

The San Francisco Juvenile Probation Department Presents:

A Guide to the Juvenile Justice System



Table of Contents

My Child was Arrested & Detained. What Happens Next?	Pg. 2
Juvenile Justice Terminology	Pg. 2
Do I need to Look for a Lawyer?	Pg. 3
What to Expect During the First 48 Hours	Pg. 3
How Does the Court Process Begin?	Pg. 4
First Court Hearing: The Detention Hearing	Pg. 4
The Pre-Trial Conference	Pg. 5
Disposition Hearing	Pg. 5
Disposition Options	Pg. 6
How Can I Support My Child While on Probation	Pg. 7
Visiting Hours and Rules for Juvenile Hall	Pg. 8
Glossary of Terms	Pgs. 9-10
Notes	Pgs. 11-12
Contact Information	Back Cover

My Child was Arrested & Detained. (What Happens Next?)

- Immediately following arrest and booking, you as the parent/legal guardian will be notified by a police officer and/or a probation officer as to where your child is being held.
- Within one hour of admission to Juvenile Hall, your child has the right to make at least two telephone calls - one call completed to their parent or guardian, a responsible relative or their employer; and a second completed call to an attorney.
- Youth may request additional phone calls to an immigrant rights counselor and/or to a child care provider.
- You can visit your child within the first 24 hours at any time. The only visitors allowed within the 24 hour period are parents/legal guardian. You do not have to arrange this visit with anyone. If you have any questions please call (415) 753-7500. You can just show-up, but you must bring proper photo identification (i.e. driver's license, passport, state identification card, or San Francisco ID card.)
- If you or your child needs an interpreter, please alert your child's Intake Probation Officer or Juvenile Hall staff and they will provide translation.

Juvenile Justice Terminology

<i>Juvenile Process</i>	<i>Is Similar To</i>	<i>Adult Process</i>
Petition		Charge/Indictment
Detention Hearing		Detention
1st Judicial Hearing (J1)		Arraignment
Pre-Trial Conference		Continuance
2nd Judicial Hearing (J2)		Trial
Petition Sustained		Guilty
Dispositional Hearing		Sentencing

Do I Need to Look for a Lawyer?

Your child DOES need a lawyer who is both effective and prepared. If you cannot afford to hire a private attorney, the court will appoint an attorney to represent your child. The lawyer will be appointed at or before the first court hearing (also known as the DETENTION HEARING). Remember that the attorney represents your child and your child's decisions, not the parent/legal guardian. For more information, please contact the Public Defender's Office at (415) 753-7601.

What to Expect During the First 48 Hours

The Intake Probation Officer's role is to investigate the case and make an informed decision on how to proceed. They will try to gather as much information as possible from you (parent/legal guardian), police officers, school staff, community agencies, counselors and other interested parties. When speaking to the Probation Officer, please emphasize your child's strengths as well as where your child and family need support. This information will help the Intake Probation Officer in developing a case plan for your child.

During Daytime hours: (415) 753-7530 or (415) 753-7640

After hours call the on-duty Probation Officer: (415) 753-7500

If your child is going to be charged with an offense, the petition* request must be filed within 48 hours of the time of the arrest (not including weekends and holidays) by the District Attorney. The District Attorney will review the police report, any statements made to the Probation Officer (including statements made by your child) and make a determination whether to file charges. For some felonies, the District Attorney may request your child be tried and sentenced as an adult. It is extremely important to talk to your child's attorney about this process and its consequences.

The District Attorney has discretion and can use alternatives including traffic court, diversion programs, community agency referrals, informal supervision (654 W&I), or can counsel & close the matter.

**A petition is a legal document filed by the district attorney, which lists the law violations allegedly committed by your child.*

How Does the Court Process Begin?

- The Intake Probation Officer will inform you if the District Attorney has decided to file charges, (a petition) against your child. You will be notified of court hearings either by phone or in person. Call the Intake Probation Officer if you have any questions or are not receiving notifications.
- If a petition is filed, your child must appear in court for a ‘Detention Hearing’ (first court appearance) within 72 hours of the arrest (not including weekends and holidays). At this hearing, the judge will determine if your child will be released under specific conditions or remain in custody/detention until their next court date.

First Court Hearing: Detention Hearing

During the Detention Hearing the judge will consider whether your child will be released or detained based, in part, on some of the following questions:

- Can the parent/guardian supervise the minor and “exercise control”?
- Is the home a stable place and there is no risk of neglect or abuse?
- Does the minor need to remain in custody for his own protection?
- Is there a risk to the public if the child is released?
- Are there violations of any other Court Orders or warrants?
- Is there a risk that the youth will leave the jurisdiction and/or will not appear at future court dates?

A positive report (consistent school attendance, good record at work, strengths described by family, able to follow rules at home, no history of running away) can assist the Court in allowing for a child’s release from custody. Think about what your child may need in order to stay out of trouble, and communicate that to the Probation Officer (examples: therapy, drug treatment, community programs, etc.).

During the Detention Hearing, you will be notified of the next Court Hearing.

If your child remains in custody, the next court date will be within five working days.

The Pre-Trial Conference

- At this hearing your child's attorney (Defense Attorney) and the District Attorney discuss possible resolutions to the matter prior to the actual trial date. This allows the Defense Attorney and District Attorney time to negotiate.
- At the Pre-Trial conference your child may or may not admit responsibility to the petitions (charges). Charges may also be set aside for possible court supervised informal probation (654 W&I).
- The petition, (charges) may be adjusted at this conference (i.e. felony charge reduced to a misdemeanor, a reduction in the number of charges, etc.).
- The petition can be sustained (found to be true) or dismissed at this conference.
- If a negotiation is not reached during the Pre-Trial Conference, then the next court hearing is a TRIAL.
- If your child admits responsibility to any part of the petition, (charges) and the petition is sustained, then the next court hearing is the DISPOSITION HEARING.

Disposition Hearing

* First, please keep in mind that in juvenile court, the terms 'guilty' or innocent' are not applied to juveniles. The term you will hear used is "Petition Sustained" which means the charges against your child were found true. "Petition Dismissed" is similar to being found 'innocent' of the charges. If the petition is dismissed, your child will be released from Juvenile Hall after court.

- If the charges (petition) against your child are sustained (found true), the next court hearing will be a Dispositional Hearing (sentencing), which will be held within the next 10 working days (if the youth is in custody) or 30 days (if the youth is out of custody).
- At the Dispositional Hearing, the Judge may order the youth **Probation, Out-of-Home Placement.**

Disposition Options

Probation: Your child would be sent home under the supervision of a Probation Officer with several conditions of probation. Your child's case will be re-assigned to a Supervision Probation Officer.

Out of Home Placement: If the court deems that your child's needs can be best met in a setting other than your home, the court can order the Probation Department to place a youth in an 'Out-Of-Home Placement' setting. This includes placement with another relative or in a group home. While the Probation Department searches for the best placement your child will most likely continue to be detained. An Out-Of-Home Placement can range from six months to 18 months and can be in-state or out-of-state. Your child's case will be re-assigned to a Placement Probation Officer.

Note: If your child is placed in an Out-Of-Home Placement setting you will not be able to have daily con-tact with your child. However, you may write letters, make phone calls, and visit according to the guidelines of the placement.

How Can I Support My Child While On Probation?

If your child is placed on probation, the Judge will order certain conditions of probation. These conditions include curfew, restitution, participation in programs, school attendance, stay away orders, payment of court fees, and personal searches (including searches of the youth's residence). Support your child by ensuring that your son/daughter adheres to the new set of rules. We also welcome and encourage open and honest communication regarding your child's needs and challenges.

Probation Orientation: You and your child will be mandated to attend a Juvenile Advisory Council, (JAC) Probation Orientation, which is led by young adults who have successfully completed probation. This orientation is held the first Saturday of each month. The Rules of Probation will be explained and you and your child will have the opportunity to clarify any questions you might have.

Probation Officer: It is important that you and your child stay in touch with the Probation Officer. Making sure your child communicates regularly with their Probation Officer and attends all appointments and future court dates is of the utmost importance.

Community Services: There are many community based organizations that aim to serve youth and their families. There are dozens of organizations that have a variety of focuses that can help your child improve his/her choices. A job, academic enrichment, extra-curricular activities, and support services all assist in illustrating to the Court and Probation that your child is making better decisions and is ready to successfully be dismissed from Probation.



Visiting Hours for Juvenile Hall

Saturday

12:55pm – 1:40pm Units 2, 4, 6

2:00pm – 2:45pm Units 1,3,5,7

Sunday

3:25pm – 4:10pm Units 1,3,5,7

4:30pm – 5:15pm Units 2, 4, 6

Late Night (Mon, Wed, Fri)

4:30pm – 5:15pm All Units

6:30pm – 8:00pm All Units (30 min.)

** You will not be permitted to visit if you are 30 minutes late*

Rules for Visitors

1. The only visitors allowed are parents / legal guardians with proper identification.
2. After the first 24 hours, there are specific times for regular visitation.
3. Visiting passes are given by the Probation Officer and are valid for 60 days. The visiting pass will have the Unit your child is housed in.
4. Under special circumstances and on a case by case basis, Late Night passes will be permitted. Late night visit requires a signature from your child's Probation Officer AND the Juvenile Hall Director.
5. Only during Saturday visits are you allowed to bring one store-bought snack item and one drink (20 oz. or less). Items must be in a clear plastic bag or hand carried.
6. Personal items, purses, cell phones, keys, matches, medication, money, as well as home-made food, letters or gifts are not allowed. Lockers are available for temporary storage. Weapons are never allowed in the institutions or on the premises.
7. Children under 16 years of age cannot be left unattended in the waiting room.
8. ANY VIOLATIONS OF THESE RULES WILL RESULT IN A LOSS OF VISIT PRIVILEGES.

Glossary of Terms

Adjudication - The court process where a judge decides there is evidence the youth committed the act for which he or she is charged.

Aggravating Factors - Facts that can make a crime more serious, or reasons why a judge might give you a harsher sentence.

Arrest - When law enforcement takes a youth into custody for an alleged law violation.

Assessment - An evaluation of a minor's strengths, needs, and risks.

Bail - A Juvenile cannot be bailed out of detention. Only a judge can order the release of a juvenile or may grant the Probation Officer a right-to-release.

Bench Warrant - A warrant issued by the court because the youth failed to appear for a mandatory hearing.

Booking - When a youth is arrested by a law enforcement officer for a law violation and the youth is placed into secure custody (Juvenile Hall).

Citation - An arrest where a youth is released to a parent / legal guardian and is ordered to see a probation officer on a set day and time.

Commitment - A court order giving guardianship of the youth to either the San Francisco Juvenile Probation Department (to be placed at Log Cabin Ranch or an Out of Home Placement facility) or the California Department of Corrections and Rehabilitation for placement in a Division of Juvenile Justice facility.

Continuance - A delay in court proceeding to a later date.

Court Disposition - An order the judge makes as a consequence of a youth's behavior. Also known as "sentencing" in adult court.

Detention - The housing of youth in secure custody at the Juvenile Justice Center (also known as Youth Guidance Center or Juvenile Hall). A decision must be made within 72 hours (or 3 business days) about the continued detention of the youth.

Detention Hearing - The first Court Hearing after a youth is arrested. The Court rules whether or not the youth is released from custody, placed on Home Supervision, or remains at Juvenile Hall pending disposition.

Disposition Hearing - (Usually 4-5 weeks after the detention hearing if the youth is still in custody). A hearing, similar to sentencing in adult court, where the court announces the final decision of the youth's case.

District Attorney (DA) - The lawyer who files the charges and prosecutes those charges in court representing the people of the community.

Gang Enhancement - An additional charge that the D.A. can add in order to extend or increase your custody time for involvement in gang activity.

Glossary of Terms continued

Gang Injunction - A court-issued restraining order prohibiting youths identified as gang members from participating in certain activities.

J-1 Hearing (Pre-Trial Conference) - Usually one week after the detention hearing. J-1 is where a youth will plead guilty or not guilty to the petition (charge).

J-2 Hearing (Trial) - The trial phase, where victims and witnesses may give sworn testimony regarding the incident which led to the arrest.

Jurisdiction - A geographical area (such as the county) where a court may exercise its authority over the youth.

Transfer-in - When a youth who resides in San Francisco is adjudicated in another county, the case may be sent to San Francisco for disposition.

Transfer-out - when a youth that lives in another county is adjudicated in San Francisco the case may be sent to the youth's home county for disposition.

Levels of Offense - This can be a felony, misdemeanor or infraction. A felony is the most serious level and misdemeanor the lowest level. Infractions do not involve detention.

Out of Home Placement - When the court determines the youth should be removed from your home and placed in a residential treatment facility.

Petition - The legal document the District Attorney files with the court, which describes the law violation(s) (charges) a youth is alleged to have committed

Probation - When a judge orders that a minor will be sent home under the supervision of a probation officer with several conditions.

Probation Officer (PO) - The official assigned to investigate a law violation, develop a plan to successfully help youth re-enter the community and monitor a youth on probation.

Public Defender - A free lawyer appointed to represent the youth during the court process.

Social (Dispositional) Report - A report presented prior to the Dispositional Hearing summarizing the incident, law violation, court proceedings, family history and probation officers recommendations regarding future plans for the youth.

Wardship - The Court's legal authority over the youth where they may act as the "parent" or guardian of the youth. Wardship cases are placed on active supervision either at home, with a relative, or when the youth is removed from the home.

Welfare and Institutions Code Section 707 - Is The California Law that refers to specific crime categories. These crimes are very serious such as rape, murder or kidnapping. Under California Proposition 21, the District Attorney (DA) can prosecute these crimes without the Juvenile Court Judge's determination and may charge the youth as an adult, and request a life sentence.



Key Contact Information

Juvenile Probation Department
375 Woodside Avenue San Francisco, CA 94127
Main Number: (415) 753-7800
www.sfgov.org/juvprobation

Administration

Chief Probation Officer: (415) 753-7556
Assistant CPO: (415) 753-7558
Director of Probation: (415) 753-4416
Director of Juvenile Hall: (415) 753-7502

Probation Services

Intake Units

Vertical 1: (415) 753-7640
Vertical 2: (415) 753-7530

JCRU Unit: (415) 753-7660

Special Services Unit: (415)
753-7550

Private Placement Unit
(415) 753-7650

Records Management
(415) 753-7630

Juvenile Hall (JJC)

Admissions: (415) 753-7500
Officer of the Day: (415)
753-7776

Other Juvenile Justice Agencies
District Attorney: (415) 753-7700
Public Defender: (415) 753-7601

