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## Non-Custody Intake: Case Processing

### 834.1 PURPOSE AND SCOPE

All law enforcement referrals and certifications from criminal courts are received and initially processed by the District Attorney's (DA) office before being forwarded to the Probation Intake Support Unit (Intake Support). The exact processing procedure will vary depending on whether the referral is classified as a felony or a misdemeanor. Cases sent to the Probation Department from Juvenile Minor Offense Court (formerly Department 11), are initially received and processed by Intake Support.

### 834.2 APPLICABILITY

This policy shall be applicable to Juvenile Field Services Officers.

### 834.3 POLICY

Juvenile Field Services staff are responsible for processing non-custody referrals, WIC 654 and WIC 654.2 failures, WIC 750 transfers from other counties in California, Interstate Compact referrals, and certifications from criminal courts in compliance with the following procedures: The initial screening of cases shall be completed within three (3) working days of receipt. All new investigation cases are to be assigned within one (1) court day after the court hearing when the case has been set for disposition. Victim letters and school record request letters will be sent out on every case assigned for investigation and, court reports will be completed and sent to Court within the statutorily-required time.

### 834.4 DISTRICT ATTORNEY PROCESSING

Law enforcement agencies forwards all arrest reports, with affidavits attached, to the District Attorney. Upon receipt by the District Attorney, the referrals are time stamped to indicate the date and time they were received.

- A. **Felony Referrals:** For felony referrals, the District Attorney assigns an Individual Identification number (if the youth is new to the system), enters the incident in the computer records of the youth and screens the charges for provability and issuance of charges. Screening information is recorded on the Petition Review Form (PRF) and in the computer records. The PRF will indicate what charges the District Attorney may prosecute and what charges are to be rejected. The PRF will also indicate if the District Attorney gives permission for informal handling. The PRF and a copy of the arrest report are then forwarded to Intake Support for further processing. Per the Statute of Limitations (PC 802) prosecution on most felony cases must be started within three (3) years of the date of the offense.
- B. **Misdemeanor Referrals:** The District Attorney generally forwards misdemeanor cases to Intake Support for further processing, without screening them, after they are time stamped, to indicate date and time received by the DA's office. The District Attorney does not typically screen misdemeanor cases for provability, and will not file a petition until a formal request, in the form of a Contest Notification, is received from the Probation Department within the mandated timelines. The exception is WIC 601 School Attendance Review Board (SARB)

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cases, which are received by the District Attorney from the schools and filed by the District Attorney's office. Per the Statute of Limitations (PC 802) prosecution on most misdemeanor cases must be started within one (1) year of the date of the offense. Therefore, Probation Officers are to make an appropriate decision on a case and file a Contest Notification or complete informal handling as appropriate within one (1) year of the date of the offense.

#### **834.5 PETITION REVIEW FORM**

During the review of cases, the District Attorney's staff completes the Petition Review Form (PRF). The PRF will indicate what charges, if any, possess legal sufficiency for the filing of a petition, if charges are rejected, if a chargeable felony has been reduced to a misdemeanor pursuant to PC 17(b)(4)/17(b)(5), and whether or not a felony case is eligible for informal handling. However, in non-mandatory filing cases (WIC 653.1/WIC 653.5), the Probation Officer retains discretion for requesting a petition or handling the case informally, depending upon the individual offense and other relevant circumstances.

#### **834.6 CERTIFICATIONS**

Generally a certification of a person from a criminal court is received when the person was originally charged as an adult and the court later determines using birth records, the person arrested is actually a youth. The matter is then certified from the Superior Court with criminal jurisdiction to the Superior Court with juvenile jurisdiction.

#### **834.7 MINOR OFFENSE COURT REFERRALS**

When Intake Support receives a referral from Juvenile Minor Offense Court and the youth is not active to a Probation Officer, normal misdemeanor/infractions review guidelines will be followed unless the Court orders Probation to file on the matter or place the youth on a program of supervision pursuant to WIC 258. If a youth is active to a Probation Officer, the referral will be routed to the Probation Officer for proper handling according to division policy and procedure for processing those referrals.

#### **834.8 PROCESSING MINOR OFFENSE COURT REFERRALS**

The Juvenile Minor Offense Court Hearing Officer or Judge may hear and dispose of a variety of certain status offenses and infractions. Juvenile Minor Offense Court handling does not entail the filing of a petition pursuant to WIC 601 or 602.

When it is determined a youth is active to probation supervision, Juvenile Minor Offense Court will not address the charge(s). The Juvenile Court has given discretion to the Probation Department to address the matter informally (i.e., counseled and closed) or request formal proceedings (i.e., requesting filing of a petition or address as a probation violation).

In making a determination of whether to proceed on an informal or formal basis, the casework Probation Officer shall take into consideration the following factors:

- (a) The existence of a specific court order directing the Probation Officer to return the youth for an appearance before the Court;

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- (b) A charge that could result in restitution to a victim;
- (c) The results of the department approved risk/need assessment;
- (d) The type of offense (misdemeanor versus infraction) and whether the offense has custodial consequences;
- (e) The new offense is similar to the youth's current offense or finding by the Juvenile Court (An example is a youth is on probation for a theft offense and he/she was cited to appear in Juvenile Minor Offense Court for PC 490.1 [Petty Theft Less Than \$50]); and
- (f) The youth's overall compliance with conditions of probation.

In most cases, informal handling of a referral is preferred; however, depending upon factors outlined above, formal proceedings should be considered in consultation with a Supervising Probation Officer. Should a determination be made to address the matter informally, the casework Probation Officer will report to the Court the nature of the referral and the action taken at the youth's next Court hearing.

#### **834.9 OUT-OF-COUNTY REFERRALS**

Once an out-of-county referral is received by Intake Support, in cases when a youth has committed an offense in another county and whose legal residence is San Diego County, the procedures are the same as those for in county law enforcement referrals. If the referral is a mandatory filing, the referral will be returned to the sending county for adjudication.

#### **834.10 INTAKE OUT-OF-TOWN INQUIRIES (OTI'S)**

An out-of-town inquiry occurs when another California county or another state asks for residency verification or for Courtesy Supervision for a youth. The purpose of the verification for another county is to ask for Courtesy Supervision or WIC 750 transfer. Per WIC 738, another state will request Courtesy Supervision via the Interstate Compact on Juveniles. The youth may already be living in San Diego County or intends to live here in the near future.

#### **834.11 WIC 750 TRANSFERS INTO SAN DIEGO**

When another county in California county wishes to request that jurisdiction of a youth be transferred to San Diego County, the requesting county transfers the case pursuant to WIC 750. In order to transfer jurisdiction from one county to another, a True Finding must have been made by the sending court. If there was no True Finding made in the case it will be returned to the sending court. Because the sending court has already transferred jurisdiction to our court, our court must accept the case for transfer to establish jurisdiction, then transfer and return the case to the sending jurisdiction.

#### **834.12 PRE-DISPOSITIONAL OR POST-DISPOSITIONAL TRANSFERS**

WIC 750 Transfers on out-of-custody youth may be pre-dispositional or post- dispositional hearings;

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For a pre-dispositional WIC 750 Transfer case, the Dispositional Hearing is set within the normal time period from the Detention Hearing. The case is assigned to an investigator within one (1) day after the hearing;

On post-dispositional WIC 750 Transfer cases, the Adjudication Pending Probation Officer writes the WIC 750 Transfer-In/Detention Report and translates the court orders from the sending county into San Diego County language if the recommendation is to accept the case.

#### **834.13 WIC 654 AND WIC 654.2 FAILURES**

When a youth, who has been assigned to Informal Probation, has incurred a new arrest or has failed to comply with the contract or orders of the Court, the Informal Supervision Officer shall screen the youth's case with the Unit Supervisor to ensure appropriate action.

- The Informal Supervision Officer shall include accurate and complete documentation of the youth's failure or new arrest in the case file;
- Immediately file a Contest Notification on the original charge and any new offenses; refer to the JFS PCMS Guide for instructions on completing the Contest Notification; and attach an Interoffice Communication Screening Request for the District Attorney to the Contest Notification. If the youth is being failed at the parent/guardian's request, any documentation/ letters delineating the youth's problems must be attached to the Contest Notification as well.

All documentation shall be submitted to the District Attorney's office within one (1) year from the offense date (the mandated timeframes). However, this is superseded by the WIC 654.2 contracts ordered by the Court.

A Contest Notification is not required for WIC 654.2 failures even for a new offense, as the existing petition simply needs to be amended to include the new charges.

#### **834.14 CONTEST NOTIFICATION**

The Contest Notification is the form used to notify the District Attorney that the Probation Department desires a petition be filed on a particular case. It is completed through the PCMS system. (Refer to the JFS PCMS Guide for instructions on completing the Contest Notification).