

CUSTODY INTAKE REFERRALS

- AUTHORITY:** Welfare and Institutions Code (WIC) Sections 602, 602.1, 604, 628, 630-632, 641, 650, 651, 653, 653.7, 654.3, 656, 656.1, 777, and 778
- California Rules of Court Rule 5.514 (Intake: guidelines), Rule 5.516 (Factors to Consider), Rule 5.520 (Filing the petition; application for petition), Rule 5.524 (Form of petition; notice of hearing), Rule 5.526 (Citation to appear; warrants of arrest; subpoenas), Rule 5.560 (General provisions), and Rule 5.612 (Transfer-in hearing)
- RESCINDS:** Procedure Manual Item 2-4-101, dated 01/13/16
- FORMS:**
- | | |
|--|--------------------------------|
| WIC 778 Petition Worksheet | (Unit Form) |
| Application for Petition/Intake Transmittal Sheet | (F057-4024) |
| Authorization for Release of Medical/Psychological Information | (F057-7004) |
| ICE Referral Form | (Unit Form) |
| California Department of Justice Form | (JUS 8716/8717) |
| Adult Disposition of Arrest and Court Action | (DOJ Form-JUS 8715/8715A) |
| Juvenile Detention Disposition Report | (DOJ Form-JUS 8716) |
| Child Abuse Index Information Request | (Unit Form/Computer Generated) |
| Consent for Voluntary Return of Absconder | (YA 3.500(A)) |
| Custody Intake Cover Sheet | (Unit Form/Computer Generated) |
| Detention Letter/24-Hour Letter | (Unit Form/Computer Generated) |
| Detention Report | (Unit Form/Computer Generated) |
| Pre-Detention and Pre-Disposition Program Agreement in English | (F057-5019) |
| Pre-Detention and Pre-Disposition Program Agreement in Spanish | (F057-5019SP) |
| Informal Probation (654) Agreement | (F057-5118) |
| Information to Court Officer | (F057-9099) |
| Interstate Compact for Juveniles Consent for Voluntary Return of Out of State Juvenile | (Form III) |
| Juvenile Data Sheet | (F057-4193AW) |
| Juvenile Intake Assessment | (Computer Generated) |
| Notice to Central Warrant Repository | (Unit Form) |
| Orange County Probation Juvenile Justice Guide | (Dept. Publication) |
| Probable Cause Declaration | (F057-4206) |
| Probable Cause Log/Case Log | (Unit Form) |
| Probable Cause Telephonic Approval Form | (Unit Form) |
| Promise to Appear | (F057-4111) |
| Special Visit Authorization | (F057-6225) |
| Risk Assessment Instrument (RAI) | (ICMS Form) |
- PURPOSE:** To outline the general procedures for processing Custody Intake referrals at juvenile hall (JH), as well as to establish guidelines for filing petitions. More specific procedures can be found in the Custody Intake Desk Manual.

I. GENERAL INFORMATION

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B. Process Overview

1. Intake **Deputy Probation Officer (DPO)** Responsibilities

- a. Gather and assess all available information, including parent/youth interview, police reports, contact with other agencies and contact with collateral sources as appropriate.
- b. Determine whether to release or detain the youth (and under what circumstances). See admissions guidelines below.
- c. Refer appropriate cases to the District Attorney for review.
- d. Prepare Detention Report for youth detained or released on **the Pre-Detention and Pre-Disposition Program (PPP)**.
- e. Prepare the Juvenile Intake Assessment Report (JIAS) and other Integrated Case Management System (ICMS) entries.
- f. Submit the Probable Cause Declaration forms to the court (or read via telephone). (See Custody Intake Desk Manual for specific instructions.)

2. District Attorney Responsibilities

- a. Review the Application for Petition.
- b. Review crime reports or Special Incident Reports (SIRs) from referring agency.
- c. Take appropriate action.

- (1) File petition with court clerk.
 - (2) Reject filing and return to Custody Intake DPO. (NOTE: sometimes may be resubmitted and filed when additional information is obtained.)
 - (3) Return to Custody Intake DPO with instructions to handle informally.
- d. Review/complete/forward California Department of Justice **forms (JUS 8716/8717)**.

3. Types of Petitions

a. New Petition

- (1) Youth not a ward of the Juvenile Court when offense committed or petition filed.
- (2) If youth is supervised under non court-ordered **WIC 654**, the new offense as well as the original offense may be alleged.

b. Subsequent Petition

Youth is a ward of the Juvenile Court when the new law violation was committed or the petition was filed.

c. Supplemental Petition

Youth is a ward of the Juvenile Court when the probation violation is filed.

- (1) The offense alleged is a probation violation or a violation of a court order.
- (2) Change of circumstance or previous disposition of the court being ineffective in the youth's rehabilitation (WIC 778).

II. PROCEDURE

A. Admission to JH

1. Admission Guidelines

- a. **Pursuant to Senate Bill 439**, youth must be at least **twelve (12)** years of age **to be booked into JH**. **The only exception to this age requirement**, which must be approved by the division director (**DD**) of JH or Juvenile Court Services (**JCS**), **is if a youth under the age of twelve (12) is alleged to have committed on of the following offenses:**

- (1) **Murder**

- (2) **Rape by force, violence, duress, menace, or fear of immediate and unlawful bodily injury**
 - (3) **Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury**
 - (4) **Oral copulation force, violence, duress, menace, or fear of immediate and unlawful bodily injury**
 - (5) **Sexual penetration force, violence, duress, menace, or fear of immediate and unlawful bodily injury**
- b. Acutely mentally ill/psychotic or suicidal youth usually should not be admitted but should be taken to an appropriate psychiatric facility. Exceptions must have **JH or JCS DD** approval.
- c. Injured, Unconscious, or Ill Youth
- (1) Must be examined by **JH-Medical Unit** staff prior to admission.
 - (2) If rejected because of a need for further medical evaluation, it is the responsibility of the arresting agency to transport the youth to and from a hospital prior to booking.
 - (3) If the youth is to be admitted to a hospital for an extended period and/or the alleged offense is of a serious nature, the arresting agency personnel should remain with the youth until an Application for Petition is accepted by Custody Intake. Juvenile Hall Deputy Juvenile Correctional Officers (DJCOs) will then assume custodial responsibility for the youth. NOTE: A petition will then be filed at the earliest opportunity so that a court order may be obtained to detain the youth "in Juvenile Hall or medical facility."
- d. Youth must meet the booking criteria outlined in the **Risk Assessment Instrument (RAI) as outlined in Procedure Manual Item (PMI) 2-4-106 (Custody Intake Risk Assessment Instrument [RAI])**, unless there is **DD/Administrator in Charge (AIC)** approval or an override from one of the Custody Intake Supervising Probation Officers (SPOs). **Prior to approving the override and in order to ensure consistency, the DD/AIC must first contact the on duty Custody Intake SPO or Acting SPO for additional information prior to overriding the RAI and approving the booking.**
- e. **Youth** may be lodged for violation of probation under the following circumstances with DD approval:
- (1) Repeated use of drugs and not responsive to counseling and other efforts.
 - (2) Assaultive behavior within the home.

- (3) Pattern of short runaways or absconding behavior.
 - (4) Pattern of multiple violations and/or pending applications for non-serious matters which support that the youth is beyond control.
 - (5) **Youth with** placement orders, **who** are **California Department of Corrections and Rehabilitation (CDCR)**, Division of Juvenile Justice (DJJ) eligible, or **who** are in violation of **PPP**.
- f. **Youth** over the age of **eighteen (18)** may be lodged under the following circumstances:
- (1) Outstanding Juvenile Court warrant (usually when Orange County Jail (OCJ) cannot/will not book because warrant cannot be found in system).
 - (2) Certification from Adult Court.
 - (3) Transfer in from another county.
 - (4) Offense occurred before 18th birthday.
 - (5) Probation Violation with Division Director approval (*In Re Ramon M. 2009*)

In all such cases, the Detention Hearing should be scheduled for the earliest time in order that the subject may be ordered "housed at OCJ."

2. Law Enforcement Officers' Responsibilities

- a. At the time of booking:
 - (1) Complete and sign Application for Petition.
 - (2) Complete and sign Probable Cause Declaration.
 - (3) Submit California Department of Justice **forms** JUS 8716/8717 form on all felony cases.
 - (4) Notify the youth's parent/guardian of the youth's arrest, detention, and location in person, by telephone, or note left at residence.
 - (5) Escort the youth to the booking area and wait until the youth is medically screened and paperwork checked and accepted by the Custody Intake **Officer of the Day (CIOD)** or Juvenile Hall Duty Officer (DO).

- b. Within **twenty-four (24)** hours, submit complete police reports by hand delivery or by fax. **If the youth has been arrested for a misdemeanor and identified as a Commercial Sexual Exploitation of Children (CSEC) victim/Human Trafficking Victim**, the complete police report must be submitted when the youth is booked into **JH**.

3. Field DPO Responsibilities

- a. At the time of booking
 - (1) Obtain consent of Custody Intake SPO or Division Director to lodge a probationer who otherwise does not meet criteria of secure detention.
 - (2) Arrange with police agency to transport to JH if necessary or escort youth to booking area.
 - (3) Complete and sign Application for Petition and note name of Division Director that approved the booking.
 - (4) Complete and sign Probable Cause Declaration.
 - (5) Notify the parents/guardian of the youth's arrest and detention at JH.
- b. Hand-deliver or email Notice of Hearing and Probation Violation Memo within **twenty-four (24)** hours.

4. Custody Intake Responsibilities

- a. Obtain Probable Cause Declaration from the booking officer and submit to the **court** for judicial review. A judicial determination that probable cause exists must be made within **forty-eight (48)** hours of the arrest (including all non-court hours) or the **Custody Intake DPO** must release the youth from custody absent any other orders of the court.

The court has established procedures for handling probable cause determination during court hours and non-court hours on weekends and holidays that **Custody Intake DPOs** must follow (see Custody Intake Desk Manual).

- b. Youth Delivered by Law Enforcement and Probation
 - (1) Assure that guidelines listed in II. A.1-4 are met.
 - (2) Review the Application for Petition for accuracy and completeness as to time and place of arrest, name, DOB, addresses, signature (in affidavit section), and other pertinent data.

- (3) Ensure that the California Department of Justice **JUS 8716/8717** form is submitted on felony cases when provided by the arresting agency.

c. Youth Delivered by Parents/Guardian

- (1) If it is alleged that a criminal act has been committed, advise that the youth be taken to the police agency in the appropriate jurisdiction.
- (2) If the youth is an active ward and has violated probation, contact the field DPO and direct them to obtain SPO/Division Director approval.
- (3) If the youth is not a ward and the problems with the youth are behavioral, refer the parents to a department- approved community resource.

B. Custody Intake Interview

1. Purpose of Interview

- a. Explain to the youth and parents the role and function of the Probation Department and Juvenile Court and provide a copy of the "Orange County Probation Department Juvenile Justice Guide."

English version:

<https://portal.prob.ocgoenterprise.com/Download/ProbNet/Library/Brochure/ResourceGuideEngJuly2015.pdf>

Spanish version:

<https://portal.prob.ocgoenterprise.com/Download/ProbNet/Library/Brochure/ResourceGuideSPJuly2015.pdf>

- b. Advise the parents of the youth's rights regarding self-incrimination.
- c. Advise the youth of their rights (per Miranda **Warning**) before discussing the alleged offense.
- d. Obtain necessary forms/documentation such as birth certificates, school records, Social Security cards, and releases of information.
- e. Obtain social history information to assist in determining a plan of action.
- f. In most cases, parents of active cases (wards, informal probationers, or youth pending a Disposition Hearing) need not be interviewed by a Custody Intake DPO.

2. Forms To Be Completed

- a. Custody Intake Cover Sheet - Leave pertinent, complete notes so any Custody Intake staff can follow up on pending matters.
- b. Juvenile Data Sheet (filled out by parent/guardian or DPO if doing a telephone interview).
- c. Intake and Transmittal Sheet, bottom portion, with any corrections to top portion.
- d. Juvenile Intake Assessment Sheet/Pre-Trial Report.
- e. Detention Report if youth detained or placed on **PPP**.
- f. Appropriate additional forms, as needed, to meet specific case needs.
- g. California Department of Justice JUS 8716/8717 forms on all felony cases that are completed by law enforcement. **JH-Intake and Release Center (IRC)** staff complete the Probation section. The form is routed to the District Attorney (DA) with matter to be filed.
- h. The Tiffany A. **Restraint** form (restraint recommendation) is required on all detained youth appearing in court.

3. The Interview

- a. Obtain parental permission before interviewing the youth about the alleged offense.
- b. If permission is not given, youth may still be interviewed regarding matters **other than the offense** (e.g. social history, school performance, and drug use).

C. Determining the Appropriate Disposition and Issue of Detention

1. Consider

- a. Magnitude and the type of the offense
- b. Protection of the community
- c. Welfare of the youth
- d. Detention guidelines

2. Review

- a. Information contained in police reports
- b. Prior record
- c. Information obtained from parent/youth interviews

- d. Information from other agencies, victims, or interested parties
- e. Input from assigned DPO, if applicable

D. Disposition Alternatives

1. Dismiss Application for Petition

a. Criteria

- (1) Offense is **minor** and/or and there is another serious matter pending which resulted in the youth being booked at JH.
- (2) Offense is “unfounded” and referring agency requests dismissal [PC 849(b)] – youth deemed “not arrested.”
- (3) An overriding issue may be the youth’s welfare and referral to Orangewood or a community shelter is appropriate.
- (4) Legal Insufficiency - Determined by the DA (additional information may be obtained and the matter resubmitted within the mandated deadline).
- (5) Police reports, Probation Notice of Hearings, and Probation Violation Memos not received within the mandated time limit.
 - (a) DA is unable to file a petition within the deadline.
 - (b) Youth must be released from custody or taken off **PPP** forthwith.
 - (c) Application for Petition may be submitted on a non-custody basis when all reports are received.

b. Procedure

- (1) Twenty-four (**24**) hour letter is sent by Custody Intake to the parents, guardians, or person having care or custody of the youth. The letter indicates reason(s) why the youth was held over **twenty-four (24)** hours and a petition was not filed. **It also** provides information regarding the sealing of records under **WIC** 653.5(c).
- (2) The Application for Petition/Intake and Transmittal Sheet is completed as to the portion regarding dismissal (reason(s) so that the arresting agency can be notified per WIC requirements).
- (3) Complete the Probation section (section B), of the California Department of Justice **forms** JUS 8716/8717 form on felony cases.

2. Informal Probation (WIC 654)

a. Cases not Eligible (WIC 654.3)

Certain cases are statutorily ineligible for informal supervision. All cases described in WIC 653.5(c) are to be referred to the DA. If the DA does not file and returns the case to Probation, WIC 654 Informal Probation may be considered.

b. WIC 654 **Informal Probation**

(1) Informal **probation** is to be used whenever specific competency development tasks/sanctions should be accomplished by the youth prior to termination of probation involvement, but the case dynamics do not justify formal court action or wardship. Such youth would generally be first-time offenders who are stable in the home and school setting, and whose involvement in a crime may be minimal. However, given the serious nature of the offenses generally dealt with by Custody Intake, cases should be staffed with a SPO prior to implementation of WIC 654 informal probation.

(2) Procedure

- (a) Choose appropriate sanctions from those programs utilized, such as VCS, restitution, counseling, and life skills.
- (b) Review the Informal Supervision Agreement (computer generated) with the youth and parents.
- (c) Parents, youth, and DPO must sign the agreement.
- (d) If a felony case is handled informally after DA rejection, JUS 8717 form (which is attached to JUS 8716) is to be completed and routed. This form is used to report a change of the disposition that was originally reported. JUS 8717 can be completed following the same instructions as for JUS 8716.

3. Request District Attorney File a Petition

- a. Submit a copy of the Application for Petition (Intake/Transmittal Sheet) to the DA.
- b. Submit a copy of all police reports or **facility** SIRs to the DA.
- c. Submit the JUS 8716/8717 forms from the referring law enforcement agency on all felony cases.

Only the Detained/Not Detained and Fingerprinted/Not Fingerprinted boxes in the Probation section should be completed by the Probation IRC staff if this information is known. If this

information is unknown leave these boxes empty. The JUS 8716 form must accompany the case to the DA.

- (1) If the DA files the case in Juvenile Court the JUS 8716 form accompanies the case to court.
 - (2) If the DA chooses not to file a case they must complete and route the JUS 8716 form before returning case to probation.
- d. If the youth is released on their own recognizance (O/R) prior to the filing of a petition, the above documents are submitted to the contested case function, which in turn submits them to the DA.

4. Custody Options

- a. Release O/R to parent or guardian pending DA decision to file petition.
- b. Release O/R to parent or guardian after a petition is filed, but prior to Detention Hearing, at which time a **Pretrial Hearing** date must be obtained from the court clerk.
- c. Release on **PPP** pending the Detention Hearing.
 - (1) Custody Intake Release
 - (a) Youth and parents agree to conditions and sign a **PPP** Release Agreement.
 - (b) Youth and parents are advised of date and time of Detention Hearing at signing.
 - (2) Field Release
 - (a) Youth must meet the **booking** criteria.
 - (b) The field DPO will staff the case with their SPO and obtain approval to place the youth on **PPP**.
 - (c) Both the youth and parent(s) will be indoctrinated to the terms and conditions of **PPP**. The youth will initial each item and sign the bottom. The parent(s) and **the** field DPO will also sign the bottom of the form.
 - (d) Whenever possible, a photograph of the youth will be included with the release agreement, which is submitted to Custody Intake.
 - (e) Fill out a field release with the Data Sheet, attached to the **Application for Petition, Probable Cause Declaration**, and original **PPP** Indoctrination to JH form.

- (f) Once the youth is released on **PPP**, the field DPO will call the **PPP DPO** and provide the following information:
- Youth's full name
 - File Number
 - Address
 - Phone Number
 - Next court date
 - General description of offense(s)
 - Any pertinent officer safety issues
- (g) An Application for Petition and Probable Cause **Declaration** form will be delivered to Custody Intake along with the original copy of the **PPP Release Agreement** and a photograph of the youth the day the agreement is signed. Within **twenty-four (24)** hours of release on **PPP**, the field DPO will email a Notice of Hearing and Probation Violation Memo to the **CIOD** mailbox (CIOD public folder).
- d. Detain Youth Pending Detention Hearing (WIC 628).
- (1) Review Detention Criteria as per WIC 628.
- (a) Youth is in need of proper and effective parental care and control.
 - (b) Youth is destitute, not provided with necessities of life or suitable place of abode.
 - (c) Youth's home is unfit due to neglect, cruelty, depravity, or physical abuse by parent.
 - (d) Youth requires detention for their own protection.
 - (e) Youth is a danger to the property of others.
 - (f) Youth is likely to flee.
 - (g) Youth has violated an order of the Juvenile Court.
 - (h) Youth is physically dangerous to the public due to mental/physical deficiency, disorder, or abnormality.
- (2) Review Department Detention Criteria

NOTE: Department detention criteria **may** be more restrictive than the WIC requirements cited above. Admissions to **JH** will be released O/R or on **PPP** unless the case meets the criteria **outlined** in the RAI unless there is an override approval from a Division Director/AIC or Custody Intake SPO. **Prior to approving the override and in order to ensure consistency, the Division Director/AIC must first contact the on duty Custody Intake SPO or Acting SPO for additional information prior to overriding the RAI and approving the booking.** The decision to recommend continued secure detention for a case scoring for release or PPP will be based on the following:

- (a) Parent, guardian, or responsible relative cannot be located
- (b) Parent, guardian, or responsible relative refuses custody
- (c) Release of youth places victim in vulnerable position
- (d) Youth poses immediate/substantial risk to self
- (e) Youth poses immediate/substantial risk to person
- (f) Youth poses immediate/substantial risk to property of another
- (g) Risk to flee
- (h) Technical PV with override approval (approved by a Custody Intake SPO **or** Division Director/AIC)
- (i) Automatic Detention Case
- (j) Other: (Must be articulated by the overriding Division Director or Custody Intake SPO and documented by the DPO completing the RAI)

E. Filing Deadlines

1. In felony cases, petitions must be filed within **forty-eight (48)** hours, excluding non-judicial days. The Detention Hearing must then be set for the following judicial day.
2. In misdemeanor cases, petitions must be filed soon enough so that the Detention Hearing is scheduled within the **forty-eight (48)** hour time period. (FELONY DEADLINE CAN BE USED IF ALLEGATION INVOLVES VIOLENCE OR THREAT OF VIOLENCE, POSSESSION OF A WEAPON, OR IF THE YOUTH IS ALREADY A 602 WARD).

3. Probation violation Notice of Hearing Petitions (WIC 777) and Change of Circumstances Petitions (WIC 778) must also be filed within the **forty-eight (48)** hours, excluding non-judicial days, with a Detention Hearing the next judicial day.
4. In all cases, the allotted **forty-eight (48)** hours begins at the time of arrest, not **the time of booking into JH**.
5. If a youth initially indicates **they are** an adult but **is** later found to be a juvenile, the allotted **forty-eight (48)** hours begins when **the youth** is first known to be a juvenile.
6. The DA must be advised of the filing deadline when the case is submitted for filing.
7. **PPP** violations and Court Replacements must have Detention Hearing within **forty-eight (48)** hours if no new petition is filed.

F. Detention Hearing

1. A Detention Hearing is required unless the youth has been released O/R.
2. It is the responsibility of the assigned field DPO or the Custody Intake **DPO** to notify all parties entitled to this notification.
3. Entitled parties may be notified in person, by phone, telephone answering machine, by message left with a relative (preferably adult) at the home number, or via the local police agency who will deliver a verbal or written message to the home in cases where no response has been received at the number or in the absence of a telephone. Victims identified in the police report will be notified by certified mail. If the victim information is unavailable, the Custody Intake **DPO** will refer the case to the Victim Services **Coordinator**.
4. The person notified and the method of notification must be indicated in the Detention Report.
5. Even if a parent is out of state, they must be notified.
6. If notification is not possible, the reason should be indicated in the Detention Report (e.g. "relatives reported that the parents are presently camping at an unknown location").

G. Detention Report Format (set by computer, but DPO corrects as necessary)

1. Identifying Information (i.e. Name, DOB, status, DPO's name/phone number)
2. Date Petition or Notice filed
3. Allegations of petition(s)

4. Summary of Allegations - Concisely describe the offense and the youth's role in the alleged offense
5. Other Significant Case Factors-Other issues which may be pertinent to the Court's making a decision to release or detain. **Examples include a** lengthy runaway, drug history, violence at home, or previously scheduled court dates on pending matters in which the youth was not previously detained.
6. Pre-printed paragraphs re: Child Abuse Information Requests should be tailored to indicate only those issues which are pertinent to the youth **and** delete those which are not. (NOTE: Delete the entire section and all wording if the youth is 17½ years plus, already has a placement order, has been ordered detained on a previous matter or is serving a commitment.)
7. Companions - Indicate names, J/DL#, disposition, or signify "adult."
8. Detention Criteria
 - a. Note the legal reason for detention as authorized by WIC 628:
 - The youth is in need of proper parental control
 - The youth is destitute
 - The youth has an unfit home
 - The youth is in urgent need of protection
 - The youth is likely to flee the jurisdiction of the court
 - The youth represents a threat to the community
 - The youth is subject to a hold by the Division of Juvenile Justice (DJJ)
 - b. Even if the youth is released on **PPP**, include the "Detention Justification" (since **PPP** is a restriction of freedom) and the specific justification for release on **PPP** as the court needs to state its justification for the record. The **PPP** release and the date of the release should be stated under the "Detention status" section of the **Detention Report**.
 - c. Attach a copy of the RAI and Tiffany A. **Restraint** form to the Detention Report.
9. Recommendation - Choose from list or add ones which are specific to the case (**Example:** "Upon findings, that the matter be transferred to Riverside County for disposition.")

H. Lodging Youth From Other Jurisdictions

1. California

- a. Law violations - As in any other case, criteria for detention must be met.
- b. Absent a law violation
 - (1) Proof of an outstanding warrant must be received before the youth is accepted for booking at JH.
 - (2) Wards may be accepted as “courtesy holds” and it is understood that youth will be picked up the same date or within **twenty-four (24)** judicial hours. These are usually wards who have absconded from placement in another county.
- c. In custody Transfer - In for Transfer-in (*Acceptance of Transfer*) Hearings will be detained. Pursuant to CA Rules of Court 5.612, the court clerk must immediately place the transferred case on the court calendar for a Transfer-in Hearing within **two (2)** court days after the transfer-out order if the **youth** remained detained. Custody Intake **DPOs** will coordinate with the Court Clerk to ensure timelines are met.

2. Out of State

- a. Runaway youth **must be booked** whether they fall under **WIC 601** or **WIC 602** type status in their state if a warrant or requisition is outstanding. (NOTE: **As** a participant in the Interstate Compact, federal law supersedes that of the State of California.)
- b. Parents of a non-delinquent youth in another state can initiate a requisition for return via the Interstate Compact Office in their state. In any case, contact the California Interstate Compact Office for direction.
- c. **If an Application for Petition alleging a new law violation** is filed
 - (1) Contact the home state’s probation/parole department or local law enforcement agency for details of the youth’s prior record and why **the youth** is wanted there.
 - (2) Contact parents/guardians for pertinent information.
 - (3) Set for Detention Hearing and notify appropriate parties.
 - (4) Prepare and submit copies of the **Interstate Compact for Juveniles Consent for Voluntary Return of Out of State Juvenile (Form III)** with Detention Report (the youth may sign the form in court as represented by counsel).
- d. If a petition is not filed

- (1) Contact the Court Clerk's office to obtain an Interstate Compact number.
- (2) Follow **above** steps **H.2.C (2) through (4)**.

3. Warrants

- a. If the youth is in custody on the warrant matter only, the case should be calendared for arraignment the next judicial day, time permitting.
- b. If the youth is arrested on the warrant and also for a new law violation, process the case within the same time frame as any other. The Warrant Arraignment **Hearing** will then be set for the same time as the Detention Hearing on the new matter.
- c. If the youth is lodged without the warrant abstract, a fax must be sent to the Warrant Repository notifying them that the youth has been arrested on the warrant and requesting that the warrant be recalled.
- d. When the abstract accompanies the youth to JH, make a copy for the probation file and forward the original to the Juvenile Court Clerk.

I. Graveyard Shift Officer of the Day (9:00 PM to 7:00 AM)

The graveyard shift was implemented in January 2012 in response to AB 109 legislation (Oct. 2011) and the need for **twenty-four (24)** hour a day application of the RAI. AB 109 legislation realigned low level adult offenders from parole supervision back to the county probation departments. The Orange County Probation Department made a commitment to local law enforcement that personnel would be available **twenty-four (24)** hours a day to respond to inquiries and place holds. Specific to the RAI, in order to ensure that JH was only accepting appropriate youth for booking, it was essential that the tool be utilized with every booking **twenty-four (24)** hours a day.

1. Duties and Responsibilities

- a. Stay awake and alert. The **Custody Intake Graveyard DPO** is the primary contact for all law enforcement agencies throughout the county. It is essential that the **DPO** be available to immediately respond to any incoming telephone calls and/or inquiries from **JH-IRC** or the JH Duty Officer.
- b. Between 9:00 p.m. and 10:00 p.m., make face-to-face contact with the CIOD regarding any pending bookings or **Custody Intake** intakes that may be pending. Assist as needed with any outstanding **Custody Intake** processing or incoming issues as needed.
- c. Review *ICMS/Probation Violation/Applications for Petition List* **and** to verify that all appropriate paperwork has been received for recent bookings. Follow-up as needed.

- d. Respond to inquiries from law enforcement.
- e. If police are requesting that probation place a hold on an arrestee who is also on probation supervision (e.g. PCS, Mandatory Supervision, AFS, and/or Special Supervision), contact the assigned personnel in the following order until contact is made:
 - 1) Assigned DPO
 - 2) Assigned SPO
 - 3) Another SPO within the same division
 - 4) Assigned DD

Once given authorization, place appropriate hold. In certain cases, the graveyard CIOD may be unable to make contact with a DPO/SPO/DD. If the probationer was arrested for a serious or violent felony and the CIOD can verify that the individual is currently being supervised, a hold can be placed without DPO/SPO/DD authorization.

- f. After placing a hold on an adult probationer, document it in ICMS, then send email to the assigned DPO and SPO confirming the hold.
- g. Process JH bookings in compliance with the current policies and procedures of the CIOD. Unless exigent circumstances exist. The CIOD is not considered an **Acting** SPO for the purposes of approving probation violation bookings. The detention override should be reserved for rare situations where case factors exist that were not assessed by the RAI. Overuse of overrides renders the RAI invalid.
- h. Print and distribute Detention Calendar if not done by **the Custody Intake** clerk or Night CIOD
- i. Run the Jail Transport List by accessing the OCSD Jail Computer. Determine which jail transport case has a warrant arraignment, note court room and write the information in RED-colored pen on the Jail/Transport list. Make a copy of the list and deliver to **JH-Court Holding**. Leave the original on the Warrant **DPO's** desk.
- j. Check FAX machine, distribute any incoming reports to **DPOs**, and be sure fax machine paper is full at close of shift.
- k. Log calls and work done on the Graveyard Shift log.
- l. Perform additional duties as assigned.
- m. Make face-to-face contact with the 6:00 a.m. oncoming CIOD to share any relevant issues that need follow-up.

REFERENCES:

Procedures: 1-1-106 Los Angeles County Record Checks

2-1-205	Warrants of Arrest for Juveniles
2-4-001	Non-Custody Intake
2-4-102	Consular Notification and ICE Referrals/Detainers
2-4-103	DJJ Wards - Custody Intake Procedures
2-4-105	Transportation of Youth Detained at Juvenile Hall
2-6-006	Terminating Juvenile Supervision
2-6-101	Juvenile Probation Violations
2-6-104	Petition to Change, Modify or Set Aside Order or Terminate Jurisdiction of the Court
3-1-406	Procedure for Referring Minors to Mental Health Facilities as a 5585 Hold
3-2-011	Intake
Policies:	
D-6	Transportation of Probationers and Custody Transportation
E-4	Clients with Legal Residence Outside of Orange County
E-5	Advisement of Rights

Custody Intake Desk Manual

C. Ronald

APPROVED BY: