

WARRANTS & EXTRADITIONS

I. Issuance of Warrants

A. The Court may issue an arrest warrant whenever a petition has been filed alleging a youth comes within Sections 601 or 602 WIC, if any of the following conditions are satisfied:

1. It appears to the Court that the minor's conduct and behavior may endanger the health, person, welfare or property of the youth or others, or that the circumstances of the minor's home environment may endanger the health, person, welfare or property of said minor.
2. It appears to the Court that either personal service upon the minor has been unsuccessful, or the whereabouts of the minor are unknown.
3. It appears to the Court that the minor has willfully evaded service of process.

Note: There must be an affidavit in support of issuance of warrant attached to the notice of probation violation, except in failure to appear (FTA) cases when notice was given.

B. Warrants will be requested under the following conditions:

1. A warrant will be requested within 48 hours under the following circumstances:
 - a. If a minor's parent(s) notify the Probation Officer that the minor's whereabouts are unknown and they filed a missing persons report
 - b. If a minor absconds from Camp and is not immediately apprehended.
 - c. If a minor leaves a group home and is not located. If a minor removes an electronic monitoring (EM) device

663 WIC
Juv-Pro-22

Juv-777a
with warrant
JV-735
JV-600

CRC
5.752(e)

**PROBATION DEPARTMENT
JUVENILE MANUAL**

Chapter No. 2500	Page 2
Issue Date: 03/01/83	
Revised: 7/19/19	

Warrants (continued)

**Notes and
References**

and is not subsequently located with due diligence efforts delineated in Section 2 a-c below undertaken at least once and in an expedited fashion.

2. In instances where a minor cuts off an EM device, a youth's parent(s) indicates that the youth "comes and goes" from the residence and does not reside there on a consistent basis, or the youth fails to report to the Probation Officer when directed, the following due diligence measures will be taken prior to requesting a warrant:
 - a. Attempt a minimum of two contacts at the youth's residence over a 10 day period, and direct a parent to have the minor report to the Probation Department on a specific date and time; in the absence of making contact with anyone at the residence, a business card should be left directing the minor to report on a specific date and time.
 - b. Attempt to contact the youth or a parent by telephone a minimum of two times over a five (5) day period. If successful contact is made with either party, set up an office appointment with the Probation Officer at a specific time and date.
 - c. Contact the youth's school to determine whether he/she is attending; if he/she is found to be attending, conduct a visit to the minor at the school. A warrant is not to be requested if the minor is attending school. However, a youth who is attending or is located at a school may be taken into custody if other relevant risk and safety factors are present.
 - d. If the case is supervised on a central caseload and, the youth resides locally, efforts to contact him or her at their last known address should be made in person by the assigned DPO or a supervision officer as described in a and b, above. For youth residing out of the area, the assigned DPO may solicit the assistance of a law

**PROBATION DEPARTMENT
JUVENILE MANUAL**

Chapter No. 2500	Page 3
Issue Date: 03/01/83	
Revised: 7/19/19	

Warrants (continued)

**Notes and
References**

- enforcement or probation agency to attempt a contact in person. A letter should be sent to the minor's residence after such efforts indicating that if the youth or parent does not contact the Probation Officer within five (5) business days of receipt of the letter, a warrant will be requested.
- e. Confirm the youth's parent/guardian has filed a missing persons report.
- C. Following arrest, the youth must be brought before the Court within 48 judicial hours and the warrant recalled. Whenever possible, the minor should be brought before the court on the next judicial day.
- D. Discretionary Warrants
1. Discretionary warrants allow specified youth who have been arrested on a warrant to be released from custody pending a detention hearing, the goal of which is to ensure public and youth safety, while also limiting the need for detention in specified cases. A discretionary warrant indicates a youth may be released pending a future court date. Should the Court issue a discretionary bench warrant, the Juvenile Hall will then have the ability to conduct a standard admission screening procedure, including administering a detention risk assessment instrument, for consideration of a detention alternative in collaboration with the assigned Probation Officer.
 2. Probation staff may request a discretionary warrant when preparing a warrant request for a probation violation. However, careful consideration is to be given to requesting one as the youth may not be a suitable candidate for it based on the circumstances necessitating the warrant request and the need to ensure appearance before the court.
 3. A Court Hearing Officer (CHO) may advocate for a discretionary warrant in the event a minor fails to appear for a court date when there is a belief the failure to appear was an

**PROBATION DEPARTMENT
JUVENILE MANUAL**

Chapter No. 2500	Page 4
Issue Date: 03/01/83	
Revised: 7/19/19	

Warrants (continued)

**Notes and
References**

isolated incident and the youth may be contacted and advised of a new court date.

3. Eligible offenses include:
 - Most non-person felonies and non-person misdemeanors, including but not limited to theft, vandalism, auto burglary, commercial burglary, and possession of a controlled substance,
 - Battery, as long as release would not significantly compromise the safety of the victim,
 - Violations of probation in which previously sustained petitions are not violent in nature, or an offense listed under §707(b) W&IC, §1192.7 PC, or §667.5 PC.

4. Ineligible offenses include:
 - Any offense listed under §707(b) W&IC, §1192.7 PC, or §667.5 PC,
 - Any sex offense or an offense sexual in nature but not charged as such on the current petition,
 - Any offense involving weapons, explosives, or incendiary devices or materials, with the exception of BB guns, pellet guns, or air soft guns,
 - Escape from custody, including §871(d) W&IC or aggravated escape from custody
 - Any attempt to commit, or conspiracy to commit any of the above mentioned offenses,
 - Any youth whom the Court deems to be a flight risk, or a danger to themselves or others.

III. Monitoring of Warrants

- A. During the 30 days following the issuance of a warrant, a good faith effort to arrest the minor is to be made and documented in the electronic case file.

**PROBATION DEPARTMENT
JUVENILE MANUAL**

Chapter No. 2500	Page 5
Issue Date: 03/01/83	
Revised: 7/19/19	

Warrants (continued)

**Notes and
References**

- B. In instances in which a minor has absconded from camp and a warrant has been issued, the following protocol will be followed:
1. On the day of the AWOL (whether from camp or furlough/home visit), Camp JIOs will be actively looking for youth in the general vicinity of LPBC, and a Sr. DPO will prepare the warrant if required. The CTO will notify and involve the DPO as soon as possible; together they will begin working up intelligence (contacting family, checking known social media accounts, etc.) on where the youth might be. Efforts to locate and any helpful intelligence should be documented in IMPACT and shared with any officers who are working on locating the youth. If the AWOL occurs during regular work hours, the assigned DPO should alert their SPO and begin active searching for the youth, based upon intelligence.
 2. On the day after the AWOL, or the first business day the assigned DPO is working, search activities should continue, as well as intelligence gathering. Activities related to this should continue to be documented in IMPACT. This pattern should continue daily for at least the first 2-3 days after the AWOL. (Note: if youth's DPO is on vacation, another DPO should take over this responsibility, as assigned by the SPO.)
 3. Seven days after AWOL, the assigned DPO should ensure the warrant is in the system and temporarily cease the active search, but continue monitoring and gathering intelligence. Those efforts should be documented in IMPACT, so there is no question activity is continuing on the case.
 4. Ten days to two weeks after AWOL, DPOs and CTOs should return to actively searching for the AWOL, including home visits at a time the youth is likely to be there and any other locations the youth is likely to return to once he believes the DPO is no longer actively searching for him. The youth's previous school location should be checked as well. Intermittent search efforts should be conducted from that point forward, as well contacts should be made with the youth's

**PROBATION DEPARTMENT
JUVENILE MANUAL**

Chapter No. 2500	Page 6
Issue Date: 03/01/83	
Revised: 7/19/19	

Warrants (continued)

**Notes and
References**

parents/guardians in person at the home, and by phone. All efforts should be documented in IMPACT.

5. Cases of youth on camp AWOL status should not be moved to the warrant caseload, and officers should continue to make searching for them a priority when actionable information becomes available. Officers should periodically check the status of the case and document in IMPACT any additional attempts to locate.
- C. After 30 days, if arrest has not occurred and does not appear to be immediately foreseeable, the case may be transferred to a warrant caseload, notwithstanding those elucidated in section B above.
- D. All cases on warrant caseloads shall be reviewed by the unit Field Training Officer (FTO) at least once per month to determine if any new information regarding the youth's whereabouts exist, or if the warrant could be recalled, the petition dismissed and/or wardship terminated (unsuccessfully). The results of the review should be presented to the Supervising Probation Officer (SPO), with the FTO and SPO devising warrant apprehension strategies, and the FTO entering an event in the electronic case file to memorialize the effort.
- E. When a warrant has been issued for a youth missing from foster care, efforts to locate the youth are to be made according to the Youth Missing from Foster Care manual section 2601.
- F. When a minor on the warrant caseload is arrested, the case is to be returned to the previous supervision officer for handling.
- G. A detainment memorandum must be prepared and filed with the Court at the next hearing. The memorandum should include information regarding the pending court proceedings, the circumstances of the youth's arrest, any available information regarding his/her whereabouts and activities while out on warrant status (including use of alcohol or drugs) and his/her parents' level of cooperation in getting the youth back before the Court.

**PROBATION DEPARTMENT
JUVENILE MANUAL**

Chapter No. 2500	Page 7
Issue Date:	03/01/83
Revised:	7/19/19

Warrants (continued)

**Notes and
References**

IV. Detention Of a Youth in Another County On Out-Of-County Warrant

- A. Within 48 hours (excluding non-judicial days) after the youth is taken into custody, the requesting county must forward a warrant to the county holding the youth. .
- B. Thereafter, an officer from the requesting county must take custody of the youth within five days after receipt of the warrant. Within 48 hours (excluding non-judicial days) of taking custody of the youth, the detention hearing must be held in the Juvenile Court which issued the Warrant.
- C. If the youth is not brought before the Court within the specified time, he/she must be released from custody

§641 WIC

CRC 5.752(g)

V. Out-of-State Warrant Detention and Extradition

- A. When youth are apprehended out-of-state, the circumstances shall immediately be brought to the attention of a Supervising Probation Officer to coordinate the most appropriate course of action.
- B. Extradition procedures pertain to wards of Santa Barbara County Juvenile Court who are apprehended in another state, or to wards who are residing in another state under an interstate compact (Interstate Compact on Juveniles or the Interstate Compact for the Placement of Children).
- C. When a Santa Barbara County Court ward is apprehended in another state, unless an offense for which the youth is a ward is a felony, extradition procedures are not normally pursued. Before any specific determination is made, extradition cases should be discussed with the unit supervisor and/or District Attorney's Office.
- E. Cost for extradition may be paid by the District Attorney when the DA's office initiates the request or may be reimbursable from the state. The Probation Department, in some cases, may be obligated to pay for and arrange transportation for the ward, especially if the warrant pertains only to a probation violation.

**PROBATION DEPARTMENT
JUVENILE MANUAL**

Chapter No. 2500	Page 8
Issue Date: 03/01/83	
Revised: 7/19/19	

Warrants (continued)

**Notes and
References**

VI. Extradition Interstate Commission for Juveniles (ICJ) Procedure

- A. The state in which the youth was apprehended shall advise their ICJ that the youth has been detained. Thereafter, the holding states ICJ shall contact the home/demanding state’s ICJ office to advise them of case specifics.
- B. The home/demanding state’s ICJ office shall immediately initiate measures to determine the youth’s residency and jurisdictional facts in that state.
- C. At a court hearing in the holding state, the judge in the holding state shall inform the youth of his/her due process rights and may use the ICJ Juvenile Rights Form. The court may elect to appoint counsel or a guardian ad litem to represent the youth.
- D. If in agreement with the voluntary return, the youth shall sign the Form III Consent for Voluntary Return of Out-of-State Juveniles in the presence of a judge. The Form III will also be signed by the judge.
- E. When an out-of-state youth has reached the age of majority according to the holding state’s laws and is brought before an adult court for an ICJ due process hearing, the home/demanding state shall accept an adult waiver instead of the Form III Consent for Voluntary Return of Out-of-State Juveniles, provided the waiver is signed by the youth and the judge.
- F. When consent has been duly executed, it shall be forwarded to and filed with the Compact administrator, or designee, of the holding state. The holding state’s ICJ Office shall in turn forward a copy of the consent to the Compact administrator, or designee, of the home/demanding state.
- G. The home/demanding state shall be responsive to the holding state’s court orders in effecting the return of its youth. Each ICJ office shall have policies/procedures in place involving the return of youth that will ensure the safety of the public and youth.
- H. Youth shall be returned by the home/demanding state in a safe manner and within five (5) business days of receiving a completed Form III

ICJ Rules Manual
Interstate Commission
for Juveniles

**PROBATION DEPARTMENT
JUVENILE MANUAL**

Chapter No. 2500	Page 9
Issue Date: 03/01/83	
Revised: 7/19/19	

Warrants (continued)

**Notes and
References**

Consent for Voluntary Return of Out-of-State Juveniles or adult waiver. This time period may be extended up to an additional five (5) business days with approval from both ICJ Offices.

- I. Prior to making travel arrangements, the following information should be obtained:
 - 1. Who can be contacted regarding travel arrangements.
 - 2. The nearest airport to the youth.
 - 3. If the youth has any new criminal charges pending.

- J. When an out-of-state youth is apprehended in Santa Barbara County on a warrant or as a law offender:
 - 1. The probation officer contacts the appropriate authorities of the youth's legal residence to determine status (outstanding warrant, court ward, etc.).
 - 2. If the youth is being held on a warrant, a copy of the warrant must be obtained and the matter set for a detention/extradition hearing.
 - 3. The youth should be represented by counsel/Public Defender. The attorney should then check with the youth to see whether he/she will waive extradition.
 - a. If extradition is waived, the probation officer completes six (6) original "Consent for Voluntary Return" forms.
 - 4. The attorney and the youth then appear before the Juvenile Court Judge.
 - a. All six (6) originals will be signed in Court by the youth and the attorney, after which the Judge will sign all six originals.

ICJ Form III

**PROBATION DEPARTMENT
JUVENILE MANUAL**

Chapter No. 2500	Page 10
Issue Date: 03/01/83	
Revised: 7/19/19	

Warrants (continued)

**Notes and
References**

- b. The signed and completed forms are distributed to the transporting officer of the receiving state, the Court of jurisdiction, the Santa Barbara Sheriff's Office, and the Interstate Compact authorities. A copy is placed in the case file, and a copy is placed in the Court file.

- C. When there is an outstanding warrant from another state, and the youth will not waive extradition, the case, regardless of the youth's age, should be handled as it would be handled through Adult Court in the manner provided in Chapter 4 (commencing with Section 1555.2) of the Penal Code.

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