

Monitoring Supervision Compliance

617.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth the guidelines and expectations for increasing positive adult/youth outcomes while on supervision. This policy applies to all designated personnel.

617.2 AUTHORITY AND REFERENCES

- Penal Code §§ 3454(c), 3455(a), 1202.8, 1203(a), 1203.2(a), 1203.12; 1203.35(a)(1), & 1232;
- Welfare and Institutions Code §§ 654.2(a), 660, 725(a), 777, 791, & 793;
- Rule of Court 5.580;
- Executive Committee.

617.3 POLICY

Designated personnel shall make every effort to successfully reintegrate the adult/youth into the community and, when necessary, report non-compliance of supervision to the court.

617.4 ADULT SUPERVISION

During the course of supervision, designated personnel shall review, as applicable, all adult assessments. In collaboration with the adult, a case plan will be generated based on their assessment outcomes. Designated personnel will provide referrals to assist the adult in achieving their case plan goals, court orders, and supervision compliance.

Personnel will periodically assess progress. All actions will be documented in the Juvenile Adult Management System (JAMS).

When all efforts to gain compliance with the conditions of supervision have been exhausted, personnel will discuss the case with the Supervising Probation Officer (SPO) or designee. While considering whether to formally allege a violation as authorized by 1203.2(a) PC or 3455(a) PC, personnel and the SPO shall review the terms and conditions to determine if a basis for violation exists, and confirm that all reasonable rehabilitative efforts were attempted.

Additional factors to consider include:

- (a) The adult's risk factors and needs;
- (b) The adult's progress toward case plan objectives;
- (c) The adult's compliance with court orders and supervision conditions;
- (d) The adult's level of engagement;
- (e) Whether intermediate sanctions have been taken, as well as the effectiveness of past intermediate sanctions.

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When it is determined a violation of supervision is warranted, designated personnel shall prepare the applicable violation memorandum alleging violations of specific conditions and submit it to the appropriate court. All discovery shall be placed in the legal file. Designated personnel and the SPO shall review the circumstances to determine if violation proceedings should be initiated with the adult in or out of custody. If the adult is taken into custody for the violation, the appropriate violation memorandum shall be submitted to the court by noon of the next business day. If the whereabouts of an adult is unknown, or if the adult is in custody in another jurisdiction, a bench warrant shall be requested. If the adult is not in custody, designated personnel shall request a court date be scheduled utilizing the Request to Add Onto Calendar form (www.riverside.courts.ca.gov/localfrms/ri-ots01.pdf). A letter shall also be mailed to the adult informing them of the violation proceeding, their right to counsel, and the date and place to appear in accordance with legal requirements.

If appropriate conditions of supervision exist, in lieu of formally alleging a violation of supervision, designated personnel, with the SPO's concurrence, may impose a flash incarceration. Personnel shall consider the rehabilitative impact on the adult when determining the length of custody time. The length of the detention period can range from one to ten consecutive days (3454(c) PC & 1203.35 PC).

If the adult is found to be incarcerated on a new offense, the matter shall be reviewed immediately with the SPO. If deemed necessary and the District Attorney has not already done so, the violation memorandum shall be submitted to the court as soon as possible.

617.4.1 VIOLATIONS FOR ADULTS REFERRED FOR PRE-SENTENCE REPORTS

Unless otherwise authorized, the investigating officer preparing a pre-sentence report for an adult convicted on a new charge also prepares and submits a violation memorandum and recommendation for the existing case if a violation has not yet been alleged. If a violation has been alleged, the investigator shall prepare the supplemental report in that matter. When determining an appropriate recommendation for the violation, the investigator shall consult with the designated personnel supervising the adult and their SPO, if deemed necessary.

617.5 JUVENILE SUPERVISION

During the course of supervision, designated personnel shall complete and review all youth assessments. In collaboration with the youth and parent/guardian, a case plan will be generated based on assessment outcomes. Designated personnel will provide referrals to assist the youth in achieving their case plan goals, aid them with overcoming barriers, and assessing progress at determined intervals. All actions will be documented in JAMS.

While considering whether to return a youth to court for non-compliance, designated personnel and the SPO shall review the orders and conditions to determine if a basis for such action exists, and all reasonable efforts to gain compliance have been exhausted.

Additional factors to consider include:

- (a) The youth's adjustment to probation;

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- (b) The youth's supervision level;
- (c) The nature and number of prior offenses and/or instances of non-compliance;
- (d) Alternative treatment options.

When it is determined the appropriate course of action is to return a youth to court for non-compliance, designated personnel shall prepare the applicable court document and submit it to the Juvenile Court. Discovery documentation shall be placed in the legal file.

When court proceedings are in order, and the youth is a ward of the Court, authorized personnel and the SPO shall review the circumstances to determine if proceedings should be initiated with the youth in or out of custody. If deemed necessary to arrest the youth, the SPO shall initial the J-132, and submit an Override Memorandum. If the whereabouts of a youth is unknown, a bench warrant shall be requested. Otherwise, authorized personnel shall request a court date and personally notice the parent/guardian of the hearing utilizing the JV-510 Proof of Service form (www.courts.ca.gov/documents/jv510.pdf). This must include the date and place to appear in accordance with legal requirements. In addition, the notice of hearing provided to the youth and the parent/guardian(s) is to include a copy of the filed allegations (777 WIC Notice of Hearing, 654 revocation, or DEJ request to lift.)

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