers in other types of agencies. This factor is the DPO's mandatory involvement in the implementation of a protective or correctional function. Basically, a plan which is most adequate and appropriate for an individual is also best for community welfare. However, in an apparent conflict of interest between individual and community welfare, the DPO will give priority to community welfare.

The information gathered by the DPO serves as a basis for necessary action, e.g. close (with or without a referral to another agency), non-court supervision, hold in abeyance (only on active supervision cases) or filing a petition.

1. INTERVIEWING THE MINOR, PARENTS OR GUARDIANS

- a. The Initial Interview: The initial interview should be utilized as a means for establishing rapport as well as for direct exchange of information between the DPO and the minor, parents or guardians and attorney if present. The setting may be in the minor's home or DPO's office.
- b. The DPO introduces himself and explains his role as to his authority to investigate the referral under the provisions of Section 652 W&IC. He also explains the role of the Court.
- c. In exercising his lawful authority, the DPO should be prepared to deal with hostility and resistance as diplomatically as possible. Before

questioning the minor regarding his role in the incident alleged in the referral the DPO informs the minor of his rights as follows:

*You have the right to remain silent.
Any statement you make may be used against you.
You have a right to see a lawyer and to have one
present during any questioning.
If you cannot afford a lawyer, one will be provided
you without charge.*

- d. The DPO should be certain the minor understands his rights and waives them before proceeding with the interview. A waiver of rights must be intelligent, knowing and voluntary - defined as follows:

INTELLIGENT -He must have sufficient intelligence to understand he is waiving his constitutional rights.

KNOWING - He must know the rights he is waiving.

VOLUNTARY -There must be no coercion, no promises or no hints of promises.

- e. If the minor refuses to waive his rights, the DPO verifies that minor understands his rights and terminates the interview. If the minor, parents or guardians desires an attorney present during the interview and are financially unable to pay for legal services (627.5 W&IC), the DPO, before terminating the interview, will:
- Contact the SDPO and request the Juvenile Judge to appoint Counsel.
 - The DPO will then contact the attorney and reschedule the interview.
- f. After consultation with and agreement by the SDPO, the DPO requests a legal review of the referral by the D.A. prior to filing a petition. If the referral (arrest report) is cleared with the D.A. and the D.A. rejects (advises against filing), the DPO is to request the reasons for rejection in writing, placing the D.A.'s statement in minor's case file with the name of the Deputy D.A. and the date of clearance.
- g. If minor waives his rights and denies the allegations, the DPO advises the minor that the investigation will be continued and terminates the interview.

- h. If minor changes his mind and admits after originally denying, DPO repeats rights and verifies that minor understands that the investigation will be completed and a decision made regarding filing a petition.
- 1. The DPO should not pre-judge the matter. The complete investigation may include interviews with the arresting or referring agency or party, victims, witnesses, the D.A. and other interested parties, as well as with the minor's parents or guardians.
- J. The minor and parents or guardians must be aware that a decision to file a petition rests with the DPO and is an alternative regardless of admission or denial on the part of the minor. If a decision is made to file a petition, the DPO informs the minor and parents or guardians that they will be notified as to the date, time and place of the hearing; that if the petition is sustained, the investigation (as to disposition) will be renewed.

The following points are usually covered in the first interview:

- 1. An explanation by the minor and family of the offense. What solutions to the minor's problem do the minor and family offer?
- 2. An explanation by the minor and family of the minor's arrest record.

Family history and background including minor's development and current role in family. Information concerning community activities, school and peer relationships should be included.

D. SUBSEQUENT CONTACTS: A second interview should be in the minor's home if the first interview was in the DPO's office. Efforts should be made to interview the other parent if only one was present at the first interview. During this interview the DPO should:

- 1. Observe the minor's physical environment and social climate.
- 2. Observe the minor's home environment
 - a) Pets
 - b) Clean / Dirty Home
 - c) Organized / Unorganized
 - d) Family relations
- 3. Ask additional questions which have been raised during the investigation.
- 4. Attempt to assess the nature of family relationships and try to establish rapport with the family.

5. Advise the minor and parents of the DPO's recommendations.

654 W&IC Supervision.

The parents must be in accord with this recommendation. If the case was submitted on an affidavit (653 W&IC), the parents should also be advised that the DPO's recommendation may be subject to review by Juvenile Court (655 W&IC) and that the court may order a petition filed.

Disposition of a court matter.

The DPO should advise the minor and his family that his recommendation is not binding in the court.

E. INTERVIEWING VICTIMS AND WITNESSES - These should be fact-gathering interviews. The following factors should be considered:

1. Statements of victims or witnesses concerning the offense, including any additional information regarding the minor's involvement.
2. An estimate of damages, losses or injuries. Define the limitations of Juvenile Court and the Probation Department in terms of preparation and restitution. Inform the victim of civil action available to him.
3. The victim, his family or any person dependent upon the victim may be eligible for compensation from the State of California.

F. AGENCY AND OTHER CONTACTS - When contacting an agency representative, the DPO should use the interview to establish a working relationship as well as to obtain the necessary information.

1. Law Enforcement-(A complete investigation will normally include a telephone or filed contact with the investigator from the referring agency.)
 - a) Additional facts regarding offense not included in report.
 - b) Impressions of minor
 - c) Information concerning victim and witnesses
 - d) General information on minor, family, neighborhood, etc.
2. Conduct a School Visit to become familiarized with minor:
 - a) Academic performance
 - b) Behavior / Attitude
 - c) Attendance
3. Give teacher the Teacher Form to obtain overall behavior (see attached):

4. Once form is filled out:
 - a) Give Behavioral Health one copy for their file
 - b) Place one copy in your case management file
 - c) Go over it with minor
5. Talk to teacher/ school staff in regards to minor
6. Bill for School Visit (see Billing)
7. Employer
 - a) If the employer is not a victim of minor's alleged actions, contact should be made only if it will not jeopardize minor's employment.
 - b) Work habits including relationship with other employees.
 - c) Attendance record.
 - d) Experience and skills.
 - e) Future employment potential.
8. Welfare
 - a) Family history and financial status.
 - b) Minor's personal history and social conduct.
 - c) Parent's attitude and degree of cooperation.
 - d) Worker's name and DPSS case and file numbers.
9. Other Social Agencies
 - a) Minor's personal history and social conduct.
 - b) Parent's attitude and degree of cooperation.
10. Companions
 - a) Since the possibility of self-incrimination exists, companions should be informed of their rights before obtaining their statement of the offense and the role the minor played.
 - b) Efforts should be made, when possible, to coordinate court calendaring, when filing on companion cases.

G. "Filed Petition": The Probation Officer will speak with the minor, his parents, the schools, the victim or arresting officer, if possible. The supervisor and the District Attorney shall be consulted on all felony matters.

The probation officer will advise these parties of the minor's attendance, referral history and grades at school. He/she will consult with the parent to find out the minor's demeanor at home with his siblings and parents. An inquiry to curfew hours kept at home should be discussed with the parents and minor. The prior record will be discussed and researched by the Probation Officer (see JALAN instructions manual on how to research each referral).

Misdemeanors can also be discussed with the District Attorney and Supervisor. In either a felony or misdemeanor case, prior records or same offenses (i.e. three petty thefts, one burglary, all handled informally with maybe one "DA" reject) can be used when determining when to file a petition. In any case, a Probation Officer can give the District Attorney information on why one should or should not be filed.

For example, if co-defendants were released from jail and a minor is not released and all were charged felony Auto Theft of a family vehicle which all parties agree they had permission to use, this may not be a good case to file I the "Interest of Justice."

- H. **"D.A. Reject"**: The Probation Officer will log in notes in the computer that the District Attorney rejected the case and on what date he signed the Case Handling Form. The Probation Officer will then close out the case by giving it to the Juvenile Unit Supervisor who will stamp same and return the paperwork to the Juvenile Records clerk.
- I. **"Refer to CAP or Informal/CAP"**: In many misdemeanor cases, if a minor has no prior record and is doing fairly well at school and the parents and minor agree to follow the conditions of informal probation, court action can be avoided. The Probation Officer will obtain the proper form and fill out the Informal Probation Agreement and obtain all signatures needed as required on the form. The paperwork will then be handed to the Supervisor for assignment to a supervising Probation Officer.
- J. **"Resubmit"**: Once the paperwork comes back from the District Attorney with "resubmit" written on the "Case Handling Form", the Probation Officer will place the paperwork in the "In Basket" in the Juvenile Records Division. The clerk will process the paperwork and send it back to the submitting agency.
- K. **"Counseled and Dismissed"**: If a child has no prior record, a case could be dismissed after counseling the minor and the family. The minor could be referred to a program as dictated by the offense. For example, if the minor started a brush fire and there was no damage and it was put out immediately, but he was caught in the act, the minor could be referred by the Probation Officer to a fire safety program in his city. The minor could show proof of completion to the Probation Officer upon completion of the class. If no classes are available, the Probation Officer can ask the minor to complete a book report on the dangers of fire. Once the minor complies, the paperwork will be sent to the Supervisor to close the case.
- L. **Other:** If a petition is not filed, and the minor lives in another country, you would state, "Minor returned home via Greyhound, case dismissed." If he was sent via "Interstate Compact", you would state the same. If the explanation gets lengthy as to what was done with the case, the Probation Officer can write "See

JALAN for further details." The Probation Officer will continue the explanation in the Case Notes for that file.

SECTION 7

JUVENILE COURT REPORT WRITING

- 07-01 Court Investigation Report Format
- 07-02 Victim Contact/Restitution/Restitution Fine
- 07-03 Ex-Parte Report
- 07-04 Home Supervision and Conditional Release
- 07-05 Service of Legal Papers

SUBJECT: Court Investigation Report Format	NO: 07-01
Page 1 of 5 (<i>Plus Attached Samples</i>)	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 By: Michael W. Kellev, CPO

- I. **AUTHORITY:**
Chief Probation Officer
- II. **PURPOSE:** To provide guidelines for writing Juvenile Court Reports.
- III. **RESPONSIBILITY:** It is the responsibility of staff writing Juvenile Court Reports to comply with this procedure.
- IV. **GENERAL PROVISIONS:** The function of the Probation Officers is to assist the Court in determining an appropriate disposition. Opinions and recommendations advanced by the Probation Officer are advisory only.

All reports, including VOP's, are to be routed through the clerical staff prior to obtaining a supervisor's signature.

- V. **SPECIFIC PROVISIONS:** The petitioner shall prepare a social study of the child including all matters relevant to disposition, parole status, and a recommendation for disposition.
- A. The Social Study Report is to be obtained from JALAN.
 - B. Interview the minor and the minor's parents.
 - 1. Complete interview form
 - 2. Have parents sign a "Release of Information" for school records.
 - C. Obtain copies of the minor's school records and include this information in the report.
 - D. Include any pertinent information in the report, including any psychological information, however, do not attach the psychological report to the document.
 - E. Submit the Social Study Report, (plus four (4) copies), at least 72 hours before the hearing is set to begin:
 - 1. Original for the Court
 - 2. Copy for the District Attorney's Office
 - 3. Copy for the Public Defender or Attorney assigned
 - 4. Copy for the Parents
 - 5. Copy for the file

VI. GENERAL STATEMENT

To fulfill its purpose the investigation must be adequate and complete. Each case must be dealt with according to its own circumstances. No investigation should be considered complete if its evaluations and conclusions are based upon hasty, insufficient or superficial contacts or if information that can be disputed is accepted without verification.

A complete investigation includes a prognosis for the minor's rehabilitation. This potential is assessed in terms of the minor's total personality and circumstances including familiar and peer relationships. A complete investigation includes consideration of the following factors.

- A. The minor's social and medical history, including clinical information. The latter is particularly important if there appears to be a mental or physical deficiency or disorder or if the minor's emotional reactions are extreme or his hostility is expressed in violent physical aggression.
- B. The positive or negative influence of minor's family. Whenever other members of minor's family have a record of law enforcement contacts or are under probation supervision or are receiving service from a rehabilitative or correctional agency (e.g., DPSS, Parole, some form of therapy etc.) the investigating DPO obtains pertinent information from that source.
- C. Minor's peer relationships and status. Is there some indication that the minor is involved in gang activity? If so, what is his status in the gang?
- D. Is there a pattern of delinquent or pre-delinquent activity in the minor's behavior? Indicate if the role minor played in the current offense is part of this pattern.
- E. Minor's school record. Correlate his achievement with his ability. How is his school behavior and attendance? What is his attitude about school?
- F. Minor's community relationships. Include leisure time activities. Give an assessment of the community attitude towards the minor and his behavior.
- G. Indicate the minor's view of probation and his response to authority figures. Include minor's capacity to:
 - 1. Handle the problem in which he is involved and gain understanding of the causes and effects of his conduct.
 - 2. Resolve the problem by utilizing resources available to him.

VII. INVESTIGATION UNDER 652, 653, AND 654 W&IC

A. Legal Provision

1. 652 W&IC

Section 652 W&IC authorizes the Probation Officer to "make such investigation as he deems necessary" to determine if a petition should be filed. The type and extent of this investigation is determined by the Probation Officer.

2. 653 W&IC

Section 653 W&IC concerns "any person who applies to the Probation Officer to commence proceedings in the Juvenile Court." This application shall be in the form of an affidavit setting forth allegations and supporting facts which cause the minor to come within the provisions of Section 601 or 602 W&IC. The Probation Officer shall make investigation as he deems necessary to determine if court proceedings should be commenced.

If the Probation Officer does not file a petition or institute 654 W&IC supervision within a three week period, he must notify the applicant of his decision not to proceed further and his reasons why. It is the policy of the Probation Department to respond to all applicants within 21 days.

1. 654 W&IC (Investigation subsequent to dismissal of a petition already filed)

c. 654 W&IC has been amended as follows:

"In any case in which a probation officer, after investigation of an application for a petition or other investigation he is authorized to make, concludes that a minor is within the jurisdiction of the juvenile court or will probably soon be within such jurisdiction, he may, in lieu of filing a petition or subsequent to dismissal of a petition already filed, and with consent of the minor's parent or guardian, undertake a program of supervision of the minor, for not to exceed six months, and attempt thereby, to adjust the situation which brings the minor within the jurisdiction of the court or creates the probability that he will soon be within such jurisdiction. Nothing in this section shall be construed to prevent the probation officer from filing a petition at any time within said six-month period.

The program of supervision of the minor undertaken pursuant to this section may call for the minor to obtain care and treatment for the misuse of restricted dangerous drugs or addiction to narcotics from a county mental health service or other appropriate community agency."

- d. This amendment permits the Probation Officer, with parental consent, to supervise minor pending and after the petition has been dismissed. It is the position of the Juvenile Court that the legislature intended to establish a court diversion program by this amendment.

XIII. DIVERSION

- A. Referrals shall be made before a jurisdictional hearing has commenced and jeopardy has attached.
- B. The Court may refer the minor and his parents to the Probation Department if the following conditions exist:
 1. This is a new case (not active 654 W&IC or court case.)
 2. The minor does not have a prior history of probation supervision.
 3. The minor's parent or guardian consents to non-court supervision, and
 4. The minor and his parent or guardian will immediately contact the Probation Officer at a time and place designated by the Court, and
 5. The minor and his parent or guardian understand that a failure to cooperate with the Probation Officer in the program of informal supervision will result in their return to Court, and
 6. The minor and his attorney waive time for the purpose of this referral.
- C. If minor and parents are referred to the Probation Department, the Court will then continue the matter to the appearance calendar for thirty days. All parties will be ordered to return unless the Probation Officer reports that the minor is involved in a program of supervision and recommends dismissal of the petition. Upon such a recommendation, and reasonable assurances That the minor is no longer in need of further court action, the petition should be dismissed without prejudice.
- D. If minor is placed on informal supervision pursuant to 654 W&IC after the petition is dismissed without prejudice, the original petition may be refilled if circumstances warrant such action.

IX. INFORMAL SUPERVISION

- A. When the Court refers cases to Probation Pursuant to the provision of 654 W&IC, the alternative dispositions available to the Intake Officer or Juvenile Investigation Officer are:
1. Informal supervision pursuant to 654 W&IC with a recommendation to the Court that the petition be dismissed without prejudice. This disposition shall be utilized if minor and parents report to the Probation Officer, cooperate in the investigation, and agree to cooperate in a program of non-court supervision.

IMPERIAL COUNTY PROBATION DEPARTMENT
Procedures Manual

SUBJECT: Victim Contact/Restitution/ Restitution Fine	NO: 07-02
Page 1 of 3	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
- II. **PURPOSE:** To provide written procedures and procedure regarding Court Ordered Restitution to Victims and Restitution Fines.
- III. **RESPONSIBILITY:** It is the responsibility of all staff writing disposition reports, handling victim restitution, and restitution fine cases, to comply with these procedures.
- IV. **GENERAL PROVISIONS:** The Probation Department continues to be sensitive to victims who have suffered physical or property loss as a result of others' criminal behavior. As a public service agency and as an arm of the Court, this department is obligated to make a reasonable effort to seek out victims and ascertain the nature of the loss. Also, the Probation Officer must learn the victim's feelings regarding the offense and its consequences, and report them to the Court at the time of disposition. It is the procedures of this department that collection of restitution will be of the highest priority.
- The term "victim" has been redefined for restitution purposes to include the immediate surviving family of the actual victim. This will ensure direct restitution to families incurring economic loss, as a result of criminal activity, even if the actual victim dies of unrelated causes prior to the offender's sentencing. In addition, the parent of minor victims will be able to recover their lost wages and profits resulting from time spent with their children in court or while assisting the police or prosecution.

V. **SPECIFIC PROVISIONS:**

- A. **Victim Contact:**
1. The Probation Officer is required to contact the victim to obtain facts and feelings regarding the case.
 2. Probation Officer contacts must reflect concern for the victim.
 3. The report to the Court will accurately convey the victim's statements.
 4. Each victim shall be mailed the Department Victim's Letter.
 5. In cases of serious personal injury or significant property loss, a telephone or face-to-face contact will be made, absent compelling reasons to the contrary.
- B. The victim of a crime, or next of kin if the victim is deceased, must be informed of all sentencing proceedings and notified of the right to appear, declare their views regarding sentencing, and have the sentencing Court consider those opinions (Section 656.2 W&I).

C. Determining Restitution Amount: The appropriate amount of restitution shall be based upon all of the information provided by interested parties.

1. Absent compelling reasons to the contrary, the Probation Report shall state the total amount owed at the time of the Disposition Hearing and the basis for this finding. If not included, the report shall indicate the reason for exclusion.
2. When restitution is not determined by the Court at the Disposition Hearing, the Court will order that the restitution amount is "To be determined by the Court".
3. The restitution order must also have victim's name, as well as, amount owed to them. The restitution order is valid, but not enforceable, until a specific amount is entered on the record by the Court.

D. Restitution Hearing:

1. In every case where a victim suffers economic loss and the Court orders restitution to the victim, the offender is entitled to a hearing to determine or contest the amount of the order. (730.6(h)(4) W&I)
2. An offender is not entitled to separate hearing to determine or contest the amount of the restitution fine. (730.6(b)(1) & (2) W&I).

E. The Restitution Fine:

1. Amount of the Restitution Fine
 - a. Felony conviction: \$100.00 - \$1,000.00
 - b. Misdemeanor conviction: Not to exceed \$100.00
2. Fines above the minimum may be determined by using the following formula:
\$100.00 times the number of years, times the number of felony counts
(\$100 x yrs. x cts).
3. The minimum will be ordered regardless of present ability to pay.
4. If admitted to or granted probation, payment of the fine shall be a Condition.
5. The Restitution Fine cannot be stayed in any case without compelling and extraordinary reasons to do so. The reason must be stated on the record.
(AB817)
6. Community Service shall be ordered if the restitution or order is reduced or waived (730.6(n) W&I).

F. Restitution Order (730.6(h) P.C.):

1. If admitted to or granted probation, payment of the Restitution Order shall be a Condition of Probation.
2. It is to be paid to the victim or to the State Restitution Fund.
 - a. Victim:
 1. Restitution is to be ordered to the victim in the amount of the victim's full losses, which may include benefits paid by an insurance company.
 2. It is not the Court's obligation to order restitution directly to insurance companies.
 - b. Restitution Fund: When a victim has received assistance from the Victims of Crime Program (VOCP) and an order of restitution to the victim is imposed as part of the sentence, the Restitution Fund is to be reimbursed for the amount that it has paid to the victim. (730.6(i) W&I)
- G. Parent(s) or Guardian(s) may be jointly and severally liable. They have the burden of showing a lack of ability to pay and the Court may consider their future earning capacity.

IMPERIAL COUNTY PROBATION DEPARTMENT
Procedures Manual

SUBJECT: Ex-Parte Reports	NO: 07-03
Page 1 of 1	ISSUE: 1 EFFECTIVE DATE: February 1, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
- II. **PURPOSE:** To provide guidelines for writing Ex-Parte Reports.
- III. **RESPONSIBILITY:** It is the responsibility of staff writing Ex-Parte Reports to comply with this procedure.
- IV. **GENERAL PROVISIONS:** The function of the probation officer is to assist the court in determining an appropriate action and disposition.
- V. **SPECIFIC PROVISIONS:** The probation officer will initiate an Ex-Parte Report when necessary. An Ex-Parte Report is a report requesting that certain action be approved by the court. The Ex-Parte Report has no set calendar date and is usually referred to as a “walk on”. Included in this category are:
 1. 618 – in and out of Juvenile Hall
 2. 650 release
 3. 253 - in and out of County Jail
 4. Warrant of Arrest
 5. Transportation Order
 6. Warrant and Transportation Order
 7. Termination of Jurisdiction
 8. Permission to Marry
 9. Transportation to Legal Residence
 10. 840 continuance – a request for an appearance hearing to be continued to an earlier or later date.
 11. Vacation request – for minor to leave the state.

IMPERIAL COUNTY PROBATION DEPARTMENT
Procedures Manual

SUBJECT: Home Supervision and Conditional Release	NO: 07-04
Page 1 of 2	ISSUE: 1 EFFECTIVE DATE: February 3, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
§628.1, 628 and 629 W&I Code
- II. **PURPOSE:** To make it possible to provide release of minor to home with certain conditions.
- III. **RESPONSIBILITY:** It is the responsibility of the probation officer to comply with this procedure.
- IV. **GENERAL PROVISIONS:** The function of the Probation Officer is to assist the Court in determining an appropriate disposition.
- V. **SPECIFIC PROVISIONS:**

HOME SUPERVISION AND CONDITIONAL RELEASE

- A. Section 628 W&I sets the criteria for detention of juvenile offenders. Section 628.1 provides for release of minor by the probation officer on home supervision. Section 629 W&I covers the Promise to Appear.
- B. Directing your attention to Section 628 and 628.1, we have forms for releasing qualified minors on Home Supervision. To do this, prepare a written promise to appear and the Home Supervision Contract to the minor and his parents and, if they are agreeable, have them sign. The form should be prepared in duplicate, with one copy given to the minor and the original kept with the case.
1. If home supervision is not a viable alternative then proceed with booking the minor into the Hall.
- C. Investigating officers may implement their own form of Home Supervision by way of conditional release by the Juvenile Court Judge. It is strongly recommended that each officer utilize the Conditional Release or Court version of Home Supervision form on all minors being released by the Court.
- D. The Court version of this form should be used for release by the Judge. The form is very simple and can be completed in Court if needed. Officers should try to have the form prepared in advance if the plan is for release of the minor.

- E. Use of these forms is becoming more practical than ever due to the large numbers of minors going through Juvenile Court. Many of these youngsters are in need of close supervision and are not wards. The home Supervision and Conditional Release agreements make it very easy for us to detain them if they begin causing problems at home while going through court.

IMPERIAL COUNTY PROBATION DEPARTMENT
Procedures Manual

SUBJECT: Service of Legal Papers	NO: 07-05
Page 1 of 3	ISSUE: 1 EFFECTIVE DATE: February 3, 2003 By: Michael W. Kelley, CPO

- I. **AUTHORITY:**
Chief Probation Officer
W&I Code § 658, 659, 660, 661 and 664
- II. **PURPOSE:** To establish a legal method of filing petitions in juvenile Court.
- III. **RESPONSIBILITY:** It is the responsibility of the probation officer to comply with the procedures.
- IV. **GENERAL PROVISIONS:** Situations which require deputies to file papers in Court.
- V. **SPECIFIC PROVISIONS:**

SERVICE OF LEGAL PAPERS

I. GENERAL POINTS

Reference

W&IC Sections 658, 659, 660, 661 and 664

Legal Provisions for Service of Papers

The law requires that minor and his parents or guardians receive certain documents pertaining to a juvenile Court hearing. Upon the filing of a petition, the clerk of the Juvenile Court shall issue a notice, to which shall be attached a copy of the petition. In addition to the notice, the Juvenile Court may issue its citation directing any parent or guardian of said minor to appear at the time and place set for the hearing and directing such parent or guardian to bring minor with them. Upon request of the Probation Officer, District Attorney, the minor or minor's parent, guardian or custodian, the Court or the clerk of the Court shall issue, and, on the Court's own motion, it may issue subpoenas requiring attendance and testimony of witnesses and production of papers at any Juvenile Court hearing.

The most recent forms (Subpoenas, Citations, Notices or Hearing) must be used.

Arraignment Hearing

While there are no legal mandates for this hearing in the W&IC, it is used in Imperial County to set the date and time for the Jurisdictional Hearing. It is the act of calling the

minor (the accused) to the Court to answer charges. The Court determines whether there will be an admission or denial of the allegations of the petition. It is used, basically, for non-detained cases.

Jurisdictional Hearing

A hearing by a Court, after notice, of legal evidence on the factual issues involved. (From Black's Law Dictionary, Revised Fourth Edition). The Court hears the facts and receives evidence regarding the allegations of the petition filed in behalf of the minor to determine if minor is a person described in Section 601 or 602 W&IC. The purpose of the Jurisdictional Hearing is to establish jurisdiction, to sustain, amend or dismiss the allegations of the petition.

Citation

This is a legal document which orders a parent or guardian to appear at a forthcoming Juvenile Court hearing and to bring the minor. This document requires personal service. The lower portion of the form, an "Affidavit of Service," is signed by the party serving the Citation and certifies that parent or guardian has seen the original and received a copy personally at least 24 hours prior to the hearing.

Notice of Hearing

This is a legal document which informs the parents or guardians and minors (8 years of age or older) of a forthcoming hearing, the right to counsel and the right to have counsel appointed by the Court in certain cases. The Notice of Hearing must be served in conjunction with service of a copy of the petition. Service of the petition and Notice of Hearing to minor's attorney or Public Defender constitutes legal service of Notice of Hearing to the parents. On the back side of this document are "Proof of Service" and "Clerk's Certificat of Service by Mail" sections. The time limits on legal service for person s living in the County are:

- c) At least 10 days before hearing if minor is not detained.
- d) At least 5 days before hearing if minor is detained, unless Court sets hearing for shorter time – in which event at least 24 hours notice must be given.
- e) Petition (Reference: W&IC 656)
- f) Subpoena (Reference: W&IC 529 and 664)
- g) Waiver of Service (Reference: WIC 660)

This is a voluntary relinquishment of the right to receive written Notice of Hearing on a petition. Service may be waived by any person by a voluntary appearance entered in the minutes of the Court or by a written Waiver of Service filed with the clerk of the Court at or prior to the hearing. It is also a waiver of the statutory time for service and request that the Court proceed with the hearing on the petition with or without subject's presence. A signed and dated hand-written or typed letter or a telegram conveying the above message is an adequate method or waiving notice.

II. SERVING PROCESSES AND PROCEDURES

The Sheriff's Civil Division will serve processes for witnesses, minors and parents. Except in El Centro, where El Centro P.D. wish to be serve El Centro Police Officers.

These procedures are designed to expedite the service of legal papers. However, in many situations, direct service by DPO or of minors, parents or witnesses is not only appropriate but faster and should be used. The DPO to whom the case is assigned is ultimately responsible for the accomplishment of services.

III. DETAINED CASES

Deputy Probation Officer prepares Notices of Hearing an Subpoenas in detained cases.

IV. NON-DETAINED CASES

The DPO is responsible for providing the names and addresses of all people who are to be served legal papers pertaining to the Court hearing.

Arraignment Hearing

The DPO files petition and schedules on calendar.

The County Clerk sets the court date and sends a letter to parents and minor.

Jurisdictional Hearing

The County Clerk processes paper work on this hearing.

APPENDIX