

**PROBATION DEPARTMENT
JUVENILE MANUAL**

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**Notes and
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Division of Juvenile Justice Returnees

I. General Information

A. Juvenile wards who commit specified serious, violent, or sex offenses may be committed to the State Division of Juvenile Justice (DJJ). Those who are committed to DJJ are subject to existing laws and regulations that govern DJJ operations. When granted release by DJJ, wards are returned to the local jurisdiction for further action and supervision. This policy concerns the return of a ward, or returnee, to local jurisdiction and outlines the procedures for facilitating that return.

B. Upon release, returnees will have been in DJJ’s custody for extended periods; in some cases many months and in others many years. In most cases, returnees will be over the age of 18, are more likely to be in their early 20s, and can be as old as 25. They will have also been apart from natural supports such as family members, and have been away from their communities. As such, it is important that case planning around their re-entry start early and emphasize having supports and services identified and in place whenever possible prior to release.

II. Responsibility of Division of Juvenile Justice:

A. DJJ Intake and Court Services Unit (ICS) will provide a monthly DJJ commitment list to the Department representative. The list will be distributed to Executives, Managers, and Supervising Probation Officers (SPO) and contains the names of all wards currently housed in a DJJ facility, as well as scheduled Discharge Review Dates/Projected Board Dates (by month and year).

C. Provide notice of the Discharge Consideration Hearing to local court, probation, and a ward’s counsel, if known, 60 days prior to the actual hearing. Notice is in the form of any Discharge Consideration Hearing Reports prepared by them in anticipation of the hearing.

D. If the Juvenile Parole Board (JPB) determines a ward is suitable for discharge, it is to advise ICS within 24 hours of the hearing. ICS will notify the Department of any decision to discharge a ward (usually by phone or email to Department representative). If discharge is denied by the JPB, ICS will notify the Department and provide the reasons for it.

Assembly Bill
1628 (2010);
§1766.01WIC

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- E. The JPB will set a DJJ discharge date 14 days after the date of the discharge hearing. This date is the latest date that DJJ can retain custody and jurisdiction.
- F. Make notifications to law enforcement and victim (if requested by victim), and pre-registration notification, if required. The DJJ facility will forward to the Probation Department and Juvenile Court its post-release recommendations no later than seven (7) calendar days from the Discharge Consideration Hearing.
- G. Deliver returnee in custody to facility identified by the Probation Department (Juvenile Hall or County Jail) no more than four (4) days but not less than one (1) day prior to a Re-entry Disposition Hearing. A 24 hour supply of medication will be provided when applicable.

III. Responsibility of the Probation Department (Initial):

- A. Provide to DJJ a Re-entry Supervision Plan for the Parole Board to consider when holding a discharge hearing. The plan is to be submitted no less than 30 days prior to the hearing. However, DJJ will accept a plan at any time ahead of the hearing. The JPB is to consider any received plan. The plan is to include the following:
 - 1. Residence information and verification for proposed placement.
 - 2. Identification of and criminal record history for any person who will be residing at the proposed placement.
 - 3. Status of any co-offenders.
 - 4. Victim considerations.
 - 5. Contact information for the assigned Deputy Probation Officer (DPO).
 - 6. Programming and treatment services that will be or may be directed and provided for the ward.

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7. Registration information (pursuant to §290.008 PC, §186.30 PC, §457.1 or PC, §11590 HS).
 8. Any planned use of electronic monitoring (EM) or global-positioning system (GPS) surveillance technology.
 9. Possible standard and unique terms and conditions of supervision.
 10. Any other relevant information that further describes the supervision strategy envisioned by the Department.
- B. Contact with a returnee subject to release is to occur prior to their return so that a youth knows what to expect upon release. Contact with persons with whom the returnee will reside, and family members and others with whom a returnee will rely on for support should also occur prior to release. Regular and meaningful family involvement is a critical component of a returnee's re-entry. These and other case management practices will bolster the chances for a successful re-entry from State custody.
- C. Regular contact with a returnee should be maintained during the period of their commitment. This can be accomplished through a combination of phone, videoconference, and in-person visits. Contact should be scheduled as follows:
1. Quarterly in any form during the first 12 months of the commitment.
 2. Monthly in any form following the first 12 months of the commitment except that two of those contacts are to be in-person contacts occurring no sooner than three months apart.
 3. Upon notice that a parole hearing has been scheduled and before the actual hearing, in-person contact is required. Additional contacts in any form may be made if parole is granted and before discharge.
 4. If parole is not granted, contact should resume as described in 2, above.

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- D. The proposed supervision plan should be completed using existing case file information, DJJ documentation and reports, input from a parent, family member, or support person with whom the returnee may reside, and input from the returnee. The youth should be contacted at the DJJ facility to discuss the supervision plan and any proposed case plan elements at least 30 days prior to the potential release date.
- E. Notice the ward, Court, counsel, District Attorney, and parent or guardian of the hearing; also notice DJJ and provide ICS with an Order-to-Produce that contains the date of the Re-entry Disposition Hearing and the location of the facility where the ward is to be delivered.
- F. Prepare a Re-entry Disposition Report for the court’s consideration. The Re-entry Disposition Report is to contain, at a minimum, the following information:
 - 1. Purpose of hearing.
 - 2. Offense and criminal record summaries.
 - 3. Confinement time calculations.
 - 4. Risk and needs assessments.
 - 5. Mental health history.
 - 6. Information and/or statements obtained from law enforcement agencies, the District Attorney, or Defense Counsel. In soliciting statements the assigned DPO will inform respondents of the pending release of the returnee and any relevant post-release supervision plans.
 - 7. Residence verification.
 - 8. Post-release housing (if not permanent).
 - 9. Summary of conduct, behavior, and accomplishments at DJJ (disciplinary actions, program participation, educational or vocational progress, treatment services received, etc.).

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10. DJJ post-discharge hearing recommendations and information (if received by filing date).
11. Proposed terms and conditions
12. Secured or intended treatment services and programming.
13. Identified sanctions for non-compliance.
14. Recommendations.
15. Any other relevant information that further aids in the understanding of the returnee and the case.

IV. Responsibility of the Juvenile Court:

- A. Hold a Re-entry Disposition Hearing on or prior to the date of discharge set by DJJ.
- B. Consider the Re-entry Disposition Report submitted by the Department and any information provided by DJJ.
- C. Identify the terms and conditions of supervision that are appropriate under all of the circumstances of the case and are consistent with evidence-based practices, and advise the ward of them.
- D. Identify available sanctions for non-compliance and advise the ward of them.

V. Responsibility of the Probation Department (Subsequent):

- A. Once the Juvenile Court holds a Re-entry Disposition Hearing, advise DJJ ICS that it was held. DJJ will then notify CLETS to cancel its detainer and that its jurisdiction is terminated. (Detainers placed by other agencies such as Immigration and Customs Enforcement will be coordinated by the Probation Department with those agencies after a Re-entry Disposition Hearing.)

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- B. Once the Juvenile Court places a returnee under the supervision of the Probation Department, send a certified copy of the minute order that places the returnee on local supervision to DJJ. (A copy may be sent by facsimile initially, followed by a mailed certified copy.) It is important that the order specifies the returnee is being supervised by the Department.
- C. Provide post-release supervision of a discharged ward according to established practices up to the age of 21 in cases where the commitment was for a non-§707(b), (d)(2), or (e) WIC offense or for an offense enumerated in §290.008 Penal Code (PC); up to the age of 23 for a §707(b), (d)(2), or (e) offense; up to the age of 25 pursuant to §1769 WIC for persons subject to a two year period of control; or until such time the Juvenile Court terminates its jurisdiction pursuant to Sections 778 and 779, or some other applicable law.

VI. Supervision by the Probation Department:

- A. DJJ ICS will notice the Probation Department 60 days prior to the release of a returnee who has been returned to its care. DJJ will need to know the name and address of the person with whom a returnee will live, and will need to arrange transportation. Returnees may be supervised by a juvenile field supervision unit or an adult field supervision unit. A Juvenile Division SPO and the appropriate Adult Division SPO will discuss the case and determine the most appropriate division for supervising a returnee. In determining which division is the most appropriate, the following should be considered:
 - 1. A returnee's age and sophistication.
 - 2. The programming and services that will be offered and utilized by the returnee.
 - 3. The capability of a unit to employ EM or GPS surveillance technology and monitor compliance effectively and efficiently.
 - 4. Caseload sizes and types (specialties).
 - 5. DPO familiarity with a returnee or concurrent supervision of a returnee's family members.

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- B. In consideration of a returnee’s length of incarceration at a DJJ facility and the serious nature of the types of offenses that resulted in their commitment, returnees should be regularly contacted during their period of supervision. The following minimum standards apply to all returnees. Supervisors may increase the contact frequency and type based on a returnee’s history, offense, and other factors.
1. An initial face-to-face office contact within 24 business hours of the day of the returnee’s release from local custody. This should include the person(s) with whom the youth will reside or other natural support person(s), whenever possible
 2. A minimum of one (1) office contact and one (1) field contact each week for the first three (3) months following release or longer if deemed necessary for stabilization and engagement with services.
 3. Following an assessment of a returnee’s compliance and performance since release and a determination that both have been favorable, contact may be reduced to twice every two (2) weeks. At least one of these contacts is to be in the field.
- C. Global Positioning System (GPS) Surveillance
1. All returnees will be deemed appropriate for enhanced surveillance using GPS when ordered to local supervision and upon release from local custody. The process for facilitating the use of GPS is the same for requesting it and having it approved for any offender on probation. This includes reviews every 30 days.
 2. A returnee can be subject to electronic monitoring at any time during their period of supervision in the same fashion as any offender on probation. This includes the use of any monitoring device and devices that test for the use of alcohol.

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D. Case Management

1. As most DJJ returnees will be over the age of 18 upon release, referrals for treatment or other services will be to programs geared toward adult offenders. The assigned Officer is to create a case plan with and for the DJJ returnee that identifies specific goals and objectives for a successful transition. These case plans are to be prepared in the same manner and style as case plans used for adult or juvenile offenders, depending on the age of the returnee. They should address needs in a variety of life domains, including legal standing, mental and physical health, housing, employment, education, and employment preparation and training, among others. The case plan is to be completed within 30 days of release from local custody and their return to local supervision.
2. Referrals to programs that provide services to juvenile offenders are appropriate for returnees under the age of 18. Use of them for returnees over the age of 18 should factor in eligibility and suitability requirements, criminal sophistication, nature of offense, and amenability.
3. In choosing appropriate programs and services, DPOs may consider those operated by community-based organizations or the Probation Department (i.e., Probation Report and Resource Center). Returnees are to be referred to evidence-based programs and services that target serious adult or juvenile offenders, provide services that target persons subject to re-entry from a long-term custody setting, and which emphasize programming designed to increase a returnee's chances of successful integration into schooling, the workforce, training programs, and the community, and interventions that build resiliency and identify pathways to independent living.
4. Case plans will be created for a returnee and may include any case management information supplied from DJJ, the Re-Entry Disposition Report, or other documents. Assessments may be conducted when necessary for program placement purposes or specific treatment needs. Relevant assessments conducted at DJJ should be updated for local case planning and supervision needs as

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appropriate. The case plan format should be consistent with the case plan utilized by the division in which the returnee will be supervised.

5. Incentives to encourage or reward compliance with supervision, treatment, or other case plan requirements and conditions are to be used when appropriate to further increase a returnee’s chances of a successful re-entry. Adult and Juvenile Incentives strategies or matrixes should be utilized in determining a meaningful and appropriate incentive for the circumstances; officers should choose the matrix which best corresponds with the returnee’s age and level of maturity. The use of incentives is to be regular and ongoing as a continuous reinforcement for positive behavior.
6. Support funding for DJJ returnees may be used to assist them in transitioning successfully from State commitment to a community setting and eventually from local supervision. These funds may be used for incentives, education and work related supplies or needs, clothing, public transportation, and other needs identified in the case plan. Officers are to make specific funding requests to their supervisor via a department discretionary funds request form.
7. During the intake process, the assigned officer is to advise the returnee that he or she has the right to petition the Board of Juvenile Hearings (BJH) for an honorable discharge once he or she has successfully completed probation supervision and it has been at least 18 months since the date of the discharge. A Juv-Pro-122 Honorable Discharge Letter packet, which includes a letter and Fact Sheet, should be prepared and provided to the returnee both at intake and termination.

§1178 W&IC

Juv-Pro-122

E. Termination of Supervision

1. Cases may terminate without any action on the part of a DPO by expiration of court jurisdiction (21, 23 or 25; See Section V.C above).

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2. A DPO may calendar a hearing before the Juvenile Court to have a returnee’s supervision terminated before the expiration of jurisdiction. An informational report for the Court’s consideration is to be prepared for any such hearing and shall address the items listed below in sub-section 4.

3. In determining if a returnee’s supervision should be terminated before the expiration of jurisdiction, a DPO is to evaluate areas such as public safety risks (including to an identified victim), compliance while under supervision, remaining jurisdiction time, and the completion of any case plan goals supporting rehabilitation, among other considerations. These include having obtained employment, participating in a job training program, or regularly attending an education program. Convictions in the criminal courts and/or subsequent prison or jail sentences may also be reasons supporting a termination of supervision prior to the expiration of jurisdiction.

4. Just prior to the expiration of supervision, or upon a determination that early termination of supervision is appropriate, the returnee should be advised he or she has the right to petition the BJH for an honorable discharge once he or she has successfully completed probation supervision and it has been at least 18 months since the date of the discharge. A Pro-122 should be prepared and provided to the returnee.

5. In the event a returnee requests an honorable discharge, the BJH will request a summary probation report pursuant to §1177(c)(1)/(c)(2) WIC detailing the returnee’s offense history during or after probation supervision, as well as efforts made toward successful community reintegration and rehabilitation. The assigned DPO will complete and submit a SB625 Summary Report to the BJH within 14 days.

6. Pursuant to §781 WIC, a person committed to DJJ who has attained 21 years of age and has completed his or her period of probation supervision related to that offense is eligible to apply for record sealing.

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- VII. Responsibility of the Probation Department for violations of terms and conditions of supervision:
- A. A returnee under the supervision of the Department may be detained for the purpose of initiating proceedings to modify the conditions of supervision when there is probable cause to believe that the returnee has violated a condition or term. Detention is to be in the county jail or juvenile hall depending on the returnee's age.
 - B. The Juvenile Court is to conduct a modification hearing within 15 days of the returnee's detention. The returnee may remain detained pending that hearing.
 - C. The assigned DPO will convene the modification hearing to address the alleged violations of supervision before the Juvenile Court, and will provide proper notice to all parties for that hearing.
 - D. The assigned DPO will provide a report that describes the behavior or actions that constitute a violation. The report is to also provide a disposition recommendation for the Juvenile Court's consideration. The format for this report should mirror those used for violations pursuant to §777 WIC.
 - E. A disposition recommendation should include the following, as applicable:
 - 1. Proposed modification to any existing term or condition of supervision, or the addition or elimination of a term or condition.
 - 2. Local re-confinement at a juvenile facility or local adult facility.
 - 3. State re-confinement time at DJJ.
 - 4. For re-confinement to a DJJ facility, the Juvenile Court must find that local options have been exhausted and there exists confinement time equal to or greater than the length of return.
 - 5. Re-confinement is reserved for a serious violation of the terms and conditions of supervision, or for repeated violations of the terms and conditions of supervision.

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6. Returnees under the age of 18 years may be detained and re-confined in a local juvenile facility. Returnees 18 years of age and older may be detained and re-confined in a juvenile facility as authorized by Section 208.5 WIC or a local adult facility. Any case may be re-confined to DJJ. In cases where a ward is re-confined at a local adult facility, the re-confinement cannot exceed 90 days. In any case where a ward is re-confined to DJJ, the re-confinement must be for a specific period of no less than 90 days and no more than one (1) year (§1767.36 WIC).
 7. For these purposes, a local juvenile facility means the Santa Maria Juvenile Hall (SMJH) or a juvenile hall operated by another probation agency that offers specific and unique treatment options not available in the SMJH. The Los Prietos Boys Camp program is not to be considered for these purposes.
- F. In cases where a return to a DJJ facility is ordered, the following information and documents are to be provided to DJJ by the Department:
1. Court minute order.
 2. Probation report (describing violation and performance on probation).
 3. Mental health assessment and relevant psychological evaluations.
 4. Contact information for assigned DPO.
- G. In cases where the Juvenile Court orders a returnee to be returned to a DJJ facility, the Juvenile Court is to include the following information in its minute order from the violation hearing:
1. Violation offense.
 2. Disposition of violation with specific release date.
 3. Amount of available confinement time.
 4. Jurisdiction age.

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5. Special education status.
6. Medication and authority to dispense.
7. Restitution balance.
8. Victim information.

H. Packets sent to DJJ in these cases are similar to those sent for a first commitment. Additionally, DJJ may accept or reject a violation return case.

VIII. Hearings and Reports.

A. The following Juvenile Court hearings are to be referenced for actions taken under this policy:

1. Re-entry Disposition Hearing.
2. Re-entry Modification Hearing.

B. The following Juvenile Court Services reports are to be used for actions taken under this policy.

1. Re-entry Supervision Plan.
2. Re-entry Disposition Hearing Report.
3. Re-entry Modification Hearing Report.

C. Report formats currently in use for juvenile court hearings may be used for proceedings referenced in this policy when they are sufficiently modified in title and legal references to indicate the proceeding involves a DJJ returnee.