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**Notes and
References**

Criminal Justice Process for Juvenile Offenders

I. Introduction

- A. This chapter is a brief overview of the juvenile justice process for the juvenile offender. As a Juvenile Institutions Officer (JIO)/Juvenile Hall employee, you have a significant role in the Juvenile Justice system.
- B. Unlawful conduct comes within the provisions of many codes, including:
 - 1. Welfare and Institutions Code (WIC)
 - a. §601 WIC, Status offenses such as truancy, out of control behavior, and running away
 - b. §602 WIC, delinquency proceedings
 - 2. Penal Code
 - 3. Education Code
 - 4. Vehicle Code
 - 5. Health and Safety Code

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II. Chronology of Processing Juvenile Offenders

- A. Shelter Care Services
 - 1. The Probation Department contracts with Noah's Anchorage to operate a crisis resolution shelter in Santa Barbara.

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| <p>B. Diversion Programs for First Offenders and/or minor Law Offenses</p> <ol style="list-style-type: none"> 1. Law enforcement agencies investigate alleged offenses and collect evidence. 2. For non-serious offenses, the law enforcement agency may make a recommendation that the matter not be referred to the Probation Department and instead that the youth be referred to local community programs. <p>C. Referrals to Probation</p> <ol style="list-style-type: none"> 1. Criminal charges referred to the Probation Department by law enforcement will be submitted via a Pro-190 referral with a citation or crime report. 2. The Deputy Probation Officer (DPO) shall notify law enforcement of the outcome of each referral which could include: <ol style="list-style-type: none"> a. Close at intake with a letter or meeting with the parent/youth, or referral to a community based organization (CBO) b. Informal Probation pursuant §654 WIC c. Referral to the District Attorney for filing of a formal petition 3. The District Attorney (DA) has the discretion to initiate proceedings in Juvenile Court in certain cases. <p>D “Direct File” or Prop 57 cases</p> <ol style="list-style-type: none"> 1. Certain serious and violent offenses qualify for direct filing by the District Attorney to Adult Court. Some of these offenses are mandated filings and some are discretionary. | <p>653.7 WIC</p> <p>654 PC</p> <p>653.5 WIC</p> <p>707(b) WIC
667.61 PC</p> |
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- E. Detention/Release Procedures, Electronic Monitoring
 - 1. Juvenile Hall staff shall carefully screen youth using the Santa Barbara County Purpose of Detention Booking Criteria and ensure the alleged law violations meet the purpose of detention before accepting a booking.
 - 2. If law enforcement decides not to release a youth after an investigation and delivers the youth to Juvenile Hall, law enforcement shall provide the Juvenile Hall staff with a concise statement of facts with probable cause regarding the alleged violation of law.
 - 3. The Juvenile Hall staff shall immediately investigate the circumstances regarding the youth being taken into custody and shall attempt to immediately release the youth to the custody of his/her parents, guardian, or responsible relative unless one or more of the conditions for detention per Section 628 WIC exist.

- F. Section 628.1 WIC (Home Supervision), Electronic Monitoring
 - 1. If the youth meets one or more of the criteria for detention under Section 628 WIC, but the Juvenile Hall staff or Probation Officer believes that 24-hour secure detention is not necessary, the youth shall be released to his/her parent, guardian, or responsible relative on a Home Detention program.

- G. Juvenile Court Petition for a Detained Youth
 - 1. If the youth is detained for a felony per criteria in Section 628 WIC a Juvenile Court petition must be filed within 48 hours after being arrested, and in court within 72 hours, excluding non-judicial days.
 - 2. If a non-ward youth is detained on a misdemeanor, a Juvenile Court petition must be filed within 24 hours and in court within 48 hours, excluding non-judicial days. However, if the misdemeanor charge involves violence, the threat of violence, or possession or use of a weapon, the petition must be filed within 48 hours of time of arrest and in court within 72 hours, excluding non-judicial days.

SBC Purpose of Detention Booking Criteria

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602(f) WIC

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3. Before referring a matter to the DA for review, the DPO must thoroughly investigate the matter by conferring with law enforcement, DA, parents, schools, CWS, the youth, witnesses, etc.
 4. A Juvenile Court petition indicates the code section that has been violated and the §602 WIC designation.
- H. Supplemental Petition
1. A Probation Violation may be filed if the youth has allegedly violated a term of probation (Section 777 WIC). These must be filed within 48 hours and in court within 72 hours of arrest, excluding non-judicial days.
 2. A new hearing can be requested because of a change of circumstances (Section 778 WIC). The request is filed ex-parte and the Court makes a determination if the matter should be heard.
- I. Informal Probation (Section 654 WIC)
1. The DPO may place the youth on informal probation in lieu of referring the matter to the DA on selected offenses. Informal probation cannot exceed six (6) months, and must be by consent of both the parent and youth.
 2. Nothing in this section prevents a petition from being filed within the six month period, if the youth fails to perform adequately on informal probation.
- J. Juvenile Court Hearings
1. The Detention/Jurisdictional Hearing is to determine where the youth will reside pending the next Court hearing.
 2. The DPO/JIO must release the youth from custody if the petition has not been filed within the legal time frames.

654 PC

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3. The DPO shall prepare a written explanation, which is sent to the parent/guardian, when a youth is held in custody for more than 24 hours, is released, and no petition is filed.
4. A jurisdiction hearing determines whether the allegations of the petition are true.
 - a. If a youth admits to part or all of the allegations, the matter is then continued for a disposition hearing.
 - b. The DPO will file a Court Report with a recommendation that could include informal probation, Deferred Entry of Judgment, or wardship, which may include out-of-home or relative placement.
5. If the youth denies all of the allegations and the petition is not dismissed, the matter may be set for a Readiness and Settlement Hearing. The DPO, DA and youth's attorney discuss the petition at the Readiness and Settlement Hearing and may or may not come to an agreement.
6. If the youth continues to deny the allegations of the petition, a Contested Jurisdiction Hearing is set.
 - a. A trial will be conducted before the Juvenile Court without a jury.
 - b. Juvenile Court proceedings are confidential, and spectators are not allowed (exceptions are authorized by certain laws).
 - c. This confidentiality prohibits the Probation Officer from discussing the case with people who are unrelated (not party) to the Court process
7. If all the allegations are found to be untrue, the petition is dismissed.

631(c) WIC

827(b)(1) WIC

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- 8. If all or a portion of the petition is found true, a Disposition Hearing will follow within the time limits specified in Section 702 WIC.

- K. Court Reports
 - 1. At the Disposition Hearing, a court report is submitted to the Juvenile Court by the DPO which includes the social history, offense, victim’s statement, school progress, prior record, ability to pay restitution, and a recommendation relative to supervision and treatment.

- L. Court Orders
 - 1. The Court may declare the youth to be a ward of the Juvenile Court pursuant to Section 602 WIC.
 - 2. The Court may order the youth placed on probation not to exceed six (6) months under specified terms and conditions without declaring wardship (Section 725a WIC). The youth may also be placed on informal probation for a period not to exceed six (6) months (§654.2 WIC). In some cases, upon the youth’s adjudication for a felony offense, the Court may allow the youth to complete a period of Deferred Entry of Judgment pursuant to §790 WIC for at least one (1) year and not more than three (3) years.
 - 3. The youth may be placed in the care and custody of the DPO to reside with his/her parents, relatives or foster parents under specified terms and conditions.
 - 4. Foster care placements and long-term commitments such as Los Prietos Boys Camp, private institutions, relative placement, group homes or the Division of Juvenile Facilities may be ordered when deemed appropriate.

- M. Section 707 WIC
 - 1. A youth may be prosecuted under the general law per Section 707 WIC, if the youth is 14 years or older, and meets any of the criteria specified in this section.

280 WIC
281 WIC
706 WIC
or Juvenile Manual

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- a. If the youth is found to be unfit as a juvenile, the Juvenile Court will then direct the DA to file a complaint against the youth in Adult Court.
 - b. Section 707 WIC proceedings must be initiated after a petition has been filed on behalf of the youth and also before a plea is entered by the youth.
 - c. The DPO will prepare a Fitness Report pursuant to Section 707(c) WIC.
- N. Supervision of Court Wards
- 1. After the youth has been placed on probation by the Juvenile Court, he/she is assigned to a DPO for supervision and implementation of a treatment/case plan.
 - a. Each case is evaluated as to the appropriate level of supervision.
 - b. The DPO works closely with the schools, law enforcement, and other public or private agencies serving youth.
 - c. The youth is referred to those community programs that best meet his/her needs, or as directed by the Court.
 - 2. After the youth has demonstrated an acceptable level of compliance with terms and conditions of probation, his or her case may be terminated by the Court. If the youth is deemed to have successfully completed probation, the Court will also order the record to be sealed. In certain cases, the youth may petition the Juvenile Court to have his/her record sealed per 781 WIC.

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III. Proposition 57/Direct File Procedures

A. Juvenile Hall Responsibilities

1. When a youth is entered into Impact, the automated booking system, for a possible Proposition 57/Direct File offense, the following steps should be taken:
 - a. The Administrative Office Professional (AOP) informs the Manager, SPO or Sr. DPO on duty.
 - b. The Manager or designee will notify the regional Adult and Juvenile Probation Managers and the Deputy Chief of Institutions of the booking and advise the Managers whether the youth has a current Juvenile DPO.

B. Juvenile Services Responsibilities

1. If the youth is currently on juvenile probation, the SPO processes the referral and alerts the Filing DA that the case is a potential discretionary Direct File case or, if it meets criteria in Section 707 WIC, a mandatory Direct File case.
2. If the youth is not currently on juvenile probation, the assigned Juvenile Investigation DPO processes the referral and alerts the Filing DA that the case is a potential discretionary Direct File case or, if it meets criteria in Section 707 WIC, a mandatory Direct File case.
3. If the youth is currently on juvenile probation, the assigned Juvenile DPO monitors the Adult Court activity and coordinates with the assigned Adult DPO.

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C. Adult Services Responsibilities

1. Once a case has been filed in the Adult Court, the Manager advises the Adult Investigation SPO, who assigns a DPO to monitor the case as it proceeds through court and serve as a liaison with all the involved parties. The assigned DPO will complete and file the sentencing report with the appropriate parties.
2. If the youth is not currently on juvenile probation, once a referral for a sentencing report is received, the assigned Adult DPO monitors the Adult Court activity and keeps the Juvenile Manager and Juvenile Hall Manager updated.

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