

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 15. CRIME PREVENTION AND CORRECTIONS
DIVISION 4.5. ~~YOUTHFUL OFFENDER~~JUVENILE PAROLE BOARD
CHAPTER 1. GENERAL PROVISIONS
ARTICLE 1. RULES OF CONSTRUCTION AND DEFINITIONS
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§ 4900. Rules of Construction and Definitions.

~~(a)~~(a) ~~(Reserved)~~

~~(b)~~ Definitions. For the purpose of the regulations contained in this chapter the following words shall have the following meanings:

~~(1)~~ ~~(Reserved)~~(1) Annual Review. Re-examination of individual youth cases by the Board which is held at intervals not exceeding one year for the purpose of determining whether existing orders and dispositions should be modified or continued in force.

~~(2)~~ Board Coordinating Parole Agent. Division of Juvenile Parole Board agent responsible for coordination and facilitation of parole violation hearings, ensuring coordination and communication with counsel and witnesses, assisting with the provision of necessary accommodations and effective communication for parolees, and providing security at parole violation hearings.

~~(3)~~ Board Hearing Coordinator. A Board employee who arranges and coordinates rescission, probable cause/detention, violation and disposition hearings.

(3) Board Panel. A Board panel is comprised of two qualified hearing officers. A quorum for a Board panel shall be two qualified hearing officers.

~~(4)~~ Charges. Behaviors and corresponding codes describing the alleged violation(s) of parole.

~~(5)~~ Charge Section. A section of the Violation Report form, DJJ 3.264A (Rev. 9/09) that lists the alleged charges and includes an evidentiary narrative that describes the alleged behavior.

~~(6)~~ Confidential Informant. A person whose identity is not known to the parolee and whose status as a confidential informant has been established by an outside law enforcement agency.

~~(7)~~ Confidential Information. Any information that may lead to the identity of a Confidential Witness, or that, if disclosed, would present a threat to the safety and security of an institution/facility, or is part of an ongoing investigation that would be compromised if the information was disclosed. Information material to innocence or guilt that does not lead to the identity of the Confidential Witness in a pending revocation proceeding shall be disclosed.

~~(8)~~ Confidential Witness. A person whose identity is not known to the parolee and whose status as a confidential witness has been established by law enforcement or by an agent of the Division of Juvenile Parole Operations.

~~(9)~~ Corrective Action Plan. A treatment and supervision sanction in the community developed at the parole field unit level, imposed upon parolees in response to parole violations [as an alternative to revocation](#), for which detention is not warranted.

(10) Date of Discovery. The date that the Division of Juvenile Justice obtains knowledge that an alleged violation of parole has occurred, unless otherwise defined.

(11) Day(s). Calendar days, unless otherwise specified.

~~(5) Detention Hearing. A Board hearing to determine whether or not to detain a parolee who is undergoing violation action.~~

(12) Detention Section. A section of the Violation Report form, DJJ 3.264B (Rev. 9/09) summarizing reasons why the parolee meets detention criteria.

~~(6) Director's Representative. Any qualified employee of the Department designated by the Director.~~

Disability. A physical or mental impairment that substantially limits one or more of the major life activities of an individual.

(14) Disciplinary Decision-Making System. The Division of Juvenile Justice facility disciplinary system which has the ability to impose a sanction, deprive a youth of something possessed, or denying something which a youth reasonably expects as part of his/her prescribed program because the youth commits an institutional rule or law violation.

(15) Dismissal. Action required if there is insufficient evidence to support a probable cause finding at the Probable Cause Hearing, if there is insufficient admissible evidence to make a finding of good cause by a preponderance of the evidence at the Revocation Hearing or Revocation Extension Hearing, or in the interest of justice.

~~(7) Disposition Hearing. A Board hearing to determine whether or not to revoke the parole of a ward.~~

(16) Disposition Section. A section of the Violation Report form, DJJ 3.264C (Rev. 9/09) recommending an appropriate disposition for the violation behavior and outlining reasons for the recommendation.

(17) Dual Commitment. A person who is under the jurisdiction of both the Division of Juvenile Justice and the adult division of the California Department of Corrections and Rehabilitation.

(18) Effective Communication. Communication with persons with disabilities or those with limited English skills and reading ability that is as effective as communication with others. Effective communication may require the use of an appropriate auxiliary aid or service, or may be achieved by methods such as speaking clearly or using simple language and soliciting feedback to ensure understanding.

(19) Exit Interview. A meeting with a parole violator and a hearing officer of the Juvenile Parole Board prior to a parole violator's Revocation Release Date at which the general and special conditions of parole are issued and explained to the parole violator.

(20) Expedited Probable Cause Hearing. A Probable Cause Hearing held at an earlier stage in the proceedings upon sufficient offer of proof by the parolee or his/her counsel that there is a complete defense to all parole violation charges that are the basis for the parole hold.

(21) Fearful Witness. A person whose identity is known to the parolee, but who has indicated that he/she: 1) does not wish to testify; and 2) fears the risk of harm if he/she testifies at a hearing in the presence of the parolee.

(228) Full Board En Banc: A Board hearing conducted by a quorum of the seven-member Board. Four members are necessary to form a quorum when making case decisions and no action shall be valid unless agreed to by a majority of those present.

~~(9) Full Board Panel: A full Board panel is comprised of those persons specified in Welfare and Institutions Code Section 1721(e). A member shall be included in the panel when available.~~

~~(23) Good Cause. Justifiable, legitimate, and unforeseeable reason for the delay, asserted in good faith and caused by factors that are beyond the control of the Division of Juvenile Justice.~~

(2410) Hearing Officer. A Member or case hearing representative, who conducts wardyouth case hearings.

~~(25) McPherson Status. Status applicable to a youth, juvenile parolee, or juvenile parole violator who is on adult parole or who has discharged from his/her adult case and has voluntarily consented to serve his/her juvenile commitment in an adult institution, which includes parole violations and revocation extensions.~~

~~(26) 'Not in Custody Hearing'. A revocation hearing for a parolee who is not under a Division of Juvenile Justice parole hold.~~

~~(27) Notice of Charges. An official action conducted by Division of Juvenile Justice staff to personally serve a parolee notice of the charges against him/her including a short factual summary of the charged conduct.~~

~~(28) Notice of Conditions of Parole. A document that notifies a parolee of behavior and treatment requirements while under parole supervision.~~

~~(29) Notice of Rights. An advisement to a parolee of his/her procedural and due process rights in parole revocation proceedings pursuant to the L.H. Stipulated Permanent Injunction and State and federal constitutions.~~

~~(30) Parole Hold. Any invocation by the Division of Juvenile Justice of their authority to involuntarily detain a parolee for revocation proceedings and/or commence revocation proceedings pursuant to Welfare & Institutions Code §1767.3. This term shall not apply to the detention of a parolee who has absconded from the State of California until he or she is physically returned to the State of California and is in custody.~~

~~(31) Parole Placement Plans. A report prepared by the Division of Juvenile Parole Operations and provided to the Juvenile Parole Board in preparation for a parole violator's release to parole supervision, which includes but is not limited to: identified placement, recommended special conditions of parole, supervision plans, educational/vocational plans, and community treatment plans.~~

~~(32) Parole Report. A report provided to the Juvenile Parole Board that is informational in nature or requests an administrative action other than a parole violation, including but not limited to requests to lift parole holds, continue on parole, and miscellaneous decisions.~~

~~(33) Parole Violator. A parolee who violated a condition of parole, and who has been revoked and returned to custody.~~

(34) Preponderance of Evidence. Standard of proof that requires a finding that it is more likely than not that a fact or charge is true.

(35) Probable Cause. Facts as would lead a person of ordinary caution and prudence to conscientiously entertain a strong suspicion that an alleged charge is true.

(36) Probable Cause Hearing. A hearing in which the juvenile parolee appears and at which it is determined whether there is probable cause to believe that the juvenile parolee has violated a condition of parole and, if so, whether the juvenile parolee should be detained during the revocation process.

(37) Projected Board Date. Formerly known as parole consideration date, it is an interval of time in which a youth may reasonably and realistically be expected to achieve readiness for parole. It is not a fixed term or sentence, nor is it a fixed parole release date. It applies to youth who are serving their initial commitments to DJJ and have not been paroled yet.

(38) Reasonable Accommodation. A modification or adjustment that will help provide equal access to programs, activities and services for parolees with disabilities or effective communication needs.

(39) Referee. Any qualified hearing officer sitting alone for the purpose of hearing cases.

(40) Rescission Hearing. A Board hearing which may result in rescinding a ~~ward~~youth's referral to parole.

(41) Return to Custody Assessment or Revocation Extension Assessment. A recommended disposition offered by the Juvenile Parole Board which is presented to the parolee prior to a Probable Cause Hearing (also termed "The Offer").

~~(42) Referee. Any qualified hearing officer sitting alone for the purpose of hearing cases.~~

42) Revocation Extension Hearing. The two-phase hearing (evidentiary and disposition) in which a parolee appears before the Juvenile Parole Board, at which it is determined whether the preponderance of the evidence shows that the parolee committed Willful Program Failure or Serious In-Custody Misconduct, and in which the parolee's parole revocation period may be extended.

(43) Revocation Extension Probable Cause Hearing. A hearing in which the juvenile parolee appears and at which it is determined whether there is probable cause to believe that the parolee committed either serious in-custody misconduct or willful program failure.

(44) Revocation Hearing. A two-phase hearing (evidentiary and disposition) at which it is determined whether the preponderance of the evidence shows that a parolee violated a condition of parole and whether the parolee should be returned to parole supervision or remanded to custody.

(45) Revocation Proceeding/Revocation Process. All stages of the process by which a parolee may be returned to or retained in custody following an alleged parole violation and a Welfare and Institutions Code 1767.3 hold may have been placed up to and including the [Revocation Hearing](#) or [Revocation Extension Hearings](#) and any administrative appeal. In the case of parole violators who are not in custody, the revocation process begins when the parolee is notified of the pending charges and of his or her rights.

(46) Revocation Release Date. The date in which a parole violator will be released to the community.

(47) Serious In-Custody Misconduct. In-custody behavior by a parole violator that poses an immediate and serious threat to the safety and security of youth, staff or property within the facility. (See Revocation Extension Matrix)

(48) Sufficient Offer of Proof. A reasonable likelihood that a parolee would produce uncontroverted evidence of his/her innocence at an expedited probable cause hearing.

(49) Victim. A person against whom a parole violation has been committed.

~~(13) Violation Hearing. A Board hearing to determine whether or not a parolee has violated the conditions of his/her parole.~~

(50) Violation Levels.

Level 1: Minor violations of parole for which detention may not be warranted.

Level 2: Selected minor law violations, moderate technical violations, or repetitive Level 1 behavior for which detention may not be warranted.

Level 3: Any behavior that the Division of Juvenile Parole Operations believes represents a risk or threat to public safety. Level 3 violations are mandatory referrals to the Juvenile Parole Board.

(51) Violation Report. A three-part report (Charge Section, Detention Section and Disposition Section) describing a parolee's alleged violations of parole and recommendations presented to the Juvenile Parole Board during parole revocation proceedings.

(52) Willful Program Failure. Repeated and intentional refusal to attend and/or participate in a treatment and training program. The repeated refusal shall be documented by treatment staff. Staff shall specify the dates of non-participation and shall include information demonstrating that the parole violator does not have a mental or physical impairment that prevents him/her from fully participating in the program. A parole violator shall not be charged with willful program failure when program unavailability, facility lockdown, instructor absence or other circumstances beyond the parole violator's control prevent him/her from completing the program prior to the expiration of his/her revocation term.

~~(e) In case of any community crisis or emergency, either statewide or regional, the mandatory timelines and schedules (including releases) as required within CCR, Title 15 are hereby extended by thirty days or fifteen days respectively. Any statewide crisis may extend required or mandated timelines by thirty days. Any regional crisis that does not reach the level of a statewide crisis may extend required or mandated timelines by fifteen days.~~

Note: Authority cited: Section ~~1721~~, 1725, Welfare and Institutions Code. Reference: Sections 1711, 1714, 1716, ~~1717~~, 1719, 1720, ~~1721, 1722~~ and 1723, Welfare and Institutions Code.