

## Memorandum

Date : January 25, 2011

To : WHOM IT MAY CONCERN

The following regulations were filed with the Secretary of State on January 14, 2011, and will become effective on February 13, 2011.

TITLE 15. CRIME PREVENTION AND CORRECTIONS  
DIVISION 4. DIVISION OF JUVENILE JUSTICE  
CHAPTER 1.8. EXTENDED CONFINEMENT TIME AND JURISDICTION OVER  
DANGEROUS PERSONS  
ARTICLE 1. PROCEDURES

§ 4190. Evaluation Process

A psychologist or psychiatrist completing a Welfare and Institutions (W&I) Code Section 1800 evaluation shall:

- (a) Be licensed by the Board of Psychology for the State of California or be licensed by the Medical Board of the State of California and certified or eligible for certification by the American Board of Psychiatry and Neurology, and
- (b) Have worked as a mental health practitioner for Division of Juvenile Justice (DJJ) or in a comparable forensic setting for two (2) years, and
- (c) Have satisfactorily completed DJJ W&I Code Section 1800 Training, and
- (d) Have successfully completed two (2) W&I Code Section 1800 evaluations supervised by the Chief Psychiatrist, Senior Supervising Psychiatrist, or a Chief Psychologist.

The evaluation shall ensure that a recommendation for support or non-support of a petition is based on:

- (a) A clinician's current diagnosis and longitudinal review of the youth's current ability to control his or her current and future behavior
- (b) A clinician's evaluation of the youth's current ability to control his or her behavior
- (c) A causal link between the diagnosed deficiency/disorder/abnormality and the current level of dangerousness because of serious difficulty controlling his or her dangerous behavior, and a determination that the release of the youth would represent a physical danger to the public safety..

Evaluations performed pursuant to Welfare and Institutions Code Sections 1800 and 1800.5 shall not be performed by a psychiatrist or psychologist who is engaged in a current therapeutic relationship with the youth being evaluated.

Required components for a W&I Code Section 1800 evaluation shall include:

- (a) Youth Receipt of Information form (DJJ 8.290, 11/08)
- (b) Identifying information (i.e., name, date of birth, YA number, county of commitment, ACT date, jurisdiction date, initial admission date, initial commitment date, current housing unit, reason for referral, sources used in the preparation of the report, youth interviews, Treatment Team input and psychological testing if used )
- (c) A complete Diagnostic and Statistical Manual of Mental Disorders (DSM) Diagnosis
- (d) A Risk Assessment
- (e) Definitive statement of support or opposition to pursue W&I Code 1800 Petition
- (f) Basis and reasoning for the opinion and causal connection
- (g) Date, signature, and title of the psychiatrist or psychologist completing the evaluation
- (h) Forensic Evaluation Summary form (DJJ 8.292, 08/08) - signed and dated.

The DJJ Health Care Services (HCS) Welfare and Institutions Code 1800 Coordinator - otherwise known as the WIC 1800 Coordinator - or a designee will forward a copy of the completed and signed W&I Code Section 1800 evaluation and case report, if indicated, to the Senior Supervising Psychiatrist, or designee, for review within two (2) business days of receipt of the evaluation.

The Senior Supervising Psychiatrist will return the completed and signed Forensic Evaluation Summary to the DJJ HCS WIC 1800 Coordinator within two (2) business days of receipt.

The DJJ HCS WIC 1800 Coordinator, within two (2) business days of receipt, will ensure that the completed and signed W&I Code Section 1800 evaluation and Forensic Evaluation Summary are forwarded as follows: If the conclusion of the evaluation does not support the W&I Code Section 1800 petition, then the evaluation and summary are forwarded to the Executive Officer, Juvenile Parole Board (JPB), to determine if the JPB is going to pursue a W&I Code Section 1800.5 review. If the conclusion of the evaluation does support the W&I Code Section 1800 petition, then the evaluation and summary are forwarded to the Chief Deputy Secretary (CDS) or designee for signature.

The CDS, or designee, will sign and return the memo requesting the filing of a W&I Code Section 1800 petition to the DJJ HCS WIC 1800 Coordinator within five (5) business days of receipt.

Note: Authority cited: Section 1712, Welfare and Institutions Code. Reference: Sections 1800 and 1800.5, Welfare and Institutions Code.

ARTICLE 2. INITIAL APPLICATION FOR EXTENSION  
This database is current through 11/7/08, Register 2008, No. 45

§ 4191. Authority to Apply for Extension.

If the Division of Juvenile Justice determines that at the time of the current Welfare and Institutions (W&I) Code Section 1800 evaluation, the youth has a currently diagnosed mental or physical deficiency, disorder or abnormality that causes the youth to have serious difficulty controlling his or her behavior such that the youth would be physically dangerous to the public if discharged, then the Chief Deputy Secretary or designee shall make a request to the District Attorney of the county of commitment to file a petition to the committing court for an order directing that the youth remain subject to the control of the DJJ.

If the decision is made at any level not to proceed with a W&I Code Section 1800 petition, and the Juvenile Parole Board (JPB) under W&I Code Section 1800.5 believes, based on some evidence, that the youth meets each of the criteria for a WIC 1800 extension, the JPB may request the CDS to review the case for further action upon a majority vote of a Full Board En Banc (FBEB). The JPB shall communicate specific and articulable facts that lead it to that belief, in writing, to the CDS and shall request a WIC 1800.5 review. A request for review by the CDS shall be made not less than 120 days before the date of final discharge, and review shall be completed and transmitted to the FBEB not more than 15 days after the request has been received.

If, after review, the psychiatrist or psychologist affirms the initial finding, concludes that a subsequent assessment does not demonstrate that a youth is subject to extended confinement pursuant to W&I Code Section 1800, or fails to respond to a request from the JPB within 15 calendar days, and the Board continues to find, based on a preponderance of evidence, that at the time of the current W&I Code Section 1800 evaluation the youth has a currently diagnosed mental or physical deficiency, disorder or abnormality that causes the youth to have serious difficulty controlling his or her behavior such that the youth would be physically dangerous to the public if discharged, then the Board may request the prosecuting attorney to petition the committing court for an order for a W&I Code Section 1800 time extension.

Then the JPB, upon a majority vote of the FBEB, shall send a request to the prosecuting attorney to petition the committing court for an order directing that the youth remain subject to the control of DJJ pursuant to Section 1800, which includes the specific and articulable facts as evidence that the youth meets each criteria for a W&I Code Section 1800 extension upon which it bases its conclusion.

The W&I Code, Section 1800 evaluations shall be completed within two (2) months of receipt of an order, but not more than seven (7) months before the Available Confinement Time (ACT) or jurisdiction expires.

All W&I Code, Section 1800 evaluations shall be completed and forwarded to the Juvenile Parole Board (JPB) or District Attorney (DA) three (3) months after the order has been received or four (4) months before the ACT, whichever is later.

All W&I Code, Section 1800.5 evaluations shall be completed and returned to the JPB within 15 calendar days of receipt of the order.

Note: Authority cited: Section 1712, Welfare and Institutions Code. Reference: Sections 1800 and 1800.5, Welfare and Institutions Code.

§ 4192. Reasons for Application

Note: Authority cited: Section 1751, Welfare and Institutions Code. Reference: Sections 1800, Welfare and Institutions Code.

§ 4192.5. Staff Recommendation.

Note: Authority cited: Section 1712,  
Welfare and Institutions Code. Reference:  
Section 1800, Welfare and Institutions Code.

ARTICLE 3. REAPPLICATION FOR EXTENSION  
This database is current through 5/8/09, Register 2009, No. 19

§ 4195. Authority to Reapply for Extension.

Note: Authority cited: Section 1751,  
Welfare and Institutions Code. Reference:  
Section 1802, Welfare and Institutions Code.