



## **Delinquency System Legal Process**

The following information regarding the Delinquency System was based, in part, on materials received from Probation Department.

### *Juvenile Probation Services: An Overview*

The traditional mission of Probation Services is to act as an arm of the Court. In this capacity, Probation provides investigative and supervisory services for adolescent offenders in order to prevent criminal activities. In the County of San Diego, Probation administrators have developed a variety of outreach programs to strengthen families, suppress gang activity, reduce substance abuse, and assist juvenile offenders to acquire the skills to “get back on the right track”. These programs were created in collaboration with schools, health agencies, the Courts, other law enforcement agencies, social service agencies, and community-based organizations. In the County of San Diego, probation services for juveniles are available in two divisions, “Field Services” and “Institutional Services”.

### *Field Services Division*

The Field Services Division receives referrals primarily from law enforcement agencies that work with juveniles who are accused of committing crimes. Probation officers determine if the case will be referred to the District Attorney’s Office for prosecution in Juvenile Court, offered a six-month Informal Supervision contract, or diverted from the juvenile justice system. If charges are filed, the probation officer will conduct a comprehensive investigation for the Court regarding the circumstances surrounding the offenses, along with the minor’s delinquent and social history. Family history as well as parental and school input, is included in the probation report. The probation officer recommends appropriate placement options and possible sanctions for the youth. Thus, the probation report is an excellent resource for the TERM-approved evaluator who is assigned to assess the juvenile. If the minor is placed under the supervision of the Probation Department (i.e., put on probation), the probation officer will monitor compliance with court orders, supervise the minor, and if necessary, request subsequent Court action for additional arrests or violations of court orders. The level of supervision is based on an assessment of a minor’s risk and resiliency factors, to public safety posed by the youth, his/her response to supervision and treatment needs, and his/her compliance with Court orders. Field Services works with many community-based agencies in offering prevention and early intervention programs. Some of these activities include contracting with school districts to address truancy and student misbehavior and working with multiagency partnerships to provide increased services for high-risk youth and their families. Additionally, Field Services staff participates in numerous local and regional multi-agency planning efforts that focus on developing programs for ameliorating delinquent behaviors, enhancing service delivery to youth and families, and improving system-wide efficiency. Field Services oversees community programs that offer specific rehabilitative programs. These programs include Youth Day Center, Reflections, Breaking Cycles, the Short Term Offenders Program (STOP), and the Community Assessment Teams (CATS). A specialized program for girls at risk of entering the criminal justice system or escalating delinquent behaviors is provided through the Working to Insure and Nurture Girls Success (WINGS). In addition, the Field Services Division provides coordination of the County’s Juvenile Delinquency Drug Court, and it directs the Gang Suppression Unit (GSU).

### *Juvenile Sex Offender Management Unit (JSOM)*

The Juvenile Sex Offender Management (JSOM) Unit, with San Diego County Probation’s Juvenile Field Services, provides intensive monitoring for minors on probation in the community with a history of sexually



abusive behavior. The sexually inappropriate acts may cover a wide range of behaviors from immature and impulsive sexual experimentation to deviant or predatory offenses. The primary goal of JSOM is to provide safety for victims, potential victims, and the community. Additional goals include providing for offender accountability, rehabilitation, and reducing the risk to re-offend. These goals are pursued through a case management and team approach, involving close collaboration between probation officers, therapists, law enforcement, victim advocates, and other related agencies or providers. Services for these adolescents need to reflect a plan which incorporates all agencies related to the minor's care and which encompasses the family, parent(s), and guardian(s). Four Deputy Probation Officers (DPO) provide a minimum of twice monthly contacts with youth under JSOM supervision, and an additional DPO serves as an Investigation Officer for new referrals from the District Attorney's Office. Continuity in services, enhanced communications, and specialized training for officers provide the foundation for effective intervention. Collaboration, risk assessment, frequent contacts with the minors and families, appropriate service referrals, specialized probation conditions, curfew phone calls, periodic compliance checks, treatment monitoring, polygraph testing (when indicated), and computer monitoring, all weave the network which supports victim safety and the minor's successful completion of probation. The Probation Department maintains a list of treatment providers who qualify for certification in accordance with the Standards for the Treatment of Sexually Abusive Youth. Therapists must meet the qualifications as specified in these standards to be approved to treat sexually abusive youth or offenders, pursuant to Welfare and Institution Code (WIC) 602, who are under the jurisdiction of the San Diego Superior Court. Certified providers are subject to oversight by the Certification Agency and are required to reapply every 3 years. Applications for the Probation List of Therapists Who Treat Sexually Abusive Wards can be obtained by contacting the Certification Officer/designee:

Chrystal Sweet  
2901 Meadowlark Drive  
San Diego, CA 92123  
(858) 694-4360

#### *Institutional Services Division*

The Institutional Services Division operates a variety of programs for the detention and rehabilitation of juvenile offenders. These adolescents have been adjudicated and committed to an institutional setting. Offenders participate in rehabilitative programs including education, work experience activities, substance abuse education, and life-skills counseling. In addition, skill-building classes for anger management, literacy education, parenting and job-readiness may also be provided. The institutional settings include two Juvenile Halls, the Kearny Mesa Detention Facility and the East Mesa Detention Facility, which are the county's juvenile detention facilities. These facilities generally house juveniles waiting for court hearings and transfers to longer-term placements. The juvenile camp programs are Rancho Del Campo/Rayo and the Girl's Rehabilitation Facility. Camp Barrett houses serious offenders ages 16.5 to 18 years. The Youthful Offender Program (YOU), houses the most serious and chronic offenders at the East Mesa Juvenile Detention Facility.

#### *Probation Services: Legal Process*

The following section describes some of the legal terms, issues and circumstances evaluators may encounter and need to understand as they work with Probation cases.



### *Arrest*

A law enforcement officer, who arrests a juvenile, has four options:

- Release the minor;
- Take the minor to a county contracted agency for counseling or shelter;
- Prepare a written notice for the minor to appear before a probation officer, and then release the minor; or
- Deliver the custody of the minor to a probation officer at Juvenile Hall. By law (W.I.C. 653.5), the probation officer must submit specific cases to the prosecutor for certain crimes and circumstances. The prosecutor then has discretion to file a petition in Juvenile Court in order to commence legal proceedings against the juvenile. In other cases, the probation officer has the discretion not to file a petition when that officer determines that it is in the minor's best interest and the community is not at further risk. It is important to note that the term "defendant" is not used with juvenile offenders.

### *Hearings*

The following is a short description of hearings that take place in the Delinquency Division of Juvenile Court.

**Detention Hearings** are scheduled for all minors who are brought into custody. The purpose of these hearings is to present evidence to the judge to determine if the minor should remain in custody pending further legal proceedings. The judge may decide to order detention in Juvenile Hall or other suitable place, or to release the minor to a parent or guardian with or without Home Supervision. **Fitness Hearings** (pursuant to W.I.C. 707) are held to determine a minor's fitness to be dealt with by Juvenile Court. Due to the nature of the offense, the District Attorney may request a 707 hearing. The probation officer is required to investigate and submit a report and social history of the minor being considered for a determination of unfitness. Following the submission of the report and any other information the petitioner or minor may wish to submit, the Juvenile Court may find the minor unfit to be dealt with under the juvenile court law. Specifically, the Juvenile Court may conclude that the minor would not be amenable to the care, treatment and training programs available. The case may be referred to the Adult Court. This decision could be based on an evaluation of the minor's criminal sophistication, the minor's ability to be rehabilitated prior to the expiration of the Juvenile Court's jurisdiction, the minor's delinquent history, success of previous attempts at rehabilitation, and the gravity of offense. In this context the Juvenile Court may order that a psychologist or psychiatrist conduct an evaluation. This evaluation provides a mental health assessment and review of the minor's records in order to submit a written report specifically addressing criteria cited in W.I.C. 707 as well as recommendations to the Court. Pursuant to Proposition 21, the District Attorney may file directly in Adult Court provided that the offense is covered by the proposition. A fitness hearing is not required for a case filed under Proposition 21. **Readiness Hearings** are held to review motions presented by the prosecutor and defense attorneys. The judge also determines if the minor desires to enter a plea on the petition. If no plea is entered, the matter is set for trial. **Trial Hearings** are held by a judge to hear evidence on the matter at issue and to determine the guilt or innocence of the minor. By law, juveniles are not entitled to a jury trial. The Juvenile Court adheres to all laws of evidence and constitutional rights afforded to adults. The standard of proof is "guilt beyond a reasonable doubt." In Juvenile Court, a "true finding" is equivalent to a guilty verdict in adult court. **Disposition Hearings** are held to determine the consequences to be imposed upon the minor following a "true finding." This is the equivalent of a "sentencing hearing" for an adult. The judge may order the minor to be declared a ward of the Juvenile Court, and determine where and under what conditions the minor may live. For these hearings, the probation officer prepares and submits a written report to the Court. In the report, the



probation officer makes recommendations to the Court concerning orders the judge may make to protect the community and rehabilitate the minor. The Court may order the minor to be returned to the parent(s)' or guardian's custody. Alternatively, the Court may order the minor to be removed from the parent's care and placed into custody. The Court may also order the minor to participate in counseling, complete community service work, provide restitution payment, lose the privilege of driving, forfeit certain rights affecting search and seizure, avoid association with specific individuals or groups, and adhere to a strict curfew. Typically, a minor is placed "on probation" for one year. Probation may be extended if the minor violates the Court orders. **Probation Violation Petition Hearings** are held when a minor has been alleged to have violated the terms and conditions of his/her probation orders. The probation officer seeks a petition to return the minor to Juvenile Court. The same procedural guidelines and legal safeguards in "trial hearings" are adhered to. If the judge determines that the minor has violated the terms of his/her probation, then the judge may impose additional sanctions on the minor.