

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) Sections 166 and 594
- RESCINDS:** Procedure Manual Item 2-6-012, dated 03/31/17
- 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 PPP by the courts, Custody Intake DPOs, or field DPOs 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. Pursuant to WIC 636(b), the maximum time a youth may lawfully spend on PPP is **fifteen** (15) judicial days.
- E. The department's target contact standard for the PPP is [REDACTED] per week per supervised youth, but **can vary** depending on the size of the DPO's caseload. Additionally, field contacts must be made with [REDACTED] or more [REDACTED] DPOs.
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 **forty-eight** (48) hours of

placement on PPP.

3. Contacts should vary between school, home, and the office.
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.)

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- 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 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 SPO.
 1. The courts have two (2) methods of referral to PPP:
 - a. Order a youth to PPP under the conditions of the program.
 - b. **Order the PPP Unit to complete a home evaluation to determine if the youth is appropriate for PPP. This entails an evaluation of the youth's home for PPP suitability, as well as an interview with the youth and parent(s)/guardian(s) to determine if they are agreeable to the terms and conditions of the program, as well as willing to have the youth home on PPP.**
 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 **themselves** 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. **In many instances, the Court will authorize a youth released on PPP and then set a subsequent court date within seven (7) days as a status review. On the date of the scheduled hearing, the youth will either appear out of custody or the PPP DPP will submit the PPP Non-Acceptance Chrono (F057-5036) Report indicating with the release was denied. This report serves 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 [REDACTED] [REDACTED] should be released on 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 on PPP unless the PPP SPO approves the release. All field release youth will be released on GPS.

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. **It is important to remember that 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.

Youth who are supervised by the Gang Violence Suppression (**GVS**) Unit will not be placed on PPP via field release and pending the outcome of their detention hearing. The GVS SPO will **enforce probations violations and take the youth in custody when** these probation violations **endanger the safety of the youth and the community.**

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 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 **their** name and date under “Agreement of Release Conditions.”
- d. The parent(s)/guardian(s) must sign an acknowledgment of the agreement. Only parents/guardians who allege they have been assaulted by the youth, or others in their care allege they have been assaulted by the youth, may refuse to take youth home on 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 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 PPP will have a GPS device installed.

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

This form covers 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 on PPP depending on the day and time of the week.

1. Youth released on PPP Monday through Thursday will be indoctrinated into the program by **Juvenile Hall** deputy juvenile correctional officers (**DJCOs**). See the PPP Release Protocol for specific details.
2. Youth released on PPP **by a PPP DPO. Refer to** the PPP Release Protocol for specific details.
3. Youth released on 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 **PPP** 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 **the** Custody Intake **Unit**.
 - a. If the youth absconds from PPP electronic monitoring and [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 **WIC 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 **field DPO** to complete the **Application for 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 (Vandalism), as well as PC 166 (Contempt of Court)**, unless specific circumstances preclude filing at the direction of the unit supervisor.
2. For a youth with subsequent hearings, a PPP Memo **or Information** to Court Officer (**ICO**) will be submitted detailing the youth's violations and with a recommendation, made to either continue the youth on PPP or to detain **them** 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 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 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:	1-4-105	Use of Force-Field Services
	1-4-106	Oleoresin Capsicum (OC) Spray-Field Services
	1-4-107	Authorization to Carry Firearms
	1-4-111	Protective Body Armor
	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.