

Custody Intake Unit

803.1 PURPOSE AND SCOPE

If a youth brought to the juvenile detention facility requires further detention, and they are not already assigned to a Probation Officer, the case will be referred to the Custody Intake Unit (CIU) Probation Officer stationed at the Juvenile Probation Center for further processing and intake disposition.

803.2 APPLICABILITY

This policy shall be applicable to Juvenile Field Services Officers.

803.3 POLICY

Youth brought to a juvenile detention facility who are not currently assigned to a Probation Officer are assigned to a CIU Officer for processing within the statutorily established timelines. The CIU Officer will determine if there is a need for continued detention and the filing of a petition, or if the youth should be released, and the matter handled informally or referred to a diversion program. The CIU Officer will process the proper paperwork, make the required notifications and schedule the appropriate hearings as required.

803.4 CUSTODY INTAKE UNIT OFFICER DUTIES

The primary responsibility of the CIU Officer is to process non-wards (and occasionally wards) that have been brought to the juvenile detention facility and detained by the Detention Control Unit (DCU) Probation Officer.

803.5 CASE PROCESSING

The CIU Probation Officer is required to follow established case processing procedures in order to ensure consistency, accuracy, and that statutory timelines are followed.

803.6 YOUTH INELIGIBLE FOR RELEASE

If the youth is ineligible for release, the Probation Officer will process the case accordingly. In some cases, a petition request may not be necessary. However, a detention hearing is mandatory.

- (a) Outstanding Warrant or Juvenile Detention Order (JDO), when the youth has new charges – a petition request may be required if the youth has incurred new charges.
- (b) WIC 750 Transfer Case - if a youth is transferred In-Custody, the youth may not be released until a detention hearing occurs. A petition request is not necessary unless the youth has incurred new charges.
- (c) Certified from Adult Court - a petition request may be required if a petition has not already been issued.
- (d) Runaways - a petition request may be required if youth has incurred new charges. Interstate Compact proceedings may be initiated, if the youth is from out of state without filing a petition.

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- (e) Out of State Warrants - a youth may not be released and Interstate Compact proceedings will be initiated (refer to JFS Procedure Manual).

803.7 KICK OUT TIMELINE AND PETITION FILING

If the CIU Probation Officer has made a decision to either detain the youth in custody, or detain the youth with HS/ESP/GPS, or if the youth is ineligible for release, a Detention Hearing must take place within statutory timelines.

- (a) When a youth is in custody or has been detained with HS/ESP/GPS, there are also statutory timelines, which must be adhered to for filing a petition request or Court appearance.
- (b) If the CIU Probation Officer fails to request that a petition be filed, and fails to calendar a detention hearing within the prescribed timelines, the youth shall be released with permission of the Unit Supervisor.
- (c) The CIU Probation Officer must be cognizant of the juvenile detention facility "Kick Out" times in order to ensure the youth is not over detained.

Note: "Kick Out" Time refers to the time a youth must be released from custody to avoid being over-detained. "Kick Out" Time coincides with the time a petition must be filed.

803.7.1 KICK OUT TIMELINES (WIC 631)

Pursuant to WIC 631, any youth taken into custody shall be released within forty-eight (48) hours of arrest for a misdemeanor, and seventy-two (72) hours for felonies excluding non-judicial days, unless a petition has been filed.

- (a) The youth must be released under the following circumstances:
- When no petition will be filed, or if the District Attorney chooses to file a petition at a later time.
 - When the District Attorney rejects the charges.
 - In-State runaways.
 - When a case will be handled informally.
- (b) If the youth has no one to pick them up, Probation may:
1. Send the youth home on the bus, if the youth is 16 or older (screen first with a Supervisor);
 2. If available, request a Transportation, Home Supervision or CRT Officer to transport the youth home, or to another appropriate location;
 3. As a last resort, the CIU Probation Officer may transport the youth home in a County vehicle.
 4. Contact, the Social Worker, if the youth is active to HHSA, and advise them to pick up the youth from the juvenile detention facility, or that a Transportation Officer transport the youth to Polinsky Children's Center, if no charges were filed.

- (c) Exceptions

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- If the youth is an Out-of-State runaway, and Interstate Compact proceedings have been initiated.

803.7.2 PETITION REQUEST TIMELINE (WIC 631)

When it is the CIU Probation Officer's intention to request that a petition be filed, and a youth either is in custody or was detained with HS/ESP/GPS, the Probation Officer must complete a Contest Notification and file it with the District Attorney. The Contest Notification is the mechanism by which a petition is requested. No Contest Notification is needed if the District Attorney will amend the petition to include any new charges.

803.7.3 COMPLETION OF CONTEST NOTIFICATION

The filing timeline for youth in-custody as a result of misdemeanor or felony offenses, as well as those ineligible for release, in situations requiring a petition request, is forty-eight (48) hours from the time of arrest.

- (a) 1. Existing wards, felonies or violent misdemeanors - Contest Notice requesting a petition must be filed within forty-eight (48) hours, excluding non-judicial days, after the youth was taken into custody.
 2. Non-violent misdemeanors - Although the Contest Notice requesting a petition must be filed within forty-eight (48) hours after the youth was taken into custody, Departmental policy requires that a timeline of twenty-four (24) hours be observed.
- (a) The Contest Notice must be submitted to the District Attorney's office at least two (2) hours before the juvenile detention facility "Kick Out" time unless the District Attorney has not yet issued on the charges.
 - (b) As a courtesy, the CIU Probation Officer will attempt to submit Contest Notices to the District Attorney's office no later than 3:00pm, if possible.
 - (c) If after reviewing the WIC 602 referral and Affidavit the District Attorney believes there is or is not sufficient evidence to support a petition, the District Attorney will issue or reject the charges and notify the Probation Officer.

803.8 DETENTION HEARING GUIDELINES (WIC 632, WIC 633, RULES OF COURT 1471)

When it is the CIU Probation Officer's intention to keep a youth in custody or detain with Home Supervision/ESP/GPS, the Probation Officer must schedule a Detention Hearing and complete a Detention Report (Form #558) within mandated timeframes. The timeframes will vary depending upon the youth's individual circumstance for detention.

803.8.1 HEARING TIMES

All Detention Hearings are scheduled at 8:30 am.

- (a) Felonies, violent misdemeanors, existing wards - Detention hearing must occur no later than twenty-four (24) hours, or next judicial day, after the petition has been filed (CRC 1471(b)).
- (b) Non-violent misdemeanors - Detention hearing must be calendared no later than forty-eight (48) hours after the youth was taken into custody (CRC 1471(a)).

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- (c) Warrants - Detention hearing must occur no later than forty-eight (48) hours after youth was taken into custody (CRC 1471(a)). However, departmental policy is to adhere to a twenty-four (24) hour timeline.
 - 1. Typically, the youth is calendared for the first available detention hearing after being detained in the juvenile detention facility.
- (d) HS/ESP/GPS Violations
 - 1. Detention Hearings, by law, occur no later than forty-eight (48) hours after the youth was taken into custody (CRC 1471(d)). However, departmental policy is to schedule the HS/ESP/GPS Violation Detention Hearing as soon as possible, but no later than forty-eight (48) judicial hours after arrest.
 - 2. Typically, the youth is calendared for the first available detention hearing after being detained in the juvenile detention facility.
 - 3. If the detention hearing has not occurred during the forty-eight (48) hour timeframe, the Unit Supervisor is to be informed and the youth must be released.
- (e) WIC 750 Transfer
 - 1. Detention hearing must occur no later than forty-eight (48) hours after the youth was taken into custody (CRC 1471(c)).
 - 2. The Juvenile Court receives the WIC 750 packet from the sending Court, which is delivered to the Detention Control Unit (DCU) Probation Officer by the transporting officer, when the youth arrives at the juvenile detention facility.
 - 3. Once the Juvenile Court receives the packet from the Probation Department, the Court sets the detention hearing for 8:30 am.
- (f) Out-of-State Runaways
 - 1. Detention hearing to obtain a courtesy detention order must occur within seventy-two (72) hours of arrest
 - 2. The CIU Probation Officer shall complete Juvenile Compact Form 1A and VI (Interstate Compact Forms) in JIDS and place the forms in the Court Officer Box located in the Intake and Investigation Division.
- (g) Out-of-State Warrants
 - 1. Detention hearing to obtain a courtesy detention order must occur within five (5) days of arrest.
 - 2. CIU Probation Officer shall set a 15-Day Review hearing.
 - 3. CIU Probation Officer shall complete Juvenile Compact Form 1A and VI (Interstate Compact Forms) in JIDS and place the forms in the Court Officer Box located in the Intake and Investigation Division.

803.9 CIU INTAKE DECISIONS

Although the determination may be made that a youth will remain detained, certain youths may still be eligible for release and/or an informal handling, if appropriate. The following are the various intake decisions available to the CIU Probation Officer:

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- (a) Detain and request a petition
- (b) Detain with Home Supervision and request a petition
- (c) Detain with Home Supervision/ESP/GPS, and request a petition
- (d) Detain and request a transfer pursuant to WIC 750, when youth resides in another county
- (e) Release with a Promise to Appear, and request a petition
- (f) Release and place on WIC 654 Informal Supervision
- (g) Release with a Counsel and Close, with or without a referral of youth and/or family to a counseling agency
- (h) Release and refer to Minor Offense Court
- (i) Initiate Interstate Compact proceedings, as necessary

803.10 DISCRETIONARY PETITION FILING

If a WIC 602 referral is not a mandatory petition filing per WIC 653.1 or 653.5, Juvenile Court Rules, or Juvenile Justice protocols, the referral may be handled at the Probation Officer's discretion. Careful consideration of all factors must be made before a decision is made. Decisions not to file a petition on a WIC 602 referral must be discussed with, and approved by, the Supervisor. Generally, when petitions are not requested on a WIC 602 referral, it is because the offense is of a youth nature that does not present itself as a recurring delinquent theme in the youth's behavior and can be handled via casework planning and redirecting the youth's behavior.

803.11 DECISION TO NOT FILE A PETITION

- (a) If a discretionary decision is made to not file a petition on a non-mandatory WIC 602 referral, the reasons for the decision and the behavior of the youth should be discussed with the parent and youth. They must be fully aware of the illegal nature of the youth's acts and the Probation Officer's expectations for law-abiding behavior. Not requesting a petition is a decision to be made only after a thorough review of the facts, including:
 - 1. Restoration of victim losses, if any;
 - 2. Youth's acknowledgement of the wrongfulness of his behavior;
 - 3. A review of the youth's illegal behavior so as to not handle a case informally when a pattern of illegal behavior is escalating.
- (b) If the Probation Officer decides not to request a petition on a WIC 602 referral that meets the discretionary guidelines:
 - 1. Document the reasons in the Contact Log;
 - 2. Complete and return the Affidavit to the referring agency within 21 judicial days;
 - 3. Complete and submit the Petition review Form to Clerical Support for PCMS entry so that the referral can be closed;
 - 4. Submit an Information Report to the Court (#1024), if the youth is already a ward;

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5. Complete a Juvenile Intake Summary Form (JFS 607) and place in the file;
6. If the referral falls under WIC 256, make a copy of the referral packet for the case file and forward the referral to Minor Offense Court without completing the Affidavit.