

**ADULT CRIMINAL COURT COMMITMENT TO THE
DIVISION OF JUVENILE JUSTICE**

[Includes 90-Day Diagnostic Pursuant to 707.2 W&I,
Direct Youth Authority Commitments Pursuant to 1731.5(a) W&I,
and California Department of Corrections Commitment
with Housing in the DJJ Pursuant to 1731.5(c) W&I]

- AUTHORITY:** Section 1203(c) California Penal Code
Sections 707.2, 1731.5(a) and 1731.5(c) Welfare and Institutions Code
- RESCINDS:** Procedure Manual Item 2-2-010, dated 11/15/13
- FORMS:**
- | | |
|---|--------------------|
| Probation Referral Memo | (F057-1045.9) |
| Record Check Request - Adult | (Automated) |
| DJJ Cover Letter | |
| DJJ Packet Labels | (F057-1268) |
| State of Ca. DJJ Referral Document | (DJJ 1.411) |
| DJJ Mental Health & Medical Info | (DJJ 1.205) |
- PURPOSE:** To outline procedures to be followed whenever an individual is referred or committed to the Division of Juvenile Justice (DJJ) by the Adult Criminal Courts.

I. GENERAL INFORMATION

Commitments to the Division of Juvenile Justice will end as of June 30, 2021. Prop 57 & SB 439 went into effect 01/01/2019 and state any minor between ages 12-17, inclusive when he or she violates any law, is within the jurisdiction of the juvenile court. SB1391 (2017) amended WIC 707 to prohibit the District Attorney from making a motion to transfer persons 14 and 15 years old to Adult Court. It is suggested that direct contact be made with DJJ for current guidelines, if deemed appropriate and/or relevant in the Probation case.

- A. The Orange County Adult Criminal Courts make three types of referrals/commitments to the Division of Juvenile Justice.
1. A remand to the Division of Juvenile for evaluation and a report prior to sentencing under Section 707.2 of the Welfare and Institutions Code: This evaluation is not to exceed 90 days and is done to determine the individual's amenability to the training and treatment offered at the **DJJ**. After the evaluation, the individual is returned to Court for sentencing. If the Court deems the evaluation is unnecessary, it is required to make such a finding on the record. **However, a court of criminal jurisdiction shall not sentence any minor who was under the age of 16 years when the criminal offense was committed to state prison unless they have first been remanded to the custody of the DJJ for evaluation.**
 2. A commitment to the Division of Juvenile Justice under Section 1731.5(a) W&I: This **is an option when the defendant is (1) found to be less than**

21 years of age at the time of apprehension (2) is not sentenced to death, imprisonment for life, with or without the possibility of parole, imprisonment for less than 90 days, or the payment of a fine, or defaults on payment of fine and is subject to imprisonment for more than 90 days under this judgement (4) is not granted probation or had that probation revoked and terminated. Pursuant to 1732.6 W&I, certain violent and serious felonies are precluded from a direct commitment. After considering all pre and post sentencing credits, the defendant must be able to complete his sentence by age 25. The defendant must also meet additional criteria as established by the DJJ and W&I Codes.

3. A commitment to the California Department of Corrections and Rehabilitation with an order for housing in the Division of Juvenile Justice pursuant to Section 1731. 5(c)(3) W&I: Under current guidelines the defendant must be under the age of 18 at the time of sentencing. He will complete his sentence at DJJ if his earliest possible release date (after considering all credits) reflects he can finish his sentence by age **25**.

4. Additional Information

If a defendant is under the age of 18 and the Court has not ordered housing at the Division of Juvenile Justice per 1731.5(c) W&I, he must still be referred for housing. Per the Federal Juvenile Justice and Delinquency Prevention Act and 208(a) W&I, defendants under the age of 18 must be separated from adult inmates who are 18 years of age or older. Therefore, a referral must be sent to Division of Juvenile Justice for any defendant under 18.

- B. The DJJ requires slightly different information in separate packets for each type of referral. For uniformity and expediency, the Probation Department will provide the same documents in all DJJ cases. The DJJ distributes the packets as follows:

1. The Master file packet is retained in archives in Sacramento.
2. The Clinic packet goes with the individual to the institution at which he is housed.
3. The remaining packet goes to the DJJ Parole office. If the Court Order was a commitment to the Department of Corrections and Rehabilitation with housing at the DJJ, the third packet is sent to the Department of Corrections.

- C. The DJJ requires only two packets when a referral is made for a 90-day diagnostic (one packet for the Master file and one for the Clinic). The assigned DPO from the Adult Investigation Unit will prepare three packets, as in other DJJ cases, and the last packet (Parole/CDCR packet) will be retained by the RPO's office. When the defendant returns to Court for sentencing and is committed to DJJ or to CDCR with housing in DJJ, the RPO will forward the third packet to that agency via the Court Clerk's office. If the defendant is committed to State Prison following his evaluation, the third packet will serve as the Prison Commitment Report and be forwarded to CDCR, along with the Arrest Report in the instant offense, via the Clerk's office.

II. PROCEDURE

A. Notification and Initial Procedures

1. When a defendant is ordered to the DJJ for either diagnosis, commitment or housing, the Clerk of the committing Court will forward a copy of the Court's order and a referral to the Resident Probation office.
2. The RPO's office does the following:
 - a. Completes the Probation Referral Memo on new cases or a Probation Dispositional sheet on cases in which Probation has already been involved.
 - b. Determines if there's an active or inactive Adult or Juvenile Probation file. This is routinely done through the Integrated Case Management System's (ICMS) computerized program.
 - c. **The RPO Clerk posts the referral to the Adult Investigation Clerk. The minute order and other relevant documents are mailed to the clerk.**
3. The Adult **Investigation** Clerk **will**:
 - a. **If an inactive probation file exists, request the file be sent from the File room to them**
 - b. **Check to see if the case is a media or high-profile case**
 - c. **Set up the case to be assigned and notify the SPO when case is ready to be assigned**
 - d. **Enter information in the assignment book, update ICMS and request record check**
 - e. **Forward the probation file and Face Sheet to the assigned probation officer**
4. The Adult Intake Clerk receives the record check(s), and if no Adult Probation file exists, a new one is created. The Clerk compares all AKA's and identifying data in ICMS to confirm the defendant has no existing file under another name. The Data Entry Clerk enters additional personal data in ICMS, and then the newly created Probation file is forwarded to the assigned deputy.

B. Investigation

The Investigation Deputy must send a DJJ packet (containing the sentencing report or social history report, mental health assessment, arrest report) to the RPO Clerk, who will forward it to the Commitment Clerk in order to obtain certified copies of the Minute Order and Abstract of Judgment. The Commitment Clerk then returns these documents to the RPO clerk, who then sends them to the Investigation Deputy.

The investigation Deputy completes the DJJ packet labels and prepares the accompanying packets for submission to the DJJ. The process includes:

1. A review of the available Adult and Juvenile Probation files to obtain copies of sentencing reports.
2. Preparation of three separate packets with the appropriate DJJ label attached on the top. The documents are assembled in the following order:
 - a. Referral Document (Included only in the Master File Packet).
 - b. Mental Health Assessment.
 - c. Certified Minute Order and Abstract of Judgment.
 - d. Petitions for Referral Offenses.
 - e. Probation reports, which provide additional social history information important to DJJ for evaluation and treatment process.
 - f. The M.D. established due date for pregnant females.
 - g. Psychological or psychiatric reports for the past two years.
 - h. IEP Plan/School Transcripts.
 - i. Arrest Reports.
3. If there is no recent social history information available, the Investigation Deputy will interview the defendant and provide relevant information on a typewritten page placed in the Probation Report section of each packet. If dictated, this is logged in the Superior Court Logbook for typing, with the due date listed as "ASAP - DJJ."
4. If the defendant is housed at Juvenile Hall, the Unit Counselor should be contacted to determine whether there have been any significant behavioral problems that should be reported to DJJ. If so, this information is included in the typed Social History, or Addendum to the Probation Report. DJJ should also be advised of the procedures undertaken by staff and CEGU to stabilize the defendant.
5. Copies of the TAHL form and certified copies of the Minute Orders and Abstract of Judgment will be placed in the left side of the probation file. All remaining court and Arrest information will be placed on the right side of the probation file.

C. Processing of the Case File and Report

1. The Probation file, referral document and packets are given to the Assignment Clerk, who will mail the packets to DJJ for defendants being housed per 1731.5(c) W & I. The Assignment clerk will also scan the referral document, mental health assessment form and certified copies of

the Minute Order and Abstract of Judgment and place them in the probation file.

2. In the case of 707.2 cases, two packets are submitted to DJJ and the Parole/CDCR packet is retained by the RPO office.
3. 707.2 W & I cases are tracked through the court system by the RPO office to their final destination. If the defendant is ultimately committed **to** or housed at DJJ, the parole packet is submitted to the Court Commitment Clerk, who attaches certified copies **for** the Court Order and submits it to DJJ.
4. The DJJ office in Sacramento reviews all Court and probation Documents and sends an acceptance letter to the Court. At that point, the defendant is transported, along with the acceptance letter, to the DJJ Reception Center.

REFERENCES:

Procedures:	1-1-109	Confidentiality of California Department of Corrections Diagnostic Reports
Policies:	A-1 B-2	Policy, Procedure and the Law Inter- and Intra-Agency Confidentiality

J. Cisneros

APPROVED BY: