

TRANSFER TO ORANGE COUNTY JAIL

- AUTHORITY:** Administrative Directive
Sections 202, 207, 208 and 208.5, Welfare and Institutions Code
- RESCINDS:** Procedural Manual Item 3-2-030, dated 10/01/12
- FORMS:** Petition for Modification (F057-5120AF)
Superior Court Temporary Commitment (F0182-115)
Release Authorization (F057-6226)
- PURPOSE:** To establish the criteria and method for obtaining a court order to transfer a youth to Orange County Jail and process by which transfer is completed.

I. GENERAL INFORMATION

- A. Wards who have been found unfit by the Court for juvenile court proceedings under Section 707(b) WIC or have a case that has been Direct Filed in Adult Court can be detained in a jail, and then only if:
1. They are over the age of 18.
 2. Further detention at a juvenile hall would endanger the safety of the public or be detrimental to other **youth** at Juvenile Hall.
 3. The jail has met Board of **State and Community** Corrections approval.
 4. They are not serving a Juvenile Court commitment and the Juvenile Court has not ordered continued detention at a juvenile facility.
- B. Pursuant to Section 208.5 WIC, adjudicated wards 19 years or older may, at the recommendation of the **Assessment** Probation Officer, be transferred to the Orange County Jail to serve commitments.
1. **Youth** who have their 19th birthday while serving a Juvenile Court commitment shall be transferred to the Orange County Jail using a Modification Petition requesting transfer, and requesting a Temporary Commitment order for the Sheriff to transport said **youth**.
 2. All **youth** who reach their 19th birthday and are transferred to the Orange County Jail shall be given a formal advisement of their right to petition the Juvenile Court to serve their commitment in a juvenile facility pursuant to Section 208.5 WIC.
- C. All orders to transfer the **youth** from Juvenile Hall to Orange County Jail shall include an order for the Sheriff to transport the ward to the jail and back to Juvenile Court for subsequent hearings.

II. CRITERIA FOR SEEKING TRANSFER

- A. The following criteria must apply:
 - 1. The **youth** has turned 18.
 - 2. The **youth** has been unfit for Juvenile Court proceedings or has a case that has been Direct Filed in Adult Court.
 - 3. The **youth** is serving a Juvenile Court commitment or has been ordered detained in a juvenile facility pending Juvenile Court and has been displaying behavior that is detrimental to the other youth and staff in the facility.
- B. The ward is 19 years of age or older, and is serving a Juvenile Court detention or commitment.
- C. The **youth** who has been found unfit for Juvenile Court or has a case that has been filed in adult court and it has been determined that the presence of the **youth** in Juvenile Hall would endanger the safety of the public or be detrimental to the other **youth** detained in Juvenile Hall.

III. PROCEDURE TO OBTAIN A COURT ORDER FOR TRANSFER

- A. When a **youth** has turned 18, has been found unfit for Juvenile Court or has a case that has been directly filed into Adult Court, and is serving a Juvenile Commitment, the Unit SJCO will notify the Assistant Division Director. Additionally, the **Assessment DPO** will submit a Modification Petition requesting the Juvenile Court allow the **youth** to be transferred to OCJ.
- B. When a **youth** has turned 18, has been found unfit for Juvenile Court or has a case that has been directly filed into Adult Court, and is serving Juvenile Court detention, the Unit SJCO will notify the Assistant Division Director. Additionally, the **Assessment DPO** will submit a Modification Petition requesting the Juvenile Court order the **youth** to be transferred to OCJ pending the outcome of the Juvenile Court matters.
- C. When a **youth** reaches the age of 19 prior to or during a detention on a Juvenile Court matter, or when serving a Juvenile Court ordered commitment, the **unit SJCO** will notify the Assistant Division Director and **the Assessment DPO will submit** a Modification Petition requesting approval to transfer the **youth** to Orange County Jail pursuant to Section 208.5 WIC.
 - 1. The Assistant Division Director will review the Modification Petition and submit it to the Division Director for review and signature.
 - 2. The Division Director or designee will review the Modification Petition, provide signature, and return the Modification Petition to the **Assessment DPO** for processing.

IV. PROCESSING THE **YOUTH** FOR TRANSFER TO THE JAIL

- A. When a court order to transfer a **youth** to the Orange County Jail is received, the Remand Clerk shall:

1. Prepare a Release Authorization (F057-6226) and submit it to an Administrator for review and signature.
 2. Notify Sheriff's Department Transportation at (714) 647-6020.
 3. Notify the **youth's** unit.
 4. Notify the Duty Officer or appropriate Supervising Juvenile Correctional Officer
- B. **Once a youth turns 18 years old and only has an adult court case pending due to the youth being found unfit for Juvenile Court, has a case that has been directly filed in Adult Court and does not have a juvenile case pending, the unit SJCO will notify the Assistant Division Director. The Assistant Division Director will then contact the Remand Clerk and provide Adult Court information from the last court date showing the youth is to be remanded to the Sheriff's and request a transportation order be prepared for the youth to be transferred to Orange County Jail.**
- C. The Duty Officer or Supervising Juvenile Correctional Officer shall:
1. Contact the **youth's** unit to determine if the **youth** is currently on any suicide precaution level. If the **youth** is currently subject to a suicide precaution level, the Duty Officer/Supervising Juvenile Correctional Officer will telephone Mental Health Triage at the Orange County Jail at (714) 647-6055. Upon completion of the telephone call, the notification will be documented in IMS including the date, time, and recipient of the phone call.
 2. Notify the **youth's** parents and probation officer of the impending transfer.

REFERENCES:

Procedure: 2-1-002 Transportation Security

Policy: D-6 Transportation of Probationer and Custody Transportation

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APPROVED BY: