

**SAN BERNARDINO COUNTY  
PROBATION DEPARTMENT PROCEDURE**

**Community Corrections Bureau Procedures #97-05-126-J on Violations**

**Authority:** Chief Probation Officer  
Welfare & Institutions Code

**Narrative Statement:**

To establish policy and procedures for the processing of probation violators.

All Probation Officers and Supervisors in the juvenile division will comply with this procedure.

**General Provisions:**

- A. It is the policy of this Department to take an aggressive stance toward probation violators.
- B. Wards involved in offenses involving any act of force or violence, use or possession of weapons, major property damage or loss will be dealt with in an aggressive manner which may include custody, external programs (DFP, EMP) and/or placement.
- C. Wards will be held accountable for their terms and conditions or probation. Repeated violations will result in appropriate action being taken by the Probation Officer.
- D. If the previous disposition of the court is not effective in rehabilitating the minor, the Probation Officer should file a supplemental Petition pursuant to W&I 777(a)(2), removing the minor from the physical custody of his parent(s), guardian(s), relative(s) or friend(s).

**Specific Provisions:**

- A. New Offenses:
  1. The number one objective of the Department is the protection of the community and the rehabilitation of the minor.
  2. When an Application for Petition is received alleging an offense that involves any act of violence, use of a weapon, possession of a firearm, or major property damage or loss, the Application for Petition shall be referred to the District Attorney with a request for filing
    - a. The minor should be considered referred "in-custody" on the above listed types of offenses and should remain in-custody, for the protection of the minor's welfare and the community until the Detention Hearing.
    - b. If the minor is referred "out-of-custody" on one of the above listed types of offenses, the Probation Officer and Supervisor should consider advising the Court, via memo, of any new circumstances with a recommendation the minor be detained in Juvenile Hall for community safety. At the Pre-hearing the minor could then be considered for external programs to assist in monitoring the minor's behavior in the community, pending further court hearings.
  3. Probation Officers writing reports to the Court involving one of the preceding charges and/or true findings should consider community safety and the welfare of the minor when making a recommendation. Alternatives to placement may be considered.
    - a. The terms and conditions recommended to the Court will be such as to provide protection to the community, minor and the Officers of this department who will

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be responsible for supervision and the rehabilitation of the minor.

These terms may include, but not necessarily be limited to:

1. Restitution, where appropriate, both to the victim and restitution fine.
  2. No weapons terms.
  3. Search terms.
  4. Gang terms.
  5. Drug terms.
  6. Electronic Monitoring terms.
- b. In the event, as a result of a plea bargain, the minor is charged with or admits to a lesser allegation than those listed, the Probation Officer should consider the minor's prior record, the victim's statement circumstances of the originally charged offense and all information available, in evaluating the community's safety and the minor's welfare.

**B. Probation Violations**

1. If there are any violations of probation contained within the commission of the alleged offense, the Probation Officer should consider referring the alleged violations to the District Attorney for filing a Supplemental Petition.
2. Should the Court dismiss a Subsequent Petition on one of the above listed offenses, any violation of probation associated with the dismissed charges should be considered for filing a Supplemental Petition.
3. If the circumstances alleged in the Supplemental Petition involve any act of violence, possession of a firearm, use of a weapon or major property damage or loss, the matter should be referred "in-custody."

Issued by: \_\_\_\_\_, Deputy Chief Probation Officer

Date: \_\_\_\_\_

Revised: \_\_\_\_\_

Policy Reference: \_\_\_\_\_