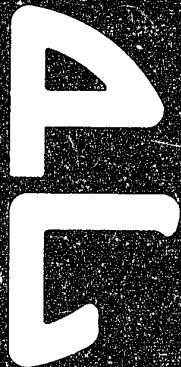
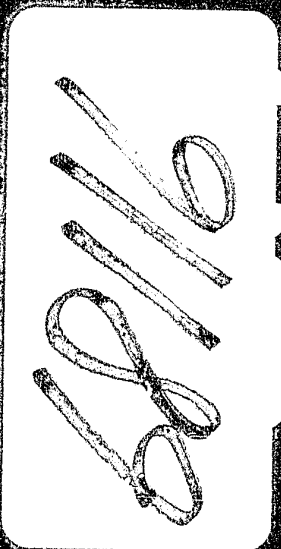


PROBATION STANDARDS



CHIEF PROBATION OFFICERS OF CALIFORNIA

PROBATION STANDARDS

Developed and Adopted By
CHIEF PROBATION OFFICERS
OF CALIFORNIA

January, 1980

NCJRS

MAY 29 1980

ACQUISITIONS

Chief Probation Officers of California
175 West Fifth Street
San Bernardino, California 92415

The Chief Probation Officers of California is the professional association for County Probation Officers in the state of California. The Chief Probation Officers of California undertook the project of developing probation standards for the state of California in 1977. The Chief Probation Officers of California would like to express its appreciation to the California Probation, Parole and Correctional Association and to the Foundation for Continuing Education in Corrections for the assistance and encouragement which was provided during the development of these standards. It would especially like to express its appreciation to Dr. Timothy L. Fitzharris and Marvin L. Eslinger of those organizations for their support.

This project was supported by Law Enforcement Assistance Administration Grant A-2967-2-79 to the Foundation for Continuing Education in Corrections. Points of view and standards presented herein are those of the Chief Probation Officers of California and do not necessarily represent those of the Law Enforcement Assistance Administration, the Office of Criminal Justice Planning, the California Probation, Parole and Correctional Association, or the Foundation for Continuing Education in Corrections.

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CHIEF PROBATION OFFICERS of CALIFORNIA

FOREWORD

It is the intent of the Chief Probation Officers of California to establish and maintain standards relative to the administration and provision of adult and juvenile institutions and field probation services. To this end, we promulgate the standards of this volume.

The purposes of these standards are to:

Define the role of probation, which constitutes the major correctional component of the criminal justice system.

Promote public protection through the prevention and control of crime and delinquency.

Insure the delivery of a diverse range of humanitarian services, which contribute to rehabilitation of offenders, positive change of human behavior and well-being and enrichment of the community.

Establish criteria that will insure that the quantity and quality of services provided are sufficient to meet the needs of the public.

The Chief Probation Officers of California acknowledge deep indebtedness to several California probation departments for providing extensive staff assistance and to the Foundation for Continuing Education in Corrections for providing funding through a Law Enforcement Assistance Administration grant. We sincerely appreciate these contributions to the successful completion of this standards project.

It is with a particular sense of satisfaction that the Chief Probation Officers of California publish the first edition of probation standards in California.

JERRY D. HILL
Chief County Probation Officer

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THE ROLE AND MISSION OF PROBATION SERVICES IN CALIFORNIA

Both the role and mission of probation services in California have been stated concisely within the Probation Standards of the Chief Probation Officers of California:

The fundamental purpose of probation services is to aid in reducing the incidence and impact of crime in the community.

This basic statement of purpose recognizes:

1. That probation services must focus on the issue of crime in the community.
2. That probation services are a distinct but integral part of the criminal justice system.
3. That probation services shall focus on both the amount of crime and on the consequences of those events to the individuals involved and to the community as a whole.
4. That probation services are a part of the total criminal justice system.

Other tasks and responsibilities assigned to the Probation Officer should not detract from or interfere with the fundamental purpose as set forth here.

County Probation Officers fulfill this mission through the use of a variety of professional disciplines while providing cost-effective programming for offenders who have been referred for probation services. The program chosen by the Probation Officer may consist of community-based supervision for offenders who do not pose a substantial risk to the community. It also includes making recommendations to the Court for appropriate custodial environments when there are risks to the person or property of others or when such custody is necessary to change the offender's behavior, or when such custody is necessary to avoid demeaning the significance of the crime. Probation believes in the individual rights of victims and the community at large. A major concern and effort must then be directed toward services to victims of crimes and toward lessening the impact of the crime upon their lives.

In the broadest sense, the Probation Officer's "client" is the community. In a narrower and more immediate sense, the "client" is the Court.

Probation provides an effective administrative arm of the Courts to provide information to the Court to use in making judicial determination, as well as supervising and enforcing the carrying out of orders made by the Court.

Probation uses four basic strategies to lessen the incidence and the impact of crime within the community. These strategies are: Prevention, Investigation, Supervision and Incarceration. Each of these strategies is comprised of numerous major component parts including, but not limited to, intake, investigation, supervision, institutional placements and counseling to make the individual offender a less dangerous person within the community and to reduce the impact upon individual victims, as well as upon society in general. It is to that objective that the Chief Probation Officers are committed to directing their energies to serve the citizens of California.

CHIEF PROBATION OFFICERS OF CALIFORNIA

MISSION STATEMENT

The mission of the Chief Probation Officers of California is to:

1. Play a leadership role in the mobilization, coordination and implementation of correctional programs that provide for public protection and prevention of crime and delinquency.
2. Provide services to the Courts.
3. Develop correctional standards throughout the state.

CHIEF PROBATION OFFICERS OF CALIFORNIA

PURPOSE OF STANDARDS PROJECT

The purposes of the Standards Project of the Chief Probation Officers of California are:

1. To influence legislation that is developed for the state of California. These standards should be utilized to react to legislation that is proposed and to initiate legislation that is needed.
2. To define the purpose and philosophy of probation in the state of California. This would include but not be limited to clarifying the mission, rules and responsibilities of probation and of Probation Officers. These standards would also be utilized to prioritize both rules and responsibilities.
3. To establish uniformity of operations of probation departments among the various counties in the state of California. This uniformity includes but is not limited to the establishment of guidelines for operation, the measurement of performance within probation settings, the establishment of levels of behavior and performance within probation, the implementation of the mission of probation. They also provide a basis from which to maintain the integrity of probation services and provide a base for negotiation with employee groups, etc. Further, they furnish a vehicle for probation departments to implement their legal mandates.
4. To provide a basis for the viewing of probation as a profession within the state of California.
5. To provide a defense against external attacks upon both the field of probation and upon individual probation departments.

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Probation Standards

CHAPTER I GENERIC STANDARDS

PROBATION ORGANIZATION

100. Purpose of Probation Services

The fundamental purpose of probation services is to aid in reducing the incidence and impact of crime in the community.

101. Funding and Control

County and state legislative bodies should appropriate sufficient funds so that all trial courts have adequate probation services.

Probation services should be administered at the county level.

102. Standards Development

The Chief Probation Officer is fully responsible for probation services in his county and shall establish and enforce minimum standards for all such services.

Those standards shall be consistent with standards adopted by the Chief Probation Officers of California.

103. Regional Coordination

The Chief Probation Officers of counties within close proximity should formulate regional committees in order to assess needs for services and facilities.

Whenever it would be cost-effective and meet operational needs, regional programs and facilities should be developed by the Chief Probation Officers of the respective counties.



Probation Standards

CHAPTER I GENERIC STANDARDS

104. Chief Probation Officers of California

There shall be a formal association of county Chief Probation Officers that will serve to promote probation services in California. This organization shall be known as the Chief Probation Officers of California.

Each Chief Probation Officer shall be expected to be a member of the state organization and to participate in its activities.

105. Information Sharing

The Chief Probation Officers of California shall establish a regular and consistent vehicle for the mutual exchange of information on operational matters.

CITIZEN INVOLVEMENT

110. Community Input

The Chief Probation Officer should solicit community input when planning for long-range programs.

111. Responsibility

The Chief Probation Officer shall promote and encourage citizen involvement in the criminal justice system. Within available resources, the Chief Probation Officer should administer a volunteer and student intern program.



Probation Standards

CHAPTER I GENERIC STANDARDS

112. Volunteers/Student Interns

- A. Volunteers/Interns must agree to submit to criminal and background investigation if required. The Chief Probation Officer shall require this type of information on all individuals working directly with clients on an unsupervised basis or having access to confidential materials.
- B. Volunteers/Interns shall be covered under workmen's compensation and county insurance while acting on the department's behalf.
- C. Volunteers/Interns should have access to necessary information and equipment to fulfill their specific assignments.
- D. Volunteers/Interns should be carefully apprised of any risks which may be involved in their assignments.
- E. Volunteers/Interns shall be subject to the same standards of dress and behavior as paid staff.
- F. Volunteer/Intern programs should supplement and diversify probation services.
- G. Volunteers shall be adequately trained prior to an assignment.

113. Juvenile Justice Commission

The functions of the Juvenile Justice Commission should include, but not be limited to:

- A. Providing citizen input as to the community needs for service.
- B. Making recommendations for program implementation and change within the justice system.
- C. Reviewing the juvenile justice system's role and programs for effectiveness.
- D. Providing input to the Board of Supervisors and Courts regarding needed programming and fiscal support within the juvenile justice system.

The membership of the Juvenile Justice Commission should be reasonably representative of the community. Persons selected for membership on the Juvenile Justice Commission should be those who do not have professional or volunteer contact with any juvenile justice system agency.

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Probation Standards

CHAPTER I GENERIC STANDARDS

Juvenile Justice Commissions should have sufficient funds to be independent of any other agency.

114. Delinquency Prevention Commission

The functions of the Delinquency Prevention Commission should include, but not be limited to:

- A. Providing citizen input as to the community needs for service.
- B. Making recommendations for program implementation and change within the scope of community resources for youth.
- C. Reviewing the available community resources for youth and their roles and programs for effectiveness.
- D. Providing input to the Board of Supervisors and Courts regarding needed additional community resources for youth in terms of both the programming and fiscal support.

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The Delinquency Prevention Commission membership should be reasonably representative of the community's population.

The Delinquency Prevention Commission should have sufficient funds to be independent of any other agency.

115. Public Relations

The Chief Probation Officer shall commit personnel and financial resources to administer a coordinated public relations program. The Chief Probation Officer should:

- A. Assign staff to speak to community groups.
- B. Seek media coverage of significant department or professional events.
- C. Encourage staff to routinely engage in a horizontal communication with other departments or agencies within the criminal justice system and/or agencies which provide related services.
- D. Develop informative handouts on the probation department and the criminal justice system.



Probation Standards

CHAPTER I GENERIC STANDARDS

COURT FUNCTIONS

120. Relationship to Probation

The Court should provide input in the development of long-range planning for probation services as well as aiding and advising in the development of policies and procedures initiated in light of new legal requirements.

The Court should avoid any intervention in operational, administrative or personnel policies and procedures of the Chief Probation Officer, including the assignment of cases, staff assignments, appointment or retention or discipline of probation staff.

121. Rule Making

The Judicial Council is the appropriate body to establish rules governing the statewide practice and procedures in the Juvenile and Criminal Courts. Added rules relating to local practice shall be promulgated by the Courts if not inconsistent with the rules of the Judicial Council. Both the Judicial Council and the Courts shall seek the input of the Chief Probation Officer in developing these rules. Local rules are to be published and distributed to the local bar association, District Attorney, Public Defender, and Chief Probation Officer.

122. Judicial Training

Newly assigned judicial officers should receive training in the Court rules, the statutory and case laws relevant to their assignment and correctional policies and practices prior to taking the bench.

Judicial officers should receive ongoing training to be provided at least annually, which should include reviews of placement and other programs and resources used by the Chief Probation Officers.



Probation Standards

CHAPTER I GENERIC STANDARDS

123. Management Responsibilities

Each county should have an individual designated by the Court as a Court Administrator who should perform, but should not be limited to, the following functions:

- A. Case flow management.
- B. Budget and fiscal control.
- C. Records management.
- D. Legal procedures implementation.
- E. Personnel systems management.
- F. Space, facilities, equipment and library materials management.
- G. Information systems management.
- H. Training program coordination.
- I. Planning and development.
- J. Supplies and services procurement.
- K. Liaison responsibility with the probation, detention, and social service agencies.
- L. Public information dissemination.
- M. Judicial meetings coordination.
- N. Non-judicial Court staff supervision.

124. Witnesses, Jurors

The Court should develop policies and practices to assure that witnesses, jurors and all others called to the Court proceedings shall be treated in an atmosphere of respect and, insofar as possible, comfort. It should be recognized that these individuals are performing a service for the Court and the people of the state of California. The Chief Probation Officer and other agency heads within the justice system shall work with the Court to insure that these policies and practices are carried out.

RECORDS

130. Information Exchange

- A. Information from case records and/or social histories shall be shared between, but not limited to, the following agencies:

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Probation Standards

CHAPTER I GENERIC STANDARDS

1. Law enforcement.
2. Juvenile justice agencies.
3. State justice agencies.
4. Federal justice agencies.
5. Schools (public or private).
6. Licensed public or private treatment agencies if said agencies have a need to such access.

B. Such exchange of information shall be based on the agency's need to have access in order to:

1. Provide reasonable protection to the community or investigate law violations.
2. Design and/or implement treatment supervision or correctional programs.
3. Make appropriate judicial decisions.
4. Pursue legitimate social research.

131. Security

All agencies collecting and/or storing case records for social information shall design, implement and enforce reasonable measures to insure the security of said information from unauthorized persons.

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All such agencies shall have written guidelines and policies pertaining to the release of said information. Said policies and guidelines shall be a required part of the training of any employee who has access to such information. These guidelines and policies shall be subject to inspection by the public.

132. Liability

Willful release of case record information and/or social information to an unauthorized person shall be deemed a misdemeanor and may be subject to civil, penal, or administrative liability and/or penalties. Any individual who

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CHAPTER I GENERIC STANDARDS

willfully misrepresents any material facts in order to obtain case record information may be subject to civil, penal or administrative liability and/or penalties.

Inadvertent release of case records or social information to inappropriate persons shall not be cause for criminal action or civil liability but may be cause for administrative action.

133. Victim Rights

The victim of a juvenile offense, or the victim's authorized representative, shall have access to the name of the juvenile offender, the juvenile offender's parents' names, their respective addresses and other pertinent data for purposes of pursuing restitution.

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134. Information Release/Juvenile Escapees

The Probation Officer may release to the public the name, description and offense of any "at large" escapee from juvenile hall, probation-operated juvenile facility, or state institution for juvenile delinquents.

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Probation Standards

CHAPTER II JUVENILE COURT

COURT FUNCTIONS

200. Relationship to Probation

The Court should provide input in the development of long-range planning for probation services as well as aiding and advising in the development of policies and procedures initiated in light of new legal requirements.

The Court should avoid any intervention in operational, administrative or personnel policies and procedures of the Chief Probation Officer, including the assignment of cases, staff assignments, appointment and retention or discipline of probation staff.

201. Judicial Training

Newly assigned judicial officers shall receive training in the Court Rules, the statutory and case laws relevant to their assignment and correctional policies and practices prior to taking the bench.

Judicial officers shall receive ongoing training to be provided at least annually, which should include reviews of placement and other programs and resources used by the Chief Probation Officer.

202. Community Relations

The Court should develop and implement a program of community relations and public information including, but not limited to:

- A. Disseminating regular written and oral public presentations or information regarding the functions, process, findings, sentences, and problems of the Court.
- B. Advocating for improved agency services and facilities relating directly to the operation of the Court.
- C. Developing a practical understanding of the community agencies serving offenders.



Probation Standards

CHAPTER II JUVENILE COURT

203. Witnesses and Jurors

The Courts should develop policies and practices to assure that witnesses, jurors and all others called to the Court proceedings shall be treated in an atmosphere of respect and, insofar as possible, comfort. It should be recognized that these individuals are performing a service for the Courts and the people of the state of California. The Chief Probation Officer and other agency heads within the justice system shall work with the Court to insure that these policies and practices are carried out.

JUVENILE COURT JURISDICTION

210. Age

The appropriate Court of original jurisdiction for juveniles under the age of 18 who require legal intervention by reason of dependency, predelinquency or delinquent acts shall be the Juvenile Court.

The Court of original jurisdiction shall be determined by the age of the juvenile at the time of the commission of the delinquent act.

211. Delinquent Offenses

The delinquency jurisdiction of the Juvenile Court should include only those offenses which could be prosecuted as a crime if the juvenile were an adult. Other offenses should be dealt with as status offenses through the Juvenile Court or as traffic offenses through Juvenile Traffic Court.

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LEGAL PROCESS

220. Temporary Custody

When probable cause exists to believe a juvenile may require or be subject to Juvenile Court intervention either as a law



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CHAPTER II JUVENILE COURT

violator, status offender or dependent, his living environment pending disposition of a matter should be the least restrictive situation which still provides the community and juvenile with adequate protection and will ensure the juvenile's availability to the Juvenile Court process.

221. Juvenile Court Petition

- A. The Probation Officer has the responsibility for preparing and submitting necessary documents on juveniles to initiate the filing of a Juvenile Court Petition. These documents shall include:
 - 1. Recommended legal allegations to be filed in delinquent matters.
 - 2. Specific legal allegations to be filed in status offense Petitions: date, time and method of parent/guardian notification of detention hearing.
 - 3. Necessary family/juvenile biographical and identifying information.
 - 4. Analysis and recommendation regarding continued detention.
- B. Probation documents shall be submitted to the District Attorney on delinquency matters to determine legal sufficiency and legally appropriate allegations.
- C. Petition must be on file with the County Clerk within 48 judicial hours of the juvenile's arrest if the juvenile is retained in custody.
- D. The Petition shall contain:
 - 1. Name of Court.
 - 2. Title of proceedings.
 - 3. Appropriate code sections under which proceedings are instituted.
 - 4. Name, age and address of juvenile.
 - 5. Name and address of parents/guardians.
 - 6. Concise statement of facts separately stated to support conclusion that the juvenile upon whose behalf the Petition is being brought is a person within the definition of each section and subdivision under which the proceedings are being instituted.
 - 7. The fact that the juvenile upon whose behalf the Petition is brought is detained in custody or is not

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detained in custody; and if he is so detained, the date and the precise time the juvenile was taken into custody.

8. Specification as to whether each count of a delinquency Petition is a felony or a misdemeanor.

222. Judicial Time Limits

Judicial time requirements shall be as follows:

- A. Jurisdictional or adjudication hearing shall be held within 30 days if the juvenile is not in detention.
- B. Dispositional hearings shall be held within 10 judicial days of the date of the true finding on the allegations of a Petition when a juvenile is in detention. The dispositional hearing shall be held within 30 calendar days of the true finding if the juvenile is not in custody.
- C. A review hearing with the right for a personal appearance before the Court shall be held at least every 15 judicial days if the juvenile is in detention pending further hearing or placement.

223. Detention Hearing

If a juvenile is detained, he shall be brought before the Juvenile Court for a detention hearing no later than the close of the judicial day following the filing of a Petition. At this hearing, the Court shall appoint an attorney to represent the juvenile if one is requested by the juvenile or his parents/guardians; the cost of legal services shall be the responsibility of the juvenile and/or parent. The Court shall not be required to, but may, appoint an attorney to represent the parents' or guardians' interest in a Juvenile Court hearing on a status offense or delinquency Petition; the cost for such services shall be the responsibility of the parent.

At the detention hearing:

- A. The Court shall state for the record the reason for continuing the juvenile in detention or releasing the juvenile from detention.

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Probation Standards

CHAPTER II JUVENILE COURT

- B. The Court shall grant the juvenile's or parents' request for a rehearing on a detention hearing within three judicial days for presentation of a prima facie case if the juvenile is continued in detention.
- C. A 24-hour continuance in the detention hearing may be granted for good cause upon request from any party to the matter.

224. Warrants of Arrest

- A. Warrants of Arrest for juveniles may be issued in the following situations:
 - 1. If after having been given proper notice, a juvenile fails to appear for a scheduled Court hearing.
 - 2. If a Petition has been filed on behalf of the juvenile and he is pending hearing before the Court, or is under the jurisdiction of the Court and probable cause exists to believe that the juvenile has fled the jurisdiction of the Court or violated an order of the Court.
- B. The Warrant of Arrest shall specify the location of detention facility to which the juvenile is to be delivered.
- C. The Juvenile Court shall have the authority to issue Warrants of Arrest for parents/guardians for violation of Citation/Promise to Appear or other Court orders.

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225. Calendaring Priorities

- A. To effectuate the rights of juveniles to a speedy resolution of disputes involving them and to protect the public interest in prompt disposition of such disputes, Juvenile Court cases should always be processed without unnecessary delay.
- B. Insofar as is practical, hearing priorities should favor the following categories:
 - 1. Transfer-in cases.
 - 2. Dependency cases.
 - 3. Juveniles whose pretrial liberty appears to present unusual risks to the community.

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4. Juveniles who are detained or otherwise removed from their usual home environment.
5. Young, immature and emotionally troubled juveniles.

226. Calendar Control

The Juvenile Court has the responsibility to control the Juvenile Court calendar. No continuances of hearing shall be granted except upon the demonstration of good cause by the party requesting the continuance. In the consideration of requests for continuances, particular attention shall be given to the inconvenience caused to witnesses and victims. Counsel shall advise the Court of any facts that are relevant in determining the order of cases on the calendar.

227. Functions of Petition and Notice of Hearing

- A. The Petition should serve the following purposes:
 1. Assist the parties to prepare adequately for trial.
 2. Provide a record of the allegations tried.
 3. Enable the Court to conduct an orderly and directed fact-finding hearing.
- B. The Notice of Hearing should serve the following purposes:
 1. Ensure that all essential participants are notified of the date and time of the initial hearing and of their right to be present at that hearing.
 2. Advise the parties of the contents of the Petition.
 3. Advise the parties of their rights of legal representation.

228. Notice of Hearing, Citation, Subpoenas

- A. Upon the filing of a Petition, the clerk shall issue a Notice of Hearing.
- B. The Notice of Hearing should advise the parties of the specified time and place for an initial appearance on the Petition. A copy of the Petition should be attached to the Notice of Hearing.



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- C. A copy of the Notice of Hearing should be served either by certified mail or in person.
- D. The Notice of Hearing should be served on the following persons:
 - 1. The juvenile.
 - 2. The juvenile's parents and/or guardian and, if the juvenile is in the custody of some other person who has a legitimate interest in the juvenile, such custodian.
 - 3. Attorneys for the juvenile and parents if the identity of the attorneys is known.
 - 4. Prosecuting attorney/District Attorney.
 - 5. Probation Office.
- E. Upon the filing of a Petition, the clerk shall issue a Citation to Appear to any party upon the order of the Court.
- F. The Citation should direct the parties to appear before the Court at a specified time and place for an initial appearance on the Petition.
- G. A copy of the Citation should be served in person or by certified mail and such service shall be made at least 24 hours between the time stated therein for such appearance.
- H. The Citation may be served on the following persons:
 - 1. The juvenile.
 - 2. The juvenile's parents and/or guardians and, if the juvenile is in the custody of some other person whose knowledge or participation in the proceedings would be appropriate, such custodian.
- I. A Bench Warrant may be issued against any party if it appears to the Court that:
 - 1. The party has failed to appear in response to a Citation.
 - 2. The prosecuting attorney has demonstrated that the issuance of service of a Citation will result in the party's flight.
 - 3. A Citation has been issued, and that reasonable efforts to serve the party either personally or by certified mail have failed.

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229. Waiver of Service

The parties in a delinquency proceeding should be permitted to waive service of the Notice of Hearing and the Petition as provided in the standard. If a party, accompanied by counsel, appears and knowingly submits to the proceedings without objecting to improper or defective service, such conduct should constitute a waiver of those objections. Parents of juveniles and other adults should be permitted to waive their rights to service of a Citation and Petition as provided for in these standards. A parent's voluntary and knowing appearance and submission to the Court should constitute a waiver of such rights.

230. Initial Appearance

- A. The initial appearance of a juvenile on a delinquency Petition before the Juvenile Court should not be later than the end of the next judicial day after the Petition has been filed if the juvenile is in custody or not later than 20 calendar days after the Petition has been filed if the juvenile is not in custody.
- B. At the first appearance in Court, the juvenile should be notified by the Court of the contents of the Petition and of his rights, including:
 - 1. The right to counsel.
 - 2. The right to have parents present at all stages of the proceedings.
 - 3. The privilege against self-incrimination.
 - 4. The right to confrontation and cross examination of witnesses.
 - 5. The right, with the consent of parents, to waive any or all of the above rights.
 - 6. The possible consequences of a sustained Petition.
- C. Such notifications should be given in simple language calculated to insure the recipient's understanding.
- D. The official record of the proceedings should record the fact that such notice was given and the contents of the notice.
- E. At the initial appearance, counsel should be appointed if necessary, and a date should be set for the fact-finding hearing.



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231. Interpreters

In all Court hearings in which language barriers prevent a party's full understanding of the proceedings, an interpreter shall be appointed.

ADJUDICATION

240. Closed Hearings

Juvenile Court hearings should be closed to the public; however:

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- A. The Court, upon its own motion or on the motion of counsel, may open the hearing to the public.
- B. The Court, at its own discretion, may allow the victim to be present at all phases of the hearings on the Petition except as it conflicts with his role as a witness.
- C. The Court should have the discretion to permit members of the public who have a legitimate interest in the proceedings or in the work of the Court, including representatives of the news media, to view Court proceedings.
- D. The Court should use judicial power to prevent distractions and/or disruptions of adjudication proceedings and should use that power to order removed from the courtroom any member of the public who causes a distraction or disruption.

241. Prohibiting Disclosure of Juvenile's Identity

The law should provide that members of the public permitted by the Juvenile Court to observe adjudication proceedings may not disclose to others the identity of the juvenile.

242. Trials

Adjudication/jurisdictional hearings should be conducted as a Superior Court trial. The Court shall consider all evidence and arguments presented and render all rulings and orders.



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243. Presence of Juvenile

- A. The presence of the juvenile should be required for adjudication proceedings to begin.
- B. The juvenile should be afforded the right to be present throughout adjudication proceedings, although the Juvenile Court should be permitted to proceed without a juvenile who is voluntarily absent after adjudication proceedings have begun.

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244. Presence of Parents

- A. Parents and other persons required by law to be notified of adjudication proceedings are permitted to be present during adjudication proceedings, unless they are to be called as a witness during the proceedings and their presence would violate a rule on witnesses invoked by either counsel.
- B. The Juvenile Court should make reasonable efforts to secure the presence of both of the juvenile's parents at an adjudication proceeding.
- C. If, after proper notice, one or both of the juvenile's parents is absent, the Juvenile Court should be empowered to proceed with the adjudication proceedings without further delay.

245. Rules of Evidence

The rules of evidence employed in Juvenile Court for delinquency adjudication proceedings should be the same rules of evidence as are employed in the trial of criminal cases. In cases relating to abuse and neglect Petitions and status offense Petitions, the rules of evidence which are utilized for Civil Court proceedings shall be used. The law should provide that the government is required to adduce proof beyond a reasonable doubt that the juvenile engaged in the conduct alleged in delinquent matters. In status offenses and abuse and neglect cases, a preponderance of the evidence should be required to establish responsibility.



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246. Social Information

Except in pre-adjudication hearings in which social history information concerning the juvenile is relevant and admissible, such as a detention hearing or a hearing to consider remand to Criminal Court for prosecution as an adult, the Court which will try the facts of the case should not view a juvenile's social history report or receive social history information concerning the juvenile who has not been adjudicated delinquent.

247. Admissibility of Statements

The Juvenile Court should continue to have the responsibility to determine the admissibility of statements made by juveniles. This determination should be based on the total circumstances involved and under which the statement was made.

248. Capacity to Plead

The Juvenile Court should be able to accept a plea from a juvenile admitting an allegation of the Petition, after determining that the juvenile has the capacity to understand his legal rights in the adjudication proceeding and the significance of such a plea and possible consequences.

The Juvenile Court should consider the responses of the juvenile's parents to the Court's inquiry in exercising discretion on whether to accept the tendered plea.

The Juvenile Court should allow a juvenile to withdraw a plea admitting an allegation of the Petition whenever the juvenile proves the withdrawal is necessary to correct a manifest injustice.

- A. A motion for withdrawal should not be barred because it was made subsequent to adjudication or disposition.
- B. Withdrawal is necessary to correct a manifest injustice when the juvenile is able to prove:



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1. That the effective assistance of counsel as guaranteed by law was denied.
2. That the plea was not entered or ratified by the juvenile.
3. That the plea was involuntary or was entered without knowledge of the allegations or that the disposition actually imposed could be imposed.

249. Plea Bargaining

Plea bargaining is an acceptable practice in Juvenile Court subject to the following limitations:

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- A. Plea bargaining, if such discussions are held by counsel, shall be predicated on the facts and circumstances of the case, including the best interests of the juvenile and the protection of the community, and not upon other concerns, pressures or interests.
- B. Any agreement reached as to such discussions shall be made a part of the record at the time of the acceptance of the juvenile's admission.
- C. The Court's acceptance of any plea as a part of such an agreement is conditional and subject to subsequent approval or disapproval of the judge after he has read and considered the report of the Probation Officer.
- D. Any such agreement shall not, unless specifically stipulated on the record, relieve the juvenile or parents of the responsibility (including restitution) for those allegations not adjudicated by trial or resolved by admission.
- E. An agreement or plea shall not include any limitation on information, analysis or recommendation of the Probation Officer.

250. Fitness Hearings

- A. Any juvenile 16 years of age or older who is alleged to have committed any of the following offenses shall have a fitness hearing before the Juvenile Court prior to the attachment of jeopardy. Such juveniles shall be presumed unfit for further processing in Juvenile Court and should

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be prosecuted as adults under the general law unless they are able to establish their fitness to be further processed as juveniles. The burden of proof for establishing fitness for these juveniles shall be upon the juveniles.

1. Murder.
 2. Arson of an inhabited building.
 3. Robbery while armed with a dangerous or deadly weapon.
 4. Rape with force or violence or threat of great bodily harm.
 5. Kidnapping for purpose of robbery.
 6. Kidnapping with bodily harm.
 7. Kidnapping for ransom.
 8. Assault with attempt to murder or attempted murder.
 9. Assault with a firearm or destructive device.
 10. Assault by any means of force likely to produce great bodily injury.
 11. Discharge of a firearm into an inhabited or occupied building.
- B. Any juvenile who is alleged to have committed any other law violation at the age of 16 or over, punishable by at least six months in the county jail if committed by an adult, may have a fitness hearing held upon the request of the prosecuting attorney or the Probation Officer, at the discretion of the Juvenile Court. The burden of proving that the juvenile is unfit for Juvenile Court should be upon the prosecution.
- C. For all fitness hearings, the Probation Officer shall prepare a report and recommendation covering at least the following areas:
1. Degree of criminal sophistication exhibited by the juvenile.
 2. Circumstances in gravity of the offense alleged to have been committed by the juvenile.
 3. Probability of the juvenile being rehabilitated prior to the expiration of Juvenile Court jurisdiction.
 4. Juvenile's previous delinquent history.
 5. Success of previous attempts by the Court or other agencies to rehabilitate the juvenile.
 6. Juvenile's life-style and interaction with his family unit.
 7. Whether the reasonable protection of the community can be assured within the resources of the Juvenile Court.



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- D. The primary decision criterion utilized by the Court in determining a juvenile's fitness for Juvenile Court shall be the nature of the offense. Also considered shall be the juvenile's life-style, his degree of criminal sophistication and the appropriateness of punitive sanctions available through the Adult Court.
- E. Once a juvenile has been found unfit for Juvenile Court, he will remain unfit for Juvenile Court unless he is certified back to Juvenile Court from a Court of Criminal Jurisdiction.

250.1 Accusatory Pleading

- A. If the juvenile is declared not a fit and proper subject to be dealt with under the Juvenile Court Law, the prosecuting attorney shall file an accusatory pleading against the juvenile in Criminal Court. The case shall proceed from that point according to the laws applicable to a criminal case.
- B. If the juvenile is detained, he shall be delivered to the custody of the Sheriff for confinement in the County Jail unless the Juvenile Court specifically finds that there are exceptional circumstances requiring the juvenile's continued detention in Juvenile Hall.
- C. If a prosecution has been commenced in another Court but has been suspended while Juvenile Court proceedings are being held, it shall be ordered that the proceedings upon such prosecution resume.

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250.2 Waiver

Upon the motion of the juvenile and/or defense counsel, and with the concurrence of the prosecuting attorney and Probation Officer, the Court may waive a fitness hearing, upon the stipulation by all parties that the juvenile is an unfit subject for Juvenile Court.

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JUVENILE COURT DISPOSITION

260. Parties Present

The juvenile, the attorney for the juvenile, the juvenile's parents or guardian, an attorney for the state and the Probation Officer should be present at all stages of the dispositional proceeding. Other parties with a bonafide interest in the proceedings may be present at the discretion of the Court.

261. Investigation Responsibility

It shall be the responsibility of the Probation Officer to prepare for every hearing on the disposition of a case before the Juvenile Court a social study of the juvenile containing such matters as may be relevant to a proper disposition of the case. Such social study shall include the recommendation of the Probation Officer to the Court for the disposition of the case.

262. Independence of Report

The value of probation services to the administration of justice is directly related to the degree of independence exercised by the Chief Probation Officer in presenting the analysis and recommendations to the Court on cases under investigation or supervision. Therefore, except as may be set forth in the law, neither Courts nor any other agency or organization shall prescribe or proscribe either directly or indirectly the content of the Chief Probation Officer's analysis and recommendation. Nothing in this standard shall prohibit the Court from recommending or ordering that additional information be included and analyzed in any particular case(s). Similarly, the Court may recommend but not order that certain information be omitted from probation reports. Whether or not such information is omitted must be decided by the Chief Probation Officer in terms of his independent decision on its importance to the case(s) and his analysis and recommendation on the case(s).



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263. Information Sharing

The report of the Probation Officer shall be made available to counsel upon the filing of that report with the Juvenile Court. All counsel shall make available to the Probation Officer and to opposing counsel any facts, representation or recommendations to be introduced at the dispositional hearing sufficiently prior to the disposition hearing to allow for independent investigation, verification and the development of rebuttal information.

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264. Authority

The authority to determine and impose the appropriate disposition shall be vested in the Juvenile Court Judge. Prior to making any disposition, the Court shall read and consider the report of the Probation Officer. Such report will follow the guidelines established by the Chief Probation Officers of California.

265. Delinquency Sanction

The jurisdiction of the Juvenile Court must include the authority to impose interventions or sanctions upon juveniles as a result of their delinquent offenses. The Court has a range of sanctions which can include any or all of the following:

- A. Custodial — Where the juvenile is ordered committed to a secure or non-secure facility or placed in a foster home or the home of a relative. This would include any removal from parents' custody.
- B. Conditional — Where the juvenile is placed under the supervision of the Probation Officer and ordered to perform or to refrain from performing certain acts, to make restitution, to pay a fine or to undergo any similar sanction not involving a change in his residence or legal custody.



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- C. Nominal — Where the juvenile is reprimanded, warned or otherwise reprovved and unconditionally released.

In determining the degree of intervention or combination of sanctions to apply to a particular juvenile, the Court's primary consideration should be the selection of a sanction which offers the best potential for reducing the degree of future threat that the individual provides to the community or to himself. A valid consideration is the issue of punishment, which can be an effective element for the reformation of the juvenile. It is important that juveniles recognize that there is a price to pay for delinquent behavior. In no case should a juvenile be placed in secure custody in excess of the maximum sanction permitted under law to be applied to an adult for the same offense. If the sanction imposed by the Court involves time in custody, the Court may prescribe the minimum amount of time which a juvenile must be detained as well as prescribing the maximum amount of time for which the juvenile may be detained.

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266. Findings and Formal Requisites

The Court shall determine the appropriate disposition as expeditiously as possible after the adjudication hearing and when the disposition is imposed shall:

- A. State for the record in the presence of the juvenile the reasons for selecting the particular disposition.
- B. State precisely the terms of the disposition that is imposed, including credit for any time previously spent in custody and the maximum time in custody available for the disposition.
- C. Advise the juvenile and the juvenile's attorney of the right to appeal and the procedure to be followed if the appellate is unable to pay the cost of an appeal.



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267. Criteria

The Court should employ the least restrictive category and duration of disposition that is appropriate to the seriousness of the offense and the purposes of the dispositional order.

268. Modification of Order

Any order made by the Court in the case of any person subject to its jurisdiction may at any time be changed, modified or set aside as the Court deems proper subject to established procedural requirements.

269. Suspended Order

The law should provide that the Juvenile Court may suspend any commitment, confinement or other order for a specific period and under specific conditions. Such a commitment, confinement or other order may be subsequently imposed upon the juvenile for good cause. Good cause may be presented in the Probation Officer's report and should not require the filing of additional Petitions and should follow the procedural and proof requirements utilized in adult probation violation hearings.

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270. Requirement to Accept Services

Juveniles who have been adjudicated delinquent are required to accept services and participate in programs as ordered by the Juvenile Court or as directed by the Probation Officer. A juvenile's failure or refusal to accept services shall be cause for further Court action.

271. Enforcement of Orders

The Probation Officer who is responsible for a juvenile may petition the Court if it appears that the juvenile has willfully failed to comply with any part of the dispositional

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order or that a new offense has been committed. If after a hearing it is determined that the juvenile in fact has not complied with the previous Court order and that there is no legally valid reason for the noncompliance, the Court may do one of the following:

- A. Issue a warning and order the juvenile to comply.
- B. Modify the conditions of the prior Court order and/or impose additional conditions.
- C. Impose a more severe disposition.

ABUSE AND NEGLECT

280. Jurisdiction

Jurisdiction over child abuse and neglect cases shall be within the Juvenile Court. The responsibility for intake investigation and supervision of child abuse and neglect cases should be with the Probation Officer. All or any part of this authority may be delegated to another local agency by the County Board of Supervisors.

280.1 Nomenclature

Any reference to the responsibilities of the Probation Officer in these standards relating to abuse and neglect shall be interpreted to mean Welfare Director in those counties where this responsibility has been delegated to the Welfare Director by the County Board of Supervisors.

281. Court Review of Temporary Custody

Whenever a juvenile is taken into temporary custody by a peace officer and delivered to the Probation Officer, he shall be released from temporary custody within 48 hours excluding nonjudicial days unless a Petition to declare him a dependent child of the Court has been filed during that period.



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Unless a juvenile has been earlier released, he shall be brought before the Juvenile Court for a hearing to determine whether he should be further detained in temporary custody as soon as possible following the filing of the Petition, but in any event before the expiration of the next judicial day after the Petition to declare him a dependent child of the Court has been filed. If the juvenile is not brought before the Juvenile Court during this period of time, he must be released to his parent, guardian or other responsible relative.

282. Appointment of Counsel

Upon the filing of a Petition, the Court shall be required to appoint counsel to represent the juvenile. If such representation is at public expense, it shall be subject to reimbursement by the juvenile's parents.

The Court shall inform the juvenile's parents or guardian that they may be represented by counsel at all stages of the proceedings. The Court need not appoint counsel to represent the juvenile's parents at public expense unless highly unusual circumstances exist.

283. Closed Proceedings

Hearings on Petitions alleging child abuse or neglect shall be closed to the public. Only those persons having a legitimate interest in the proceedings shall be admitted.

284. Attendance at Proceedings

In all proceedings to declare a juvenile a dependent child of the Court or any proceedings arising out of such Petition, the parents of the juvenile should be required to attend. The failure of such parents to attend without valid reason should be cause for contempt-of-Court actions. The proceedings should not be delayed by the absence of a parent as long as such parent has been properly notified of the proceedings unless highly unusual circumstances have caused the parent to be absent.



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The juvenile who is the subject of any dependency proceedings should attend all Court proceedings arising out of that Petition unless the Court finds upon the motion of any party that such attendance would not be in the best interest of the juvenile.

285. Dispositional Reports

In deciding the appropriate disposition, the Court shall have available and shall consider a dispositional report prepared by the Probation Officer.

286. Available Court Dispositions

A. The Juvenile Court shall develop a minimum of the following dispositional alternatives and resources available on abuse and neglect cases:

1. Dismissal of the case.
2. Declaration of dependent status with appropriate supervision.
3. Ordering of the parents to accept social work supervision.
4. Ordering of the parents and/or the child to accept individual or family therapy or medical treatment.
5. Placement of child with a relative, in a foster home or group home or in a residential treatment center.

B. The Juvenile Court shall have the authority to order that the parents accept and that the county provide any of the above services.

287. Criteria for Selecting Appropriate Disposition

A. The goal of all dispositions in abuse and neglect cases shall be to protect the child from the harm justifying intervention.



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- B. In ordering a disposition other than removal of the child from his home the Court shall choose a program designed to alleviate immediate danger to the child, to mitigate or cure any damage the child has already suffered and to aid the parents so that the child will not be endangered in the future. In selecting a program, the Court should choose those services which least interfere with family autonomy provided that the services are adequate to protect the child.
- C. A child should not be removed from his home unless the Court finds that:
 - 1. The parent or guardian is incapable of providing or has failed or neglected to provide proper maintenance, training and/or education for the juvenile.
 - 2. The welfare of the juvenile requires that his custody be taken from his parent or guardian.
 - 3. There is substantial danger to the physical or mental health of the juvenile and there are no reasonable means acceptable to the juvenile's parents or guardians by which the juvenile's physical or mental health may be protected without removing the juvenile from his parents' or guardians' physical custody.
 - 4. The parents or guardians of the juvenile are unwilling to have physical custody of the juvenile or there are no reasonable means acceptable to the parents or guardians which would enable the juvenile to be returned to their physical custody and the parents or guardians have been notified that if the juvenile remains out of their physical custody for a period specified by statute, the juvenile may be declared permanently free from their custody and control.

288. Periodic Court Reviews

The status of all abused and neglected children under Court supervision should be reviewed by the Court in an informal hearing held at least annually. The Court may also review a case upon request of any party at any time. The Probation Officer should submit to the Court a supplemental report stating the services offered to and performed for the parents and child and the impact of such services, and should make a dispositional recommendation to the Court. Copies of this



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report should go to all parties or their counsel. The parents, unless they are physically unable to do so, and the Probation Officer should be required to attend each review hearing. The Court should also require or permit the attendance of any other necessary persons.

289. Return of Children in Placement

- A. Whenever a child is in foster care, the Court shall determine at each review hearing whether or not the child can be returned home.
- B. A child should be returned home when the Court finds, based on information presented, that the child will not be endangered if he is returned home. When a child is returned, case work supervision shall be allowed to continue for a period sufficient to establish whether continued intervention is necessary.
- C. At each hearing where the child is not returned home, the Court shall establish on the record reasons why the child is to be continued as a dependent child and continued in the removal from his parents' or guardians' custody.

GENERAL

290. Status Offenders

Any juvenile who commits violations defined as status offenses is within the jurisdiction of the Juvenile Court. The Chief Probation Officer shall have the responsibility for intake, investigation, supervision, and placement for those juveniles who are referred.

291. Rehearing

The law should provide that a rehearing or appeal of detention and dispositional court orders may be initiated by the District Attorney, the Probation Officer, or by defense counsel.



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292. Defense Counsel

- A. Defense attorneys shall cooperate toward the fair and efficient administration of juvenile justice. It is especially important in the course of handling the juvenile's defense that defense counsel do so in a manner that promotes the juvenile's understanding of and respect for the judicial system.
- B. Any visitation of defense attorneys to a detention facility or any area of that facility, excluding attorney-client interview areas, must be approved in advance by the Probation Officer. Any visitation to a detention facility by an attorney must be conducted in compliance with the rules and regulations of that facility.
- C. Defense attorneys and prosecution should cooperate to avoid lengthy delays and unnecessary hearings for appearances for witnesses and victims. Particularly, both counsel should agree to the stipulation of those facts which if introduced by testimony would be uncontested.
- D. Defense counsel should restrict their inquiries and discussions with probation and institutional staff regarding a juvenile's case to the staff member or his superiors assigned the responsibility for presenting that case.
- E. Defense attorneys have a professional responsibility to keep the juvenile and his parents fully informed of the conduct of the case and to be guided by their directions for the presentation of the case.
- F. Defense counsel should, before presenting alternative dispositions to the Court, discuss these with the juvenile and parents and secure their approval. He shall also discuss these with the Probation Officer whenever possible. Such discussion shall provide the Probation Officer with time to investigate and report to the Court on the feasibility of proposed alternatives. Otherwise, a continuance shall be granted for further investigation, consideration and report of the Probation Officer.
- G. Any agreement between counsel and approved by the Court as to allegations or admissions shall not restrict the Probation Officer in the presentation of any independent evaluation and a legally appropriate recommendation as to disposition.

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293. Prosecution

- A. The District Attorney's primary function in Juvenile Court is to protect the community through the prosecution of cases in Juvenile Court in a timely fashion. The District Attorney should file and prosecute any Petition which is requested by the Probation Officer if the information is legally sufficient to support a Petition.
- B. The District Attorney shall file and vigorously pursue the most serious allegations which the information supports.
- C. The District Attorney shall participate in all Juvenile Court hearings on dependency and delinquent matters and shall participate upon the request of the Probation Officer on cases involving status offenses.
- D. Prosecution and defense counsel should cooperate to avoid lengthy delays and unnecessary hearings or appearances by witnesses and victims. Particularly, counsel should agree to the stipulation of those facts which if introduced by testimony would be uncontested.
- E. Any agreement between counsel and approved by the Court as to the allegations or admissions shall not restrict the Probation Officer in the presentation of an independent evaluation and a legally appropriate recommendation as to disposition.
- F. The District Attorney shall, before presenting any alternative dispositions to the Court, advise the Probation Officer of these whenever possible. Such advisement is to provide the Probation Officer with time to investigate and report to the Court on the feasibility of the proposed alternatives. Otherwise, a continuance shall be granted for further investigation, consideration and report of the Probation Officer.

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CHAPTER III
PROBATION ADMINISTRATION

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CHAPTER III PROBATION ADMINISTRATION

CHIEF PROBATION OFFICER

300. Appointment of Chief Probation Officer

The authority to select and appoint a Chief Probation Officer shall be at the county level. The selection and appointment process shall be such as to consider professional training and experience in the field of probation critical elements.

Initial screening regarding the selection of the Chief Probation Officer shall be a function of the Juvenile Justice Commission, the Board of Supervisors, the Personnel Department or any combination thereof. Based on the result of the screening process, the Juvenile Justice Commission shall consider and nominate qualified candidates. The list of nominees shall be submitted to the Superior Court, which shall have the final authority to select and appoint the Chief Probation Officer.

301. Qualifications of Chief Probation Officer

In view of the special responsibilities which are designated to the Chief Probation Officer by law and by the Courts, and in light of the expectations which are placed upon the Chief Probation Officer by the community, it is necessary that special and unique care be taken in the selection of a Chief Probation Officer. The characteristics which Chief Probation Officers should be required to have prior to their appointment include, but are not limited to, the following:

- A. Exceptional character and integrity.
- B. Substantial knowledge of pertinent laws.
- C. Superior skills in oral and written communication.
- D. Superior ability to plan and implement programs and services.
- E. Substantial knowledge of criminological, psychological, and economic theories of human behavior.
- F. Superior ability to use authority effectively and constructively.
- G. Superior ability to provide dynamic leadership to staff and to the community.



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CHAPTER III PROBATION ADMINISTRATION

- H. Superior ability to plan, justify and manage budgetary allocations.
- I. Superior ability to develop and maintain positive community relationships with other agencies, volunteer groups, and private citizens.

302. Chief Probation Officers of California

There shall be a formal association of county Chief Probation Officers that will serve to promote probation services in California. This organization shall be known as the Chief Probation Officers of California.

Each Chief Probation Officer shall be expected to be a member of the state organization and to participate in its activities.

303. Standards Development

The Chief Probation Officer is fully responsible for probation services in his county and shall establish and enforce minimum standards for all such services.

Those standards shall be consistent with standards adopted by the Chief Probation Officers of California.

304. Monitoring

Monitoring and evaluation of probation functions is the responsibility of the Chief Probation Officer and Juvenile Justice Commission in each county. Such monitoring and evaluation shall be based on such standards of the Chief Probation Officers of California.



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CHAPTER III PROBATION ADMINISTRATION

305. Planning

The Chief Probation Officers, individually and collectively, have the primary responsibility for ongoing and effective long-range planning.

306. Information Sharing

The Chief Probation Officers of California shall establish a regular and consistent vehicle for the mutual exchange of information on operational matters.

307. Local Control of Probation

County and state legislative bodies should appropriate sufficient funds so that all trial Courts have adequate probation services.

Probation services should be administered at the county level.

308. Regional Coordination

The Chief Probation Officers of counties within close proximity should formulate regional committees in order to assess needs for services and facilities.

Whenever it would be cost-effective and meet operational needs, regional programs and facilities should be developed by the Chief Probation Officers of the respective counties.

309. Probation Counsel

The Chief Probation Officer should be permitted to have and be budgeted for essential in-house legal supportive services. Such services or personnel may be independent and distinct from defense, prosecution or county counsel obligation.



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PROBATION STAFF

310. Appointing Deputy Probation Officers

The Chief Probation Officer shall have the sole responsibility to appoint Deputy Probation Officers.

311. Characteristics of Deputy Probation Officers

In view of the special responsibilities of the Chief Probation Officer and those which are carried out on his behalf by deputized staff, very special and unique care shall be taken in the appointment of deputized staff. The characteristics which Deputy Probation Officers shall be required to have prior to their appointment include, but are not limited to, the following:

- A. Exceptional character and integrity.
- B. Basic knowledge of pertinent law.
- C. Superior skills in oral and written communication.
- D. Superior ability to plan and implement investigative or supervision services.
- E. Superior ability to analyze social, psychological and criminological information objectively and accurately.
- F. Basic knowledge of criminological, psychological and economic theories of human behavior.
- G. Superior ability to use authority effectively and constructively.

It is the responsibility of the Chief Probation Officer and of the Chief Probation Officers of California to insure that instruments are developed to measure these characteristics.

312. Minimum Educational Qualifications for Child Care Supervisors

The educational requirements for a child care supervisor working during hours in which minors are awake should be, at the minimum, completion of two years in an accredited college with at least nine units being completed in the behavioral sciences or criminal justice areas.



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313. Affirmative Action

Recruitment, hiring and promotional practices within probation departments shall, insofar as possible, be based upon the distributions of the affirmative action characteristics of the available qualified work force.

PERSONNEL PRACTICES

320. Employee Conduct

Inasmuch as the business of probation is protection of society and one of its primary functions is the correction and rehabilitation of offenders, it is essential that staff exhibit conduct on and off the job that does not compromise the integrity of probation services. It is also important that this conduct be in keeping with the law. It is expected that probation staff will demonstrate a higher level of personal conduct than might be required of those in other professions or occupations. When a person accepts a position within a probation department, it shall be a recognition of these special responsibilities and expectations.

321. Employee Responsibilities

- A. Deputized staff are duly sworn representatives of the Chief Probation Officer and, as such, have a responsibility to represent the Chief Probation Officer effectively and consistently.
- B. The right of deputized staff to have "personal opinions" does not come without responsibilities and ethical consideration. Contacts with media, police, courts, and other agencies or individuals arising out of the deputized staff member's position or duties are not appropriate occasions to express a "personal opinion" that is in conflict with the policies or interests of the Chief Probation Officer.
- C. When a deputized staff member anticipates that a situation will occur in which he will not be able to effectively represent the Chief Probation Officer, he shall promptly call this matter to the attention to the Chief Probation Officer.



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- D. Deputized staff having investigative, supervision, or other caseload responsibilities are not assigned cases as an individual and independent agent. Rather, these are assigned to the Chief Probation Officer who explicitly or implicitly delegates responsibility to the deputized person. In this context, all services provided, reports and recommendations shall be consistent with the policies, practices and procedures of the Chief Probation Officer.
- E. A deputized staff member shall neither directly nor indirectly change, detract from or limit a Court recommendation that may be required by the Chief Probation Officer or that may be presented by any other deputized person in the department.

322. Conflict of Interest

- A. No employee shall engage in any outside activity in which a conflict of interest may exist with his present employment within the probation department.
- B. The Probation Officer shall prescribe generally or specifically such activities as are deemed to be a conflict of interest.

323. Management Positions

Law, ordinances and procedures should provide that:

- A. Tenure or permanent civil service status shall not be attached to assignment or promotion to positions of first level management or above, or their equivalent staff positions.
- B. Persons assigned or promoted to positions at or above the level of first level management (or the equivalent staff positions) shall retain tenure or permanent civil service ranking at the first line supervisor or journeyman Deputy Probation Officer level if such status has been gained prior to assignment or promotion.
- C. Promotional processes to first level management positions or above shall consist of a comprehensive, competitive examination designed to select the best qualified of the candidates.



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- D. The Chief Probation Officer shall have the discretion to choose from among those termed by examination to be the best qualified.

324. Supervisory Staff

The Chief Probation Officer shall take steps to insure that:

- A. First line supervisors be chosen from among those termed qualified as a result of a comprehensive, competitive examination.
- B. The probation period for a newly appointed first line supervisor shall not be less than two years.

325. Deputized Staff

The Chief Probation Officer should take steps to insure that the appointment of persons to deputized positions shall follow successful completion of a comprehensive, competitive examination.

First line deputized staff should be required to complete an extensive and intensive probation period of at least one year.

326. Termination

- A. The failure of any deputized staff to properly and effectively represent the Chief Probation Officer may be cause for termination, reduction or other disciplinary action.
- B. No staff member should be retained who presents a risk to those wards, minors or dependents receiving probation services, or who presents an uncertainty leading to a lack of confidence in such services by the Chief Probation Officer, the Courts or the community.
- C. The involvement of a deputized staff member in a situation involving a violation of law may be cause for termination. The fact that an individual is not convicted of a crime in a court of law shall not prevent the Chief Probation Officer from instituting disciplinary action based on the facts of the offense.



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327. Probationary Period Termination

The Chief Probation Officer shall have the authority to terminate or reduce in rank any employee during a probationary period. This reduction in rank or termination shall be subject to external review only if the employee is able to furnish specific proof of bias or fraud on the part of the Chief Probation Officer. The burden of proof in such an external review shall be upon the employee making the allegation of bias or fraud.

328. Volunteers/Student Interns

- A. Volunteers/Interns must agree to submit to a criminal and background investigation if required. The Chief Probation Officer shall require this type of information on all individuals working directly with clients on an unsupervised basis or having access to confidential materials.
- B. Volunteers/Interns shall be covered under workmen's compensation and county insurance while acting on the department's behalf.
- C. Volunteers/Interns should have access to necessary information and equipment to fulfill their specific assignments.
- D. Volunteers/Interns shall be carefully apprised of any risks which may be involved in their assignments.
- E. Volunteers/Interns should be subject to the same standards of dress and behavior as paid staff.
- F. Volunteer/Intern programs should supplement and diversify probation services.
- G. Volunteers shall be adequately trained prior to an assignment.

329. Confidentiality of Records

The law or Court process should provide that no subpoenas shall be issued for case files, personnel files, records, memoranda or any other material retained by the Probation Officer without the prior showing of good cause and without the Probation Officer having the opportunity to have a full hearing before the Court to determine the immediate and specific relevancy of the materials sought to the matter to be heard.



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CHAPTER III PROBATION ADMINISTRATION

PROBATION SUPERVISION

340. Nature of Supervision

- A. Notwithstanding the use of the term "sentence" in connection with a grant of probation, such a grant is not a final disposition but rather a specific and conditional alternative to a final disposition.
- B. The nature of the final disposition that is conditionally held in abeyance may be made explicit by the Court or can be implied as to the maximum available under the laws.
- C. A grant of probation is essentially a contract between the community, represented by the Court, and the offender. Each party has distinct responsibilities under that contract.

341. Caseloads

The Chief Probation Officer shall establish supervision caseloads designed to carry out the objectives of the sentence to probation.

The number of cases to be assigned to any particular deputized staff member should be determined by factors of classification, priority, expected service level, or other factors set by the Chief Probation Officer.

342. Assignment of Cases

The assignment or reassignment of cases to deputized staff is solely within the discretion of the Chief Probation Officer. The probationer may request a change of officer and, if so, such change shall neither be routinely granted nor denied, but shall be considered on the merits.



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CHAPTER III PROBATION ADMINISTRATION

EVALUATION AND RESEARCH

350. Program Evaluation

The Chief Probation Officer should annually conduct an evaluation of all programs within his administration and control in order to assess cost-effectiveness and impact of such programs.

Program evaluation should take into consideration, but not be limited to, cost-effectiveness and/or community needs.

Program evaluation should be used as one basis to prioritize programs within budgetary limitations. The Chief Probation Officer should be responsible for implementing program modification based on the results of these evaluations.

351. Recidivism Research

The Chief Probation Officers of California shall define and establish a uniform recidivism index which can then be used as a factor in determining the effectiveness of various probation programs.

352. Research Funding

Chief Probation Officers should secure or allocate adequate resources for ongoing research into the effectiveness of existing or new programs.

FINANCIAL

360. Contract Services

The Chief Probation Officer should administer all services from a cost-effective standpoint. Contract services should be considered when cost-effective and within legal parameters.



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361. Fees for Services

A cost factor should be established and assessed on all services provided to offenders and other clientele with the exception of the victims, for probation and court-related services. To the fullest extent possible, the persons receiving these services should bear the cost of the service.

362. Financial Collection

The Chief Probation Officer should administer the collection of any fees, fines or restitution which are by Court order an integral part of a corrective or rehabilitative plan and in which the failure to pay may result in sanctions by a Criminal or Juvenile Court.

COMMUNITY

370. Public Relations

The Chief Probation Officer shall commit personnel and financial resources to administer a coordinated public relations program. The Chief Probation Officer should:

- A. Assign staff to speak to community groups.
- B. Seek media coverage of significant departmental or professional events.
- C. Encourage staff to routinely engage in a horizontal communication with other departments or agencies within the criminal justice system and/or agencies which provide related services.
- D. Develop informative handouts on the probation department and the criminal justice system.

371. Victims

The Chief Probation Officer shall develop policies and procedures designed to protect the rights, interests, and concerns of the victim.



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372. Community Input

The Chief Probation Officer should solicit community input when planning for long-range programs.

373. Citizen Involvement

The Chief Probation Officer shall promote and encourage citizen involvement in the criminal justice system. Within available resources, the Chief Probation Officer should administer a volunteer and student intern program.

PREVENTION

380. Responsibility

Developing and coordinating crime and delinquency prevention programs shall be the responsibility of local government.

381. Early Intervention

The Chief Probation Officer should encourage the development of programs designed to meet the needs of elementary school age juveniles displaying significant antisocial behavior.

382. Community-Based Youth Services

The Chief Probation Officer shall insure that community-based programs are developed and properly administered either by the probation department or by private agencies. The goal of such programs is preventing delinquency. The Chief Probation Officer shall commit resources to assist in developing community-based programs either by the probation department or by private agencies and shall evaluate such programs to determine their effectiveness.



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383. School Attendance Review Board

Within each county there shall be established School Attendance Review Boards. These boards shall be comprised of both citizens and professionals from the community.

The purpose of the School Attendance Review Board should be to assist the school district in developing alternative solutions to student attendance and behavior problems through the use of community resources. The intent of the School Attendance Review Board should be to divert juveniles from the Juvenile Court System when appropriate. Each School Attendance Review Board may form as many local boards as is necessary to fulfill its purpose and intent. The Probation Officer shall provide a representative to sit on the county School Attendance Review Board and may provide representation to sit on local School Attendance Review Boards.

The jurisdiction of the Juvenile Court or the School Attendance Review Board should not extend to those juveniles over the age of 16 who choose not to attend school. Only juveniles under the age of 16 years should be required to attend school on a regular basis.

STAFF DEVELOPMENT

390. Training Standards

The Chief Probation Officers of California shall set minimum standards for training probation personnel at all levels.

391. Training Fund

A Training Fund for local corrections and probation shall be established by legislative enactment. The Fund should be administered by the State Board of Corrections to provide training as specified by the Chief Probation Officers of California.

Probation Standards

CHAPTER III PROBATION ADMINISTRATION

392. Staff Training

The Probation Officer shall plan and offer to staff training and education opportunities.

- A. Ongoing training and education for the maintenance and improvement of job skills and knowledge is an essential factor in the effective delivery of probation services.
- B. The Probation Officer may require individuals or groups of staff to take specified training or educational programs. Failure to successfully complete such program(s) may be the cause for disciplinary action.
- C. Continued training and education is a professional responsibility of the individual, much of which may well require the investment of the individual's own time and money.

393. Handling Aggressive Behavior

The Chief Probation Officer shall provide staff with appropriate training in handling aggressive and hostile behavior. This training should include becoming competent in appropriate techniques for dealing with situations likely to arise in specific job assignments. The Chief Probation Officer shall also provide regular training reviews of these techniques.

Staff who may be dealing with hostile and aggressive offenders must be capable of handling assaultive behavior. If, in the opinion of the Chief Probation Officer, an employee is incapable of performing such duties, a medical, psychological or physical fitness examination may be required.

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ADULT PROBATION SERVICES

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GENERAL

400. Probation Services: Purpose

The fundamental purpose of probation services is to aid in reducing the incidence and impact of crime in the community.

401. Desirability of Probation

Probation is a desirable disposition in appropriate cases because:

- A. It offers the offender an opportunity to redress the community or individuals for the harm done by his offense.
- B. It affirmatively promotes the rehabilitation of the offender by continuing normal community contacts while offering the offender an opportunity to demonstrate his ability to meet normal social and citizenship responsibilities.
- C. It maximizes the liberty of the individual while at the same time vindicating the authority of the law and effectively protecting the public from further violations of the law.
- D. It avoids the negative and frequently stultifying effects of confinement which often severely and unnecessarily complicate the reintegration of the offender into the community.
- E. It greatly reduces the financial costs to the public treasury of an effective correctional system.
- F. It minimizes the impact of the conviction on innocent dependents of the offender.

402. Community-Based Alternatives

The Chief Probation Officer should encourage the development and use of creative and effective sentencing alternatives within both the Juvenile and Adult Court systems. These may include, but are not limited to, such things as restitution, fines, work furlough programs, public service, work programs, weekend incarceration, etc.



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CHAPTER IV ADULT PROBATION SERVICES

403. Victims

The Chief Probation Officer shall develop policies and procedures designed to protect the rights, interests, and concerns of the victim.

404. Restitution

The Chief Probation Officer shall implement programs in order that restitution will be made to the victim insofar as possible.

Reports to the Court containing recommendations for disposition, sentencing and collection procedures shall give first priority to restitution over fines and court costs. Recommendation shall be based on the full financial impact of the crime upon the victim.

Requires
Legislative
Amendment

Victims shall be fully apprised by the Probation Officer of collection plans for Court-ordered restitution. The victims shall be further advised and assisted by the Probation Officer in the identification and utilization of other resources, including civil action and the State Victim Indemnification Fund available to them.

The laws or procedures should provide that where an extended plan of payment of restitution is required, Probation Officers may add and collect an appropriate charge for such service.

Requires
Legislative
Amendment

Restitution payment plans should not be prolonged solely on the rehabilitative needs of the offender, but rather should be aimed at the earliest possible payment in full of the restitution amount. In establishing restitution payment plans, the cash value of the defendant's personal property shall be considered and utilized along with his earning ability.

The establishment of restitution shall be set at the full amount of the loss and should not be affected by an offender's ability to pay.



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In those instances where full payment is not possible, the payment plans should clearly demonstrate a good faith effort by the defendant.

INVESTIGATION AND COURT REPORTS

410. Purpose of Report

The primary purpose of the presentence report is to provide the sentencing Court with succinct and precise information upon which to base a rational sentencing decision. Potential use of the report by other agencies in the correctional process should be recognized as a factor in determining the content and length of the report, but should be subordinated to its primary purpose. Where the presentence investigation disclosed information useful to other agencies, methods should be developed to assure that this data is made available for their use.

410.1 Independence of Report

The value of probation services to the administration of justice is directly related to the degree of independence exercised by the Chief Probation Officer in presenting the analysis and recommendations to the Court on cases under investigation or supervision. Therefore, except as may be set forth in the law, neither Courts nor any other agency or organization shall prescribe or proscribe either directly or indirectly the content of the Chief Probation Officer's analysis and recommendation. Nothing in this standard shall prohibit the Court from recommending or ordering that additional information be included and analyzed in any particular case(s). Similarly, the Court may recommend but not order that certain information be omitted from probation reports. Whether or not such information is omitted must be decided by the Chief Probation Officer in terms of his independent decision on its importance to the case(s) and his analysis and recommendation on the case(s).



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411. Availability and Use of Court Report

Probation Officers should have the resources and support staff available to make timely presentence investigations and reports in all matters referred to them.

The Court should continue to explicitly be authorized by statute to call for such an investigation and report in every case. The statute should also provide that a presentence investigation and report should be required in every Superior Court case and should not be waived by the defendant unless a recent presentence report is available.

Requires
Legislative
Amendment

In every instance where a Court places a defendant on probation without a prior presentence report, the Probation Officer should be explicitly authorized, permitted and encouraged to return the matter to Court for reconsideration within 30 days if, in the Probation Officer's opinion, the facts warrant a return to Court.

Requires
Legislative
Amendment

The Chief Probation Officer bears the sole responsibility for the assignment to particular deputies of cases referred for investigation.

412. Guidelines

It is the responsibility of the Probation Officer to establish, maintain and implement written guidelines and policies for the conduct of all investigations. This will include the content, preparation and submission of all investigative reports.

412.1 Content, Scope, and Length of Report

Presentence reports should be flexible in format, reflecting a difference in the background of different offenders and making the best use of available resources and probation department capabilities. Each probation department should develop a gradation of reports between:



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- A. A short-form report for primary use in screening offenders in order to assist in a determination of when additional and more complete information is desirable. Short-form reports are also useful in departments which do not have adequate staffing to do full reports in all cases.
- B. A full report should normally contain the following items:
 1. A complete description of the offense and circumstances surrounding it, not limited to the aspects developed for the record as part of the determination of guilt.
 2. A statement from the victim and a description of the victim's status, the impact upon the victim, losses suffered by the victim and restitution due the victim.
 3. A full description of any prior criminal record of the offender.
 4. A description of the educational background of the offender, including his present employment status, financial status, and capabilities.
 5. A description of the employment background of the offender, including military record and including his present employment status, financial status, and capabilities.
 6. The social history of the offender, including family relationships, marital status, interests and activities, residence history and religious affiliations.
 7. The offender's medical history and, if desirable, a psychological or psychiatric report.
 8. Information about environments to which the offender might return or to which he could be sent should probation be granted.
 9. Supplementary reports from clinics, institutions, and other social agencies with which the offender has been involved.
 10. Information about special resources which might be available to assist the offender, such as treatment centers, residential facilities, vocational training services, special educational facilities, rehabilitation programs of various institutions in which the offender might be committed, special programs in the probation department and other similar programs which are particularly relevant to the offender's situation.
 11. A summary of the most significant aspects of the report, including specific recommendations as to the



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sentence. A special effort should be made in the preparation of presentence reports not to burden the Court with irrelevant and unconnected details.

413. Investigation Process

The Chief Probation Officer shall establish written policies and procedures relating to the investigation process needed to prepare a full Court report. These policies and procedures shall include but not be limited to:

- A. Offender Interview — The Probation Officer shall interview the offender regarding the circumstances of the offense as well as attitudes toward the offense, victims, and future plans. He shall also interview the offender regarding social history, medical background, drug abuse history, and financial matters.
- B. Victim Interview — The Probation Officer shall interview victims regarding the offense, restitution, attitude toward the offender, and comments as to the sentencing of the offender.
- C. Family Interview — The Probation Officer should interview one or more members of the offender's immediate family in order to obtain their views of the offense, the offender's involvement, and the offender's and family's medical and social history.
- D. Interested Parties — The Probation Officer should also interview significant interested parties who may include, but not be limited to, the arresting or referring person, witnesses, references, neighbors, other agency personnel, and employers.
- E. Counsel — The Probation Officer should also make contact with the defense attorney and the prosecuting attorney for their comments regarding the offender, as well as factors in mitigation or aggravation of the offense.
- F. Coparticipants — The Probation Officer shall interview coparticipants in order to verify the offender's statements or to resolve conflicting statements.
- G. Home Calls — The Probation Officer should make home calls to the offender's residence as a part of the investigation.
- H. Record Check — The Probation Officer shall determine as accurately as possible the offender's prior criminal



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record and shall interview the offender regarding each incident. The Probation Officer shall make special effort to verify those convictions and sentences which will affect current disposition.

- I. Case Conference — The Probation Officer shall review the results of the investigation and secure approval of his recommendation from his supervisor prior to dictation of a full court report.

414. Criteria for Recommending Probation

The probation decision should be rooted in the facts and circumstances of each case considering the nature and circumstances of the crime, prior criminal record of the individual, the history and character of the offender and available institutional and community resources. Probation should be the sentence unless the sentencing Court finds that:

- A. Confinement is necessary to protect the public from further criminal activity by the offender.
- B. The offender is in need of correctional treatment which can most effectively be provided if he is confined.
- C. It would unduly depreciate the seriousness of the offense if sentence of probation were imposed.
- D. The legislature has designated the offense for which the offender was convicted as one for which probation cannot be granted.

In formulating this recommendation for or against probation for a sentence or other disposition, the kind of conviction (plea, trial or intent to appeal) will not be a factor either to increase or decrease the severity in the recommended course of action.

415. Determination of Conditions of Probation Recommendations

It should be a condition of every recommendation for probation that the probationer lead a law-abiding life during the period of his probation. No other conditions should be required by statute, but the Probation Officer in making



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recommendations should recommend additional conditions to fit the circumstances of each case. Development of standard conditions as a guide to making recommendations for probation is appropriate, so long as such conditions are not routinely imposed.

Conditions recommended should be designed to assist the probationer in leading a law-abiding life. They should be reasonably related to the avoidance of further criminal behavior and not unduly restrictive of the probationer's liberty or incompatible with his freedom of religion. They should not be so vague or ambiguous as to give no real guidance.

Conditions may appropriately include, but not be necessarily limited to, matters such as the following:

- A. Cooperating with the program of supervision.
- B. Meeting family responsibilities.
- C. Maintaining steady employment or engaging or refraining from engaging in a specific employment or occupation.
- D. Pursuing prescribed educational or vocational training.
- E. Undergoing medical or psychiatric treatment.
- F. Maintaining residence in a prescribed area or in a prescribed facility established for or available to persons on probation.
- G. Refraining from consorting with certain types of people or frequenting certain types of places.
- H. Making restitution for the fruits of the crime or reparation for losses or damages caused thereby.
- I. Paying fines, restitution, reparation, or family support.
- J. Requiring the probationer to submit to search and seizure.
- K. Requiring the probationer to submit to drug tests; i.e., urine tests for analysis as directed by the Probation Officer.

416. Fines

Recommendations to the Court contained in disposition and sentencing reports should make provisions for the payment of fines commensurate with the circumstances of the offense and the defendant's capabilities of paying within the limitations of his total financial resources.



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The use of the fine is a significant element in the correctional process and in reducing the financial impact of crime upon the community. As such, it should be considered in every plan for community-based supervision.

417. Pre-Plea Report — Advisability

The Court may direct the Probation Officer to prepare pre-plea investigation reports. These reports furnish the Court and opposing counsel verified information and evaluation on which to establish an appropriate decision.

Prior to conducting a pre-plea investigation, the offender will be advised that all statements made during the investigation will not be used against him if he decides to go to trial.

If the offender subsequently pleads or is found guilty, the report prepared for the pre-plea hearing may be resubmitted for the Court's consideration at the time of the offender's sentencing hearing.

PRE-TRIAL DIVERSION

420. Diversion

Diversion is an effective but limited alternative to the normal juvenile and criminal justice process. As such, all such programs should be carefully defined and operated in a manner that does not unnecessarily risk the protection and safety of the community, nor cause a lack of respect for, and confidence by the community in, the criminal justice system.

421. Objectives

The Chief Probation Officer should actively support the development of pre-trial diversion programs. The goals of



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these pre-trial diversion programs should include, but not be limited to:

- A. Providing a cost-effective alternative to processing through the traditional criminal justice system for offenders whose behavior does not endanger the community.
- B. Providing greater flexibility, enabling the system to utilize its resources for cases more appropriately channeled through the adversary process.
- C. Providing eligible defendants with a dispositional alternative that avoids the consequences of regular criminal processing and conviction while insuring that both the community's and offender's basic legal rights are safeguarded.
- D. Advancing the community's need to deter and reduce crime by impacting on criminal behaviors.

Pre-trial diversion programs may be legitimately operated by either a community agency which is separate and apart from the criminal justice system or by the Chief Probation Officer. An offender's performance in a pre-trial diversion program should be monitored by the Probation Officer.

422. Requirements

Pre-trial diversion programs shall have the following minimum guidelines and requirements:

- A. Offenders should be eligible for pre-trial diversion subsequent to the filing of formal charges.
- B. Offenders should have the opportunity to consult with counsel prior to enrollment in a pre-trial diversion program.
- C. Pre-trial diversion should not be considered until a decision has been made that the defendant may be released from custody.
- D. An offender's decision to enroll in a pre-trial diversion program should be voluntary.

The above minimum requirements for a pre-trial diversion program shall not prohibit the Court, the Probation Officer



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or the prosecuting attorney from establishing such other requirements as are needed in a particular locality.

423. Eligibility

The Chief Probation Officer should, along with other justice system representatives, establish written guidelines for eligibility for a pre-trial diversion program. These guidelines shall be available to all interested parties, including prospective program participants.

The eligibility criteria should be broad enough to encompass all offenders who can benefit from the diversion option without endangering either the safety of the community or the integrity of the justice system. The guidelines should exclude from eligibility those categories of cases which ordinarily are not prosecuted by the criminal justice system, as well as exclude from eligibility those cases for which the community demands full prosecution.

Enrollment in a pre-trial diversion program should require acknowledgment of responsibility for the alleged criminal activity on the part of the offender.

424. Conditions

Enrollment in a diversion program shall be preceded by a signed written agreement outlining the conditions of the diversion process and agreed to by the Probation Officer and the offender. An offender should have the opportunity to review this agreement with counsel prior to signing it. The agreement should include the specific conditions to be observed during the diversion process and the anticipated duration of the diversion process.

The diversion process should be long enough to permit sufficient change within the offender to minimize his likelihood of additional arrests, but not so long as to prejudice the



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prosecution or defense of the case should the offender be returned to the ordinary course of prosecution. This written agreement shall include the following provisions:

- A. Each set of diversion conditions should be individualized to meet the needs of the offender and the community.
- B. The written agreement should specify the goals that the offender is to achieve during the course of the diversion program and how these goals are to be obtained.
- C. The written agreement shall specify particular programs including restitution, community service work, counseling, etc., that the offender is to participate in and a time schedule for his participation.
- D. The conditions imposed upon the offender should be the least restrictive ones which are reasonably needed to protect the community and to insure the offender's successful completion of the program. The conditions which are agreed to in writing should be changed only after consultation with and agreement by the offender.
- E. The written agreement should specify what action will be taken if the offender fails to successfully complete the diversion program.

425. Confidentiality

Information gathered by the Probation Officer during the course of the diversion process should be available for use in subsequent criminal, civil, or administrative proceedings. The same level of confidentiality should exist for diversion records as exists for probation reports. The offender should be advised prior to entering the diversion process that the records of the diversion administrator are not confidential and may subsequently be used in a Court of law.

426. Pre-Trial Diversion — Non-Completion

The following guidelines shall be established for non-completion of any agreed-upon diversion program:

- A. The offender should be able to withdraw from the program voluntarily any time prior to its completion and elect regular processing through the criminal justice system.



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- B. The Probation Officer shall retain the right to terminate diversion programs when the offender demonstrates a lack of compliance or unsatisfactory compliance with the agreed-upon diversion plan.
- C. The offender shall immediately undergo processing and prosecution through the regular criminal justice system in any case where he fails to complete the diversion program for any reason.
- D. The diversion administrator shall provide to the prosecutor a written statement of the reasons for the offender's non-completion of the diversion program. This statement should be admissible as evidence when prosecution begins.
- E. Arrests which occur during the course of a diversion program may in themselves be grounds for termination; however, all facts and relevant circumstances surrounding the offender's arrest should be considered.

PRE-TRIAL RELEASE

430. Objectives

The Chief Probation Officer should support the development of a program of pre-trial release for adults. Pre-trial release programs are most appropriately administered by Probation Officers but may be augmented with services from private agencies.

A pre-trial release program shall provide for the offender to be released pending further legal activity without posting bail. Offenders should be considered for pre-trial release when it can be demonstrated that they are not likely to flee the jurisdiction of the Court or further endanger the community pending the conclusion of legal activities which are pending.

431. Eligibility

Law enforcement officers should be authorized by statute to issue citations in the field to persons charged with misdemeanors who meet the following criteria:

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- A. The accused provides proper identification.
- B. The accused agrees to sign the citation and promises to appear.
- C. Detention does not appear necessary to prevent eminent bodily harm to the accused or another person.
- D. The accused shows sufficient evidence of ties to the community.
- E. The accused is not currently on probation to any Court.
- F. Detention does not appear necessary to carry out investigative action in accordance with law enforcement regulations.

Misdemeanants, not given a citation by law enforcement, and all felons shall be placed in detention by the law enforcement agency and may request referral to the Probation Officer for a pre-trial release investigation. Selected violent felonies should be excluded from consideration by statute.

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Under no circumstances should any individual be released on a pre-trial basis when it appears that the individual will not appear for further legal action or that the individual represents a significant threat to the person or property of other individuals within the community.

432. Guidelines

The Probation Officer's pre-trial investigation shall be conducted as rapidly as possible and the results of that investigation and a recommendation should be submitted to the Court at the earliest possible time.

The Probation Officer's pre-trial investigation may consider, but not be limited to, the following factors:

- A. Length of residence at past and present address and nature of contact at present address.
- B. Family ties and relationships in the community.
- C. Employment status and history.



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- D. Financial condition and means of support.
- E. Physical and mental condition including abuse of drugs or alcohol.
- F. Identified references who could verify information and assist the offender in complying with the conditions of release.
- G. Prior criminal record and history of delinquency.
- H. Prior record of failures to appear and compliance with conditions of release.
- I. The nature and details of the present charge.

Immediately upon the conclusion of the Probation Officer's investigation, information relating to the above areas shall be presented to the appropriate judicial officer. The judicial officer, at an ex-parte hearing, shall consider the above information and make the decision and appropriate orders regarding the granting or not granting of pre-trial release. If the decision is not to grant pre-trial release, this decision shall be reviewed at the offender's arraignment hearing.

The burden of supplying information and facts necessary to establish the offender's suitability for pre-trial release shall be upon the officer.

433. Conditions

For all individuals granted pre-trial release the following basic conditions should be imposed:

- A. To appear as required by the legal process.
- B. To refrain from criminal activity.

In addition, the Court may impose other conditions that appear appropriate and reasonable. These additional conditions may include, but should not be limited to, the following:

- C. Require that the offender telephone or personally check in with the Probation Officer or other pre-trial service agency.



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- D. Require that the offender participate in social services to stabilize his behavior.
- E. Require that the offender remain within the jurisdiction of the Court during the pendency of the case.
- F. Place the offender in the care or custody of a responsible third party who will assure the offender's appearance in Court and who will supervise the offender during the release period.
- G. Place the offender under the supervision of the Probation Officer who will supervise the offender during the release period.
- H. Require that the offender seek or maintain employment.
- I. Require that the offender enroll or maintain enrollment in an educational program.
- J. Require that the offender refrain from the use of alcohol or drugs and/or submit to periodic testing.
- K. Require that the offender have no contact, direct or indirect, with complaining witnesses, victims, or other persons involved in the case.
- L. Require that the offender stay away from a specific geographic area.
- M. Require that the offender adhere to a curfew.
- N. Require that the offender not possess firearms or other weapons during the release period.

In granting pre-trial release, the conditions of the release should be clearly set forth in a Court order, a copy of which is given to the offender.

At the time of receiving pre-trial release, the offender should be advised of the sanctions for violation of the release conditions.

434. Monitoring

Offenders granted pre-trial release without special conditions should not be monitored pending further Court action.

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Offenders granted pre-trial release with special conditions should be monitored by the Probation Officer in order to insure the offender's compliance with the special condition. All instances of non-compliance should be reported forthwith to the Court.

The Probation Officer should be granted authority to arrest offenders on pre-trial release who violate the orders of the Court.

435. Pre-Trial Release — Sanctions

When an offender fails to comply with the conditions of his pre-trial release, he should be immediately returned to Court for a revocation hearing. At that hearing the Court may, on hearing and consideration of the Probation Officer's report or such other relevant information, find the offender in non-compliance of his conditions of release and order him incarcerated pending further proceedings.

A failure to comply with conditions of a pre-release program shall be considered in any subsequent disposition and may be considered an aggravating factor in selecting such disposition.

SUPERVISION

450. Nature of Sentence to Probation

The Chief Probation Officers recognize the right and need of the people acting through the legislature to limit the exercise of judicial discretion both as to terms of imprisonment or extension of leniency; however, each limitation on the use of probation as a sentencing alternative should be continuously evaluated as to need for such limitation and as to its effectiveness in serving the intent of the legislature.



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In these standards, the term "probation" means a sentence which may involve local confinement and which imposes conditions and retains authority in the sentencing Court to modify the condition of the sentence or resentence the offender if he violates the conditions. Such a sentence may involve or require suspension of the imposition or the execution of any other sentence.

Every grant of probation should have a verification process, however limited, to determine whether the conduct on probation is as intended by the Court. Cases in which such verification is not intended or necessary should be termed "unconditionally released."

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The Court should specify at the time of sentencing the length of any term during which the defendant is to be supervised and during which the Court will retain power to revoke the sentence for the violation of specified conditions. Neither supervision nor the power to revoke should be permitted to extend beyond the legislatively fixed time.

451. Nature of Probation Supervision

Notwithstanding the use of the term "sentence" in connection with a grant of probation, such a grant is not a final disposition but rather a specific and conditional alternative to a final disposition.

The nature of the final disposition that is conditionally held in abeyance may be made explicit by the Court or can be implied as to the maximum available under the laws.

A grant of probation is essentially a contract between the community, represented by the Court, and the offender. Each party has distinct responsibilities under that contract.



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452. Supervision Process

Probation supervision is the process by which the Court:

- A. Monitors the probationer's compliance with the terms and conditions of the contract (grant of probation).
- B. Verifies to the Court the nature and degree of such compliance.
- C. Acts appropriately and promptly to:
 - 1. Enforce such conditions.
 - 2. Prevent a failure of compliance.
 - 3. Maintain the credibility and integrity of the Court order and the probation supervision process.
- D. Provides such counseling, guidance, education or other assistance as is available and may be appropriate to aid the probationer in fulfilling the conditions of his probation grant.

453. Imposition and Implementation of Conditions of Probation

All conditions of probation should be prescribed by the sentencing Court and presented to the probationer in writing. Their purpose and scope and the possible consequences of any violation should be explained to the probationer by the sentencing Court or at an early conference with a Probation Officer.

Probation Officers must have the authority to implement judicially prescribed conditions. In doing so, the Probation Officer may add any requirements that are relevant to those prescribed conditions that are required by the situation. In the event that the defendant does not agree to abide by those conditions, the matter should be presented to the Court.

The probationer should have the right to apply to the sentencing Court for a clarification or change of conditions.



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454. Supervision Limitations

While a grant of probation is considerably less severe than what may be available as a final disposition, it is, nevertheless, an intervention into the life of the probationer. As such, that intervention should be planned and implemented in a manner to focus directly on the conditions of probation, the maintenance of basic case knowledge, and the intent to prevent any further offenses.

The grant of probation does not, in itself, impose on the Probation Officer an obligation or responsibility to handle every problem presented by the probationer's behavior or associations.

Irrespective of the presence or absence of rehabilitation, treatment or other guidance techniques or resources, the prime responsibility for compliance with the condition of probation (except where certain conditions are directed toward the Probation Officer) remains with the probationer.

455. Probation Officer Responsibilities

The three main and concurrent objectives of probation supervision are:

- A. To maintain the probationer's compliance with the Court order.
- B. To act promptly and appropriately in instances of non-compliance.
- C. To maintain and provide the Court with accurate and timely information on the probationer's behavior and such recommendations as are lawful and appropriate.

456. Assignment of Cases

The assignment or reassignment of cases to deputized staff is solely within the discretion of the Chief Probation Officer.



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The probationer may request a change of officer and, if so, such change shall neither be routinely granted nor denied, but shall be considered on the merits.

457. Caseloads

The Chief Probation Officer shall establish supervision caseloads designed to carry out the objectives of the sentence to probation.

The number of cases to be assigned to any particular deputized staff member should be determined by factors of classification, priority, expected service level, or other factors set by the Chief Probation Officer. Each Chief Probation Officer shall develop a classification system to determine caseload assignments to deputies. In establishing the classification system the Chief Probation Officer shall consider the level of supervision required by each case. The basis of case assignment will be determined by departmental policy and may range between relatively large caseloads for those cases requiring minor verification and follow-through to small caseloads for those cases needing a high level of supervision, support or verification.

458. Case Classification

The Chief Probation Officer shall develop a systematic process to classify and supervise offenders according to community protection, surveillance, and treatment needs.

459. Peace Officer Powers

The peace officer powers of a Probation Officer should extend to:

- A. Conditions of probation or parole by any person in the state on probation or parole.



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- B. The escape of any inmate or juvenile from a state or local institution.
- C. The transportation of such persons.
- D. Any violations of any penal provisions of law which are discovered in the course of, and arise in connection with, his duties.

459.1 Arrests

It is essential to an effective and meaningful supervision process that the Probation Officer have the authority to arrest probationers without warrant whenever circumstances are such as to require this action to protect the community, assure an appearance in Court, implement any orders of the Court or maintain the integrity and meaning of the probation supervision process.

460. Use of a Search Condition

The use of a search should be in response to the following situations or objectives:

- A. When reasonable cause exists to believe the probationer has in his possession material which is prohibited by the probation order or which would indicate a probable violation of probation.
- B. When periodic searches are essential to the plan of control and supervision or to deter further offenses or to ascertain that the probationer is complying with his probation terms.
- C. When the Probation Officer has decided to take the probationer into physical custody.

460.1 Supervision — Search

The law should authorize the Probation Officer to search a probationer's person, place of residence or vehicle during the period of supervision. This authority should be made a



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term of probation regarding all offenders under supervision when the necessity for such a search is reasonably related to the offense which brought the offender to the attention of the Court.

460.2 Supervision — Search Procedure

The Chief Probation Officer shall establish procedures and guidelines and shall provide adequate training regarding search techniques, safety, and evidence seizure. Such guidelines shall include:

- A. Except in unusual circumstances the search should be cleared and approved beforehand by the Deputy Probation Officer's supervisor.
- B. The Deputy Probation Officer should, insofar as possible, conduct physical searches only when accompanied by another officer.
- C. Law enforcement assistance shall be requested if a probability exists of a physical confrontation or of the seizure of evidence which may culminate in new criminal charges or result in the arrest of the probationer.
- D. The Deputy Probation Officer shall conduct himself in a professional and courteous manner during a search and demonstrate a consideration of the rights and property of the probationer.
- E. All searches shall clearly be made a matter of the case record.

461. Seizure of Evidence

The Chief Probation Officer should maintain or develop access to a secure evidence locker and implement security, handling, logging, and related procedures. Seized items pertaining only to an alleged probation violation should be maintained by the probation department. Items which may result in new criminal charges should be delivered to the appropriate law enforcement agency.



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462. Use of Handcuffs

The Chief Probation Officer shall make handcuffs available to all personnel who are engaged in offender supervision and transportation. Handcuffs are a necessary tool to restrain offenders, but should be utilized only for public or individual safety. Handcuffs should not be carried in a conspicuous manner.

The Chief Probation Officer shall provide adequate training in the use of handcuffs prior to anyone's being permitted to use them.

463. Probation Violations

Violation of a condition is both a necessary and a sufficient ground for the revocation of probation. Revocation followed by imprisonment should be the recommendation of the Probation Officer whenever:

- A. Confinement is necessary to protect the public from further criminal activity by the offender.
- B. The offender is in need of correctional treatment which can most effectively be provided if he is confined.
- C. It would unduly depreciate the seriousness of the offense if probation were not revoked.

464. Modification of Probation Conditions

The Court may, given good cause, modify by addition, revision or deletion any of the conditions attached to a grant of probation. The Court may do so on its own initiative or on presentation of information by the Probation Officer.

If the Court intends to do so on its own initiative, it shall first inform the Probation Officer of the proposed change and provide time for the Probation Officer to respond.

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Proposed changes, either by the Court or by the Probation Officer, which do not involve additional time in custody and which have the probationer's expressed agreement may be ordered ex-parte.

464.1 Modification and Termination of Conditions

Conditions should be subject to modification or termination by the Court. All changes in conditions should be presented to the probationer in the manner prescribed in Standard 453 of this report. Where the proposed modifications would result in a form of confinement as a condition of continued probation, the probationer should be afforded the procedural rights as set forth by law.

465. Early Termination

The Probation Officer should recommend termination of probation when it appears that the offender has made a good adjustment and that further supervision or enforced compliance with other conditions is no longer necessary.

465.1 Notification of Termination

Those agencies who have been informed of the offender's formal grant of probation by the Probation Officer shall subsequently be advised of the termination of probation. The responsibility for such notification should be with the Probation Officer.

466. Work Furlough

The Chief Probation Officer shall develop and administer work furlough programs for offenders serving time in institutions. Work furlough programs should be utilized as long



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as they do not endanger the protection of the community and should be recognized as a rehabilitative and cost-effective alternative.

Work furlough programs give the offender the ability to (a) earn money to support his family, (b) earn money to pay restitution to victim, (c) earn money to pay fines imposed as a part of the sentence, (d) earn money to pay for incarceration costs.

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GENERAL

500. Purpose of Probation Services

The fundamental purpose of probation services is to aid in reducing the incidence and impact of crime in the community.

501. Status Offenders — Jurisdiction

Any juvenile who commits violations defined as status offenses is within the jurisdiction of the Juvenile Court. The Chief Probation Officer shall have the responsibility for intake, investigation, supervision, and placement for those juveniles who are referred.

LAW ENFORCEMENT

510. Juvenile Referrals

If as a result of a case investigation a law enforcement agency determines that further legal intervention is necessary, the matter shall be referred to the Chief Probation Officer.

511. Written Guidelines

Law Enforcement agencies should have written policies and guidelines concerning the handling of juvenile offenders. Said guidelines should cover all aspects of police contact with juveniles including, but not limited to, the decision to detain or release; decision to refer to the Probation Officer for further legal intervention; or other types of disposition. Said policies/guidelines and information should be a required portion of all officers' training.



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512. Training

Law enforcement agencies having duties and responsibilities within the jurisdiction of handling juveniles should be encouraged to develop and implement training programs for the staff of their agencies that will provide a professional understanding of laws and problems unique to the juvenile offender.

The Chief Probation Officer should encourage the heads of local law enforcement agencies to include in their academies and in-service training programs the following subject areas:

- A. Juvenile Court Law (including powers of arrest and disposition alternatives).
- B. Juvenile Court process.
- C. The functions of the probation department's systems from intake through disposition.
- D. Procedures and standards relating to probation services.
- E. Basic history and theory of corrections.
- F. Family crisis intervention.

513. Specialized Staff

Each law enforcement agency should have staff specifically trained and assigned for juvenile matters.

514. Responsibilities

Upon taking a juvenile into temporary custody, the law enforcement officer shall:

- A. Determine immediately if the juvenile is in need of any emergency medical attention.
- B. Advise the juvenile of his rights as required by law.
- C. Decide whether to handle the matter at a police level or to refer the juvenile to the Probation Officer for possible Court action or other referral or intervention.
- D. Decide, based on nature of alleged offense or dependency situation and other available relevant information,

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whether to release the juvenile or to refer him to the Probation Officer in custody. This decision should be made as soon as the officer has obtained adequate information to make a logical decision.

- E. Notify the parent or guardian of the nature of the contact with the juvenile and its disposition. This would include the officer's decision on whether to release or detain the juvenile. If the juvenile is detained, the parent should be advised of the place and of the anticipated arrival time of the juvenile at the detention location. If the juvenile is to be released, the parent should be advised as to whether the matter will be handled at a police level or referred to the Probation Officer on a not-in-custody basis. This notification should take place as soon as possible.

515. Detention Decision

Law enforcement agencies should develop guidelines regarding the decision to detain or release a juvenile from temporary custody. Within those guidelines, the following should be specified as factors to be considered in making this decision:

- A. Prior record.
- B. Attitudes of juvenile and/or parents/guardians.
- C. Other pertinent information.

The protection of the juvenile should be the primary consideration in a dependency situation. Temporary detention in custody allows time for a thorough investigation prior to final or other interim disposition.

In considering the issue of detaining or releasing a juvenile, the law enforcement agencies should choose the alternative which is the least restrictive on the personal freedom of the juvenile but which is consistent with the protection of the community and of the juvenile.



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INTAKE

521. Responsibility

The Chief Probation Officer is responsible for and shall administer all intake services for those juveniles regarding whom applications to commence proceedings in the Juvenile Court have been submitted.

522. Proceedings in Juvenile Court

The Chief Probation Officer is the appropriate person to determine whether or not proceedings should be initiated in Juvenile Court. If the decision is to proceed in Juvenile Court, the District Attorney should file and prosecute any Petition requested by the Chief Probation Officer if the Petition is legally sufficient.

523. Disposition Decision

Policy established by the Chief Probation Officers shall be that assuming legal sufficiency of a request for initiation of proceedings before the Juvenile Court, the Probation Officer's disposition of that request shall be that which addresses — first, the protection of the community, and second, the welfare of the juvenile.

524. Guidelines

The Chief Probation Officer shall establish and maintain written guidelines and policies for intake dispositional decisions. Such guidelines shall include, but not be limited to, the following factors in order to determine appropriate intake disposition:

- A. The legal sufficiency of the allegation.
- B. The nature and circumstances of the offense.
- C. The protection of the community.

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- D. The prior record of the juvenile.
- E. The welfare of the juvenile.
- F. The attitude of the juvenile regarding the alleged offense.
- G. The juvenile's family, peer, school and community relationships.
- H. The availability and appropriateness of services to meet the juvenile's needs outside of the juvenile justice system.

525. Intake Investigation

Prior to making any disposition decision concerning an alleged delinquent act, the Chief Probation Officer shall be authorized to:

- A. Interview or otherwise seek information from the referring agency, victim(s), witness(es) or coparticipant(s).
- B. Check the juvenile's existing record, record with other law enforcement agencies, and other public records considered relevant.
- C. Require an intake interview with the juvenile and at least one parent. The juvenile's failure to appear upon notice may be cause to initiate proceedings in Juvenile Court.
- D. Conduct any other investigation deemed appropriate and relevant.

526. Alternatives

The Chief Probation Officer's intake dispositional alternatives shall be limited to one of the following:

- A. Settle and close the application to commence proceedings by excluding or diverting from the juvenile process.
- B. Provide services in lieu of the initiation of proceedings in a Juvenile Court. These shall be voluntarily entered into by the juvenile and parents and shall be of stated limited duration.
- C. Request or initiate proceedings in the Juvenile Court.



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527. Diversion

Diversion is an effective but limited alternative to the normal juvenile and criminal justice process. As such, all such programs should be carefully defined and operated in a manner that does not unnecessarily risk the protection and safety of the community, nor cause a lack of respect for and confidence by the community in the criminal justice system.

528. Processing Time

The Chief Probation Officer shall provide that, except in unusual circumstances, the intake process in regard to the disposition of an application to commence proceeding before the Juvenile Court shall be completed expeditiously as possible within the time frame allotted by law, but that in no case should that time exceed 30 calendar days of its receipt by the Probation Officer.

529. Notification to Referring Agency

The Chief Probation Officer shall promptly notify the referring agency of the disposition made on the referral. If the decision is for other than proceeding in Juvenile Court, the reasons will be included in the notification.

DETENTION

530. Detention

When probable cause exists to believe a juvenile may require or be subject to Juvenile Court intervention either as a law violator, status offender or dependent, his living environment pending disposition of a matter should be the least restrictive situation which still provides the community and juvenile with adequate protection and will insure the juvenile's availability to the Juvenile Court process.



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530.1 Status Offenders — Limited Custody

The Probation Officer should be authorized to detain a juvenile described as a status offender in a secure facility other than a facility in which adults are held in any of the following circumstances:

- A. For up to 12 hours after having been taken custody for the purpose of determining if there are any outstanding wants, warrants or holds against the juvenile in cases where the arresting officer or Probation Officer has cause to believe that such may exist.
- B. For up to 24 hours after having been taken into custody in order to locate the juvenile's parent or guardian and to arrange the return of the juvenile to his parents or guardian.
- C. For up to 24 hours after having been taken into custody in order to locate the juvenile's parent or guardian as soon as possible and to arrange the return of the juvenile to his parent or guardian whose parent or guardian is a resident outside of the state or county wherein the juvenile was taken into custody, except that such period may be extended to no more than 72 hours when the return of the juvenile cannot reasonably be accomplished within 24 hours due to the distance of the parent or guardian from the county of custody or difficulty in locating resources necessary to provide for the return of the juvenile.
- D. For a period not to exceed 30 days for any juvenile who has failed to appear for two or more Court hearings or who has left two or more Court-ordered placements during the preceding six months.
- E. For up to 72 hours pending psychiatric and/or medical examination and/or treatment of any juvenile who has exhibited a physical or emotional disorder which makes him a danger to himself or others.

530.2 Detention Guidelines

The Chief Probation Officer shall prepare, maintain and have available for public inspection guidelines to be utilized by staff in making detention decisions.



Probation Standards

CHAPTER V JUVENILE PROBATION SERVICES

530.3 Detention Responsibilities

Each Probation Officer shall specify the detention procedures including, but not limited to, advance notice required when a juvenile is to be brought to the Probation Officer in temporary custody, location for delivery of the juvenile and materials to be delivered with the juvenile. Law enforcement, prior to delivering a juvenile in temporary custody to the Probation Officer, shall follow these procedural requirements. Law enforcement shall deliver a juvenile without undue delay to the location specified by the Probation Officer. The materials to be delivered with a juvenile can include:

- A. An application for Petition which shall include:
 - 1. Date, time and method of parent/guardian notification.
 - 2. Prima facie information of alleged offense, status behavior or dependency situation.
 - 3. Justification of detention decision with any recommendations regarding changes in type of detention or release.
- B. Medical clearance from physician if juvenile is under the influence of an intoxicant or has any medical condition which is of an immediate threat to juvenile's health.
- C. Supply of medication and signed medical consent if the juvenile currently takes any doctor-prescribed medication.
- D. Any other information which is important for protection of the juvenile or facility staff including, but not limited to, knowledge of suicidal tendencies, aggressive behavior, hostile parents or relatives, threats of reprisal, etc.

531. Detention Decision

- A. Upon delivery of a juvenile to the Probation Officer, the decision regarding detention status pending Court review rests solely with the Probation Officer.
- B. Probation intake services, especially regarding detention decisions, should be available beyond normal work schedules and on weekends.



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CHAPTER V JUVENILE PROBATION SERVICES

- C. After delivery of a juvenile to the Probation Officer in custody, the Probation Officer shall without undue delay:
 1. Determine if juvenile has been cleared by a licensed physician for admission if said minor is under the influence of an intoxicant or has any injury or on-going medical disability.
 2. Determine if the juvenile has a supply of any required prescribed medication and a signed medical consent.
 3. Determine if parents/guardians have been notified by the arresting agency.
 4. Examine application for Petition and/or accompanying reports for justification for detention and information indicating prima facie case.
 5. Decide whether to release the juvenile or to continue him in a detention setting.
 6. Advise the juvenile and his parents/guardians of the juvenile's legal rights, except the Probation Officer shall not interview the juvenile with reference to the alleged offense if the juvenile or his parents/guardians request an attorney or if either fail to make an intelligent waiver. The Probation Officer shall notify the Court of such a request or failure to make an intelligent waiver as soon as a Petition is filed.
 7. Consider in the detention decision relating to delinquent offenses the following factors:
 - a. Seriousness of the offense.
 - b. Juvenile's prior record.
 - c. Degree of threat juvenile poses to the community, especially with reference to aggressive behavior, serious property offenses or repeated property offenses.
 - d. Likelihood of juvenile fleeing the jurisdiction of the Court.
 - e. Supervision/living conditions afforded the juvenile in his parents'/guardians' home.
 - f. Violations the juvenile has committed of orders of the Juvenile Court.
 - g. Degree to which the juvenile poses a threat to himself.
 - h. Warrants or holds.
 - i. Any other pertinent information.



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- D. The Probation Officer shall choose the least restrictive alternative available as stated in Standard 530 which is consistent with the protection of the community. The Probation Officer should have the option of releasing the juvenile home under reasonable conditions of home supervision.
1. The juvenile and parents/guardians must be agreeable to abiding by conditions.
 2. Violation of the conditions may result in the juvenile's return to custody. A condition of any type of release, if Court action will be recommended, is that the juvenile and parents/guardians sign a Promise to Appear.
- E. If releasing the juvenile, the Probation Officer may:
1. Request or initiate the filing of a Petition.
 2. Place the juvenile on informal probation.
 3. Continue the matter for further investigation.
 4. Close the matter at the detention intake level.
- F. The Probation Officer shall immediately notify the referring law enforcement agency of his decision and reasons for that decision in writing.

532. Institutional Overcrowding

The Chief Probation Officer shall not release juveniles who present a threat to the community from secure custody solely because of institutional overcrowding. Any time that an institution is in excess of its rated capacity, the population shall be reviewed by the Probation Officer to determine if there are juveniles who may be released without endangering the community.

533. Home Detention — Responsibility

The Chief Probation Officer shall be responsible for the implementation of a program of supervised home detention which provides that the juvenile may, as an alternative to



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detention in juvenile hall, be detained in his own home subject to specific restrictions and intensive verification, surveillance and supervision.

534. Home Detention — Objective

The basic objective of a supervised home detention program is to provide a less restrictive detention which will still assure the juvenile's appearance at Court hearings and probation interviews, and insure an absence of any further law violations.

535. Home Detention — Release Criteria

Except under unusual circumstances, no juvenile should be released from secure custody under the terms of supervised home detention when it is felt that secure custody is necessary for the protection of the juvenile or for the protection of the person or property of another, or when it is felt the juvenile is likely to flee the jurisdiction of the Court.

536. Home Detention — Conditions

The Probation Officer shall set specific and general conditions for each juvenile released on supervised home detention. Conditions set will be reasonably related to assuring the juvenile's appearance in Court and avoidance of further law violations. Such conditions shall be agreed to in writing by the juvenile and his parents/guardian prior to the juvenile's being released from secure custody. The juvenile and his parents/guardian shall be given a copy of the supervised home detention conditions.

The supervision program shall be such as to maintain ongoing knowledge of the juvenile's compliance with the conditions of his supervised home detention and to provide for his immediate



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return to juvenile hall when he or his parents have failed to comply with such conditions.

537. Juvenile Home Detention — Voluntary Participation

Inclusion in a program of home supervision shall be predicated on voluntary participation by the juvenile and his parent/guardian and shall be preceded by a written agreement by the juvenile and his parent/guardian to fully comply with the conditions of the program. The agreement shall state that failure by either the juvenile or parent/guardian to comply with such conditions is cause for the juvenile's return to juvenile hall.

538. Home Detention — Caseload Size

In a supervised home detention program, the size of caseload and the frequency of contacts shall be administrative concerns of the Chief Probation Officer and should not be specified in the law.

Requires
Legislative
Amendment

LEGAL PROCESS

540. Juvenile Court Petition

A. The Probation Officer has the responsibility for preparing and submitting necessary documents on juveniles to initiate the filing of a Juvenile Court Petition. These documents shall include:

1. Recommended legal allegations to be filed in delinquent Petitions.
2. Specific legal allegations to be filed in status offense Petitions: date, time and method of parent/guardian notification of detention hearing.



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3. Necessary family/juvenile biographical and identifying information.
4. Analysis and recommendation regarding continued detention.
- B. Probation documents shall be submitted to the District Attorney on delinquent Petitions to determine legal sufficiency and legally appropriate allegations.
- C. Petition must be on file with the County Clerk within 48 judicial hours of the juvenile's arrest if the juvenile is retained in custody.
- D. The Petition shall contain:
 1. Name of the Court.
 2. Title of proceedings.
 3. Appropriate code sections under which proceedings are instituted.
 4. Name, age and address of juvenile.
 5. Name and address of parents/guardians.
 6. Concise statement of facts separately stated to support conclusion that the juvenile upon whose behalf the Petition is being brought is a person within the definition of each section and subdivision under which the proceedings are being instituted.
 7. The fact that the juvenile upon whose behalf the Petition is brought is detained in custody or is not detained in custody; and if he is so detained, the date and the precise time the juvenile was taken into custody.
 8. Specification as to whether each count of a delinquent Petition is a felony or a misdemeanor.

541. Juvenile Legal Process — District Attorney's Review

Notice shall be given to the probation department of all requested reviews by the District Attorney and no Petition shall be filed prior to consultation with the Probation Officer.

Requires
Legislative
Amendment



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542. Informal Probation

The decision to place a juvenile on informal supervision shall be solely within the discretionary authority of the Probation Officer. Informal supervision shall not be undertaken when, in the judgment of the Probation Officer, the juvenile's participation in the program would constitute a threat to the person or property of others or damage the credibility of the justice system, or when it appears that the matter may not be resolved within six months.

543. Informal Probation — Elements

An informal supervision program may include, but not be limited to, the following elements:

- A. Placement in shelter care facility for period not to exceed 90 days.
- B. Placement in crisis resolution home for period not to exceed 20 days.
- C. Care, treatment, education or counseling of juvenile by any private or public agency, society or corporation whose purpose is to provide training, counseling or treatment.
- D. Reasonable conditions to include school attendance and a curfew.
- E. Payment of a fine not to exceed \$50.
- F. Participation in a public work program.
- G. Payment of restitution.

Requires
Legislative
Amendment

544. Informal Probation — Voluntary Participation

Participation in a program of informal supervision shall, except in unusual circumstances, be predicated on a voluntary admission of responsibility by the juvenile and a signed agreement to participate by the juvenile and parent/guardian and the Probation Officer.



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545. Informal Probation — Program Failure

The Probation Officer shall have the ability to file, or request the prosecuting attorney to file, a Petition at any time within the supervision period if it is determined that the juvenile or his parents/guardians have not complied with the terms and conditions of the program.

546. Plea Bargaining

Plea bargaining is an acceptable practice in Juvenile Court subject to the following limitations:

- A. If such discussions are held by counsel, plea bargaining shall be predicated on the facts and circumstances of the case, including the best interests of the juvenile and the protection of the community and not upon other concerns, pressures or interests.
- B. Any agreement reached as to such discussions shall be made a part of the record at the time of the acceptance of the juvenile's admission.
- C. The Court's acceptance of any plea as a part of such an agreement is conditional and subject to subsequent approval or disapproval of the Judge after he has read and considered the report of the Probation Officer.
- D. Any such agreement shall not, unless specifically stipulated on the record, relieve the juvenile or parents of the responsibility (including restitution) for those allegations not adjudicated by trial or resolved by admission.
- E. An agreement or plea shall not include any limitation on information, analysis or recommendation of the Probation Officer.

INVESTIGATIONS AND REPORTS

550. Purpose

The primary purpose of the juvenile dispositional report is to provide the Juvenile Court with succinct and precise



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information upon which to base a rational dispositional decision. Potential use of the report by other agencies in the correctional process should be recognized as a factor in determining the content and length of the report, but should be subordinated to its primary purpose. Where the probation investigation discloses information useful to other agencies, methods should be developed to assure that this data is made available for their use.

550.1 Juvenile Court — Dispositional Report

It shall be the responsibility of the Probation Officer to prepare for every hearing on the disposition of a case before the Juvenile Court a social study of the juvenile containing such matters as may be relevant to a proper disposition of the case. Such social study shall include the recommendation of the Probation Officer to the Court for the disposition of the case.

550.2 Independence of Report

The value of probation services to the administration of justice is directly related to the degree of independence exercised by the Chief Probation Officer in presenting the analysis and recommendations to the Court on cases under investigation or supervision. Therefore, except as may be set forth in the law, neither Courts nor any other agency or organization shall prescribe either directly or indirectly the content of the Chief Probation Officer's analysis and recommendation. Nothing in this standard shall prohibit the Court from recommending or ordering that additional information be included and analyzed in any particular case(s). Similarly, the Court may recommend but not order that certain information be omitted from probation reports. Whether or not such information is omitted must be decided by the Chief Probation Officer in terms of his independent decision on its importance to the case(s) and his analysis and recommendation on the case(s).



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550.3 Availability and Use of Court Report

- A. Probation Officers should have the resources and support staff available to make timely dispositional investigations and reports in all matters referred to them.
- B. Statute should provide that a dispositional investigation and report should be required in every Juvenile Court case and should not be waived by the juvenile unless a recent dispositional report is available.
- C. In every instance where a Court places a juvenile on probation without a prior dispositional report, the Probation Officer should be explicitly authorized, permitted and encouraged to return the matter to Court for reconsideration within 30 days if, in the Probation Officer's opinion, the facts warrant a return to Court.
- D. The Chief Probation Officer bears the sole responsibility for assignment to particular deputies of cases referred for investigation.

Requires
Legislative
Amendment

Requires
Legislative
Amendment

551. Investigations — Guidelines

It is the responsibility of the Probation Officer to establish, maintain and implement written guidelines and policies for the conduct of all investigations. This will include the content, preparation and submission of all investigative reports.

551.1 Court Reports — Investigation Process

The Chief Probation Officer shall establish written policies and procedures relating to the investigation process needed to prepare a full Court report. These policies and procedures shall include, but not be limited to:

- A. Juvenile Interview — The Probation Officer shall interview the juvenile regarding the circumstances of the offense as well as attitudes toward the offense, victims, and future plans. He shall also interview the juvenile regarding social history, medical background, drug abuse history, and financial matters.



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- B. Victim Interview — The Probation Officer shall interview victims regarding the offense, restitution, attitude toward the juvenile, and comments as to the sentencing of the juvenile.
- C. Family Interview — The Probation Officer should interview one or more members of the juvenile's immediate family in order to obtain their views of the offense, the juvenile's involvement, and the juvenile's and family's medical and social history.
- D. Interested Parties — The Probation Officer should also interview significant interested parties who may include, but not be limited to, the arresting or referring person, witnesses, references, neighbors, other agency personnel, and employers.
- E. Counsel — The Probation Officer should also make contact with the defense attorney and the prosecuting attorney for their comments regarding the juvenile, as well as factors in mitigation or aggravation of the offense.
- F. Coparticipants — The Probation Officer shall interview coparticipants in order to verify the juvenile's statements or to resolve conflicting statements.
- G. Home Calls — The Probation Officer should make home calls to the juvenile's residence as a part of the investigation.
- H. Record Check — The Probation Officer shall determine as accurately as possible the juvenile's prior criminal record and shall interview the juvenile regarding each incident. The Probation Officer shall make special effort to verify those sustained allegations and dispositions which will affect current disposition.
- I. Case Conference — The Probation Officer shall review the results of the investigation and secure approval of his recommendation from his supervisor prior to dictation of a full Court report.

552. Content and Scope of Dispositional Report

A full dispositional report should normally contain the following items:

- A. A complete description of the offense and circumstances surrounding it, not limited to the aspects developed for the record as part of the jurisdictional process.



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- B. A statement from the victim and a description of the victim's status, the impact upon the victim, losses suffered by the victim and restitution due the victim.
- C. A full description of any prior criminal behavior of the juvenile.
- D. A description of the educational background of the juvenile.
- E. A description of the employment background of the juvenile including his present employment status, financial status, and capabilities.
- F. The social history of the juvenile, including family relationships, marital status, interests and activities, residence history and religious affiliations.
- G. The juvenile's medical history and, if desirable, a psychological or psychiatric report.
- H. Information about environments to which the juvenile might return or to which he could be sent should he be allowed to remain in the community.
- I. Supplementary reports from clinics, institutions, and other social agencies with which the juvenile has been involved.
- J. Information about special resources which might be available to assist the juvenile, such as treatment centers, residential facilities, vocational training services, special educational facilities, rehabilitative programs of various institutions in which the juvenile might be placed, special programs in the probation department and other similar programs which are particularly relevant to the juvenile's situation.
- K. A summary of the most significant aspects of the report, including specific recommendations as to the disposition.

A special effort should be made in the preparation of dispositional reports not to burden the Court with irrelevant and unconnected details.

553. Determination of Conditions of Probation Recommendations

- A. It should be a condition of every recommendation for community-based probation that the juvenile lead a law-abiding life during the period of his probation. No



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other conditions should be required by statute but the Probation Officer in making recommendations should recommend additional conditions to fit the circumstances of each case. Development of standard conditions as a guide to making recommendations for probation is appropriate, so long as such conditions are not routinely imposed.

- B. Conditions recommended should be designed to assist the juvenile in leading a law-abiding life. They should be reasonably related to the avoidance of further criminal behavior and not unduly restrictive of the juvenile's liberty or incompatible with his freedom of religion. They should not be so vague or ambiguous as to give no real guidance.
- C. Conditions may appropriately include, but not necessarily be limited to, matters such as the following:
 - 1. Cooperating with the program of supervision.
 - 2. Meeting family responsibilities.
 - 3. Maintaining steady employment or engaging or refraining from engaging in a specific employment or occupation.
 - 4. Pursuing prescribed educational or vocational training.
 - 5. Undergoing medical or psychiatric treatment.
 - 6. Maintaining residence in a prescribed area or in a prescribed facility established for or available to persons on probation.
 - 7. Refraining from consorting with certain types of people or frequenting certain types of places.
 - 8. Making restitution for the fruits of the crime or reparation for losses or damages caused thereby.
 - 9. Paying fines, restitution, reparation, or family support.
 - 10. Requiring the juvenile to submit to search and seizure.
 - 11. Requiring the juvenile to submit to drug tests; i.e., urine tests for analysis as directed by the Probation Officer.

554. Community-Based Alternatives

The Chief Probation Officer should encourage the development and use of creative and effective disposition alternatives



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within both the Juvenile and Adult Court systems. These may include, but are not limited to, such things as restitution, fines, work furlough programs, public service, work programs, weekend incarceration, etc.

555. Information Sharing

The report of the Probation Officer shall be made available to counsel upon the filing of that report with the Juvenile Court. All counsel shall make available to the Probation Officer and to opposing counsel any facts, representation or recommendations to be introduced at the dispositional hearing sufficiently prior to the disposition hearing to allow for independent investigation, verification and the development of rebuttal information.

556. Probation Programs — Victims

The Chief Probation Officer shall develop policies and procedures designed to protect the rights, interests, and concerns of the victim.

556.1 Probation Programs — Restitution

The Chief Probation Officer shall implement programs in order that restitution will be made to the victim, insofar as possible.

Reports to the Court containing recommendations for disposition, sentencing and collection procedures shall give first priority to restitution over fines and Court costs. Recommendation shall be based on the full financial impact of the crime upon the victim.

Requires
Legislative
Amendment

Victims shall be fully apprised by the Probation Officer of collection plans for Court-ordered restitution. The victims shall be further advised and assisted by the Probation Officer



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in the identification of and utilization of other resources, including civil action and the State Victim Indemnification Fund available to them.

The laws or procedures should provide that where an extended plan of payment of restitution is required, Probation Officers may add and collect an appropriate charge for such service.

Requires
Legislative
Amendment

Restitution payment plans should not be prolonged solely on the rehabilitative needs of the juvenile, but rather should be aimed at the earliest possible payment in full of the restitution amount. In establishing restitution payment plans, the cash value of the juvenile's personal property shall be considered and utilized along with his earning ability.

The establishment of restitution shall be set at the full amount of the loss and should not be affected by a juvenile's ability to pay.

In those instances where full payment is not possible, the payment plans should clearly demonstrate a good faith effort by the juvenile.

556.2 Probation Programs — Fines

Recommendations to the Court contained in disposition and sentencing reports should make provisions for the payment of fines commensurate with the circumstances of the offense and the juvenile's capabilities of paying within the limitations of his total financial resources.

Requires
Legislative
Amendment

The use of the fine is a significant element in the correctional process and in reducing the financial impact of crime upon the community. As such, it should be considered in every plan for community-based supervision.



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557. Pre-Plea Report — Advisability

The Court may direct the Probation Officer to prepare pre-plea investigation reports. These reports furnish the Court and opposing counsel verified information and evaluation on which to establish an appropriate decision.

Prior to conducting a pre-plea investigation, the juvenile will be advised that all statements made during the investigation will not be used against him if he decides to go to trial.

If the Petition is subsequently sustained, the report prepared for the pre-plea hearing may be resubmitted for the Court's consideration at the time of the juvenile's dispositional hearing.

557.1 Pre-Plea Report — Presumption of Guilt

The Probation Officer shall advise all juveniles referred for pre-plea investigations that they are assumed guilty of all formally charged allegations for the purpose of pre-plea investigation only.

SUPERVISION

560. Classification System

Each Chief Probation Officer shall develop a classification system to determine caseload assignments to deputies. In establishing the classification system, the Chief Probation Officer shall consider the level of supervision required by each case. The basis of case assignment will be determined by departmental policy and may range between relatively large caseloads for those cases requiring minor verification and follow-through to small caseloads for those cases needing a high level of supervision, support or verification.



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561. Caseloads

The Chief Probation Officer shall establish supervision case-loads designed to carry out the objectives of the probation disposition. The number of cases to be assigned to any particular deputized staff member should be determined by factors of classification, priority, expected service level, or other factors set by the Chief Probation Officer.

562. Supervision — Assignment of Cases

The assignment or reassignment of cases to deputized staff is solely within the discretion of the Chief Probation Officer. The juvenile may request a change of officer and, if so, such change shall neither be routinely granted nor denied, but shall be considered on the merits.

563. Probation Supervision — Limitations

- A. While a grant of probation is considerably less severe than what may be available as a final disposition, it is, nevertheless, an intervention into the life of the juvenile. As such, that intervention should be planned and implemented in a manner to focus directly on the conditions of probation, the maintenance of basic case knowledge, and the intent to prevent any further offenses.
- B. The grant of probation does not, in itself, open up every aspect of the juvenile's life for study, treatment or assistance.
- C. The grant of probation does not, in itself, impose on the Probation Officer an obligation or responsibility to handle every problem presented by the juvenile's behavior or associations.
- D. Irrespective of the presence or absence of rehabilitation, treatment or other guidance techniques or resources, the prime responsibility for compliance with the condition of probation (except where certain conditions are directed toward the Probation Officer) remains with the juvenile.



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564. Requirement to Accept Service

Juveniles who have been adjudicated delinquent are required to accept service and participate in programs as ordered by the Juvenile Court or as directed by the Probation Officer. A juvenile's failure or refusal to accept services shall be cause for further Court action.

565. Process

Probation supervision is the process by which the Court:

- A. Monitors the juvenile's compliance with the terms and conditions of the contract (grant of probation).
- B. Verifies to the Court the nature and degree of such compliance.
- C. Acts appropriately and promptly to:
 - 1. Enforce such condition.
 - 2. Prevent a failure of compliance.
 - 3. Maintain the credibility and integrity of the Court order and the probation supervision process.
- D. Provides such counseling, guidance, education or other assistance as is available and may be appropriate to aid the juvenile in fulfilling the conditions of his probation grant.

566. Probation Officer Responsibilities

The three main and concurrent objectives of probation supervision are:

- A. To maintain the juvenile's compliance with the Court order.
- B. To act promptly and appropriately in instances of non-compliance.
- C. To maintain and provide the Court with accurate and timely information on the juvenile's behavior and such recommendations as are lawful and appropriate.



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567. Arrests

It is essential to an effective and meaningful supervision process that the Chief Probation Officer have the authority to arrest juveniles without warrant whenever circumstances are such as to require this action to protect the community, assure an appearance in Court, implement any orders of the Court or maintain the integrity and meaning of the probation supervision process.

Requires
Legislative
Amendment

568. Peace Officer Powers

The peace officer powers of a Probation Officer should extend to:

- A. Conditions of probation or parole by any person in the state on probation or parole.
- B. The escape of any inmate or ward from a state or local institution.
- C. The transportation of such persons.
- D. Any violations of any penal provisions of law which are discovered in the course of, and arise in connection with, his duties.

569. Use of Handcuffs

The Chief Probation Officer shall make handcuffs available to all personnel who are engaged in juvenile supervision and transportation. Handcuffs are a necessary tool to restrain offenders but should be utilized only for public or individual safety. Handcuffs should not be carried in a conspicuous manner.

The Chief Probation Officer shall provide adequate training in the use of handcuffs prior to anyone's being permitted to use them.



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570. Search

The law should authorize the Probation Officer to search a probationer's person, place of residence or vehicle during the period of supervision. This authority should be made a term of probation regarding all juveniles under supervision when the necessity for such a search is reasonably related to the offense which brought the juvenile to the attention of the Court.

571. Search Procedure

The Chief Probation Officer shall establish procedures and guidelines and shall provide adequate training regarding search techniques, safety, and evidence seizure. Such guidelines shall include:

- A. Except in unusual circumstances, the search should be cleared and approved beforehand by the Probation Officer's supervisor.
- B. The Deputy Probation Officer should, insofar as possible, conduct physical searches only when accompanied by another officer.
- C. Law enforcement assistance shall be requested if a probability exists of a physical confrontation or of the seizure of evidence which may culminate in new criminal charges or result in the arrest of the probationer.
- D. The Probation Officer shall conduct himself in a professional and courteous manner during a search and demonstrate a consideration of the rights and property of the probationer.
- E. All searches shall clearly be made a matter of the case record.

572. Use of a Search Condition

The use of a search should be in response to the following situations or objectives:

- A. When reasonable cause exists to believe the probationer has in his possession material which is prohibited by the



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probation order or which would indicate a probable violation of probation.

- B. When periodic searches are essential to the plan of control and supervision or to deter further offenses or to ascertain that the probationer is complying with his probation terms.
- C. When the Probation Officer has decided to take the probationer into physical custody.

573. Seizure of Evidence

The Chief Probation Officer should maintain or develop access to a secure evidence locker and implement security, handling, logging, and related procedures. Seized items pertaining only to an alleged probation violation should be maintained by the probation department. Items which may result in new criminal charges should be delivered to the appropriate law enforcement agency.

574. Termination

The Probation Officer should recommend termination of probation when it appears that the juvenile has made a good adjustment and that further supervision or enforced compliance with other conditions is no longer necessary.

575. Notification of Termination

Those agencies who have been informed of the juvenile's formal granting of probation by the Probation Officer shall subsequently be advised of the termination of probation. The responsibility for such notification should be with the Probation Officer.



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PRIVATE PLACEMENT

580. Development

The Chief Probation Officer shall encourage the development of foster homes, group homes, and private institutions which are required to meet the needs of juveniles who are placed by order of the Juvenile Court or through voluntary placement agreements with the Probation Officer.

581. Inter-County Placement

No Probation Officer shall place a juvenile in a facility which is not approved for use by the probation department of the county in which the facility is located nor will he place a juvenile in a private facility at a different rate than that which is approved by the probation department of the county in which the facility is located.

582. Private Placement — Program Statement

All facilities licensed for six or more juveniles should have a printed program statement covering, but not limited to, the following areas:

- A. Number of authorized beds.
- B. Age range and sex of juveniles in program.
- C. Licensing agency and type of license.
- D. Types of juveniles appropriate for referral.
- E. Number and qualifications of staff.
- F. Frequency and nature of therapy.
- G. Role of parents in treatment.
- H. Type and location of schooling, vocational training, etc.
- I. Type and frequency of recreation.
- J. Availability of medical services.
- K. Nature of supervision.
- L. Role of placing agency.
- M. Type and availability of community resources.
- N. Placement rate structure.
- O. Physical plant description.
- P. Description of intake procedure.



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- Q. Furlough provisions.
- R. Behavior control and disciplinary measures.
- S. Anticipated length of program and results expected.

583. Program Modification

Private placement facilities shall make no significant program changes without first consulting with the licensing agency and the placing agency. Major program changes shall require that the facility be relicensed.

Requires
Legislative
Amendment

584. Selection

The Probation Officer should attempt to place juveniles requiring removal from the home in the available facility which best meets the treatment needs of the juvenile and offers the community the required level of protection. Placing agencies should not be subject to outside pressures to employ a progression of placements; i.e., relative to foster home to group home to institution, etc. The nature of the placement should be totally dependent upon the juvenile's treatment needs and the protection required by the community.

Placement decisions should also not be influenced by a facility's tax status; i.e., proprietary versus non-profit.

585. Private Placement — Pre-Placement Visits

A juvenile should be taken on a pre-placement visit to the facility as a part of the placement screening process. The purpose of the pre-placement visit is to provide an opportunity for the juvenile and the facility to evaluate the facility's suitability for the juvenile. The visit should include, but not be limited to:

- A. A tour.
- B. An opportunity for the juvenile to meet staff and other juveniles at the program.



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- C. A brief orientation for the juvenile to the program.
- D. An opportunity for the facility administration to interview the juvenile.

586. Private Placement — Placing Agency Responsibility

The placing agency shall be responsible to the facility for the following:

- A. The juvenile's medical clearance for placement.
- B. Medical consent at the time of placement.
- C. Adequate clothing at the time of placement.
- D. Clear instructions on appropriate action in case of medical emergency.
- E. The juvenile's case history.
- F. Statement of the objectives of the placement and the time frame for their achievement.

587. Private Placement — Admission Agreement

At the time of placement a written agreement shall be entered into by the facility, placing agency and the juvenile. This agreement shall include, but not be limited to:

- A. A statement of the objectives of placement and a stated time frame for their achievement.
- B. A plan for meeting the objectives, including a description of program and community resources required.
- C. An identification of individuals responsible for carrying out each component of the plan.
- D. A method of evaluating progress.
- E. A clear understanding of the placement rate and method of payment.

588. Monitoring

The placing agency has the responsibility for making regular visits to the facility and monitoring the performance of the juvenile and of the facility. The facility shall make the juvenile available at any time for a visit by the placing



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agency. Such visits shall not require advance notification. The placing agency shall immediately remove juveniles in that placement if the facility is not performing in accordance with the placement agreement.

589. Runaway Reporting

Private placement facilities shall immediately notify the placing agency, the natural parents, and law enforcement if a juvenile runs away or is absent without authorization for any reason from the facility. The placing agency shall verify that the parents have been notified by the private facility.

590. Private Placement — Licensing

Placements which model a normal family structure, i.e., mother and father figure, and do not employ outside staff, i.e., treatment, recreational leaders, tutors, etc., should be licensed by the Court.

Requires
Legislative
Amendment

Facilities which house 16 or fewer juveniles should be licensed by the county.

Facilities which house more than 16 juveniles should be licensed by the state. No private organization should be licensed to operate a secure or closed correctional facility. These should be operated only by governmental agencies.

591. Inspection

The private placement facility, its equipment and grounds, should be clean, safe, sanitary and in good repair. The facility should be inspected at least yearly by governmental agencies including, but not limited to:

- A. The local or state Department of Health.
- B. Licensing agencies.



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- C. Placing agencies.
- D. Fire Marshal.

592. Personnel

Personnel shall be in sufficient numbers and competent to provide the services for which the facility is licensed.

- A. All persons who supervise juveniles or who are in other responsible positions should be at least 21 years of age.
- B. All personnel should have training or related experience in the job assigned to them.
- C. In facilities licensed for 16 or more juveniles there should be a planned in-service program including orientation, skill training and continuing education to enable all care personnel to perform their duties effectively.
- D. All personnel should be in good health, physically, mentally and occupationally capable for performing assigned tasks.
- E. All specialized personnel should be qualified by training or experience in accordance with recognized standards.
- F. A criminal background investigation should be conducted on all staff.
- G. Volunteers may be utilized if they are appropriately recruited, trained, screened and supervised.
- H. The placing agency shall be kept advised of staff employed by the facility.

593. Physical Plant

The private placement facility should be large enough to provide comfortable living accommodations and privacy for the juveniles and others who may reside in the facility and should afford sufficient space for outdoor activities.

The following specific standards should be applied to private placements:

- A. Bedrooms — Bedrooms should be provided in number, size and location to adequately accommodate the residents. Requirements for bedrooms shall include:



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1. Each juvenile shall have a separate bed, clean linens, chest of drawers, and a storage area for personal belongings.
 2. Space around beds shall provide easy passage.
 3. No room commonly used for other purposes shall be used as a sleeping room.
 4. No bedroom of a juvenile shall be used as a passageway to another room, bath or toilet.
 5. Not more than two juveniles shall sleep in a bedroom unless the program of care justifies a group living arrangement.
- B. Bathrooms — Bathrooms and toilets should be conveniently located. The ratio of toilets and bath facilities to occupants shall be:
1. At least one toilet and washbasin for each six persons.
 2. At least one bathtub or shower for each six persons.
 3. Each juvenile should have a place to keep his toothbrush, personal towel and washcloth in the bathroom.
 4. All toilet, bath and shower areas should afford individual privacy.
- C. Living Room — Each facility should have a living room where juveniles can gather at any time for quiet reading, study, general relaxation or entertaining.
- D. Dining Area — Facilities should have a separate dining area which is conducive to making mealtime an enjoyable experience.
- E. Kitchen — Each facility should have a kitchen which is adequate for preparing meals and which has ample storage space for supplies and snacks.

The physical facility should meet all appropriate building codes and should be maintained in conformity with the regulations adopted by the State Fire Marshal.

The placement agency shall have the ability to issue special restricted foster home licenses which are not subject to the above requirements. These licenses shall be issued only for the purpose of placing no more than one juvenile in a particular home which is felt to provide a safe, physical setting for the juvenile and a healthy emotional setting for him.

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SECURE DETENTION FACILITIES

600. Definition

Juvenile hall is a probation-operated detention facility which provides for the temporary care of juveniles who require secure custody in physically restricting facilities.

601. Physical Plant and Capacity

The Probation Officer has the responsibility for developing detention facilities. The physical plant and its capacity should be determined by considering proposed program, types of juveniles to be served, staff-juvenile ratio, location of facility and other pertinent considerations.

602. Design and Construction

The design, construction and maintenance of secure institutional facilities shall take into account and provide for the realities of destructive behavior by some detained juveniles toward themselves, staff, other juveniles or property.

603. Previously Constructed

All existing facilities built in accordance with construction standards in effect at the time of construction shall be considered in compliance with current state standards unless the condition of the structure is determined to be dangerous to the life, health or welfare of the juveniles.

604. Location and Type

- A. Probation departments should have detention facilities as centrally located as possible.



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- B. Probation departments should have detention facilities that offer varying degrees of security either within a facility or in different facilities.

605. Space Requirements

In each secure detention facility:

- A. Space or rooms used for reception of juveniles pending admission to juvenile hall or for holding juveniles pending Court appearance should have and/or provide:
1. A rated capacity based on an allowance of 15 square feet of space per person and on the fire regulations of the local fire authority having jurisdiction.
 2. Sufficient seating for all juveniles at the rated capacity of the floor space.
 3. Access to toilets and wash basins at the rate of one per eight juveniles.
 4. Access to a drinking fountain located so that the area can be readily supervised by staff.
 5. Access to supervised area with telephone(s) in order to provide juveniles the right to make calls pursuant to the provisions of the law.
 6. Access to private rooms for interviews with attorneys, parents, law enforcement officers, and other persons authorized by the Probation Officer.
- B. Space or rooms used for medical examination shall afford privacy to juveniles, be equipped to carry out routine medical examinations and emergency care, and have sufficient locked storage space for medical supplies.
- C. A detention living unit should ordinarily be designed to provide living accommodations for not more than 30 juveniles.
- D. Each detention living unit shall contain a minimum of:
1. One shower per six juveniles.
 2. One wash basin per six juveniles.
 3. One toilet per six juveniles or one toilet and one urinal per 15 boys.
 4. Access to a drinking fountain by juveniles and staff.
 5. Central control station for staff.



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- E. Locked sleeping rooms shall be equipped with an individual or combination drinking fountain, wash basin and toilet, unless a communication system or procedure is in effect to give the juvenile immediate access to a wash basin, toilet and drinking fountain.
- F. There shall be a minimum of one interview room for each detention unit.
- G. Hallways in the detention living units shall be at least eight feet wide. If rooms are located on only one side, or if room doors are staggered, hallways shall be at least six feet wide.
- H. Each juvenile shall be provided nine cubic feet of secure storage space for personal clothing and personal belongings.
- I. Single occupancy sleeping rooms shall each contain a minimum of 500 cubic feet of air space and 63 square feet of floor space. Double occupancy sleeping rooms shall contain a minimum of 800 cubic feet of air space and 100 square feet of floor space. Dormitory-type sleeping areas shall contain a minimum of 400 cubic feet of air space and 50 square feet of floor space per person.
- J. Each juvenile shall have an individual bed and fire retardant mattress no less than 30 inches wide and 76 inches long. Beds shall be spaced no less than 36 inches apart and at least 12 inches off the floor.
- K. Lighting installations in sleeping rooms shall provide adequate illumination at desk level. The rooms should have a night light sufficient to provide for visual observation of sleeping juveniles.
- L. Each academic classroom shall contain a minimum of 160 square feet for the teacher's desk and work area, and a minimum of 28 square feet per student.
- M. Dining space shall contain a minimum of 15 square feet of space per person being fed at any given time.
- N. There shall be physical activity areas to provide for vigorous indoor and outdoor recreation.

606. Control Centers

The basic element of a secure program within a juvenile detention facility is that of ongoing supervision and control of the juveniles in residence. The use of control centers is an



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appropriate and cost-effective means of providing such supervision.

607. Manual of Operation

Each secure detention facility shall have a manual of operation which defines functions, procedures, responsibilities and relationships involved in the operation of said facility. Such manual of operation shall be on file in the facility and available to all staff. Such statement and related materials shall include, but are not limited to:

- A. Instructions for handling deaths, attempted suicides, medical problems and medical emergencies, escapes and emergency evacuations.
- B. Policies, procedures and regulations relating to intake and release, firearms control, use of physical restraint, release of information (to parents, the public and press), counseling services, work programs, behavior control, visiting, religious activities, community contacts, use of volunteers and donations.
- C. Responsibilities of and relationship to the Juvenile Court, the Juvenile Justice Commission or Probation Committee, probation staff, school personnel and other agencies that may be involved in juvenile facility programs.
- D. Responsibility of maintaining a record-keeping and communications system to ensure the efficient operation of the facility, the legal and proper care of juveniles, and supply of information to the Juvenile Court and those authorized by the Court.

608. Juvenile Supervision Staff — Definition

Juvenile supervision staff are detention facility employees whose primary duty is the supervision and control of juveniles detained in the facility. Administrative, food service, janitorial or other auxiliary staff are not considered juvenile supervision staff members.



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609. Staff Qualifications

Each residential facility shall:

- A. Recruit and hire staff possessing skills, knowledge and physical ability in compliance with applicable county policies and procedures.
- B. Require a physical examination to determine an individual's ability to perform the job functions. This shall include, but not be limited to, tuberculosis screening test and evaluation for immunity to contagious illnesses of childhood; i.e., diphtheria, rubeola (regular measles), and rubella (German measles), mumps; and physical fitness and agility examination.
- C. Conduct a criminal records review on each new employee, and establish either a system of routine biannual rechecks for a criminal records review or a system in which the Probation Officer is informed promptly of any new entries.

609.1 Minimum Educational Qualifications for Child Care Supervisors

The educational requirements for a child care supervisor working during hours in which juveniles are awake should be, at minimum, completion of two years in an accredited college with at least nine units being completed in the behavioral sciences or criminal justice areas.

610. Staffing

Juvenile hall personnel shall be appointed by the Probation Officer pursuant to county personnel rules and shall be subject to removal, for cause, pursuant to such rules. Each facility shall have personnel to carry out its program including, but not limited to, the following:

- A. An administrator in charge of the facility operation and its employees.
- B. Sufficient juvenile supervision staff to provide continuous wide-awake supervision in compliance with a minimum juvenile-staff ratio as follows:



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1. During the hours that juveniles are awake, one wide-awake juvenile supervision staff member on duty for each 10 juveniles in detention.
 2. During the hours that juveniles are asleep, one wide-awake juvenile supervision staff member on duty for each 30 juveniles in detention.
 3. At least two wide-awake juvenile supervision staff members on duty at all times, regardless of the number of juveniles, unless arrangements have been made for backup support services which allow for immediate response to emergencies.
- C. Sufficient food service personnel, including staff qualified and available, to: plan menus meeting the nutritional requirements of the sex and age groups fed, provide kitchen supervision, direct food preparation and serving, conduct related training programs for staff and maintain necessary records.
- D. Sufficient administrative, clerical, recreational, building maintenance and other support staff for the efficient management of the facility, and to ensure that juvenile supervision staff will not be diverted from supervising juveniles.

The Chief Probation Officer or juvenile facility administrator shall have and retain full authority to assign or reassign staff to such shifts, schedules or duties as may be required by the needs of the facility.

611. Staff Orientation

- A. Each staff member shall be properly oriented to his duties, including:
1. The decisions he must make.
 2. The person to whom he is responsible for his performance.
 3. The persons who may be responsible to him.
 4. The persons to contact for decisions that are beyond his responsibility.



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5. When, how, what kind, and under what conditions physical restraints are used.
 6. Procedures to follow in the event of emergencies such as escapes, riots, bomb threats, homicides, suicide attempts, emotional crisis, and other incidents involving violence or potential violence.
 7. Procedures of routines to follow and practice in the event of emergencies such as fires, earthquakes, floods and other natural disasters.
 8. Routine security measures.
- B. Each staff member should receive ongoing in-service training which includes, but is not limited to:
1. Group supervision techniques.
 2. Supervision techniques for special problem juveniles.
 3. Regulations and policies relating to discipline and basic rights of juveniles pursuant to law and the provisions of this chapter.
 4. Health, sanitation and safety measures, including first aid.
 5. Counseling techniques.

612. Staff Retention

The Chief Probation Officer shall not be required to employ or retain any person in the facility who has demonstrated behavior harmful to the juveniles or the staff, or contrary to the good order of the facility and its program.

613. Classification

The Chief Probation Officer shall develop a classification system for the detention facility. This shall be commensurate with the number of juveniles and/or number of units within the facility.

Each facility shall have a classification system in writing utilizing such factors as age, maturity, sophistication,



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legal status, behavior patterns and sex of each juvenile. The classification system shall be designed according to the following principles:

- A. Provide for the personal safety of juveniles and staff.
- B. Promote procedures that are only as restrictive as is necessary.
- C. Provide for increased levels of security and supervision for violence-prone and suicide-prone juveniles.

614. Training — Handling Aggressive Behavior

The Chief Probation Officer shall provide staff with appropriate training in handling aggressive and hostile behavior. This training should include becoming competent in appropriate techniques for dealing with situations likely to arise in specific job assignments. The Chief Probation Officer shall also provide regular training reviews of these techniques.

Staff who may be dealing with hostile and aggressive offenders must be capable of handling assaultive behavior. If, in the opinion of the Chief Probation Officer, an employee is incapable of performing such duties, a medical, psychological or physical fitness examination may be required.

615. Use of Handcuffs

The Chief Probation Officer shall make handcuffs available to all personnel who are engaged in offender supervision and transportation. Handcuffs are a necessary tool to restrain offenders, but should be utilized only for public or individual safety. Handcuffs should not be carried in a conspicuous manner.

The Chief Probation Officer shall provide adequate training in the use of handcuffs prior to anyone's being permitted to use them.



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616. Juvenile Injuries

- A. The administrator shall investigate, or cause to be investigated by parties not involved, every instance in which a juvenile is injured.
- B. The administrator shall require that there be a prompt notification to parents if a juvenile is injured and shall further require ongoing communication with the parent.
- C. All injuries shall be reported in writing along with the investigation results.

617. Restricted Usage

- A. Juveniles who have been remanded to Adult Courts shall not be housed in juvenile detention facilities except under exceptional circumstances.
- B. Persons of the age of 18 or over who are still under jurisdiction of the Juvenile Court and ordered in detention by said Court should be housed in an adult jail.
- C. Juveniles under the jurisdiction of the Juvenile Court shall not be housed in direct contact with adult prisoners.
- D. The Chief Probation Officer should not be required to provide segregated facilities based solely upon the nature of the offense.

Requires
Legislative
Amendment

618. Admission Procedure

The Probation Officer shall establish admission and intake procedures into detention facilities for juveniles which should include the following:

- A. Emergency medical attention if required.
- B. A shower or bath.
- C. Clean clothing and bedding.
- D. Necessary toilet articles.
- E. Secure storage area for juvenile's possessions. A receipt must be issued for personal possessions received.
- F. Two phone calls within three hours of admission. These phone calls may be to a parent, employer or attorney. A

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record must be kept of the date and time in which these phone calls were made.

- G. A meal or snack within a reasonable time.
- H. Orientation to the facility; i.e., rules and expectations.
- I. Disposition of contraband or illegal items or weapons. Such items in their disposal must be recorded.

619. Security Procedures

The Probation Officer shall specify security procedures within an institution so as to provide a reasonable level of safety for both juveniles and staff. These security procedures should provide for differential levels of supervision and control depending upon the needs and behavior of the juveniles.

620. Population Control Measures

- A. The Chief Probation Officer shall develop and implement written policies relating to the utilization of physical restraint and isolation within institutions.
- B. Reasonable force may be used to restrain a detained juvenile who attempts to escape or whose behavior is a threat to others or himself.
- C. Individual and secure isolation may be utilized in situations described in Section B.
- D. All such instances of physical restraint or isolation shall be reviewed by the institutional administration at least every 24 hours to determine compliance with written policy.
- E. Any use of physical restraint or isolation shall be documented in both administrative and case records.

621. Information Release/Juvenile Escapes

The Probation Officer may release to the public the name, description and offense of any "at large" escapee from juvenile hall, probation-operated juvenile facility, or state institution for juvenile delinquents.



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622. Counseling and Casework Services

The Chief Probation Officer shall develop counseling and casework services which shall be available to all juveniles. Counseling and casework services shall include, but not be limited to:

- A. Orienting each juvenile to the rules of the facility as soon as possible after the juvenile's admission.
- B. Discussing matters of immediate concern related to the juvenile's detention.
- C. Assisting the juvenile in contacting his parents, attorney, clergy or Probation Officer.

The above functions are the responsibility of the juvenile supervision staff within the institution. Discussion of the juvenile's case or future plans is the responsibility of the case Probation Officer.

623. Discipline

Behavior control measures shall be designed to foster a positive program. Reasonable limits for behavior necessary to maintain order should be governed by a system of rules and regulations that is consistent and easily understood.

- A. Discipline shall be determined, implemented, maintained, and recorded by staff.
- B. Discipline shall not be delegated, directly, or indirectly, to other juveniles.
- C. Disciplinary measures shall not include:
 - 1. Corporal punishment.
 - 2. Physical or psychological degradation.
 - 3. Deprivation of certain basic needs:
 - a. Bed, blanket, sheets.
 - b. Full meals.
 - c. Clean clothes.
 - d. Parent and attorney visits and contacts.
 - e. Items needed for personal hygiene.

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- f. Minimum exercise.
 - g. Mail.
 - h. Daily shower and access to toilet and water fountain.
 - i. Clean and sanitary living conditions.
 - j. Medical care.
 - k. Religious services and/or counseling.
- D. All instances in which disciplinary measures are used shall be made a matter of record as to the time, date, reason and the extent of discipline used. Policies and procedures shall prescribe a review and approval procedure for all such actions.
- E. If a juvenile, in the course of behavior control procedures, is not given one or more of the basic needs listed above and normally available to him, this fact and the reasons should be included in the recording of the incident.

624. Grievance Procedures

Each juvenile shall have access to a procedure that provides an opportunity for a fair hearing and resolution of complaints pertaining to his care in the facility. Such a procedure should include:

- A. Information to each juvenile about the grievance procedure and the steps that must be taken to use it.
- B. Hearing on the grievance within a reasonable time.
- C. Provisions for the juvenile to be present and to explain his version of the grievance.
- D. Provisions for assistance from a staff representative or volunteer approved by the superintendent.
- E. No reprisal for utilizing the grievance procedure.
- F. A written statement as to the evidence relied on and the reasons for the decision.

625. Religious Services

The Probation Officer shall provide for religious services for juveniles detained in institutions.



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626. School Program

Administrative control of all institutional programs, including school programs, should be vested with the Chief Probation Officer. The Probation Officer shall ensure that a school program in an institution is in compliance with the education code and is coordinated with and supportive of the overall institutional program. In an emergency situation, all school personnel should be under the immediate control of the institutional administrator and subject to his direction.

627. Visitation

The Probation Officer shall establish written policies and guidelines regarding visitation with juveniles in the institutions. These may include, but not be limited to, policies regarding visitation by parents, relatives or attorneys. These policies generally should permit the parents to visit a juvenile for at least two one-half-hour visits or one one-hour visit per week. The policy should also provide that, given good cause, restrictions on visiting privileges may be specifically or generally placed temporarily in effect. These policies should also provide that appropriate areas will be provided for visitation within the physical limitations of the institution.

628. Correspondence

The Probation Officer shall develop written policy and guidelines regarding correspondence and phone privileges for juveniles within institutions. These shall be communicated to each juvenile detained in the institution. These policies shall include, but not be limited to:

- A. Each juvenile shall be given the opportunity to write and receive an unlimited number of letters.
- B. Mail sent to or received from public officials, judges, and attorneys, shall be uncensored and unread by staff.



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- C. Outgoing mail, other than to public officials, judges and attorneys, and all incoming mail may be opened and inspected for contraband. Contraband shall consist of any object not permitted in the institution.
- D. The administrator of the institution may, given good cause, order for a specific limited time that incoming or outgoing mail, other than that under (B) above, may be read or examined.
- E. Any mail orders from juveniles must be approved by the administrator of the institution prior to mailing. If not approved, they shall be returned to the juvenile with an appropriate explanation.

629. Recreation and Exercise Program

The administrator of the institution shall develop a program in which each juvenile shall be encouraged to participate in recreational activities. Opportunity for recreation and exercise shall be scheduled a minimum of three hours a day. Such recreation and exercise shall include the opportunity for at least an hour of outdoor physical activity each day, the weather permitting, and the opportunity for at least one hour each day of exercise which involves large muscle activities. Equal opportunity for both male and female juveniles shall exist in all recreational and athletic programs.

630. Food and Nutrition

Each juvenile shall be provided a wholesome and nutritionally adequate diet served in a pleasant dining atmosphere. The food and nutrition program shall include, but not be limited to:

- A. A minimum of three meals per day.
- B. Not more than 14 hours between the evening meal and breakfast of the following day, except when nutritious snacks are offered in the evenings.
- C. Food served under the immediate supervision of a staff member.



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- D. A minimum of 30 minutes to eat each meal.
- E. Sanitation and food storage shall comply with established standards.
- F. A written plan for handling of diabetics, pregnant girls, and other juveniles who may need modified diets.

631. Clothing, Bedding and Laundry Services

Each juvenile shall be supplied with changes of clean clothing, bedding and towels as work, climatic conditions or illness may necessitate. Clothing shall be provided by the facility or the juvenile's family. Clothing should be marked for identification. Under normal conditions such items and/or services provided each juvenile shall include, but not be limited to:

- A. A clean and serviceable fire-retardant mattress and pillow.
- B. One or two blankets, which shall have been laundered or dry-cleaned at least once after every three months of use by a juvenile, or when no longer in use by such juvenile.
- C. Clean and sanitary linens weekly.
- D. A plastic or rubberized mattress cover (if juvenile's state of health requires such an item).
- E. Clean underclothing and socks daily.
- F. An exchange of outer clothing, except footwear, not less than twice weekly.
- G. A warm jacket or coat.
- H. Gym clothing (if required by program).
- I. Clean and serviceable footwear.
- J. Clean towels issued twice weekly.

632. Work Furlough

The Chief Probation Officer may develop and administer work furlough programs for selected juvenile offenders who have been committed to probation-operated institutions. Work furlough programs may be utilized as long as they do not endanger the protection of the community. They should be



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recognized as a rehabilitative and cost-effective alternative to full-time incarceration.

Work furlough programs will provide the juvenile the ability to:

- A. Earn money to support his family.
- B. Earn money to pay restitution to a victim.
- C. Earn money to pay fines imposed as a part of the disposition.
- D. Earn money to pay for attorney fees or incarceration costs.

633. Medical Services

- A. Initial Screening: At the time of admission, each juvenile shall have an assessment for state of consciousness, injuries, drug abuse, signs of illness, and psychiatric disorder requiring further evaluation and/or referral (this can be done by the admitting officer and/or nurse). If there is any question of severe or emergency medical disorder, the nurse or physician shall evaluate the juvenile.
- B. Health Assessment: At the first reasonable opportunity after admission, each juvenile shall have a medical examination. A licensed physician shall be responsible for such examination, which shall be properly recorded. The medical examination may be modified, as determined by a physician, for juveniles admitted with an adequate examination done within a period of time such that no substantial change would be expected. The physical examination shall be conducted in a private setting.

634. Medical Services — Limitations

The Probation Officer shall ensure that institutions have essential medical and dental services. The Probation Officer should not be responsible during periods of incarceration for correcting or remediating long-term medical and/or dental



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problems unless those problems are perceived as contributing to the delinquency of the juvenile.

635. Psychological Services

The Probation Officer shall make available necessary psychological/psychiatric services. Juveniles shall not be routinely subjected to psychological/psychiatric evaluation except for good cause. Psychological/psychiatric personnel performing these services shall be accountable to the Probation Officer.

636. Inspection

On an annual basis, each facility shall secure reports from the following:

- A. County building inspector or person designated by the Board of Supervisors to approve building safety.
- B. Fire clearance approved by the fire authority having jurisdiction.
- C. County Health and Sanitation Officer.
- D. County Superintendent of Schools or his designee on the adequacy of educational services and facilities.

The Chief Probation Officer may require such additional inspection reports as he deems necessary.

637. Enforcement of Facility Standards

- A. Development and enforcement of both adult and juvenile minimum physical facility standards should be the responsibility of a state-level agency. Because of the inspection nature of this agency's mission, it shall be independent of other state agencies which operate correctional institutions.



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1. Said agency shall solicit and consider input from local and state levels in developing standards.
 2. Standards shall be uniformly applied to California Youth Authority, California Department of Corrections, and to local corrections.
 3. New construction plans or building remodeling plans shall be submitted for approval to said agency.
- B. Local government shall enforce minimum program standards developed by the Chief Probation Officers of California to be applied locally.
- C. Each detention policy and procedure governing all phases of operation including, but not limited to, lines of authority, emergency plans, detention living units, procedure and program, visitation, etc.
- D. The state shall be responsible for any costs incurred by local government due to changes in minimum physical facility standards which are developed and required by the state.

NON-SECURE DETENTION FACILITIES

638. Definition

A non-secure detention facility is a facility operated by, or contracted with, the Probation Officer which is characterized by the absence of physically restrictive construction, hardware and procedures which provides 24-hour care, custody and control to juveniles.

639. Existing Facilities

An existing facility built in accordance with construction standards in effect at the time of construction shall be considered as being in compliance with the provisions of this article, unless the condition of the structure is determined by the county to be dangerous to life, health or welfare of staff or juveniles.



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640. Staff Qualifications

Each residential facility shall:

- A. Recruit and hire staff possessing skills, knowledge and physical ability in compliance with applicable county policies and procedures.
- B. Require a physical examination to determine an individual's ability to perform the job functions. This shall include, but not be limited to, tuberculosis screening test and evaluation for immunity to contagious illnesses of childhood; i.e., diphtheria, rubeola (regular measles), rubella (German measles), and mumps; and physical fitness and agility examination.
- C. Conduct a criminal records review on each new employee and establish either a system of routine biannual rechecks for a criminal records review or a system in which the Probation Officer is informed promptly of any new entries.

641. Staff Orientation

- A. Each staff member shall be properly oriented to his duties, including:
 1. The decisions he must make.
 2. The person to whom he is responsible for his performance.
 3. The persons who may be responsible to him.
 4. The persons to contact for decisions that are beyond his responsibility.
 5. When, how, what kind, and under what conditions physical restraints are used.
 6. Procedures to follow in the event of emergencies such as escapes, riots, bomb threats, homicides, suicide attempts, emotional crisis, and other incidents involving violence or potential violence.
 7. Procedures of routines to follow and practice in the event of emergencies such as fires, earthquakes, floods and other natural disasters.
 8. Routine security measures.



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- B. Each staff member should receive ongoing in-service training which includes, but is not limited to:
 - 1. Group supervision techniques.
 - 2. Supervision techniques for special problem juveniles.
 - 3. Regulations and policies relating to discipline and basic rights of juveniles pursuant to law and the provisions of these standards.
 - 4. Health, sanitation and safety measures including first aid.
 - 5. Counseling techniques.

641.1 Minimum Educational Qualifications for Child Care Supervisors

The educational requirements for a child care supervisor working during hours in which juveniles are awake should be, at minimum, completion of two years in an accredited college with at least nine units being completed in the behavioral sciences or criminal justice areas.

642. Injuries

- A. The administrator shall investigate, or cause to be investigated by parties not involved, every instance in which a juvenile is injured.
- B. The administrator shall require that there be a prompt notification to parents if a juvenile is injured and shall further require ongoing communication with the parent.
- C. All injuries shall be reported in writing along with the investigation results.

643. Program Statements

All non-secure detention facilities shall have a program statement or contract which shall include, but not be limited to:



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- A. The type of facility; i.e., non-secure detention facility, crisis resolution home, or shelter-care facility.
- B. The number, type (e.g., job classification, qualifications), and working hours or availability of foster parents or other personnel who provide responsible adult supervision.
- C. The number, age, and sex of juveniles for whom the facility can most effectively provide care.
- D. A statement by the contractor in regard to his willingness to accept minors without regard to race, religion, or national origin.
- E. A statement by the contractor in regard to his willingness to respect a juvenile's religious beliefs, including observance of holidays, diet, etc.
- F. The status of licensing with the Department of Social Services and/or status of certification with the probation department and/or the status of the facility being approved by the Juvenile Court.
- G. The living services and supplies that will be provided, including:
 - 1. The number and types of meals and other nutrition.
 - 2. The personal hygiene items.
 - 3. The laundry services and clothing.
- H. A brief description of the physical facility, including, but not limited to:
 - 1. The type of sleeping accommodations.
 - 2. The type of living and dining space.
 - 3. The type of kitchen and food storage facilities.
 - 4. The type of personal hygiene facilities.
 - 5. The type of storage for personal belongings and the type of storage for the safekeeping of valuables.
 - 6. The type of recreational space and activities available in the facility and the type of areas and activities accessible to the facility by walking.
- I. The policies and provisions relating to financial transactions.
- J. The provisions made for medical services, including:



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1. Medical screening at the time of admission.
 2. Advance arrangements made for emergency first aid and medical treatment.
 3. Daily inquiry about a juvenile's health.
 4. Reporting illness and/or accidents of juveniles.
- K. The provisions made in regard to health care and examinations of foster parents and/or facility staff for protection from communicable diseases.
- L. Provisions made regarding access to special needs, such as drug abuse treatment, family counseling, etc.
- M. The provisions made in regard to behavior control of juveniles.
- N. The procedures that will be followed in the event a juvenile leaves the facility without permission.
- O. The provisions made in regard to:
1. Meeting requirements for keeping records.
 2. Providing reports to the state and county.
 3. Ensuring confidentiality of records.
- P. The provisions made in regard to transporting minors, including insurance coverage.
- Q. The provisions in regard to visiting and correspondence.
- R. The agreements in regard to foster parents and/or other staff participating in training.
- S. The provisions made in regard to terminating or otherwise removing a juvenile at his request, the probation department's request, or the facility manager's request.
- T. The agreements in regard to notifying the Probation Officer of any expected absence from the home, change in condition, or other change in the circumstances of the contractor which might affect the health, safety, and welfare of juveniles.
- U. The provisions made in regard to general liability and other insurance carried by the contractor.
- V. The provisions made in regard to the probation department and other agencies inspecting and evaluating the facility.



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- W. A statement in regard to the legal relationship between the facility and the county; i.e., independent contractor, partner, employee, etc.
- X. Effective dates and signatories to the agreement.

644. Consent and Reimbursement

Temporary care and maintenance in a non-secure detention facility requires the mutual consent of a juvenile and his parent/guardian (except when the Juvenile Court orders placement). The minor and his parent/guardian may be required to make full or partial reimbursement for such service. Such consent for care and maintenance and such agreement with the Probation Officer to make reimbursement should be in writing and should include, but not be limited to, the following:

- A. An agreement, signed by the juvenile and his parent/guardian, stating:
 - 1. Where the juvenile will reside and the basic residential services that will be provided.
 - 2. The counseling program in which the juvenile and/or his parent/guardian may be expected to participate.
 - 3. The expected length of stay.
- B. An agreement, to be signed by the juvenile and his parent/guardian, stating:
 - 1. Who will pay the county and the amount of the payment.
 - 2. How the payment will be made.
- C. An agreement, to be signed by the juvenile, stating:
 - 1. The basic living rules of the facility such as mealtime, bedtime, and reporting whereabouts.
 - 2. The counseling programs and activities in which the juvenile may be expected to participate.



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645. Counseling and Casework Services

The Chief Probation Officer shall develop counseling and casework services which shall be available to all juveniles. Counseling and casework services shall include, but not be limited to:

- A. Orienting each juvenile to the rules of the facility as soon as possible after the juvenile's admission.
- B. Discussion of matters of immediate concern related to the juvenile's detention.
- C. Assisting the juvenile in contacting his parents, attorney, clergy or Probation Officer.

The above functions are the responsibility of the juvenile supervision staff within the institution. Discussion of the juvenile's case or future plans is the responsibility of the case Probation Officer.

646. Discipline

Behavior control measures shall be designed to foster a positive program. Reasonable limits for behavior necessary to maintain order should be governed by a system of rules and regulations that is consistent and easily understood.

- A. Discipline shall be determined, implemented, maintained, and recorded by staff.
- B. Discipline shall not be delegated, directly or indirectly, to other juveniles.
- C. Disciplinary measures shall not include:
 - 1. Corporal punishment.
 - 2. Physical or psychological degradation.
 - 3. Deprivation of certain basic needs:
 - a. Bed, blanket sheets.
 - b. Full meals.
 - c. Clean clothes.
 - d. Parent and attorney visits and contacts.
 - e. Items needed for personal hygiene.



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- f. Minimum exercise.
 - g. Mail.
 - h. Daily shower and access to toilet and water fountain.
 - i. Clean and sanitary living conditions.
 - j. Medical care.
 - k. Religious services and/or counseling.
- D. All instances in which disciplinary measures are used shall be made a matter of record as to the time, date, reason and the extent of discipline used. Policies and procedures shall prescribe a review and approval procedure for all such actions.
- E. If a juvenile, in the course of behavior control procedures, is not given one or more of the basic needs listed above and normally available to him, this fact and the reasons should be included in the recording of the incident.

647. Grievance Procedure

Each juvenile shall have access to a procedure that provides an opportunity for a fair hearing and resolution of complaints pertaining to his care in the facility. Such a procedure should include:

- A. Information to each juvenile about the grievance procedure and the steps that must be taken to use it.
- B. Hearing on the grievance within a reasonable time.
- C. Provisions for the juvenile to be present and to explain his version of the grievance.
- D. Provisions for assistance from a staff representative or volunteer approved by the superintendent.
- E. No reprisal for utilizing the grievance procedure.
- F. A written statement as to the evidence relied on and the reasons for the decision.

648. Religious Program

The facility shall allow each juvenile access to religious counseling of his faith at least once a week.



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While participation in religious services is optional with each juvenile, such participation should be encouraged, and in particular, the facility programs and activities should not be so arranged as to conflict with religious activities.

649. Recreational and Exercise Program

The administrator of the institution shall develop a program in which each juvenile shall be encouraged to participate in recreational activities. Opportunity for recreation and exercise shall be scheduled a minimum of three hours a day. Such recreation and exercise shall include the opportunity for at least an hour of outdoor physical activity each day, the weather permitting, and the opportunity for at least one hour each day of exercise which involves large muscle activities. Equal opportunity for both male and female juveniles shall exist in all recreational and athletic programs.

649.1 Work Furlough

The Chief Probation Officer may develop and administer work furlough programs for selected juvenile offenders who have been committed to probation-operated institutions. Work furlough programs may be utilized as long as they do not endanger the protection of the community. They should be recognized as a rehabilitative and cost-effective alternative to full-time incarceration.

Work furlough programs will provide the juvenile the ability to:

- A. Earn money to support his family.
- B. Earn money to pay restitution to a victim.
- C. Earn money to pay fines imposed as a part of the disposition.
- D. Earn money to pay for attorney fees or incarceration costs.



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650. Food and Nutrition

Each juvenile shall be provided a wholesome and nutritionally adequate diet served in a pleasant dining atmosphere. The food and nutrition shall include, but not be limited to:

- A. A minimum of three meals per day.
- B. Not more than 14 hours between the evening meal and breakfast of the following day, except when nutritious snacks are offered in the evening.
- C. Food served under the immediate supervision of a staff member.
- D. A minimum of 30 minutes to eat each meal.
- E. Sanitation and food storage complying with established standards.
- F. A written plan for handling of diabetics, pregnant girls, and other juveniles who may need modified diets.

651. Clothing, Bedding and Laundry Services

Each juvenile shall be supplied with changes of clean clothing, bedding and towels as work, climatic conditions or illness may necessitate. Clothing shall be provided by the facility or the juvenile's family. Clothing should be marked for identification. Under normal conditions such items and/or services provided each juvenile shall include, but not be limited to:

- A. A clean and serviceable fire-retardant mattress and pillow.
- B. One or two blankets, which shall have been laundered or dry-cleaned at least once after every three months of use by a juvenile, or when no longer in use by such juvenile.
- C. Clean and sanitary linens weekly.
- D. A plastic or rubberized mattress cover (if juvenile's state of health requires such an item).
- E. Clean underclothing and socks daily.
- F. An exchange of outer clothing, except footwear, not less than twice weekly.
- G. A warm jacket or coat.



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- H. Gym clothing (if required by program).
- I. Clean and serviceable footwear.
- J. Clean towels issued twice weekly.

652. Medical Services

- A. Initial Screening: At the time of admission, each juvenile shall have an assessment for state of consciousness, injuries, drug abuse, signs of illness, and psychiatric disorder requiring further evaluation and/or referral (this can be done by the admitting officer and/or nurse). If there is any question of severe or emergency medical disorder, the nurse or physician shall evaluate the juvenile.
- B. Health Assessment: At the first reasonable opportunity after admission, each juvenile shall have a medical examination. A licensed physician shall be responsible for such examination, which shall be properly recorded. The medical examination may be modified, as determined by a physician, for juveniles admitted with an adequate examination done within a period of time such that no substantial change would be expected. The physical examination shall be conducted in a private setting.

653. Inspection

On an annual basis, each facility shall secure reports from the following:

- A. County building inspector or person designated by the Board of Supervisors to approve building safety.
- B. The fire authority having jurisdiction to approve fire clearance.
- C. County Health and Sanitation Officer.
- D. County Superintendent of Schools or his designee on the adequacy of educational services and facilities.

The Chief Probation Officer may require such additional inspection reports as he deems necessary.



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653.1 Enforcement of Facility Standards

- A. Development and enforcement of both adult and juvenile minimum physical facility standards should be the responsibility of a state-level agency. Because of the inspection nature of this agency's mission, it shall be independent of other state agencies which operate correctional institutions.
 - 1. Said agency shall solicit and consider input from local and state levels in developing standards.
 - 2. Standards shall be uniformly applied to California Youth Authority, California Department of Corrections, and to local corrections.
 - 3. New construction plans or building remodeling shall be submitted for approval to said agency.
- B. Local government shall enforce minimum program standards developed by the Chief Probation Officers of California to be applied locally.
- C. Each detention and correctional facility shall have written policy and procedure governing all phases of operation including, but not limited to, lines of authority, emergency plans, detention living unit, procedure and program, visitation, etc.
- D. The state shall be responsible for any costs incurred by local government due to changes in minimum physical facility standards which are developed and required by the state.

RESIDENTIAL FACILITIES

654. General

- A. The Chief Probation Officer may establish and operate open residential facilities for the education, correction, care and treatment of juveniles placed in the Chief Probation Officer's custody. Such facilities may include homes, ranches, schools, camps, centers or any other appropriate facility.



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- B. The Chief Probation Officer shall establish and maintain any secure facilities as may be described above. It is not appropriate that secure correctional facilities be under the direction and control of non-governmental agencies or staff.

655. Administration: Establishment and Control

Each residential facility shall be established by county ordinance, be under the management and control of the county, and be under the management and control of the Chief Probation Officer.

656. Existing Facilities

An existing facility built in accordance with construction standards in effect at the time of construction shall be considered as being in compliance with the provisions of this article, unless the condition of the structure is determined by the county to be dangerous to life, health or welfare of staff or juveniles.

657. Maximum Capacity

The maximum capacity of a residential facility shall be appropriate to the physical arrangements, program, and administrative control.

658. Juvenile Supervision Staff Definition

Juvenile supervision staff are those employees of a juvenile home, ranch camp or forestry camp whose duty is primarily the supervision of minors. Administrative, food service, janitorial or other auxiliary staff are not considered juvenile supervision staff members.



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659. Staff Qualifications

Each residential facility shall:

- A. Recruit and hire staff possessing skills, knowledge and physical ability in compliance with applicable county policies and procedures.
- B. Require a physical examination to determine an individual's ability to perform the job functions. This shall include, but not be limited to, tuberculosis screening test and evaluation for immunity to contagious illnesses of childhood; i.e., diphtheria, rubeola (regular measles), rubella (German measles), and mumps; and physical fitness and ability examination.
- C. Conduct a criminal records review on each new employee and establish either a system of routine biannual rechecks for a criminal records review or a system in which the Probation Officer is informed promptly of any new entries.

659.1 Minimum Educational Qualifications for Child Care Supervisors

The educational requirements for a child care supervisor working during hours in which juveniles are awake should be, at minimum, completion of two years in an accredited college with at least nine units being completed in the behavioral sciences or criminal justice areas.

660. Staff Orientation

- A. Each staff member shall be properly oriented to his duties, including:
 1. The decisions he must make.
 2. The person to whom he is responsible for his performance.
 3. The persons who may be responsible to him.
 4. The persons to contact for decisions that are beyond his responsibility.
 5. When, how, what kind, and under what conditions physical restraints are used.



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6. Procedures to follow in the event of emergencies such as escapes, riots, bomb threats, homicides, suicide attempts, emotional crisis, and other incidents involving violence or potential violence.
 7. Procedures of routines to follow and practice in the event of emergencies such as fires, earthquakes, floods and other natural disasters.
 8. Routine security measures.
- B. Each staff member should receive ongoing in-service training which includes, but is not limited to:
1. Group supervision techniques.
 2. Supervision techniques for special problem juveniles.
 3. Regulations and policies relating to discipline and basic rights of juveniles pursuant to law and the provisions of these standards.
 4. Health, sanitation and safety measures, including first aid.
 5. Counseling techniques.

661. Space Requirements

In each residential facility:

- A. Single occupancy sleeping rooms shall contain a minimum of 500 cubic feet of air space and 63 square feet of floor space. Double occupancy sleeping rooms shall contain a minimum of 800 cubic feet of air space and 100 square feet of floor space. Dormitory sleeping areas shall be designed to provide a minimum of 50 square feet of floor space and 400 cubic feet of air space per juvenile.
1. Locked sleeping rooms shall be equipped with an individual or combination drinking fountain, wash basin, and toilet unless a communication system or procedure is in effect to give the juvenile immediate access to a wash basin, toilet and drinking fountain.
- B. Adjacent to the sleeping area shall be:



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1. One shower or one bathtub per seven juveniles.
 2. One wash basin per 10 juveniles.
 3. One toilet per 10 boys and one urinal per 20 boys, or two toilets per 15 girls.
 4. A drinking fountain.
-
- C. Each juvenile shall have an individual bed and mattress no less than 30 inches wide and 76 inches long constructed of non-allergenic and fire-retardant materials. Beds shall be spaced no less than 36 inches apart and at least 12 inches off the floor.
 - D. Lighting installations in sleeping rooms shall provide adequate illumination at desk level. Sleeping areas should have a night light with illumination sufficient to visually supervise sleeping juveniles.
 - E. Each juvenile shall be provided nine cubic feet of secure storage space for personal clothing and personal belongings. Adequate space (12 square feet of floor area is recommended) shall be provided for bulk and activity storage equipment.
 - F. Each academic classroom shall contain a minimum of 160 square feet for the teacher's desk and work area and a minimum of 28 square feet per student. A communication system shall be provided in each classroom to allow for immediate response to emergencies.
 - G. Dining space shall be planned for a minimum of 15 square feet of space per person being fed at any given time, including juveniles, staff and visitors.
 - H. There shall be space or a room for medical examinations, emergency medical treatment, first aid and temporary isolation of juveniles. The room shall afford privacy to juveniles, be equipped to carry out routine medical examinations and emergency care, and have sufficient locked storage space for medical supplies.
 - I. A private room suitably equipped for conferences and interviews shall be provided.
 - J. There shall be physical activity areas to provide for indoor and outdoor recreation.

662. Administration: Plan of Operation

Each facility shall have written policy and procedural statements on file and these shall include, but are not limited to, the following:



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- A. The purpose of the programs, type of juvenile, results expected, manner and time period in which the results are to be obtained.
- B. Responsibilities of the superintendent or director.
- C. Relationship with other probation department personnel, school personnel, and personnel of other agencies.
- D. Community contacts, volunteers and donations.
- E. Release of information to parents, public and press.
- F. Description and structure of intake procedures.
- G. Furlough provisions.
- H. Counseling service.
- I. Work programs.
- J. Behavior control and disciplinary measures.
- K. Disciplinary removals.
- L. Instructions and procedures in regard to escapes.
- M. Instructions and procedures in regard to emergencies, such as riots, earthquakes, fires, etc.
- N. Personnel management procedures.
- O. Supply procedures.
- P. Statistics and record procedures.
- Q. Budget procedures.
- R. Health care of juveniles.
- S. Procedures in the event of death of a juvenile.

663. Admissions

- A. Juveniles admitted to a residential facility shall have been committed to such program by order of the Juvenile Court.
- B. Written admission criteria shall be established by the Chief Probation Officer. Prior to, or at the time of admission, a juvenile shall:
 - 1. Have been medically cleared.
 - 2. Have been advised of the rules of conduct expected.
 - 3. Have been advised of estimated length of stay if known, school program, recreation program, religious and work programs, visiting, furloughs, correspondence policy, and grievance procedure.



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664. Rejections for Residential Care

- A. The law should provide that the Chief Probation Officer may, in special circumstances, return a juvenile to Court whose commitment for residential care is inappropriate or unlikely to have a beneficial effect. Special circumstances are those:
 - 1. In which the juvenile's behavior is such that it is unlikely he will benefit from the residential program.
 - 2. In which the juvenile's behavior is of a kind that causes serious disruption of the program or requires an unusual amount of staff attention.
- B. The Court, on presentation of facts supporting one or both of the above findings, shall make another disposition, and this may be any alternative available at the time of the commitment to residential care.

665. Individual Assessment and Plan

Within two weeks after admission, each juvenile shall have had an individual assessment and plan. The assessment and plan shall be in writing and should include, but is not limited to:

- A. Statement of juvenile's problems relating to his commitment.
- B. A statement of objectives and a stated time frame for their achievement.
- C. The plan for meeting objectives, including a description of program resources required.
- D. Identification of individuals responsible for carrying out each plan.
- E. Method of evaluating progress.

666. Length of Stay

The Chief Probation Officer shall establish, as part of the residential program or programs, activities and objectives, anticipated average lengths of stay. The length and intensity



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of that intervention should be targeted at the lowest level consistent with the program and objectives.

The nature of the offense for which a juvenile is committed to the program is a valid consideration in determining the anticipated length of stay for any juvenile.

667. Right to Treatment

The concept of the juvenile's "right to treatment" is a limited one and applicable only to those treatments normally available to, and budgeted for, juveniles under similar circumstances.

668. Juvenile Injuries

- A. The administrator shall investigate, or cause to be investigated by parties not involved, every instance in which a juvenile is injured.
- B. The administrator shall require that there be a prompt notification to parents if a juvenile is injured and shall further require ongoing communication with the parent.
- C. All injuries shall be reported in writing along with the investigation results.

669. Counseling and Casework Services

The Chief Probation Officer shall develop counseling and casework services which shall be available to all juveniles consistent with the purpose and objectives of the program statement.

670. Discipline

Behavior control measures shall be designed to foster a positive program. Reasonable limits for behavior necessary to maintain order should be governed by a system of rules and regulations that is consistent and easily understood.



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- A. Discipline shall be determined, implemented, maintained, and recorded by staff.
- B. Discipline shall not be delegated, directly or indirectly, to other juveniles.
- C. Disciplinary measures shall not include:
 - 1. Corporal punishment.
 - 2. Physical or psychological degradation.
 - 3. Deprivation of certain needs:
 - a. Bed, blanket, sheets.
 - b. Full meals.
 - c. Clean clothes.
 - d. Parent and attorney visits and contacts.
 - e. Items needed for personal hygiene.
 - f. Minimum exercise.
 - g. Mail.
 - h. Daily shower and access to toilet and water fountain.
 - i. Clean and sanitary living conditions.
 - j. Medical care.
 - k. Religious services and/or counseling.
- D. All instances in which disciplinary measures are used shall be made a matter of record as to the time, date, reason and the extent of discipline used. Policies and procedures shall prescribe a review and approval procedure for all such actions.
- E. If a juvenile, in the course of behavior control procedures, is not given one or more of the basic needs listed above and normally available to him, this fact and the reasons should be included in the recording of the incident.

671. Grievance Procedure

Each juvenile shall have access to a procedure that provides an opportunity for a fair hearing and resolution of complaints pertaining to his care in the facility. Such a procedure should include:



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- A. Information to each juvenile about the grievance procedure and the steps that must be taken to use it.
- B. Hearing on the grievance within a reasonable time.
- C. Provisions for the juvenile to be present and to explain his version of the grievance.
- D. Provisions for assistance from a staff representative or volunteer approved by the superintendent.
- E. No reprisal for utilizing the grievance procedure.
- F. A written statement as to the evidence relied on and the reason for the decision.

672. Religious Program

The facility shall allow each juvenile access to religious services and/or religious counseling of his faith at least once a week.

While participation in religious services is optional with each juvenile, such participation should be encouraged, and in particular, the facility programs and activities should not be so arranged as to conflict with religious activities.

673. Visiting

The Probation Officer shall establish written policies and guidelines regarding visitation with juveniles in the institutions. These may include, but not be limited to, policies regarding visitation by parents, relatives or attorneys. These policies generally should permit the parents to visit a juvenile for at least two one-half-hour visits or one one-hour visit per week. The policy should also provide that, given good cause, restrictions on visiting privileges may be specifically or generally placed temporarily in effect. These policies should also provide that appropriate areas will be provided for visitation within the physical limitations of the institution.



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SECURE AND NON-SECURE JUVENILE INSTITUTIONS

674. Correspondence

The Probation Officer shall develop written policy and guidelines regarding correspondence and phone privileges for juveniles within institutions. These shall be communicated to each juvenile detained in the institution. These policies shall include, but not be limited to:

- A. Each juvenile shall be given the opportunity to write and receive an unlimited number of letters.
- B. Mail sent to or received from public officials, judges and attorneys shall be uncensored and unread by staff.
- C. Outgoing mail, other than to public officials, judges and attorneys, and all incoming mail may be opened and inspected for contraband. Contraband shall consist of any object not permitted in the institution.
- D. The administrator of the institution may, given good cause, order for a specific limited time that incoming or outgoing mail, other than that under (B) above, may be read or examined.
- E. Any mail orders from juveniles must be approved by the administrator of the institution prior to mailing. If not approved, they shall be returned to the juvenile with an appropriate explanation.

675. Recreation and Exercise Program

The administrator of the institution shall develop a program in which each juvenile shall be encouraged to participate in recreational activities. Opportunity for recreation and exercise shall be scheduled a minimum of three hours a day. Such recreation and exercise shall include the opportunity for at least an hour of outdoor physical activity each day, the weather permitting, and the opportunity for at least one hour each day of exercise which involves large muscle activities. Equal opportunity for both male and female juveniles shall exist in all recreational and athletic programs.



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SECURE AND NON-SECURE JUVENILE INSTITUTIONS

676. Food and Nutrition

Each juvenile shall be provided a wholesome and nutritionally adequate diet served in a pleasant dining atmosphere. The food and nutrition program shall include, but not be limited to:

- A. A minimum of three meals per day.
- B. Not more than 14 hours between the evening meal and breakfast of the following day, except when nutritious snacks are offered in the evenings.
- C. Food served under the immediate supervision of a staff member.
- D. A minimum of 30 minutes to eat each meal.
- E. Sanitation and food storage complying with established standards.
- F. A written plan for handling of diabetics, pregnant girls, and other juveniles who may need modified diets.

677. Clothing, Bedding and Laundry Services

Each juvenile shall be supplied with changes of clean clothing, bedding and towels as work, climatic conditions or illness may necessitate. Clothing shall be provided by the facility or the juvenile's family. Clothing should be marked for identification. Under normal conditions such items and/or services provided each juvenile shall include, but not be limited to:

- A. A clean and serviceable fire-retardant mattress and pillow.
- B. One or two blankets, which shall have been laundered or dry-cleaned at least once after every three months of use by a juvenile, or when no longer in use by such juvenile.
- C. Clean and sanitary linens weekly.
- D. A plastic or rubberized mattress cover (if juvenile's state of health requires such an item).
- E. Clean underclothing and socks daily.
- F. An exchange of outer clothing, except footwear, not less than twice weekly.
- G. A warm jacket or coat.
- H. Gym clothing (if required by program).
- I. Clean and serviceable footwear.
- J. Clean towels issued twice weekly.



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678. Work Program

Work programs shall comply with applicable labor and education codes.

Particularly for the older juveniles, a work program is presumed to be an essential element in a corrective or treatment program. Work programs shall be meaningful, constructive and designed to train and develop good work habits and attitudes and a sense of responsibility.

Work programs may have a specific vocational training element, but it is not appropriate to commit a juvenile — nor to unilaterally extend his residence — solely in order to complete a vocational training program.

The superintendent or director may, at any point, limit, revise or stop the work programs if necessary by reason of emergency or in order to preserve the good order of the facility.

678.1 Work Furlough

The Chief Probation Officer may develop and administer work furlough programs for selected juvenile offenders who have been committed to probation-operated institutions. Work furlough programs may be utilized as long as they do not endanger the protection of the community. They should be recognized as a rehabilitative and cost-effective alternative to full-time incarceration.

Work furlough programs will provide the juvenile the ability to:

- A. Earn money to support his family.
- B. Earn money to pay restitution to a victim.
- C. Earn money to pay fines imposed as a part of the disposition.
- D. Earn money to pay for attorney fees or incarceration costs.



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SECURE AND NON-SECURE JUVENILE INSTITUTIONS

679. Medical and Dental Services

- A. Prior to admission, each juvenile shall have a medical examination by a licensed physician. Such physical examination shall be conducted in a private setting and should include, but not necessarily be limited to:
 - 1. A medical history.
 - 2. A standard medical examination.
 - 3. A dental examination to identify need for emergency and corrective dental care.
 - 4. A search for signs of communicable disease, including but not limited to tuberculosis, and/or venereal disease.
 - 5. Laboratory screening which should include urine, hemoglobin/hematocrit, pregnancy and hepatitis testing.
- B. Designated staff shall inquire and make observations regarding the health of each juvenile on a daily basis and in the event of possible physical injury.
- C. Provisions shall be made that any juvenile requesting medical attention, and observed to be in need of medical attention, shall be promptly given such attention.
- D. Every superintendent or director, in cooperation with medical staff, shall be responsible to develop and publish in writing for distribution to all juvenile supervision staff, a written plan for providing medical, surgical and dental care to each juvenile. Such plans shall include, but not necessarily be limited to, procedures for:
 - 1. Determining, by non-medical and medical staff, the need for emergency medical attention.
 - 2. Obtaining emergency medical, surgical or dental services.
 - 3. Obtaining informed consent from parents, guardian or person standing in loco parentis to provide medical, surgical, or dental care.
 - 4. Obtaining such authorization from the Court when there is no parent, guardian or person standing in loco parentis.
 - 5. Checking daily on the health of juveniles.
 - 6. Handling a serious accident.
 - 7. Administering first aid.



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8. Ordering, storing, controlling, prescribing, dispensing and administering drugs.
9. Segregating medical cases.
10. Obtaining psychiatric and psychological services.
11. Protecting the confidentiality of medical records.
12. Reporting non-accidental injuries.

680. Inspection

On an annual basis, each facility shall secure reports from the following:

- A. County building inspector or person designated by the Board of Supervisors to approve building safety.
- B. The fire authority having jurisdiction for fire clearance approval.
- C. County Health and Sanitation Officer.
- D. County Superintendent of Schools or his designee on the adequacy of educational services and facilities.

The Chief Probation Officer may require such additional inspection reports as he deems necessary.

681. Enforcement of Facility Standards

- A. Development and enforcement of both adult and juvenile minimum physical facility standards should be the responsibility of a state-level agency. Because of the inspection nature of this agency's mission, it shall be independent of other state agencies which operate correctional institutions.
 1. Said agency shall solicit and consider input from local and state levels in developing standards.
 2. Standards shall be uniformly applied to California Youth Authority, California Department of Corrections, and to local corrections.
 3. New construction plans or building modifications shall be submitted for approval to said agency.



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- B. Local government shall enforce minimum program standards developed by the Chief Probation Officers of California to be applied locally.
- C. Each detention and correctional facility shall have written policy and procedure governing all phases of operation including, but not limited to, lines of authority, emergency plans, detention living unit, procedure and program, visitation, etc.
- D. The state shall be responsible for any costs incurred by local government due to changes in minimum physical facility standards which are developed and required by the state.

682. Minimum Educational Qualifications for Child Care Supervisors

The educational requirements for a child care supervisor working during hours in which juveniles are awake should be, at minimum, completion of two years in an accredited college with at least nine units being completed in the behavioral sciences or criminal justice areas.

CHAPTER VII
ABUSE AND NEGLECT

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JURISDICTION

700. Court and Agency Jurisdiction

Jurisdiction over child abuse and neglect cases shall be within the Juvenile Court. The responsibility for intake investigation and supervision of child abuse and neglect cases should be with the Probation Officer. All or any part of this authority may be delegated to another local agency by the County Board of Supervisors.

701. Nomenclature

Any reference to the responsibilities of the Probation Officer in these standards relating to abuse and neglect shall be interpreted to mean Welfare Director in those counties where this responsibility has been delegated to the Welfare Director by the County Board of Supervisors.

702. Intervention

Those laws and procedures which define matters of abuse and neglect of children and establish a system of legal intervention shall be such as to provide a maximum level of protection for such children. The judicial decision to intervene shall not be subjected to the same rigid and specific procedural elements as are required in criminal matters, but may include consideration of any and all relevant information and shall be based upon a preponderance of the evidence. Similarly, the finding in a criminal matter should not be presumptive or compelling as to a finding in an abuse or neglect matter.

703. Statutory Grounds for Intervention

Any person under the age of 18 years who comes within any of the following descriptions shall be within the jurisdiction of the Juvenile Court which may adjudge such person to be a dependent child of the Court.

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- A. Who is in need of proper and effective parental care or control and has no parent or guardian or who has no parent or guardian willing to exercise or capable of exercising such care or control or has no parent or guardian actually exercising such care or control.
- B. Who is destitute or who is not provided with the necessities of life or who is not provided with a home or suitable place of abode.
- C. Whose home is an unfit place for him by reason of neglect, cruelty, depravity, physical or psychological abuse by either of his parents, his guardian or other person having his custody or care.

TEMPORARY CUSTODY

710. Authority for Placing Juvenile Into Temporary Custody

A peace officer without a warrant may take into temporary custody a juvenile who is under the age of 18 years when such officer has reasonable cause for believing that the juvenile is:

- A. In need of proper and effective parental care or control and has no parent or guardian or who has no parent or guardian willing to exercise or capable of exercising such care or control or who has no parent or guardian actually exercising such care or control.
- B. Who is destitute or who is not provided with the necessities of life or who is not provided with a home or a suitable place of abode.
- C. Whose home is an unfit place for him by reason of neglect, cruelty, depravity, physical or psychological abuse from either of his parents, his guardian or other person having his custody or care.
- D. Who is a dependent child of the Juvenile Court or who has an action as a dependent child pending before the Juvenile Court and such officer has reasonable cause to believe that the person had violated an order of the Juvenile Court or has run away from any facility in which he has been placed pursuant to an action.



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- E. Who is under the age of 18 years and who is found on any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization or other remedial care.

Any social worker in a county welfare department while acting within the scope of his regular duties under the direction of the Probation Officer or of the Juvenile Court may receive and maintain, pending court hearings, temporary custody of a juvenile who is a dependent child of the Court or who is in danger of becoming a dependent child of the Court.

711. Law Enforcement Duties

Upon taking a juvenile into temporary custody pursuant to the law pertaining to juveniles suspected of being abused or neglected, the law enforcement officer shall:

- A. Determine immediately if the juvenile is in need of any emergency medical attention.
- B. Make a decision based on the nature of the abuse of dependency situation and other available relevant information on whether to release the juvenile or to refer him to the Probation Officer in custody. This decision should be made as soon as the officer has obtained adequate information to make a logical decision.
- C. Notify the parent or guardian of the nature of the contact with the juvenile and its disposition. This would include the officer's decision on whether to release or place the juvenile into temporary custody. If the juvenile is to be released, the parent should be advised as to whether the matter will be handled at a police level or referred to the Probation Officer on a not-in-custody basis. This notification should take place as soon as possible.



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712. Responsibilities of the Probation Officer

When an officer delivers a juvenile to the Probation Officer, the arresting officer shall immediately take steps to notify the juvenile's parents, guardian, or a responsible relative that such juvenile is in the custody of the Probation Officer. Except in unusual circumstances, after being delivered to the Probation Officer, a juvenile shall have the right to make phone calls to his parents, his attorney and to others approved by the Probation Officer. The Probation Officer shall have the right to monitor all phone calls made by the juvenile except those made to his attorney.

When the Probation Officer receives a juvenile who is a possible victim of child abuse, neglect or sexual molestation, he shall immediately investigate the circumstances and facts surrounding the juvenile's being taken into custody and shall immediately release such juvenile to the custody of his parents, guardian or responsible relative unless the results of that investigation give the Probation Officer reasonable cause to believe that one or more of the following conditions exist:

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- A. The juvenile is in need of proper and effective parental care and controls and has no parent, guardian or responsible relative or has no parent, guardian or responsible relative willing to exercise or capable of exercising such care or control or has no parent, guardian or responsible relative actually exercising such care or control.
- B. The juvenile is destitute or is not provided with the necessities of life or is not provided with a home or suitable place of abode.
- C. The juvenile's home is an unfit place for him by reason of neglect, cruelty, depravity, physical or psychological abuse from either of the parents, his guardian or other person having his custody or care.
- D. Continued detention of the juvenile is a matter of immediate and urgent necessity for the protection of the juvenile.
- E. The juvenile has violated an order of the Court made pursuant to an action taken in his behalf as a result of a child abuse or neglect situation.



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713. Court Review of Temporary Custody

Whenever a juvenile is taken into temporary custody by a peace officer and delivered to the Probation Officer, he shall be released from custody within 48 hours excluding nonjudicial days unless a Petition to declare him a dependent child of the Court has been filed during that period.

Unless a juvenile has been earlier released, he shall be brought before a judge or referee of the Juvenile Court for a hearing to determine whether he should be further detained in temporary custody as soon as possible following the filing of the Petition, but in any event before the expiration of the next judicial day after the Petition to declare him a dependent child of the Court has been filed. If the juvenile is not brought before a judge or referee in the Juvenile Court during this period of time, he must be released to his parent, guardian, or other responsible relative.

714. Provision of Temporary Custody Facilities

The Probation Officer shall assure the provision of adequate lodging for the children in need of temporary custody within the county. Such facilities may be in the form of emergency foster homes or non-secure detention facilities or a combination of both. In either case, admission shall be available on a 24-hour basis, seven days a week.

715. Emergency Foster Care

Emergency foster homes may be utilized for the care of children in need of temporary custody by reason of abuse or neglect. Such homes shall be licensed by the county licensing agency and specially designated as Emergency Foster Homes. The foster parents should be available to accept children on a 24-hour basis.



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The Probation Officer shall enter into a contractual agreement with providers of emergency foster care services with rates to be set by the County Board of Supervisors.

The Probation Officer shall assure that specialized training is provided for such foster parents for the specific problems encountered in rendering such services.

The Probation Officer shall provide each law enforcement agency in the county written guidelines for intake procedures regarding abused and neglected children.

INTAKE PROCEDURE

720. Referrals

If, as a result of a case investigation into an abuse or neglect situation, a law enforcement agency determines that further legal intervention is necessary, the matter shall be referred to the Probation Officer.

721. Intake Guidelines

The Probation Officer shall establish and maintain written guidelines and policies for intake dispositional decisions.

722. Referral Alternatives

The Probation Officer's intake dispositional alternatives shall be limited to one of the following:

- A. Settle and close the application to commence proceedings by excluding or diverting from the juvenile process.
- B. Provide services in lieu of the initiation of proceedings in a Juvenile Court. These shall be voluntarily entered



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into by the juvenile and parents and shall be of stated limited duration.

C. Request or initiate proceedings in the Juvenile Court.

723. Processing Time

The Probation Officer shall provide that, except in unusual circumstances, the intake process in regard to the disposition of an application to commence proceedings before the Juvenile Court shall be completed expeditiously as possible within the time frame allotted by law, but that in no case should that time exceed 30 calendar days of its receipt by the Probation Officer.

724. Notification to Referring Agency

The Probation Officer shall promptly notify the referring agency of the disposition made on the referral. If the decision is for other than proceeding in Juvenile Court, the reasons will be included in that notification.

JUVENILE COURT PROCEEDINGS

730. Initiation of Court Proceedings

The Probation Officer is the appropriate person to determine whether or not proceedings should be initiated in Juvenile Court. If the decision is to proceed in Juvenile Court, the Probation Officer should file a Petition in accordance with these procedures specified in the law.

731. Confidentiality of Hearings

Hearings on Petitions alleging child abuse or neglect shall be closed to the public. Only those persons having a legitimate interest in the proceedings shall be admitted.



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732. Appointment of Counsel

Upon the filing of a Petition, the Court shall be required to appoint counsel to represent the juvenile. If such representation is at public expense, it shall be subject to reimbursement by the juvenile's parents.

The Court shall inform the juvenile's parents or guardian that they may be represented by counsel at all stages of the proceedings. The Court need not appoint counsel to represent the juvenile's parents at public expense unless highly unusual circumstances exist.

733. Attendance at Proceedings

In all proceedings to declare a juvenile a dependent child of the Court or any proceedings arising out of such Petition, the parents of the juvenile should be required to attend. The failure of such parents to attend without valid reason should be cause for contempt-of-Court actions. The proceedings should not be delayed by the absence of a parent as long as such parent has been properly notified of the proceeding unless highly unusual circumstances have caused the parent to be absent.

The juvenile who is the subject of any dependency proceedings shall attend all Court proceedings arising out of that Petition unless the Court finds upon the motion of any party that such attendance would not be in the best interests of the juvenile.

734. Dispositional Report

In deciding the appropriate disposition, the Court shall have available and shall consider a dispositional report prepared by either the probation department or county welfare department as designated.



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735. Available Court Dispositions

- A. The Juvenile Court shall develop a minimum of the following dispositional alternatives and resources available on abuse and neglect cases:
 - 1. Dismissing the case.
 - 2. Declaring dependent status with appropriate supervision.
 - 3. Ordering the parents to accept social work supervision.
 - 4. Ordering the parents and/or the child to accept individual or family therapy or medical treatment.
 - 5. Placing the child with a relative, in a foster home or group home, or in a residential treatment center.
- B. The Juvenile Court shall have the authority to order that the parents accept and that the county provide any of the above services.

736. Criteria for Selecting Appropriate Disposition

- A. The goal of all dispositions in abuse and neglect cases shall be to protect the child from the harm justifying intervention.
- B. In ordering a disposition other than removal of the child from his home, the Court shall choose a program designed to alleviate immediate danger to the child, to mitigate and to aid the parents so that the child will not be endangered in the future. In selecting a program, the Court should choose those services which least interfere with family autonomy provided that the services are adequate to protect the child.
- C. A child should not be removed from his home unless the Court finds that:
 - 1. The parent or guardian is incapable of providing or has failed or neglected to provide proper maintenance, training and/or education for the juvenile.
 - 2. The welfare of the juvenile requires that his custody be taken from his parent or guardian.



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3. There is substantial danger to the physical or mental health of the juvenile and there are no reasonable means acceptable to the juvenile's parents or guardians by which the juvenile's physical or mental health may be protected without removing the juvenile from his parents' or guardians' physical custody.
4. The parents or guardians of the juvenile are unwilling to have physical custody of the juvenile or there are no reasonable means acceptable to the parents or guardians which would enable the juvenile to be returned to their physical custody and the parents or guardians have been notified that if the juvenile remains out of their physical custody for a period specified by statute that the juvenile may be declared permanently free from their custody and control.

POST-COURT SUPERVISION

740. Supervision

Probation supervision shall be provided for children adjudged dependents of the Court in order to assure their continued safety and well-being. To this end, the main and concurrent objectives of probation supervision are:

- A. To monitor the case plan developed by the Probation Officer, parents and juvenile.
- B. To maintain compliance with all Court orders made in each case.
- C. To act promptly and appropriately in instances of non-compliance.
- D. To maintain and provide the Court with accurate and timely information on the quality of care being provided and such recommendations as are lawful and appropriate.

741. Initial Case Plan

- A. Whenever a child is left in his own home, the Probation Officer should develop with the parent a specific plan detailing any changes in parental behavior or home conditions



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that must be made in order for the child not to be endangered. The plan should also specify the services that will be provided to the parents and/or the child to insure that the child will not be endangered. If there is a dispute regarding any aspect of the plan, final resolution should be subject to review by the Court.

- B. Subsequent to a child's being removed from his home, the Probation Officer charged with his care should formulate a specific plan concerning what steps will be taken to return the child home and what actions the agency will take to promote parent/child ties. Whenever possible, this plan should be developed in consultation with a parent who should be encouraged to support the placement. If there is any dispute regarding any aspect of the plan, final resolution should be by the Court.
1. The plan should specify the anticipated termination date of placement.
 2. The plan should specify what services the parent will receive in order to enable them to resume custody and what actions the parent must take in order to resume custody.
 3. The plan should provide for regular parent/child contact unless it is found that visitation should be limited because it will be seriously detrimental to the child.
 4. A child generally should be placed as close to home as possible, preferably in his own neighborhood unless it is found that placement at a greater distance is necessary to promote the child's well-being.

742. Rights of the Parents and Children Following Removal

- A. When a child is removed from his home, his parents should continue to be involved in as many significant decisions regarding the juvenile as possible and especially in those decisions involving major medical services for the juvenile, the juvenile's marriage or the juvenile's joining the Armed Services unless parental consent is not generally required for those decisions or the Court finds that the parents' refusal to consent would be seriously detrimental to the juvenile.



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- B. The Probation Officer should also solicit and consider the child's participation in decisions regarding his care while in placement.

743. Periodic Court Reviews

The status of all abused and neglected children under Court supervision should be reviewed by the Court in an informal hearing held at least annually. The Court may also review a case upon request of any party at any time. The Probation Officer should submit to the Court a supplemental report stating the services offered to and performed for the parents and child, and the impact of such services, and should make a dispositional recommendation to the Court. Copies of this report should go to all parties or their counsel. The parents, unless they are physically unable to do so, and the Probation Officer should be required to attend each review hearing. The Court should also require or permit the attendance of any other necessary person.

744. Return of Children in Placement

- A. Whenever a child is in foster care, the Court shall determine at each review hearing whether or not the child can be returned home.
- B. A child should be returned home when the Court finds, based on information presented, that the child will not be endangered if he is returned home. When a child is returned, casework supervision shall be allowed to continue for a period sufficient to establish whether continued intervention is necessary.
- C. At each hearing where the child is not returned home, the Court shall establish on the record reasons why the child is to be continued as a dependent child and continued in the removal from his parents' or guardians' custody.



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VOLUNTARY PLACEMENT

750. Definition

"Voluntary Placement" is any placement of a child into foster care when the placement is made at the request of the child's parents and is made through a public or state-supported private agency without any Court involvement. Voluntary placement will not be made without considering the feelings of the juvenile.

Prior to accepting a child for voluntary placement, the Probation Officer should:

- A. Explore with the parents and child the need for placement and the alternatives to placement of the child.
- B. Determine that an adequate placement is in fact available for the child.

751. Placement Agreement

When a child is accepted for voluntary placement, the Probation Officer should enter into a formal agreement with the parents specifying the rights and obligations of each party. The agreement should contain at least the following provisions:

- A. A statement by the parents that the placement is completely voluntary on their part and not made under any threats or pressure from an agency.
- B. A statement by parents acknowledging financial responsibility for the cost of placement.
- C. A statement by the parents that they have discussed the need for placement and alternatives to placement with the Probation Officer and have concluded that they cannot care for their child at home.
- D. Notice that the parents may resume custody of their child within 72 hours of notifying the Probation Officer in writing of their desire to do so.



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- E. A statement by the parents that they will maintain contact with the child and the Probation Officer.
- F. A statement by the Probation Officer of the specific services that they will provide.

760. Required Reports

The law should require that designated classes of persons shall report all suspected instances of child abuse, neglect or sexual molestation to law enforcement. Any person making reports pursuant to such law should be immune from civil or criminal liability as a result of such reporting. The privileged nature of communications between certain parties should not justify failure to report or to give evidence. Failure to report as required should be a misdemeanor.

761. Central Register of Child Abuse

The Department of Justice shall maintain a Central Registry of Child Abuse. Copies of all reports of child abuse received by local law enforcement authorities shall be forwarded to the Department of Justice. The reporting law enforcement agency and the Probation Officer of the reporting county will be notified immediately by the Department of Justice if their records reveal:

- A. Reports of suspected infliction of physical injury upon the juvenile or any other juvenile in his immediate family.
- B. Reports of sexual molestation of the juvenile or any other juvenile in his immediate family.
- C. Records of any arrest or conviction in other localities for any of the above type violations by the juvenile's parent, guardian, other responsible relative or siblings within the same home.

This information may be released to any person or agency who can establish a need to know.

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