

PROBATION DEPARTMENT DIRECTIVE

No.	852
Issued	01/22/02
Post Until	02/22/02

SUBJECT: CRIMINAL INCIDENT FILING GUIDELINES

It is the policy of the Detention Services Bureau that the Superintendent determine the need or level of legal intervention necessary in cases of alleged criminal behavior on the part of detained minors. The Superintendent shall order a full investigation in every situation.

In incidents where a serious assault or situation has occurred which may require a criminal filing, the Superintendent or designee shall ensure the guidelines listed below are followed:

- In all situations, the Superintendent or designee shall:
 - Immediately initiate an investigation;
 - Complete a Special Incident Report (SIR), complete a Preliminary Incident Notification form, and forward to the appropriate parties;
 - Determine whether the area should be secured as a crime scene. (Securing the crime scene includes cordoning off the area by posting staff to ensure potential evidence remains undisturbed and the chain of evidence is maintained.)
- Initial written statements and affidavits shall be obtained from victim(s), subject(s), and witness(es) or those persons with information regarding the incident prior to the end of the shift.
- Pictures of the alleged crime scene and/or injuries, as well as medical documentation of the injuries, shall be obtained.
- In instances involving a serious assault on staff/minor(s) or high profile matters, the Superintendent or designee shall determine the need to transfer the minor(s) to another facility.

The Superintendent shall use these guidelines in determining the level of intervention necessary to complete the investigation:

- In cases where there is alleged great bodily injury, sexual misconduct, or a major criminal offense, the Superintendent or designee shall notify the local law enforcement agency to request their evaluation of the situation. If the local law enforcement agency declines to file a new charge, the matter shall be referred to the District Attorney's Office for review.

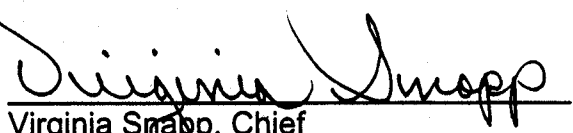
CRIMINAL INCIDENT FILING GUIDELINES

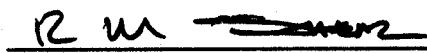
Page 2

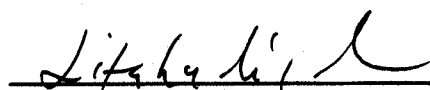
- When a major criminal offense is alleged to have occurred and the minor is not on probation, the Superintendent or designee shall contact the District Attorney's office filing deputy and present the elements of the investigation to ascertain whether a new petition filing is appropriate. If the District Attorney determines a filing is in order, the Superintendent or designee shall complete a petition packet and submit the packet to the District Attorney. The petition packet shall include:
 - Juvenile Investigation Report (including the signed 653 W.I.C. affidavit at the bottom right hand corner of the page) (Sample A)
 - Witness to Appear Form (using facility address and phone number for staff) (Sample B)
 - Special Incident Report (SIR) (Sample C)
 - Photographs of the crime scene and/or injuries
 - Affidavits from victim(s), witness(es), and subject(s)
 - Diagrams of the building/area along with all pertinent documentation
- If the District Attorney's Office files the petition, the District Attorney's Office shall notify the Intake, Detention and Control (IDC) lead desk staff who shall notify the parent/guardian of the court location, date, and time.
- When it appears that no major criminal offense has occurred and the minor is on probation, but the seriousness of the incident warrants the filing of a petition alleging violation of probation, the Superintendent or designee shall contact the DPO of record and request the filing of a violation. All documentation from the investigation shall be forwarded to the DPO of record.
- If a determination has been made by the District Attorney, the DPO of record, or the detention facility not to file a petition or a petition has been dismissed by the District Attorney, a Detention Observation Report (Sample D) or Notice to Court Officer (Prob 1111 – Notice to Court of a Potential Violation) (Sample E) shall be completed and sent to the appropriate court venue.

In all instances, the Detention Services Bureau Chief is to be apprised of the ongoing investigation. If you have any questions, contact the Detention Services Bureau Consultant at (562) 940-2851.


William Burkert, Chief
Detention Services Bureau


Virginia Snapp, Chief
Juvenile Field Services Bureau


Richard Saenz, Chief
Residential Treatment Bureau


Jitahadi Imara, Chief
Juvenile Special Services Bureau

JUVENILE INVESTIGATION REPORT

JAI: _____

DATE THIS REPORT	COURT #	PDJ #	AREA OFFICE	DPO
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JUVENILE'S NAME (LAST, FIRST, MIDDLE)	ADDRESS	CITY	STATE	ZIP
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AGE	BIRTHDATE	SEX	RACE	EYES	HAIR	HEIGHT	WEIGHT
-----	-----------	-----	------	------	------	--------	--------

RELATIVES (PARENTS - GUARDIANS - IF ANY)	ADDRESS	CITY	ZIP	PHONE
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MOTHER

FATHER

GUARDIAN (IF ANY)

NAME AND RELATIONSHIP OF PERSON JUVENILE LIVES WITH / PHONE

OFFENSE	DATE AND TIME OCCURRED
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VICTIM	ADDRESS OF VICTIM	PHONE
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LOCATION OFFENSES COMMITTED	VICTIM'S BUSINESS ADDRESS
	PHONE

COMPANION'S NAME	COMPANION'S COURT AND PDJ NOs
1.	1.
2.	2.
3.	3.
4.	4.

ADMONITION OF RIGHTS - BY WHOM?	WHEN
---------------------------------	------

READ ADMONITION VERBATIM

1. You have the right to remain silent.
2. If you give up the right to remain silent, anything you say can and will be used against you in a court of law.
3. You have the right to speak with an attorney and to have the attorney present during questioning.
4. If you so desire and cannot afford one, an attorney will be appointed for you without charge before questioning.
5. Do you understand each of the rights explained to you?
6. Do you want to talk about this case or not?
7. Do you want a lawyer or not?

APPLICATION FOR JUVENILE COURT PETITION 653 W.I.C.

PERSON COMPLETING INVESTIGATION

Affiant asserts that minor herein described was or is within Los Angeles County, or residing therein, further that minor is within the provisions of 602 W.I.C., due to the facts described in this petition request.

FACILITY: CJH () LPJH () BJNH ()

Affiant is the applicant for a petition on behalf of said minor, and this application is true of affiant's knowledge, except as to matters that are stated in it on affiant's information and belief, and as to those matters affiant believes them to be true.

Affiant declares under the penalty of perjury that herein is true and correct.

Executed on _____ in Los Angeles County, California

Affiant

SAMPLE B

JUVENILE PETITION REQUEST WITNESS LIST

PAGE OF

FILE OR DR NUMBER		JUVENILE NAME (LAST, FIRST, MIDDLE)		FOR D.A. AND COURT USE ONLY		
D.A. USE ONLY	WITNESS TO APPEAR			SUBPOENA FOR	DATE	SUB ISS.
	NAME	TESTIFY TO		DH		
	HOME ADDRESS			SUB		
	HOME PHONE			A RESUB/WOR		
	SCHOOL/BUSINESS ADDRESS			D RESUB/WOR		
	PHONE			J RESUB/WOR		
				RESUB/WOR		
	OTHER					
	WITNESS TO APPEAR			SUBPOENA FOR	DATE	SUB ISS.
	NAME	TESTIFY TO:		DH		
	HOME ADDRESS			SUB		
	HOME PHONE			A RESUB/WOR		
	SCHOOL/BUSINESS ADDRESS			D RESUB/WOR		
	PHONE			J RESUB/WOR		
				RESUB/WOR		
	OTHER					
	WITNESS TO APPEAR			SUBPOENA FOR	DATE	SUB ISS.
	NAME	TESTIFY TO:		DH		
	HOME ADDRESS			SUB		
	HOME PHONE			A RESUB/WOR		
	SCHOOL/BUSINESS ADDRESS			D RESUB/WOR		
	PHONE			J RESUB/WOR		
				RESUB/WOR		
	OTHER					
	WITNESS TO APPEAR			SUBPOENA FOR	DATE	SUB ISS.
	NAME	TESTIFY TO:		DH		
	HOME ADDRESS			SUB		
	HOME PHONE			A RESUB/WOR		
	SCHOOL/BUSINESS ADDRESS			D RESUB/WOR		
	PHONE			J RESUB/WOR		
				RESUB/WOR		
	OTHER					
	WITNESS TO APPEAR			SUBPOENA FOR	DATE	SUB ISS.
	NAME	TESTIFY TO:		DH		
	HOME ADDRESS			SUB		
	HOME PHONE			A RESUB/WOR		
	SCHOOL/BUSINESS ADDRESS			D RESUB/WOR		
	PHONE			J RESUB/WOR		
				RESUB/WOR		
	OTHER					

SAMPLE C**SPECIAL INCIDENT REPORT**

- A. This report must be prepared by any staff observing and/or participating in incident or as designated by SDPO or OD.
- B. This report must be prepared as soon as possible and not later than before staff go off duty.

1. Facility () CJH () LPJH () SFVJH () Trans	2. Time and Date of Incident _____ Date of report _____ Prepared by _____
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3. Minor/Minors	Unit	Action Taken

4. Incident Involves: <i>(Check all pertinent items)</i> ☐ Suicide attempt ☐ Self-Injury ☐ Injury to minor/staff/etc. ☐ Illness ☐ Escape ☐ Escape Attempt ☐ Assault on Minor/Staff ☐ Controlled Substance ☐ Sexual Misconduct ☐ Property Damage ☐ High Interest ☐ Fighting ☐ Restraint/Force used ☐ Gang Activity ☐ _____	<table style="width: 100%;"> <tr> <th style="width: 60%;">5. Staff Involved – Name</th> <th style="width: 20%;">Title</th> <th style="width: 20%;">Unit</th> </tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table> 6. Narrative details must be completed on reverse side (who, what, when, where, how, why). 7. Medical information to be entered on reverse side by medical staff listing nature of injury, action taken, name of nurse or physician.	5. Staff Involved – Name	Title	Unit												
5. Staff Involved – Name	Title	Unit														

SDPO – O.D. ACTION/REVIEW

8. Notifications Completed: <table style="width: 100%; margin-top: 5px;"> <tr> <th style="width: 20%;"></th> <th style="width: 20%;">Time</th> <th style="width: 20%;">Date</th> <th style="width: 40%;">By</th> </tr> <tr><td>☐ Parents</td><td> </td><td> </td><td> </td></tr> <tr><td>☐ Law Enforcement</td><td> </td><td> </td><td> </td></tr> <tr><td>☐ Medical</td><td> </td><td> </td><td> </td></tr> <tr><td>☐ Mental Health</td><td> </td><td> </td><td> </td></tr> <tr><td>☐ Field DPO</td><td> </td><td> </td><td> </td></tr> <tr><td>☐ Director</td><td> </td><td> </td><td> </td></tr> <tr><td>☐ Superintendent</td><td> </td><td> </td><td> </td></tr> <tr><td>☐ APO</td><td> </td><td> </td><td> </td></tr> <tr><td>☐ AJIMS Update</td><td> </td><td> </td><td> </td></tr> <tr><td>☐ _____</td><td> </td><td> </td><td> </td></tr> </table>		Time	Date	By	☐ Parents				☐ Law Enforcement				☐ Medical				☐ Mental Health				☐ Field DPO				☐ Director				☐ Superintendent				☐ APO				☐ AJIMS Update				☐ _____				9. Distribution of this report: <i>(Show initial distribution as required by incident and policy.)</i> ☐ Minor(s) file(s) ☐ Building Supervisor ☐ Building Director ☐ O.D./Superintendent
	Time	Date	By																																										
☐ Parents																																													
☐ Law Enforcement																																													
☐ Medical																																													
☐ Mental Health																																													
☐ Field DPO																																													
☐ Director																																													
☐ Superintendent																																													
☐ APO																																													
☐ AJIMS Update																																													
☐ _____																																													
10. This report () complete () further report—info to follow																																													
11. Reviewed: SDPO/O.D. _____ DATE _____																																													

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7. Medical:

Name _____

SAMPLE D

DETENTION OBSERVATION REPORT

DATE OF REPORT:

TO: CASE DPO

AREA OFFICE

FROM:

JUVENILE HALL: LOS PADRINOS

MINOR'S NAME:

DOB:

PDJ:

COURT NUMBER:

COURT DATE:

DATE ADMITTED:

REPORTED BY: _____ **TITLE:** _____

APPROVED BY: _____
(DIRECTOR)

c: Dept.
Superintendent

DB 5206 Rev. 3/98

SAMPLE E

NOTICE OF POTENTIAL VIOLATION TO JUVENILE COURT

IN THE MATTER OF:

CURRENT STATUS: ☐ 654.2 WIC ☐ 725(a) WIC ☐ 601 HOP
☐ 601 S/P ☐ 602 HOP ☐ 602 CCP ☐ 602 S/P

JAI No. _____

Court No. _____ PDI No. _____

Last Heard by: _____

Hearing Officer

Last Heard in: _____

Department

☐ Minor was arrested.

Arresting Agency _____ Date _____

Charge(s) _____

and/or:

☐ Probation Officer believes minor may be in violation of the following conditions of probation:

(List number(s) and abbreviate conditions(s). Continue on reverse if necessary.)

in that:

☐ No change of plan necessary. No further action anticipated. ☐ Unable to proceed (due to 725(a) WIC status)

Reason: _____

JUVENILE COURT

☐ Approved

☐ Disapproved

(Minute Order attached)

Judicial Officer Signature

Original + 1 copy: to Court

Copy: Case File

Respectfully Submitted,

RICHARD SHUMSKY,
Chief Probation Officer

By: _____

Signature

Name (Print)

Area Office

Phone

SDPO Signature

Date

SAMPLE E

NOTICE OF POTENTIAL VIOLATION TO JUVENILE COURT

IN THE MATTER OF:

CURRENT STATUS: ☐ 654.2 WIC ☐ 725(a) WIC ☐ 601 HOP
☐ 601 S/P ☐ 602 HOP ☐ 602 CCP ☐ 602 S/P

JAI No. _____

Court No. _____ PDJ No. _____

Last Heard by: _____

Hearing Officer

Last Heard in: _____

Department

☐ Minor was arrested.

Arresting Agency _____ Date _____

Charge(s) _____

and / or:

☐ Probation Officer believes minor may be in violation of the following conditions of probation:

(List number(s) and abbreviate conditions(s). Continue on reverse if necessary.)

in that:

☐ No change of plan necessary. No further action anticipated. ☐ Unable to proceed (due to 725(a) WIC status)

Reason: _____

JUVENILE COURT

☐ Approved

☐ Disapproved

(Minute Order attached)

Judicial Officer Signature

Original + 1 copy: to Court

Copy: Case File

Respectfully Submitted,

RICHARD SHUMSKY,
Chief Probation Officer

By: _____

Signature

Name (Print)

Area Office

Phone

SDPO Signature

Date