

TRANSFER TO ORANGE COUNTY JAIL

- AUTHORITY:** Administrative Directive
Welfare and Institutions Code Section 202, 207, 208 and 208.5
- RESCINDS:** Procedural Manual Item 3-2-030, dated 08/28/15
- 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. **Youths** 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 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 **youth** 19 years or older may, at the recommendation of the Assessment **Deputy** Probation Officer (**DPO**), be transferred to the Orange County Jail (**OCJ**) to serve commitments.
1. Youth who have their **25th** 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 **25th** 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 **youth** 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 youth 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 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 and is serving a juvenile commitment, the Unit **Supervising Juvenile Correctional Officer** (SJCO) will notify the Assistant Division Director (**ADD**). 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 **ADD**. 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 **25** 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 **ADD** 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 **ADD** will review the Modification Petition and submit it to the Division Director (**DD**) for review and signature.
 - 2. The **DD** 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 **SJCO**.
- 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 **ADD**. The **ADD** will 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 **SJCO** 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/**SJCO** 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 **the Integrated Case Management System (ICMS)** including the date, time, and recipient of the phone call.
 2. Notify the youth's parents and probation officer of the impending transfer.

REFERENCES:

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| Procedure: | 2-1-002 | Transportation Security |
| Policy: | D-6 | Transportation of Probationer and Custody Transportation |

A. Serrano

APPROVED BY: