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COMMITMENTS TO THE DIVISION OF JUVENILE JUSTICE

I. Introduction

- A. The Division of Juvenile Justice (DJJ) is a State level agency under the California Department of Corrections and Rehabilitation that provides education, treatment, and rehabilitative services in a custody setting to youth committed to its facilities by local Juvenile Courts. Only youth who have had sustained petitions for the most serious offenses may be committed to DJJ, and when youth have completed their custody commitment and are approved for release by DJJ, they are returned to the local jurisdiction for community supervision and case management.
- B. While not a focus of this policy section, persons under the age of 18 who have been convicted of a crime in the criminal courts and sentenced to state prison, may also be committed to DJJ to be housed until they reach the age of majority and can be transferred to a prison facility. This policy concerns only youth who have been committed to DJJ for an offense committed as a juvenile, and describes the internal process by which a youth may be recommended for such a commitment.

II. Youth Eligible for Commitment and Qualifying Offenses

- A. California law restricts who may be committed to DJJ as a juvenile offender. Only a ward of the Juvenile Court may be committed. Further, any youth who meets any of the following conditions may not be committed to DJJ.
 - 1. The youth is under the age of 11.
 - 2. The youth is suffering from any contagious, infectious, or other disease that could endanger other persons.
 - 3. The most recent offense alleged in any petition and admitted or found to be true by the court is not described in subdivision (b) of Section 707 of the Welfare and Institutions Code (WIC) or subdivision (c) of Section 290.008 of the Penal Code.

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- B. It is important to note that pursuant to Section 602 WIC as amended by Senate Bill 439 (2018), youth under the age of 12 do not fall under the jurisdiction of the Juvenile Court for any act that constitutes a criminal offense except for those described in subdivision (b) of that section.
 - C. While a local Juvenile Court may commit a youth to DJJ, a youth may still be rejected for commitment by DJJ if they determine that the youth is not eligible or may not benefit from the services and programs available.
- III. Department Recommendations for Commitment to DJJ
- A. The assigned Officer preparing a social study for a matter being heard before the Court for disposition may consider a commitment to DJJ when in the Officer's estimation the offenses(s), circumstances, and case history warrant such consideration. The Officer is to first determine that the youth is eligible for commitment. This may include consulting directly with a DJJ liaison or intake official.
 - B. Once eligibility has been determined, the Officer shall consider other factors in determining if a commitment to DJJ is appropriate in a matter. Since a commitment involves long term State custody and may seriously impact a youth and his or her family, the following factors are to be considered in determining if a commitment is appropriate.
 - 1. The seriousness of the sustained offense or offenses and any attendant behaviors, including the youth's role in the commission of an offense.
 - 2. The extent of injury to any victim and the impact the offense has had on a victim in other ways.
 - 3. The level of public safety risk demonstrated by the youth and the offense, including continued risk to a victim.
 - 4. Previous delinquency history and performance while under the jurisdiction of the Juvenile Court, including history of victimization to others and violence against others.

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5. The availability and appropriateness of local resources and less restrictive options to meet a youth's needs and identified risks and insure public safety.
 6. The youth's own history of abuse, neglect, trauma, mental health deficits, cognitive ability, and physical impairment.
- C. Recommendations to the Juvenile Court for a DJJ commitment require internal review and approval through the assigned Officer's chain-of-command. Such approval should be sought as soon as reasonably possible considering the time limitations involved in a disposition matter and the number of approvals necessary. Approvals are to be obtained in the following order.
1. The assigned Officer is to consult with a Supervising Deputy Probation Officer (SPO) and review the case with him or her. The factors outlined in III, B, above, are to be considered and evaluated, as well as any other factors that may be relevant. If the SPO agrees that a DJJ commitment is appropriate, the matter will be referred to the Manager. The SPO may direct that an alternative recommendation be considered. An Officer may inquire informally with DJJ regarding a youth's eligibility based on a sustained offense or offenses, and the possible length of a commitment term to aid in further discussions. Additionally, general information about any treatment interventions that may be available to the youth should be obtained.
 2. The assigned Officer and SPO are to consult with the Manager and review the case as described in 1, above. If a commitment is approved, the Manager will present the recommendation to the Deputy Chief Probation Officer (DCPO) for final approval. The Manager may also direct that an alternative recommendation be pursued.
 3. Upon review of available documents and information and after considering the recommendations of the assigned Officer, SPO, and Manager, the DCPO will approve the recommendation, request further investigation or additional information, or direct that an alternative recommendation be pursued or considered.

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- D. In recommending a commitment to DJJ, the assigned Officer shall also identify what other disposition options were considered and what assessment was made regarding each of them in terms of appropriateness or availability. Such alternatives include local custody commitment (juvenile hall), commitment to Los Prietos Boys Camp, foster care placement (if eligible), or any other option that was considered.
- IV. Screening with DJJ to determine eligibility
- A. Once approval has been received to pursue a DJJ commitment, the assigned Officer is to contact the appropriate person at DJJ to initiate the process for the youth to be accepted, including determining what documents and orders they will require as part of their review and intake functions, and providing that information as soon as reasonably possible.
 - B. DJJ will conduct its own review of the case materials and determine a youth's eligibility and suitability based on the law and any regulatory requirements governing their operations. Despite being committed to DJJ by the Juvenile Court, acceptance to DJJ is ultimately at the discretion of that agency.
 - C. As the approval process for a commitment can be lengthy and communication about that process sporadic, the assigned Officer is to maintain regular contact with the appropriate DJJ representative and inquire with that person no less than once weekly about the status of the case approval and any further requirements for admission. The assigned Officer is to notify the SPO, Manager, and DCPO for the Juvenile Division of those updates, as well as the SPO(s), Manager, and DCPO for the juvenile hall.
 - D. The assigned Officer is responsible for providing any and all documents, reports, orders, and other information to DJJ as part of the approval process, and to do so expeditiously. The Officer may rely on other persons to do so but is to maintain exclusive oversight of the process.
 - E. DJJ will officially notify the Department and the Juvenile Court of a youth's acceptance to or rejection from DJJ by formal letter. They may notify the assigned Officer informally and provide the basis for any rejection. The

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Officer may proceed with preparing or finalizing the social study for the disposition hearing upon formal or informal notification of an acceptance.

- F. In the event DJJ does not accept a youth for a commitment and it appears there is no recourse to change that determination, the assigned Officer will consult with the SPO regarding alternative disposition options and any subsequent recommendations.

V. Following Acceptance to DJJ.

- A. Following acceptance by DJJ, the assigned Officer will notify the Administration staff identified in IV, C, above, and will proceed in preparing the final social study for the disposition hearing. The Officer will insure that the following have been performed or provided for consideration by the Juvenile Court and parties.

1. A summary of the results of the most recently administered Positive Achievement Change Tool (PACT) assessment.
2. A summary of the results of the most recently administered Juvenile Sex Offender Recidivism Risk Assessment Tool (JSORRAT) assessment for applicable sex offenses.
3. The full forensic evaluation performed for purposes of the current matter or recently for a previous matter, if available.

- B. In addition to the components usually provided in a social study for a disposition hearing, the social study is to also provide and detail the following.

1. The Officer's assessment of the appropriateness for any of the possible alternatives to a DJJ commitment outlined in III, D, above. This should include any determination that a youth is or is not eligible for any such alternative.
2. A summary of the factors pertaining to a youth's functioning outlined in III, B, 6, above, including any other collateral information that may be relevant from other providers and agencies.

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3. A detailed discussion of the basis for a DJJ commitment based on the factors outlined in III, B, 1-5, above, and any other relevant factors, as well as a description of the services, interventions, and programs the youth will or may receive while in the custody of DJJ.
 4. A statement regarding the probable length of time a youth may be committed and the earliest possible release consideration date as determined by DJJ.
 5. Any and all appropriate findings and orders pertaining specifically to a DJJ commitment.
 6. Additionally, the assigned Officer is to insure the completion and delivery to DJJ of the (YA) DJJ 1.025 Mental Health & Medical Information from Outside Agencies form. It is to be provided to Behavioral Wellness clinicians at the juvenile hall by the assigned Officer. The assigned Officer will provide the completed form to DJJ with other documents prior to a youth's physical move to a DJJ facility.
- C. Transportation to DJJ.
1. It is the responsibility of the juvenile hall to transport the youth to a DJJ facility once a formal acceptance has been received. It is important that the assigned Officer maintains regular communication with DJJ and juvenile hall staff regarding the status of an acceptance and any associated timelines or tasks.
 2. The acceptance letter from DJJ provides instructions on the timeframe and procedures for transporting a youth to a DJJ facility. Juvenile hall staff will coordinate that transportation directly with DJJ and the assigned Office should be prepared to assist in coordination as necessary.
 3. While the youth is awaiting transfer to the DJJ facility, the assigned Officer is to maintain regular contact with the youth and keep him or her informed of any timelines. This includes a minimum of two phone contacts and one in-person contact per month. The assigned Officer is to maintain regular contact with the youth's family as well

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to keep them informed of timelines. This includes a minimum of two phone contacts per month.

4. The assigned Officer is to also maintain regular contact with juvenile hall Behavioral Wellness personnel and other persons or agencies providing services to the youth pending transportation to DJJ.
5. Once a minor is transported to DJJ, the case is to be transferred to an Officer in the appropriate regional office for monitoring and subsequent contacts while the youth is incarcerated. The SPO for the regional office has the discretion to assign a case based on existing resources and workloads. The provisions of the manual section governing the supervision of DJJ returnees become applicable upon the case transfer.

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