

Temporary Electronic Monitoring / Community Release Program (EMP/CRP) Guidelines (during COVID-19 pandemic)

Background: Due to Covid-19 emergency orders and shelter in place directives, youth who are released on EMP/CRP after a detention hearing before the Court are currently having their cases set out approximately 8 weeks (2 months) because they are out-of-custody. The Juvenile Court is prioritizing detention hearings and other matters involving in-custody youth. However, Welfare and Institutions Code §628.1 states that youth who are on home supervision are entitled to the same legal protections as youth in secure confinement. As such, the Office of the District Attorney, Public Defender/Defense Counsel and Probation Department have agreed to the process outlined below to ensure that youth on home supervision through EMP or CRP have a process by which they can be removed from EMP/CRP without having to appear in Court during the current public health crisis.

Guidelines:

These guidelines pertain to “pre-court” or “pre-jurisdiction” home supervision. The purpose of pre-court EMP/CRP is to: 1) ensure the youth attends any scheduled court appearances and 2) does not commit any new law violations while they are pending court.

Low Risk	Medium Risk	High Risk
Assessment Score 0-7	Assessment Score 8-12	Assessment Score 13-16
VOP Consideration at 14 Hours	VOP Consideration at 12 Hours	VOP Consideration at 10 Hours

- The “assessment scores” outlined above refer to the Risk Assessment Instrument (RAI) score, which is contained in every detention packet.
- All youth released on EMP/CRP will be supervised by a EMP/CRP Counselor for a period of 45 calendar days during “shelter in place.”

- For non-707(b) offenses, at the 45 day supervision period, EMP/CRP supervision will end, and a Probation Officer will assume supervision as appropriate. The probation assessment scores incorporate review of the minor's overall behavior while on EMP and include an evaluation of whether the minor has substantially complied with EMP orders and has not picked up any new offenses. For cases involving Domestic Violence, probation will also consider such factors as unauthorized victim contact, failure to comply with restraining orders, and injury/threats to victim.
- For 707(b) offenses, at the 45 day supervision period, Probation will meet and confer with the DA Juvenile Supervisor, and assigned defense attorney and/or defense counsel supervisor, regarding whether the youth should be removed from EMP/CRP. Factors that the parties will consider: age of the youth, specific facts of the case, use of weapons or infliction of GBI, prior criminal history, progress and behavior on EMP/CRP, and any other relevant factors. If the parties agree the youth should continue on EMP/CRP, the parties will revisit the issue no sooner than 14 days (2 weeks).
- **Subject to the Juvenile Court's Approval [Not Adopted At This Time]:**
If the parties disagree with respect to the whether youth should remain on EMP/CRP past the 45 days, the parties will calendar the case for the Juvenile Court to hear and decide the issue. To the extent possible, the hearing will be conducted remotely.
- Probation reserves the right to upgrade a CRP youth who is struggling and may need more supervision i.e. upgrade to EMP. Probation reserves the right to downgrade a youth from EMP to CRP as an incentive or as appropriate, for non-707(b) offenses.
- For all cases, non-707(b) and 707(b) cases, Probation will prepare a brief EMP/CRP review report to document the youth's performance and time on home supervision. The report will be distributed in the same manner as currently done.
- Curfew: All youth, irrespective of age, have a 9 PM to 6 AM curfew, per Probation's current EMP/CRP contract.

- All youth will receive a CFT (Child and Family Team Meeting) once five (5) hours of unauthorized leave have accrued to provide a warning and an opportunity for the youth to improve their performance and avoid a Violation of Probation (VOP) or EMP/CRP failure.
- Cases that involve youth assigned to the DIY (Dually Involved Youth) or SPU (Special Programs Unit) caseloads who are receiving WRAP or other intensive services should be enrolled in CRP when possible.
- Each case will be reviewed on its individual merits. Age, history, offense, engagement in the program and support are factors that will help guide decision-making. Discussions between EMP/CRP Counselors and Deputy Probation Officer's will continue to take place to make sound case management decisions.
- All parties understand that intensive EMP/CRP supervision is limited during this pandemic, due to the Public Health Department's directives. This process and possible continued program changes will be reevaluated when the pandemic shelter in place order is lifted by the Public Health Department.
- This guideline does not effect "post-court" EMP/CRP orders. In those cases, youth have received a disposition that includes EMP/CRP for a specified number of days, and thus the youth has a program "start date" and "end date."
- Probation will determine if the youth has failed EMP/CRP and bring the youth into custody for a detention hearing as is their normal process and procedure.