

THE PRE-DETENTION AND PRE-DISPOSITION PROGRAM

- AUTHORITY:** Welfare and Institutions Code (WIC) Sections 628(a), 628.1, 636(b), 840, 841, and 871(d)
Penal Code (PC) Section 594
- RESCINDS:** Procedure Manual Item 2-6-012, dated 12/23/11, formerly the Home Supervision Program (Major Revision)
- FORMS:**
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| Pre-Detention and Pre-Disposition Program Release Agreement | (F057-5019.3) |
| Non-Acceptance Chrono | (F057-5036) |
| Pre-detention and Pre-disposition Memo to Court Officer | (Computer Generated) |
| Information to Court Officer Report | (Computer Generated) |
| Pre-Detention and Pre-Disposition Program Continuum of Incentives Grid | (Attachment A) |
| Pre-Detention and Pre-Disposition Program Continuum of Interventions and Sanctions Grid | (Attachment B) |
- PURPOSE:** To provide operational instructions for the Pre-detention and Pre-disposition Program (PPP).

I. GENERAL INFORMATION

- A. PPP provides intensive, restrictive supervision to youth released home in lieu of detention pending court. The assigned PPP deputy probation officers (DPOs) provide coverage of cases seven days a week.
- B. Youth may be released on the PPP by the courts, Custody Intake DPO, or field DPO who have submitted a probation violation to Custody Intake (detention deadlines must be met in these instances).
- C. The maximum caseload per officer is [REDACTED], as set by WIC 841.
- D. The maximum time a youth may lawfully spend on PPP is [REDACTED], as written in Section 636(b) of the California Welfare and Institution Code.
- E. The department's target contact standard for the PPP is [REDACTED] per week per supervised youth, but varies depending on the size of the DPO's caseload. Additionally, [REDACTED] must be made with [REDACTED] when there are officer safety concerns, such as residences located in [REDACTED]; there are current or previous [REDACTED] involving the youth; another [REDACTED] is identified as currently [REDACTED], or any other situation the SPO or DPO designates as an officer safety concern. This may affect the officer's ability to meet the contact standard consistently for each youth. Therefore, youth who are not displaying behavioral issues may be seen at a minimum amount of twice per week, if caseload contact adjustments need to be made.

1. By nature, field activities can expose the DPO to a variety of threats to safety. The department considers the safety of its employees and the public to be a primary concern. All DPOs are expected to comply with field safety guidelines outlined in Procedure Manual Item (PMI) 1-4-119 (Field Officer Safety Information/Required Equipment for Field Activities).
2. The first field contact should be made within [REDACTED] of placement on the PPP.
3. Contacts should vary [REDACTED]
4. Incentives and interventions/sanctions will be utilized as appropriate and documented in the youth's Institutional Case Management System (ICMS) notes. (Refer to the attached Incentives Grid and Interventions/Sanctions Grid for additional details.)

F. [REDACTED]

G. [REDACTED]

H. All youth will be supervised via Global Positioning System (GPS) electronic confinement to enhance the level of accountability and ensure compliance with PPP requirements unless otherwise ordered by court.

II. PROCEDURE

- A. Cases assigned to the PPP come either from the courts, through a detention decision made by a DPO through the custody intake process, or from the field DPO after obtaining approval of the PPP Supervising Probation Officer (SPO).
 1. The courts have two methods of referral to the PPP:
 - a. Order a youth to PPP under the conditions of the program.
 - b. Authorize a youth to be placed on the program if determined appropriate by the Probation Department.
 2. When the courts authorize a release, the PPP DPO investigating the case will use the following five criteria in determining acceptance:
 - a. Is the youth likely to flee?

- b. Is the youth a danger to himself/herself or others?
 - c. Is the youth a danger to the property of others?
 - d. Is the youth likely to ignore or violate the conditions of PPP release?
 - e. Is the youth unlikely to appear for the pending hearing?
3. If a court-authorized youth is not suitable for release on the PPP, a Non-Acceptance Chrono (F057-5036) will be completed, which will act as notification to the court.

4. Custody Intake Releases

Custody Intake DPOs have the discretion to release youth on PPP if they meet the specific detention criteria established by the Chief Probation Officer and are not precluded from release by the five criteria outlined above for court-authorized releases. The Custody Intake DPO will review the score provided by the Risk Assessment Instrument (RAI) to determine eligibility for release on PPP. Typically a youth scoring between six (6) and nine (9) should be released on the PPP.

5. Field Releases

Field DPOs may release youth under their supervision on PPP if the youth meets the detention criteria used by Custody Intake to detain a youth at juvenile hall. If the youth does not meet detention criteria, then the youth is not eligible for release onto the PPP unless the PPP SPO approves the release. All field release youth will be released on GPS units.

The field release option is to be used as a detention alternative. DPOs/SPOs releasing youth on PPP pending a probation violation petition should not be recommending custody time as this is contrary to the decision to release on PPP. Further, the PPP is meant to only provide an alternative to detention while the youth is going through the court process; therefore, PPP should not be used as a dispositional recommendation in court reports or probation violations.

6. Youth or members of the residence supervised by an armed DPO.

- a. Youth who are supervised by the Gang Violence Suppression Unit will not be placed on PPP via field release and pending the outcome of their detention hearing. The GVS SPO will override these probation violations into custody for the safety of the youth and the community.
- b. Any youth ordered onto the PPP who reside in a residence where any person living there is being supervised by an armed DPO will *NOT* have home calls made by the PPP DPO. Instead, the PPP DPO will contact the youth at school or in the office and will work closely with the armed DPO to make any home contacts with the youth.

B. Release Agreement

1. When a youth is placed on PPP, the deputized staff completes a release agreement titled, "Orange County Probation Department Pre-detention and Pre-disposition Program" (F057-5019.3).
 - a. Line #1 of the document is a promise to appear by the youth at their next scheduled court date. A date MUST be placed in the blank area by the releasing DPO. This date is vital in that the courts will not issue a warrant of arrest if the youth absconds while on the PPP and the line was not initialed with a specific court date noted.
 - b. Special conditions may be added, for example, "do not associate with Sam Jones," "enroll at _____ school prior to _____," etc. to enhance supervision and address case-specific issues.
 - c. The youth must initial each applicable line and sign his/her name and date under "Agreement of Release Conditions."
 - d. The parent or guardian must sign an acknowledgment of the agreement. Only parents/guardians who are alleging they have been assaulted by the youth or who others in their care who are alleging they have been assaulted by the youth may refuse to take youth home on the PPP. All others refusing to do so will be reminded they may be charged with violation of WIC 11165.2(b) (failure to provide for their child). A child abuse report will be filed against the parents/guardians refusing to take a child who have been deemed appropriate for the PPP and a change of circumstances petition (WIC 778) will need to be filed to make the court aware of the situation and to make the detention lawful.
2. All youth released on the PPP will have a GPS device installed.

Prior to being released, the youth and their parent/guardian must agree to the terms laid out on the two-page form titled, "Orange County Probation Department Terms and Conditions for Continuous Electronic Monitoring Supervision via Global Positioning System (GPS).

This form covers financial responsibility and care instructions for the device.

C. Indoctrination

All youth are indoctrinated to the above noted terms and conditions and fitted with an electronic device prior to being released from custody. Various staff are responsible for release of youth onto the PPP depending on the day and time of the week.

1. Youth released onto the PPP Monday through Thursday will be indoctrinated into the program by the deputy juvenile correctional officer IIs assigned to JCWP/ACP. See the PPP Release Protocol for specific details.

2. Youth released onto the PPP on Fridays will be indoctrinated onto the program by the PPP Officer of the Day. See the PPP Release Protocol for specific details.
3. Youth released on the PPP by Custody Intake staff after court hours will be indoctrinated and released by a Custody Intake DPO (Refer to the attached Incentives Grid and Interventions/Sanctions Grid).

D. Program Violations

The release conditions are strictly enforced; a youth may be returned to Juvenile Hall for significant violations. Less serious violations will be dealt with by means of various graduated interventions and/or sanctions (Refer to the attached Interventions and Sanctions Grid).

1. When a youth is returned to custody for program violations, a new Application for Petition must be filed and a Detention Memo submitted to the court within 48 court hours. This will be coordinated with Custody Intake.
 - a. If the youth absconds from PPP electronic monitoring and is gone [REDACTED], the assigned DPO will also complete another Application for Petition alleging violation of WIC 871(d) (escape from electronic monitoring), along with a Special Incident Report (SIR) and appropriate paperwork.
 - b. If the youth is 18 years of age or older, a new law violation cannot be filed in juvenile court. If the youth is already a 602 ward, a probation violation alleging the abscond may be completed, which includes the application for petition, probation memo, and notice to appear. The assigned PPP DPO will work with the assigned DPO to complete the petition.
 - c. If the youth damages, destroys, or loses the electronic monitoring device, the assigned PPP DPO will include an allegation of violation of PC 594 unless specific circumstances preclude filing at the direction of the unit supervisor.
2. For a youth with subsequent hearings, a PPP Memo to Court Officer will be submitted detailing the youth's violations and with a recommendation, made to either continue the youth on PPP or to detain him/her pending a future hearing.

E. Use of Incentives and Intervention and Sanctions Grid

1. Any targeted improvement in an area where there was previous non-compliance shall warrant an incentive commensurate with the level of improvement.
2. Not all misbehaviors or violations of the PPP will warrant an intervention or sanction. This will be determined by the frequency the behavior occurs; the length of time the youth has been on the PPP; the pending offense; the

youth's age, maturity, and level of functioning; and any other factors specific to the youth's case.

3. Any incentive, intervention, or sanction shall be documented in the youth's ICMS notes section along with the presenting behavior that caused the incentive, sanction, or intervention.
4. Gift cards will be kept in a lock box in the PPP SPO's office. Use of gift cards will require coordination with the SPO to complete necessary paperwork and retrieve the gift card.
5. Incentive snacks will be kept in the designated PPP DPO office. Each snack should be checked out for inventory purposes on the designated form.

F. Termination of Program Participation

When a youth is terminated from PPP, the responsible PPP DPO takes the temporary file and returns it to the PPP clerk who will close the case out in ICMS.

G. Court reports submitted by a PPP DPO will be reviewed and initialed by the PPP SPO or acting SPO on all occasions.

REFERENCES:

Procedures:	1-4-119	Field Officer Safety Information/Required Equipment for Field Activities
	2-1-205	Warrants of Arrest for Juveniles
	2-4-101	Custody Intake Referrals
Policies:	C-4	Work Schedules, Overtime, Sick/Annual Leave and Compensatory Time

Attachment

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APPROVED BY:

**Pre-Detention and Pre-Disposition Program
Continuum of Incentives Grid**

Youth Activity*	Available Incentives**
<u>School</u> - Improved grades, pattern of regular school attendance, being on time, complete homework assignments	<ul style="list-style-type: none"> • Verbal praise • Snacks (chips, candy, candy bars) • Gift card • Allowed community time to stop somewhere on way home from school
<u>Home</u> – complete chores without arguing with parents; show initiative at home (housework, cooking, yard work – with DPO permission),	<ul style="list-style-type: none"> • Verbal praise • Snacks (chips, candy, candy bars) • Community time (gym, get a meal with family, get a haircut) • Gift card • Allow a friend to visit the house one time and with parent supervision
<u>Probation</u> – follow all terms of PPP without any violations, improved attitude related to law enforcement and the court process, clean drug tests	<ul style="list-style-type: none"> • Verbal praise • Decreased contact with DPO • Decreased urinalysis testing • Progressive curfew • Allowing youth to use parent's cell phone for designated periods of time
<u>Special terms of court-ordered release</u> – Complete counseling, anger management, drug education, enroll in drug treatment	<ul style="list-style-type: none"> • Verbal praise • Certificate of recognition • Community time (gym, get a meal with family, get a haircut) • Gift card

*Youth may have accomplishments specific to their individual situation that may not be covered in this list, but warrant recognition and the award of an incentive.

**Incentives are suggested for each youth accomplishment; however, the assigned DPO has the discretion to make any incentive available to a youth based on their specific case dynamics. More than one incentive may be used at a time.

**Pre Detention and Pre Disposition Program
Continuum of Interventions and Sanctions Grid**

Level of Violation*	Intervention or Sanction**
<p><u>Minor</u> – school tardiness; failing to charge battery correctly; disrespectful to school staff, parents, or assigned DPO; failing to notify assigned DPO of medical or counseling appointment; violation of PPP rules</p>	<ul style="list-style-type: none"> • Effective disapproval • Review of PPP rules • Removal of any previously applied incentives (such as curfew and community time) • EPICS counseling session • One hour of daily reading and weekly book reports • Essays
<p><u>Moderate</u> – Incident of drug use; failing to report to probation office for an appointment; friends over at the house; disruptive behavior in the home or school; tampering with GPS device; violation of PPP rules</p>	<ul style="list-style-type: none"> • Effective disapproval • Behavior contract • Increased testing • Increased contact with DPO • Family meeting with DPO • Up to 4 days JCWP (wards only) • NA/AA meetings • Drug counseling • Counseling • Anger management or drug education classes
<p><u>Significant</u> – new law violation; uncooperative in the home resulting in parent declining custody; tampering with GPS device; suspension or expulsion from school related to an incident occurring while on GPS; drug use; leaving house or making stops not authorized by the assigned DPO for significant period of time or in a pattern; violation of and refusal to follow PPP rules</p>	<ul style="list-style-type: none"> • Arrest and return to detention (requires SPO approval)

*This is not meant to be an exhaustive list of potential violations, but a guideline to gauge severity of the violation and potential interventions or sanctions to be used.

**All Sanctions and Interventions will be given in consideration of the youth's age, maturity, level of functioning/understanding, and school abilities. More than one intervention or sanction may be used at a time to gain compliance.