

## WARRANTS OF ARREST FOR JUVENILES

- AUTHORITY:** Welfare and Institutions Code (WIC) Sections 663, 777, 871(a), 871(b), 871(c) and 871(d)  
Penal Code (PC) Section 817(b)
- RESCINDS:** Procedure Manual Item 2-1-205, dated 01/13/16
- FORMS:**
- |  |                                |
|--|--------------------------------|
| Probation Officer's Report for Subsequent/ Supplemental Petition and Request for Warrant of Arrest | (F057-4128W)                   |
| Application for Petition   | (F057-4024AF)                  |
| Warrant Information Sheet  | (F057-9037AF)                  |
| Declaration to Support Warrant   | (F057-4010.3)                  |
| Notice of Probation Warrant Issued   | (Warrant Unit Template Letter) |
| Juvenile Record Check  | (F057-9914.11)                 |
| Promise to Appear  | (Warrant Unit Template Letter) |
| Juvenile Case Disposition Sheet  | (F057-4158.20)                 |
| Petition for Modification  | (F057-5120AF)                  |
| Juvenile Risks/Needs Reassessment Packet   | (F057-5049AF)                  |
| Adult Record Check   | (F057-1064.10)                 |
| Warrant Notice of Hearing on Juvenile Probation Violation  | (F057-5300AF)                  |
| Probation Violation Memo   | (Automated Template)           |
| Special Incident Report  | (F057-9162AF)                  |
- PURPOSE:** To provide guidelines to probation staff processing requests for warrants of arrest.

### I. GENERAL INFORMATION

The primary function served by the juvenile warrant is to assure the youth's eventual physical presence in court. Generally, the warrant is issued when the youth has failed to appear in court, fled the jurisdiction of the court, absconded from probation supervision, escaped from a custodial program, or the youth's whereabouts is unknown.

### II. ISSUANCE OF WARRANTS PROCEDURE

- A. Warrants Requested by the **deputy** probation officer (**DPO**) alleging WIC 777.
1. The DPO will prepare the following and submit to their Supervising Probation Officer (SPO):
    - a. Application for Petition completed and submitted electronically via the Integrated Case Management System (ICMS).
    - b. Notice of Hearing on Juvenile Probation Violation completed and submitted electronically via ICMS.
    - c. Probation Violation Memo completed and submitted electronically via ICMS.

- d. Warrant Information Sheet completed and submitted electronically via ICMS.
- e. Discovery Packet: All supporting documents for alleged probation violation(s); i.e. drug tests, school attendance record, etc. (original and three copies).

If no supporting documentation is needed (e.g. the only allegation is absconding from supervision), then the DPO will write "No Supporting Documentation Needed" on the Application for Petition under the "Probation Use Only-Comments" section.

- 2. The unit SPO will carefully review the merits of the case (e.g. efforts made to locate the youth) and approve if appropriate. Further, the unit SPO will:
  - a. Electronically submit the Application for Petition, Notice of Hearing on Juvenile Probation Violations, Probation Violation Memo and Warrant Information Sheet.
  - b. Immediately pony the Discovery Packet to the warrant unit clerk at JH-1 or fax to the Warrant Unit clerk at 714-935-7977.
  - c. Send the J/DL file to the Warrant Unit clerk at JH-1.
- 3. The Warrant request will be processed as follows:
  - a. The Warrant Unit clerk will print the Application for Petition, Notice of Hearing on Juvenile Probation Violations, Probation Violation Memo and Warrant Information Sheet.
  - b. The Warrant Unit clerk will print a photo of the subject for whom the warrant is being requested.
  - c. Upon receipt of the file, the Warrant Unit clerk will log the file in.
  - d. Upon receipt of the Discovery Packet (if applicable), the Warrant Unit clerk will hand-carry the completed warrant request packet to the Court Clerk's Office.
  - e. The court clerk will give the entire warrant request packet to a judicial officer for signature.
  - f. Once the warrant request is signed by the judicial officer, the warrant request packet will be returned to the Court Clerk's Office where a hard copy of the warrant of arrest will be completed.
  - g. The original warrant, Notice of Hearing and Warrant Information Sheet will be retained by the Court Clerk's Office. The remaining paperwork will be returned to the Warrant Unit clerk.
  - h. The warrant court clerk will send the DA their packet. Probation and defense copies will remain in the J/DL file until the youth is

apprehended.

- i. The warrant court clerk will mail copies of the petition to the parents/guardians of the youth upon issuance of the warrant.
- j. Risk/Needs Assessment Chrono: The assigned DPO shall complete the appropriate chrono as detailed below.
  - (1) If the case is “new” and has never been entered into ICMS, an “Immediate Termination” chrono shall be completed. When completing the chrono, the DPO shall mark both “Immediate Termination” and “Warrant” so as to accurately capture the status of the case.
  - (2) If the case has been previously classified, a “Termination from Field Supervision – Warrant” chrono shall be completed.
  - (3) If, at the time the field **DPO** transfers a case to the Warrant Unit, less than one-half of the assessment period has passed and no changes have occurred in the Risk/Needs variables, the **DPO** may elect not to re-score the variables, with SPO approval, by clicking on the immediate termination box which bypasses the scoring.
  - (4) Those cases that have been out on warrant for over 90 days, processed on the warrant, and returned to the field will be treated as “new” cases. An initial chrono will be completed within the forty-five (45) day new case period, thereby re-entering the case into the database.

**B. Facility Escape Warrants (Under eighteen [18] years old)**

1. The unit **supervising juvenile correctional officer (SJCO)** or duty officer **(DO)** will immediately contact the assigned DPO, SPO and Facility Director (AIC if escape occurs outside of normal business hours) by telephone and follow-up with an email including all relevant information (i.e. DR #, circumstances of the escape, etc.). The facility **division** director or **administrator-in-charge (AIC)** will determine the initial level of field response. As additional information is received, the field response level may be revised.
2. The unit **SJCO** or **DO** will send an email to the “Institutional Escape” distribution list **and will** include all relevant information (i.e. DR#, circumstances of the escape, etc.).
3. The unit **SJCO** or **DO** will contact the Custody Intake **Officer of the Day (CIOD)** by telephone **(714-935-7632)** and notify them of the escape.
4. The unit **SJCO** or **DO** will submit the following to the Warrant Unit clerk within twenty-four (24) hours of the escape or the following business day:
  - a. Application for Petition (greenie) alleging a violation of WIC 871(a),

871(b), or 871(c). This form is available electronically but in the event that the electronic version is inaccessible, a hard copy will suffice.

- b. Warrant Information Sheet. This form is available electronically, but in the event that the electronic version is inaccessible, a hard copy will suffice.
- c. Ward Card (4 copies)
- d. Declaration in Support of Arrest Warrant
- e. Discovery Packet: All supporting documentation for allegation including the following (four copies):
  - (1) Most recently signed Rules of Conduct
  - (2) Most recently signed Institutional Indoctrination
  - (3) Signed Temporary Release (TR) Agreement (if applicable)
  - (4) All relevant **Special Incident Reports (SIRs)**

- 5. The Warrant Unit clerk will hand-deliver the warrant request packet to the Juvenile Court **Officer Unit** SPO or designee.
- 6. The Juvenile Court **Officer Unit** SPO or designee will hand-deliver the warrant request packet to the juvenile court filing district attorney with a specific and articulated request to expedite. The Juvenile Court **Officer Unit** SPO or designee will follow-up at the end of the first business day to confirm that the warrant request was processed.
- 7. The Warrant Request Packet must be processed by the DA clerk, court clerk, and the courtroom clerk prior to being forwarded to the assigned judicial officer (if available) or duty judge.
- 8. Once the warrant is signed by the judge, the paperwork is processed by the courtroom clerk before being sent back to the court clerk. The court clerk forwards the signed warrant to the Central **Warrant Repository (CWR)**.

C. **Facility Escape Warrants (eighteen [18] years of age or older)**

- 1. The unit **SJCO** or DO will contact the appropriate law enforcement agency and request an officer respond for the purpose of filing a new law violation. It is imperative that the unit supervisor or DO tell the officer that the escapee is over the age of 18 and articulate the intent to have the agency submit the escape charges in adult court. The unit **SJCO** or DO shall obtain the DR#.
- 2. The unit **SJCO** or **DO** will immediately contact the assigned DPO, SPO, and facility **division** director (AIC if escape occurs outside of normal business hours) by telephone and follow-up with an email including all relevant information (i.e. DR #, circumstances of the escape, etc.). The facility director or AIC will determine the initial level of field response. As additional information is received, the field response level may be revised.

3. The unit **SJCO** or **DO** will send an email to the “Institutional Escape” distribution list **and will** include all relevant information (i.e. DR#, circumstances of the escape, etc.)
4. The unit **SJCO** or **DO** will contact the custody intake duty officer by telephone and notify them of the escape.
5. The unit **SJCO** or **DO** will collect all applicable/relevant SIRs.
6. The unit **SJCO** or **DO** will create two (2) separate packets (**as outlined in below sections a. and b.**) and submit to the facility **division director or AIC for review and approval**. The first will be submitted in juvenile court requesting a probation violation warrant be issued. The second packet will be submitted in adult court alleging the escape as a new law violation.
  - a. Juvenile Court packet and process
    - (1) The unit **SJCO** or **DO** will complete an Application for Petition alleging a WIC 777, Notice of Hearing on Juvenile Probation Violation, Probation Violation Memo, and a Warrant Information Sheet. These forms are available electronically but in the event that the electronic version is inaccessible, hard copies will suffice.
    - (2) Discovery Packet: All supporting documentation for allegation including the following (four copies):
      - (a) Most recently signed Rules of Conduct
      - (b) Most recently signed Institutional Indoctrination
      - (c) Signed Temporary Release (TR) Agreement (if applicable)
      - (d) DR (if available)
      - (e) All relevant SIRs
    - (3) After the packet is approved by the facility manager, the process detailed in **above** Section II. B. shall be followed.
  - b. Adult Court Packet
    - (1) The unit **SJCO** or **DO** will collect all relevant SIRs and obtain a copy of the DR as soon as it is available. While it is preferable to have the local law enforcement agency submit the new law violation to the adult court filing district attorney, delayed availability of the DR will not prevent the submission of the new law violation allegations by probation.
    - (2) The facility **division** director, with the assistance of the assigned DPO(s), will follow-up with the responding agency and the adult court filing DA to ensure that the escape allegation is filed in adult court.

**D. Pre-Detention and Pre-Disposition Program (PPP) and Accountability**

**Commitment Program (ACP) Abscond Warrant Requests (Under eighteen [18] years old)**

1. WIC 871(d): A youth who, while under the supervision of a **DPO**, removes his or her electronic monitor without authority and who, for more than 48 hours, violates the terms and conditions of his or her probation relating to the proper use of the electronic monitor shall be guilty of a misdemeanor.
2. The **PPP** or ACP **DPO** will send an email to the “**PPP Abscond**” or “**ACP Abscond**” distribution list and the assigned DPO and SPO including all relevant information.
3. Immediately after the first forty-eight (48) hours have passed, the **PPP** or ACP **DPO** will submit the following documents to the assigned **SPO**:
  - a. Application for Petition (greenie) alleging a violation of WIC 871(a), 871(b) or 871(c). This form is available electronically but in the event that the electronic version is inaccessible, a hard copy will suffice.
  - b. All applicable/relevant SIRs (four [4] copies of each report)
  - c. Warrant Information Sheet. This form is available electronically but in the event that the electronic version is inaccessible, a hard copy will suffice.
  - d. Ward Card (four [4] copies)
  - e. Declaration in Support of Arrest Warrant
  - f. Discovery Packet: All supporting documentation for allegation including the following (four [4] copies):
    - (1) Most recently signed Rules of Conduct.
    - (2) Most recently signed **PPP/ACP** Indoctrination
    - (3) DR (if available)
    - (4) All relevant SIRs

**E. PPP and ACP Abscond Warrant Requests (eighteen [18] years of age or older)**

1. The **PPP** or ACP officer will follow the same procedure outlined in II. A. for a **DPO** submitting a warrant request for a probation violation. This shall be done within 48 hours of the abscond and does not require the forty-eight (48) hour waiting period for a **WIC** 871(d) allegation.
2. The assigned **PPP** or ACP officer will send an email to the “**PPP Abscond**” or “**ACP Abscond**” distribution list (whichever applies) and assigned DPO and SPO **and shall** include all relevant information.

**F. Warrants Issued on the Court's Own Motion**

When a youth fails to appear for a court hearing, the court, on its own motion, may issue a warrant. In such cases, the court officer prepares the Warrant Information

Sheet in duplicate:

1. **The court officer** forwards the original of the Warrant Information Sheet to the Juvenile Court Clerk's Office and places a copy in the probation file.
2. The Juvenile Court Clerk's Office forwards the Warrant Information Sheet and the original warrant to the Central Warrant Repository of the Orange County Sheriff's **Department**.
3. The juvenile court officer will forward, via contested cases, a copy of the court Disposition Sheet wherein the bench warrant is ordered issued. Contested officers will call youth's residence and attempt to get the youth to appear and have the warrant cleared.
4. Contested cases will forward the case file packet to the Warrant Unit clerk for processing.
5. Upon processing, the Contested clerk will send "Notice of Probation Warrant" to the field DPO. The field DPO will then send all case-related material to the Warrant Unit. The field DPO must also complete a Risk/Needs **Assessment Chrono** as noted in Section II.A.3.j above. The case is then logged as transferred to the Warrant **Unit** by the field unit clerk.

G. Warrants Initiated by Law Enforcement (Police Warrants)

1. Refer the law enforcement officer requesting a warrant (for either wards or non-wards) to the Warrant **Unit** DPO. In general, the Warrant **Unit** DPO will "walk" the warrant request through the filing process, in order to expedite the request. Due to the inherent urgency of police warrants, Custody Intake **Unit DPOs are** to process these requests in the Warrant **Unit** DPO's absence.
2. Law enforcement personnel will submit a completed Application for Petition, a Declaration In Support Of Arrest Warrant, four copies of the crime report, and a Warrant Information Sheet.
3. The Warrant **Unit** DPO will complete the "Probation Use Only" section of the Application for Petition. The Warrant **Unit** DPO will obtain the youth's file or call 714-935-7402 to have a P# issued if no prior record exists.
4. The police officer will hand carry the following to the **DA's** office:
  - a. The goldenrod copy of the Application for Petition/Intake and Transmittal form.
  - b. **Three (3)** copies of the crime report (**marked "DA", "Court", and "Def"**).
  - c. The white **and yellow** copy of the Declaration In Support Of Arrest Warrant form (needs officer's signature).
  - d. Two copies of the CJI printout, if it is included in the police packet.

- e. The white copy of the Warrant Information Sheet.
5. Upon approval of the case by the DA and typing of the petition by their clerk, the packet is transmitted to the Court Clerk's Office for filing and issuance of the Warrant of Arrest.
6. If the warrant is to be entered into the automated system, the court clerk will immediately send copies of the filed petition and Warrant of Arrest to the probation Warrant **Unit** clerk. The Warrant **Unit** DPO may check ICMS for update.
7. If the warrant is not to be entered into the automated system (requesting agency will serve it themselves), the court clerk will notify the Warrant **Unit** DPO, and give the original copy of the Warrant of Arrest to the police officer, along with a Warrant Receipt. Copies of the filed petition and warrant of arrest will also be retrieved from the clerk's office. (Note: Such warrants are not entered into the automated system.) Advise the officer that if the warrant is not served within seven (7) days, the original warrant must be returned to the Warrant **Unit** DPO. If the original warrant is not given to the law enforcement officer, the Warrant **Unit** DPO or Warrant **Unit** clerk will contact him/her once the warrant is in the system.
8. The entire warrant packet is processed by the Warrant **Unit** clerk. If no probation file exists, Intake/Log will prepare a file as per new case set-up procedures.
9. The completed file will then be sent to the Warrant Unit and processed.

### III. COURT PROCEDURE

No hearing will be scheduled until the youth is apprehended or surrenders on the warrant.

### IV. INTAKE PROCEDURE

#### A. Voluntary Appearance ("Walk-In" Warrants)

Many warrants are cleared through voluntary appearance after mail or telephonic notice or other reason. Some arrange an appointment in advance while others "walk in."

##### 1. Immediate Arraignment

The **Presiding** Judge of the Juvenile Court has indicated that, whenever possible, a youth who surrenders voluntarily to the Probation Department on a juvenile court warrant should be arraigned immediately. Some Courts issue "No Walk-In" Warrants, which necessitate the subject's arrest and detention pending arraignment.

When a person appears to surrender on a juvenile court warrant, the receptionist notifies the Warrant **Unit** DPO (or Warrant **Unit** clerk) and directs the person to wait in the juvenile hall lobby.

- a. The Warrant **Unit** DPO obtains and reviews the file and advises the

youth and parents of their rights, including their right to be represented by an attorney.

- b. The Warrant **Unit** DPO interviews the youth/parents, first advising them of their Miranda Rights. The Warrant **Unit** DPO **then** determines why the youth failed to appear, what new address and phone number they have, **as well as their** status regarding school, gang affiliation and drug and alcohol use. This is then summarized in a **Warrant** Arraignment Report.
- c. Following the interview, direct the youth and parents to the assigned courtroom and instruct them not to leave the building until after the warrant has been recalled. Each situation should be evaluated, and whenever the **Warrant Unit DPO determines** that the youth might leave or not cooperate, the youth should be **taken** into custody.
- d. The Warrant **Unit** clerk or Warrant **Unit** DPO delivers the appropriate Disposition Sheet, Warrant Arraignment Report, and youth's file to the courtroom and gives it to the court officer.
- e. At the arraignment, the recommendation of the Warrant **Unit DPO** must include the following:
  - (1) That the warrant of arrest be recalled.
  - (2) A detention/release plan: That the youth be released or detained.
  - (3) That the matter be set for an appropriate hearing, if necessary.
  - (4) Often a suggested disposition is recommended in a court report or the Juvenile Reassessment Chrono found in the youth's file. If not, the Warrant **Unit** DPO can make a recommendation for an immediate disposition based on the allegations, circumstances, youth's attitude and other factors as appropriate.

## 2. Conditional Release Pending Arraignment

If the warrant has been outstanding for ninety (90) days or more, the Warrant **Unit** DPO should use **their** discretion; however, "No Walk In" warrants must be arrested.

A youth who voluntarily surrenders on a warrant may be conditionally released at the discretion of the Warrant **Unit** DPO if:

- a. No Court is available to immediately hear the arraignment due to the hour of the day or other factors,
- b. The youth signs a Promise to Appear form for the next judicial day, **and**

- c. The youth fully understands that the warrant continues to be outstanding and he/she may be arrested on the warrant between the time of conditional release and arraignment.

3. Lodging at Juvenile Hall

A youth will be lodged at juvenile hall when voluntarily surrendering on a warrant if:

- a. Detention is to be recommended,
- b. The warrant DPO believes the youth will not return on the next judicial day if conditionally released,
- c. The warrant is issued as a "No Walk In," **or**
- d. The youth surrenders without a parent/guardian.

B. Involuntary Appearances

1. If the youth is in custody on the warrant matter only, the Detention Hearing must be held within forty-eight (48) judicial hours.
2. If a new charge accompanies the youth, the matter is processed by Custody Intake as a regular intake, and the warrant arraignment will be set at the same time as the Detention Hearing.

V. PROCEDURE FOR RECALL OF WARRANTS WITHOUT ARRAIGNMENT

A. Initiated by the Warrant **Unit DPO** only

Use the following procedure only if termination of court jurisdiction appears consistent with the protection of the community, the interests of justice, and the welfare of the youth:

1. Petition for Modification is prepared.
2. Petition for Modification is given to the Warrant Unit SPO for approval.
3. After approval by the Warrant Unit SPO, the Petition for Modification is submitted to Contested Cases function at JJC/5, to be directed to the appropriate court for review.

B. Recall on Court's Own Motion

When the court recalls a warrant on its own motion at a court hearing, the court clerk will generate a Minute Order. The file and Disposition Sheet will be forwarded to the Contested **DPO** in juvenile court. The Contested **DPO** will make a copy of the Disposition Sheet and forward it to the Warrant **Unit** clerk.

C. Recall by Ex-Parte Order

When the court makes an ex-parte order to recall a warrant, the Contested clerk

will forward a copy of the ex-parte Minute Order to the Warrant **Unit** clerk who will **notify** the assigned Warrant **Unit DPO**.

VI. PROCEDURE FOR TRANSFERRING OF WARRANT CASES TO THE WARRANT CASELOAD

Immediately transfer cases wherein the youth fails to appear for a hearing and a bench warrant is issued **to the Warrant Unit**.

- A. Once notification is received by the currently assigned unit clerk and field DPO, all documents relating to the youth, including field book sheets should be sent to the Warrant Unit.
- B. After the youth has been arraigned and the warrant has been recalled, the Warrant Unit ceases involvement with case management **and the case is reassigned to the appropriate DPO**.

VII. FURTHER INFORMATION REGARDING HANDLING OF WARRANTS

- A. Warrant DPO will receive and screen new applications so duplication of warrants is avoided.
  - 1. Unlike adult cases, which have a separate file number for each complaint, juvenile cases **typically** have a single J/DL# with continued filings under the same number. **However, there have been instances where different case numbers are assigned for the same youth.**
  - 2. There should be only one juvenile court warrant outstanding for any one J/DL# case, no matter how many petitions may be on file for adjudication. **However, there have been instances where the court issues more than one warrant for a youth on numerous petitions.**
  - 3. In the event an additional petition is filed on the youth's behalf and a warrant is already outstanding, the appropriate recommendation is to either:
    - a. Ask the Court that the outstanding warrant remain outstanding, or
    - b. Ask the Court to recall the warrant issued and issue a new warrant if the new charge is more serious than the one pending. **Normally if a youth is out to warrant and additional petitions have been filed, there will not be another warrant issued, unless the judge deems it necessary.**
- B. A person eighteen (18) years of age or older in custody in the Orange County Jail on an adult offense, who also has a juvenile warrant outstanding, will not be re-booked in juvenile hall on the warrant, but will be brought directly to Juvenile Court by the Orange County Sheriff's Department for arraignment ("Jail Transports"). Subjects or wards eighteen (18) **years of age** or **older** will also be booked at Orange County Jail on the basis of the Juvenile Court warrant only. The only exception is for eighteen (18+) year olds who turn themselves in to juvenile hall and for whom the court has ordered "No Walk In" warrants. The Custody Intake **Officer of the Day (CIOD)** may choose to book these individuals into juvenile hall or to take them to the Orange County Jail for booking until their arraignment, as

above. After arraignment, the court determines where they are to be housed, pending future hearing.

When the "Jail Transports" arrive each court day, the Warrant **Unit DPO** will gather essential information relative to the subject's particular circumstances and provide it along with a recommendation to the court.

**REFERENCES:**

Procedures:	2-1-002	Transportation Security
	2-1-213	In-Custody Security Transportation of "High-Risk" Youth, Subjects of Warrants of Arrest, from Out-of-State Jurisdictions by the Orange County Sheriff's Department
	2-4-103	DJJ Wards-Custody Intake Procedures
	2-6-101	Juvenile Probation Violations
Policies:	A-1	Policy, Procedure and the Law
	A-5	Communications within the Probation Department
	B-1	Case Confidentiality-Client's Right to Privacy
	D-3	Peace Officer
	E-1	Conferences with a Judge or Commissioner
	E-5	Advisement of Rights
F-2	Recommendations to the Court for Dispositions/ Sentencing and Commitments for Minors	

C. Ronald/L. Baker

**APPROVED BY:**