

## PROBATION OFFICER'S REPORT TO THE JUVENILE COURT

- AUTHORITY:** Welfare and Institutions Code (WIC) Sections 280, 281, 602, 656.2, 702, 706, 706.5, 725, 729.2, 790, and 827  
 Penal Code (PC) Sections 290.04 and 290.008  
 Education Code 49076  
 California Rules of Court, Rule 5.565 (Hearing on Subsequent and Supplemental Petitions), Rule 5.785 (General Conduct of Hearing), Rule 5.766 (General Provisions), Rule 5.768 (Report of Probation Officer), Rule 5.770 (Conduct of Transfer Hearings Under Sections 707(a)(2) and 707(c)), and Rule 5.790 (Orders of the Court)  
 Superior Court of Orange County Local Rule 903.1 (Exchange of Confidential Information)  
 Juvenile Court Administrative Order No. 12/003-903 (Exchange of Information)  
 Juvenile Court Miscellaneous Order 681.3 (Authorization for Release of School Attendance and Performance Information)
- RESCINDS:** Procedure Manual Item 2-5-002, dated 01/15/20
- FORMS:**
- |   |                   |
|---|-------------------|
| Automated Record Check Request – Juvenile   |                   |
| Automated Record Check Request - Adult  |                   |
| Automated Child Abuse Index Information Request   |                   |
| Investigation Form Letters  | (Word Templates)  |
| Appointment Letter  | (F057-4094AF)     |
| Parent’s Statement  | (F057-4100.4)     |
| Youth’s Statement   | (F057-4096.3)     |
| Family History Questionnaire  | (F057-4161ATT AF) |
| Victim Letter   | (WORD Template)   |
| Arresting Officer Letter  | (F057-9193B AF)   |
| Juvenile Court Report Face Sheet Worksheet  | (F057-4086W)      |
| Youth and Family Data Sheet   | (F057-4193AW)     |
| Authorization for Release of Student Records  | (F057-4016.4)     |
| Authorization to Use and Disclose Protected Health (PIH) Information  |                   |
| <a href="https://portal.prob.ocgoenterprise.com/Download/ProbNet/Juvenile%20Forms_910/HCA%20Release%20of%20Information%20Waiver.docx">https://portal.prob.ocgoenterprise.com/Download/ProbNet/Juvenile%20Forms_910/HCA%20Release%20of%20Information%20Waiver.docx</a> |                   |
| Victim Rights Notification  | (057-10049)       |
| Juvenile Investigations Report Template   | (Template)        |
- PURPOSE:** To provide a guide for preparing the Probation Officer's Report to the Juvenile Court.

### I. GENERAL INFORMATION

The following procedure outlines the format for **Deferred Entry of Judgment, Pre-Plea, Disposition, Placement Suitability, and Supplemental reports**. The format for these reports

is flexible and can be modified to fit the unique circumstances of individual cases. Specialized reports may differ in that they include additional information relative to the nature of the report. Specialized reports are referred to in the following Procedure Manual Items (PMIs): PMI 2-5-001 (WIC 241.1 Joint Assessment Procedure and Probation Officer's WIC 241.1 Report to the Juvenile Court), 2-5-004 (Juvenile Court Suitability Investigation and Report Pursuant to WIC 707), PMI 2-5-005 (Intercounty Transfers of Wardship Jurisdiction), PMI 2-5-012 (Deferred Entry of Judgment), and PMI 2-6-201 (Juvenile Placement Referral Process).

## II. PROCEDURE

### A. INVESTIGATION APPOINTMENT LETTER

1. The investigation appointment letter structures the parents for an investigation interview and also serves the purpose of notifying them of specific items that will be required in order to conduct a comprehensive investigation.
2. The investigation appointment letter is generated when the deputy probation officer (DPO) wishes to notify the parents and the youth to appear in the office for an interview. This letter serves the additional purpose of reminding them to supply certain forms that were given to the parents or the youth at the intake interview or forms that the investigating DPO encloses with the letter. It further instructs the parents in the completion of these forms so that the investigation interview will be facilitated.

In most instances, the investigation appointment letter is sent by the investigating officer as soon as they are assigned a new case. If the DPO wishes to schedule office interviews, the DPO should utilize one of these forms unless there are some special circumstances which cannot be covered. In that case, the DPO should initiate a letter to cover the special circumstances involved. If the assigned DPO prefers to make appointments by telephone, the form need not be used.

### B. SECTIONS OF THE REPORT

#### 1. FACE SHEET

- a. The one-page face sheet provides a central location to record vital factual case data and should be completed in full, indicating "NA" (not applicable), "NONE", or "UNK" (unknown) where appropriate. The Juvenile Data Sheet is to be used as an internal document. It contains items not included on the one-page court report face sheet, but needed for the supervision of the youth. Additionally, certain information may be useful for financial collections purposes.
- b. All relevant and significant information, such as date of birth, California Driver's License number, school, and employment information, should be verified by documentation or through contact with original sources.
- c. Due to Aid to Families with Dependent Children-Foster Care (AFDC-FC) funding requirements for children in foster care, emphasis should be given to obtaining social security numbers for

both the youth and parents. A copy of the youth's birth certificate should be obtained and placed in the file.

- d. Include the name, address, and other identifying information of any family member with whom the youth is residing or any family member being considered as a placement option for the youth.
- e. If the youth is also a dependent of the court, include the social worker's name and professional contact information.
- f. Much of the information on the face sheet will be auto populated by information in [REDACTED]). Verify that the information in ICMS is correct. If it is not, update [REDACTED] with current and accurate information prior to populating the Face Sheet. Once printed, verify that all information is accurately reflected including the youth's court case number, master list number, name, date of birth, etc. **Also ensure that the youth and parents' personal information, addresses, employment information, and other categories are updated with the most current information prior to printing the face sheet and submitting with the report.**

## 2. CIRCUMSTANCES OF THE OFFENSE

- a. Information regarding the circumstances of the allegations will be obtained from the arresting officer's report or from the referring agency. Include DR#s for all reports used to complete this section. Occasionally, the petition will only list one DR# submitted at the time of arrest such as prior burglaries or vandalisms, which are discovered related to the youth. This report will reference the initial crime report(s), but will not include detailed information. Those reports should also be requested if not included in the arrest packet (example, if the youth is arrested for residential burglary and during police questioning, provides information regarding other burglaries committed, obtain and include this information). The initial crime report would include point of entry, any damage to the home during the commission of the offense, a list of items reported stolen and estimated loss.
- b. Cite the document (e.g. date, police agency, and report number) from which the information is being obtained. Include DR#s for all reports used to complete this section.
- c. Summarize the details of the alleged offense or circumstances which compelled the filing of the petition. This section should not be a summary of the investigation. Include details surrounding the police interview of the youth regarding the offense, as well as whether or not the youth was released or detained. Ensure that the circumstances are a summary of the facts that pertain to the youth and the youth's involvement. This is especially important in cases involving multiple defendants.
- d. Be consistent when using terminology, titles, or names (e.g.

Confidential Informant, Social Worker Jones, Victim #1, etc.).

- e. Include pertinent dates, times, and locations. Roles of the participants should be included, but not to the detailed extent provided in police reports unless to reflect aggravating criminal factors.
- f. As much as possible, present the information in chronological order.
- g. Provide a summary of witness statements, if included in the police report. However, do not include any identifying information about the witness that could be used to locate, harass, or retaliate against the witness.
- h. If available, include specific information regarding injuries and/or losses to the victim(s). However, do not include any identifying information about the victim or the victim's family that could be used to locate, harass, or retaliate against the victim or the victim's family.

**Victims are to be identified as "Victim" or "Victim 1, 2, etc." There may be victims listed in the police report but not on the petition. In those instances, they can be referred to as "the victim as named as Victim #1, 2, 3, etc. in the police report."**

- i. Specific details such as extent of injuries caused or contributed to by the alleged offense, loss or damages, etc.
- j. Cases involving narcotics or non-prescribed medication should include specifics, quantities, dosage, and packaging.
- k. When completing a **Disposition Report** following trial, include the introductory sentence, "Inasmuch as testimony was heard in the pending matter, the following is a brief synopsis of the offense according to the police report."
- l. The juvenile court is using this section to evaluate the degree of criminal sophistication exhibited by the youth and the gravity of the offense.

### 3. COURT INFORMATION

- a. List the court case number, date petition was filed, all counts alleged and allegations listed in petition, enhancements, and level of each offense (misdemeanor or felony).
- b. List dates of significant court hearings and orders leading to the order for the court report (e.g., detention orders, releases, reports ordered, etc.).
- c. If a continuance is ordered, the next hearing date should be added, along with the next hearing's order.
- d. Include companion information on those referred to juvenile court,

adult court or probation for informal handling. Provide name, case number, and disposition if known.

4. COURT STATUS (if needed)

- a. A COURT STATUS section is included in cases transferred from another county for disposition or supervision, or for more complex/involved court orders for information.
- b. In transfer cases, this information reflects the date the petition was filed and the date(s) and orders which led to the findings and transfer of proceedings.
- c. In more complicated/involved court cases, this section is added to provide a more detailed account of what transpired to make it easier to understand.
- d. In rare cases where this section is used for orders in cases originating in Orange County, the same information found in the COURT INFORMATION section would be included here and there would be no need to include the county.

5. PRIOR RECORD

- a. Include the youth's full and complete legal history including information obtained from record checks, probation records, police reports for all arrests, other pertinent agencies, and traffic violations.
- b. Entries should be listed in chronological order by date of arrest. Each entry should include date of offense, arresting agency and DR number, date filed, disposition date, charges, and disposition. There should also be a brief summary (one (1) to two (2) sentences) of the alleged offense.
- c. Note if the youth or parent mentions an incident or arrest for which there are no court orders and/or the police reports cannot be located.
- d. Incidents handled informally, including grants of informal probation, should be included with the exception of school truancy or delinquency prevention agreements. Referrals to the Truancy Response Program (TRP) should be addressed in the SCHOOL REPORT section.

6. ADDITIONAL INFORMATION (if needed)

Include pending offenses not covered in the police report and not part of the Prior Record section, but which have been discovered during the course of the investigation. Provide current status of these pending offenses.

## 7. VICTIM INFORMATION AND STATEMENT

- a. Per the California Constitution Article 1 Declaration of Rights Section 28(e), a “victim is a person who suffers direct or threatened physical, psychological, or financial harm as the result of the commission or attempted commission of a crime or delinquent act. The term “victim” also includes the person’s spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. **This includes persons/entities named/listed in the police report as victims, as well as those named/listed in the petition.**
- b. The California Constitution, Article 1, Section 28, Section (b) provides specific enumerated rights to victims. See Procedure Manual Item (PMI) 1-1-117 (Juvenile Victim Services) for further information.
- c. Pursuant to WIC 656.2, the DPO shall inform the victim of the right to submit a victim impact statement, inform the victim of the time and place of judicial hearings, and provide the victim with information pertaining to an action for civil damages.
- d. In most instances, the victim was certified mailed a Victim’s Rights notification at the time the youth was originally booked into juvenile hall or the case was filed by the district attorney. Confirm through ICMS-Victim’s tab, the victim **named/listed in the petition** was sent a Victim’s Rights Notification. If the victim was not sent an initial notification of their rights, send the notification via certified mail as outlined in PMI 1-1-117 (Juvenile Victim Services).
- e. Unless the victim **named/listed in both the police report and petition** has previously indicated they do not wish to assert their victim rights and do not want any further contact regarding the offense, contact the victim by telephone (if number available). Explain the purpose of your call and inform them of their right to make a victim impact statement to the court. This statement could include, but not be limited to, feelings about the offense; economic losses; injuries sustained; emotional impact of the offense; has it interfered with their ability to participate in normal daily activities (e.g. participating in school, sleeping, eating, engaging in family/community/extracurricular activities); what they feel would be an appropriate disposition; and anything else they would like the court to take into consideration. This information can be collected verbally or in writing. If no phone number is available for the victim, mail the Victim Letter to their last known address.
- f. If the victim is under the age of eighteen (18), obtain a statement from the victim’s parent(s) or guardian(s), including how the crime has affected their child and any actions they have had to have taken (i.e. counseling, etc.). In certain situations, the parent(s) may ask that the actual victim, their child, be allowed to make a statement. Under those circumstances, take a victim statement from the victim.

- g. Inform the victim of their right to be present at the hearing. If the victim expresses interest in attending the hearing, provide the date, time, and location. Advise the victim to check in with the Victim Witness Assistance Program at the Lamoreaux Justice Center upon their arrival on the day of court. Additionally, contact the Victim Witness Assistance Program (714-935-7074) and inform them the victim intends to be present at the juvenile court hearing.
- h. In the report, include victim identifier from the police report (i.e. Victim #1, Victim #2). If there are multiple petitions, utilize petition numbers to denote which case includes which victims. Also include the date the Marsy's Law Advisement Letter was mailed; the date of any written, telephonic, and other contact with the victim; and their response if contact is made. If no contact is made, include the date the letter was mailed and/or telephone contact was attempted. Do not include in the report any identifying information about the victim or the victim's family that could be used to locate, harass, or retaliate against the victim or the victim's family.
- i. Document all victim information and specific details about communication or attempted communication with the victim in ICMS.
- j. In high profile or sensitive cases (e.g., sex offenses, murder, serious or grave bodily injury, etc.), contact Victim Witness to determine if they are working with the victim and/or the victim's family. Victim Witness may wish to act as a conduit with the victim or the victim's family to avoid retraumatization. Additionally, when attempts to contact the victim and/or the victim's family are unsuccessful, Victim Witness may have updated contact information.
- k. Upon contact with a victim that is not working with Victim Witness, but would benefit from Victim Witness services and support, initiate a referral to Victim Witness. Additionally, always make a referral to Victim Witness upon request of a victim.
- l. If all attempts to contact the victim are unsuccessful, provide specific information as to those attempts in this section of the report, as well as in ICMS.
- m. Unless authorized by the court, the following information may not be released to the victim: the youth's case dynamics, personal information, and prior record.

## 8. FAMILY BACKGROUND AND RELATIONSHIPS

This section is the youth's and family's history. The court is looking for information that can be considered when evaluating the criterion. Information collected will vary but should, at a minimum, address the following:

- a. Nature of parent's relationship at time of birth, siblings, birth order,

along with parental attitudes regarding their children. If the youth's parents are divorced and/or remarried, inquire as to whether or not the youth and parents and/or new spouses get along.

- b. Youth and parental estimates of the influences/impact of separations, divorces, remarriages, deaths, abandonment, periods of incarceration, or other losses of a parental figure.
- c. Youth and parental estimates of the influence/impact of siblings or other significant family members. Include ages and names of siblings. Inquire about the youth's relationship with immediate and extended family members and activities/vacations they enjoy together. Ask about the youth and family's involvement in community groups or faith-based activities.
- d. History of substance abuse and/or drug treatment in immediate family.
- e. Criminal history of immediate family, as well as others living in the home, including periods of incarceration. If there is information suggesting that an immediate family member has a criminal record, submit the appropriate request for criminal record history. Inquire if any family members were or are on informal/formal probation or parole. Provide the specifics.
- f. Describe any community and/or environmental factors that could impact a youth. Be specific and objective.
- g. Impact of family's economic status (e.g. living conditions, the number of people living in the home, stability of employment, etc.) on youth and family. Things to consider include whether the youth's parents are employed, if the youth is employed, other sources of income, is the family receiving public assistance, are the youth's basic needs being met (food, shelter, medical, etc.)
- h. What is the family's living arrangements (house, apartment, renting a room), who else resides in the home, the number of rooms in the house, pets, and weapons?

## 9. DESCRIPTION OF YOUTH

### a. Medical History/Physical Health

Early childhood development history, health, and milestones, including etiological information pertaining to neurological, psychological, and physical development. This includes asking questions about the mother's pregnancy with the youth and any complications that may have affected the youth, as well as questions about serious accidents, illnesses, and hospitalizations involving the youth.

### b. Mental Health History

- (1) This information can only be obtained with signed parental consent via the *Authorization to Use and Disclose Protected Health Information (PIH)* form via OCHCA's Internet form, [https://portal.prob.ocgoverenterprise.com/Download/ProbNet/Juvenile%20Forms\\_910/HCA%20Release%20of%20Information%20Waiver.docx](https://portal.prob.ocgoverenterprise.com/Download/ProbNet/Juvenile%20Forms_910/HCA%20Release%20of%20Information%20Waiver.docx) . If the youth is in custody and being seen by a CEGU therapist, this form must first be signed before DPO can contact the CEGU therapist to obtain information necessary for the report.
- (2) Briefly summarize available information including tests administered, clinical impressions and recommendations. Note that originals of psychiatric or psychological reports should be placed in the Probation file and not disseminated or attached to copies of court report.
- (3) Include information regarding mental health treatment, diagnosis/diagnoses, treatment, medication(s) (including compliance with medication as prescribed and attitude/opinion regarding medications), treatment, hospitalizations, and source of information (i.e. parents, CEGU, therapist, care provider, etc.). If the youth is participating in therapy and/or treatment, do the youth and parent(s) feel that treatment is helping.
- (4) If the information is requested, but not received, this should be noted in the report.
- (5) Parents can also provide a letter from a therapist/provider regarding the youth's participation.
- (6) Also include information from any reports (i.e. Evidence Code 730 Evaluations, forensic psych reports, etc.).
- (7) If there is no psychiatric or psychological history involving the youth, indicate this in the report.

c. Substance Abuse History

Youth's reported drug/alcohol use including age of first use, frequency, method of use, and date of most recent use. Note any discrepancies in information provided by the youth and other sources.

d. Child Abuse History

- (1) This section should include a summary of the information received from the CAR record check, as well as a summary of the referral and dependency history. Additionally, it should include any information regarding statements made about the case or the youth's background information provided from the assigned social worker. If no information is received, this will be indicated.

- (2) The report should include a summary of the number of CAR referrals that were made; the county in which the referral originated; a summary of each referral; whether or not the findings were substantiated, inconclusive, or unfounded (as defined by PCs 11165.12 and 11165.6), as well as if any services were provided.
  - (a) Substantiated: Based on the evidence, it was more likely than not that child abuse or neglect has occurred.
  - (b) Inconclusive: There is insufficient evidence to determine whether child abuse or neglect has occurred.
  - (c) Unfounded: A report determined by the investigator to be false, inherently improbable, to involve accidental injury, or not to constitute child abuse or neglect.
- (3) If there are multiple referrals of the same nature or regarding the same incident, summarize with corresponding dates. For example, "On July 10, July 12, and August 20, 2017, referrals for general neglect were substantiated. The reports reflect [detail]."
- (4) If siblings are mentioned in the CAR report, avoid using their names in the probation report. Instead, address them as sister, brother, half-brother, etc., and include their age at the time of the report.
- (5) If there have been no referrals/CAR reports, it should be noted in the report.
- (6) Pursuant to department policy, all CAR reports shall be placed in a manila envelope and included in the file.
- (7) If there is no Social Service's history involving the youth or the youth's family, indicate it in this section.

e. School Data

- (1) This information is normally obtained through a request which is faxed to the school. School information can only be obtained through signed parental consent on "Authorization for Release of Student Records" form or pursuant to Miscellaneous Order 681.2. Do not use school personnel names in the report unless the person supplying the information requests that you do so. A good source of information is a recent report card which provides grades, citizenship, work habits and often has teacher comments.
- (2) This section should cover the youth's prior and current

school attendance, academic standing, attendance, grades, discipline history, and progress toward graduation. Do not rely on the youth's account of their school history. If the youth has already passed the GED or received a high school diploma, the investigating DPO is still required to look into their school history. Be inclusive of both positive and negative aspects of their school history.

- (3) If available, provide the number of credits earned and if the youth has passed the tests to receive their General Equivalency Diploma (GED). If the youth has not earned their high school diploma, indicate how many credits they have earned. Be cognizant that foster youth are only required to complete 160 credits to graduate from high school.
- (4) If the youth is attending an alternative education program, indicate why the youth was referred to the program (e.g. behavioral issues, disciplinary transfer, history of truancy, credit deficient, etc.).
- (5) Indicate if the youth has ever been identified as an individual with special education needs, the qualifying disability or unique learning issue, testing information, educator remarks, what services the youth has received and/or accommodations have been made, and the date of their most recent Individualized Education Program (IEP) or 504 Plan. Summarize findings of psycho-educational evaluations, pertinent testing information, educator remarks, services received, and accommodations made.
- (6) If the youth does not have an IEP or 504 Plan, include any previously requested psycho-educational evaluations and outcomes.
- (7) Include the youth's education goals and their attitude toward their prior school experience. Include information on any extracurricular school activities (e.g., sports, clubs, student body involvement, etc.), as well as the youth's attitude and goals toward school and their future aspirations (college, vocational studies, career goals).
- (8) If the youth is in juvenile hall, provide the court with the youth's grade level equivalent upon the most recent entry into juvenile hall. Remember that the youth's grades at juvenile hall or one of the other facility schools does not represent the youth's history in school. As such, all school information needs to be included. Specifically, upon entry into juvenile hall, all youth are tested by the school. Those scores are included in the facility file. However, keep in mind that a youth who is earning straight As in school at juvenile hall may only be reading at a second grade reading level. Such information needs to be included in

order to present the court with an overall perspective of the youth's level of functioning.

- (9) If youth has already received their GED or high school diploma, this section should still contain information about their prior school history (e.g. special education student with an IEP or 504 Plan, behavioral issues, discipline history, etc.).
- (10) Pursuant to WIC 1742, when the juvenile court commits to DJJ, a person identified as an individual with exceptional needs, as defined by Education Code 56026, the juvenile court, subject to the requirements of WIC 727 (a) and 737 (b), shall not order the juvenile conveyed to the physical custody of DJJ until the juvenile's individualized education program previously developed has been furnished to DJJ.

As such, include a stated indicating whether a determination has been made indicating the youth has exceptional educational needs.

- (11) Include additional information about the youth's involvement in extracurricular activities such as sports, clubs, faith-based organizations).
- (12) If the investigating DPO cannot obtain school records due to confidentiality, efforts to obtain those records must be articulated.

f. Significant Developmental Events

Describe significant developmental events/milestones in the youth's life, and the impact and/or outcome. This section shall also address any trauma.

The existence of childhood trauma and the impact on the youth. The following should be considered when interviewing a youth and/or his parent(s) regarding exposure to childhood trauma.

- (1) Trauma is the experience of a real or perceived threat to life or bodily integrity, or the life or bodily integrity of a love one and causes an overwhelming sense of terror, horror, helplessness, and fear.
- (2) Information related to trauma or traumatic events can surface during a review of the probation file, child abuse reports, school reports, interviews, etc.
- (3) Exposure to traumatic events does not necessarily cause maladaptive behavior. It is an individual's experience of the event, not necessarily the event itself that is traumatizing. Trauma can be experienced in a single incident (i.e. acute trauma) or repeatedly over a long period of time (i.e. chronic

trauma).

- (4) Exposure to trauma can impact the physical, social, behavioral, emotional, and cognitive development of youth.
- (5) A youth's response to trauma may be mitigated by personal resiliency and protective factors present (e.g. strong social supports, supportive family relationships, social competence, emotional competence, higher cognitive functioning, etc.). When these factors are present, they should be noted in the report.
- (6) Youth and their parent(s) may be experiencing shame or stigma surrounding traumatic event(s). They may be highly sensitive to these topics. As always, the investigating DPO should demonstrate tact, objectivity, and sensitivity when addressing these issues.
- (7) Trauma can be caused by a single incident (i.e. acute trauma) or multiple traumatic events (complex trauma).
- (8) Childhood trauma can include, but is not limited to, the following:
  - Sexual abuse/assault
  - Physical abuse/assault
  - Neglect by parent or caretaker
  - Witness to domestic violence
  - Medical issues
  - Loss of or separation from a parent or family member
  - Having a parent or caretaker with a mental illness or substance abuse disorder
  - Victim/witness to community violence
  - Victim/witness to school violence
  - Victim of bullying
  - Involved in a car accident
  - Serious accident/illness
  - Exposure to war, political violence, and/or terrorism
  - Experiencing a natural or man-made disaster

10. ADJUSTMENT ON PROBATION/PAROLE (if applicable)

This section should include all prior and current probation/parole information.

- a. Review ICMS regarding prior probation orders.
- b. Contact the most recent supervision DPO for input regarding the youth's progress and overall adjustment on probation, compliance with court and probation orders, associations, and utilization of provided resources. Include how long the youth has been supervised on probation/parole and specifics as to any violations and sanctions or incentives given. Also, include how long the youth

has been supervised on probation.

- c. If the youth is on probation/parole in another county/state, contact should be established with that agency and information included in this section.
- d. Examine what court orders the youth has met, including counseling, payment of financial obligations, and completion of specific terms and conditions (i.e. counseling, community service). Include the youth's level of cooperation and compliance with probation directives, including scheduled office appointments, and attending/completing counseling. If the youth has made poor progress on probation, include efforts made to redirect behavior (i.e. informal sanctions, probation violation, etc.) and note effectiveness of those sanctions. Also address delinquency issues of concern.
- e. Present both positive and negative progress, as well as include information about the parent's cooperation with the DPO and any notable environmental issues such a living arrangement and neighborhood (i.e. gang area, etc.).
- f. Do not ask the DPO for their recommendations as to an appropriate disposition for the case at hand.

11. FACILITY ADJUSTMENT OR ADJUSTMENT ON THE PRE-DETENTION AND PRE-DISPOSITION PROGRAM (PPP) (if applicable)

- a. Review ICMS notes, the facility file, and AJS records to obtain information about general behavior and program participation. This includes reviewing the treatment plan, behavioral log notes, CEGU log, treatment session notes, school information, weekly staff notes, folder comments, ICMS activity log notes, treatment and case plan for the youth. When writing the report, provide specifics about positives and negatives.
- b. If the youth remains in juvenile hall, contact the unit supervising juvenile correctional officer (SJCO) for a statement about the youth's participation in unit programs, interactions with staff and peers, and overall behavior. If the unit supervisor is unavailable, contact the assistant division director, (ADD) overseeing the unit.
- c. If the youth has been transferred to the Orange County Jail, access the Automated Jail System (AJS) for information about rule violations.
- d. If the youth has been released on PPP, review ICMS notes for the date released on PPP, progress on PPP, and any other pertinent information. Contact the assigned PPP DPO and request information regarding the youth's progress on PPP.

12. STATEMENT OF THE YOUTH/DEFENDANT

- a. This is a statement provided by the youth regarding the circumstances of the offense and their feelings and willingness regarding disposition and court orders.
- b. Prior to interviewing the youth, verify the content of any protective orders prohibiting the youth from discussing specific topics. Additionally, review prior court orders to confirm whether the youth's attorney wishes to be present at the time the youth is interviewed.

If the attorney wishes to be present, contact them regarding the date, time and place of interview; afternoon appointments are generally preferred-this is often noted on the Disposition Sheet and Minute Order as well.

During the meeting with the youth and attorney, list what counsel requests the youth not to discuss (i.e., offense, substance abuse, gangs, behavior at school). If this occurs, this information should be noted in other relevant sections of the report such as social history or school report. A written statement should only be accepted with the approval of counsel and can be attached to the report for the court's consideration.

- c. If a protective order does not prohibit the youth from discussing the offense, the following should be covered in this section:
  - (1) Date and location where the youth was interviewed, as well as name and title/relationship (parent, attorney, interpreter) of anyone else who was present.
  - (2) Note any restrictions placed on the interview (i.e., attorney or parent present and indicate they only have 15 minutes for the interview or the attorney/parent indicate that the youth will not be permitted to answer specific questions).
  - (3) Youth's version and perception of the offense, including motive and/ or contributing factors.
  - (4) The youth's expressed attitude, remorse, and feelings toward the victim(s), as well as the youth's demeanor during the interview and expectations regarding consequences.
  - (5) The impact of the court referral on the youth, as well as the youth's feelings and willingness regarding disposition and court orders.
  - (6) The DPO's evaluation of the youth's level of understanding of the offense and general maturity. Note any deviance, compared to a similarly aged youth, in presentation, affect, communication skills, cognitive abilities, etc. during the interview.
  - (7) Whether the youth prefers to have the matter heard in juvenile court or the court of criminal jurisdiction, the

expectations regarding consequences, the reasons for the youth's decision, and the youth's evaluation of their level of maturity.

- (8) The youth's willingness to abide by court orders.
- d. In the introductory sentence, note the date, place, and identity of those present during the youth's interview (e.g. attorney or parents). If, during the interview, the youth's attorney objects to the youth responding to a question, note in the report what questions the youth was not permitted to answer. This will ensure that the court is made aware that missing information was not an oversight.
  - e. If the youth provides a written statement, document in this section that it is attached for the court's consideration and summarize pertinent from the written statement.
  - f. This section should also include the youth's perspective about their relationship with their parent(s), their behavior at home, peer relationships, interest and involvement in prosocial activities, and short and long term goals.
13. STATEMENT OF PARENT(S)/GUARDIAN(S)
- a. Interview parent(s) and/or guardian(s) regarding their feelings about the pending allegation(s) and their feelings regarding disposition, as well as their ability to assist in supporting probation and court orders. If a guardian is present for the interview, gather information about the parents' absence (i.e. parental rights terminated) and include in the report. If they have no legal guardianship, gather their information and include this and their statements in the below referenced INTERESTED PARTIES' STATEMENT. If the youth is eighteen (18) years of age or older and no parent accompanies them to the interview, document this in this section.
  - b. This statement should start with the date and location of the interview (i.e.: Juvenile Hall or Probation Department) and if an interpreter is used. Also note if the DPO conducts the interview is in a language other than English.
  - c. If a guardian is present for the interview, explain the absence of the parents (i.e. rights terminated). If a person without legal guardianship accompanies the youth, collect specific information about them and the circumstances surrounding their relationship and lack of parental involvement and include this information in the INTERESTED PARTIES' STATEMENT.
  - d. Inquire as to the parent(s)' awareness of the circumstances of the offense, the youth's involvement, their feelings about the offense, and their point of view surrounding the reasons for the youth's behavior.

- e. Ask about factors that could be contributing factors to the youth's previous and/or current delinquent behavior (e.g. location of residence, poor peer selection, significant thought processing issues, history of childhood trauma, etc.). Questions should be based on information gathered in the youth's file and found in the process of investigation. Questions should be posed broadly and asked in a manner not to suggest any specific response.
- f. Does the youth have a driver's license? If so, what is the youth's driving record. Is the youth a responsible driver?
- g. Incipency of maladaptive behavior (e.g. lying, stealing, running away, destructive behavior, and poor peer relationships).
- h. Youth's overall behavior in the home. This includes their attitude toward their parents, their relationship with their parents, family activities, and if the youth helps out around the home. Who, if anyone, in the family does the youth confide in and who are they closest to? If the youth does not get along with family members, inquire as to why not. What is the youth's level of honesty with their parents, does the youth have and abide by a curfew? What is the curfew? Note the type of discipline imposed and whether or not it is effective.
- i. Does the youth have a runaway history? If so, provide the specific details about each incident, including where dates, where they went, how long they were gone, and was the matter reported to the police (get DR#).
- j. Include information about the youth's peers and whether or not the parent(s)/guardian(s) know and approve of them. Also, ask questions about the activities that the youth and friends engage in; the friends' behaviors around the parents and others; whether or not any of the youth's friends are in gangs, use drugs, engage in criminal behavior, are on probation or parole.
- k. Address career orientation (professional, vocational, occupational, etc.) and pro-social activities the youth is involved in.
- l. Provide information as to the parents' estimate of the youth's response to parental authority. Describe previous attempts of the family to resolve problematic behavior (e.g. parent imposed discipline, professional counseling, out-of-home placement, etc.). Further, include interventions the parents have employed in the past to deal with unacceptable behavior and plans for preventing difficulty in the future. Note what degree of cooperation may be expected from the parents in the future.
- m. Provide parents' perspective of how problems developed and what they have done to remedy those problems. Include their assessment of the youth's behavior in the community, involvement in prosocial activities, and their relationship with the youth.

- n. Include the parents' plans for the future with regard to the youth and their opinion about which court should hear the matter. If the parents have an opinion about the disposition of the case, include that.
- o. If the parent provides a written statement, document in this section that it is attached for the court's consideration and summarize pertinent from the written statement.

14. STATEMENT OF INTERESTED PARTIES

- a. Interested parties can include the arresting officer, other agency's personnel, clergy, caretakers, family members, friends, etc. This section also pertains to a person without legal guardianship who accompanies the youth to the interview.
- b. In the case of gathering statements from law enforcement or other agencies, at a minimum, the assigned DPO will send out letters to them. However, the DPO does not need to make a follow-up phone call to the officer unless the case is more serious in nature or the officer is listed as the victim.
- c. The letter and our phone call to the arresting officer(s) requests a statement regarding how cooperative the youth was during the contact, the booking process, the questioning/interview, etc. It is also good to find out if the officer has had other contact with the youth/and or the youth's family prior to the current offense, as well as how the parents conducted themselves during their encounter with the officer, if any contact was made. The officer typically will also be asked for an opinion as to the disposition of the matter, whether the officer feels that an informal handling would be sufficient, or would a more formal handling would be necessary. When a statement is provided, it is usually in the form of a phone response and the information is paraphrased. If the officer(s) do respond, include the officer's name and phone number in the report in case the Court has any additional questions for the officer.
- d. If commitment to California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice (DJJ) is being considered, the matter will need to be staffed with a DJJ representative. Recommendation for DJJ can only be made for a WIC 707(b) offense, some sex offenders, and if the last sustained petition was a WIC 707(b) or serious sex offense (i.e. when pending petition is a WIC 777).
- e. If the allegations involve a sex offense listed in PC 290.008, the Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (JSORRAT-II) shall be used to assess the youth and the court shall receive risk assessment score into evidence pursuant to section PC 290.04.
- f. In cases where there appears to be gang involvement, gang allegations, the offense is gang related, or there are gang

enhancements, the DPO will contact a representative from the local police department gang unit, the police department's record unit, or the probation gang DPO assigned to that police department and request a history of field identification cards, Street Terrorism and Prevention (STEP) notices, or any other documented history of gang involvement by the youth.

- g. The Interested Parties' Statement section can also be used to include information provided by the youth's family, friends, or other individuals from the community who, at the bequest of the youth or the youth's family can provide a statement regarding the youth's behavior or interaction in the community. Most of the time, these letters come from family friends, neighbors, clergy, or relatives. If the statement is provided in written form, the letter(s) are paraphrased in the report and it is noted whether they are attached to the report for the court to consider, or if the statements are located in the youth's probation file. If the statement is taken over the phone or in person, note in the report how the statement was given and include a name and contact number for the court if they wish to contact the statement provider.
- h. Another, less frequently used use, for this section is when a youth lives with another party, and the parent(s) have provided a statement and the guardian, relative, social worker, group home staff, etc. would also like to provide a statement.
- i. Identify the source(s), summarize their input, and describe their relationships to the youth or to the case.
- j. Statements should be summarized.
- k. If reference letters are received on behalf of the youth, the originals should be retained in the probation file and copies attached to the court report. This source of the letter should be included in the report and key parts of the letter to should be summarized in the relevant section of the report.
- l. In all of the above instances, document in ICMS the specific of the communication.

## 15. EVALUATION

The evaluation should briefly summarize the case facts and through a logical, etiological and socio-behavioral approach, provide an in-depth understanding of the case dynamics, which should lead to a relevant dispositional recommendation. The evaluation must be based upon facts and material provided throughout the report, the probation officer's opinion must be fashioned from this, along with the reasoning by which they progress from the material to their conclusion.

- a. Summarize the essential "high points" of the case. However, a mere "rehash" of information should be avoided. Do not restate the narrative or prior sections of the report.

- b. Analyze causal factors in terms of the information presented in the report.
- c. Do not introduce new information.
- d. Discuss the degree of criminal sophistication exhibited by the youth.
- e. Factors in mitigation and aggravation, including exposure to trauma, should be discussed, although they need not be labeled as such.
- f. The differential treatment plan which appears indicated in terms of solutions to the problems. If incarceration is involved, reflect why custody time would be therapeutic. Justify your recommendation.
- g. All disposition reports, including pre-pleas, are to include a statement regarding the home environment.
- h. Reports must also include a school notification statement when a youth has been found to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, sex offenses listed in PC 290, assault and battery, and larceny.
- i. When completing a Deferred Entry of Judgment (DEJ) Suitability Report, the DPO's evaluation regarding suitability will include the youth's age; educational background; family relationships; demonstrable motivation; treatment history; and any other mitigating and aggravation factors in determining whether the youth is a person who would benefit as indicated in PMI 2-5-012 (Deferred Entry of Judgment).
- j. Include the amount of loss or damage committed or the extent of the victim's injuries. With drug-related offenses, if available, include the total weight of the substance. These factors may be considered as aggravating factors.
- k. Include discussion in support of appropriate terms and conditions. For example, if drug testing is to be recommended, the evaluation should include mention of the youth's substance abuse history and need to monitor sobriety. If counseling is to be recommended, specify if it is to address anger management, depression or family conflict.
- l. Evaluate what terms and conditions are needed to address rehabilitative factors and protection of the community.

## 16. RECOMMENDATION

The recommendation should follow from the evaluation and delineate the suggested differential treatment plan. The recommendation should be based upon the totality of the information collected in the investigation and an analysis of what was presented. Three significant factors should always be kept in mind:

- a. The promotion of the youth's welfare and the safety and protection of the public.
- b. The rehabilitation potential of the youth.
- c. Whether the welfare and safety of the youth is endangered by the youth remaining in his home setting.
- d. PMI 2-5-003 (Juvenile Court Report Recommendations) outlines the juvenile court recommendations.
- e. Make sure to include recommendations relevant to the offense, as well as to the needs of the youth.
- f. Some offenses have mandated requirements associated with them. Be aware of these and ensure that they are recommended.

**REFERENCES:**

Procedures:	2-5-001	WIC 241.1 Joint Assessment Procedure and Probation Officer's WIC 241.1 Report to the Juvenile Court
	2-5-003	Juvenile Court Report Recommendations
	2-5-004	Juvenile Court Suitability Investigation and Report Pursuant to WIC 707
	2-5-005	Intercounty Transfer of Wardship Jurisdiction
	2-5-006	Juvenile Commitments to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ)
	2-5-012	Deferred Entry of Judgment
	2-6-201	Juvenile Placement Referral Process
Policies:	E-3	Disclosure of Court Recommendations
	E-5	Advisement of Rights
	E-7	Restitution
	F-2	Recommendations to the Court for Dispositions/Sentencing and Commitments for Minors

S. Flynn

**APPROVED BY:**