

STATE OF SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE
POLICY AND PROCEDURES

Title:	Probation Violation and Parole Revocation Procedures	Policy No.:	F- 8.5	Page(s):	1 of 5
Authority:	County Offices, Division of Community Services				
Responsible Areas:	County Offices, Juvenile Parole Board, and DJJ Release Authority				
Juvenile Justice Code:	n/a				
PbS Related Standard(s):	n/a				
October 04, 2016 Effective Date		SIGNED/ <i>Sylvia Murray</i> Sylvia Murray Director			

POLICY: The Department of Juvenile Justice (DJJ) County Case Manager (CM) will notify proper authorities and take appropriate action when a juvenile being supervised on probation or parole (conditional release) receives a new charge or fails to comply with the terms or conditions of probation or parole.

PROCEDURAL GUIDELINES:

A. Law Violation

1. When a juvenile being supervised on probation or parole receives a new juvenile or adult criminal charge, the County CM will inform the supervisor.
2. The new juvenile charges will be processed as a new referral following the Agency's intake procedures.

B. Technical Violations

When a juvenile being supervised on probation or parole fails to comply with the conditions of probation or parole, the County CM will:

1. Inform the supervisor immediately and without delay when:
 - a. The safety of the victim(s), community, and/ or juvenile is impacted.
 - b. The order requires violation notification to the Court.
2. Evaluate the facts regarding the noncompliance and implement appropriate responses and interventions to address the noncompliant behavior.
3. Document the noncompliance and any sanctions and/or interventions used to promote positive behavior and compliance.
4. Inform the supervisor of the juvenile's failure to comply with the implementation of graduated responses and interventions.

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C. Procedures for Determining a Probation Violation or Parole Revocation Recommendation

1. The County CM and supervisor will staff technical violations and law violations to determine whether or not to recommend a violation of the probation order or revocation of parole. At the discretion of the supervisor, the County CM can initiate the Violation Report generated in JJMS to prepare for the staffing. The County CM and supervisor will:
 - a. Review the conditions and terms of the current probation order or conditional release;
 - b. Review the violation and its relationship to the adjudicated offense.
 - c. Consider the seriousness of the alleged violation;
 - d. Consider the frequency of the violation;
 - e. Consider the duration of the violation;
 - f. Consider the individual victim and safety of the community;
 - g. Ensure appropriate community resources/interventions and graduated responses (to include a higher level of supervision) were tried and found to be unsuccessful;
 - h. Consult with a Community Psychologist/Community Social worker and/or Community Special Needs Coordinator regarding juveniles with special needs as defined and in compliance with DJJ Policy C-2.0, Scope of Clinical Services;
 - i. Decide if a community multiagency case staffing is needed;
 - j. Review the JJMS generated Violation Report if a Report is required by the supervisor; and
 - k. Staff with the Regional Administrator as needed.
2. If a probation violation/parole revocation is not recommended, the assigned County CM will implement the case staffing recommendations.
3. If a probation violation is recommended, the County CM will complete the following within three (3) business days of the case staffing:
 - a. Finalize the Violation Report generated in JJMS and include the staffing recommendations if the supervisor requires a Report for a probation violation.
 - b. Request a Rule to Show Cause for juveniles on probation consistent with the procedures established by the Family Court and/or Solicitor's Office in that county.
 - c. Enter the violation referral in JJMS.

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4. If a parole revocation is recommended, the County CM will complete the following within three (3) business days of the case staffing:
 - a. Initiate the Violation Report generated in JJMS, which is required for a parole revocation, if not previously completed at the time of the staffing. Finalize the Violation Report and include the staffing recommendations.
 - b. Follow the revocation process for juveniles on parole in accordance with the procedures established by the S.C. Board of Juvenile Parole/DJJ Release Authority (DJJ Policy A-5.1 Juvenile Parole Release Authority Process).
 - c. Enter the violation referral in JJMS.
 5. The County CM will inform the juvenile and the parent/guardian of the probation violation referral or request for parole revocation and update the juvenile and family information in JJMS as needed.
- D. Requesting a Pick-up Order/Parole Violation Arrest Warrant
1. The County CM can request a pick-up order/warrant based on the following criteria:
 - a. Protection of the juvenile from self-harm;
 - b. Protection of the individual victim and community from potential harm by the juvenile;
 - c. The juvenile is missing/whereabouts unknown, or has run away; and/or
 - d. The juvenile is believed to be a flight risk.
 2. The County CM will receive approval from a supervisor before submitting a request for a pick-up order/warrant.
 3. Pick-up Orders for Juveniles on Probation
 - a. If a pick-up order is necessary for juveniles on probation, the request for a Rule to Show Cause will be made to the Solicitor. Upon receipt of the Rule to Show Cause, a request for a Family Court pick-up order will be made.
 - b. When the juvenile is detained on the Pick-up Order, the County CM will notify the Solicitor's office and prepare the case file for Court.

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4. Parole Violation Arrest Warrants

- a. For juveniles on parole, a Parole Violation Arrest Warrant (Form 8.5A) will be completed along with a Request for Preliminary Hearing (Exhibit R.1- Juvenile Parole Board) or Request for Parole Revocation Hearing (Form A-5.1M- DJJ Release Authority).
- b. The County Director can issue or can authorize the issuance of a Parole Violation Arrest Warrant.
- c. In the event of a crisis situation and after exhaustive attempts to contact the County Director and Regional Administrator, the Supervisor or County CM can issue a Parole Violation Arrest Warrant based on the criteria as outlined in section D. 1. of this policy.
 - 1) When a Parole Violation Arrest Warrant is issued without receiving prior verbal approval, the supervisor or County CM shall follow-up with the County Director or Regional Administrator the following business day.
 - 2) The County CM will complete an Activity Note in JJMS regarding the circumstances requiring the issuance of the Parole Violation Arrest Warrant without receipt of prior approval.
- d. The Parole Board Hearing Officer/DJJ Release Authority Manager will be notified prior to the issuance of a warrant or no later than the next business day after a warrant has been issued.
- e. When the juvenile is detained on the warrant, a copy of the Parole Violation Arrest Warrant, the Request for Preliminary Hearing /Request for a Parole Revocation Hearing, and JJMS generated Violation report will be forwarded to the respective SC Board of Juvenile Parole/DJJ Release Authority before the end of the business day. The preliminary hearing and revocation process will be handled based on the procedures established by the Board of Juvenile Parole or by DJJ Policy A-5.1 Juvenile Parole Release Authority Process.

E. Victim Notification

1. The County CM will comply with DJJ Policy F-2.2, Victim Services in notifying designated victims regarding violations.
 - a. If the juvenile is on probation and the victim previously requested notification, the County CM will complete the Probation Violation Notification in JJMS and mail the notification to the victim.

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- b. If the juvenile is on parole, victims will be notified by the S.C. Board of Juvenile Parole/DJJ Release Authority.

F. Interstate Compact

The County CM will comply with DJJ Policy F-5.1, Interstate Compact regarding juveniles out of compliance with the conditions of supervision.

- G. Within 5 business days of all activities, the County CM will complete an Activity Note in JJMS.

RELATED FORMS AND ATTACHMENTS:

Form F-8.5A, Parole Violation Arrest Warrant
Exhibit R.1- Request for Preliminary Hearing
Form A-5.1M, Request for Parole Revocation Hearing

REFERENCED POLICIES:

C-2.0, Scope of Clinical Services
A-5.1, Juvenile Parole Release Authority Process
F-2.2, Victim Services
F-5.1, Interstate Compact

SCOPE:

This policy applies to regional and county office staff members.

LOCAL PROCEDURAL GUIDE:

The County Director is required to provide a local procedural guide that has been approved by the Regional Administrator and that is not contrary to Agency policy.

TRAINING REQUIREMENT:

Regional and County Office employees are required to review this policy within 30 calendar days of its publication.