

## CONTINUUM OF INTERVENTIONS FOR PROBATION VIOLATIONS - JUVENILE

- AUTHORITY:** Sections 202, 625, 626, 626.5 Welfare and Institutions Code
- RESCINDS:** Procedure Manual Item 2-1-202, 07/07/16
- FORMS:**
- |  |                                 |
|--|---------------------------------|
| Continuum of Interventions for Probation       |                                 |
| Violations Matrix                              | (Attachment 1A, 1B)             |
| Probation Violation Definitions                | (Attachment 1C)                 |
| Informal Intervention Agreement                | (Located in ICMS, Attachment 2) |
| Youth Reporting Center Referral Form           | (Located in ICMS)               |
| Procedure and Instructions for having STOP GPS |                                 |
| Device installed                               | (Attachment 3)                  |
| Terms and Conditions for Continuous Electronic |                                 |
| Monitoring                                     | (Attachment 4A)                 |
| BLUTAG Care and Instructions                   | (Attachment 4B)                 |
| Continuous Electronic Monitoring               |                                 |
| Admonishment and Referral Form                 | (Attachment 5)                  |
| Incentives Grid                                | (Attachment 6)                  |
- PURPOSE:** To outline procedures to respond to juvenile probation violations appropriately, proportionately and timely and to provide consistency of responses throughout the department.

### I. GENERAL INFORMATION

- A. Pursuant to Section 202 of the Welfare and Institutions Code, the purpose of Juvenile Court Law is "to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court and to preserve and strengthen the minor's family ties whenever possible, removing the minor from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public."
- B. Further, "minors under the jurisdiction of the juvenile court shall, in conformity with the interests of public safety and protection, receive care, treatment and guidance that is consistent with their best interests, that hold them accountable for their behavior and that is appropriate for their circumstances."
- C. Pursuant to 626 and 626.5 of the Welfare and Institutions Code, "when a minor is taken into temporary custody or brought before the juvenile court, the arresting officer may choose alternative actions or dispositions. When determining which disposition of the minor he or she will make, the officer shall prefer the alternative that least restricts the minor's freedom of movement, provided that alternative is compatible with the best interests of the minor and the community."
- D. Promoting immediate, certain, consistent and fair responses to technical violations of probation is an evidence-based, research-supported adjudication strategy. The objectives of sanctions for technical violations of probation are:

1. Make sanctions proportionate to the seriousness of the violation to hold the **youth** accountable.
  2. Assert sufficient control over the **youth's** future behavior to properly manage the risk that the **youth** presents to the community.
  3. Facilitate the **youth's** continued progress in changing behavior to achieve ongoing compliance, successful completion of probation and future law-abiding behavior.
- E. Technical violations of probation not involving new law violations should not regularly result in removal from the community. Arrests for technical violations of probation should only occur after administration of the Risk Assessment Instrument (RAI) by the Custody Intake indicating detention is appropriate or by detention override by a Division Director or designee after assessment of the likelihood of success in continuing to manage the **youth's** risk in the community without incurring further delinquent behavior and the seriousness of the violation (PMI 2-4-101 and 2-4-106)
- F. The Continuum of Interventions for Probation Violations Matrix lists a variety of intervention and sanction options that may be applied administratively when a **youth** violates a condition of probation or Informal Intervention Agreement (Section II.A.3.b.). Consequences should be logically linked to the case plan objectives and the negative behavior. DPOs are expected to use incentives and rewards to encourage and support positive behavior and compliance with conditions of probation.
- G. Consistent, repetitive consequences for negative behavior can be as effective as escalating consequences. The duration and severity of the consequence should be tailored to the case plan, the individual needs of the **youth**, the nature of the violation and previous efforts to address the **youth's** behavior.
- H. The Court must approve and order detention or the Accountability Commitment Program (ACP). Recommendations for detention or ACP must be made by filing a formal probation violation as described in PMI 2-6-101. Detention may not be recommended for low risk **youth** as determined by the most recent Risk/Needs Assessment, absent a new law violation or with Division Director or designee approval.
- I. New law violations will be first screened for formal handling by Non-Custody Intake (PMI 2-4-001). Applications for Petition not referred automatically to the DA (per statute or mutual agreement) will be forwarded to the DPO for either formal or informal handling. Felonies and person- or weapon-related misdemeanors must have DA concurrence to handle informally. DA concurrence can be obtained by calling the filing DA or Assistant DA at Juvenile Court [REDACTED]
- J. If the **youth** presents a substantial and immediate risk to themselves or the public and secure detention is recommended as the only way to protect the **youth** or the public, detention may be made with SPO or designee approval. Recommendations for more than 30 days in custody are to be approved by a Division Director or designee.
- K. Interventions should be used when appropriate; however, they should be**

balanced with incentives, recognition, and a general strength-based approach where focus is placed on the youth's natural abilities. Generally, four positives should be given for each intervention. This aligns with current knowledge of adolescent brain development and the youth's understanding of how their behaviors directly impact them.

- L. Responses to a youth's negative behavior should be viewed through a trauma-informed lens and the prescribed interventions should reflect this understanding. Interventions should purposefully avoid anything that may be triggering to a youth unless absolutely necessary for their or the public's safety.

## II. PROCEDURE

- A. Continuum of Interventions for Probation Violations Matrix (Attachment 1A - 1C)

To promote immediate, certain, consistent and proportional interventions and incentives, every violation of probation must be addressed immediately with an appropriate response. When faced with a violation, determine an appropriate option by using the matrix and consulting with a supervisor.

- 1. Supervision Level

The matrix is divided by supervision level as determined by the most recent Risk/Needs Assessment. Start in the column that represents the **youth's** supervision status (Low, Medium or High). If a risk level has not yet been determined, the appropriate starting point will be determined through consultation with a supervisor.

- 2. Violation Severity

Determine the severity of the violation (Minor, Moderate or Serious).

- a. Minor violations

Minor violations are occasional or isolated incidents unrelated to the offense behavior for which the **youth** is on probation and where there is no victim impact.

In such cases, the **youth** is predominately responding to probation expectations and is otherwise engaged in positive activities. (Examples: occasional truancy, disrespect of parent/guardian rules, missed appointment with counselor or treatment/skill development provider, failure to show for community service, isolated status offenses.)

- b. Moderate violations

Moderate violations are preliminary patterns of violations of probation conditions that are interfering with success in school, home, treatment, and the community.

Such violations may be related to the underlying offense behavior

or may involve a property-related misdemeanor. Moderate violations indicate an increased risk that the **youth** may re-offend. (Examples: multiple minor violations with no apparent response to consequences; repeated contact with co-defendants/negative peers; an on-going pattern of missed treatment appointments; chronic absenteeism; frequent status offenses.)

c. Serious Violations

Serious violations are significant patterns of varied violations of probation conditions where the **youth** has failed to respond to multiple interventions. The **youth** may have committed two or more misdemeanors or a felony.

Minor violations followed by repetitive sanctions are not defined as serious.

(Examples of serious violations: behavior that demonstrates extreme disregard of probation conditions; failure to respond to the authority of the Court or unauthorized contact with the victim.)

d. Felonies and person- or weapon-related misdemeanors

All felonies and person- or weapon-related misdemeanors must be handled formally or receive concurrence from the DA to handle informally. DA concurrence can be obtained by calling the filing DA or Assistant DA at Juvenile Court [REDACTED]

3. Interventions

Choose the least restrictive means of addressing a violation based on risk and severity. Consistent, repetitive consequences for negative behavior can be as effective as escalating consequences. The duration and severity of the consequence should be tailored to the case plan and the individual needs of the **youth**.

a. Warnings, individual problem solving, parent meetings, EPICS, writing assignments, increased office visits, home visits and drug testing should be used when appropriate for minor violations or early signs of deterioration.

b. Informal Intervention Agreement (In ICMS)

When giving community service, home restriction, Youth Reporting Center (YRC), or Global Positioning System (GPS) supervision, the Informal Intervention Agreement must be completed with the **youth**.

Include the alleged violations, the informal intervention(s) being offered to resolve the violation and explain that the informal handling of the violation(s) is in lieu of a formal hearing. After advisement of the **youth's** rights (included on the form) have the **youth** initial and sign, if in agreement, and give the **youth** a copy.

By initialing and signing the agreement, the **youth** is not admitting to the violations, which can be processed formally at a later time, if informal interventions are not successful.

- (1) When referring to YRC, complete the YRC Referral Form.
- (2) When referring for GPS, follow the Procedure and Instructions for having STOP GPS device installed (Attachment **3**), indoctrinate the **youth** to the GPS Terms and Conditions (Attachment **4A-4B**) and give the **youth** a copy of the Continuous Electronic Monitoring Admonishment and Referral (Attachment **5**) which includes a map to MOB for installation.
- (3) Damage, destruction or loss of electronic monitoring equipment may result in the filing of 594 PC – Vandalism charges.

c. Sanctions

Select the starting point on the matrix based on the type of behavior, success or failure of previous attempts and/or consultation with a supervisor.

The duration of a sanction should be the shortest necessary to appropriately address the behavior. Failure to complete the sanction may result in repeating the sanction, increasing the duration or moving to another type of sanction on the matrix.

Once a sanction is successfully completed, the alleged probation violations are deemed resolved and cannot be alleged as violations in future proceedings. The issuance of sanctions and compliance can be addressed in future proceedings as they pertain to progress on probation.

If a **youth** fails to comply with informal sanctions, sanctions can be ordered by the court via a Non-custody PV Petition.

Division Director approval is required to place a **youth** in the **Pre-Detention Pre-Disposition Program (PPP)** or GPS supervision if the **youth** has a prior escape from an institution, has previously removed an electronic monitoring device, or has absconded from electronic monitoring supervision.

If secure detention appears appropriate, refer to the Detention section below.

d. Incentives/Sanction Reduction

- (1) Every interaction with a **youth** is an opportunity to positively shape behavior.
- (2) Rewards and sanctions shape human behavior and are an

essential feature of any behavior management system.

- (3) Research indicates that positive reinforcement of pro-social behaviors is more effective and should be used more frequently than sanctions in facilitating long term changes in behavior.
- (4) Increased frequency of positive reinforcement enhances **youth's** intrinsic motivation to continue exhibiting pro-social behaviors.

The type of positive reinforcement used should be dependent upon the circumstances and the extent to which the pro-social behaviors are new or repeated.

- (5) Important considerations in positive reinforcement of pro-social behaviors include:
  - (a) Ensure that conditions allow the **youth** to exhibit the desired behaviors.
  - (b) Tailor rewards to the individual to ensure that the reinforcements are meaningful.
  - (c) Use high frequency of rewards so that **youth** receive consistent positive feedback.
  - (d) Apply reinforcements frequently for optimal learning.
- (6) Incentives for compliance should be offered with each sanction, such as reduction in duration. The Youth Reporting Centers offer their own incentives (store, game room, etc.) and sanction reductions based on a grading scale. As a guide, other sanctions should be reduced by one day for every four days of successful completion.
- (7) Incentive Grid

Refer to the attached Incentive Grid (Attachment 6) as a guide for giving incentives for positive behaviors. Examples of positive behaviors to look for are given in three different categories: Education/Employment, Pro-social Behaviors and Court Orders. Types of incentives are listed in three categories: Minor, Intermediate and Major. The type or level of incentive given for a positive behavior is individualized and dependent on how significant the behavior is for an individual.

Minor, Intermediate and some Major incentives are readily available. The Probation Store in each area office is supported by donations. If a Major incentive is not available, consult your chain of command and/or the Probation Community Action Association (PCAA) to attempt to obtain

the item.

- (8) When giving a sanction or incentive, record the behavior and the intervention in Electronic Contact Reporting (ECR) notes.

## B. Detention

1. If the violation appears to be severe enough to bypass informal interventions or the **youth** is a high risk for re-offense, the DPO can request Risk Assessment Instrument (RAI) override approval from the SPO, SPO designee or Division Director or designee.

Detention overrides will only be authorized if the violation and/or **youth** poses a threat to themselves or public safety, informal interventions have been exhausted or are inappropriate, informal sanctions are denied by the court order or the **youth** is already in custody for a new law violation. The reason for the approval must be included on the Probable Cause Declaration.

2. Once approved for detention, the DPO will follow procedures for probation violations as outlined in PMI 2-6-101.

3. Recommendations

- a. Pursuant to Section 202 of the Welfare and Institutions Code, "guidance may include punishment that is consistent with the rehabilitative objectives of this chapter." Punishment "does not include retribution" and shall not include an order to place the child in foster care as defined in Section 727.3."

- b. The recommendation should delineate the suggested differential treatment plan. Three significant factors should always be considered:

- (1) The promotion of the **youth's** welfare and the safety and protection of the public.
- (2) The rehabilitation potential of the **youth**.
- (3) Whether the **youth** remaining in **their** home setting endangers the welfare and safety of the **youth**.

- c. Custodial Programs

- (1) Accountability Commitment Program (ACP)

Commitments to ACP should be considered prior to a recommendation for detention. ACP can be recommended for 15 to 120 days (PMI **2-6-305**).

- (2) Juvenile Recovery Court

**Juvenile** Recovery Court should be recommended for **youth** addicted to drugs and having an addiction as an underlying factor in their delinquent behavior. A custodial recommendation of at least 90 days is required for a **youth** to participate. Contact a Juvenile Drug Court DPO to initiate eligibility screening.

(3) Addiction, Substance Abuse, Education and Recognition Treatment (ASERT)

ASERT should be recommended for addicted male **youth** in need of residential treatment who are not appropriate for **or have failed Juvenile Recovery Court**. Recommendations for ASERT can range from a minimum of 90 days to a maximum of 365 days.

(4) Sobriety Through Education and Prevention (STEP)

STEP should be recommended for addicted female **youth** in need of residential treatment who are not appropriate for **or have failed Juvenile Recovery**. Recommendations for STEP can range from a minimum of 90 days to a maximum of 365 days.

- d. The length of time recommended should be the least amount necessary to effect a change in the **youth's** behavior. For probation violations not associated with a new law violation, the maximum time to be recommended is 30 days.

Short periods of time in custody provide immediate accountability, limit exposure to negative peers and the effects of institutionalization and minimize negative impacts to any progress being made in the community (school, work or treatment).

- e. If the **youth** presents a substantial and immediate risk to **themselves** or the public and secure detention is recommended as the only way to protect the **youth** or the public, detention may be made with SPO or designee approval. Recommendations for more than 30 days in custody are to be approved by a Division Director or designee.

**REFERENCES:**

Procedures:	2-4-001	Non-Custody Intake/Diversion
	2-4-101	Custody Intake Referrals
	2-6-101	Juvenile Probation Violations
	2-6-305	Accountability Commitment Program (ACP) Overview, Indoctrination and Release
Policies:	A-1	Policy, Procedure and the Law
	A-2	Upholding Departmental Philosophies and Principles
	A-5	Communications within the Probation Department



E-3	Disclosure of Court Recommendations
E-5	Advisement of Rights
E-7	Restitution
F-1	Out-of-Home Placements/Temporary Placement of Minors
F-2	Recommendations to the Court for Dispositions/Sentencing and Commitments for Minors

Attachments

D. Arreguin

**APPROVED BY:**

ORANGE COUNTY PROBATION DEPARTMENT

CONTINUUM OF INTERVENTIONS FOR PROBATION VIOLATIONS									
	SUPERVISION LEVEL								
	LOW			MEDIUM			HIGH		
VIOLATION SEVERITY	Minor	Moderate	Serious	Minor	Moderate	Serious	Minor	Moderate	Serious
SANCTION									
Warning	•			•			•		
Problem Solving*	•	•		•			•		
Written Assignment	•	•		•			•		
Office Report	•	•		•			•		
Drug Court Referral	•	•	•	•	•	•	•	•	•
COMPLETE THE INFORMAL INTERVENTION AGREEMENT FOR THE BELOW INFORMAL SANCTIONS:									
Community Service	• 1 day	• 1-2 days	• 1-5 days**	• 1 day	• 1-2 days	• 1-5 days**	• 1 day	• 1-2 days	• 1-5 days**
Home Restriction - No Electronic Monitoring			• 7 days**	• 7 days**	• 14 days**	• 21 days**			
Youth Reporting Center			• 45 days**	• 45 days**	• 60 days**	• 90 days**	• 45 days**	• 60 days**	• 90 days**
Electronic Monitoring			• 7 days**		• 7 days**	• 14 days**		• 14 days**	• 21+ days**
A PROBATION VIOLATION MUST BE FILED FOR THE FOLLOWING FORMAL SANCTIONS:									
Non-Custody Probation Violation Petition				• Court Ordered VCS/JCWP/ ACP/YRC/ GPS**	• Court Ordered VCS/JCWP/ ACP/YRC/ GPS**		• Court Ordered VCS/JCWP/ ACP/YRC/ GPS**	• Court Ordered VCS/JCWP/ ACP/YRC/ GPS**	
Detention (RAI 10+ or Director approval)				• 7 days	• 14 days		• 14 days	• 30 days	
Detention (Director approval)					• 30+ days		• 30+ days	• 30+ days	

\* Problem solving includes all discretionary interventions: Counseling, increased testing, parent meetings, limiting contact with associates, curfew, and other discretionary interventions.

\*\* All interventions of 5 days or more should be reduced by 1 day for every 4 days of successful completion (i.e., 4 successful days on earns 5 days credit). The Youth Reporting Centers offer early completion based on a grading scale.

ORANGE COUNTY PROBATION DEPARTMENT  
CONTINUUM OF INTERVENTIONS

Violation Severity	SUPERVISION LEVEL		
	Low	Medium	High
Minor Probation Violation	Warning Problem Solving Written Assignment Increased Contacts Drug Court Referral Community Service	Warning Problem Solving Written Assignment Increased Contacts Recovery Court Referral Community Service Home Restriction/ No Electronic Monitoring Youth Reporting Center	Warning Problem Solving Written Assignment Increased Contacts Recovery Court Referral Community Service Youth Reporting Center
Moderate Probation Violation  Or  Property Misdemeanor (Property misdemeanors may be handled formally or informally)	Problem Solving Written Assignment Increased Contacts Drug Court Referral Community Service	Recovery Court Referral Community Service Home Restriction / No Electronic Monitoring Youth Reporting Center Electronic Monitoring/GPS Non-Custody Probation Violation Petition (VCS, ACP, YRC, GPS) Detention (7 days)	Recovery Court Referral Community Service Youth Reporting Center Electronic Monitoring/GPS Non-Custody Probation Violation Petition (VCS, ACP, YRC, GPS) Detention (14-30 days) Detention (30+ days, Director approval)
Serious Probation Violation  Or  Felony or person-/weapon-related misdemeanor (Felonies or person-/weapon-related misdemeanors must be handled formally or have DA concurrence to handle informally)	Recovery Court Referral Community Service Home Restriction/ No Electronic Monitoring Youth Reporting Center Electronic Monitoring/GPS	Recovery Court Referral Community Service Home Restriction / No Electronic Monitoring Youth Reporting Center Electronic Monitoring/GPS Non-Custody Probation Violation Petition Detention (≤14 days) Detention (30+ days) (Director approval)	Recovery Court Referral Community Service Youth Reporting Center Electronic Monitoring/GPS Non-Custody Probation Violation Petition Detention (≤30 days) Detention (30+ days, Director approval)

NOTE: Research indicates that escalating consequences for negative, non-compliant behavior is no more effective than consistent, repetitive consequences. The duration or severity of the consequences should be tailored to the case plan and the individual needs of the minor.

## ORANGE COUNTY PROBATION DEPARTMENT

### CONTINUUM OF INTERVENTIONS PROBATION VIOLATION DEFINITIONS

Minor	Occasional or isolated incidents unrelated to the offense behavior for which the youth is on probation and where there is no victim impact. The youth is still responding to probation expectations and is otherwise engaged in positive activities. <i>(Examples: occasional truancy, disrespect of parent/guardian rules, missed appointment with counselor or treatment/skill development provider, failure to show for community service, isolated status offenses.)</i>
Moderate	A preliminary pattern of violations of probation conditions that is interfering with success in school, home, treatment, and the community. The violation(s) may be related to the underlying probation offense behavior or may involve a property-related misdemeanor. Moderate violations indicate an increased risk that the youth may re-offend. <i>(Examples: multiple minor violations with no apparent response to consequences; repeated contact with co-defendants/negative peers; an on-going pattern of missed treatment appointments; chronic absenteeism; frequent status offenses.)</i>
Serious	The youth has demonstrated a significant pattern of varied violations of probation conditions and has failed to respond to multiple interventions. The youth has committed two or more misdemeanors or a felony. Minor violations followed by repetitive sanctions will not be defined as serious. <i>(Examples: behavior that demonstrates extreme disregard of probation conditions; failure to respond to the authority of the Court; or unauthorized contact with the victim.)</i>
Property-related Misdemeanors	All property related misdemeanor referrals must be handled with a new Application for Petition, PV Petition or dismissal after informal handling.
Felonies and person- or weapon-related misdemeanors	All felony referrals and person-/ weapons-related misdemeanors must be handled with a new Application for Petition or have DA concurrence to handle informally.

(Revised 3-30-10)

INFORMAL INTERVENTION AGREEMENT

Name of Youth: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Case Number: \_\_\_\_\_

The Orange County Probation Department ("Probation Department") alleges that you have violated the terms of your probation by committing one or more of the following acts:

- |          |          |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

If you choose to resolve the above-alleged violations informally, the Probation Officer proposes the following informal sanctions instead of filing a formal Probation Violation Petition:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

If you choose to resolve the alleged violations informally and accept the informal sanctions mentioned above, there will be no court hearing before a judge of the Orange County Superior Court to address these violations.

If you successfully complete the terms of the informal sanctions, then these violations will not be the subject of a future Probation Violation Petition before the Court, but may be discussed with regard to your progress on probation.

If you do not successfully complete those sanctions, the Probation Officer may impose additional sanctions or use the alleged violations above as a basis for a Probation Violation Petition that would be submitted to the Court.

You have the option to either: (1) resolve the alleged violations of probation and accept the informal sanctions offered by the Probation Officer, or (2) deny the violations and ask for a court hearing, where these allegations would be presented to a judge in the form of a Probation Violation Petition.

If the matter proceeds to Court, you would be entitled to:

1. Have an attorney appointed to represent you during the hearing
2. Have a Probation Violation Hearing within a reasonable period of time
3. Hear the witnesses against you and be allowed to confront and cross examine the witnesses through an attorney
4. Testify at the hearing to offer your version of the incidents in question
5. Have an attorney subpoena witnesses to come to court to testify in your favor

If you choose to accept the informal sanctions offered above, and decide not to have a court hearing, you agree to waive and give up the legal rights mentioned above.

I have read the terms of the Agreement and the summary of my legal rights and make the following decision:

\_\_\_\_\_ I want a hearing before the Court  
(initials)

\_\_\_\_\_ I agree to accept the informal sanctions offered by the Probation Department to resolve the alleged violations against  
(initials) me

Youth: \_\_\_\_\_

Probation Officer: \_\_\_\_\_

Parent: \_\_\_\_\_

## Procedure and Instructions for having STOP GPS device installed:

Field DPO	
STEPS:	DESCRIPTION:
1	<ul style="list-style-type: none"> <li>Enroll Probationer and all relevant data into STOP Veritracks website Set schedules, zones, curfews, etc.... Ensure that your data entry is "saved."</li> </ul>
2	<ul style="list-style-type: none"> <li>Indoctrinate the Probationer to the TERMS AND CONDITIONS FOR CONTINUOUS ELECTRONIC MONITORING SUPERVISION Via GLOBAL POSITIONING SATELLITE (GPS) SYSTEM Form.</li> </ul>
3	<ul style="list-style-type: none"> <li>Completely fill out the form entitled, "CEM Admonishment and Referral". This form will be filled out with the assigned DPO and probationer's signatures.</li> </ul>
4	<ul style="list-style-type: none"> <li>Coordinate, with the GPS Installer, a date and time for the installation to take place at MOB 4<sup>th</sup> Floor. GPS Installer contact numbers [REDACTED] (desk).</li> </ul>
5	<ul style="list-style-type: none"> <li>Probationer will be given a copy of the "CEM Admonishment and Referral" form and instructed to report, with proper picture ID, to MOB 4<sup>th</sup> floor.</li> </ul>
GPS Installer	
6	<ul style="list-style-type: none"> <li>Installer will meet the probationer at the designated date and time.</li> </ul>
7	<ul style="list-style-type: none"> <li>Installer will properly install the GPS device and ensure it is operational at time of installation.</li> </ul>
8	<ul style="list-style-type: none"> <li>Installer will return, via fax or pony, the "CEM Admonishment and Referral" form to the assigned DPO. This form will detail the date the device was installed and the GPS Tag number assigned.</li> </ul>

TERMS AND CONDITIONS FOR  
CONTINUOUS ELECTRONIC MONITORING SUPERVISION  
Via GLOBAL POSITIONING SATELLITE (GPS) SYSTEM

Adult Probation

"Notwithstanding any other provisions of law, a county probation department may utilize continuous electronic monitoring to electronically monitor the whereabouts of persons on probation..." (1210.7 Penal Code and/or court order).

Juvenile Probation

The use of Continuous Electronic Monitoring and GPS technology is authorized by the Orange County Juvenile Court in conjunction with Appellate Court decisions concluding that CEM does not constitute physical confinement (In re Lorenzo L. (2008)163 Cal.App.4th 1076 , -- Cal.Rptr.3d). Further, In re R.V. (2009) Cal App. 4<sup>th</sup> concluded that GPS monitoring is expressly authorized by statute for adult probationers (Pen. Code, § 1210.7 et seq.), as well as for registered sex offenders (Pen. Code, § 1202.8) and parolees (Pen. Code, § 3010). If GPS monitoring is a permissible condition for adult probation, a fortiori the condition is permissible for juvenile probation since broader conditions may be imposed on juveniles. (In re Antonio R., supra, 78 Cal.App.4th 937.)

You are being placed on Continuous Electronic Monitoring (CEM) using Global Positioning Satellite (GPS) monitoring technology used to locate your position at all times.

- \_\_\_\_\_ 1. I will comply with all Court Orders, terms and conditions of probation, and instructions.
- \_\_\_\_\_ 2. I will not nor will I allow others to tamper with or remove the CEM equipment, other than the representatives of the Orange County Probation Department, its designees, or law enforcement agency. Should the device(s) become damaged or inoperative, I must report it immediately to my assigned Probation Officer or designee.
- \_\_\_\_\_ 3. Damaged, destroyed, lost, or unreturned CEM equipment may result in a violation of probation, charges being filed, and a requirement to reimburse for losses incurred.
- \_\_\_\_\_ 4. I am responsible for maintaining the battery charge of the CEM equipment at all times. I will charge the device daily for one hour in the morning and one hour in the evening.
- \_\_\_\_\_ 5. I must respond to all audible tones (beeps) in a manner ( \_\_\_\_\_ ) as specifically directed by my assigned probation officer.
- \_\_\_\_\_ 6. I am directed not to enter into any restricted areas by Court Order and/or a Probation Officer.
  - \_\_\_\_\_ 1. See Attached (Amusement Park Exclusion Zones)
  - \_\_\_\_\_ 2. \_\_\_\_\_
  - \_\_\_\_\_ 3. \_\_\_\_\_
- \_\_\_\_\_ 7. Other conditions:

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BLUTAG CARE & INSTRUCTIONS

- Attach the charging cup by clipping it to both sides of the tag.
- Light on front indicates contact with charger, not battery level.
- Remove the charger by gently detaching its clips from the tag.
- Charge twice a day, every 12 hours, for 60 minutes.
- Do not charge the device while sleeping or driving.
- BluTag® is hypoallergenic and cannot overheat.
- A sock can be worn over and/or under the device.
- Do not tamper with the device (no pulling, striking, or attempt to open).
- Do not force a boot over the tag.
- Do not expose to extreme temperatures.
- Notify the officer if a medical procedure requires removal of the tag.
- You can shower; however, do not submerge BluTag in water (baths, spa, pools, lake, ocean, etc., or subject to saunas, steam rooms, etc).
- Do not press "status call button" unless instructed by the officer.
- If the tag beeps, contact the assigned officer as directed.

PROGRAM EQUIPMENT

The CEM Equipment given to you by the Probation Department is your responsibility. If the equipment is damaged, lost, destroyed, or unreturned you may be required to pay the following amounts:

- \_\_\_\_\_ BluTag® Unit      \$500.00
  - \_\_\_\_\_ BluHome® Unit      \$350.00
  - \_\_\_\_\_ BlueBox®      \$200.00
  - \_\_\_\_\_ Charging Coupler      \$25.00
- For

BluTag®

I acknowledge that CEM supervision is being utilized pursuant to 1210.7 PC and/or court order to verify and monitor my whereabouts in the community. I have read, understand, and received a copy of this order. I understand that failure to comply with any of the above term(s) and condition(s) may result in my arrest for violation of probation. I agree to comply with the above terms and conditions.

Probationer \_\_\_\_\_ DPO \_\_\_\_\_

Print Name \_\_\_\_\_ Print Name \_\_\_\_\_

Date \_\_\_\_\_ Date \_\_\_\_\_





## INCENTIVES GRID

### POSITIVE BEHAVIOR

#### EDUCATION/EMPLOYMENT

Behavior/Attendance  
Grades/Achievement  
Job Search/Preparation  
Obtained/Maintained Employment  
Other

#### PRO-SOCIAL BEHAVIOR

Improved Behavior at Home  
Participating in Wraparound  
Participating in Case Plan  
Pro-social Activities (Sports, T4C,  
etc.)  
Other

#### COURT ORDERS

VNL/No Police Contact  
Usual/Gang Ts & Cs (Reporting, Curfew  
Associates, Testing, Payments etc.)  
JCWP/VCS/DNA  
Counseling (DUI, NA, Anger Management,  
Substance Abuse)  
Other

### INCENTIVES

#### MINOR

Verbal Praise  
Voucher for Probation Store  
Bus Pass  
Other

#### INTERMEDIATE

Verbal Praise  
Certificate of Achievement  
Job Well Done Card/CC Parents  
Fast Pass (Pass to the front of the line on  
office visit)  
Skip Testing  
Skip an Appointment  
Event Ticket  
Reduce Reporting  
Gift Certificate  
Graduated Sanction Stayed/Reduced  
Voucher to Probation Store  
Other

#### MAJOR

Verbal Praise  
Communication to Judge  
Reduce Supervision  
Gift Certificate (\$10 and up)  
Family Meal/Pizza Party  
Extend Curfew  
Voucher to Probation Store  
Other

Note:

This grid has been created to provide examples of positive behaviors to incentivize and what incentives are available. It is not all inclusive and there may be other incentives available over time. DPOs are able to provide incentives for any positive behavior they see appropriate.