

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT
DIRECTIVE

No.	1147
Issued:	10/23/07
Post Until:	11/23/07

SUBJECT: JUVENILE - NOTICED HEARINGS/777 WIC
(This Directive Supersedes Directive No. 1042, issued 7/7/05)

Pursuant to §777 of the Welfare and Institutions Code (WIC), the Probation Officer and the District Attorney can file for a Noticed Hearing for the purpose of changing or modifying previous court orders issued under §601 and §602 of the WIC, from a less to a more restrictive disposition.

Where there is a violation in **602** WIC Cases, the Probation Officer or District Attorney may file the notice. The Department has chosen to file violation reports directly to the court.

VIOLATION REPORTING

It is the policy of the Department to vigorously enforce the terms and conditions of probation and orders of the court. Conditional violations shall be reported to court within 30 calendar days of the date the violation(s) was reported to the DPO (see Juvenile Handbook Section 3300-2) or as required by program mandates.

Reports in General

The report shall contain concise statements of fact sufficient to support the conclusion that the minor has violated an order of the court. Adequate factual statements lead to sound conclusions and recommendations concerning the minor's future, regardless of where the case is in the delinquency process. Do **not** include those circumstances that are beyond the control of the minor (see Directive 1041 on 778 WIC).

The California Supreme Court (*re Eddie M.*, 31 Cal 4th 480) rendered a decision that "the amended section 777 may be used to initiate proceedings to impose a more restrictive placement based on any violation of a condition of probation, including one that involves arguably criminal conduct, provided no new criminal offense is alleged." Therefore, **DPOs may file a noticed hearing on any violation, including one that alleges new criminal conduct, provided a new petition is not filed alleging the same matter.**

DPOs shall include in the report:

- Witness' names, their statements and a thorough description of the facts that give rise to each count alleged. Attach the witness list to all violation reports listing all potential witnesses (full names and, if applicable, PDJ numbers), with complete addresses, telephone numbers and the facts to which they can testify.
- A description of the risk and needs associated with the case. These elements are usually related to the problems that led to the behavior resulting in the violation. Outline minor's case plan and provide information that defines the minor's failure in following the plan.
- A description of provided program services related to the identified risk and needs. Document any failure on the part of the minor that precludes him/her from benefiting from these services, despite all attempts to provide them. Include related elements to the case (e.g. number and nature of contacts that the DPO has had with the parents, caregivers, therapists, etc.) and services that are needed to improve the outcome of the case.

- An explanation for any request for a new or change of court order, explaining the significance of the counts alleged and how they resulted in the request for court action. The evidence shall support all statements contained in the report. Reports that are only supported by broad, sweeping statements, based on conjecture, are **not** acceptable.

Progress Report: The DPO may notify the court of violations by a progress report (Prob. 1245, Rev. 5/03) when commitment time or removal from home is not recommended.

Recommendation for Commitment Time: DPO shall utilize the Notice of Violation/777 WIC report when reporting violations to the court with recommendations for juvenile hall commitment time. *DPOs shall not utilize this form to report violations on 654.2 WIC, 725(a) WIC and 790 WIC probation cases.*

VIOLATION NOTICES (Prob. 25/Prob. 25-7, Prob. 25-7T, Prob. 25-P/Prob. 25-PT Rev. 2/05)

Detained Violations

*The **DPO shall obtain SDPO and Director approval** for all detained violation filings prior to taking a minor into custody and should comply with all program requirements. In all detained violation filings, the DPO shall:*

1. Contact Intake and Detention Control (IDC) to provide advance notice of the impending detention if the DPO will not be present at intake. (DPO initiating the detention is responsible.)
2. Submit the following documents to IDC at the time of intake:
 - a. Juvenile Hall Entrance Form (Prob. 1295, Rev. 12/98)
 - b. Probable Cause Declaration (PCD) (Prob. 1331, Rev. 11/01), attaching a current Juvenile Automated Index (JAI) printout. The PCD must include the following information on the minor:
 - Date placed on probation
 - Court Department that placed minor on probation.
 - Current probation grant (e.g. 654.2, 725(a), HOP, CCP, SP, etc.)
 - Aggregated maximum confinement time on all sustained cases
 - Remaining confinement time
 - **All** conditions of probation ordered
 - Listing of alleged violations
3. Submit four copies of the following 777 WIC packet to the County Clerk at the court location within the guidelines for a detained felony filing (see Appendix I).
 - a. Notice of Violation/777 WIC report
 - b. Witness list (DA-893-0)
 - c. All supporting documents (e.g. school reports, police reports, etc.)

Attach a copy of the last complete Pre-Plea/Disposition report and a copy of the Title IV-E Findings minute order (for cases where minor has been previously detained) to the Court Officer's copy of the 777 WIC report (label the report "Court Officer" in the far upper right corner). Mobile Gang/SEO DPOs shall contact the DPO of Record and obtain a copy of the last complete Pre-Plea/Disposition report and Title IV-E Findings minute order (for cases where minor has been previously detained) and

attach to the Court Officer's copy of the 777 WIC report (label the report "Court Officer" in the far upper right corner).

4. Fax a copy of the report face sheet to the IDC site where the minor was detained to ensure that the minor is placed on the movement to court broadcast:
 - a. Eastlake (323) 221-4879
 - b. Los Padrinos (562) 803-1279
 - c. Barry J. Nidorf (818) 362-7859

Note: Detention may begin in a Camp Special Housing Unit (SHU) after the Miranda Admonishment is given.

Non-Detained Violations

1. Calendar the matter for an appearance hearing following standard procedures.
2. Submit four copies of the following 777 WIC packet to the County Clerk at the court location, utilizing standard court report delivery procedures:
 - a. Notice of Violation/777 WIC report
 - b. Witness list (DA-893-0)
 - c. All supporting documents (e.g. school reports, police reports, etc.)
3. Attach a copy of the last complete Pre-Plea/Disposition report to the Court Officer's copy of the 777 WIC report (label the report "Court Officer" in the far upper right corner).
4. Cite the minor and parents to court for the scheduled hearing.

RECOMMENDATIONS

In most cases, when sufficient information is included in the violation report, the court can proceed to disposition without requiring an additional report from the DPO. It is crucial that the report be accurate and complete. The evaluation section must support the recommendation.

Juvenile Hall

Recommendations for commitment to Juvenile Hall must be for a specific number of days, such as "3 days in Juvenile Hall." Director approval is required on all recommendations for commitment time in Juvenile Hall.

Suitable Placement/Camp Community Placement/Division of Juvenile Justice (DJJ)

DPOs shall follow Departmental policy for clearing all Suitable Placement, Camp Community Placement and Division of Juvenile Justice (DJJ), formerly the California Youth Authority, recommendations (Directive No. 1046, issued 7/7/05).

Court rulings preclude Juvenile Court commitments to County Jail. Such recommendations shall not be made by the DPO. ***Additionally, Court rulings preclude detention of non-ward probationers (654.2 WIC, 725 (a) WIC and 790 WIC).***

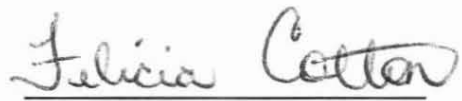
In addition, Department Directive on Division of Juvenile Justice (DJJ, formerly California Youth

Authority) Recommendations (Dir. No. 1142, issued 9/5/07), precludes recommendations to DJJ on 777 WIC reports unless the most recent offense was a sustained 707(b) or a sex offense specified under 290(d) (3) Penal Code (PC).

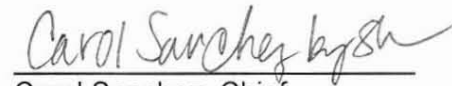
All other existing requirements for addressing violations remain unchanged.

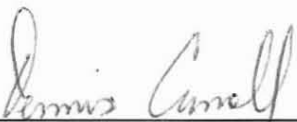
All questions and inquiries regarding this Directive should be directed to the appropriate Bureau Consultant (Juvenile Field – 562/940-2533 or Camp – 562/940-3554).


Sharon Harada, Chief
Juvenile Field Services Bureau


Felicia Cotton, Chief
Juvenile Special Services Bureau


Dave Mitchell, Chief
Residential Treatment Services Bureau


Carol Sanchez, Chief
Placement Services Bureau


Dennis Carroll, Chief
Detention Services Bureau

DETAINED PETITION FILING DEADLINE CHART

Misdemeanors

Day and Time of Arrest			Petition Due to D.A.		Court Date	
Sunday	12:00 AM to	5:00 PM	Monday	10:00 AM	Monday	1:30 PM
Sunday	5:01 PM to	12:00 PM	Tuesday	10:00 AM	Tuesday	1:30 PM
Monday	12:00 AM to	5:00 PM	Tuesday	10:00 AM	Tuesday	1:30 PM
Monday	5:01 PM to	12:00 PM	Wednesday	10:00 AM	Wednesday	1:30 PM
Tuesday	12:00 AM to	5:00 PM	Wednesday	10:00 AM	Wednesday	1:30 PM
Tuesday	5:01 PM to	12:00 PM	Thursday	10:00 AM	Thursday	1:30 PM
Wednesday	12:00 AM to	5:00 PM	Thursday	10:00 AM	Thursday	1:30 PM
Wednesday	5:01 PM to	12:00 PM	Friday	10:00 AM	Friday	1:30 PM
Thursday	12:00 AM to	5:00 PM	Friday	10:00 AM	Friday	1:30 PM
Thursday	5:01 PM to	12:00 PM	Friday	10:00 AM	Friday	1:30 PM
Friday	12:00 AM to	5:00 PM	Monday	10:00 AM	Monday	1:30 PM
Friday	5:01 PM to	12:00 PM	Monday	10:00 AM	Monday	1:30 PM
Saturday	12:01 AM to	12:00 AM	Monday	10:00 AM	Monday	1:30 PM

Felonies - 777 WIC - 778 WIC

Sunday	12:01 AM to	12:00 AM	Tuesday	10:00 AM	Wednesday
Monday	12:01 AM to	12:00 PM	Tuesday	10:00 AM	Wednesday
Monday	12:00 PM to	12:00 AM	Wednesday	10:00 AM	Thursday
Tuesday	12:01 AM to	12:00 PM	Wednesday	10:00 AM	Thursday
Tuesday	12:00 PM to	12:00 AM	Thursday	10:00 AM	Friday
Wednesday	12:01 AM to	12:00 PM	Thursday	10:00 AM	Friday
Wednesday	12:00 PM to	12:00 AM	Friday	10:00 AM	Monday
Thursday	12:01 AM to	12:00 PM	Friday	10:00 AM	Monday
Thursday	12:00 PM to	12:00 AM	Monday	10:00 AM	Tuesday
Friday	12:01 AM to	12:00 PM	Monday	10:00 AM	Tuesday
Friday	12:00 PM to	12:00 AM	Tuesday	10:00 AM	Wednesday
Saturday	12:01 AM to	12:00 AM	Tuesday	10:00 AM	Wednesday