

CONTRA COSTA COUNTY
1
PROBATION DEPARTMENT
3/2013

BULLETIN NO:
ISSUED: ___

DIVISION: ADULT & JUVENILE

SUBJECT: Field Notes

PURPOSE

The purpose of this bulletin is to establish a uniform procedure within the Probation Department regarding the responsibility of Deputy Probation officers to keep and maintain field notes.

Field notes are the key source of information for developing case plans and case activities. They also provide the supervisor or others with case activity information when the supervising deputy is not available. Field notes shall be maintained for all individuals who are under supervision.

PROCEDURE

Upon receipt of the case, a "Field Sheet/Face Sheet" shall be prepared by the assigned deputy. The "field sheet/ face sheet" contains identifying information on the probationer. The completed "field sheet / face sheet" shall be placed in the field book. When information on the sheet changes the deputy is responsible for noting the changes.

The field book should be an 8½ x 11 binder. Each page of notes shall be labeled with the probationer's name and the name of the supervision deputy. Cases should be organized into the binder in alphabetical order by the probationer's last name.

Field notes may be handwritten, but must be legible. Professional language will be used at all times. Staff may use department issued automated word processing, laptops, or pocket PCs as a means to develop and store their field notes. However, when this is done, the information must be easily accessible to the deputy's supervisor and others who may need the information.

The assigned deputy is expected to keep current case information on the probationer in the "field book." Examples of information to include are: case plans and goals and progress, observations, drug testing results, outcome of searches and home visits, collateral contacts, and other information that is relevant to the probationers. This is not an all inclusive list.

Expectations are that field notes are current. Entries are to be in chronological order and the person entering the comments needs to be identified.

Supervisors are expected to establish a routine review procedure to ensure that field notes are maintained. A regular case conference procedure is the most convenient way to confirm compliance.

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When a case is closed, the field book / face sheet and field notes are to be placed in the case file as part of the permanent case record.

DIVISION: ADULT & JUVENILE

SUBJECT: Drug and Alcohol Testing Procedures

INTRODUCTION:

The purpose of this bulletin is to establish uniform general procedure and guidelines within the Department regarding drug testing. It is the purpose of this procedure to establish a consistent overall practice for Deputy Probation Officers and designated staff within the Department. The Deputy Probation Officer assigned the case should conference with the unit supervisor when there are questions regarding testing.

AUTHORITY:

The authority for drug/alcohol detection tests rests in the court order and in 1203.1ab PC and 1203.1(j) pc.

PROCEDURES:

There are a wide variety of similar drug/alcohol presumptive testing products on the market and the type used by the department may change from time to time. This procedure is meant to establish a general guideline for usage of the various products. Each deputy should be trained on the manufacturer's recommended testing procedure and should follow both the manufacturer's guidelines and the Department's policy regarding drug testing.

The laboratory used for drug testing may also change from time to time and the procedure for submitting samples for analysis will consequently change as well. As a result, the Department's procedure will conform to the provider's recommendation.

I. PROCEDURE FOR SPECIMEN COLLECTION:

- A. Probation staff conducting drug testing shall observe safety precautions by wearing latex gloves supplied by the department. Even if the probationer handles the specimen, staff should be prepared to deal with any occurrence including a spill of the sample.
- B. Urinalysis: Probation staff conducting the test will observe the probationer urinate into a clean collection cup in order to maintain the chain of evidence in the event testimony must be given regarding a denial of a positive test.
- C. Saliva: Probation staff collecting an oral saliva specimen will instruct the probationer on the proper technique and observe the entire process in order to maintain the chain of evidence in the event testimony must be given regarding a denial of a positive test.

II. PROCEDURE FOR TESTING OF THE SAMPLE:

- A. Following collection of the specimen, probation staff conducting the test will perform a presumptive test on the sample in accordance with the manufacturers recommended guidelines.

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- B. Upon completion of the testing, the probation staff member conducting the testing will complete the urinalysis/saliva testing results form. The form will indicate the client's name, Deputy Probation Officer assigned supervision of the probationer, the staff member conducting the test, the date of the test, the substances tested for and the results. The probationers will be asked if they are taking any over-the-counter or prescription medications. This information will be recorded on the form. The probationer will then be directed to sign the form along with the probation staff member conducting the test.
- C. Upon completion of the test, if the test is negative, the specimen shall be disposed of by dumping the remaining urine in the toilet and flushing it or throwing the oral testing container into a trash container. The paper specimen collection cup is to be disposed of by placing it in the appropriate trash container.

III. SUBMISSION OF PRESUMPTIVE TESTING SAMPLES FOR LABORATORY ANALYSIS:

- A. The probationer's choice of drug(s) is not one that can be tested using the available presumptive tests. This must be noted in the field book notes or other case records and shall be approved by the Unit Supervisor.
- B. A presumptive test shows positive for the presence of drugs, the probationer denies the use of drugs, intermediate sanctions/interventions have been imposed without positive impact and the approved case plan includes a return to court for action.

IV. PRESUMPTIVE TESTING SAMPLES ARE NOT TO BE SENT FOR LABORATORY ANALYSIS:

- A. When the presumptive test is negative and there is no indication or suspicion that other illegal drugs are being used.
- B. When the presumptive test is positive and the probationer admits to the use of drugs/alcohol.

V. CHAIN OF CUSTODY

- A. The purpose of a Chain of Custody is to be able to clearly show who has handled any piece of evidence so that the possibility of contamination can be ruled out.
- B. Each provider of testing materials has their own recommended "Chain of Custody". It is the Department's policy to follow the provider's recommended "Chain of Custody" procedure.
- C. As a general rule a "Chain of Custody" of drug/alcohol testing should show:
 - 1. The Name of the individual tested;
 - 2. The staff member observing the test;
 - 3. The staff member administering the presumptive test;
 - 4. The date of the test and;
 - 5. Signature of individual tested.
 - 6. Signature of staff administering test.

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If the presumptive test is positive and there is no admission, with the approval of the Unit Supervisor, the sample shall be sealed in a proper container with the providers label attached. The specimen shall be sealed to eliminate tampering until it reaches the laboratory for analysis.

VI. PROCEDURE FOR SPECIMEN HANDLING AND MAINTENANCE OF SECURITY:

- A. If possible, the probationer shall place the specimen container directly into the locked storage box when samples are being sent to the laboratory for analysis. If the specimen container cannot be completely handled by the probationer, a staff member wearing latex gloves shall receive the container from the probationer.
- B. If the probationer cannot complete the urine test, all partial test samples and containers shall be discarded.
- C. The designated person in each branch office shall arrange for the specimen to be held in locked storage until picked up by the designated transportation person. There shall be no access except by Probation Department staff.
- D. The designated person shall place the samples in the containers provided by the laboratory for transportation and secure them in the recommended manner.
- E. Specimens shall be picked up in accordance with designated office schedules. Supplies will be delivered as requested by the designated person.
- F. The urine testing laboratory will notify the branch office of urinalysis test results. The information shall be given to the assigned deputy as soon as possible. The assigned deputy shall record this information in the case field notes and discuss the results with the Unit Supervisor. Oral saliva test results will be sent to a designated Supervisor who will notify the assigned deputy of the results.

G. Hard copy of all results will be sent to the appropriate branch office. The hard copy of any positive test is to be retained by the assigned deputy in the case file. If the hard copy contains more than the name of one probationer, a copy of the document shall be made for the Deputy Probation Officer of each of the probationers named.

Special request may be made for testing a drug not contained in the full screen laboratory analysis. There is a substantial increase in cost for special testing requests. Therefore, special requests for testing shall only be made when clearly indicated and approved by the Unit Supervisor.

The date of each test and results shall be noted in the field notes. All positive tests shall have noted an appropriate plan of action/intervention, which may include:

1. Increased testing
2. Referral for drug/alcohol counseling/treatment
3. Return to court for violation proceedings

DRUG AND ALCOHOL TESTING PROCEDURES - BULLETIN #2 - PAGE 4

The Department has adopted a procedure of utilizing a system of drug and alcohol testing that incorporates a presumptive screening test and use of a breathalyzer. Further, it is the Department's intent that urine and saliva specimens will only be submitted to the laboratory for confirmation testing when the presumptive test is positive, the probationer denies drug usage, intermediate sanctions/interventions have been imposed without positive impact on the supervision plan, and it has been approved by the supervisor, and requires Court action. It is not necessary to obtain a laboratory confirmation in instances where a presumptive test is positive and the probationer admits drug usage.

DIVISION: ADULT & JUVENILE

SUBJECT: DNA Collection

AUTHORITY

1. Penal Code Sections 296, 295, 290, 457.1, 298
2. Government Code Section 76104.6(a)

PURPOSE

The purpose of this policy is to clarify the process and procedures for the collection of DNA samples. It is the responsibility of every employee to handle the collection of said samples and palm print impressions in a professional manner and in compliance with existing statutes.

DEFINITION OF TERMS

1. Qualifying persons: Adults and juveniles convicted or found not guilty by reason of insanity for any felony offense, and juveniles adjudicated under W&I Section 602 for any felony offense. Adult and juveniles currently in custody or on probation for any felony or misdemeanor offense with a past felony conviction or adjudication. Adult and juvenile PC 290 sex and/or PC 457.1 arson registrants per PC 296(a)(3), pc 299(e), (f). Adult and juveniles who enter a plea conditioned upon collection of a DNA sample per PC 296(a)(5). All adults arrested for any felony offense on or after January 1, 2009. [See the attached diagram.]
2. Training: Probation Department staff that monitor and/or perform DNA sample collection will be provided training so they follow the approved DOJ method of sample collection.
3. One-time collections: The collecting staff member must check the person's criminal history record for a DNA collection flag. If there is a sample on file, the staff member may not submit a second sample. Questions concerning an offender's correct collection status may be directed to DOJ's Richmond DNA Laboratory. (See telephone and e-mail listed below.)

Flags showing DNA samples have already been collected:

**DO NOT COLLECT DNA. SAMPLES VERIFIED BY SUBMITTING AGENCY RECEIVED BY THE CAL-DNA LAB. FOR INFO

Flags showing DNA has not been collected and under what condition it can be:

**COLLECT DNA. THE DNA SAMPLE PREVIOUSLY SUPPLIED IS INADEQUATE. REQUEST KITS AND INFO AT █

Flags showing Palm Print collection status:

**PALM PRINT ON FILE AT DOJ FOR ADDITIONAL INFORMATION PLEASE E-MAIL

PROCEDURES:

1. The first consideration is to determine if the probationer, intake, client, is a qualifying person for testing. Proposition 69 does not authorize DNA sample collection for any arrest that occurred before November 3, 2004, nor does it authorize DNA sample collection upon arrest based on prior felony convictions or adjudications of record. However, if the minor or adult is arrested for any misdemeanor after November 3, 2004, and has a prior conviction or adjudication of any felony, that person is subject to sample collection.
2. The second consideration is running a CLETS or reviewing the police report and booking records to determine if the subject has already submitted a valid sample. If the Deputy Probation Officer or Probation Counselor is in doubt, the sample can be taken, but should not be submitted to the DOJ laboratory until there is a definitive answer regarding a prior submitted sample.
3. The Deputy Probation Officer or Probation Counselor is responsible for monitoring the collection of the sample from a qualifying person using a swab collection kit, but the subject is required to do the swabbing procedure and not the staff member. The sample is to be collected as soon as possible after arrest, verdict, plea or juvenile disposition. Do not collect from juvenile suspects unless they are arrested for a qualifying crime: murder, voluntary manslaughter, etc. The DOJ recommends collecting blood samples where a qualifying person refuses to cooperate with sample collection. A person who refuses to provide a mandated DNA sample or accompanying thumb or palm print impression is guilty of a misdemeanor punishable by up to one year in the county jail and a \$500.00 fine. [PC 298.1(a)] California law authorizes a collection agency to use reasonable force to collect DNA samples, specimens and print impressions from a qualifying offender who refuse to provide them. [PC 298.1(b & c)] The collection monitor must complete the Penal Code 298.1 admonishment form and the data collection form on those who refuse the buccal collection procedure. (See attachment) The admonishment and the blood drawing procedure shall be videotaped on those who refuse buccal testing.
4. The Adult Deputy Probation Officer who supervises the probationer or the Juvenile Deputy Probation Officer who supervises the probationer is responsible for the collection of samples on all probationers on their caseloads who have not previously submitted samples. The designated Probation Counselor at Juvenile Hall is responsible for the collection of samples on all juveniles in custody who have a sustained felony after

November 3, 2004 or are current under juvenile probation supervision with an adjudicated felony. The Juvenile Deputy Probation Officer investigator is responsible for the collection of a buccal sample after adjudication for all out of custody minors and subjects with a sustained felony after November 3, 2004 if the sample has not already been taken at the disposition interview.

5. Identification: The Deputy Probation Officer or Probation Counselor must confirm the identity of the subject prior to the submission of sample preferably via fingerprints (Live Scan).
6. Communication of Fact of Collection: It is important to communicate the fact of collection to DOJ by promptly submitting the collection kit. Other law enforcement agencies, probation departments, correctional agencies, and juvenile halls that may assume jurisdiction over the subject or minor should be notified as well.

CONTRA COSTA COUNTY

BULLETIN NO: 4

PROBATION DEPARTMENT

ISSUED: 3/2013

DIVISION: ADULT & JUVENILE

SUBJECT: Intra-Departmental Transfers and Reassignments

PURPOSE :

This bulletin outlines the procedure for requesting and being considered for voluntary reassignment from one position to another in the Probation Department and for departmental administrative reassignments.

I. **EMPLOYMENT CLASSIFICATIONS**

This policy applies to positions within the Deputy Probation Officer Series.

II. **ELIGIBILITY FOR TRANSFER**

Newly appointed employees are eligible to apply for voluntary transfers after they have served two years in their assignment.

Permanent employees accepting a voluntary transfer are expected to remain in that assignment for at least one year.

III. **CRITERIA FOR SELECTION**

The criteria to be used in making selection from among applicants for reassignment are as follows:

- A. The Department's responsibility to the Court, clients and the community.
- B. Applicant's suitability for the position, including training and experience.
- C. An assessment of the applicant's performance in the position held at the time of consideration for reassignment.
- D. Length of service in the Department.

All vacant positions shall be filled in accordance with the above criteria by an employee who has requested to be reassigned to the position. If there are less than three (3) eligible applicants for a position, the Department may consider all candidates with less than the required time in an assignment, who have applied. If an otherwise ineligible candidate is being considered for reassignment, the needs of the Department will be the primary factor.

IV. **VOLUNTARY REASSIGNMENT**

When a vacant position is to be filled, the work unit supervisor shall determine if any members within the unit has a desire to be assigned to the vacancy. If multiple unit members express an interest in the position, the most senior

interested DPO in the unit shall be granted the reassignment. This process will continue until no unit member(s) desires the open/vacant position. The resulting vacancy shall be filled through the reassignment process.

A. Posting Notice of Newly-Created or Existing Positions:

Once a determination is made that a vacancy is to be filled, the manager overseeing the position shall initiate a notice announcing the opening.

The Departmental Personnel Clerk will distribute an e-mail version of the Posting Notice to "PROB-All Staff" in the departmental address book.

B. Written Response:

Interested candidates shall submit a written request/e-mail to the Personnel Clerk identifying interest in the posted position before the position closes.

C. If three (3) or more employees bid on the position, the position shall be filled from among the three (3) bidders with the greatest series seniority. For the purposes of selection, the interview panel will consider the three (3) most senior candidates as equals. If less than three (3) eligible employees apply for voluntary reassignment, employees with less than the required time in an assignment may be considered. If there are still less than three candidates, the department may interview candidates from the existing eligible lists. No more than three candidates may interview for a posted position. Candidates have the option of withdrawing from the reassignment process at any time prior to the interview. Once the interview is held, the selected candidate is obligated to accept the reassignment.

D. The remaining active bidders will be advised within ten (10) work days after the posting is closed whether they have been selected to interview or the status of their bid. If requested by the employee, the department shall give an employee in writing the reason(s) why he/she was not selected for an interview.

E. The candidates will be interviewed and a selection made. The decision will be based on the above stated Criteria for Selection. The selected employee shall have no claim on the job(s) he or she left.

V. **TRADES**

Requests for "trades" in assignments between two employees in the same classification holding comparable positions where no vacancies exist can be made to their respective Managers. Such requests shall indicate the names of both parties of the proposed trade together with reasons for the trades. If more than one Manager is involved, the Managers shall confer and, if necessary, interview the persons requesting the trade.

VI. **ADMINISTRATIVE REASSIGNMENTS**

The appointing authority may assign an employee from one position to another position in the same series within the department. Administrative reassignments may be required from time to time to facilitate Department functions and efficiency. These involuntary reassignments may be for such purposes as adjusting workload levels, accommodating changes in funding, filling assignments with special requirements, etc. The following procedure shall only apply to permanent reassignments and is not intended to apply to temporary reassignments to cover sick leave, training assignments, vacation, etc.

- A. Management will identify the classification and position(s) from which reassignments are necessary.
- B. Affected employees will be provided a list of assignments for which they may apply.
- C. Affected employees shall be given the opportunity to volunteer for vacancies and shall be reassigned on the basis of series seniority.
- D. If there are no volunteers for reassignment, the least senior employees(s) (based on series seniority) in the affected work unit shall be reassigned.
- E. The department will provide the affected employees with as much advanced notice as possible.
- F. Employees administratively reassigned shall not be precluded from bidding on future open positions via the Department Reassignment Process.
- G. Nothing contained in this section shall prohibit the Department and the Union from making a mutually agreed upon alternative arrangement.

Involuntary reassignments are the reassignment of permanent employees in their existing classification to a new worksite, shift or program area. Involuntary reassignments shall not be utilized for disciplinary purposes. Nothing contained in this section shall prohibit the reassignment of a Deputy Probation Officer who is not meeting the job expectations of another agency or department that the Probation Officer is assigned to.

DIVISION: ADULT & JUVENILE

SUBJECT: Case Review System

PURPOSE

The purpose of this bulletin is to establish a uniform procedure within the Field Services Division regarding the administration of case reviews. The supervisory case review does not preclude supervisory staff from other regular case conference activities which occur in a unit.

PROCEDURE

1. A list of five cases will be selected by the Unit Supervisor from each caseload approximately every 60 days. The deputies should receive no more than one work day notice of which specific files are to be reviewed.
2. The unit supervisor will complete the case reviews with the individual deputies, utilizing the supervision case review form. Not all items on the case review form apply to each case.
3. Upon completion of the case review, the unit supervisor and deputy shall determine if all applicable supervision standards are being met. If the supervision standards are not being met, the unit supervisor will have a training discussion with the deputy.
4. For cases requiring a second review, the supervisor should allot time for the deputy to resolve the deficiencies, and then verify the items have been addressed. The corrected deficiencies should be noted, initialed and dated by the unit supervisor on the case review form. Supervisors should work with deputies to reduce the need for repeated second reviews of their cases.
5. If during the second case review any of the deficiencies still exist, the unit supervisor may document the deficiencies in a counseling memo. A follow up case review should be conducted weekly until the unresolved items are completed. Ongoing issues related to case reviews may result in progressive discipline and may be documented in the deputy's employee performance evaluation.
6. The completion of the case review(s) will be noted by the deputy in the field notes. The original case review form will be placed in the probation case file.
7. The unit supervisor will scan a copy of the completed case review form to their manager. The manager will review the scanned forms and save the forms to the identified Case Review folder in Document Exchange on the PDrive.
8. The manager should review their unit's electronic files each month and report on compliance with the procedure to their director.
9. Each quarter the manager will review a total of five case review forms and files from their units. The manager will perform a quality assurance check of the case review. The manager will provide feedback on a copy of the case review form to be given to the unit supervisor along with the file. A copy of the case review form with the feedback should be kept by manager.

10. If during the subsequent quality assurance checks the manager notes the same or other deficiencies in the case review process, the manager shall have a training discussion with the supervisor and the director shall be notified.

CONTRA COSTA COUNTY

BULLETIN NO.: 7

PROBATION DEPARTMENT

ISSUED: 3/2013

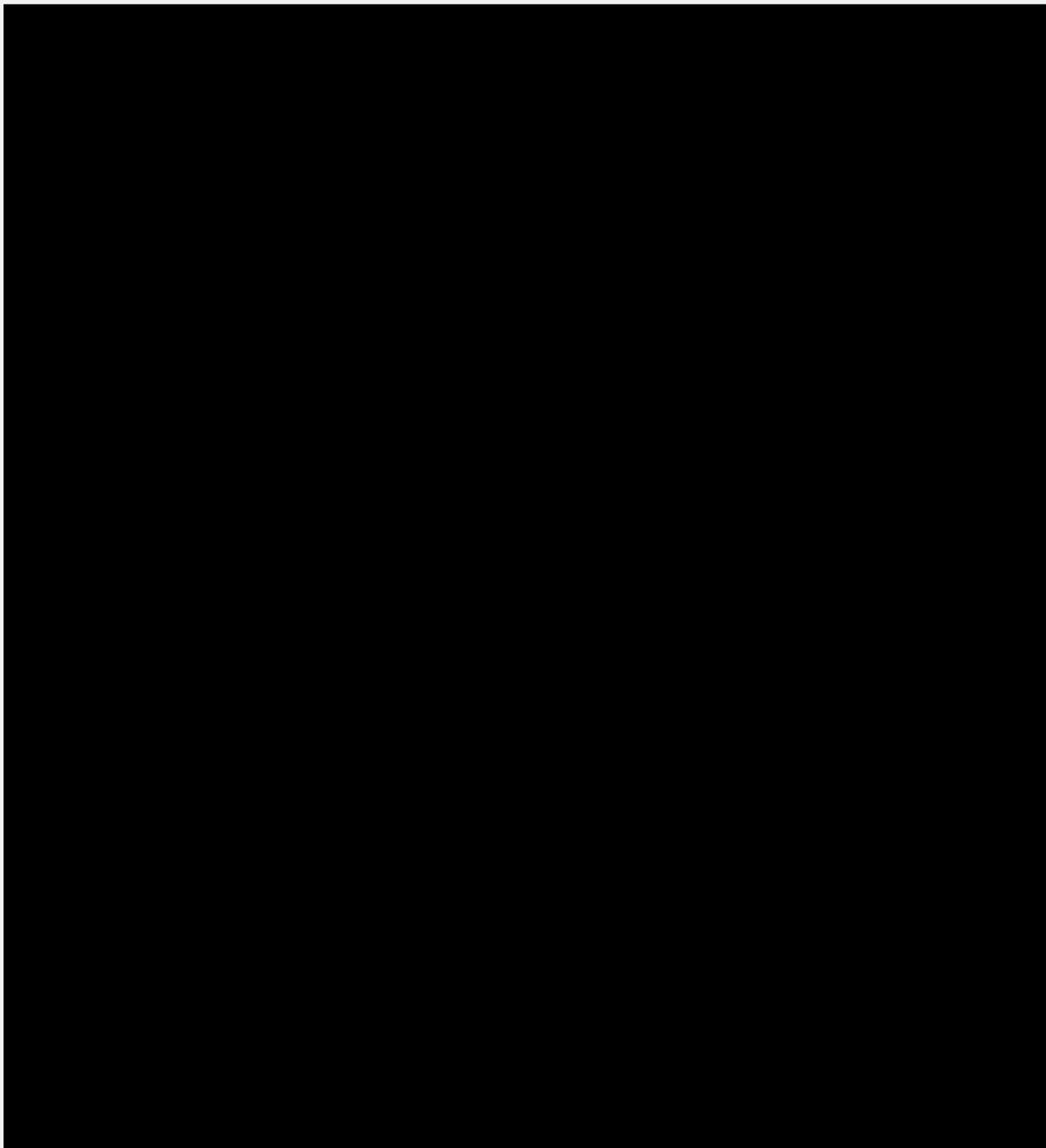
DIVISION: ADULT & JUVENILE

SUBJECT: HANDLING SUSPICIOUS MAIL

PURPOSE:

Ensure that staff use general safety precautions when handling US Postal/Outside mail, ensure that staff identify characteristics of suspicious packages and letters, and ensure that staff know who to contact when they suspect a bio-terrorist, chemical, radiological or bomb threat.

PROCEDURES:



DIVISION: ADULT & JUVENILE

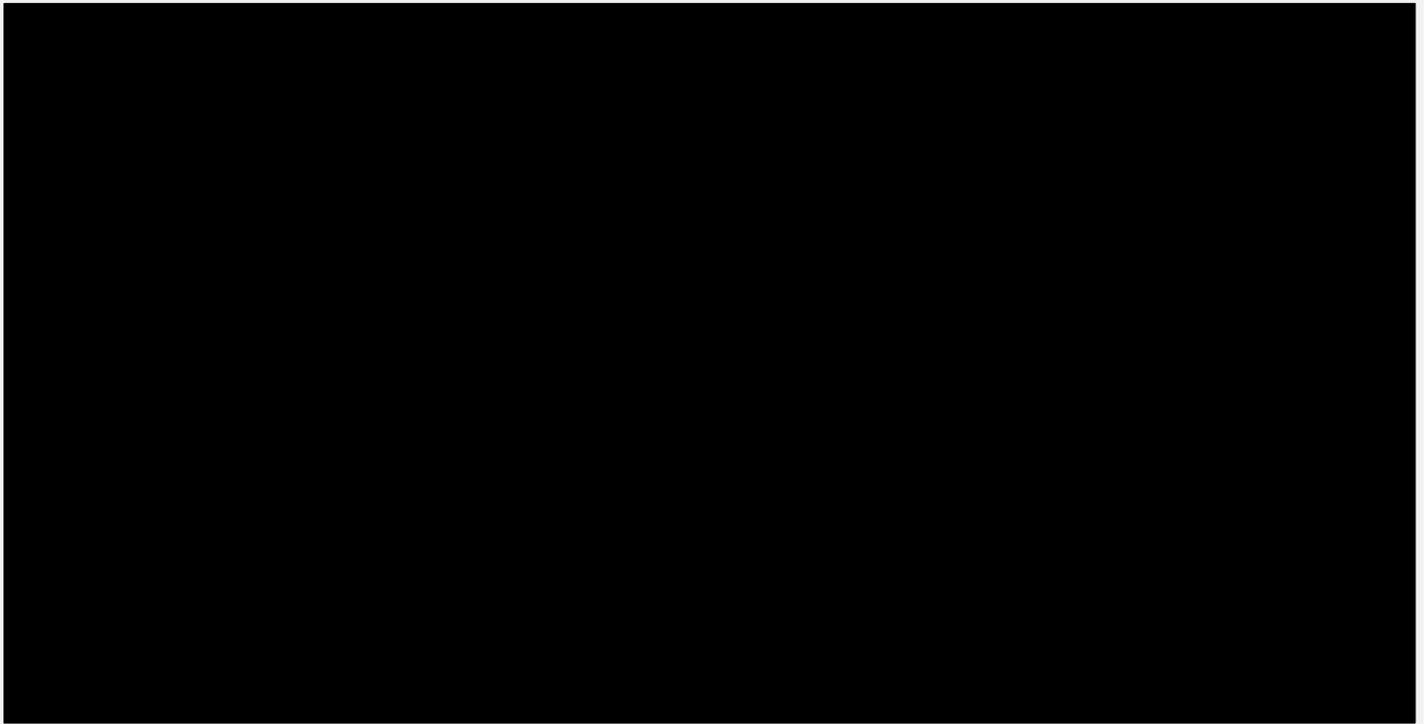
SUBJECT: METAL DETECTORS

PURPOSE:

Metal detectors are provided to enhance safety in the Probation Offices. The metal detector at 50 Douglas Drive will begin as a pilot project.

PROCEDURES:

The following procedure was developed in an effort to prevent items that might pose a threat or danger from being brought into non-public/"secure" areas at the Martinez Probation Office.



A Probation Unit Supervisor at the Martinez Probation Department is responsible for maintenance and security of the full body and hand held metal detectors when not in use. He/she will also report any malfunction of the metal detectors to a designated Manager at the Martinez Probation Department.

DIVISION: Adult and Juvenile**Subject: Employee Recognition****PURPOSE**

The Contra Costa County Probation Department Employee Recognition Program seeks to formally recognize and reward exceptional performance and outstanding contributions made by the sworn and non-sworn employees of this Department during each calendar year. In addition to the specified awards listed in this procedure, other means of recognition may be exercised by managers and supervisors to provide prompt recognition to employees for their contributions to the Department.

Procedures:**I. Committee Establishment**

- a. An Employee Recognition Committee (ERC) may be established to facilitate employee recognition and awards.
- b. The Employee Recognition Committee will consist of volunteers within the department with an effort being made to have representatives from each probation office; sworn and non-sworn personnel; and from all ranks of administration.
- c. Committee members will select a committee chairperson and review this appointment annually.
- d. Committee members may serve two year terms, which can be renewed. Terms are staggered to ensure continuity.
- e. The committee may consist of up to fifteen voting members, but no less than five. The committee chairperson has the responsibility of ensuring the ERC maintains a minimum of five active members. Should the need arise, the committee chairperson can solicit volunteers to fill vacancies up to the fifteen-member limit.

II. Committee Meetings

- a. The ERC will meet at a minimum of once a quarter.
- b. The ERC will meet as determined by the committee chairperson, to initiate the nomination process, review nominations, select awards recipients, and coordinate the distribution of awards.
- c. The ERC shall also meet upon the direction of the Chief Probation Officer or his or her designee.
- d. A quorum of five members must be present at any meeting held for the purpose of reviewing and making award recommendations. Members have one vote each.

III. Recognition

- a. Informal Recognition

- i. Informal recognition measures include verbal affirmations, opportunities to serve in leadership roles, opportunities to explore unique professional development (i.e.: conferences and special training events), gift cards (donation dependent), an office supply or clothing item from the Employee Recognition Store, and other measures.
- b. **Formal Recognition**
 - i. Formal recognition measures include commendations, employee performance evaluations that discuss strengths and above average work, and the formal awards listed below:
 - ii.
 1. Employee of the Quarter: Awarded on a quarterly basis to a Departmental employee whose effort goes above and beyond that which is expected of his or her classification. Criteria for this award could include, but is not limited to:
 - a. Successfully completes a project that promotes the Department's mission, vision, and core values; significantly increases efficiency
 - b. Demonstrates outstanding, superior performance that brings recognition to a Unit, Division, or the Department as a whole
 - c. Works to improve client outcomes by effectively implementing evidence-based practices and supervision techniques on a day-to-day basis
 - d. Builds demonstrable, effective collaborative relationships with outside stakeholders
 - e. Recognition by their supervisor for their day to day contribution to the work of the unit
 2. Employee of the Year: Awarded annually during the Probation, Pretrial and Parole Supervision week to a Departmental employee whose effort goes above and beyond that which is expected. Criteria includes those under the "Employee of the Quarter" award in addition to the following:
 - a. Conduct or actions which positively influence others
 - b. Demonstrates a commitment, even in the face of adversity, to the ethical values of honesty, trust, fairness, inclusion, professionalism, respect, and community responsibility
 3. Community Outreach Award Certificate: This award may be considered for issuance at any time to a Departmental employee who was actively involved in the community to make a positive difference in the lives of others.
 4. Collaboration Award Certificate: This award may be considered for issuance at any time to a Departmental employee or team/unit who have worked together in unity, utilizing each other's collective experience to accomplish a task. Employee or team who have worked collaboratively across boundaries, whether within their division, within the Probation Department, within other departments or with outside agencies, organizations, or stake

holders, and in doing so, have exhibited major success in reaching their goal.

The ERC, Chief Probation Officer or his or her designee, may add, delete, or change categories or definitions as necessary.

IV. Formal Award Nomination - Field Services

a. Process

- i. Any member of the department may, and is encouraged to, nominate a peer or any department member for what they believe to be meritorious work. Employees may nominate more than one person per award.
- ii. The ERC will announce deadlines for time-sensitive award categories (employee of the quarter/year). Nominations for non-time-sensitive awards will be accepted at any time.
- iii. Award Nomination Forms are available in the Department 's internal electronic library (P-Drive) and in printed form in each office.
- iv. Completed Nomination Forms must be submitted electronically to [REDACTED] for consideration.
- v. A member of the ERC will notify the nominator that the nomination has been received.
- vi. Letters or positive reports in any form from citizens or outside agencies may be considered by the ERC should the circumstances warrant an award.

b. Honoree Selection

- i. At the conclusion of the designated nomination period, the ERC will review nominations and select award recipients
- ii. The ERC will evaluate and select the finalists through a "blind selection process" in which the nominations reviewed will be absent the nominee 's identity to ensure the nomination is considered on the basis of merit. The identity of the nominee will be known by supervisory and management staff.
- iii. The majority of the votes and final admin approval shall control the decision
- iv. Should a member of the ERC be nominated for an award, said member shall not be allowed to vote on any submission in the category for which they are nominated.
- v. Should a nomination submitted not meet the merits of the award category selected and the Chief Probation Officer or his or her designee concurs, the committee chairperson will send a message to the nominee 's immediate supervisor explaining the nomination and decision of the committee. The supervisor may then use this information for any other means of recognition deemed appropriate

V. Formal Award Nomination - Juvenile Hall and OAYRF

The Juvenile Hall and the OAYRF will handle the nominations and selection of all of the awards mentioned above at the facility in lieu of sending nominations to the Recognition Committee.

VI. Award Issuance and Records

a. Issuance

- i. Once an award is deemed appropriate, every effort will be made to ensure the award is presented to the recipient at an appropriate time and place
 - ii. Appropriate ceremonies may be instituted for presenting certain awards
- b. Records
 - i. Award nominations received by the ERC shall (absent extenuating circumstances) be kept for a period of at least one year following the nomination received date.
 - ii. Copies of certificates of award, letters of commendation, citizen letters of recognition, and award commendation letters/certificates from outside agencies shall be made part of the recipient 's personnel file. Whenever possible the original document will be provided to the employee.

DIVISION: ADULT

SUBJECT: Investigations and Reports

PURPOSE

Consistent with legal requirements and Court expectations, the Probation Department conducts investigations to collect information and establish facts relative to sentencing on individuals charged with the commission of felony crimes. In the reports generated by these investigations, the Deputy Probation Officer presents the information and facts, discusses applicable sentencing rules, conditions of Probation and other issues, including the defendant's eligibility and/or suitability for probation, and makes recommendations as to the granting or denying of probation.

AUTHORITY

131.3 CCP Permits the Court to refer defendants to the Probation Officer prior to conviction for investigation, report and recommendation.

1203 PC Requires the Court to refer defendants to the Probation Officer for investigation, report and recommendation in the event of a felony conviction, whether or not the defendant is eligible for probation.

1203.10 PC Indicates specific areas to be investigated and addressed in pre-sentence reports.
& JC Rule
411.5

PROCEDURE

I. INVESTIGATIONS

The investigative process is similar whether the referrals are for a presentence, pre-plea or bail study. It includes gathering pertinent information and verifying it insofar as possible, interviewing the defendant, contact references and other collateral sources, and fulfilling legal obligations to communicate with and inform victims of their rights including their right to restitution.

A. Prior History

Information is collected concerning prior criminal conduct (juvenile and adult), if any. CII, Department and local court computer record checks are routine, and are supplemented when indicated by inquiries to the FBI, other probation department, law enforcement agencies, Courts, etc.

B. Present Charges

Police reports are read and used to describe the crimes charged. This source material is supplemented by information derived from other relevant

sources such as criminalistics laboratory reports, coroner's reports, and probable cause declarations from ARIES (Automated Regional Information Exchange System).

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C. Interview of Defendant

If the referral is for a PSI report and an interview is required, the defendant must be admonished of his/her legal and constitutional rights prior to any questions about the crime(s) charged. The District Attorney's admonishment card is to be used for this purpose and the defendant should sign an admonishment form for retention in the case file. A defendant's refusal to sign should be noted in the case file. If the defendant has medical or psychological problems, obtain signed releases to contact current or past medical professionals.

The Adult Division Personal Data Sheet is used as a guide when conducting the interview for sentencing reports. The Data Sheet covers all aspects of the defendant's history and serves as the outline for preparation of the report.

The interview gives the defendant the opportunity to offer explanations and comments concerning the crimes charged as well as to provide other information about himself/herself. Information gathered by the investigator assist in developing mitigating and aggravating circumstances in the case.

In addition to collecting background information and soliciting statements about the charges, the investigator provides the defendant with information concerning the role of the Probation Department as well as the Department's function if probation is granted. General terms and conditions should be explained if the defendant appears eligible and is likely to be granted probation. Mandatory conditions for certain offenses such as domestic violence counseling and drug registration should be thoroughly explained.

D. Collateral Contacts

Reasonable efforts are made to contact all references whose names and addresses are provided by the defendant. The Department's form letter mailed to references is usually sufficient but this task may be enhanced by personal interview or telephone contact.

Depending upon case circumstances, contact may also be made with the investigating police officer(s), probation and parole officer(s) who supervise(d) the defendant, psychologists and psychiatrists who have evaluated or treated the defendant, defense counsel, and the District Attorney's office, etc.

E. Victims

Victims are contacted whether or not loss appears to have been sustained. Restitution letters sent to victims give them the opportunity to inform us of losses and to make statements about the crime. Information they provide concerning losses is indicated in the Restitution section and statements as to the impact of the crime and their thoughts regarding sentencing are noted in the Victim's Statement section of the report.

Victims of violent crimes receive a Restitution letter, Victim Impact Statement, and a referral to the District Attorney's Victim/Witness Assistance Program.

INVESTIGATIONS & REPORTS - BULLETIN NO 1 PAGE 3

Although not required at the pre-plea level, any referral for presentence investigation includes requirements that victims be notified of the date, time and location of the sentencing hearing, their right to attend and address the Court, as well as their right to contact the District Attorney's office for information regarding sentencing recommendations. Notification letters are sent to meet these obligations.

II. REPORTS

In addition to assisting the Court in sentencing, the report provides:

- a case history for supervision staff as a basis for case classification and developing a supervision plan;
- information for other agencies (probation, parole, work furlough, prison personnel, etc) as they have need for it.
- a profile for psychologists and psychiatrists ordered by the Court to examine the defendant, and;
- feedback to the defendant.

Types

A. Standard Reports

Presentence and special court referrals for pre-plea reports are prepared in this format.

B. Supplemental Reports

Prior to sentencing, the Court may request a supplemental to the standard report. These referrals are made for various reasons such as a general update of the information in the earlier report, information concerning other pending charges, the defendant's statement after guilt is established, review and recommendation after doctors' reports and Department of Corrections diagnostic reports are received, etc.

A format which utilizes the standard report face sheet is preferred for this type of referral although the letter report format may be approved as an alternative by the unit supervisor. Section headings and report content are tailored to the needs of the particular case.

C. Pre-Plea Bail Study Reports

These are our standard pre-plea/bail reports commonly referred to as “fast track” reports.

D. Modification/Revocation, 1203.4 PC and 17 PC Reports

These are our standard 1203.4 PC and 12 PC reports.

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E. Restitution Reports

When the Court orders the Probation Department to determine restitution in formal and court probation cases, as well as State prison commitments, a Restitution Report format is employed by the F.I.U. investigator to notify the Court.

F. 1203.067 Reports

Defendant's charged with specified sex crimes may be referred to the Probation Department and to a psychiatrist or psychologist for an evaluation to determine if placing the defendant on probation would pose a threat to the victim and the defendant's potential for positive response to treatment.

DIVISION: ADULT

SUBJECT: Superior Court Deputy Probation Officer

The Superior Court Deputy Probation Officers are deputies assigned to represent the Probation Department in the criminal departments of the Contra Costa County Superior Court. Deputies volunteer or rotate from Felony Investigation Units into the Court Deputy position. Their primary duty is to provide assistance and information to the Court as requested or needed on all matters pertaining to Probation and criminal investigation issues. They serve as a liaison between the Probation Department and the Judges of the Superior Court. They report daily to the supervisors of the investigation units to convey important information from the Court and note any matters that require further administrative attention.

1. Preparation for Daily Court Appearance:

The following general procedures apply to both criminal departments that handle the Coordinated Courts of Contra Costas County's felony Fast Track system and Probation matters including violations and reviews. Each day, the Court Deputy receives from the calendar clerk their Departments criminal court calendar and the probation reports appearing on that calendar. The Court Deputy is responsible for:

- A. Ascertaining that each case on calendar is properly accounted for by a probation report, oral custody report, or in some other satisfactory manner.
- B. Familiarizing themselves with each probation matter on calendar especially those with sentencing, modification and review reports.
- C. Paying particular attention to expiration dates, multiple dockets and whether or not restitution should be addressed by the Court.
- D. Reading the probation reports on those matters scheduled for readiness conference in order to be in a position to clarify conditions of probation and other related issues should the Court impose sentence at that hearing.

2. Procedure in Court:

- A. The Court Deputy communicates the Field Deputy's position in conference and while presenting oral custody reports. Current information regarding new convictions and pending cases should be brought to the Court's attention.
- B. The Court Deputy is involved in assisting those placed on probation in completing referral forms for various programs such as the Sheriff's Custody Alternative Bureau and the notification of mandatory registration form for narcotics, sex and arson offenders. They are also given the task of ensuring that referrals to the Probation Collections Unit (PCU) are filled out for the Public Defender's services.

C. The Court Deputy shall accurately record the disposition of cases on the Court calendar and note when the Court orders supplemental and oral custody reports.

COURT DEPUTY PROBATION OFFICERS BULLETIN - NO. 2 - Page 2

D. The Court Deputy is encouraged to clarify orders that are being made with regard to the specific terms and conditions of probation when matters are not clear.

E. The Court may ask the Court Deputy to investigate a particular matter or issue and present their findings via an oral report.

F. In all cases where formal probation is granted, the defendants should be instructed to report to the appropriate area office which will provide supervision, within five (5) working days of the hearing or if jail time is ordered, within five (5) days of being released from jail.

3. Procedure After Court:

A. The Court Deputy scans and distributes copies of the Court calendar. The scanned copy will be saved on the P-Drive. This is an important means of communicating with probation staff as to the dispositions of their cases on a daily basis.

B. The Court Deputy immediately notifies the appropriate Deputy Probation Officer of any requests for supplemental reports and/or oral custody reports. All other special situations should be brought to the attention of a felony investigation supervisor.

DIVISION: ADULT

SUBJECT: RESTITUTION AND FINES

PURPOSE

The Contra Costa County Probation Department is committed to minimizing the impact of crimes on victims when possible and restoring financial loss in a manner consistent with current law. In order to do so, the Deputy Probation Officers assigned to Adult cases must be diligent in contacting the victim(s), determining victim restitution and facilitating assistance for victims when requested.

AUTHORITY

Penal Code Section 1202.4 states that the court must order payment of restitution when the crime of which the defendant was convicted resulted in economic loss to the victim.

Penal Code Section 1202.4(m)-(n) states that when the court grants probation, payment of restitution must be made a condition of probation.

Penal Code Section 1202.4(f) states that the court may order that it will determine the amount later when necessary information is lacking at sentencing or a subsequent hearing is needed to resolve a dispute about the amount.

Penal Code Section 1202.4(f)(3) states that the court's restitution order must be specific and detailed, identifying each victim and each loss to the extent possible.

Penal Code Section 1202.46 states that a sentence without a restitution award to a victim within PC 1202.4 is invalid and the trial court may properly add a restitution order later.

Penal Code 1192.3 states the court may order restitution on dismissed counts when the negotiated disposition includes a Harvey Waiver.

Adult Restitution Procedures on the P-drive.

POLICY

It is the policy of the Contra Costa County Probation Department Adult Division to pursue determination in every case when applicable. It is also a goal of the Department to facilitate and effect restitution payments to victims.

PROCEDURE

I Investigation

Upon receiving a case, the Investigation Deputy Probation Officer (DPO) should immediately determine if restitution is an issue. If so, the Investigation DPO shall mail a Victim Restitution Letter, Victim Claim/Statement & Description of Loss form (and Victim Impact Statement form to the victim(s). If there is a time constraint, the Investigation DPO will attempt to contact the victim(s) via telephone and obtain the necessary information for the court report, however a Victim Restitution Letter, Victim Claim/Statement & Description form and Victim Impact Statement form still needs to be mailed to the victim(s), with copies place in the lower left section of the probation file in order to have the proper documentation.

Restitution shall be established for the full amount of the victim's losses, regardless of the defendant's ability to pay.

All victim(s) of violent crimes will be referred to the Contra Costa County Victim Assistance Program.

Any pertinent statements given by the victim(s) should be included in the Investigator's court report. If there is a financial loss, the dollar amount of the loss, the category of the loss, such as wages, medical expenses, property damage, counseling, etc. will be included in the report. The report should also indicate if there will be on-going costs, such as counseling. In these cases the amount of victim restitution can be ordered with the final amount to be left "reserved". As further claims are submitted by the victim(s), they will be submitted to court and added on to the total amount of victim restitution.

Any monies paid to the victim(s) by insurance company(s) will be included in the total loss/claim. Any paid insurance deductibles will also be included in the total loss/claim.

A recommendation for joint and several liability will be made in all cases involving co-responsibles. If there is more than one responsible party for the loss, all responsible probationers should have the same total amount of restitution ordered.

If the efforts to locate victim(s) and establish restitution are unsuccessful, the Investigating DPO will ask that the amount of victim restitution remain "reserved."

Any victim restitution information received after the initial Probation Report, but up to five business days before the sentencing date will be the Investigating DPO's responsibility for submitting to the court in a Supplemental Restitution Report. Once the file has been assigned to a Supervising Deputy Probation Officer (DPO), the Supervising DPO becomes responsible for the submission of the Supplemental Restitution Report.

Investigation DPO's are to assure that victims have been notified of a probationer's

sentencing date when completing a Pre-Sentence Investigation (PSI). These victim(s) have the right to appear at the sentencing hearing where they may express their views concerning the crime, the probationer and need for restitution. A Sentencing Hearing Letter shall be mailed to the victim when completing a PSI. The victims may include the next of kin if a victim has died.

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II. Supervision

When a case is received for supervision and the amount of victim restitution has not been previously determined and submitted to court, it is the responsibility of the Supervision DPO to complete this task.

If a Victim Restitution Letter/packet was already mailed to the victim by the Investigation DPO, the Supervision DPO will attempt to contact the victim via telephone to obtain the necessary information. If a Victim Restitution Letter, Victim Claim/Statement & Description of Loss form was not already mailed to the victim, the Supervision DPO will mail the packet and follow up via telephone if a response is not received within 30 days. If the attempts to contact the victim(s) are unsuccessful, the Supervision DPO will complete a Supplemental Victim Restitution report stating the contact attempts that were made and that restitution should be reserved in the event the victim submits a claim at sometime in the future.

Victim restitution is to be set 60 days from the date of assignment.

See Adult Restitution Procedures on the P-drive.

If the Supervision DPO is able to obtain the victim restitution information, they will submit the claim information on a Supplemental Restitution report and indicate the category of loss, such as property, counseling, medical expenses, etc. to the court. The Supervision DPO should ensure that the victim has submitted evidence showing that there were losses and that the losses were caused by the crime committed by the defendant. Documents such as bills, receipts, statements, estimates, documents as to the value of stolen or damaged property should be reviewed by the Supervision DPO for accuracy.

The defendant has a right to a hearing before a judge to dispute the determination of the amount of restitution. The DA must be present at the hearing to advocate for the People. The defendant has the burden of proving that the recommended restitution is inaccurate.

All attempts to continue to contact the victim(s) and set restitution should be documented in the field notes.

If a Harvey Waiver is taken, then Probation should determine victim restitution on all counts, even if there were dismissed.

If a probationer has not yet filed an Asset Disclosure form (CR-115) with the court, the

Supervision DPO will direct the probationer to complete the form and file it at the Criminal Clerk's Office

The Supervision DPO will address the payment of restitution and fines with the probationer during office appointments and confirm payment history with the Collections Computer.

If the court has ordered a specific rate of payment and the probationer has failed to comply, the Supervision DPO will return the matter to court for an Order to Show Cause hearing within 30 days of the date of non-compliance.

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III. Investigation & Supervision

All documentation received by any victim(s) will be kept in the lower left hand portion of the adult file.

All victim(s) of violent crimes will be referred to the Contra Costa County Victim Assistance Program. If an account has been established for the victim through the State Compensation Board, then reimbursement should be made to the State Compensation Board. This should be noted, along with the victim claim number in the Supplemental Restitution Report.

If the DPO or record becomes aware of any changes to the victim's information, such as address or telephone number, they will notify CCU immediately of any such changes.

If co-responsible(s) cases are assigned to more than one DPO (Investigation or Supervision), then all involved DPO's should collaborate and compare victim information before requesting a total amount of victim restitution in their court report. In cases where co-responsibles are involved, total restitution will be recommended for each of the co-responsibles, noting that they are jointly and severally liable for the total amount of restitution.

Damages for pain and suffering are not criminal restitution and may be pursued by the victim as a civil matter.

Probation cannot be revoked for failure to make restitution unless the Court determines that the failure is willful. If the reporting Deputy believes that the failure is willful, the reasons shall be included in an Order to Show Cause hearing.

IV Restitution Fine (1202.4 & 1202.44 PC)

The Court must impose a restitution fine on all adults convicted of a misdemeanor or felony. The minimum fine on a misdemeanor is \$140 (\$150 on 1/1/14) and the maximum

is \$1,000. The minimum fine on a felony is \$280 (\$300 on 1/1/14) and the maximum is \$10,000. In setting the amount of the fine in excess of the minimum, the court shall consider any of the relevant factors including, but not limited to, the defendant's inability to pay, the seriousness and gravity of the offense and circumstances and any economic gain derived by the defendant.

Restitution Fines shall not be subject to penalty assessment pursuant to Section 1464 Penal Code and shall be deposited in the Restitution Fund in the State Treasury.

The Court, for compelling and extraordinary reasons noted on the record, may waive the restitution fine but the probationer's inability to pay shall not be considered a compelling and extraordinary reason. A defendant shall bear the burden of demonstrating his or her inability to pay.

In every case where a defendant is convicted of a crime and granted probation, the court shall assess a probation revocation fine in the same amount as the restitution fine. This fine shall become effective upon the revocation of probation and shall not be waived or reduced by the court, absent compelling and extraordinary reasons.

CONTRA COSTA COUNTY

BULLETIN NO.: 4

PROBATION DEPARTMENT

ISSUED: 3/2013

DIVISION:

ADULT

SUBJECT: Case Assessment (Risk and Needs) /Supervision Requirements

PURPOSE

The primary purpose of adult supervision is to provide for the protection of the community and to provide rehabilitation within the context of the offender's adjustment to the terms and conditions of the probation order, while attempting to reduce further criminal behavior.

Individualized assessment is a fundamental element of probation supervision. An assessment must be made of the offender's social and psychological need, as well as risks for future offending. Any factors that influenced the offender toward criminal activity must be assessed, as well as the personal and familial strengths, to assist the offender in moving toward law abiding behavior.

The Contra Costa County Probation Department has implemented the use of CAIS (Correctional Assessment and Intervention System). CAIS is a supervisory classification system, identifying both appropriate intervention strategies and recidivism risk levels. CAIS is used for an initial risk assessment, a complete assessment and a re-assessment. It is a valid and reliable assessment instrument that involves a semi-structured interview with the offender. Not all offenders require the same level of supervision, nor do they exhibit the same problems. Case assessment/classification can help the probation officer identify the appropriate level of supervision required to bring structure, equity and consistency to correctional decision making.

PROCEDURE

I. The CAIS Assessment Tool

A. Goals:

1. To assist staff in establishing supervision strategies based on the offender's strengths and needs, anticipated behaviors, and attitudes and the motivation for their behaviors and attitudes.
2. To assist staff with strategies for dealing with problematic behavior before it escalates into law violations
3. To reduce recidivism in the community and violations of court orders.

1 Process:

2. The CAIS procedure begins with an interview with the defendant. The interview is scored and the defendant is assigned to a STRATEGY GROUP. The most recent form for the interview is to be printed off of the CAIS website: <https://cais.nccd-crc.org> just prior to meeting with the defendant.
2. The assessment format is divided into four major sections and customized to produce a gender-specific output report. The sections are: General

Information, Objective History, Behavioral Observations, and Interviewer Impressions/Needs Related to Criminal Behavior. **The interviewer must score at least one "a" and one "e" on the Interviewer Impressions section of the scoring form.**

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3. After the interview, the data is input onto the website where an output report is generated.

C. Outcomes:

An Automated Response System scores each factor and assigns the defendant to the correct CAIS strategy group which includes: Selective Intervention Situational (SIS), Selective Intervention Treatment (SIT), Casework Control (CC), Environmental Structure (ES), and Limit Setting (LS).

CAIS produces a report that includes guidelines for case planning that identifies the general supervision strategies to be used. (See "Strategy Groups Overview" attached.) In addition to the risk level of the defendant, specific needs to be addressed, notes on special issues, identified during the CAIS interview, are also provided.

2 CAIS Assessment:

4. Initial risk items (Men & Women): Initial risk items are to be used as a pre-assessment tool to determine whether or not a complete CAIS is required. If the initial risk assessment indicates a low risk level for the defendant, the case will be transferred to the Banked Caseload, unless it is overridden by a supervisor. The case will be assigned to a full service caseload if the initial risk assessment indicates a moderate or high risk level. A complete CAIS assessment is required for defendants who are identified as moderate or high.
5. CAIS assessments will be completed on all probationers who are assigned to full service caseloads. A CAIS assessment shall be completed no later than **30 days** of case assignment, release from custody or treatment program.

CAIS re-assessments for probationers who are actively supervised are required at a minimum of every **nine months**.

The CAIS initial risk assessment or CAIS assessment/re-assessment is required prior to transfer of case from one unit to another.

Reassessments consist of a brief series of questions reporting on the current status of the case. These assessments are used to generate an updated CAIS output report.

A reassessment may also be completed at any time the supervising deputy and/or supervisor conclude that a reassessment is needed because of a significant change of circumstance in the case (ie. new

law violation, arrested on outstanding warrant, significant event in the defendant's life). Otherwise, the nine month re-assessment is completed.

6. Output reports and initial risk assessment:
Hard copies are to be printed and placed in the lower left corner of the case file. **These assessments are not to be stripped** from the file when the case terminates.

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7. Jurisdictional Transfer and Inter-State Compact (in-coming and out-going):
An initial risk assessment is to be used by the assigned deputy to determine the risk level. If the initial risk assessment is low, transfer the case to the banked caseload. A moderate or high risk assessment will necessitate a full CAIS to be completed by the supervising deputy.
8. Overrides:
On occasion, the deputy completing the assessment may believe the score is not accurate relative to the risks or needs of the defendant. The deputy should confer with his/her supervisor. After consideration, the deputy and supervisor may override the score and place the defendant at the level of supervision that is believed to be the most appropriate. Overrides should be used infrequently.

After the deputy and the supervisor agree that an override is appropriate, the supervisor will note on the CAIS output report the following information:

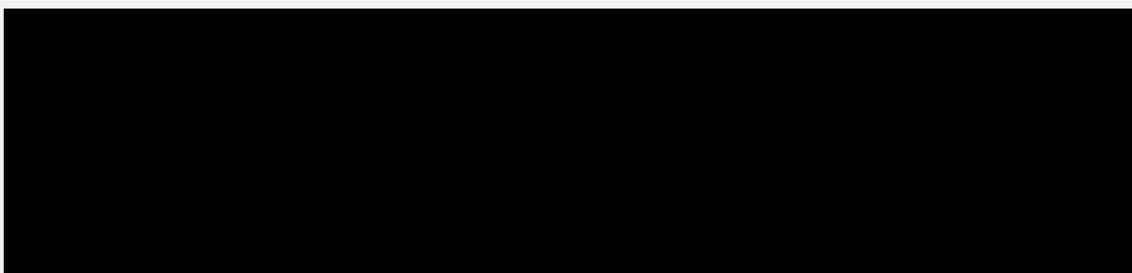
- a. The date of the override
- b. The change of supervision level, from/to
- c. Reason(s) for the override

Additionally, some grant positions may require a higher level of supervision regardless of the risk score. If a defendant is assigned to a grant funded position (i.e. sex offender, domestic violence) the probation officer shall supervise the defendant in accordance with grant guidelines.

9. STATIC 99R will be performed on all convicted sex offenders and will be the primary tool for determining risk for such cases. The risk level will be included in all pre-sentencing reports.

II. Levels of Supervision:

The Risk Level will determine the minimum level of supervision a case receives. There will be three levels of supervision:



The CAIS output report for the initial CAIS assessment, the complete CAIS, and subsequent re-assessments will identify the Risk Level and appropriate supervision strategy.

CONTRA COSTA COUNTY

BULLETIN NO.: 4.1

PROBATION DEPARTMENT

ISSUED: 1/2018

DIVISION:

ADULT

SUBJECT: The Ontario Domestic Assault Risk Assessment (ODARA)

PURPOSE

The primary purpose of adult domestic violence supervision is to provide for the protection of the community, victim safety and to provide rehabilitation within the context of the offender's adjustment to the terms and conditions of the probation order, while attempting to reduce further criminal behavior.

Individualized assessment is a fundamental element of probation supervision. An Ontario Domestic Assault Risk Assessment (ODARA) must be made to determine the domestic offender's risks for future offending. Any factors that influenced the offender toward repeated domestic violence must be assessed, as well as the victim's circumstances, to assist the offender in moving toward law abiding behavior.

The Contra Costa County Probation Department has implemented the use of the ODARA tool, an actuarial risk assessment that scores domestic offenders on risk for repeated domestic violence. Thus, a domestic offender can be placed into one of seven categories of risk. For example, a score of 0 places an offender in the lowest category and a score of 5 or more places an offender in the highest risk category.

Higher scores on the ODARA indicate that an accused assaulter will commit more assaults, commit them sooner, and cause more injury (in a range of injury from none to lethality) than an accused with a lower score.

PROCEDURE

II. The Ontario Domestic Assault Risk Assessment Tool

A. Goals:

1. To assist staff in establishing supervision strategies based on the likelihood that a person who has already committed an assault on a domestic or dating partner will do so again in the future.
2. To assist staff in developing informed conditions of release, and craft enhanced supervision strategies.
3. To reduce recidivism in the community and violations of court orders.
4. To assist staff in improving victim safety as early as possible.

3 Process:

1. The ODARA is comprised of 13 yes-or-no items evaluating such areas as the perpetrator's history of prior domestic assaults, non-domestic assaults, substance abuse history, having a custodial sentence of 30 days or more,

having more than one offspring, and so forth. This information is gathered from official criminal records.

2. Each of the 13 items is scored as a 1 (for present), or 0 (for not present), or a ? (missing information) and the scores summed together account for the overall total prediction score, ranging from 0-13. Scores of 0-1 indicate the lowest risk, 2-4 indicate moderate risk and scores of 5-13 represent the highest risk category.

C. Outcomes:

The ODARA is an actuarial tool which indicates the likelihood that a person who has already committed an assault on a domestic or dating partner will do so again in the future. It also predicts the amount of time until a new assault, and greater severity of new assaults. The ODARA was developed to identify high risk domestic violence cases, and provide a shared language about escalated risk to aid communication among criminal justice and other agencies responding to domestic assault.

D. ODARA Assessment:

10. ODARA assessments will be completed on all probationers who are assigned to adult domestic violence supervision. An ODARA assessment shall be completed no later than **30 days** of case assignment, release from custody or treatment program. In cases where the ODARA was obtained from the District Attorney, if circumstances have not changed, a new ODARA does not need to be completed.

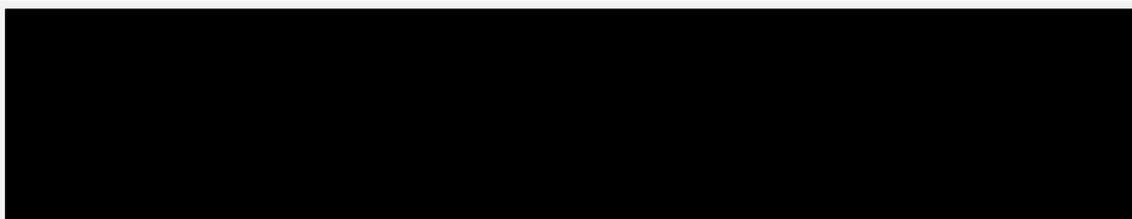
11. ODARA re-assessments for probationers who are actively supervised are required upon re-offense.

The ODARA risk assessment is required prior to transfer of case from one unit to another. A reassessment may also occur at any time the DPO feels circumstances warrant one.

12. ODARA assessments:
Hard copies of the ODARA are to be printed and placed in the lower left corner of the case file. **These assessments are not to be stripped** from the file when the case terminates.

III. Levels of Supervision:

The Risk Level will determine the minimum level of supervision a case receives. There are three levels of supervision:



DIVISION: ADULT

SUBJECT: Continuous Electronic Monitoring of Persons on Probation/Post Release Community Supervision (PRCS)

Background

The purpose of electronic monitoring is to enhance public safety through the reduction in the number of people being victimized by crimes committed by persons on probation/PRCS.

A Global Positioning System (GPS) has proven to be an effective risk management tool for supervising high-risk persons on probation who are likely to reoffend where prevention and knowledge of their whereabouts is a high priority for maintaining public safety. Additionally, GPS improves the ability of the Probation Department to detect high risk behavior, expeditiously initiate interventions to reduce or eliminate risk to the community, and increases compliance with Court orders and probation/ PRCS conditions.

Authority

PC 1210.7 - PC 1210.16 (Use of continuous electronic monitoring to monitor persons on probation)

PC 1202.8(b) (Supervision and assessment of persons on probation)

PC 3450 - Post Release Community Supervision

Procedure

The County Probation Officer will determine which individuals will be subject to electronic monitoring (GPS), taking into account the individual's criminal history and safety of the victim. The County Probation Officer has the sole discretion to decide which persons shall be supervised using electronic monitoring, consistent with the terms and conditions of probation/PRCS, for the period of probation/PRCS. A probationer/PRCS subject to GPS monitoring may be required to pay the cost of the electronic monitoring. Every probationer under probation supervision scoring as a "high" risk according to the State Approved Risk Assessment Tool for Sex Offenders (SARATSO, now referred to as Static 99R) shall be on a program of continuous electronic monitoring, using the latest available effective technology, absent a court order stating otherwise.

A. Issuing the GPS Devices for "high" risk sex offenders returning to the community from custody

1. Within five (5) days from the probationer's release from custody or five (5) days from the date the probationer was granted probation, the assigned Deputy Probation Officer (DPO) must insure the probationer is referred to the Contra Costa County Sheriff Department's EM/GPS unit to be put on GPS monitoring.
2. The DPO will work with the Sheriff Department to set any necessary exclusion or inclusion zones in the tracking software for each probationer.

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B. GPS as a response to violations of PRCS

1. Probationers subject to the terms and conditions of PRCS may be placed on GPS as an appropriate response to a level three violation listed on the Contra Costa County Probation Sanction Grid. The level three violations are not all inclusive and may include other behaviors regarding the violations of conditions as set by the Court or the Supervising County Agency. Violations will be considered on a case by case basis consistent with the probationer's risk assessment score. Supervisor approval must be obtained prior to placing a probationer under PRCS on GPS.

C. Supervision of Probationers/PRCS with a GPS Device



1. The DPO will properly document all incidents in their field notes.

Data received from the GPS device regarding a probationer's movement and whereabouts will be treated as a confidential probation record and not shared with unauthorized entities. DPO's access and use of the movement and location data regarding offenders is for the sole purpose of effective field supervision and offender monitoring and shall not be accessed for reasons unrelated to the DPO's duties. Electronic devices shall not be used to eavesdrop or record conversations except between the participant and the Deputy Probation officer when needed for voice identification.

DIVISION: ADULT

SUBJECT: TRANSFER OF CASES TO THE BANKED CASELOAD UNIT

PURPOSE

To establish which cases can be transferred to the banked Caseload. Cases which are classified maximum and moderate using the CAIS risk assessment tool are placed on formal probation and shall be assigned to the field units providing active supervision.

PROCEDURE

A. Criteria for transferring a case under active supervision to the banked caseload:

1. Defendant scored as low risk using the CAIS assessment tool.
2. Grant of Probation is not going to terminate in less than six (6) months.
3. No pending court actions on technical violations or new offenses, except for traffic infractions.
4. No outstanding warrants or arrests. Current CII in file (within last 30 days).
5. No outstanding counseling/classes (anger management, bip, PCDD, etc).
6. Sex offenders with no registration conditions will be considered on a case by case basis.
7. Defendant convicted of 186.22 (Criminal Street Gang Activity) will be considered if violation and arrest free after nine (9) months of probation grant.
8. CLETS report reflects DNA has been collected.
9. Victim restitution has been set **and** account was verified.

B. Interstate Compact Cases:

1. Active supervision cases which are subsequently transferred to another State can be transferred to the Banked caseload after all documentation has been completed and the matter is actually accepted in the receiving State.
2. All criteria listed in section A shall apply.

C. Transfer Procedure:

1. Use the Banked Transfer form (located on the P-Drive).
2. Field notes shall be legible and placed in the lower left quadrant of the file.
3. Strip file of all duplicate orders, CII, DMV documents, and any other non-essential material.

D. New Law Violations for Banked Cases:

1. In the event of a new law violation and after adjudication, the banked caseload deputy will complete a CAIS reassessment to determine if the defendant's risk score

increases. If the CAIS score is moderate or high, the case will be transferred to the appropriate field office for assignment to active supervision.

DIVISION: ADULT

SUBJECT: Case Files - Filing, Stripping and Retention

PURPOSE:

To provide for a standardized means of consistency filing, stripping and retaining files. Case files contain copies of the official documents and records which authorize the Probation Department's involvement in specific cases. These records also provide the official documentation of the probationers' performance. Therefore, proper maintenance of case records is important in maintaining official records and in case management.

AUTHORITY:

WIC 389, 781, 826, 826.5, 827; Penal Code 1000.5, 1203.10, 1203.45, 13020; Health & Safety Code 11361.5, 11361.7; Civil Practice Code 131.3.

PROCEDURE:

1. Filing

Deputy Probation Officers and clerical staff who work with case files are responsible to see that materials are filed as received and that files are maintained in proper order.

Procedure

Materials shall be filed uniformly on the metal clips in case folders to provide secure filing. All materials are to be placed in chronological order, with the most recent item on top.

Upper Left

Data Entry Packet
(Initial Placement)
Face Sheet and Field Notes
Current CII Rap Sheet
Current DMV Record and Photograph
FBI Record
Photo

Upper Right
By Docket

Closing A-128 form
Bench Warrant
Revocation Report
Notice of Violation
Supplemental Reports
Court Order
Court Report
Complaint/Information
Court Referral Papers
Personal Data Sheet

Lower Left

Classification Data
SSR (A-128 Forms)
Out-of-County Probation Reports
Social Service Reports
Cum Summaries CDC/CYA
Psychological Reports
Medical Reports
Military Records
School Records
Police Correspondence
Financial Information
Victim's Letters, Claims, Etc.
Drug Test Results
Interstate Compact Forms
All Other Materials
CAIS Output Report

Lower Right

All Police Reports

II. Stripping

Deputies shall review all closed and State Prison files and remove materials that have no value as part of the permanent record. The Unit Supervisor shall inspect these files to assure that material has been approximately filed and stripped.

Procedure

The following items shall be stripped from closed and State Prison files:

1. All but the latest CII rap sheets, DMV report and FBI report.
2. All duplicate copies of court reports and other duplicated material.
3. All personal data sheets if there is a Probation report. Maintain most recent if there is no report and it is properly filled out.
4. Routine Correspondence.
5. Police reports if there is a full court report covering the incidents.
6. School and military records if they are covered in report.
7. Drug test results.
8. Financial payment forms (A-109).
9. All A-128 forms, except for the closing one.

10. Classification data.

A Deputy/Supervisor wishing to maintain any of the above listed documents that would be routinely stripped, may do so by clearly indicating on the document, "DO NOT DESTROY".

Out-of-county court reports, CYA and CDC Cum summaries, 1203.3 diagnostic reports, psychological evaluations and Social Service reports and medical reports shall not be stripped. (See chart)

Retention Chart for Stripped Files

QUADRANT A (Upper Left)

Field Notes
Latest Photo
RAP Sheet (Most Recent)
FIU RAP
Personal Data Sheet (Current)

QUADRANT C (Upper Right)

Closing A-128 (Except CAPS)
Disposition Sheets (Green/Pink)
Court Orders
Court Reports (including OCRs,
Restitution Letters)
Complaint

QUADRANT B (Lower Left)

Victim information/documentation
Hard to replace documents:
Psychological/Psychiatric reports,
Military, CUM records, etc.
PC 296 notification/if not on RAP
CAIS output report

QUADRANT D (Lower Right)

Police reports: Only if no Court report

III. Retention and Destruction of Closed Files

When cases are closed, the responsible DPO shall strip the file and route it to his/her supervisor. The supervisor indicates by their initials on the SSR or the disposition sheet the date stripped. These records are under the authority and control of the Central Records Unit.

When a case file is destroyed, a computer record shall be retained for ten (10) years past the closing date unless ordered destroyed by the court.

Retention schedules for adult files are as follows:

Two Years:

1. Deceased Probationers
2. Drug Diversion Cases
3. Courtesy Supervision Cases
4. Arrest or conviction of H&S 11357(b), (c), (d) and (e)
5. Closed formal misdemeanor cases
6. Acquittals, Dismissals
7. County Jail Sentence
- 8.

Four years:

1. Felony Court Probation

Eight years:

1. All Formal Felony Probation cases
2. State Prison Commitments (Eight years or the sentence plus 2 years, whichever is greater)

Indeterminate:

1. Formal Probation cases in **Revoked** status shall be retained until resolved.
2. Cases committed to **CRC** (California Rehabilitation Center) are to be retained until further court action terminates the case. Retention is determined by the other categories.
3. Capital cases are reviewed (via CLETS) every eight years and are retained until execution of sentence.

CONTRA COSTA COUNTY
PROBATION DEPARTMENT
3/2013

BULLETIN NO.: 8

ISSUED:

Revised: 12/2015

DIVISION: ADULT

SUBJECT: Jurisdictional Transfers

A. PURPOSE

This bulletin describes the procedures for transferring jurisdiction (in/out) between counties per 1203.9 of the Penal Code. When an adult probationer resides permanently in another county, adequate service to the Court and to the probationer can most effectively be provided by the Probation Department in the county of residence. Therefore, it is the expectation that most cases be transferred to the probationer's county of residency.

AUTHORITY

Penal Code 1203.9
California Rules of Court 4.530

PROCEDURE - Transfer of Jurisdiction Requests

B. Out-Going Cases

1. The deputy and his/her supervisor will conference the case to determine if a transfer should be initiated. If the probationer permanently resides in another county, exclusive of employment, school, or other temporary purpose and the probationer plans on remaining in the receiving county for the duration of probation, the matter shall be calendared in Contra Costa County Superior Court for transfer consideration.
2. If a decision is made, based on the above criteria, to request transfer of jurisdiction, the deputy must provide written notice of the date, time, and place set for hearing on the motion to:
 - a. The presiding judge of the receiving court or his or her designee
 - b. The Probation Officer of the receiving county or his or her designee
 - c. The prosecutor of the transferring county
 - d. The victim (if applicable)
 - e. The probationer
 - f. The probationer's last counsel of record (if applicable)

It should be noted if a transfer is requested by any other party besides the Probation Department, the party must first request in writing that the Probation Officer of the transferring county notice the motion. The party may make the motion to the transferring court only if the Probation Department refuses to do so. The Probation Officer must notify the party of his or her decision within 30 days of the party's request. Failure by the Probation Officer to notify the party

of his or her decision within 30 days is deemed a refusal to make a motion. If the party then makes the motion, upon receipt of the motion, the Probation Officer of the transferring county must provide notice to the victim, if applicable. The party must provide notice of the motion to all parties including the probation officer of the transferring county.

JURISDICTIONAL TRANSFERS - BULLETIN NO. 8 Page 2

3. Notice of the transfer motion must be given to the parties listed in subsection #2 at least 60 days before the date set for hearing on the motion.

The transferring court must consider at least the following factors when determining whether the transfer is appropriate:

- a. The permanency of the probationers residence, which means the place the probationer lives exclusive of employment, school, or other special temporary purpose. A probationer may only have one residence.
- b. The availability of appropriate programs for the offender (ie. Substance abuse, domestic violence, sex offender, etc, and collaborative courts.)
- c. Restitution orders, including whether a transfer would impair the ability of the receiving court to determine a restitution amount or impair the ability of the victim to collect restitution.
- d. Victim issues, including the residence and places frequented by the victim & whether the transfer would impair the ability to properly enforce the protective orders.

4. If victim restitution was ordered as a condition of probation or mandatory supervision, the transferring court shall determine the amount of restitution before the transfer unless the court finds that a determination cannot be made within a reasonable amount of time. If the case is transferred without determination, a restitution determination shall be completed as soon as practicable.

5. The receiving Probation Department should complete the "Receiving Court Comment Form" (CR252) and send it to the transferring court no less than 10 days prior to the court hearing. Contra Costa Probation will only use the CR252 when a case is being denied, the form will not be submitted on cases that are acceptable.

6. If the court decides to transfer the case, the deputy must transmit, at a minimum, any court orders, probation reports, case plans, and all records of payments to the Department of the receiving county within two weeks of the transfer order. (It should be noted that the transfer order must include an order committing the probationer to the care and custody of the probation officer of the receiving county and an order for reasonable costs for processing the transfer to be paid to the transferring county per 1203.1b.)

7. Upon transfer of the case, the Department of the transferring county must notify the probationer of the transfer order. The probationer must report to the Probation Officer of the receiving county no later than 30 days after the transfer order unless the transferring court orders the probationer to report sooner.

8. The deputy will continue to supervise the probationer until the transfer order has been received by the receiving court/probation. (The court has two (2) weeks to send the legal file to the receiving county.)

9. After the two weeks has passed for the receiving court to receive the transfer, the probationer's file can be closed.

JURISDICTIONAL TRANSFERS - BULLETIN NO. 8 Page 3

B. In-Coming Cases

1. Transfer-in supervision cases will first go to the Master Records Unit for a record check. A current Department of Motor Vehicle and Criminal History Check will be obtained and forwarded along with the file to the proper area field office for assignment.

When an area office receives the file it will be assigned to the appropriate area supervision unit to supervise.

2. The appropriate Probation Supervisor shall ascertain that the following documentation is present: court order(s) listing conditions of probation, a court order committing the probationer to the care and custody of the Contra Costa County Probation Officer, probation reports, case plans, and all records of payments. The transferring county must have ordered restitution prior to transfer unless the determination could not be made in a reasonable amount of time. If restitution is not ordered, the transferring county shall complete the order for restitution as soon as practicable. The case can then be assigned to a deputy.

3. Upon transfer of the case, the probationer must report to the Probation Department no later than 30 days after the transfer order unless the transferring court orders the probationer to report sooner. If the probationer is in custody at the time of transfer, the probationer must report no later than 30 days after release from custody unless the transferring court orders the probationer to report sooner.

See also: Transfer in protocol and Transfer out protocol on the P-drive for specific process details and necessary forms.

DIVISION: ADULT

SUBJECT: INTERSTATE COMPACT

PURPOSE

This bulletin provides guidelines for making and processing requests for Interstate Compact services for Adults. These cases will be processed through the California Compact Administrator's office.

PROCEDURES

Incoming Transfer Requests

- A. The departments designated supervisor receives the Transfer Request from ICOTS. The file will be set up by clerical and then sent to the appropriate Probation office.
- B. The designated Deputy will verify the residence and whether or not the case is acceptable under the rules of Interstate Compact. The Deputy will complete the Transfer Reply on the ICOTS system.
- C. When a case is accepted, the sending state will complete a Notice of Departure on the ICOTS system.
- D. When the defendant arrives, the designated Deputy will complete a Notice of Arrival on the ICOTS system.
- E. When an interstate case is accepted for supervision by Contra Costa County, it is set up and handled in the same manner as a supervision case. When a probationer on Interstate Compact is found in violation of his or her probation terms, the deputy must report it to his/her Supervisor and submit the report on the ICOTS website.

Outgoing Interstate Transfer Requests

A. Initial considerations

1. All felony cases are subject to the Interstate Compact.
2. Misdemeanors with a sentence including at least one year of supervision and involving a second or subsequent offense of DUI, physical violence or threat of physical violence or psychological harm, use or possession of a firearm, or which requires the offender to register as a sex offender in the sending state are also subject to the Interstate Compact (ICAOS Rule 2.105). Misdemeanors which do not include any of the elements specified above are not subject to the Interstate Compact.
3. PC 1000 cases are subject to the Interstate Compact (ICAOS Rule 2.106).

4. Cases on pre-trial release are not subject to the Interstate Compact (ICAOS Rule 2.106).

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5. When considering an offender's application for Interstate Compact transfer, the deputy should consider several important questions. These include whether the offender may be eligible for early termination of probation, whether the offender has completed any ordered custody commitments, whether the offender has completed any court ordered classes (some states may not offer DV or DUI classes sufficient to satisfy the California legal requirements), and the reason why the offender wishes to relocate out of California.

6. Before initiating an interstate transfer request, the deputy must ensure that the offender has arranged for a residence in the receiving state. A residence plan is an essential component of a valid "plan of supervision" as defined by the interstate compact (ICAOS Rule 1.101).

7. If the deputy has determined to complete an interstate transfer, the deputy shall complete and have the offender sign the following Interstate Compact forms: "Offender's Application For Interstate Compact Transfer", "Consent (to testing, search and seizure)" and "Authorization For Release of Medical or Psychological Information".

8. The receiving state is entitled to a period of 45 calendar days in which to investigate the transfer request and render a reply (ICAOS Rule 3.104).

9. In the event the receiving state rejects the transfer request, the deputy will not allow the offender to relocate to the receiving state.

10. In the event the receiving state accepts the transfer, the deputy shall issue the offender a travel permit to the receiving state. When the offender departs for the receiving state, the deputy must send a "Notice of Departure" to the receiving state. Upon expiration of probation, the deputy must send a "case closure Notice" to the receiving state.

11. Sex offenders are subject to the Interstate Compact regardless of whether the present supervision case is a sex offense. Sex offenders shall not be permitted to relocate to the receiving state without reporting instructions from the receiving state. Additionally, certain supplemental information must accompany the transfer request for a sex offender (ICAOS Rule 3.101-3).

B. Criteria for Transfer

Should it be determined that an interstate transfer of supervision is necessary, the deputy must determine the criteria under which the transfer request will be sent. Certain criteria will require that the receiving state accept the transfer so it will be very important that the deputy

verifies any such criteria for transfer claimed by an offender. The criteria for mandatory acceptance of transfer include (ICAOS Rule 3.101):

1. That the offender is a resident of the receiving state. This applies when the offender has resided continuously in the receiving state for at least one year prior to the commission of the offense for which the offender is under supervision. If an offender was residing in the receiving state at least one year prior to the offense, but since that time has moved to another state for a continuous period of six months or more, the offender does not meet the Compact definition of a resident of the receiving state.

INTERSTATE COMPACT - BULLETIN NO. 9 PAGE 3

2. That the offender has resident family in the receiving state. "Resident family", as defined by the Interstate Compact, means a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian or step-parent who has resided in the receiving state for at least 180 days as of the date of the transfer request, and who indicates willingness and ability to assist the offender as specified in **the plan of supervision. Fiancés, girlfriends and/or boyfriends do not qualify as family** members. The deputy should confirm the family member's relation to the offender beyond a mere verbal statement.

3. That the offender is in the United States military and has been deployed by the military to another state. The deputy should obtain a copy of the offender's deployment orders.

4. That the offender resides with a member of the United States military who has been deployed to another state, provided that the offender will continue to reside with the military member of the receiving state.

5. That the offender is subject to an involuntary employment transfer to another state, at the direction of the employer and as a condition of maintaining employment. The deputy should contact the offender's employer to confirm if this is the case.

6. That the offender resides with a family member who is subject to an involuntary employment transfer to another state, at the direction of the employer and as a condition of maintaining employment.

C. Requesting Report Instructions

In cases in which a mandatory transfer request is made on behalf of an offender under the criteria stated above in Sections B 3 through B 6, the deputy shall also request reporting instructions from the receiving state pursuant to ICAOS Rule 3.101-1. In such cases, the receiving state must issue reporting instructions within two business days following receipt of the request.

In cases in which a discretionary transfer request is made, the deputy may deem it necessary to request Expedited Reporting Instructions from the receiving state. This may be done if the deputy believes emergency circumstances exist which make it a matter of urgent necessity that the offender relocate to the receiving state without waiting for the receiving state to exhaust the 45 day investigation period for a transfer decision.

With the exception of the circumstances stated in Section D below, offenders are not to be permitted to relocate to the receiving state without approved reporting instructions from the receiving state.

D. Offender Living in the Receiving state at Time of Sentencing

In the event an offender is living in the receiving state at the time of sentencing, the deputy shall complete a Request For Reporting Instructions within 7 calendar days of sentencing or release from incarceration following sentencing, and shall issue the offender a 7 day travel permit to allow the offender to return immediately to the receiving state without waiting for issuance of reporting instructions (ICAOS Rule 3.103). This does not apply to sex offenders or offenders whose sentence includes more than 6 months of incarceration. Such offenders must await the issuance of reporting instructions by the receiving state before relocating there (ICAOS Rules 3.101-3(c) and 3.103(a)(5)).

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Before permitting the offender to leave California, the deputy must subsequently send a completed Transfer Request no later than 15 calendar days following the issuance of the reporting instructions (ICAOS Rule 3.103(d)).

DIVISION: ADULT

SUBJECT: Change of Plea

PURPOSE

The purpose of this bulletin is to assure a proper application for Change of Plea and establish Uniform investigation procedures. It is a probationer's right to seek release from penalties and disabilities resulting from the offense for which he or she has been convicted by obtaining a Change of Plea.

AUTHORITY

California Penal Code Section 1203.4.
Deputies should refer to the current law prior to conducting a Change of Plea.

REFERENCE

Penal Code Section 17

BACKGROUND

In a Change of Plea proceeding, the applicant may be permitted by the Court to withdraw his or her plea of guilty or plea of nolo contendere and enter a plea of not guilty; or, if he or she has been convicted after a plea of not guilty, the Court shall set aside the verdict of guilty; and in either case, the Court shall thereupon dismiss the accusation or information.

ELIGIBILITY

1. The decision to grant a Change of Plea rests in the sound discretion of the Court.
2. It is applicable in any case in which a probationer has fulfilled the conditions of probation for the entire period of probation, or has been discharged prior to the termination of probation, or the Court determines in the interests of justice that a defendant should be granted the relief available under section 1203.4 PC.
3. Pursuant to 1203.4 PC, relief shall not be granted if any of the following applies:
 - a. If the applicant is currently serving a sentence for any offense.
 - b. If the applicant is presently on probation for any offense.
 - c. If the applicant is presently charged with the commission of any offense.

ASSIGNMENT

Upon direction of the Court or the request of the former probationer, the case will be assigned to a Felony Investigation Deputy who will complete the investigation and prepare a report. The case will be assigned to the investigator who wrote the last probation report if available.

INVESTIGATION PROCEDURES

1. **See P-drive/Templates/Adult/Change of Plea for full procedure** .
2. Request a CII criminal history record, a DMV record and check the Court Screen for current cases. Additional contacts with local law enforcement agencies may also be of value in making a determination of suitability.
3. If possible, interview the applicant and secure information regarding their present living situation, address, and employment status. Obtain a statement from the probationer regarding their purpose for seeking a Change of Plea.
4. Research probation files to determine the applicant's level of performance while on probation and his/her compliance with Court orders. Previous convictions, noncompliance and criminal patterns can be cause for a recommendation of denial for recommendation against the Change of Plea.
5. Determine if the applicant is eligible for a reduction from a felony to a misdemeanor pursuant to Penal Code Section 17. If a recommendation for a Change of Plea is made, a recommendation for a reduction from a felony to a misdemeanor may also be considered. Should this apply at the time of a recommendation for Early Termination, the appropriate format is "Probation Officer's Report and Recommendation for Section 17 PC, Early Termination and Change of Plea.

The law specifies that no relief shall be granted for a Change of Plea unless the prosecuting attorney has been given 15 days notice of the petition for relief. The Probation Department shall notify the prosecuting attorney when the petition is filed. Therefore, Probation Department calendar clerks shall ensure that this requirement is met.

BENEFITS OF CHANGE OF PLEA

In granting a Change of Plea, the Court certifies that an individual was responsible in meeting the terms and conditions of probation and in living up to the granting Court's expectations. Additionally, there are benefits to a Change of Plea which are sometimes determined by the felony or misdemeanor status of the conviction. Specific possible benefits are as follows:

1. Criminal Registration

A. Sex and Arson Offenders

Probationers must obtain a Change of Plea before they may petition the Court for a certificate of rehabilitation. A certificate of rehabilitation constitutes an automatic application for a Governor's pardon to be relieved of the registration requirement.

B. Drug Offenders

The narcotic violator required to register pursuant to 11590 of the Health and Safety Code is required to register for five years after discharge from prison, release from jail, or termination of probation or parole. In both misdemeanor and felony convictions, a Change of Plea eliminates this five year period and it immediately releases the probationer from the requirement to register.

2. Impeachment as a Witness:

If a person who has been convicted of a felony is granted a Change of Plea, the felony conviction cannot be used for the purpose of attacking the credibility of the person as a witness.

LIMITATIONS OF CHANGE OF PLEA BENEFITS

Exceptions, as outlined by the Judicial Council, as appended. Only a Governor's pardon restores the right to possess a firearm. The probationer should be referred to legal counsel for specific inquiries requiring interpretation.

CONTRA COSTA COUNTY

PROBATION DEPARTMENT
SUPERVISION BULLETIN NO. 27
DIVISION: ADULT

SUBJECT: Operational Plan
Intensive Probation Supervision for High-Risk Felony and Repeat DUI Offenders

AUTHORITY

Section 1202.8 of the California Penal Code provides that the county Probation Officer shall determine the level of supervision of persons placed on probation by the Court.

BACKGROUND

The objective of probation supervision is public protection and rehabilitation within the context of the offenders' adjustment to the terms and conditions of the order of probation.

Efforts to provide the most effective supervision lead the Department to concentrate services on defendants granted formal felony probation for certain categories of offenses for which state or federal grants provide for specialized supervision.

The Probation Department was awarded a grant from the State Of California-Office Of Traffic Safety to provide intensive supervision of DUI felons on specialized caseloads, using specially trained Deputy Probation Officers working closely with treatment providers, law enforcement officers and the courts.

PURPOSE

The purpose of this policy is to establish the Department's method of operation for the intensive supervision of felony DUI offenders under a specialized program entitled Enhanced DUI Programming For Felony DUI Offenders.

POLICY

Deputy Probation Officers assigned to work with this program will provide specialized supervision of felony DUI offenders, using intensive supervision techniques such as increased face-to-face contacts, increased home searches, increased alcohol/drug testing, monitoring of treatment program participation, and swift notification to the court when probationers are not in compliance. Officers assigned to this program must also participated in DUI related training, and any training mandated by the State Of California-Office Of Traffic Safety

STANDARDS OF SUPERVISION

The Ohio Risk Assessment System (ORAS) risk assessment tool will be used to indentify moderate-risk and high-risk DUI offenders for supervision under this program.



The frequency of contacts and alcohol/drug testing can be modified upon completion of court ordered treatment and reassessment of risk.

Habitual Offender Tally (HOT) sheets, notifying local law enforcement agencies to be on the lookout for identified high-risk DUI offenders and/or individuals with outstanding warrants, or who may be driving without a valid license, shall be updated and distributed on a monthly basis.

Deputy Probation Officers assigned to work with this program shall conduct warrant service operations, collaborate with local law enforcement and track statistical data pursuant to Office Of Traffic Safety grant requirements.

Approved By: _____
Todd Billeci
County Probation Officer

CONTRA COSTA COUNTY
PROBATION DEPARTMENT

BULLETIN NO.: 1_____
ISSUED: 3/2013
UPDATED: 2/2019

DIVISION: JUVENILE
SUBJECT: Intake Referrals

I. PURPOSE

This bulletin addresses juvenile referrals to Probation. Most of these referrals are made by law enforcement agencies while a small number are referred by schools, courts and other probation departments.

When performing the intake functions, the Deputy Probation Officer must make decisions about whether or not youth should be provided resources and diverted from the justice system, placed on a program of Informal Supervision, brought to the attention of the Juvenile Court and/or should be detained pending a Juvenile Court hearing. Those decisions must be based on the philosophy that the protection of the community and the rehabilitation of the youth, within the least restrictive environment, are paramount.

The objective of the intake function is to expeditiously screen all referrals and to decide what actions, if any, are necessary.

II. AUTHORITY

Sections 601 and 602 of the Welfare and Institutions code (W&I) identify a youth that may come under the jurisdiction of the court as a person between 12 and 17 years of age. A youth under the age of 12 may be adjudged a ward of the court if he or she has committed the offenses listed in section 602 (b) W&I.

Section 626 and 626.5 of the Welfare and Institutions Code give law enforcement the authority to release arrested youth and refer them to Probation in the form of a written notice/referral (citation).

Section 650 of the Welfare and Institutions Code states that proceedings in Juvenile Court to declare a youth a Ward of the Court, are commenced by the Deputy Probation Officer filing a petition pursuant to 601 of the W&I Code or by referral to the District Attorney with a request for a petition pursuant to 602 W&I.

Section 652 of the Welfare and Institutions Code assigns the Deputy Probation Officer the responsibility of investigating when it appears that a youth comes within Section 601 or 602 of the W&I Code and should be referred to the Juvenile Court.

Section 654 of the Welfare and Institutions Code gives the Deputy Probation Officer the authority to place a youth on informal probation for up to six months in lieu of filing a petition pursuant to 601 W&I or requesting a petition from the District Attorney pursuant to 602 W&I except for those cases requiring referral to the District Attorney pursuant to Section 653.5 W&I. If the youth does not follow the agreed conditions pursuant to 654 W&I, a petition may be filed at any time within the time period or a 90 day period thereafter.

Section 654.2 of the Welfare and Institutions Code allows the Court to continue a hearing on a 602 petition and, with the consent of the youth and parent, place the minor on "court ordered" Informal Supervision with specific conditions. If these conditions are not successfully completed, proceedings on the petition shall proceed. Fifteen days prior to

completion of this program, the Deputy Probation Officer shall submit a Report to the Court detailing the youth's accomplishments or lack thereof.

III. PROCEDURE

A. In Custody Referrals

Police agencies, under certain circumstances, may take youth, who come within the provisions of Section 602 of the Welfare and Institutions code, into temporary custody and deliver the youth, accompanied by an affidavit and a statement of probable cause to the custody of the County Probation Officer. In such cases, the youth are taken to the Juvenile Hall and processed by the Juvenile Hall staff. The youth may be released by the Juvenile Hall staff, be released if no charges are filed by the District Attorney or wait in custody pending a Detention Hearing in the Juvenile Court. Youth detained at Juvenile Hall who have no active Deputy Probation Officer will be assigned to an Intake Deputy Probation Officer. If the youth is actively assigned to a field Deputy Probation Officer, the assigned Deputy will complete the necessary investigation and Detention Hearing paperwork after consulting with the Intake Unit regarding the desire to pursue a petition. The Intake Unit will complete all paperwork to notify the District Attorney of the request for petition and monitor the referral for compliance with filing deadlines.

Welfare and Institutions Code 631 and 632 require that the youth be released from custody, if at the conclusion of 48 judicial hours, a petition has not been filed to adjudge or continue the youth as a ward of the Court, followed by a court appearance at Detention Hearing within one judicial day of that filing. Misdemeanor cases not involving violence, the threat of violence, possession of a weapon, or if the youth is not already on probation, require the Detention Hearing to occur by the conclusion of the initial 48 judicial hours.

B. Citations/Out Of Custody Referrals

The majority of referrals will be from law enforcement agencies in the form of a citation and affidavit, and will require action by the Probation Department. The Deputy Probation Officer performing the intake function will make a decision regarding citations/referrals received and report that decision back to the referring agency. Referrals that have not been adjudicated may also come from other Probation Departments if a youth commits a crime in a county outside of Contra Costa. If the citation is for a youth who is active on probation, the citation will be handled by the assigned Deputy Probation Officer. For youth who are not active on Probation, the citation will be assigned to a Deputy Probation Officer based on geographic location and/or assignment. Welfare and Institutions Code 653.7 requires decisive action be taken by the Probation Officer within 21 court days of receipt.

For referrals not requiring referral to the District Attorney, the assigned Deputy Probation Officer will conduct an investigation regarding the circumstances of the youth's participation in the law violation, as well as the youth's general adjustment at home, school and in the community.

In order for the Deputy Probation Officer to make an informed decision regarding what

action should be taken, it is expected that an interview will be held with the youth and at least one parent or legal guardian. An interview is not required if the decision is to close the citation/referral at intake.

The following steps for interview shall be followed:

1. Explain the nature and purpose of the interview.
2. Advise the youth and his/her parents or guardians of his/her legal rights per the Miranda Decision.
3. Discuss the incident jointly with the youth and his/her parents or guardians and secure his/her statement regarding the admission or denial.
4. If appropriate, see the youth or the parents alone.
5. Assess the youth's general adjustment at home, at school and in the community.
6. Discuss the alternatives and inform the youth and parents or guardians.
7. Complete the referral packet. The Offense section should state the youth admits or denies. Some brief pertinent remarks describing the youth's statement must be included. The Evaluation section should be completed enough to clearly justify whatever action is taken.
8. Route the referral packet and any accompanying documentation to the unit supervisor.
9. The investigating Deputy Probation Officer shall contact the victim seeking information regarding restitution injuries, and losses.

C. **Referral Disposition Options**

After completing the investigation, a determination as to the appropriate action will include one of the following dispositions:

Close at Intake/Close Supervision Continues

After following the procedures as previously outlined, the Deputy Probation Officer may make the decision to close the referral with no further action. A referral can also be closed after alternative community resources have been provided to the youth and his or her family as appropriate.

Refer to Other County Probation Departments

When a youth commits a crime in Contra Costa County, but resides in another county the referral may be sent to the county of residence for further action if it is a less serious misdemeanor. In the case of more serious misdemeanors and felonies, the Deputy Probation Officer will check with the county of residence to ensure there are no jurisdictional issues relating to existing petitions with a sustained W&I 707 offense and request a petition for the purpose of establishing jurisdiction. The Probation Department will recommend the Court transfer the case after adjudication for disposition in the county of residence. It is the policy to recommend transfer in all cases when appropriate.

Informal Supervision

Pursuant to section 654.3 W&I the following youth cannot be placed on a program of informal supervision except in an unusual case, thus if it is determined that further intervention

is warranted, mandatory referrals to the District Attorney to screen for filing a petition are:

- a. All cases if the youth is between the age of 12 and 14 at the time of the offense which constitutes a second felony referral.
- b. All cases if the youth was 14 years of age or older at the time of the offense which constitutes a felony referral.
- c. All cases if the referral is one or more of the offenses enumerated in Section 707(b) of the W&I Code.
- d. All cases where the youth has been referred for sale or possession for sale of a controlled substance as defined in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
- e. Referrals for violation of H&S Code Section 11350 or 11377 where the violation took place on a school grounds or for violation of PC 245.5, 626.9 or 626.10.
- f. Youth referred for violation of PC Section 186.22.
- g. The youth has been previously on a program of informal probation pursuant to 654 W&I.
- h. The youth committed an offense in which the restitution owed to the victim exceeds \$1,000.

Cases other than mandatory referrals will be screened by the Deputy Probation Officer who will determine if informal probation is appropriate. The deputy may institute a program of informal supervision pursuant to 654 W&I, not to exceed six months duration, with the consent of the minor and parent or guardian. The deputy must conclude that the minor is within the jurisdiction of the Juvenile Court or will probably soon be within such jurisdiction. Informal supervision should only be used when it is felt that such a program has a chance of being successful in adjusting the situation which brings the minor within the jurisdiction of the court. Specific conditions shall be imposed and a petition may be filed or requested of the District Attorney at any time during the period of informal supervision or up to 90 days after completion.

Section 654.4 of the Welfare and Institutions Code states that when a minor is placed on informal probation per 654 or 654.2 for any of the following offenses, he/she shall be required to successfully complete an alcohol or drug education program:

Possession, use, sale or furnishing a controlled substance.
647(f) Penal Code.
23140 or 23152 California Vehicle Code.

I. Petition

If the Deputy Probation Officer feels that court action is required, he or she may request the District Attorney file a petition with the court, with the approval of the Unit Supervisor. This decision should be made in conformity with existing laws, judicial directives and the philosophy, objectives and policies of the Department.

When requesting a petition, the following steps are taken:

1. The deputy reviews the request with his/her supervisor. If approved the cover page of the referral packet will be marked in the field "Petition Requested." The supervisor will then initial the second page of the packet (labelled Page 1) and write "Petition Request Approved," initial and date it. The Deputy will complete narrative in the evaluation section of the referral packet, reasoning the action.
2. The Petition Clerk at the office originating the request will forward a copy of all investigative documents provided by the referring agency and a draft petition to the District Attorney and mark the referral as, "Petition Requested," in the database.
3. The District Attorney will file as requested, modify and file or return the matter to the Deputy Probation Officer if the DA is not able to file or needs more information.

D. Interstate Compact

Other probation departments outside of California refer matters to the Department for courtesy supervision through the Interstate Compact process. This happens when a youth commits a crime in another state and is adjudicated and receives disposition in that state; however, he or she is a resident of California. The California Courts do not have jurisdiction in an Interstate Compact case and courtesy supervision is provided while the sending state retains jurisdiction. Likewise, youth who reside in a state other than California must be processed for supervision in the receiving state through the interstate compact process.

E. Transfers In - Intrastate

Under the provisions of the Welfare and Institutions code, a petition may be filed in a county other than the youth's county of legal residence. If proceedings in the other county have been commenced and the Juvenile Court of that county finds a petition to be true, that court may transfer the entire case to the county of legal residence for disposition. The youth may or may not be in custody. The county of legal residence must accept such a transfer of proceedings. If the youth is transferred in-custody, the Juvenile Hall Intake Unit processes the referral. When the youth is not in custody, the Petition Clerk at the Martinez field office processes the referral.

The California Rules of Court indicate the sending court must set a date certain for the transfer-in hearing in the receiving court: within 5 court days of the transfer-out order if the child is in custody, and within 10 court days of the transfer-out order if the child is out of custody. The sending court must state on the record the date, time, and location of the hearing in the receiving court.

F. Courtesy Requests

Occasionally the Department may receive request for courtesy supervision, home checks and school checks from other Probation Departments on a youth that is residing in Contra Costa County. A Deputy Probation Officer can conduct such a check as assigned by the supervisor; however, Contra Costa County does not have jurisdiction in these matters.

G. Traffic Referrals

The Superior Court Judges and Traffic Commissioners within the county, act as traffic hearing officers regarding certain Vehicle, Penal, Fish and Game, Harbors and

Navigation, and Streets and Highways code violations committed by youth. The traffic hearing officers, on occasion, refer the matters to the County Probation Officer for investigation. In such a case, the Deputy Probation Officer investigates the referral and may dispose of it in the same manner as any other referral.

The Juvenile Court Judge has directed all Superior Courts and police departments to refer several specific juvenile traffic violations to the Probation Department for processing as follows:

- All felony traffic violations
- Driving under the influence
- Hit and run, driving
- Reckless driving
- Driving when privilege is suspended or revoked
- Tampering
- All minors detained at Juvenile Hall as a result of a traffic violation
- Speed contest
- Except as provided above, any offense other than those that a traffic hearing officer is authorized to hear pursuant to 256 and 257 of the W&I Code.

CONTRA COSTA COUNTY

2

BULLETIN NO.:

PROBATION DEPARTMENT

3/2013

ISSUED:

DIVISION: JUVENILE

SUBJECT: Traffic Referrals

PURPOSE

Traffic citations referred to the Probation Department designated by the Judge of the Juvenile Court and referrals from the Traffic Hearing Officer shall be treated as any other referral handled under Welfare and Institution Code, Section 602.

Referrals from Traffic Hearing Officers under Welfare and Institution Code, Section 258 (3)(IV) shall be treated as specified in Welfare and Institution Code, Section 654, Informal Supervision.

AUTHORITY

Welfare and Institution Code, Section 255 provides that the Judge of the Juvenile Court may appoint Traffic Hearing Officers.

Welfare and Institution Code, Section 256 provides that Traffic Hearing Officers may hear and dispose of any case in which a minor under the age of 18 years as of the date of the alleged offense is charged with any violation of the Vehicle Code not declared to be a felony. This section also specifies certain other alleged offenses under the provisions of other codes which may be heard and disposed of by T.H.O.s.

Welfare and Institutions Code, Section 258 authorizes the T.H.O. to make certain orders. Among the pertinent orders authorized are:

1. Request the Probation Officer to initiate a petition to be heard by the Juvenile Court, Section 258 (a)(2);
2. That the Probation Officer undertake a program of supervision of the minor for a period not to exceed six months. (Informal Probation) - Section 258(3)(IV).

The Judge of the Juvenile Court has instructed police agencies in Contra Costa County to refer minors, for the following violations, directly to the Probation Department for processing.

1. All felony traffic violations;
2. Driving under the influence of alcohol and/or drugs (CVC, Section 23152).
3. Hit-Run Driving (CVC, Section 20002).
4. Reckless Driving (CVC, Section 23103).
5. Driving when privilege is suspended or revoked (CVC, Section 14601).
6. Driving without owner's consent (CVC, Section 10851).
7. Tampering (CVC, Section 10852).

8. All minors detained at Juvenile Hall as a result of a traffic violation.
9. Where the minor is cited for several violations, one or more of which are within the above categories.
10. Except as provided above, any offense other than those that a Traffic Hearing Officer is authorized to hear pursuant to Section 256 and 257 of the Welfare and Institution Code.

PROCEDURES

All juvenile traffic referrals made directly to the Probation Department pursuant to the directive of the Juvenile Court or made by the Traffic Hearing Officers pursuant to the Welfare and Institution Code, Section 258(a)(2) shall be processed in accordance with Juvenile Bulletin #1.

DIVISION: JUVENILE

SUBJECT: Court Officers in Juvenile Court

PURPOSE:

The Probation Department will assign full time Deputy Probation Officers (DPO) to serve as Juvenile Court Officers.

Although not possible to delineate all tasks that might arise in the course of carrying out their assignment, their duties will fall within Probation's goal of presenting pertinent information to the Juvenile Court which will assist the Judges and Commissioners to make decisions concerning the youth who come before them. The DPO's will transmit information from the courts to the Probation Department so that the court's orders are effectively executed.

PROCEDURE

Currently, the Probation Department provides coverage to the Juvenile Courts of Contra Costa County. To ensure consistency between the Courts and the Probation Department, Court Officers need to be able to work in all the Juvenile Courts and are expected to cover any Court on any given day. The Investigation Supervisors will be responsible for drafting the juvenile court calendar ensuring adequate coverage is provided to the Juvenile Courts on a daily basis.

The Juvenile Court Officers will be assigned to one of two investigation units, located in Central County.

Prior to the beginning the assignment as a Juvenile Court Officer, the Investigations Supervisors will provide for adequate training. The Juvenile Court Officers will provide coverage when other Court officers are off duty. Should additional need arise, the Investigations Supervisors will reach out to the Juvenile DPO's and their supervisors in order to provide the necessary coverage to the Juvenile Courts.

The DPO's assigned as Juvenile Court Officers will work a 4/10 schedule with the assigned day off being a day that will have the least impact upon Court coverage. The extended work day will allow adequate preparation time for court. However, if a DPO would prefer a 5/8 schedule, they shall put their request in writing for management to review. The assigned work hours and shift patterns will remain subject to review to ensure the operational needs of the Department and the Courts are met. These alternate work hours may be subject to minor adjustments when needed to attend training, unit meetings or at the supervisor's discretion.

EXPECTED DUTIES OF COURT OFFICERS

The following is an outline of the general duties of the Court Officer:

1. Preparation for Daily Court Appearance:
 1. Collect folders for court date and ascertain that each case on calendar, including additions, is properly accounted for by the probation report, memo or some other written document.

2. If materials are not provided, contact the responsible DPO, counselor and/or their supervisor and request the information.
3. Review each matter and become familiar with evaluations and recommendations.
4. Review arraignment cases, and when applicable evaluate for 654.2 W&I suitability.

JUVENILE COURT OFFICERS BULLETIN #3 - PAGE 2

5. Review DJJ recommendations closely and make certain time calculations and custody sheets are completed by assigned Deputy Probation Officer. Remind assigned Deputy Probation Officer and/or their assigned Supervisor that he/she is required to appear for the DJJ disposition hearing.

2. Procedures during Court Sessions:

1. Distribute reports, memos, etc. to Judge, DA, PD, unrepresented clients, if they have not already been made available. Also, document and distribute discovery packets to the Judge, DA, PD, and unrepresented clients.
2. Note in writing the Court's orders and comments on the court officer's calendar.
3. Orally present available information regarding the probation report, programs, policy, etc.
4. Assist minor and their families in filling out informal probation questionnaires, forms for HS, and any other appropriate forms as needed.
5. After reviewing for accuracy, distribute court orders to the appropriate parties.

3. Procedures after Court:

1. Scan the court officer's calendar to the appropriate folder on the P-drive and give original copy to the appropriate clerical staff.
2. Notify appropriate DPO's of any special request for supplemental information or referrals from the Court as well as any short-set reports to be written. All other special situations should be brought to the attention of the assigned deputy's unit supervisor.
3. Notify Investigations Supervisors of unassigned reports and their respective court date.

CONTRA COSTA COUNTY
PROBATION DEPARTMENT

BULLETIN NO.: 4
ISSUED: 3/2013

DIVISION: JUVENILE

SUBJECT: JUVENILE COURT REPORTS

PURPOSE

It is the policy of the Juvenile Division that Court reports will conform to the formats discussed in this bulletin. Court reports will provide information to the Court for making proper dispositions; will provide a case history for review in developing case plans, and will provide information for other agencies who become involved in the treatment plan.

It is the intent of this bulletin to provide accurate, concise and complete reports to the Courts in a uniform and clear format.

The content will focus on petitioned matters, special situations ordered by the Court for review, or problems rising from the terms and conditions of probation which the probation officer deems serious enough to bring before the Court for consideration. There is no absolute limit on the length of Court reports, but repetitive or non-related information is unacceptable.

AUTHORITY

Sections 280, of the Welfare and Institutions Code, titled "Presence and Assistance in Proceedings to Declare Wards or Dependent Children", 281, titled "Reports to Court in Certain Cases", and 706 titled, "Hearing on Evidence Relating to Proper Disposition" reference the Court's authority to request and receive a written social study and recommendation by the probation officer. Juvenile Court rules 5.690 and 5.785 also mandate a social study and recommendation by the Probation Officer for dispositional hearings in Juvenile Court. California Rules of Court, , Rule 5.785, requires reports to be submitted to the Court 48 hours in advance of the hearing.

PROCEDURES

The following is a section by section discussion of the Dispositional Court report. The Juvenile information sheet is to be completed on all original dispositional investigations and transfer in reports and will be updated on supplemental petition reports.

The Court reports sections are grouped into the following categories: I. Identifying Information; II. Recommendations; III. Circumstances of the Petition; IV. Status of Co-responsibles; V. Victim Statement/Restitution; VI. Social Study; VII. Analysis and Case Plan; VIII. Prior history.

I. IDENTIFYING **INFORMATION**

II. **RECOMMENDATION**

Cross reference to bulletin on Recommendations. Conference recommendations with Supervisor.

III. **CIRCUMSTANCES OF PETITION**

This is a brief narrative that details the circumstances that caused the petition to be filed. The Police report is the usual source document and should be summarized to include any significant factors. The probation officer should read all police reports on the offense before making the summary. The source documents for supplemental petitions may also be institutional incident reports or family/school adjustment reports.

If the case before the Court for disposition was sustained through a Contest, then the probation officer should contact both attorneys (DA and defense counsel) and ask if anything unusual came out of the contest. This information should be included in the report identifying where the information came from and when.

The final paragraph in this section should indicate the date the Petition was filed and the charges, when and what was sustained, and what was dismissed. If anything was dismissed with restitution reserved or with Harvey Waiver, note this as well. This final paragraph brings the Court up to the present with regard to the Circumstances of the Petition.

IV. **CO-RESPONSIBLES**

Include only the names of the co-responsibles and their dates of birth.

V. **VICTIM'S STATEMENT/RESTITUTION**

This section should be discussed on all referrals as appropriate. It is required on all felony referrals even when there is no victim. When there is no identified victim, issues regarding restitution fine and/or community services shall be discussed. The amounts of restitution fine are variable and have mandated minimums. Deputies need to conference amounts recommended with their supervisors and include pay off dates.

Contact all victims. If more than one count is involved, be sure to identify the victim with the corresponding count number. Document all efforts made to contact the victim (phone calls, letters, etc.) If you cannot reach the victim, try contacting the District Attorney's office or the Victim Witness office for contact information. Note the date when the victim was contacted and advised of the date, time and place of the disposition hearing.

When there is a victim, the following must be addressed: financial loss and restitution which may have already been paid; injuries sustained by the victim and current state of recovery and treatment; other expenses/damage to property incurred by the victim, such as loss of income or medical expenses; amounts of reimbursement made by victim/witness programs or insurance companies to the victim. These other reimbursement agencies also become secondary victims for purposes of establishing total amounts of restitution. If the victim wishes to make an impact statement, attach it to the report and make reference to the attachment here.

In any case where the victim sustained physical/emotional injury as a result of a violent crime, the victim should be referred to the Victim Witness Program. Note in the report the date the victim was referred. Contact the Victim Witness Program to see if an application has been submitted for reimbursement through the Victim's Compensation and Claims Board. If yes, include the claim number, whether or not there has been a determination of restitution and the dollar amount if a determination was made.

JUVENILE COURT REPORTS BULLETIN NO. 4- PAGE 3

Financial impact is only one part of victimization; there are also physical, social and emotional impacts to consider. When contacting the victim, try to ascertain the totality of how the crime affected the victim/family and record this information in the report as appropriate.

By including the above information in the report, you are educating the offender on how his/her actions affect others and you are informing the Court on the impact this crime had on the victim. Understanding the totality of the victimization is important in determining appropriate consequences for the minor.

DO NOT CONTACT the victim if the victim is a minor. Instead, contact the victim's parents.

VI. **SOCIAL STUDY AND CASE ASSESSMENT**

Minor

This section should begin with the date and place where the minor was interviewed. Statements about the instant offense or violation of probation should be included here. The minor's attitude regarding the offense as well as demeanor and affect exhibited during interview should be included. Do not include descriptors of the minor unless they are germane to an understanding of the minor or the dynamics of the offense.

If applicable discuss peers or subculture, use of illegal substances, work history, interests and hobbies, if relevant to social adjustment.

School

Include name of school attended, attendance, length of attendance (when did the minor enroll in the school), grade placement, achievement, and adjustment, including disciplinary actions. Note if minor is a special education student/S.E.D. and if an IEP has been done. Note date of most recent IEP. Always make an independent contact with the school to verify information. During school holidays, the family should at least provide copies of report cards.

Obtain immunization record on file with the school. Do not include this in your report, but keep in the file folder. This information will be needed should the minor ever be ordered into placement.

Drug and Alcohol Issues

Discuss the minor's use of illegal substances, including alcohol and marijuana. Indicate the age first used frequency of substance abuse and any education/treatment received.

Medical and Psychological

List current physical and psychological health, past serious illnesses/injuries, with some discussion of hospitalization (if relevant) and what medications, if any, the minor is taking. Describe family medical insurance.

If contact is made with a therapist or other treatment professional, note the name of professional, his/her title and the date contact was made. If attaching a letter/report from a treatment professional, mention in this section that it is attached.

Family

The purpose of this section is to determine family stability and strengths and weaknesses. It is appropriate to include other family members or significant others who provide a positive influence in the minor's life.

JUVENILE COURT REPORTS BULLETIN NO. 4 - PAGE 4

Include the parents' names, their marital status and who has custody (if parents not together). If parents are not together, where is the missing parent? Indicate siblings, their ages and where they reside. Include names of anyone else living in the home and their relationship to the minor. Indicate if parents are employed (salary not needed) and if they are on government aid.

Include parents' response to the offense. What action did they take? Indicate parents' thoughts on the minor's behavior with regard to the offense as well as general behavior in the home. Indicate the type of discipline used in the home. End this section with a review of the parents' criminal background (CLETS) and referral history to Children and Family Services (EHSD check).

Detention HS/JEM Adjustment

This section should indicate the date the minor was taken into custody for the current offense, how he the minor has adjusted to being detained and the minor's current adjustment level in the Juvenile Hall.

If the minor was released on the Home Supervision program, indicate the date released, to whom and the minor's adjustment on Home Supervision. If the minor was given a straight release from Juvenile Hall, simply indicate the date released but include how the minor adjusted while in custody.

Prior Treatment and Preventive Services

In this section, you are to indicate what services the minor has been provided by the probation department, 300 Dependency, Mental Health, etc., and the minor's adjustment to these services.

Placement and Institutional Screening

If the minor has been screened for out-of-home placement, a commitment to the Orin Allen Youth Rehabilitation Facility (OAYRF), YOTP or the Department of Juvenile

Justice (DJJ), this information should be included here. Be careful not to give too much information. Include the date of the screening and the finding of the screening committee.

If DJJ is contemplated, the minor should be screened for out-of-home placement and the OAYRF as the Court needs to find that less restrictive options were either inappropriate or unavailable for the minor. (Remember all DJJ recommendations need approval of the Manager).

Note: If the minor's family has had their child screened for a private placement, do not include the information here, but rather place it in the family section.

Deferred Entry of Judgment (DEJ)

This section does not appear in all reports, only those Dispositional reports in which the Court has requested the minor also be screened for DEJ. It is appropriate to indicate the results of the DEJ screening in a separate section. Deputies should note that DEJ eligibility is determined by the District Attorney's office; however, the Probation Department (when asked by the Court) does make recommendations regarding suitability for DEJ.

VII. **ANALYSIS OF CASE PROBLEMS AND RISKS**

This section is where the writer brings the report together for the Court and supports the recommendation listed at the beginning of the report. There cannot be any new information in this section, only a discussion of the case problems, risks and resiliency factors as indicated by information stated earlier in the report.

JUVENILE COURT REPORTS BULLETIN NO. 4 - PAGE 5

Begin this section with a reminder as to why this minor is before the Court - - what charges were sustained (mention any charges dismissed with Harvey Waiver or restitution reserved) and a very, very brief statement regarding the offense. Include any victim issues and requests for restitution.

Review the information received during your investigation, including the family and minor's strengths that can be built on. Discuss the minor's problems that have been identified during the investigation. Look for patterns of behavior and discuss any of those patterns here. Has the minor committed only property crimes? Are the minor's behaviors escalating in seriousness? Discuss the seriousness of the minor's behavior/actions. Does this minor present a risk to self, family or community? If so, articulate these risks and support your determination of such - how did you come to this conclusion?

Case Needs

Based on the problems and the risks discussed earlier, describe what issues need to be addressed as part of the Court and probation orders. (Some of the probation orders will also be based on restitution and community safety issues.) What will be the most realistic probation plan the court can order, based on the problems and risks presented.

Service Plans

What plan does the Department have to monitor the minor in the community, provide consequences for the minor/family with treatment needed and/or strength the family function? Do not restate what is contained elsewhere in the report. This should be a brief section.

End this section with your statement regarding out-of-home placement: A review of the family dynamics indicates that out-of-home placement is/is not appropriate at this time.

Note: If placement is recommended, the social study must contain the Case Plan elements as outlined in 706.6 W&I or the thoroughly completed department Case Plan must be attached to the report.

VIII **PRIOR HISTORY:**

Cross reference with bulletin on prior history format.

The prior record **MUST** be updated and must be attached to any report submitted to the Court where the Court is required to make a decision regarding consequences for the minor. The format used for the Prior Record must be the current Department format. The deputy must also update the Custody Time Sheet (green sheet) before the report is submitted. This information must be available for the Court Officer at the time of the disposition hearing.

DIVISION OF JUVENILE JUSTICE REPORTS AND RECOMMENDATIONS

When recommending a commitment to the Division of Juvenile Justice (DJJ), the investigating probation officer must show the degree to which a minor is a threat to the community and discuss the lack of local resources, or the resources that have been exhausted. Discuss the conclusion that the DJJ is the best available program for the minor. The analysis and case plan section of the court report requires a clear and definite position. The reporting probation officer should be prepared to appear in court and be prepared to support the Report and Recommendation. The Probation Officer must provide a computation of potential time to be served. All recommendation for DJJ must be approved by Management.

JUVENILE COURT REPORTS BULLETIN NO. 4- PAGE 6

Headings in a DJJ report are those used in the standard report with particular emphasis on the prior treatment and preventive services section. In this section, the probation officer should include a narrative of the circumstances of each entry of the prior history if the reporting probation officer wants to emphasize the seriousness of past offenses and the attempts to Justice System has made to prevent further delinquent behavior.

When discussing the minor, review issues of motivation, violence, and resistance to authority, delinquent identification, and other issues that give a clear picture of the

minor and his/her behavior. Lastly, we must remember that the DJJ is a youth agency operating for the rehabilitation of youth at the State level. We must address why a commitment to the Division of Juvenile Justice is an appropriate and beneficial plan for the minor.

Analysis and case plan is important and conclusions must be supported in other sections of the report. Areas to be covered should include the following: any positive or negative qualities of the minor relevant to future rehabilitation or future threat to the community. Note prior record and serious offenses, especially those involving violence and predation on the community. Often the instant offense will be of such seriousness that even without prior serious offenses, Division of Juvenile Justice must be considered.

Failure on probation should be discussed, if it applies. This area should include efforts at supervision and why probation has not been effective.

Discussion of any medical psychological or psychiatric condition should be included. All medication issues should be discussed.

The minor shall be screened for placement regarding this incident. There should be a discussion of safety and community protection issues if the minor were to be placed in an unlocked community treatment facility.

Discuss the minor's previous placement and adjustment in county facilities and on Home Supervision. The minor shall be screened for a County facility in light of the instant offense. Discuss the minor's appropriateness for placement in a County facility. Is she/he deemed appropriate for a Ranch program? Finally, all DJJ recommendation shall be screened with the DJJ Intake Unit by phone or in writing. What are the results of that screening? Does the Division of Juvenile Justice have an appropriate program for this youth?

SUBMISSION OF REPORT

All dispositional reports are to be printed on pleading paper with the exception of the Prior Record which is printed on plain paper. Per California Rules of Court, Rule 5.785, Deputies are required to submit reports (proofread and signed) to the Court 48 hours in advance of the hearing.

Heading is "REPORT AND RECOMMENDATION TO THE JUVENILE COURT OF CONTRA COSTA COUNTY."

Court Department should be noted by department number.

Court Date, Court Number, Minor's Legal Name, also AKA's, Age, Date of Birth and Place, are the same on every report.

Minor's social security number is to be listed on every Court report.

Mother, father, step-parent, legal guardian, or other relative/person who is the full time care giver are to be listed by name, dob, address on every report and telephone number also if available. Indicate if notification of hearing has been given and indicate reason if notification has been unsuccessful.

Siblings by name, DOB and whereabouts are required. They are to be updated as additional Court reports are completed and changes occur.

Counsel: Name and address, phone number and FAX number, the latter is especially important if the attorney is in private practice.

Reason for Court hearing need only be stated in one or two words.

Sustained charges: list sustained charges, specify level of offense, felony or misdemeanor. Include enhancements.

Court status: refers to the jurisdiction that the Court presently has over the minor, such as Wardship, pending disposition, six months probation, etc. Include whether dependent child of court or ward of another county.

Legal residence of minor: if emancipated or 18 years old or over, residence is where he/she resides regardless of parental residence.

Legal custody of minor should indicate which parent(s) or guardian has legal custody. If the minor is emancipated or 18 years old+ use the term: Emancipated. A guardian should possess legal documentation granting legal custody.

Whereabouts of minor: If not with parents or in Juvenile Hall, specify with whom and list address.

Detention and Home Supervision/JEM: this category requires identification of program, the dates and total number of days in custody on the instant case and/or Home Supervision/JEM.

DIVISION: JUVENILE

SUBJECT: Home Supervision (GPS)

PURPOSE

The primary purpose of the Home Supervision (HS) program is to assist youth in learning appropriate boundaries while in the community and assist in their rehabilitation. All participants in the HS program will be issued Global Positioning Satellite (GPS) Equipment. The GPS equipment is designed to assist Deputy Probation Officers (DPO) in the enforcement of home detention rules and court orders.

The Contra Costa County Probation Department offers the HS program as an alternative to detention and as a treatment tool to be utilized by the court. Youth are either released before a detention hearing from the Intake Unit DPO or by the court. The DPO assigned to the supervision of the youth will monitor the youth in the community and will address program violations with the bench officer that is hearing the case/ordered the HS program.

It is the practice of the Probation Department to use the least restrictive option when making custodial decisions and recommendations to the court. The needs of the minor balanced with the safety of the community, as discussed in Section 202(b) of the Welfare and Institutions code, are critical elements in the decision making process. When JAIS assessments are available, the risks and needs of the minor should also be part of the decision making process.

Another type of custody release is as mandated by Section 628.1 of the W&I Code, Home Supervision. If the minor meets detention criteria but the Intake DPO or Supervising DPO believe 24 hour detention is not necessary, the DPO shall release the minor on HS. This release is a disposition pending court action. Release and petition time requirements must still be followed.

I. AUTHORITY

Section 628 of the Welfare and Institutions Code states the DPO must immediately investigate the circumstances of minors in custody and release them unless certain conditions exist.

Section 628.1 of the Welfare and Institutions Code discusses Home Supervision as a resource that must be considered for minors in custody and states that minor's who violate HS may be taken into custody and placed in secure detention, subject to court review at a detention hearing.

Section 630 of the Welfare and Institutions Code discusses the filing of a petition for minors in custody.

Section 631 of the Welfare and Institutions Code discusses time limits in custody.

Section 636(b) of the Welfare and Institutions Code discusses detention orders and alternative dispositions. This code section states that if the court finds the criteria listed above relating to 628.1 W&I apply, the court shall

HOME SUPERVISION - BULLETIN NO 6 PAGE 2

place the minor on HS, and may continue, modify or augment any conditions of release previously imposed, or may impose new conditions of release on a minor who is being released for the first time. If there are new or modified conditions, the minor shall be required to sign a written promise to obey those conditions (HS contract), pursuant to W&I 628.1.

Section 653 and 653.5 of the Welfare and Institutions Code discusses the application for a petition, investigation by the Probation Officer and required referrals to the District Attorney.

Section 840 of the Welfare and Institutions Code defines home supervision while section 841 defines the duties of Home Supervision staff and the use of electronic surveillance equipment (Electronic Monitoring/GPS) as well as the ratio of staff to program participants.

II. PROCEDURE

A. To be eligible for HS , the minor must be detained at Juvenile Hall or ordered on the program by the Court.

1. The minor must meet at least one of the criteria for detention under Section 628 W&I.
2. The DPO believes custodial supervision is not necessary to protect the minor, or the person or property of others or to stop the minor from fleeing.
3. The DPO believes that the minor needs a higher level of supervision pending court in addition to that available from a regular release from custody.
4. This policy does not prevent HS from being recommended at the detention hearing. If recommended at the detention hearing, the DPO must be prepared to explain to the court the reasons the minor was not already released on HS.

B. Legal Deadlines-Petitions - Intake

1. A minor on HS is entitled to the same legal protections and detention hearing as a minor in custody.
2. All deadlines to request to file and file petitions must be followed.
3. Detention hearings are held for minors released on HS.
4. Minors released from custody on HS are to have the same court dates as if the minor remained in custody.

C. Case Conference

1. When a DPO is considering HS, the DPO will have a case conference with their supervisor.
2. For Intake, the criteria for release will include consideration for 628 W&I, pros and cons of release and conditions of release.

D. Contracting

The Intake or supervising DPO will meet with the minor and parent(s) and discuss/develop the HS contract including an explanation of expectations, court dates and possible consequences for poor performance. After completing the contract, the DPO, parent(s) and the minor will sign the contract.

E. Supervision

It is the Department's expectation that supervising DPO's (pre or post disposition) will review the monitoring data of each minor on HS/JEM during each work day. Pre-disposition cases will be supervised by the Intake Unit's Home Supervision DPO and Probation Counselor. In the supervising DPO's absence due to sick leave, vacation or other leave, the supervising DPO's supervisor will elect to review the data or select another DPO for the duty. It is also expected that alerts for strap tamper/cuts and out of area/exclusion zone violations will also be set-up to contact the supervising DPO and their supervisor by cell phone and/or email account for possible action.

F. Equipment

The Department uses a Global Positioning Satellite (GPS) ankle monitor system to track the location of minors on the Home Supervision program. The GPS unit is accurate to an approximate distance of 25 feet 95% of the time. Drift will occur and is expected, due to the limitations of the technology and the influence of atmospheric conditions and terrain. When the minor's location is inaccurate, it will momentarily appear in a different place (up to a mile distance) and then return to the minor's actual location. When activated, the GPS location is updated every 180 seconds and will download about every 4 hours. Should the minor enter an exclusion zone or a "high alert" status, the GPS will transmit the information when it has access to a cellular network and send out the alert notification to the supervising DPO and their supervisor. Once trained, staff can review the tracking information from a Department computer device.

G. Releases

Intake Unit staff will be responsible for securing the GPS ankle monitor to the minor, providing the equipment and explaining the basic expectations of the program. Minors

on the program will be told how to set-up the beacon, charge the battery, how to contact their DPO and a review of the Home Supervision Contract (see attached). The minor will not be released unless the contract is signed. It is important the minor understands they are financially responsible for lost or damaged equipment.

H. Scheduling and Review

The DPO providing supervision to the minor on Home Supervision must collect and input information using the online GPS provider software. It is important that careful detail of the minor's schedule, inclusion and exclusion zones is inputted into the online system. It is also equally important that alerts for cut straps, strap tampers, low battery, no power, out of range, out of area, unauthorized entries and leaves are sent to either the DPO's email account, cell phone or both. When the supervising DPO is absent, supervisors will update the online system to alert another staff or themselves. After reviewing alerts, the DPO should review the information for possible Home Supervision and/or Probation Violation.

I. Care and Maintenance

In each office an area will be designated for spare parts, batteries, keys and other accessories to remedy common equipment problems. When minors have completed the HS program, it is expected that the supervising DPO will inspect/inventory and log all missing/damaged parts before the minor departs. Arrangements will also be made for the returned equipment to be taken to the Intake Unit of Juvenile Hall. It is also expected that the unit will be turned off and then wiped down with a sanitizing wipe by the receiver of the equipment. At Juvenile Hall, the HS staff will enter in the GPS/spreadsheet the date the equipment was received, condition, time and staff initials.

J. Equipment Loss

When a loss is discovered the Juvenile Hall Intake Unit staff responsible for the GPS equipment will be notified immediately. Circumstances of the loss shall be noted in the supervising DPO's field notes and a Special Incident Report will be completed and submitted to the supervising DPO's supervisor. It is expected that the supervising DPO will request restitution for all lost/damaged equipment as part of the judicial process.

CONTRA COSTA COUNTY
PROBATION DEPARTMENT

Bulletin.: # 7

Issued: 3/2013

DIVISION: JUVENILE

SUBJECT: Restitution and Fines

PURPOSE

The Contra Costa County Probation Department is committed to minimizing the impact of crimes on victims when possible and restoring financial loss in a manner consistent with current law. In order to do so, the Deputy Probation Officers assigned to Juvenile cases must be diligent in contacting the victim(s), determining victim restitution and facilitating assistance for victims when requested.

AUTHORITY

Welfare and Institutions Code Section 202(b) states that delinquents are to be held accountable for their behavior and may receive punishment that is consistent with rehabilitation.

Welfare and Institutions Code Section 656.2 requires the Probation Officer to take statements from victims of juvenile felonies, including statements from parents when the victim is a minor, or from the next of kin where the victim has died, and to advise the person(s) of the time and place of the disposition hearing and their right to appear, and express their views regarding the offense and disposition.

Welfare and Institutions Code Section 729.7 requires that, at the victim's request, the Probation Officer shall assist in mediating a service contract between the victim and the minor. The Court may make performance of services under the terms of the contract a condition of probation.

Welfare and Institutions Code Section 730.5 authorizes the Court in 602 ward cases, to levy a fine up to the amount that could be imposed on an adult for the same offense.

Welfare and Institutions code Section 730.6 requires that minor's adjudicated as 602 wards also pay a restitution fine. The restitution fine for felony offenses shall not be less than \$100. Restitution fine for misdemeanor offenses shall not exceed \$100.

Welfare and Institutions Code Section 659(g), 661 and 729.5(b) authorizes a Court to issue a notice to the parents or guardians of a minor, when a petition alleging that the minor has committed a crime is sustained, ordering the parents or guardians to appear in Court and notifying them that they may be liable for the payment of restitution.

Welfare and Institutions Code Section 730.7(a) provides that a parent or guardian who has joint or sole legal and physical custody and control of that minor may be held jointly and severally liable for the amount of the restitution under specified circumstances.

Welfare and Institutions Code Section 730.7(b) requires that a victim in whose favor the restitution order has been made shall be notified within 60 days after restitution has been ordered of this provision and other information related to the order, including the name and

address of the minor and his or her parent or guardian, the amount and any terms of the restitution, and the offense or offenses that were sustained.

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Welfare and Institutions Code Section 730.7(b) provides that upon request, a victim is entitled to a certified copy of the order reflecting this information and requires that the notice include a statement informing the victim of this right.

Rules of the Court, Section 1496(b) states: "Whether or not the minor is adjudicated a ward of the Court, the Court may set reasonable terms and conditions of probation for the minor".

Civil code Section 1714.1 specifies that a hearing shall be held to determine if the parent or guardian shall be held jointly and severally liable with the minor not to exceed twenty-five thousand dollars, but adjusted every two years to the California Consumer Price Index. A parent of guardian shall be held jointly and severally liable (rather than jointly or severally liable) only if he or she had joint or legal and physical custody of the minor at the time of the conduct upon which the petition was based.

Juvenile Restitution Procedures on the P-drive.

POLICY

It is the policy of the Contra Costa County Probation Department to pursue determination of restitution in all matters of juvenile referrals and Court dispositions when applicable. It is also a goal of the Department to facilitate and effect restitution payments to victims and to apply meaningful monetary sanctions through the imposition of restitution and fines.

PROCEDURE

I. Investigation

Upon receiving a case, the Investigation Deputy Probation Officer (DPO) should immediately determine if restitution is an issue. If so, the Investigation DPO shall mail a Victim Restitution Letter, Victim Claim/Statement & Description of Loss form (and Victim Impact Statement form to the victim(s)). If there is a time constraint, the Investigation DPO will attempt to contact the victim(s) via telephone and obtain the necessary information for the court report, however a Victim Restitution Letter, Victim Claim/Statement & Description form and Victim Impact Statement form still needs to be mailed to the victim(s), with copies for the probation file in order to have the proper documentation.

Restitution shall be established for the full amount of the victim's losses, regardless of the minor's ability to pay.

A Victim Restitution Summary will be filled out by the Investigating DPO and placed in the upper left hand side of the juvenile file. All effort to contact the victim(s) should be recorded on this document.

All victim(s) of violent crimes will be referred to the Contra Costa County Victim Assistance Program.

Any pertinent statements given by the victim(s) should be included in the Investigator's court report. If there is a financial loss, the dollar amount of the loss, the category of the loss, such as wages, medical expenses, property damage, counseling, etc. will be included in the report. The report should also indicate if there will be on-going costs, such as counseling. In these cases the amount of victim restitution can be ordered with the final amount to be left "open". As further claims are submitted by the victim(s), they will be submitted to court and added on to the total amount of victim restitution.

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Any monies paid to the victim(s) by insurance company(s) will be included in the total loss/claim. Any paid insurance deductibles will also be included in the total loss/claim.

A recommendation for joint and several liability will be made in all cases involving co-responsibles. If there is more than one responsible party for the loss, all responsible probationers should have the same total amount of restitution ordered.

If the efforts to locate victim(s) and establish restitution are unsuccessful, the Investigating DPO will ask that the amount of victim restitution remain "reserved."

Any victim restitution information received after the juvenile's final disposition court date and up to five business days before the case is assigned to a Supervision Deputy Probation Officer, will be the Investigating DPO's responsibility for submitting to the court in a Supplemental Victim Restitution report. Once the file has been assigned to a Supervising Deputy Probation Officer (DPO), the Supervising DPO will be responsible for the submission of a Supplemental Victim Restitution Report to the court with any information provided by the victim(s) five business days prior to the date the case was assigned to the Supervision DPO, or thereafter. The dates to determine this time frame will be the date stamp on the victim information received via mail, by the Contra Costa County Probation Department clerical staff and the date of supervision assignment by the Supervision Unit Supervisor.

During the investigation stages of the case, if there is any amount of restitution that is determined, the Investigating DPO will notify CCU. The investigating DPO will fill out a CCU Juvenile Notice of Restitution and fax it to CCU along with the signed minute order. A copy of the Juvenile Notice of Restitution should be placed in the lower left hand side of the file.

Investigation DPO's are to assure that victims have been notified of a probationer's court date. These victim(s) have the right to appear at the disposition hearing where they may express their views concerning the crime, the probationer and need for restitution. A Victim Notice of Disposition Hearing letter shall be given to the victim when they are known by Probation. The victims may include the next of kin if a victim has died.

II. Supervision

When a case is received for supervision and the amount of victim restitution has not been previously determined and submitted to court, it is the responsibility of the Supervision DPO to complete this task.

A second Victim Restitution Letter should be mailed to the victim(s) along with a Victim Claim/Statement & Description of Loss form and a Victim Impact Statement form. The Supervision DPO will also attempt to contact the victim via telephone to obtain the necessary information; however a Victim Restitution Letter, Victim Claim/Statement & Description of Loss form and Victim Impact Statement should still be mailed to the victim(s) in order to have proper documentation for the file. If the attempts to contact the victim(s) are unsuccessful, the Supervision DPO will complete a Supplemental Victim Restitution report with the amount of restitution set at "reserved" and submit this report to the court.

Victim restitution is to be set 60 days from the date of assignment.

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If the Supervision DPO is able to obtain the victim restitution information, they will submit the amount owed by the minor on a Supplemental Victim Restitution report and indicate the category of loss, such as property, counseling, medical expenses, etc. to the court.

All attempts to continue to contact the victim(s) and set restitution should be documented on the Victim Restitution Summary document in the upper left hand side of the file.

During the time of supervision of the case, if there is any amount of restitution that is determined, the Supervision DPO will notify CCU. The investigating DPO will fill out a CCU Juvenile Notice of Restitution and fax it to CCU along with the signed restitution court order. A copy of the Juvenile Notice of Restitution should be placed in the lower left hand side of the file.

Special attention should be given to the probationer's case and the victims involved in the counts found true on the petition. If a Harvey Waiver is taken, then Probation should determine victim restitution on all counts, even if there were dismissed.

In some instances, when referral regarding a juvenile is best handled informally, with permission from the Unit Supervisor, the Supervision DPO may arrange for payment to the victim through Probation. Documentation and receipt(s) of any such payments should be kept in the lower left hand side of the file.

If the court has ordered a specific rate of payment and the probationer has failed to comply, the Supervision DPO will return the matter to court within 30 days from the date of non-compliance.

If there are additional disposition court dates, the Supervision DPO's is to assure that the victim(s) have been notified of a probationer's court date. These victim(s) have the right to appear at the disposition hearing where they may express their views concerning the crime, the probationer and need for restitution. A Victim Notice of Disposition Hearing letter shall be given to the victim when they are known by Probation. The victims may include the next of kin if a victim has died.

III. Investigation & Supervision

All documentation received by any victim(s) will be kept in the lower left hand portion of

the juvenile file.

All victim(s) of violent crimes will be referred to the Contra Costa County Victim Assistance Program. If an account has been established for the victim through the State Compensation Board, then reimbursement should be made to the State Compensation Board. This should be noted, along with the victim claim number in the Supplemental Restitution Report.

If the DPO or record becomes aware of any changes to the victim's information, such as address or telephone number, they will notify CCU immediately of any such changes.

All efforts to contact the victim(s) and any information obtained shall be documented on the Victim Restitution Summary sheet. This sheet is printed on blue paper and kept in the upper left portion of the juvenile file. This document is not for distribution.

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If co-responsible(s) cases are assigned to more than one DPO (Investigation or Supervision), then all involved DPO's should collaborate and compare victim information before requesting a total amount of victim restitution in their court report. In cases where co-responsibles are involved, total restitution will be recommended for each of the co-responsibles, noting that they are jointly and severally liable for the total amount of restitution.

Damages for pain and suffering are not criminal restitution and may be pursued by the victim as a civil matter.

Probation cannot be revoked for failure to make restitution unless the Court determines that the failure is willful. If the reporting Deputy believes that the failure is willful, the reasons shall be included in a Court review.

IV Restitution Fine (730.6 W&I)

A. The Court may levy a restitution fine on all adjudicated felony cases, in addition to any other fine or disposition. It is to be levied regardless of ability to pay and is to be applied to all felony cases including minors who have been removed from parental custody; i.e. DJJ, private/relative placement or county institution.

There is no minimum amount of restitution fine on a misdemeanor but \$100 is the maximum for most misdemeanors. On a felony offense and the minimum is \$100 and the maximum shall not exceed \$1,000.

B. The Court, for compelling and extraordinary reasons noted on the record, may waive the restitution fine but the minor's inability to pay shall not be considered a compelling and extraordinary reason. The court may consider the minor's future earning capacity. If the reporting Deputy believes that compelling and extraordinary reasons are present, they should be stated in the report. Community service must be ordered if there are compelling and extraordinary reasons for not paying a restitution fine. The court must state on the record if there are compelling and extraordinary reasons for not doing community service work.

- C. The restitution fine may be stayed pending successful completion of probation at which time it shall become permanent.

The reporting DPO should, where appropriate, make a recommendation based on relevant factors including, but not limited to, the minor's ability to pay, the seriousness and gravity of the offense and the circumstances of its commission, any economic gain derived by the minor as a result of the offense and the extent to which others suffered losses as a result of the offense.

If probation is revoked, the stay shall be lifted and the restitution fine reinstated minus any restitution fine that has been paid.

- D. Fines shall not be subject to penalty assessment pursuant to Section 1464 Penal Code.

V. Fines

A fine may be recommended for wards as a condition of probation. The court may levy a fine against a minor up to the amount that could be imposed on an adult for the same offense

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- VI. In matters of non-petitioned citations and bookings, where there are victims, the reporting Probation Officer will:

- 1 Notify victims of the investigation and their rights to civil action per Victim Notification/Statement of Loss letter.
- 2 Provide victims with the pamphlet Victim-Witness Program of Contra Costa County.
 - a. Direct inquires on same to the Contra Costa County Victim Assistance Program.
- 3 Encourage parents/minor to make restitution informally.
- 4 Make restitution a condition of informal probation whenever reasonable and appropriate and maintain documentation in the case file. Restitution made on informal cases is to be paid directly to the victim.
- 5 When appropriate, Service Contracts can be mediated between the victim and the minor.

VII. Out of Home Placement

- a. When the reporting DPO is recommending commitment to Department of Juvenile Justice, a recommendation of a restitution fine must be made.

- b. Placement in County Institutions and/or Private Facilities does not waive restitution or restitution fines. Therefore, the appropriate recommendations are to be made. It is likely that little or no payment will be made while the minor is in placement. However, upon the minor's release from placement, efforts shall be made to see that the minor make restitution and restitution fine payments.

DIVISION: JUVENILE

SUBJECT: 827 W&I Notification

PURPOSE

It is the policy of the Probation Department that all efforts be made to insure that the requirements of 827 W&I are met. The Court shall be provided with the necessary information to carry out their identified legal mandates.

AUTHORITY

The Juvenile court is required by the provisions of 827(b) of the Welfare and Institutions Code to provide written notice to the superintendent of the school district of attendance in cases where a minor is found to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying weapons, a sex offense listed in Section 290 of the Penal Code, assault or battery, larceny, vandalism, or graffiti.

The provisions of 827(c) W&I requires that each probation report filed with the Court concerning a minor whose record is subject to dissemination pursuant to 827(b) W&I shall include on the face sheet the school at which the minor is currently enrolled.

If a minor is returned to a school district other than the district from which the minor came, 827(b) (3) W&I requires that the probation officer having jurisdiction over the minor shall so notify the superintendent of the last district of attendance, who shall transmit the notice received from the court to the superintendent of the new district of attendance.

PROCEDURE

I. Juvenile Court Report Face Sheet

In all juvenile dispositional court reports, the investigating deputy shall list the name and address of the school the minor is currently enrolled in as well as the minor's grade level. This information shall be listed on the face sheet in the appropriate space provided on the juvenile court report template.

II. Notification Letter

In all juvenile dispositional court reports, the investigating deputy shall fill out a form notifying the superintendent of the minor's school of attendance of the court's findings. A template has been developed for this purpose and, upon completion, shall be attached to the court report. The Court shall be responsible to transmit this notification to the identified superintendent. The reporting deputy shall be responsible to include the name and address of the school district, the minor's name, the minor's date of birth, the offense found true, and the name of the minor's school of attendance on this form.

III. Minor's Return to a Different School District

In the event a minor returns to a school district other than the school district they were attending when the initial notification was made by the Court, or subsequently transfers to another school district, the probation officer assigned to the case is responsible to notify the

superintendent of the last district of attendance. The superintendent of the last school of attendance is responsible to transmit the initial notification received from the Court to the superintendent of the new district.

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The deputy shall make this notification in writing in the format detailed in the letter to the school district and shall file a copy of the document in the minor's case file. A template has been developed for this purpose.

DIVISION:

JUVENILE

SUBJECT: Case Assessment (Risk and Needs) /Supervision Requirements

PURPOSE

The primary purpose of juvenile supervision is to provide for the protection of the community as well as to provide guidance, care and treatment for youth consistent with their best interest and developmental needs while attempting to reduce further criminal behavior.

Individualized assessment is a fundamental element of probation supervision. An assessment must be made of the juvenile’s social and psychological needs and risks for future offending. Any factors that influenced the youth toward delinquent activity must be assessed as well as what personal and family strengths are available to assist in a positive movement toward law abiding behavior. Not all juvenile offenders require the same level of supervision nor do they exhibit the same problems. Case assessment/classification can help the probation officer identify the appropriate level of supervision required to bring structure, equity and consistency to correctional decision making.

The Contra Costa County Probation Department has implemented the use of JAIS (Juvenile Assessment and Intervention System). JAIS is used for an initial risk assessment, a complete assessment and a re-assessment. It is a valid and reliable assessment instrument that involves a semi-structured interview with the minor.

It is the policy of the Juvenile Division to utilize JAIS in order to help staff establish appropriate supervision strategies, to provide staff with effective strategies for dealing with problem behavior, and to reduce recidivism in the community.

In addition, a case plan shall be established for all cases in terms of the goals of probation, i.e., a safer community, development of pro-social behavior in youth under supervision and restoration of loss to victims.

PROCEDURE

III. The JAIS Assessment Tool

A. Goals:

1. To assist staff to establish supervision strategies based on a minor’s strengths and needs, anticipated behaviors, and attitudes and the reasons for their behaviors and attitudes.
2. To assist staff with strategies for dealing with problem behaviors before they escalate into law violations
3. To reduce recidivism in the community and violations of court orders.

1 Process:

13. The JAIS procedure begins with an interview with the probationer. The interview is scored and the Probationer is assigned to a STRATEGY GROUP. The most recent form for the interview is to be printed off of the JAIS website: <https://jais.nccd-crc.org> just prior to meeting with the Probationer.

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14. The assessment format is divided into four major sections and customized to produce a gender-specific output report. The sections are: General Information, Objective History, Behavioral Observations, and interviewer Impressions/Youth Strengths and Needs. **The interviewer must score at least one "a" and one "e" on the Interviewer Impressions section of the scoring form.**
15. After the interview the data is input onto the website: and an outcome report is generated.

C. Outcomes:

An Automated Response System scores each factor and assigns the Probationer to the correct JAIS group which includes: Selective Intervention (SI), Casework Control (CC), Environmental Structure (ES), and Limit Setting (LS).

JAIS produces a report that includes guidelines for case planning identifying the general supervision strategies to be used. The outcome report also identifies the risk level of the probationer, specific needs that should be addressed, and provides notes on special issues identified during the JAIS interview.

D. JAIS Assessment Policy:

16. Initial risk items (Boys & Girls): Initial risk items are to be used as a pre-assessment tool to determine whether or not a complete JAIS is required. A complete JAIS assessment is required for minors who are identified as moderate or high.
17. Investigations: JAIS assessments will begin at the original investigation level by all DPO assignments responsible for such tasks, including, but not limited to: Investigations, JJCPA, and other units with Overflow Reports.

Every case with a sustained allegation that is referred for a disposition report will be given the pre-assessment screening (this does not include DEJ and court ordered informals).

Minors identified as moderate or high will require that a complete JAIS assessment be completed prior to the disposition date. Complete JAIS assessments are required on every case where the recommendation will have the minor in an out of home program (OAYRF, YOTP, placement, G.I.M. and DJJ.) The risk level (low, moderate or high) will be included in all dispositional reports, 777 reports, and court reviews. Furthermore, the Strategy Group will also be referenced if a complete JAIS was completed.

18. Supervision:

At the Supervision level an initial JAIS risk assessment, and complete JAIS on those minors identified as moderate or high, is to be completed on all ward, non-ward and DEJ cases. JAIS is not required on informal supervision cases. If not already done, the initial JAIS needs to be completed within 30 days.

JAIS re-assessments for cases under supervision are required every six months. This includes ward, non-ward, and DEJ cases.

Complete JAIS assessments /re-assessments are required on every case where the recommendation will have the minor in an out of home program (OAYRF, YOTP, placement, G.I.M. etc. DJJ recommendations are excluded).

The JAIS initial risk assessment or JAIS assessment/re-assessment is required prior to transfer of case from one unit to another.

Reassessments consist of a brief series of questions reporting on the current status of the case. These assessments are used to generate an updated JAIS outcome report.

- a. A reassessment can also be completed at any time the supervising deputy and/or supervisor conclude that a reassessment is needed because of an event in the case.
 - b. When a case is returned to this county that was on courtesy supervision in another county, the case will be reassessed.
19. Outcome reports and initial risk assessment:
Hard copies are to be printed and placed in the lower left corner of the case file. These assessments are not to be stripped from the file when the case terminates.
 20. Administrative Classification:
Cases that have received a classification and are then transferred elsewhere for courtesy supervision (outgoing) are to be placed in the administrative category until they return or are terminated. JAIS is not required on these cases while they are supervised by another County.
 21. Warrant Bank:
Cases that have been classified and a warrant is then issued will be placed in the warrant bank category thirty days after the issuance of the warrant. When the minor is picked up on the warrant, the previous classification level will apply, unless circumstances would indicate a re-assessment is needed.
 22. Courtesy Supervision and Interstate Compact (in-coming):
Cases in which the division is providing courtesy supervision for another

probation department or state should be classified by the supervising deputy after completing an initial JAIS risk assessment.

23. Overrides:
On occasion, the deputy doing the assessment may feel that the scores are not accurate relative to the risks or needs of the minor. The deputy should confer with the supervisor. For example, this may happen in a sex offender case. After consideration, the deputy and

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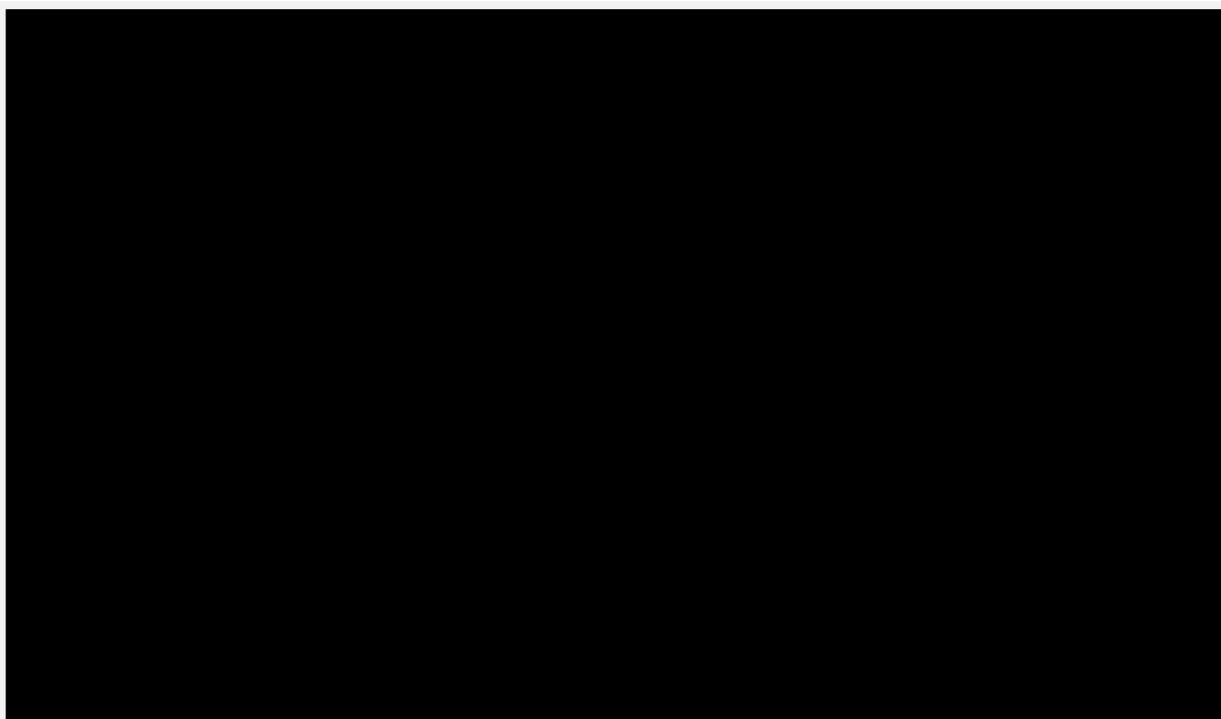
supervisor may override the scores and place the minor at the level of supervision that is felt to be the most appropriate. Overrides should not be used frequently. If it appears that overrides are frequently being used; this situation should be brought to the attention of the supervisor's manager.

After the deputy and the supervisor agree that an override is appropriate, the supervisor will note on the JAIS output report the following information:

- a. The date of the override
 - b. The change of supervision level, from/to
 - c. Reason(s) for the override
24. JSORATT II will be performed on all adjudicated sex offenders and will be the primary tool for determining risk for such cases. The risk level will be included in all dispositional reports, 777 reports, and court reviews.

IV. Levels of Supervision:

The Risk Level will determine the minimum level of supervision a case receives. There will be three levels of supervision:



DIVISION: JUVENILE

SUBJECT: Probation Violation Hearings Pursuant to 777(a) W&I

PURPOSE: This bulletin outlines the procedures for Juvenile Probation Hearings

1. Violation of Probation Proceedings can be initiated by the probation officer or the District Attorney with a notice of hearing alleging a violation of a condition of probation, not amounting to a crime.
2. This notice shall contain a concise statement of facts sufficient to support a conclusion of probation violation. It will also contain a statement of right of the child to be represented by counsel at the hearing. (Rules of Court 5.580)
3. Where the probation officer is the petitioner, prior to the attachment of jeopardy, the prosecuting attorney may make a motion to dismiss the notice. The prosecuting attorney may also request that the matter be referred back to the probation officer for an informal action which both parties may deem appropriate. (Rules of Court 5.580)
4. Violation of probation hearings shall be set by the clerk of the Juvenile Court within 30 days of the filing of the notice of hearing. (The Probation Department is suggesting a setting of hearing date within 10 to 12 working days.) The notice will be served in the manner prescribed by Sections 658 and 660 W&I and Rules of Court 5.580.
5. The standard of proof for violation of probation is preponderance of evidence. Reliable hearsay is admissible. These are the same standards used in adult probation violation hearings.
6. Before every violation hearing the probation officer shall prepare a report on those matters relevant to a determination of whether the minor has violated a condition of probation. The report shall be furnished to all parties at least 48 hours before the beginning of the hearing unless the minor is represented by counsel and waives the right to service of the report. (Rules of Court 5.580)

REQUESTING A PROBATION VIOLATING HEARING:

1. When it appears that a juvenile on probation or wardship has violated a condition of probation, not amounting to a crime, the supervising probation officer will fill out a request to calendar a probation violation hearing form.
2. This form will include the minor's up-to-date address, as well as the name and address of his parents or legal guardian.
3. The working of the violation will be checked off and facts will be provided in a succinct manner. Copies of documentation supporting violations are to be provided to the

District Attorney's Office (DA) and other parties through the discovery process. If needed, the DPO can contact the Deputy DA assigned to the case and request a review of the supporting documents prior to release through the discovery process.

4. The request will be approved by a unit supervisor and attached to the probation file.

PROBATION VIOLATION HEARINGS - BULLETIN NO. 10 - PAGE 2

5. The file and request will be given to the designated probation clerk who will obtain a court date and send out notifications.
6. The probation file, with a copy of the notification of hearing letter and a date of hearing will be returned to the supervising probation officer.
7. Requests for a warrant can be made on the request form. Warrants should most often be requested when a minor has run away from court ordered placements or home and his/her whereabouts is truly unknown. Runaways from ranches or other county institutions usually constitute behavior addressed with criminal supplemental petitions.
8. When a warrant is requested for the apprehension of the minor, a court date will not be scheduled, but the notices of the probation violation letters will be sent out.

PREPARATION OF THE NOTICE OF VIOLATION HEARING:

1. The designated probation clerk will prepare the necessary date for the notice of hearing after obtaining a court hearing date. These notices will be printed on Probation Department letterhead and sent to the minor and parents/legal guardians.
2. A copy of the notice will also be immediately sent to the District Attorney with any added documentation, the County Clerk's file, and placed in the probation file.
3. If a request is made with a warrant, the warrant will be attached to the notice of hearing and delivered to the appropriate Judge/Commissioner for signature by the Probation Court Officer.
4. A probation report will be prepared for the violation of probation hearing. The format has been developed on a computer template and will provide the court with information of the status of the juvenile, the allegations of technical violation, proof of notification of the minor and parents and pertinent recommendations should the violation be found to be true.
5. These reports are to be delivered to the court two days before the scheduled hearing.
6. If the minor has been brought in to custody, a detention hearing must also be prepared pursuant to Rule 5.752.

7. If a probation officer is contemplating a recommendation of placement in a private treatment program or a commitment to the Youthful Offender Treatment Program, or the Department of Juvenile Justice, it may be necessary and practical to request that the matter be set for a dispositional hearing. This will allow the deputy time to screen the case and complete an up-to-date report with all the appropriate recommendations necessary to meet the Federal and State guidelines.

DIVISION: JUVENILE

SUBJECT: Juvenile Court Warrants

PURPOSE

It is the policy of the Juvenile Division to issue warrants with care and to ensure that they are processed and handled in a timely manner.

AUTHORITY

The Juvenile Court has the authority to issue a warrant for a juvenile's arrest and detention. The Court may also state on the warrant the place of detention, the use of bail, and any other conditions that it deems appropriate.

This bulletin spells out the procedures that the Probation Department shall follow in the processing of Juvenile Court warrants.

PROCEDURE

The following procedures are designed to control the number of outstanding juvenile warrants, to centralize their location, and to expedite their processing.

1. Once issued, the warrant shall remain with the assigned deputy for 30 days. This is to allow a reasonable time for the assigned deputy to actively "work the warrant", i.e., arrange walk-in warrants.
2. If the warrant has not been served within 30 days of issue and the minor is under age 18, the warrant and the file shall be sent to the Juvenile Hall Intake Unit.
 - A. The "Correction/Change of Status" form shall be completed showing the Juvenile Hall Intake supervisor as the assigned deputy.
 - B. A current Warrant Hearing Information Sheet is to be attached to the file.
 - C. Juvenile Hall Intake staff shall handle warrant related issues on the case. They will handle warrant/detention hearings. The case shall be transferred back to the previously assigned deputy after the warrant/detention hearing.
3. Warrant Recalls
 - A. Outstanding warrants shall be reviewed yearly by the Juvenile Hall Intake Supervisor. This review is to evaluate prospects for serving the warrant, age of the minor, offense leading to the warrant, minor's background, etc. The goal of this review is to request withdrawal of the warrant.

B. If it appears that such a request is in order, the Intake Supervisor or deputy shall forward a request to the District Attorney for a review and, if needed, a conference with the goal to vacating the warrant.

C. The Intake Supervisor or deputy shall do a report to the Court with basic identifying information and short narrative as to the reason for the request to withdraw the warrant and noting the District Attorney's concurrences.

CONTRA COSTA COUNTY
PROBATION DEPARTMENT

BULLETIN NO.: 12
ISSUED: 3/2013

REVISED: 12/2018

DIVISION: JUVENILE SUPERVISION

SUBJECT: Transfer of Cases within the Juvenile Division

PURPOSE

The assigned deputy is responsible for monitoring their assigned caseload and determining when the transfer of a case to another caseload might be appropriate. The deputy will discuss the case with their supervisor and, if the case is deemed appropriate for the transfer, the following will be done:

- I. The transferring DPO will:
 1. Advise the minor and the parents/guardians and inform them of the reason(s) for the transfer
 2. See that case information is current, including field notes, financial issues, and status of court order
 3. Update the Victim Restitution Summary, Juvenile Information sheet, Prior History, Custody Time Record, and Drug Testing log
 4. Update the Case Plan
 5. Complete an assessment or reassessment pursuant to the Juvenile Case Assessment (Risk and Needs) policy
 6. Complete any pending court work with the exception of reviews that are scheduled more than 30 days after the transfer date, or undetermined restitution if efforts to have set restitution have been made
 7. Complete a Probation Transfer/Termination Summary and a Change of Status form

8. Materials shall be filed uniformly on the metal clips in case folders pursuant to the Case Files - Filing, Stripping and Retention procedure, bulletin #13. Unnecessary or duplicated documents should be removed.
9. The transferring DPO will give the updated folder(s) and completed forms to their supervisor for further transfer processing. The supervisor will review the file(s) and documents for completeness and sign the Probation Transfer / Termination Summary and Change of Status form. The supervisor will then forward the file to the appropriate unit / office.

II. The receiving unit will:

1. Assume case responsibility at the time of the transfer. This includes case assignment, completion and submission to clerical of the Change of Status form, and any future court work.

Transfer of Cases within the Juvenile Division

- III. Cases being transferred from the field to the Placement Unit additionally require the following:
 1. Current medical information form and immunization records
 2. Consent forms (Consent to Release Confidential Information, Dept of Child Support Services notice, Authorization of Third Party to Consent to Treatment
 3. Minor's and parent's Social Security Numbers
 4. Current school records and most current IEP
- IV. Any deviation from these procedures requires the mutual agreement of the involved supervisors.

DIVISION: JUVENILE

SUBJECT: Case Files - Filing, Stripping and Retention

PURPOSE

To provide for a standardized means of consistently filing, stripping and retaining files so that effective operations may be insured. Case files contain copies of official documents and records which authorize the Probation Department's involvement. These records also provide official documentation of the probationer's performance and Department actions. Proper maintenance of case records is, therefore, extremely important.

AUTHORITY

W&I 826 - Pertains to the eligibility for destruction of juvenile records

W&I 826.5 – Pertains to the maintenance of records

I. **FILING**

Deputy Probation Officers and clerical staff who work with case files are responsible to see that materials are filed as received and that files are maintained in proper order.

PROCEDURE

Materials shall be filed uniformly on the metal clips in case folders to provide secure filing. All materials with noted exceptions, numbered in order of placement, are to be placed in chronological order with the most recent on top.

UPPER LEFT

- **#1 Picture(s) of minor labeled with minor's name, DOB and PID #**
- **#2 Prior History**
- #3 Custody Time record
- #4 Drug testing log
- #5 Victim Summary Sheet
- #6 Juvenile Information Sheet
- **Informal Probation Contracts**
- **Placement Notices & Removals**
- **Foster Home Agreements**

UPPER RIGHT

- **Petitions/Subsequent Petitions**
- **Court Orders**
- **Court Reports**
- **Notice(s) of Violation(s)**
- **Detention/Warrant Hearing Information Sheets**
- **Memos to the Court**
- **Probation Termination/Transfer Summaries**

Case Files - Filing, Stripping and Retention

LOWER LEFT:

- #1 Most recent Change of Status form
- **#2 Screening tools & Risk / Needs tools or reports**
- **#3 Supervision Case Plans**
- **Psychological Reports**
- IEPs
- Current medical information
- Consent forms
- Certificates of completion on Court ordered conditions
- Victim apology letters / essays
- **Probation Officer's Field Notes**
- **Placement Facility Quarterly Reports**
- Juvenile Facilities Incident Reports
- **Graduation summaries from Department programs**
- **EHSD / CFS reports**
- **File copy of Restitution letters / Victim Impact Statement sent or Responses Received**
- Significant correspondence
- Proof of completion of volunteer hours
- Proof of faxes or letters sent
- School Report Cards/Progress Reports
- Other relevant documents deemed necessary by DPO currently supervising the case
- CLETS and DMV checks (These documents are to be purged after the court report they were requested for is completed)

LOWER RIGHT:

- **Citations / Police Reports**
- **Juvenile Hall Booking Sheets**
- **Intake Complaint Records** (Retain the face sheet only unless written information appears in the remainder of the document)
- Courtesy Supervision and Interstate Compact

II. **STRIPPING PROCEDURE**

Deputies shall review all closed files, with the exception of Division of Juvenile Justice (DJJ) commitment files and Deferred Entry of Judgment (DEJ) files, and remove materials that have no value as part of the permanent record. The unit supervisor shall inspect these files to assure that material has been appropriately filed and stripped. The supervisor is to date and initial the cover of the file.

Closed cases for individuals age 18 or older being sent to Closed Juvenile Records / Central Records do not require a Probation Transfer / Termination Summary. All other cases require an up to date Probation Transfer / Termination Summary.

The following shall be retained in closed files. All other materials are to be removed. These items are also found in bold print in section I of this policy.

- Labeled and most recent photo(s) of minor
- Complete updated Prior Record
- Informal Probation Contracts
- Field Notes
- Graduation summaries from Department programs
- Placement Notices & Removals
- Foster Home Agreements
- Case Plans, signature pages for Case Plans, or proof of attempts to secure signatures
- Restitution documentation and payment information, or proof of attempts to contact victim to secure restitution information
- Screening tools and Risk / Needs tools & reports
- Psychological and Psychiatric Reports
- Most recent Quarterly Report from last out of home placement
- Petitions
- Violation notices
- Court Reports
- Court Orders
- Detention / Warrant Hearing Information Sheets
- Probation Termination / Transfer Summaries
- Intake Complaint Records / referral sheets
- Juvenile Hall Booking Sheets
- Citations / police reports

If a case is particularly sensitive (i.e. high profile, possible civil suit against the County or for other reasons), the case may be forwarded without stripping by attaching a memo from the unit supervisor stating the reason(s) for the request. At closure the supervisor shall see that an updated prior record sheet is completed and placed in the upper left section of the file.

III. **RETENTION AND DESTRUCTION OF CLOSED FILES**

When cases are closed, stripped and "signed off" by the unit supervisor they are sent to the Central Records Unit for storage. Files that have not been reviewed or properly stripped will be returned to the unit supervisor for stripping.

Absent a record seal or other order of the court, the file will be destroyed five years from the date on which the jurisdiction of the juvenile court over a minor is terminated. Automated information is kept indefinitely, absent a record seal.

Refer to Bulletin number #14 RECORD SEALING for those specific procedures.

CONTRA COSTA COUNTY
PROBATION DEPARTMENT

BULLETIN NO: 14
ISSUED: 3/2013, 10/15
REVISED: 5/10/18

DIVISION: JUVENILE

SUBJECT: Record Sealing

PURPOSE

The Contra Costa County Probation Department accepts, processes, and investigates the Record Seal application as directed by the Welfare and Institutions Code (WIC) and the California Rules of Court.

DEJ record seals are authorized by statute and done automatically when DEJ is completed successfully. There is no application required.

AUTHORITY

Welfare and Institutions Code 781 - authorizes the sealing of juvenile records

Welfare and Institutions Code 786 – describes the sealing of juvenile records for: (a) an informal program of supervision pursuant to Section 654.2, (b) probation under Section 725, or (c) a term of probation for any offense not listed in subdivision (b) of Section 707

Welfare and Institutions Code 786.5 – describes the sealing of juvenile records upon satisfactory completion of a diversion or supervision program a minor is referred to by the Probation Officer in lieu of the filing of a petition to adjudge the minor a ward of the juvenile court.

Welfare and Institutions Code 793(c) - describes the sealing of juvenile records under Deferred Entry of Judgment (DEJ).

California Rule of Court 5.830 - describes the record seal procedures and Probation's role

PROCEDURES

A. Eligibility

1. In order to be eligible for a record seal pursuant to 781 WIC the applicant must meet one of the following must apply:
 - a. The applicant is 17 years of age or younger and it has been at least five (5) years since: the applicant was taken before any officer of a Law Enforcement agency, cited to appear before a Probation Officer, or probation was terminated by the Juvenile Court, and rehabilitation has been attained to the satisfaction of the Court.
 - b. The applicant is 18 years of age or older and has not been convicted of a felony since attaining the age of 18 or a misdemeanor since attaining the age of 18 involving moral turpitude, and rehabilitation has been attained to the satisfaction of the Court.
 - c. The applicant is 18 years of age or older and was adjudicated for a 707(b) WIC offense committed after the applicant attained 14 years of age AND the applicant was not committed to DJJ. Since attaining the age of 18, the applicant must not have been convicted of a felony, or a misdemeanor involving moral turpitude, has completed any period of probation supervision related to that offense imposed by the Court.
 - d. The applicant is 21 years of age or older and was adjudicated for a 707(b) WIC offense committed after the applicant attained 14 years of age AND since attaining the age of 18, the applicant must not have been convicted of a felony, or a misdemeanor involving moral turpitude, and has completed his or her period of probation supervision after release from the Division.
 - e. **A record relating to an offense listed in subdivision (b) of Section 707 that was committed after attaining 14 years of age for which the person is required to register pursuant to Section 290.008 of the Penal Code shall not be sealed.**

B. Record Seals Under 781 WIC

1) Clerical Procedures:

- a) Persons desiring to have their juvenile record sealed are to be provided the *Juvenile Record Seal Packet*. The *Juvenile Record Seal Packet* is available on the Department website, at the Probation Offices and by mail. Applicants shall be informed they must meet the requirements as explained in the *Juvenile Record Seal Packet* and must complete two forms, Request to Seal Juvenile Records (pages 5 & 6), and return both to the Probation Department.

- b) The assigned Clerk will secure all existing Department records of the applicant upon receipt of the request forms. If there is no Probation file, the clerk will make up a Record Seal file with a juvenile history screen print, the record seal application and any other documents submitted by the applicant. If necessary, the Clerk will obtain a court number from the Court Clerk's Office. The clerk will create a P:drive record seal folder in the appropriate location to be available for the assigned deputy to save the record seal documents. The juvenile clerk will complete a Record Seal CLETS request form with information obtained from the application and/or the Probation History screen such as Name, DOB, Address, J#, PID#, SSN#, CDL#. The assigned Clerical Supervisor will add the case to the Record Seal database and send the file to the assigned Probation Supervisor on a Record Seals Monthly Assignment memo.

2) The Record Seal Report:

- a) A Deputy Probation Officer (DPO) will be assigned the case and will prepare the Record Seal Petition and Report using the information acquired from the applicant, investigation through Juvenile/Adult Court computer records system, along with CLETS (DMV and CII) data. If necessary, inquiry letters will be sent to Police Agencies or other Probation Departments to confirm information. **It is the DPO's responsibility to ensure sections 1 & 2 of the Request to Seal Juvenile Records (page 6) includes all contacts known to Probation, even if the applicant has failed to list them.** If it is determined that the applicant has already been granted a record seal per 786 WIC, is now 18 years of age or older, and there are no other records, including previously closed referrals, then there is no need to petition for a record seal per 781 WIC. The applicant shall be notified that no records exist. Thereafter, the Juvenile Clerical unit will ensure the digital records of the 786 WIC sealed petition are deleted from any existing database.
 - a. NOTE: 654 WIC referrals from the Office of Education will be administratively sealed. Do not include them in the record seal report.

- b) When completed, the Record Seal Petition and Report, along with the file will be forwarded to the appropriate Probation Supervisor for review and signature.

- c) Upon the completion of the Record Seal Report, the original petition and report will be sent to the DA's Office for approval and signature. If the DA does not object with the recommendation to seal, the DA will sign the report and return it to the Juvenile Clerical Supervisor. The Juvenile Clerical Supervisor will copy the documents and send the original to the Court, where the Judge will review the report off record and make orders for sealing without a hearing. A copy of the report will be sent to the applicant or their attorney.
 - a. In cases where the DA objects to the sealing, the Juvenile Clerical Supervisor or clerical staff will schedule a record seal hearing.
 - b. In cases where the Court object to the sealing, the Court will schedule a record seal hearing.
- d) If the record seal hearing is ordered continued, a "continued" letter is sent to the petitioner or their attorney along with a copy of the minute order stating the record seal hearing was continued. The file will be returned to the assigned deputy for Probation follow up if necessary. The assigned deputy will return the file to the appropriate court support clerk for the continued record seal hearing.
- e) Once the record is ordered sealed by the Court, the County Clerk's Office directs those agencies listed in the Record Seal Report to seal their records. A "granted" letter is sent to the petitioner or their attorney along with a copy of the minute order stating the record seal was granted, if the petitioner was not present in court.
- f) When the compliance order is received by the Probation Department, the Clerical Supervisor compares the court order with the report to assure that the police agencies to be notified match those in the report. The Clerical Supervisor then informs all DPOs who were previously assigned to the case to destroy their records. If the minor was ever in custody at Juvenile Hall, the Juvenile Hall file is to be requested by the Clerical Supervisor from the Juvenile Hall Clerical Supervisor. The Clerical Supervisor deletes the applicant from the history screen in the Department management information system, the P:drive folder, and the P:drive record seal folder. Once this is completed, the Clerical Supervisor signs and dates the compliance order, photocopies the compliance order and places it in the file. The official order is returned to the County Clerk's Office. The files are boxed and sealed, logged on the "To be destroyed" log, sent to Juvenile Hall for storage, and destroyed after 5 years.
- g) In the event the Juvenile Court declines to seal an applicant's record, the Clerical Supervisor will prepare a "denied" letter and send it to the applicant along with a copy of the record seal minute order stating the record seal was denied, if the applicant was not present in court. The Record Seal file will then be sent to closed records at the appropriate location.

- h) If a new file was created by the juvenile clerk because the original file was purged or lost, the additional (dummy) file will be destroyed after the record seal documents are scanned to the minor's P:drive record seal folder.

C. Record Seals Under 786 WIC

- 1) If a minor satisfactorily completes (a) an informal program of supervision pursuant to Section 654.2, (b) probation under Section 725, or (c) a term of probation for any offense not listed in subdivision (b) of Section 707 that was committed when the individual was 14 years of age or older unless the finding on that offense was dismissed or was reduced to a misdemeanor or to a lesser offense that is not listed in subdivision (b) of Section 707, the Deputy Probation Officer (DPO) shall recommend the court order the petition dismissed, and the arrest upon which the judgment was deferred shall be deemed not to have occurred.

- 2) If the Court follows the recommendation, Probation will receive a minute order stating "*Court's records ordered sealed*" or an "*Order to Dismiss pursuant to W&I 786*" court document. The DPO who was supervising the case will do the following after receiving the Court Order for a record seal under 786 WIC:
 - a) Complete the Probation Termination Summary sheet and note at the end of the adjustment section that the case was ordered sealed.
 - b) In the prior record section, put a red line through the entries in all four columns that are sealed.
 - c) If the file is still active on other cases, put only "786 sealed" in red on the front cover. If the file is inactive strip the file per policy for closing and mark on the front cover in red "Stripped and 786 Sealed."
 - d) Remove all remaining paperwork and place in a manila envelope. Seal the envelope and write "Referral(s) # _(list referral numbers subject to seal)___ sealed per 786 WIC." Attach the envelope to the lower left prongs on the file.
 - e) Forward the file to the Probation Supervisor for review and sign off.

Since W&I 786 **only** pertains to the sealing of the petition before the court, the Martinez Office Juvenile Clerical Unit shall notify the minor of the process to get ALL of their records sealed, per W&I 781, and supply the minor with the *Juvenile Record Seal Packet* via mail, which includes a *Juvenile Record Seal Application*. A copy of the last minute order showing "court's records sealed" will be attached. A copy of the W&I 786 letter is to be placed on the bottom left side of the file. The file is to be returned to Closed Records at the appropriate Probation Office.

D. Record Seals Under 786.5 WIC

- 1) Informal Supervision (per 654 WIC) – Record Sealing Pursuant to 786.5 WIC
 - a) DPO will process referrals per Juvenile Procedure, Bulletin No. 1, Non-Custody Intake Referrals.
 - b) The DPO must make a determination of satisfactory completion within 60 days of completion of the diversion or supervision program by the minor OR unsatisfactory completion within 60 days of determining that the program has not been completed by the minor.
 - c) Upon successful completion of Informal Supervision or referral and participation in a diversion or supervision program, the DPO shall seal the arrest and other records relating to the minor’s arrest and participation in the diversion or supervision program.
 - d) The DPO shall notify the diversion program to which the minor was referred to seal the records in the programs custody relating to the arrest or referral and the participation of the minor in the diversion or supervision program. The DPO shall also indicate on the cover sheet of the referral that the Probation Department has sealed the record of arrest pursuant to 786.5 WIC and that disposition record shall be sent to the law enforcement agency that initiated the referral after the Clerical Unit has closed the referral.
 - e) If the file has no other active matters the DPO is to strip the file per policy and mark on the front cover in red “Stripped and 786.5 Sealed.”
 - f) The DPO shall then remove all remaining paperwork and place it in a manila envelope. Seal the envelope and write “Referral(s) # _(list referral numbers subject to seal)___ sealed per 786.5 WIC.” Attach the envelope to the lower left prongs on the file.
 - g) The Juvenile Clerical Unit at the Office of the DPO shall notify the minor by mail that their record has been sealed based on their satisfactory completion of the diversion or supervision program. The minor shall also be notified of the process to get ALL of their records sealed, per W&I 781, and supply the minor with the *Juvenile Record Seal Packet* via mail, which includes a *Juvenile Record Seal Application*.
 - h) The file will then be forwarded to the Probation Supervisor for review and sign off.
 - i) If it is determined that the minor did not complete a diversion or supervision program satisfactorily, the DPO shall notice the minor by mail that their record has not been sealed pursuant to 786.5 WIC and that they may petition the juvenile court for review of the decision in a hearing.

E. DEJ Records Sealed Under 793(c) WIC

- 1) Clerical staff will enter into the computer record notes that indicate the following:

- a) A particular case is DEJ.
 - b) That the DEJ was ordered sealed by the Court.
 - c) Which counts are subject to DEJ.
- 2) The DPO who was supervising the DEJ case will do the following after receiving the Court Order for a DEJ record seal under 793(c) WIC:
- a) Complete the Probation Termination Summary sheet and note at the end of the adjustment section that the case was ordered sealed under DEJ.
 - b) Strip out and place paperwork relating to the DEJ sealed offense (police report, affidavit, and intake complaint record that relates to the charges that are subject to DEJ sealing) in a manila envelope. Seal the envelope and write "Ref # ____ sealed per DEJ".
 - c) In the prior record section, put a red line through the entries in all four columns that are DEJ sealed.
 - d) Strip the file per policy for files to be closed and mark on the front cover in red "Stripped and DEJ Sealed". If the file is still active on other cases, put only "DEJ sealed" in red on the front cover.
 - e) Forward the file to the Probation Supervisor for review and sign off.

Since W&I 793 **only** pertains to the sealing of the petition before the court, the Juvenile Clerical Unit shall notify the minor of the process to get ALL of their records sealed, per W&I 781, and supply the minor with the *Juvenile Record Seal Packet* via mail, which includes a *Juvenile Record Seal Application*. A copy of the last minute order showing "court's records sealed" will be attached. The file is to be returned to Closed Records at the appropriate Probation Office.

F Record Sealed Under 781.5 WIC

- 1) In the case of Intake Referrals when no action is taken or a filing is not made by the District Attorney's Office after referral for prosecution:
- a) DPO will process referrals per Juvenile Procedure, Bulletin No. 1, Non-Custody Intake Referrals.
 - b) Once final determination is made that no action will be taken, or no charges are filed by the District Attorney's Office, the DPO will forward the file to the Clerical Unit in their office.
 - c) Upon closing a referral the designated Clerical Staff, will send a Closed Referral Letter and Juvenile Record Sealing Information letter to the minor.

CONTRA COSTA COUNTY
PROBATION DEPARTMENT

BULLETIN NO: 15
ISSUED: 02-2015

DIVISION: JUVENILE

SUBJECT: Pre-Placement Title IV-E

Purpose:

Title IV-E of the Social Security Act was enacted to provide funding for the administrative services required to place or prevent the placement of qualified youth. Use of this funding is extended to Juvenile Probation. Juvenile Deputy Probation Officers should be able to understand the purpose of IV-E funding, identify qualified IV-E candidates, document candidacy in the case plan and know when to cease IV-E claiming. All Juvenile Deputy Probation Officers will receive specific training in eligibility determination and Time Study documentation.

In order to claim Title IV-E for allowable pre-placement activities the county must identify and determine that the child meets the candidacy criteria and document the determination.

See the *Placement Title IV-E Procedure* (Probation/Administration/Procedure Manual/Placement Procedure Manual) for information specific to youth subject to an order for placement.

This is the link to the Child Welfare Policy Manual:

http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy.jsp?idFlag=8

Purpose of Title IV-E Funding:

This funding enables the Juvenile Division of the Probation Department to provide services for youth at risk of removal from their parent / guardian and placement in foster care, and youth who are subject to an order for out of home placement.

Targeted Candidates:

The Federal definition of a candidate for foster care is a child at "imminent" or "serious" risk of removal when placement in foster care is the planned arrangement. A youth is not a candidate solely because of Probation's involvement with the youth and their family. To be considered a candidate, Probation must be involved in the specific purpose of removing the youth from the home or providing services that, if services fail, the youth will be removed from the home and placed in foster care. A youth is not a reasonable candidate for foster care when the plan is to recommend commitment to a detention facility, ranch, psychiatric facility or for placement in an unlicensed setting.

Determining Candidacy:

Every youth who has been declared a 602 W&I ward of the court shall have an *Evaluation of Imminent Risk and Reasonable Candidacy* (Probation/Templates/Juvi/Title IV-E) completed by the assigned DPO / Investigator. This is the tool that identifies youth who are a reasonable candidate for removal and the Department anticipates the youth's entry into foster care absent effective services. The basis for identifying the youth as a candidate for placement should be clearly outlined in the tool. The tool also identifies youth who are not reasonable candidates. In the "Additional Comments" section, youth who would likely be referred to an institutional program if removal from the home was necessary, and youth who are technically ineligible for Title IV-E claiming (undocumented youth and minors not residing with parent / legal guardian for the previous six months), should be identified as such. Once the tool is complete, the DPO and the supervisor must sign the tool. The supervisor will flag the file of a youth identified as being a candidate case by using a half page form *Title IV-E Pre-Placement Candidate* (Probation/Templates/Juvi/Title IV-E). The completed form, printed on yellow paper, will be placed and maintained in the file on the upper right, on top of all other documents so it will be clearly seen. The flag will remain in the file permanently, however, once the minor is no longer a reasonable candidate, the flag will eventually be covered by newer documents.

Pre-Placement Case Plans:

If the assigned DPO / Investigator determines the youth is a reasonable candidate for foster care, the case is flagged and transferred to the appropriate field office. The *Pre-Placement Case Plan* (Probation/Templates/Juvi) shall be completed by the receiving DPO within seven days to document that the plan for the child is placement in foster care unless services are provided and effective. The DPO must identify in the case plan the factors that will necessitate removal of the youth from the home unless they are satisfactorily resolved. The case plan must articulate that absent successful implementation / use of less restrictive measures (GPS, community based resources, field supervision, services for the parent / guardians), a recommendation for out of home placement will be likely be made if issues persist. The case plan should be created and updated with the input of the youth and family. The case plan should be signed by the DPO, the youth and their parent(s) / legal guardian. The case plan is not valid until signed by the supervisor.

The case plan shall include all the following elements:

- Individualized and specific to the youth and their family.
- Description of circumstances including but not limited to behavioral issues that place the youth at at imminent risk absent indicated services. Information for this section of the case plan should be drawn from the Risk tool, including the minor's behavioral issues and obstacles related to the parent or legal guardian. This cannot solely be a list of problems, but must include why these issues will result in out of home placement if services are not provided
- Identify the youth and family strengths

- Identify family members and non-relative extended family members with whom the minor could be placed if removal from the parent / legal guardian home is necessary
- Identify group home / placement type and what services they provide
 - For youth with diagnosed mental health issues, and / or prescribed psychotropic medications, and / or an extensive Individualized Education Plan (IEP) and / or a Non-Public School designation, and / or behavioral issues linked to past abuse or neglect, the Placement Type should be identified as: “RCL 12 or 14” with services to include “all on-site services, ability to dispense medications, and intensive supervision”
 - For youth with sustained sexual offenses, the Placement Type should be identified as “RCL 10 – 12” with services to include “all on-site services including juvenile sexual offender treatment and intensive supervision”
 - For youth without the items noted above, the Placement type should be identified as “RCL 9 – 11” with services to include “all on-site services and intensive supervision”
- Objectives to be achieved and specific services to be provided in order to meet the case plan objectives and goals. The objectives must be measurable, time-limited objectives based on the problems and family strengths identified in the assessment.
- Youth who have not resided with a parent or legal guardian for the previous six months (excluding detentions) are not technically identified as candidates and are not claimable on Title IV-E.
- The DPO shall include specific descriptions of their responsibilities to the minor and the family, including but not limited to, making referrals on their behalf, providing resource information, etc..

Supervision of youth identified as candidates:

Reasonable candidates and their parents / legal guardian must be visited in person by the assigned DPO at a minimum of once every month and the visit must be documented in the Field Notes.

It is important the DPO provide services, make referrals, and monitor progress towards the objectives stated on the case plan. The efforts must be documented in the Field Notes.

There is no maximum length of time a youth may be considered a reasonable candidate; however, the DPO must complete a new *Evaluation of Imminent Risk and Reasonable Candidacy* and an updated *Pre-Placement Case Plan* every six months while the youth remains a reasonable candidate.

Title IV-E time studies on candidates:

Reimbursable Title IV-E administrative activities are limited to those activities engaged in after reasonable candidacy has been determined. The *Title IV-E Time Study* (Probation/Templates/Juvi) is to be completed by Juvenile DPOs and Supervisors as directed, using the *Title IV-E Time Study Instructions- Pre-Placement* (Probation/Templates/Juvi/Title IV-E). To assist staff and the Department in tracking which youth are identified as Candidates and therefore being claimed on the time study, staff shall also complete and attach to their time sheet the form *Title IV-E Time Study: Identified Candidates* (Probation/Templates/Juvi/Title IV-E).

In general, all activities designed to further the objectives of the case plans are claimable on the time study. Claiming cannot begin until the case plan is signed by, at minimum, the DPO and a supervisor. Ideally, the case plan will be signed by the youth and their parent / legal guardian as well. If they decline, note such on the case plan document, as well in the Field Notes.

For youth who have been identified as a candidate, but the youth is detained in Juvenile Hall (a non-eligible facility for claiming Title IV-E), if the detention resulted from the youth's commission of a current delinquent action, that youth remains an eligible candidate if the detention does not result in a change in the youth's out-of-home placement plan upon the youth's release from custody. The time spent working in the youth's case while the youth is in juvenile hall cannot be claimed on a time study, and will fall under the "Probation Only" section.

When all goals in the case plan are met and documented, the child is no longer a reasonable candidate for foster care and further work with the youth and family shall be documented as "Probation Only" in the time study. If a youth is removed from the home but the Court orders a disposition other than out of home placement, time spent on the youth's case from that point forward shall be documented as "Probation Only" on the time study.

Case Plans and Time Studies for youth identified as non-candidates:

A youth may be placed on Probation and be provided services and not be an IV-E candidate. These youth identified as moderate or high risk on JAIS, regardless of their age, still must have a *Pre-Placement Case Plan* created by the field DPO within 30 days of assignment. The case plan must be updated every six months. Youth identified as non-candidates and who have a score of low on the JAIS do not have case plans completed. If upon JAIS Re-assessment a non-candidate is downgraded to a low risk, case plans are no longer needed. All time spent working on these cases is documented under "Probation Only" on the time study.

A youth may be placed on Probation and be committed to an institutional program such as Girls in Motion (GIM), the Orin Allen Youth Facility (OAYRF), the Youthful Offender Treatment Program (YOTP), or Bar-O. The Pre-Placement Case Plan is to be created by the receiving DPO assigned to the commitment Program within 30 days of assignment. The Pre-Placement case plans are to be created on these youth regardless of JAIS risk level. Case plans for commitment youth are to be updated every six months and also at the time they transition out of the commitment and into the community. All time spent working on these cases while the youth is in the commitment program is documented as "Probation Only" on the IV-E time study.

If a youth previously determined to be a non-candidate has a change in circumstances that will likely result in risk of removal from the home and placement in foster care the DPO shall complete the *Evaluation of Imminent Risk and Reasonable Candidacy* and an updated *Pre-Placement Case Plan*. The case file will also be flagged as explained above. The DPO must sign the case plan, as well as the Supervisor, the parent and the youth. If the parent refuses to sign, note it on the form. Once all signatures are obtained, the DPO may begin documenting on the time study beginning the same month.

DIVISION: JUVENILE

SUBJECT: Interstate Compact Guidelines on Juvenile

1. **PURPOSE**

This bulletin provides guidelines for making requests and processing requests for interstate compact services for Juveniles. These cases will be processed through the California Compact Administrator's Office. The Compact Administrator's Office was established to:

1. To arrange out-of-state investigation and supervision for a delinquent juvenile who is to be sent to a state other than the one in which he/she committed an offense or was adjudged delinquent.

2. To provide for the legal return of runaways who have not been previously adjudged delinquent.

3. To provide for the return of absconders and escapees to the state from which they absconded or escaped.

4. To authorize agreements for the cooperative institutionalization of special types of juveniles, such as psychotics and mentally ill delinquents.

2. **AUTHORITY**

The Compact consists of 15 articles contained in the California Welfare and Institutions Code in section 1300 to 1308.

3. **PROCEDURE FOR PROCESSING CASES FROM OTHER STATES**

1. The California Compact Administrator receives requests from various states for investigation and supervision of juvenile probationers being considered for placement in California. Such requests are directed to the Administrator in duplicate. One copy is retained in the office of the interstate unit and the remaining copy is forwarded to the appropriate county probation department.

In Contra Costa County, these home studies shall be assigned to a Supervision Deputy serving the geographical area where the minor is located. The probation officer shall conduct his investigation as requested or within 30 days and **respond in triplicate** to the office of the California Compact Administrator. The probation officer shall describe the placement situation, provide a statement of acceptance of supervision, and include other information pertinent to the case. Rejections and reasons thereof

should be routed in the same manner. The Administrator will retain one copy and forward two copies to the sending state.

If our department receives a request for supervision of juvenile probationers directly from another state, we should conduct the investigation but respond to the California Compact Administrator. In the response, the probation officer shall indicate that this is a direct referral for identification purposes. In this way, the matter may be handled in accordance with Article VII of the Interstate Compact Agreement.

INTERSTATE COMPACT GUIDELINES - BULLETIN NO. 16 - PAGE 2

In the case of an intrastate transfer of an out-of-state juvenile probationer from one county to another, we shall complete arrangement for such transfer directly with the receiving county. They should advise the Compact Administrator by letter when the transfer of supervision has actually been effected.

In cases where an out-of-state probationer moves to a third state, the compact Office shall be notified. The probation officer should then close his case and return case materials to the Compact Office. The sending state will be notified and should initiate a request for supervision in the third state.

4. **PROCEDURE FOR PROCESSING CASES GOING OUT OF STATE**

1. When a case is referred by our department for processing in connection with a request for placement investigation and supervision in another state, the procedure shall be as follows:

A. Send **three (3) copies** of the following to the office of the California Compact Administrator for the Interstate Compact on Juvenile:

1. Parole and Probation form - Investigation Request.
2. Probation Officer's report to the court and/or social history.
3. Form 1A-VI, Application for Compact Services, Memorandum of Understanding and Waiver.
4. Court order placing juveniles on probation.
5. Conditions of probation.
6. Copies of original/supplemental petitions
7. Cover letter

8. Other information pertinent to the case, if available. Include:

School transcripts/records
Immunization records
Etc

B. Upon acceptance of supervision, the compact will notify the department.

C. Progress/status reports and recommendations for termination by the receiving county should be directed to the Compact Administrator who will forward to the county of jurisdiction.

D. Upon termination of jurisdiction, the Compact Administrator will notify the state to close interest and terminate supervision.

2. Under normal circumstances, the process outlined above will be initiated and completed by the DPO assigned to the case. In some circumstances, however, the arrangements for out-of-state relocation of the minor may be spontaneously made in court. In these circumstances, the Court Officer will have the minor sign the appropriate forms and the process shall then be completed by the DPO assigned to the case.
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3. The probation officer shall request supervision in all cases where wardship has been declared and it is the intention of the court to retain jurisdiction. If wardship is dismissed, then supervision cannot be provided under the compact. The receiving state acts only as an agent of the sending state and, by virtue of dismissal, would have no jurisdiction. **Transfer of jurisdiction is not possible from one state to another.** If jurisdiction is to be assumed in the receiving state, this can only be accomplished through a new court action in accordance with the laws as they exist in the receiving state. The "transfer" is merely responsibility of supervision, not jurisdiction.

Where possible, we shall give the receiving state sufficient time to make the necessary investigation and accept or refuse supervision prior to the probationer's departure. This is done to insure the suitability of the relative placement prior to the departure of the probationer. It is recognized that situations sometimes arise which make this impossible.

Should this out-of-state placement fail, we are obligated to return the ward to California unless the parents or legal guardians have also relocated in the receiving state.

5. **INTERSTATE COMPACT PERSONNEL**

1. If you have any questions regarding Interstate Compact issues, any technician will assist you.
2. The Compact Office address is as follows:

California Department of Corrections and Rehabilitation
Juvenile Interstate Services
9825 Goethe Road, Suite 200
Sacramento CA 95827
Office: 916-255-0699
Fax: 916-255-1764
All Staff Email: _____California-prob@cdcr.ca.gov
Main Telephone: 916-255-2781

DIVISION: JUVENILE

SUBJECT: Leg Restraint Determination Assessment

AUTHORITY: Welfare and Institutions Code 210.6

I. PURPOSE

This bulletin provides guidelines and instructions for Probation staff regarding the use of leg restraints on youth in custody at Juvenile Hall or at the Orin Allen Youth Rehabilitation Facility (OAYRF). Deputy Probation Officers (DPOs) and Juvenile Institution Officers (JIOs) will be required to assess the need to use leg restraints while a youth is being transported to and from non-juvenile hall court proceedings, appointments, and other transports outside of the secure juvenile facility or the OAYRF. Restraints may only be used to prevent physical harm to the youth, physical harm to another person, or due to a substantial flight risk.

In order to articulate and document the need for the use of leg restraints, the Department has developed and piloted a Leg Restraint Determination Assessment (attached and described herein).

II. PROCEDURE

Juvenile Hall:

When a youth is housed at the Juvenile Hall, either an Intake Unit (if the youth is not assigned to a DPO) or the assigned DPO will need to start the Leg Restraint Determination Assessment immediately. For youth who remain in the Juvenile Hall post disposition, the Leg Restraint Determination Assessment must be updated by the assigned DPO at the time of a commitment order or any time a change occurs that would alter the assessment score.

OAYRF:

As a general practice, leg restraints will not be placed on youth departing for or residing at the OAYRF. If there is an articulable behavioral concern that would indicate transportation of an OAYRF youth outside of the facility could result in physical harm to the youth, harm to another person or create a substantial flight risk, the Probation staff performing the transport shall conference the matter with the facility Manager or Director and receive permission for the use of leg restraints. If it is decided leg restraints will be used, the reason for such shall be articulated and documented in an Incident Report.

DPO responsibility and reassessment:

The DPO assigned to the youth shall maintain an updated Leg Restraints Assessment on the P-Drive in the youth's folder. Juvenile Hall and OAYRF JIOs and supervisory staff shall update and modify the Leg Restraints Assessment if needed for an unexpected transport outside of DPO working hours. Examples of unexpected transports include, but are not limited to, removal from the OAYRF for disciplinary purposes and emergency medical conditions.

Utilizing and completing the Leg Restraints Assessment Tool:

The template document is located on the P-drive: Templates/Juvi/Leg Restraint Assessment.

The assigned or Intake DPO will begin to complete the original assessment by checking the box next to the automatic leg restraint factors that apply to the youth. Unless one of the automatic restraint factors listed below exist, the youth will need to be re-assessed as needed. Some examples of when a reassessment is appropriate include, but are not limited to:

- 1) If the youth is ordered into placement and is still in custody at the time of a W&I 737 review.
- 2) If the youth is committed to DJJ, YOTP, or GIM and is doing well and in the last phase of the in-custody portion of the program.
- 3) If the youth's out of county warrant or hold is recalled/lifted.
- 4) If the youth's 707 (b) or 1192.7 offense is reduced or dropped.

Factors that result in automatic leg restraints are:

- 1) If the youth is pre-Detention Hearing or if the Detention/Warrant Hearing is not held at Juvenile Hall.
- 2) The youth's current pending offense(s) is a W&I 707(b) or PC 1192.7, and is pre-disposition.
- 3) The youth is committed to DJJ, YOTP or GIM. (This can be overridden if the youth is doing well in YOTP/GIM and in the last phase of the in-custody portion of the program.)
- 4) The youth has a warrant or holds in other counties.
- 5) The youth has a history of escape from a secure facility.

A Juvenile Institutions Officer may assess or re-assess as needed if:

- 1) The Resident is in "protective custody" which would result in risk to themselves, others or of flight.
- 2) The number of residents being transported out numbers the number of JIO's transporting and there is a risk to themselves, others, or of flight.
- 3) There is a change regarding behavior in custody.

In addition to the five factors listed above, the assigned Deputy Probation Officer will need to score the first six risk factors of the Leg Restraint Determination Assessment. Each of the factors has a point value and the Deputy will enter the point value in the applicable point column, if the factor does not apply the point value for that factor will be entered as "0".

Once the assigned DPO has completed their portion of the initial Leg Restraint Determination Assessment by filling in the date, client's name, DOB, PID, and scored the six risk factors, the document needs to be sent as an attachment to the Juvenile Hall Transportation group email address at transportation@prob.cccounty.us. The subject line should read as follows: "John/Jane Doe's Leg restraint assessment". The assigned DPO's Supervisor shall be included on this email. The document shall then be saved in the youth's folder on the P-drive.

The remaining factors and final scoring will be completed by institutional staff prior to transporting the youth.

Court Transportation:

Restraints may only be used during a juvenile court proceeding if the court determines that the individual youth's behavior in custody or in court establishes a need for such restraints to prevent physical harm to the youth or another person or due to substantial flight risk. When entering the courtroom all mechanical restraints are to be removed from the youth, including handcuffs and leg restraints. This shall occur whether a court proceeding is in session or not. If a Probation staff has a concern regarding safety or flight risk, that staff must inform the court bailiff. Staff shall complete an Incident Report upon return to the facility to document the conversation with the bailiff/court staff and the results of that conversation.

CONTRA COSTA COUNTY
PROBATION DEPARTMENT

BULLETIN NO.: 1
SECTION: PLACEMENT
ISSUED: 3/2013

A. DIVISION: JUVENILE

SUBJECT: Placement of Court Wards in Foster Care

PURPOSE: The purpose of this bulletin is to establish a uniform division-wide policy regarding the screening, transfer, placement and supervision of minors ordered by the court to be placed outside of their homes.

It is this department's policy to comply with court orders, provisions of the Welfare and Institutions Code, and the regulations of the State Department of Social Services regarding the placement of minors. Family preservation is established as a primary goal and placement will be used as a last resort to provide for the protection and safety of the public and the minor.

Placement will seek to preserve and strengthen the minor's family ties whenever possible. When a minor is removed from home, reunification shall be a primary objective. Minors who are removed will be placed in the home of a relative if appropriate, unless the court disapproves of the relative placement on the record. Minors will be placed as near their homes as possible and will be provided care, custody and discipline as nearly as possible to that which should have been given by their parents. Placement in culturally competent facilities shall be a primary placement consideration.

An appropriate placement program shall be capable of providing for the minor's service needs and be capable of reasonably providing for community protection. Minors will be held accountable for their behavior.

All prospective placement cases shall be screened and found appropriate for out-of-home placement through the Department screening process prior to a probation recommendation for placement.

All AFDC placements shall be made by the placement unit in accordance with this policy bulletin.

I. AUTHORITY

SECTION 202 W&I Purpose of chapter

SECTION 281.5 W&I Mandatory placement recommendations

SECTION 361 W&I Removal from physical custody of parents

SECTION 361.2 W&I Placement of minor following court-ordered removal

SECTION 361.3 W&I Preferential consideration for placement with relative

SECTION 361.5 W&I Provision of services following removal

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SECTION 450 W&I Extended Foster Care - Transitional Jurisdiction -NMD

SECTION 607 - 607.2 W&I Extended Foster Care for Delinquency Youth

SECTION 706.5 W&I Content of social study when placement is being considered

SECTION 726 W&I Conditions for removing ward from physical custody of parents

SECTION 727.1 W&I Placement of wards in residential facilities

SECTION 740 W&I Findings necessary to place minor outside county of residence

SECTION 903.4 W&I Parental reimbursement of county for support of ward of the court

SECTION 11400 W&I Definitions

SECTION 11401 W&I Eligibility for aid

SECTION 11402 W&I Placement requirements for eligibility

SECTION 11404 W&I Responsibility of placing agencies

In addition to the above, regulations set forth by the State of California Department of Social Services and the Division of Community Care Licensing guide the placement of wards.

II. PROCEDURE FOR SCREENING

A. RESPONSIBILITY FOR COMPLETE SCREENING REQUEST INFORMATION:

- 1 It is the responsibility of the referring deputy and his/her supervisor to provide the Placement Supervisor or Manager with a complete screening form and any pertinent documents, such as the Individual Education Plan (IEP) or any available assessments or evaluations, i.e., mental health, Regional Center, or substance abuse.
2. In some situations, the court may order placement screening prior to the completion of a disposition report and an order for placement. In no situation shall the deputy make a recommendation for placement prior to screening by the placement supervisor, manager or their designee.

It is understood that on court ordered screenings, all documents/ information may not be available. In such situations, the assigned deputy shall provide as much information as possible to insure that a thorough screening assessment is made. While minors may be screened by court order without all necessary

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placement paperwork, the minor cannot be placed until the Placement Supervisor receives the case file with all of the necessary placement documents from the referring deputy.

B. SCREENING:

1. The Referral form for Placement – YOTP - OAYRF is available in the juvenile templates folder on the P-Drive. The referring DPO is to complete the referral form and attach all necessary supporting documents. The referring DPO's supervisor or in their absence, another supervisor or manager must approve the placement screening referral prior to submission. Placement screening referrals are to be e-mailed as an attachment to PlacementScreening@prob.cccounty.us. Placement referrals should be received no later than 4

work days prior to the court date. Response to the screening referral could take up to 24 hours.

C. SCREENING FEEDBACK:

1. After the screening referral has been received and reviewed the Placement Supervisor or Manager will contact the referring DPO and his/her supervisor with the findings in writing by e-mail.

III. PROCEDURE FOR TRANSFERRING CASES TO PLACEMENT

A. CASE TRANSFER:

1. After the deputy/supervisor have been informed that placement has been ordered by the court, the referring deputy shall initiate the case transfer immediately and transfer the file in no less than three working days prior to the 737 W&I hearing. The referring deputy shall complete a "change of status" form and route the case file through his/her supervisor to the Placement Supervisor/Unit.

B. CONTENTS OF CASE FILE:

1. It is the responsibility of the referring supervisor to insure that the case file is in order prior to transfer. The file shall contain the completed Juvenile Information Sheet, supervision field notes, an updated "prior record", updated custody time sheet, risk/needs assessment or re-assessment, restitution information, completed case plan (signed by DPO,

parent and supervisor), transfer summary, signed consents, child support services letter, medical information form, most recent IEP, any psychological reports or mental health evaluations, immunization record and school transcript.

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2. Any pending referrals shall be noted at the time of case transfer. The field supervisor and the placement supervisor shall conference the case to determine the appropriateness of placement with new pending referrals. If it is determined that the case should be transferred with new pending referrals, the referring DPO shall complete any new investigation which is calendared within 30 days of case transfer.

IV. PROCEDURE FOR PLACEMENT OF MINORS

A. PLACEMENT DEPUTY'S GENERAL RESPONSIBILITIES:

1. Once the transfer paperwork is completed, the Placement Deputy assumes case responsibility. The Placement Deputy becomes the case manager and has total responsibility including parental contacts, completion of the out-of-home placement, temporary releases, detention alternatives, referral to placements, arrangements for transportation, supervision in placement, and community supervision for 90 days of minors under the age of 18 and supervision of Non-Minor Dependents in the community or in placement.
2. The Placement Deputy shall insure that the placement clerk is aware of pending placements. Prior to placement, the Placement Deputy shall follow the established Placement Procedure (located on the P-drive.)

B. 15 DAY REPORTS (W&I 737 Reviews):

1. Minors in custody awaiting placement shall have a 15 day report submitted by the placement unit for each 15 days of custody. These 15 day reports shall outline the plans for placement; the reasons for the delay in placement; and the effect the delay is having on the minor.

C. FINANCIAL RESPONSIBILITY FOR PLACEMENT COSTS:

1. Contra Costa County will initially pay for the costs associated with a minor's out-home placement. However, the parents must reimburse Contra Costa County for a portion of the cost of the placement based on the Judicial Council guidelines for support and based on ability to pay child support. The Probation Department is responsible for informing parents that there is a financial responsibility.

D. FAMILY PARTICIPATION IN THE PLACEMENT OF MINORS:

1. The assigned Placement Deputy shall explain to the parents and the minor their rights while the minor is in placement and they will be encouraged to
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cooperate with and participant in rehabilitative efforts, as well as work towards a time when the family can be reunited.

2. The Placement Deputy shall be available to receive questions, concerns, and complaints regarding the minor's placement. Alleged violations of community care licensing regulations of the State of California Department of Social Services shall immediately be reported to the placement supervisor and be reported promptly to the local regional licensing office for investigation.
3. While the minor is in placement, the Placement Deputy will work with the program and the parents towards reunification. A plan will be jointly developed by the deputy, the program, the minor, and the parents to outline the steps and the time line for reunification. The Placement Deputy will be in contact with the parents monthly to support the parents in achieving the reunification goals.

V. PROCEDURES FOR MINORS RETURNING HOME FROM OUT-OF-HOME PLACEMENT

A. ASSESSMENT OF SERVICE NEEDS:

1. Minors that have returned home from placement shall be returned to court within 30 days with an assessment of the case needs and an appropriate recommendation to the court. Minors with orders to not leave placement without further order of the court shall be returned to court for review prior to returning home. All Juvenile Sex Offenders in placement are to be returned to Court for further review prior to being allowed to return home or transition to another placement
 - a. An assessment shall be made whether to request that wardship be vacated.
 - b. If wardship cannot be vacated because of continuing case needs, after 90 days of community supervision by the placement unit the case should be placed on calendar to request it be vacated or

transferred from the Placement Unit to another appropriate juvenile supervision caseload.

VI. **PROCEDURES FOR NONMINOR DEPENDENTS TRANSITIONING INTO INDEPENDENT LIVING**

Non Minor Dependents (NMDs), Placement youth over 18 years of age, shall continue to be supervised by the Placement Unit and will not be transferred out to another juvenile

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supervision unit. NMDs are still subject to an order for placement and continue to have all of

the regulations for visitation and court reviews as if they were in a foster care group home. This includes NMDs who are subject to wardship per W&I 602 and those who are deemed NMDs pursuant to W&I 450.

CONTRA COSTA COUNTY

BULLETIN NO.: 2

PROBATION DEPARTMENT

SECTION: PLACEMENT

ISSUED: 3/2013

DIVISION: JUVENILE

SUBJECT: Placement Unit Supervision of Wards and Non-Minor Dependents

PURPOSE

It is the Probation Department's policy that each minor in foster care receives face-to-face, on site contact between the minor, the Deputy Probation Officer and the provider every month (if applicable), with at least two weeks between visits.

The goals of the visit are to ensure that the minor's health and safety are safeguarded and that agreed upon services are being provided. The visits are also to be used for case planning with the minor or Non Minor Dependent (NMD).

It is also the Probation Department's expectation that parents be contacted at least once per month by the Placement Probation Officer, unless the case plan justifies less frequent contact, (i.e., a parent or guardian is not available or reunification is not permanent plan). The deputy shall communicate to the parent/guardian information regarding the child's status and what the parent(s)/guardian(s) can do to facilitate reunification.

AUTHORITY

Legal authority and requirements are specified in the Welfare and Institutions Code and Federal and State rules and guidelines. See Juvenile Placement Bulletin #1.

PROCEDURES

I. COURT REVIEWS:

In addition to the expectations spelled out under Policy, placement reviews/court hearings are to be held.

A. SIX MONTH PLACEMENT REVIEWS:

Minors in foster care and extended foster care shall have a report submitted by the placement unit to the court every six months from the initial removal order (detention order). The review report shall assess the minor's continuing need for out-of-home placement; an updated case plan; the progress in treatment; and the reunification planning. An updated and signed case plan and TILP (if youth is 16 or over) are to be attached. The report is due to all parties **10** days prior to the hearing date. Appearance at the Review by the minor and parents is not required unless court ordered, although the Placement Deputy is to notify them of the hearing and the recommendation. The purpose of the hearing is to review the minor's progress in foster care and to discuss case plans.

B. PERMANENCY PLANNING HEARING:

Minors that continue in placement, shall have a permanency planning hearing set for twelve months after the initial removal order (detention order). The permanency planning report is submitted by the placement unit. The report shall address the issues outlined for the six-month reviews and additionally assess whether emancipation, adoption, or long term placement would best provide for the welfare of the minor. An updated and signed case plan and Transitional Independent Living Plan (TILP) (if youth is 16 or over) are to be attached.

The report is due to all parties **10** days prior to the hearing date.

Parents and the minor are to receive notice of the Permanency Planning Hearing. Their appearance is optional, unless court ordered. The Placement Deputy is to discuss the hearing and the recommendation with the minor and the parents.

C. 90 DAY REVIEW BEFORE REACHING AGE 18 – MAJORITY

Minors approaching the age of 18 shall have a review scheduled 90 days prior to their 18th birthday pursuant to Rule of Court 5.707. At this review a report is submitted by

the placement unit which discusses the case planning for the minor after he/she becomes an adult. The report shall include the review report titled "Last review before Reaching Majority", an updated and signed case plan and TILP, a signed 90 Day Transition Plan, and the appropriate the JV form.

II. PLACEMENT SUPERVISION/ASSESSMENT RESPONSIBILITIES

Placement Deputies are responsible for community supervision for all minor's who have had their placement order set aside for up to 90 days as they transition back into the community. This requirement is to assist the minor in a smooth transition back to their community with continuity in services. The following standards for supervision are to be followed:

A. A JAIS assessment is to be conducted to determine the level of supervision necessary. Placement DPOs are to complete the following JAIS re-assessments:

- 1) At the one year anniversary of minor being ordered into placement unless b or c apply
- 2) If the minor is returned to Court for a supplemental disposition with a recommendation other than continued placement
- 3) Prior to the return to the community from Placement
- 4) In all cases, at the end of the 90 day transition phase before transferring
- 5) At any time a JAIS re-assessment is deemed appropriate
- 6) JAIS assessments are not required for those who have been found to be a Non-Minor Dependant pursuant to W&I 450 and are voluntarily receiving case management services.

B. There are three levels for community supervision based on the JAIS outcomes report.

- 1) High: Twice monthly face to face contacts, two collateral contacts with school (if applicable) and one parent/guardian contact per month.
- 2) Moderate: Monthly face to face contact, collaterals with school and parent/guardian as deemed necessary.
- 3) Low: Face to face contact once every three months, collateral and parent/guardian contacts as deemed necessary.

C. Non-Minor Dependents (AB-12) adults are to be supervised as if they are in a foster care placement with face to face visits once per month.

III. VIOLATIONS OF PROBATION

Violations of Probation and new offenses are to be handled on a case by case basis consistent with Department policy regarding intake, detention and petitioning. However, if the minor remains in or is returned to placement, the pre-scheduled Placement Review date remains in effect unless modified by the Juvenile Court.

IV. CHANGE OF JURISDICTION

When the parents or legal guardians of a minor in placement move from this jurisdiction the matter shall be conferenced with the supervisor on a case by case basis to determine if the case should be returned to Court for further planning and to determine if a request for transfer out to the new county of residence is appropriate

V. PERSONAL PROPERTY OF PLACEMENT YOUTH

Placement staff will handle the personal property of the youth who are entering, in or leaving placement.

CONTRA COSTA COUNTY
PROBATION DEPARTMENT

BULLETIN NO.: _____ 3
SECTION: _____ PLACEMENT
ISSUED: _____ 3/2013

DIVISION: JUVENILE

SUBJECT: Notification to Probation Department of County
Where Ward Placed and Removed.

PURPOSE

The Department policy is to comply with W&I 740(b) as expeditiously as possible.

AUTHORITY

Welfare and Institution Code, Section 740(b), requires that prior to placement of a minor in a community care facility in another county, the placing agency must send written notice of the placement, to the probation officer of the county in which the facility is located. The notice of the placement must include the minor's name, the juvenile's prior record, and the minor's county of residence. Additionally, a copy of the supervision case plan and visitation plan are required to accompany the above notice. It should be noted that the sending county is responsible to maintain supervision and visitation of the ward.

PROCEDURE

The Juvenile Division Placement Clerks will maintain a supply of Placement Notification Letters (located on the P-drive). When the clerk receives a Notice of Placement, the letter is to be completed. A copy of the minor's prior record and case plan is to be made and attached to the letter. The letter is to be sent to the Chief Probation Officer of the county where the placement is located.

When the Placement Clerk receives a Notice of Removal, a second letter is to be sent to the county of placement, with the relevant spaces completed.

CONTRA COSTA COUNTY
PROBATION DEPARTMENT

BULLETIN NO.: 4
SECTION: PLACEMENT
ISSUED: 3/2013

DIVISION: JUVENILE
SUBJECT: Finances (Placement)

INTRODUCTION

Minors ordered into foster care are normally eligible for AFDC-FC funds for the cost of the placement. This bulletin discusses the process that shall be followed to qualify the minor for this financial support. This financial support consists of a combination of County, State and Federal funds and reimbursement of these costs is required from the parents or the assets of the minor.

PURPOSE

It is the policy of the Probation Department to apply for AFDC-FC funds on all minors ordered into out-of-home private group home placements, licensed foster homes, non-relative extended family member (NREFM) homes, and extended foster care. For placement with a relative the minor must be federally eligible for funding. Minors who reside with relatives that do not qualify for AFDC-FC funds may qualify for Cal Works. Eligibility for funding is determined by the County Employment and Human Services Department.

Minors that are not eligible for AFDC-FC funds shall not be placed in any group home/placement without the prior approval of the Deputy Chief. Without AFDC-FC eligibility, all placement costs are the responsibility of the Probation Department.

AUTHORITY

The authority and procedures for the Probation Department to apply for AFDC-FC funds on behalf of the minor are found in the regulations of the Contra Costa County Employment and Human Services Department (EHSD), the California Department of Social Services (CDSS) and in Federal Regulations.

PROCEDURES

I. Parental Responsibility

In any case that the Probation Department is not reimbursed for costs, the Placement Supervisor shall file a declaration with the Family Support Division of the District Attorney's Office pursuant to 903.4 of the Welfare and Institutions code. This declaration will state the following:

To: Department of Child Support Services

50 Douglas Drive, Suite 100

Martinez, CA 94553

Re: John Doe (Juv. Ct. #)

Date: _____

Please consider this letter as a declaration pursuant to 903.4 W&I. The Probation Department has incurred cost on behalf of Joe Doe (Juv. Ct. #) in the amount of (\$). These costs were incurred pursuant to a detention/placement order of the juvenile court, dated (date). These costs were for the benefit, support and maintenance of the child.

It is requested that the Department of Child Support Services petition the Court to issue an order to show cause why an order should not be entered for continuing support and reimbursement of the costs of the support of this minor.

II. Staff Procedures

There are certain procedures that must be followed in applying for AFDC-FC support for wards in foster care placements.

Court Order and Placement Information sent to EHSD

The Court DPO, upon an order for Placement, shall immediately provide a copy of the Court Order to the Placement Supervisor, who will forward the order to the Placement Clerk. Upon receiving notification, the Placement Clerk shall prepare the Notice to Proceed documentation. This information consists of the following forms/documents:

- a. Placement memo to social services (J-43)
- b. Juvenile information sheet (J-23) (When file received by the placement clerk)
- c. Application of cash aid, food stamps, and/or Medi-cal, (SAWS 1)
- d. Application and statement of facts (MC 250)
- e. Medi-cal application (MC-13)
- f. Placement Change form
- g. Placement Court Order
- h. Most recent Dispositional Report.

The Placement Clerk will send the completed forms to Employment and Human Services, Eligibility Unit. The AFDC-FC application is good for 60 days once approved. The Placement Clerk will put the date the minor is placed as the AFDC date on the Soc 158.

If the minor is not placed within 60 days, a new Notice to Proceed must be submitted.

Placement of Minor or Non-Minor Dependent

The placing Deputy Probation Officer must confirm with the Placement Clerk that the minor or non minor dependent has been approved for AFDC-FC and a Notice of Action has been received prior to the actual placement, if the AFDC approval is not clear, the placing DPO must conference the case with the Placement/Supervisor/Probation Manager for approval prior to actual placement.

The placing DPO must notify the Placement clerk via PLACEMENT/REMOVAL NOTICE (J-158). The Placement notice should be attached to the minor's file and forwarded to the clerk for processing. The Placement Clerk will complete the actual application on receipt of notice. The application consists of the following:

- of
- a. Placement notice to social services (J-43)
 - b. Notice of placement, changes or replacements (J-38) (pay first day placement costs, not last).
 - c. Statement of facts (FC-2)
 - d. Data Record & AFDC-FC certification (Soc 158A)
 - e. Group home agreement (Soc 154A) (Sent to group home only)
 - f. Prucol (MC 845) (minor is undocumented)

For AB-12 (as applicable):

- a. Statement of facts - Extended foster care (FC-2 NM)
- b. Certification of extended foster care (Soc 161)
- c. NMD in foster home (Soc 156)
- d. NMD in THP-Plus (Soc 154A)
- e. NMD in group home (Soc 154B) (Sent to group home only)
- f. SILP agreement (Soc 157A)
- g. Mutual agreement, Voluntary Extended FC (Soc 162)
- h. Vol. Re-entry (Soc 163)
- i. Approval family caregiver (Soc 815)
- j. Health and safety of caregiver NMD (Soc 817)
- k. Caregiver assessment NMD (Soc 818)

The placement clerk shall also send the group home agreement and the consents to the group homes.

Prior to the minor attaining the age of 18 the Deputy Probation Officer shall complete the Soc 161 (Certification of Extended Foster Care) as well as the FC2 NM. These documents are then forwarded to EHSD.

If the minor is a Special Education Student, the Deputy Probation Officer shall complete the SELPA NOTICE, and forward the form to the Placement clerk who will mail it to the SELPA Director in the region that the minor is pending placement.

Once the above duties are completed, the case file will be returned to the deputy for supervision or transfer as applicable.

Clothing Allowance

Minors and Non-Minor Dependents in foster care may qualify for clothing allowances. Such public funds should only be used if the clothing needs cannot be met by the responsible parent or guardian. The type and amount of clothing allowances vary by county. The rate paid is the one that applies to the county in which the child is placed.

Currently, minors and NMDs in group homes do not receive a clothing allowance.

Clothing allowance is an expenditure of county funds and per 911 W&I the order for such support must be renewed by the County Board of Supervisors every 12 months.

If a clothing allowance is warranted, the J-43 is to be completed and sent to EHSD who will then pay the clothing allowance to the appropriate party.

Social Security Benefits

The minor may be eligible, or is receiving Social Security benefits at the time of Placement.

1. Procedure for minor's currently receiving benefits

The Placement Clerk, will contact the Employment and Human Services office to determine if the minor is currently receiving Government Benefits. Should the minor be receiving benefits, the Placement Clerk will send a fax to the Office Manager at the Walnut Creek Social Security Office to

Suspend payments. Once the payments have been suspended, the Employment and Human Services Eligibility Worker will request that the Government Benefits Clerk change the payee to Contra Costa County Department of Employment and Human Services.

2. Procedure for minor's potentially eligible for Social Security benefits

Should the minor appear to be eligible but is not currently receiving benefits, the Eligibility Worker will attempt to gather all necessary documentation and forward the information to the Government Benefit Clerk who will submit an application for benefits.

3. Minor with accumulated Social Security funds in excess of \$2,000.

Normally this will be a minor who has been a Dependent Child and placed in a foster home whose rate was less than the Social Security grant. This will frequently result in the accumulation of trust funds.

If the fund is over \$2,000 it must be reduced below that level. The Government Benefits Clerk will notify the Placement Account Clerk of the amount and the need to reduce the fund. The Placement Account Clerk will notify the Supervision Deputy. The Deputy will decide how to reduce the amount and have the Placement Account Clerk complete the Trust Account Disbursement Request, DC 107. The Placement Account Clerk will in turn notify the Employment and Human Services Government Benefits Clerk.

4. Minor returned home from placement

When the Placement Clerk receives the court order vacating and dismissing placement (minor receiving Social Security benefits), a copy of the court order will be forwarded to the Government Benefits Clerk. The Government Benefits Clerk will then notify Social Security to stop payment to Contra Costa County Department of Employment and Human Services.

5. If the minor will return to a placement within a short period of time, no changes are necessary. If the minor will not be returning to a placement or home, the Supervising Deputy shall notify the Probation Collections Unit that the minor is in Juvenile Hall and that the Employment and Human Services Government Clerk is holding the benefit.

Trust Funds/Property Limit

On occasion a minor will have a trust fund or property in their name which may or may not be accessible. To qualify for AFDC-FC benefits a minor may not have access to property or accounts over the amount of \$10,000. If the account is blocked to the minor and he/she does not have access the \$10,000 limit does not apply. If the minor has access to an account or property with a value of over \$10,000 they do not qualify for AFDC-FC funding unless the account or property becomes blocked or is spent down.

If an account or property exists that the minor has access to:

1. Request a court order to access the trust. A request shall include a memo explaining the circumstances of the trust, any supporting documentation such as a copy of the account, and a suggested court order.

Spend the money down by instructing the adult having control of the account to spend the money down by purchasing items for the minor (i.e., computer) or paying the minor's expenses (pay the minor's attorney bill, Juvenile Hall costs, etc.) For more details on how to spend the money down, contact the Eligibility Worker.

CONTRA COSTA COUNTY
PROBATION DEPARTMENT

BULLETIN NO.: 5
SECTION: PLACEMENT
ISSUED: 3/2013

DIVISION: JUVENILE

SUBJECT: PROCESSING APPLICATIONS AND ORDERS FOR
PSYCHOTROPIC MEDICATIONS FOR JUVENILE WARDS

I. AUTHORITY

Section 739.5 Welfare and Institutions Code

Rule 5.640 California Rules of Court

Welfare and Institutions Code section 739.5 establishes restrictions on the issuance of psychotropic medications to wards of the court. Only a juvenile officer of the court shall have authority to make orders regarding the administration of psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the child's diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication.

II. PROCEDURE

Staff of the Probation Department shall adhere to the following procedures when requesting authorization for psychotropic medication for a minor meeting the described criteria.

1. Application Process and Court Orders

An application for order for psychotropic medication must be submitted when a treating physician has recommended that a psychotropic medication be administered to a minor and the minor has been declared a 602 ward of the Court and has been removed from the custody of their parent or guardian pursuant to 726 W&I and placed into foster care.

The Application Regarding Psychotropic Medication (JV-220) may be completed by the county physician, medical office staff, the child welfare staff, probation department staff or the child's caregiver. Instructions can be found on the JV-219. If the JV-220 is completed by the physician, he/she must check the appropriate box and complete and sign the JV-220(A).

The Deputy Probation Officer will be responsible for providing the county physician the following information: child's name, Juvenile Court Number, child's date of birth, date child was removed from the home, name and address of the attorney of record, Deputy Probation Officer's name, fax, phone number and assigned Probation office.

The Application for Order for Psychotropic Medication must be delivered to the court no later than three judicial days from receipt of the application from the county physician.

Prior court authorization must be obtained before a psychotropic medication not currently authorized is given, except in an emergency situation in which court authorization must be sought no more than two days after the emergency administration.

2. Notice to Parents/Guardians/Attorney's of Record

The DPO shall complete the JV-221 (Proof of Notice.) The Deputy Probation Officer is responsible for contacting the child's parent(s) or guardian. The DPO is to provide the parents/guardians with a statement that the treating physician is asking to administer psychotropic medication. The parents must also be informed that an application is pending with the court. The parents are to be provided with copies of the JV-219 and a blank copy of the Opposition to Application (JV-222.)

The Deputy Probation Officer shall fax the Application, the Opposition to Application, and any orders for medication to the appropriate attorney of record.

3. Court Process

The court may grant the application without a hearing or set the matter for hearing at the court's discretion. Should a hearing take place, the clerk of the court must provide notice of the date, time and location of the hearing to all parties.

If the Court makes an order after a hearing the Deputy Probation Officer is responsible to notify the treating physician and/or the county physician.

The court may grant, deny, or modify the application for authorization and may set a date for review of the child's progress and condition.

If the court grants the request, the order for authorization is effective until terminated or modified by court order or until 180 days from the order, whichever comes first.

4. Delegation of Authority

The court may order that the parent be authorized to approve or deny the administration of psychotropic medication. The order must be based on the findings that the parent poses no danger to the child and the parent has the capacity to understand the request and the information provided and to authorize the administration of the psychotropic medication to the child, consistent with the best interest of the child.

CONTRA COSTA COUNTY
PROBATION DEPARTMENT

BULLETIN NO: 6
ISSUED: 02-2015

DIVISION: JUVENILE

SUBJECT: Placement Title IV-E

Purpose:

Title IV-E of the Social Security Act was enacted to provide funding for the administrative services required to place or prevent the placement of qualified youth. Use of this funding is extended to Juvenile Probation. Juvenile Deputy Probation Officers should be able to understand the purpose of IV-E funding, document the need for continued removal from the parents / legal guardian and foster care placement in the case plan, and know when to cease IV-E claiming. All Juvenile Deputy Probation Officers will receive specific training in eligibility determination and Time Study documentation.

See the *Pre-Placement Title IV-E Procedure* (Probation/Administration/Procedure Manual/Placement Procedure Manual) for information specific to youth not subject to an order for Placement.

See the Placement Unit Supervisor for information specific to case plans for Non-Minor Dependents (NMD) and 450 W&I youth.

This is the link to the Child Welfare Policy Manual:

http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy.jsp?idFlag=8

Purpose of Title IV-E Funding:

This funding enables the Juvenile Division of the Probation Department to provide services for 602 W&I youth at risk of removal from parent / guardian and placement in foster care, and 602 W&I youth who are subject to an order for out of home placement.

Youth who are technically ineligible for Title IV-E claiming include undocumented youth and minors not residing with parent / legal guardian for the previous six months.

Placement Case Plans:

If a youth is removed from the parent / legal guardian and subject to an order for out of home placement, a *Placement Case Plan* (Probation/Templates/Juvi) shall be completed by the assigned DPO to document the basis and need for services.

The case plan will be completed and submitted to the Court with the Dispositional Report when removal from the home and out of home placement is recommended or within 30 days of disposition where the Court orders placement when Probation did not recommend residential placement. Frequently, in that circumstance, the Court will order the case plan to be submitted at the first 737 W&I 15 Day Hearing.

The initial *Placement Case Plan*, as well as subsequent *Placement Case Plans*, shall identify the plan for services to be offered / delivered, and the objectives / outcomes required in order the minor to reunify with their parent / legal guardian.

Placement DPOs are to complete six-month reviews of the case plan on all youth subject to a placement order. This will coincide with the ongoing Placement Review Hearings mandated for foster care youth. The updated case plans will reflect the progress toward completing the case plan goals, changes of circumstances, time lines, and outcomes, to assure that the youth remains eligible for Title IV-E services. The case plan should be created and updated with the input of the youth and family. The case plan should be signed by the DPO, the youth and their parent(s) / legal guardian. The case plan is not valid until signed by the supervisor.

All *Placement Case Plans* shall include all the following elements:

- Individualized and specific to the youth and their family.
- Provide a description of circumstances including but not limited to behavioral issues that resulted in removal and an order for placement. Information for this section of the case plan could be drawn from the Evaluation of Imminent Risk and Reasonable Candidacy tool, including the minor's behavioral issues and obstacles related to the parent or legal guardian.
- Identify the youth and family strengths
- Document the services provided to wards in residential placement to reunify with his/her family or the services to be provided
- Document steps to be taken to implement the permanency alternative identified in the case plan if family reunification fails.
- Identify family members and non-relative extended family members with whom the minor could be placed if removal from the parent / legal guardian home is necessary
- Identify group home / placement type and what services they provide
- Objectives to be achieved and specific services to be provided in order to meet the case plan objectives and goals. The objectives must be measurable, time-limited objectives based on the problems and family strengths identified in the assessment. All activities designed to further the objectives of the case plans are claimable on the time study. Activities such as drug testing and searches are claimable if they are articulated in the case plan and elements of the treatment program.
- The DPO shall include specific descriptions of their responsibilities
- There must be family reunification services if the minor is removed from the home unless there are no feasible means of reuniting the minor with his/her parent(s)/guardian(s).

Supervision of youth subject to an order for placement:

Placement youth must be visited in person by the assigned DPO at least once every 30 days. The DPO must make efforts to meet in person with the minor's parents / legal guardian at least once every 30 days. All contacts with the minor and their parents / legal guardians shall be documented in the Probation Department Field Notes and in the Child Welfare System / Case Management System (CWS/CMS).

It is important the DPO place the minor in an approved and appropriate setting. The DPO must provide services, make referrals, and monitor progress towards the objectives stated on the case plan. The efforts must be documented in the Field Notes, CWS/CMS, and in Placement Reviews.

The Placement DPO must foster efforts to maintain family ties and encourage parental / legal guardian visits to wards in placement.

The Placement DPO is to work with youth 16 years of age and older to develop a Transitional Independent Living Plan (TILP). The plan is updated every six months. A signed copy of the TILP must be attached to the case plan.

Title IV-E time studies on youth with placement orders:

The *Title IV-E Time Study* (Probation/Templates/Juvi) is to be completed by Placement Unit DPOs and the Supervisor as directed, using the *Title IV-E Time Study Instructions – Placement* (Probation/Templates/Juvi/Title IV-E).

Case Plans and Time Studies for youth previously subject to an order for Placement:

A youth may have their placement order set aside and be returned to their parent / legal guardian. If the youth is still under the age of 18, the Placement DPO shall complete the *Evaluation of Imminent Risk and Reasonable Candidacy* (Probation/Templates/Juvi/Title IV-E) and a JAIS Re-assessment within 30 days of the placement order being set aside.

Youth identified as non-candidates and who have a score of low on the JAIS do not need a case plan completed. All time spent working on these cases is documented under "Probation Only" on the time study.

Youth identified non-candidates who have a moderate or high risk on JAIS, and the case is to remain in the Placement Unit for the typical 90 days of aftercare, will have a *Pre-Placement Case Plan* created by the Placement Unit DPO within 30 days of the placement order being set aside. If the case is to be transferred to an institutional DPO, the receiving DPO will create the *Pre-Placement Case Plan* within 30 days of receipt of the case. The case plan must be updated every six months. All time spent working on these cases is documented under "Probation Only" on the time study.

If upon JAIS Re-assessment a non-candidate is downgraded to a low risk, case plans are no longer needed. All time spent working on these cases is documented under "Probation Only" on the time study.

Youth identified as candidates, regardless of their JAIS score, will have a *Pre-Placement Case Plan* created by the DPO. There is no maximum length of time a youth may be considered a reasonable candidate; however, the DPO must complete a new *Evaluation of Imminent Risk and Reasonable Candidacy* and an updated *Pre-Placement Case Plan* every six months while the youth remains a reasonable candidate. Time spent working on these cases will be documented as outlined in the *Title IV-E Time Study Instructions- Pre-Placement* (Probation/Templates/Juvi/Title IV-E).

If a youth previously determined to be a non-candidate has a change in circumstances that will likely result in risk of removal from the home and placement in foster care the DPO shall refer to the *Pre-Placement Title IV-E Procedure* (Probation/Administration/Procedure Manual/Placement Procedure Manual).