

NON-CUSTODY INTAKE/DIVERSION

- AUTHORITY:** Welfare and Institutions Code (WIC) Sections 236, 258-286, 601-604, 602.1, 650-654, and 656
California Rules of Court, Rule 4.421 (Circumstances in aggravation), Rule 4.423 (Circumstances in mitigation), and Rule 5.512 (Joint Assessment Procedure)
- RESCINDS:** Procedure Manual Item 2-4-001, dated 06/01/15 (Major Revision)
- FORMS:**
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| Application for Petition | (F057-4024) |
| Juvenile Intake Assessment Report | (ICMS generated) |
| School Information Form | (F057-5370) |
| Juvenile Data Sheet | (F057-4193) |
| Informal Probation Agreement (654 WIC) | (F057-5118) |
| Sanction Agreement | (F057-5371) |
| Medical Consent | (F057-7001) |
| Release of Medical/Psychological Information | (F057-7004) |
| Voluntary Referral & Release of Information | (F057-9161) |
| Notice of Statutory Rights | (F0182-558) |
| Disposition of Arrest and Court Action | (JUS 8716/8717) |
| Notification to Law Enforcement | (NCI form) |
| Records Check | (F057-9914) |
| Records Check Request-Adult/Juvenile | (ICMS generated) |
| Appointment Letter | (F057-5368) |
| Non Custody Intake Victim Letter | (NCIV01) |
| Child Abuse Registry Report Request | (ICMS generated) |
| Peer Court Session Information Sheet | (NCID Form) |
| Peer Court Packet | (NCID Forms) |
- PURPOSE:** To provide guidelines for processing mail-in Applications for Petition.

I. GENERAL INFORMATION

The Non-Custody Intake/Diversion (NCID) Unit processes mail-in Applications for Petition to:

- A. Determine if this application should be referred directly to the District Attorney within forty-eight (48) hours per WIC 653.5.
- B. Assess the significant factors which led to the referral.
- C. Determine whether the youth's case should be:
 1. Dismissed-counseled and warned
 2. Dismissed and referred to another agency
 3. Dismissed with a sanction

4. Placed on informal supervision (WIC 654)
 5. Referred to Peer Court
 6. Referred to the District Attorney/Juvenile Court
 7. Staffed with the Social Services Agency liaison if the youth is a WIC 300 dependent.
 8. Application for Petition returned to submitting law enforcement agency if youth is under that age of twelve (12). Pursuant to Senate Bill 439, the only exception to this age requirement is if a youth under the age of twelve (12) is alleged to have committed on of the following offenses:
 - a. Murder
 - b. Rape by force, violence, duress, menace, or fear of immediate and unlawful bodily injury
 - c. Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury
 - d. Oral copulation force, violence, duress, menace, or fear of immediate and unlawful bodily injury
 - e. Sexual penetration force, violence, duress, menace, or fear of immediate and unlawful bodily injury
- D. Each NCID deputy probation officer (DPO) should:
1. Schedule intake interview within two (2) weeks, but no more than four (4) weeks from the date the case is assigned.
 2. Make every effort to reschedule cases where the client cannot keep the originally scheduled appointment. Document efforts in the Juvenile Intake Assessment Report (JIAS) and via an Electronic Contact Report (ECR) entry in the Integrated Case Management System (ICMS). Every effort should be made to avoid having to reschedule appointments.
 3. Per WIC 653.7, if the NCID DPO does not take action under WIC 654 and does not file a petition in Juvenile Court within twenty-one (21) days, the Application for Petition will be sent back to the originating agency with a notation as to why the Application for Petition did not go forth.

II. PROCEDURE

- A. The Mail Room receives the Applications for Petition from the referring agency and time stamps them.
- B. The Records Intake Clerk processes the Applications for Petition, enters them into ICMS. Most cases have the CJI record sheet attached. If no CJI record exists, "N/R

CJI" is stamped on the Application for Petition. All Applications for Petition are then forwarded to the NCID Screener.

- C. NCID Screener-The Screener function involves the identification and processing of non-custody cases that have been submitted to Probation. The Screener must ensure that in each case: 1) an affidavit has been submitted with a police report that sets forth the facts alleging that a youth within the provisions of WIC 602 has violated any California law, United States law, or any city or county ordinance and 2) that the offense occurred in Orange County, and 3) that the youth is twelve (12) years of age or older. If the offense occurred in another jurisdiction and the youth resides in Orange County, the cases will be returned to the originating county for processing.

The Screener position generally encompasses three separate functions:

1. Identification and processing of WIC 653.5 cases for submission to the District Attorney. The 653.5 WIC Screener function is crucial as it is mandated and has extremely short time limits. This function involves the identification and processing of Non-Custody WIC 653.5 Applications for Petition prior to forwarding them to the District Attorney's Office. Under WIC 653.5, the following offenses must be forwarded to the District Attorney within forty-eight (48) hours.
 - a. All WIC 707(b) cases regardless of age
 - b. Felonies
 - (1) If fourteen (14) years of age or older on date of offense
 - (2) If under fourteen (14) years of age on date of offense and there is a prior felony referred to Probation
 - (3) Initial screening for eligibility for Deferred Entry of Judgment (DEJ)
 - c. Sale or possession for sale of controlled substance as defined in Chapter 2 (commencing with Health and Safety (H&S) Code Section 11053 of Division 10)
 - d. Regardless of age
 - (1) H&S 11350 and H&S 11377 where the violation takes place at school
 - (2) Penal Code (PC) 245.5 (Assault with deadly weapon on school employee)
 - (3) PC 626.9 (Bringing or possession of firearm on campus)
 - (4) PC 626.10 (Knives, razors, tasers, stun guns, etc. on school grounds)
 - (5) PC 186.22 (Gang activity)

- (6) Previous WIC 654 Probation case
- (7) Over \$1,000 of restitution owed to any victim.

All WIC 653.5 cases are routed to the designated unit clerk and are handled with the highest priority. The unit clerk routes the file to Juvenile Contested cases and documents the transfer in ICMS.

- 2. Dissemination and processing of non-WIC 653.5 cases - If a case is determined to be non-WIC 653.5 the Screener designates it as one of the following categories and routes it accordingly.
 - a. Cases to be assigned to NCID for intake are routed to unit clerk for assignment to the NCID DPO.
 - b. Cases that are wards or court ordered WIC 654.2 or non-ward WIC 725 are routed to unit clerk for referral to assigned DPO.
 - c. Unsupervised ward cases
 - (1) If case has been unsupervised per the court order date for less than six (6) months, the Application for Petition is returned to the last assigned field DPO.
 - (2) If it has been more than six (6) months since the youth has been declared unsupervised, the case is assigned for intake or handled by the Screener as case dynamics dictate.
 - d. Cases with warrants (pending or active warrant cases) are given to the Warrant Unit clerk.
 - e. When a youth is in custody at juvenile hall or another probation facility, the NCID Screener shall indicate the case is a non-custody case on the Application for Petition. The case is then routed to the District Attorney's Office for review.
 - f. For all remaining Applications for Petition, as indicated by the case dynamics, the Screener can personally handle the cases in the following manner:
 - (1) Submit to the District Attorney for filing
 - (2) Dismiss and refer to an appropriate counseling agency
 - (3) Dismiss with a warning letter (with NCID Supervising Probation Officer (SPO) approval)
 - (4) Dismiss and refer to Informal Juvenile and Traffic Court
 - (5) Dismiss for other reasons
 - (a) Best interest of justice

- (b) Past "Statute of Limitations"
 - (c) The defendant was an adult at the time of the offense
 - (d) Duplicate Application for Petition
 - (e) Police error
3. Dissemination and processing of District Attorney Rejects - NCID cases rejected by the District Attorney are returned to the Screener. Cases rejected by the District Attorney fall into one of the following categories.
- a. Cases submitted pursuant to WIC 653.5 in which the District Attorney deems that the offense does not rise to the level of a felony – District Attorney returns case to Probation for an intake interview, at which point the case can be filed as a misdemeanor.
 - b. WIC 653.5 and non-WIC 653.5 cases which have been returned by the District Attorney for whatever disposition deemed appropriate by Probation (dismissal or informal handling).
 - c. WIC 653.5 WIC and non-WIC 653.5 cases returned by the District Attorney in which they decline to prosecute.
4. Rejected cases that were referred to the DA by an NCID DPO will be returned to the assigned officer via the unit clerk.
5. The Screener (or the assigned NCID DPO) will review the District Attorney's case reject letter to determine why the case has been rejected, and process the case in one of the following ways.
- a. Those cases that cannot be remedied are dismissed and returned to referring agency.
 - b. Those cases that can be remedied and resubmitted by the referring agency are dismissed and returned to the referring agency with notation to resubmit when remedied to satisfy deficiencies as stated in District Attorney reject letter.

A more detailed description of the NCID Screener function is contained in the NCID Screener Desk Manual.

- D. Upon receipt of cases forwarded to NCID by the Screener, the assigned DPO shall:
- 1. Check pertinent information on the Application for Petition, paying particular attention to youth's age, address, and alleged offense(s).
 - a. These factors might influence the manner in which the case is processed.
 - b. Make an effort to obtain the names and addresses of parents, if not on the Application for Petition. Attempt to obtain the name and

address of the Social Worker, if the youth is a current WIC 300 dependent.

2. Read police reports.
 - a. Factors to consider are:
 - (1) Seriousness of the offense
 - (2) Possible flaws in the case (e.g., no lab results; insufficient, illegible or missing reports, etc.)
 - (3) Statute of limitations based on the date of the offense
 - b. If further information is needed, contact the referring agency and request that it be sent or return the case to the referring agency for completion.
 - c. Confirm completion of a Department of Motor Vehicles record check on all California Vehicle Code referrals and initiate an out-of-county Probation record check on all youth not living in Orange County.
3. The DPO will mail the appointment letter and Self-Report Questionnaire to the family or Social Worker. The unit clerk will fax the School Information form to the youth's school of record.
4. To prepare for the intake interview, confirm that the following items are in the youth's file:
 - a. Application(s) for Petition
 - b. Complete police report(s)
 - c. Record Checks
 - d. Duplicate copy of appointment letter
 - e. Contact victims and appropriate collateral sources before the interview
 - f. Submit a Child Abuse Registry (CAR) report request to SSA
5. Prior to the interview, complete the summary of offense on the JIAS Report via ICMS. Prepare a brief summary of the offense with information related to who, what, why, when, where, and how the offense occurred. The summary should also capture indicators of the youth's attitude regarding the offense or reaction to the arrest (if contained in the police report).
6. Record victim information in the JIAS. Include name, address, age (if relevant), and phone numbers. Prior to the interview, contact the victim and record the victim's statement regarding costs and insurance information if applicable. Include victim's comments about disposition of the case and any

further problems with the youth. If unable to contact the victim, all attempts should be listed (include dates and outcome of attempts).

- E. The Intake Interview-The youth's parent or legal guardian or social worker must accompany the youth to the interview. If a relative or a parent's significant other that is not a legal guardian accompanies the youth, the youth cannot be questioned regarding the offense. The intake interview must be used to collect social and background information only. If a parent or legal guardian appears for the interview without the youth, gather social and background information to include in the JIAS report. If a youth has turned eighteen (18) years old since the date of the offense, they may participate in the interview without a parent or guardian present.
1. Use the JIAS which provides a structure for obtaining relevant and required information at the intake level.
 2. The following steps are guidelines to remember when conducting the interview:
 - a. Introduce yourself. Briefly explain the purpose of the interview, the function of the NCID Unit, and various options available at this point in the proceedings.
 - b. Check the Juvenile Data Sheet for completeness and accuracy, using the birth certificate to verify youth's name, date, and place of birth.
 - (1) Record the youth's social security number.
 - (2) Obtain a duplicate copy of the birth certificate for the file. If the family does not have a birth certificate for the youth, they will need to complete and sign the Birth Certificate Abstract form. This form should be destroyed once a birth certificate is received.
 - (3) If the name on the data sheet or birth certificate is different than on the application, rerun the record check with the new name. Make necessary corrections on all case documents. Attach a note to the Application notifying Records of the need to modify ICMS.
 - c. Complete the JIAS Risk Assessment-Non-Custody Intake
 - (1) Use information from the youth's file to obtain the information needed to score the youth.
 - (2) Ask the parents general questions involving their supervision of the youth.
 - d. Scoring and Outcomes
 - (1) If the youth scores [REDACTED] the DPO can counsel and dismiss the case without further interview. However, if the DPO feels the youth needs to be interviewed further, the case

will be staffed with the NCID SPO to determine if it should be an override. All overrides must have prior SPO approval. Examples of an override include: possible restitution, sex crime, domestic violence, etc.

- (2) If the youth scores a [REDACTED], the DPO will continue with the interview. Scoring is as follows: [REDACTED]
[REDACTED]
 - (3) When a youth scores a [REDACTED], the DPO can place a youth on a sanction agreement, a 654 WIC Agreement, send the youth to Peer Court, or refer the case to the DA. If after the interview, the DPO feels a counsel and dismiss or refer and dismiss is appropriate, the DPO can do an override down with SPO approval.
- e. Inform the youth of the charge(s). Before discussing the offense, advise the youth and parents, guardian, or social worker of the youth's rights pursuant to Miranda. Refer to Policy E-5 (Advisement of Rights).
 - f. Determine if the youth wishes to waive their rights and discuss the offense and whether the parents agree with the youth's decision. Do not discuss the offense unless both the youth and parents agree with the youth's waiver.
 - g. If the youth waives their rights and admits the allegations:
 - (1) Read or summarize the police report prior to conducting the interview.
 - (2) Ask questions about the offense, including the nature of their participation.
 - (3) Prior experiences.
 - (4) How the youth now feels about the offense, etc.
 - h. If the youth contests the allegations but waives their right to silence, you may discuss the offense with them.
 - i. If the youth invokes their Miranda Rights, no questions should be asked regarding the offense.
 - (1) Face sheet information may be obtained from the parents.
 - (2) The case should not be filed simply because the youth invokes their rights.
 - (3) Filing a case with the District Attorney should be based upon the seriousness of the offense, case dynamics and the need for formal court action; not the youth's willingness to discuss the offense.

- j. Ask the parents about their view of the offense and what actions they have taken to avoid its recurrence.
- k. Ask them about the youth's general performance at home and in the community; interaction with parents and siblings; school adjustment, jobs, hobbies, habits, prior criminal and drug history, and peer associations. Keep in mind what type of information is needed to complete the JIAS Report.
- l. Inform the clients of your decision to file, dismiss, or offer the WIC 654 diversion options. Explain any limitations that may exist, as well as the reasons for the decision.
- m. If any type of WIC 654 informal probation consideration is anticipated, emphasize that failure to comply with the agreement will result in referral to the District Attorney.
 - (1) If they agree to WIC 654, discuss the rules of probation and have the youth and parents sign the Informal Probation Agreement contract form. After the DPO also signs the form, one copy should be given to the youth and parents. Retain the original in the probation file.
 - (2) If restitution is a factor, the amount should be verified and delineated as a condition of WIC 654, when possible. Keep in mind that we have less than six (6) months to collect restitution.
- n. If the youth is represented by an attorney:
 - (1) Read or summarize the police report prior to conducting the interview.
 - (2) The attorney does not get a copy of the police report unless the District Attorney files a petition; the attorney then receives a copy from the Contested Case Officer.
- o. When the youth is a current WIC 300 dependent and the case is of a serious nature, the DPO will refer to the California Rules of Court, Rule 5.512 (Joint Assessment Procedure) and Procedure Manual Item (PMI) 2-5-001 (241.1 WIC Joint Assessment Procedure and Probation Officer's 241.1 WIC Report to Juvenile Court) in making a decision as to the outcome of the case.

F. Reporting Format-The JIAS Report

- 1. Complete the following:
 - a. SUMMARY OF THE OFFENSE
 - b. COLLATERAL INFORMATION

Use this section for any pertinent information obtained during the course of the intake interview that might be valuable to the reader (e.g. pending cases, police input, interested parties' statement). Attempts to contact the youth and family should also be listed here. Include relevant psychological information, status of counseling, etc. Document the need for and identification of any interpreter.

c. YOUTH'S STATEMENT (Regarding offense and family dynamics)

Discuss the youth's attitude toward the offense and how they view family relationships (e.g. lives with relatives, lengthy family problems, etc.)

d. PARENTS' STATEMENT (Regarding offense and family dynamics)

This section is basically the same as the section above, with focus on parents' attitudes toward the offense and family dynamics. Include the actions family has taken in response to the offense.

e. EVALUATION

(1) Summary of facts

(2) Mitigating and aggravating circumstances

(3) Assessment of needs that would help prevent further problems or difficulties

(4) Strengths and weaknesses of both the youth and parents in relation to solving the problems.

f. RECOMMENDATION

(1) Be specific

(2) Must be supported by the evaluation

(3) List conditions

g. If WIC 654 is determined to not be appropriate, specify why. More detailed instructions can be found in the JIAS Handbook.

G. Complete the DISPOSITION section of the Application for Petition. List the intake DPO's name and date submitted to the SPO. If the case is dismissed, list the specific sanctions completed (if applicable). If this case is placed on WIC 654 diversion, include the conditions the youth has agreed to complete.

H. If case is referred to the District Attorney for prosecution in juvenile court, only the Detained/Not Detained and Fingerprinted/Not Fingerprinted boxes in the Probation section should be completed if this information is known. If this information is unknown, leave these boxes empty. The JUS 8716 form must accompany the case to the District Attorney.

1. If the District Attorney files the case in Juvenile Court the JUS 8716 form accompanies the case to court.
 2. If the District Attorney chooses not to file a case they must complete and route the JUS 8716 form before returning case to Probation.
 3. If Probation handles the matter informally after District Attorney determines not to file the matter, the JUS 8717 form (which is attached to JUS 8716 form) is to be completed and routed. This form is used to report a change of the disposition that was originally reported. The JUS 8717 can be completed following the same instructions as for the JUS 8716.
- I. If the case is sent to the DA, complete the "To DA" section of the Application for Petition.

J. NCID OPTIONS/DISPOSITIONS

The following is a list of the options and criteria for each option available to the NCID DPO. A "lightweight offense" would be a minor law violation such as petty theft, possession of alcohol, municipal code violations, etc.

Law enforcement must always be notified of the disposition of their Application for Petition. The DPO does this by completing the "Notification to Law Enforcement" form by marking the disposition on this form and placing two copies in the file. Clerical will send the notification to law enforcement and keep a copy in the file.

1. Dismiss
 - a. "Lightweight offenses" when a non-delinquent youth who does not have a need for significant intervention.
 - b. Cases where there is insufficient legal reason to proceed. Not always necessary to interview in person (i.e., lab test on restricted drug is negative).
 - c. Use this option for no-show cases involving offenses with a high certainty the District Attorney will dismiss.
 - d. Certain "lightweight cases" can be dismissed after telephone contact, with permission of the SPO.

In the ICMS Court Info screen, the NCID unit clerk changes the status from [REDACTED]. In the ICMS Profile screen the unit clerk changes the [REDACTED] and the probation status from [REDACTED]. The file is routed to Records and the file location is changed in ICMS in the Profile screen.

2. Dismiss-Counsel and Release (JIAS Risk Assessment-Non-Custody Intake [REDACTED])
 - a. First-time offenders with "lightweight offenses"

- b. Family situation stable enough that counseling at the intake interview is sufficient.
- c. Parents have used appropriate discipline and have resources to deal with the problem themselves.
- d. Youth has relocated out of state and the offense meets the requirements mentioned above.

In the ICMS Court Info screen the unit clerk changes the status [REDACTED] [REDACTED] In ICMS Profile screen, the unit clerk changes the [REDACTED] and the probation status from [REDACTED] [REDACTED] The file is routed to Records and the file location is changed in ICMS in the Profile screen.

- 3. Dismiss-With Referral to Community Resource (JIAS Risk Assessment-Non-Custody Intake [REDACTED])

A “lightweight offense” where the youth would benefit or has asked for assistance in the form of a community resource. Problems may or may not be related to the referred offense.

In the ICMS Court Info screen the unit clerk changes the status from PNDA (pending) to DSMA (dismissed). In the ICMS Profile screen, the unit clerk changes the PO ID # to 9999 and the probation status from “P” (pending) to “T” (terminated). The file is routed to Records and the file location is changed in ICMS in the Profile screen.

- 4. Dismiss-After completion of a sanction. All sanctions must be completed within forty-five (45) days, unless prior SPO approval is obtained. (JIAS Risk Assessment-Non-Custody Intake [REDACTED])

- a. Restitution

- (1) Any age, first-time offense.
- (2) Youth must show proof of restitution paid or an application is to be filed.

- b. Charity Contribution

- (1) Payment would help the youth demonstrate recognition of “wrong” done to the community. This option is ideal for older youth who are employed, and are absent significant problems.
- (2) \$200 maximum

- c. Voluntary Work Hours

- (1) First-time offenders, non-delinquent but on the fringe of problems.

- (2) Youth performs community work hours in lieu of court proceedings. No more than thirty (30) hours is realistic.
- d. Self-Help Meetings (AA, NA, CA, etc.)
 - (1) Substance use-related referral where a pattern of self-reported abuse has developed.
 - (2) Required to provide proof of attendance.
- e. Essay
Lightweight cases where an educational exercise would benefit the youth.

In the ICMS Court Info screen, the unit clerk changes the status from [REDACTED] [REDACTED]. In ICMS Profile screen the unit clerk changes the [REDACTED] and the probation status from [REDACTED] [REDACTED]. In the Non-Custody Log screen (02, 05) the unit clerk enters [REDACTED]. The file is routed to [REDACTED] and the file location is changed in [REDACTED] in the Profile screen.

- 5. WIC 654 Diversion (JIAS Risk Assessment-Non-Custody Intake score of [REDACTED] – WIC 654 Diversion is a preventive program of supervision. A youth may be placed on WIC 654 Diversion in lieu of filing a petition with the consent of the youth and the youth's parent or guardian. WIC 654 Diversion may not exceed six (6) months.
 - a. Use this option when the NCID DPO feels the offense was serious enough to warrant supervision, but not court. Youths should not be placed on WIC 654 Diversion for minimal offenses.
 - b. Upon completion of an investigation interview and assessment by the NCID DPO, specific diversion services must be identified. The youth and the youth's parent or guardian must sign a WIC 654 Diversion Agreement acknowledging approval of the designated program of supervision.
 - c. Youth is supervised on informal probation by the NCID DPO while completing the diversion program. The youth can be taken off of informal probation early if diversion conditions are met.
 - d. When restitution is a condition, the youth and the youth's parent or guardian must agree to participate and pay restitution as directed.

When a case disposition is WIC 654 Diversion the unit clerk changes the status in the ICMS Court Info screen from PNDA (pending) to INFA (informal). The file is then assigned to the same DPO that put the youth on WIC 654 Diversion.

- 6. Refer to Peer Court (JIAS Risk Assessment-Non-Custody Intake score of [REDACTED] [REDACTED]

a. Appropriate

Youth between the ages of twelve (12) and seventeen (17) years of age who may benefit from the experience of being confronted by their peers for inappropriate or illegal behavior are typically good candidates for Peer Court.

b. Not Appropriate

Youth involved in violent felonies, weapons offenses, violent felony or misdemeanor behavior, sexual offenses, those who do not admit their participation in the offense, or those who do not want to discuss the case at such a venue are not appropriate for Peer Court. Finally, any cases that must be automatically reported to the Department of Motor Vehicles (DMV) such as Driving Under the Influence, are not appropriate for Peer Court. If the NCID DPO feels they have an exception, they should consult with the NCID SPO.

c. Recommended dispositions can include community service, restitution, essays, counseling, participation in community resource programs, etc.

d. When referring a youth to Peer Court, the DPO will review the Peer Court packet with the youth and family and have them sign the necessary forms, as well as initiate the referral process to the Constitutional Rights Foundation (CRF)-Peer Court, as explained below:

(1) The packet includes the Peer Court Information Sheet and the Peer Court Instructions which are signed by the youth and family. A copy of this form is given to the youth and one is retained in the youth's file.

(2) The Superior Court of California County of Orange Juvenile Court Consent and Waiver of Confidentiality Agreement for "Peer Court" Participation. The youth, parent/guardian, and DPO will sign. A copy of this form is given to the youth and one is retained in the youth's file.

(3) The DPO will complete the Peer Court Information and Background Report form, as well as the Confidential Information form, and email them to the designated CRF representative. A copy of both forms will be placed in the youth's file.

(4) The DPO will then add the youth's name to the CRF-Peer Court shared calendar for the agreed upon date and school location to participate in the program.

e. Upon completion of the Peer Court session, a representative from CRF will meet with the youth and family to go over the sanction contract, as well the Peer Court Post-Session Information Sheet.

The contract will be signed by the youth, parent/guardian, and judge. The CRF representative will then email the signed sanction contract to the assigned DPO.

- f. The assigned DPO will schedule a follow-up meeting with the youth and parent/guardian to review the Peer Court sanctions and to provide referrals and resources to the youth as needed. Additionally, the DPO will instruct the youth to provide documentation to the DPO once they have completed the required sanctions.
- g. Once the case is closed out by the DPO, the NCID unit clerk will notify CRF of the status of the case (successful or unsuccessful termination).

6. File the Application for Petition with the District Attorney

- a. This option may be used for youth who commit serious misdemeanor offenses such as assault and battery, weapon possession, malicious mischief, sex offenses, and any other offense where the protection of the community can only be reasonably assured through formal means.
- b. This option may also be used when the youth's prior record indicates a serious pattern of delinquent behavior that needs the structure and long-term intervention offered by Juvenile Court jurisdiction, restitution cannot be completed informally, there are strong indicators the youth would not complete a period of informal probation successfully, or for the youth who is given an opportunity to participate in the WIC 654 process and fails by becoming involved in another criminal matter and/or ignores the sanctions they were given to complete.
- c. Make recommendations for disposition from one of the alternatives listed below:

- (1) Court Ordered WIC 654.2
- (2) Non-Ward WIC 725
- (3) Wardship - With Probation Supervision

Sanctions and the supervision by a field DPO are needed in order to effectively motivate the youth to make positive changes.

- (a) Restitution
- (b) Community Service
- (c) Psychological Testing/Counseling

Recommend in any case where classification of case dynamics is needed and where there is a need for

significant behavioral changes in the youth. Suggest as an order of the court in any case where there is any danger to another person.

(d) Drug Testing/Counseling

Use this option where alcohol or drugs seem to be a significant problem in the youth's life.

(e) Search and Seizure

Use in drug cases, as well as sophisticated burglary cases, as a safeguard against repeat behavior.

(f) Alcohol Abuse Program

Use this option where alcohol seems to be a significant problem in the youth's life.

(g) Custody Time

Recommend when the offense was serious enough that only a significant sanction would have the desired impact on the youth. This is recommended on rare cases where this is deemed necessary. Prior to making such a recommendation, this must be staffed with the NCID SPO.

- d. In the NCID screen (Juvenile, NCI Log) under "Non-Custody Intake Information" the unit clerk selects "DA -Interview Completed" (if an intake interview was conducted) or "DA-No Interview" (if an intake interview was not conducted). The file is then routed to Juvenile Contested Cases and the new file location is documented in the Profile screen.

K. Submitting a Case for Filing

1. Submit the following documents in the packet sent to "Contested Cases":
 - a. Three (3) Copies of Application for Petition
 - b. Three (3) Copies of the police report
 - c. Three (3) copies of the Pre-Trial Report
 - d. Three (3) copies of the DMV Printout (If appropriate)
 - e. Three (3) copies of the lab report (If appropriate)
 - f. Three (3) copies of restitution requested (if appropriate)

Note: An additional copy of all of the above documents is maintained in the case file.

2. Out-of-County Residence

When a mail-in application is received on a youth whose legal residence is in another county, the NCID DPO has the same options as with an Orange County resident. There are, however, unique handling concerns to be considered.

a. Submit to the District Attorney for Filing

- (1) If the referral and surrounding circumstances are such that it would be submitted for filing if the youth were an Orange County resident, refer the matter to the District Attorney for filing in this county.
- (2) It is not necessary to interview the youth in person on this type of case, although phone contact with the youth and parent(s) should be attempted.
- (3) Make a recommendation for findings and transfer of wardship.

b. WIC 654 Diversion or Sanction and Dismiss

- (1) If the referral and surrounding circumstances are such that it would be handled informally if the youth were an Orange County resident, the NCID DPO may proceed with a WIC 654 Diversion or Sanction and Dismiss Contract.
- (2) Normally an interview should be conducted. Under certain circumstances, an office interview may be waived and a telephone interview will suffice.
- (3) Allow the youth to utilize a local program or community resources in lieu of court action. If the youth fails to comply with the contract, the case may be referred to the DA for findings and transfer.

c. Counsel, Warn, Refer and Dismiss

If the referral and surrounding circumstances are such that they would be dismissed if the youth were an Orange County resident, the Application for Petition should be dismissed.

3. No-Shows

a. If a youth and parent fail to appear for the intake interview:

- (1) Call the residence and ask if they received notification.
- (2) Call the school to see if they are enrolled and verify the family's address and telephone number.

- (3) Call parent's work and reschedule interview if you make contact.
- (4) If law enforcement has not provided correct or sufficient information to locate the youth, the following step should be taken as needed:
 - (a) Conduct an address/family member search in ICMS.
 - (b) Conduct an address/family member search in LexisNexis.
- (5) If the youth still cannot be located after taking the aforementioned steps, the NCID DPO will consider whether the Application for Petition should be submitted to the District Attorney for filing or dismissed.

b. Filing Procedure

- (1) Complete the Application for Petition
- (2) On the Intake Assessment Worksheet include:
 - (a) Summary of the offense
 - (b) Recommendation
 - (c) Documentation of all efforts made to contact minor

L. Cases previously sent to the DA and returned to Probation pursuant to WIC 653.5

When the District Attorney returns the case because the case has a legal deficiency; however, the DA requests informal handling by probation:

1. The NCID DPO is to staff with case with the SPO for proper disposition
2. Do not schedule an interview with the youth.
3. Complete the Application "Disposition" section. Write "DA Reject" – Refer to attachment statement. Once completed and if the matter was handled informally, in the "Disposition" section, write "matter handled informally" along with how it was handled (i.e. referred to a class).

M. Certifications from Court (processed by the NCID Screener)

1. Proceed with all the same options that are available for any other case.
2. Note that if there is a citation without a narrative, the District Attorney will not proceed.

N. Notice of Rights Regarding Sealing of Records

1. The intake DPO and/or assigned DPO shall provide youth listed in above

numbers 1) and 2) with the following forms pertaining to sealing of records under WIC 781 and 786 upon at the time of intake/indoctrination:

a. WIC 781

- (1) *How to Ask the Court to Seal Your Records* (JV-595-INFO)

English:

<http://www.courts.ca.gov/documents/jv595info.pdf>

Spanish:

<http://www.courts.ca.gov/documents/jv595infos.pdf>

AND

- (2) *Request to Seal Juvenile Records* (JV-595)

<http://www.courts.ca.gov/documents/jv595.pdf>

b. WIC 786

Sealing of Records for Satisfactory Completion of Probation
(JV-596-INFO)

English:

<http://www.courts.ca.gov/documents/jv596info.pdf>

Spanish:

<http://www.courts.ca.gov/documents/jv596infos.pdf>

The information described in the above section is also available on Probnet or the Orange County Probation Department's public internet site.

2. Additionally, information pertaining to sealing and destroying juvenile records can be found in Procedure Manual Items (PMIs) 2-5-009 (Sealing/Release/Destruction of Juvenile Court Records Pursuant to Welfare and Institutions Code 781) and 2-5-010 (Sealing/Release/Destruction of Juvenile Court Records Pursuant to Welfare and Institutions Code 786).

REFERENCES:

Procedures:	1-1-106	Los Angeles County Record Checks
	1-5-305	Retention and Destruction of Case Files
	2-1-004	Child Abuse Reporting Responsibilities of Deputized Probation Staff
	2-1-212	Contested Cases Petition Filing and Pretrial Functions
	2-4-101	Custody Intake Referrals
	2-5-001	241.1 WIC Joint Assessment Procedure and Probation Officer's 241.1 WIC Report to the Juvenile Court
	2-5-009	Sealing/Release/Destruction of Juvenile Court

Records Pursuant to Welfare and Institutions
Code 781
2-5-010 Sealing/Release/Destruction of Juvenile Court
Records Pursuant to Welfare and Institutions
Code 786
2-6-101 Juvenile Probation Violations

Policies: A-1 Policy, Procedure and the Law
A-2 Upholding Departmental Philosophy and Principles
E-4 Clients with Legal Residence Outside of Orange
County
E-5 Advisement of Rights
E-7 Restitution
F-11 Sealing of Juvenile Court Records

Non-Custody Intake Desk Manual JIAS Handbook

C. Ronald

APPROVED BY: