

<b>COOK COUNTY JUVENILE PROBATION AND COURT SERVICES DEPARTMENT</b>  <b>Policies and Procedures</b>  <b>Chapter:</b> Two Probation Department	<b>Policy # 2.21</b>	<b>Total Pages: 2</b>
	<b>Replaces:</b>	
	<b>Subject:</b>  Violation of Probation/Supervision	<b>References:</b>  Service of Summons, #2.22  Juvenile Court Act  705 ILCS 405/5-725
<b>Effective Date:</b>	<b>Authorized By:</b> Michael J. Rohan	<b>Annual Review:</b>

## **POLICY**

It is the policy of the Juvenile Probation and Court Services Department to exhaust all remedies prior to requesting the filing of a supplemental petition. The Department will utilize an administrative review process for all requests for supplemental petitions and work collectively with the State’s Attorney’s Office in the filing of all supplemental petitions.

## **DEFINITIONS**

**Department** refers to the Juvenile Probation and Court Services Department.

**Supplemental petitions** refer to all technical violations requested by Probation Officers [Violation of Probation (VOP) and Violation of Supervision (VOS)]

## **PROCEDURES**

Delinquent Field Probation Officers must exhaust all administrative sanctions/community-based options and must discuss and obtain approval from their Supervisor prior to requesting the filing of any supplemental petition. This administrative review process is also required when secure detention is requested by the Probation Officer. A recommendation for an appropriate detention alternative should be considered for all minors when a hold in custody as a result of a technical violation is being considered. If Probation Officer is recommending the detention of a minor for a technical violation of probation/supervision, the Supervisor must ensure there are facts to support the conclusion that "the detention is a matter of immediate and urgent necessity for the protection of the minor or of the person or property of another, or the minor is likely to flee the jurisdiction of the court." (JCA 705 ILCS 405/5-720) The department will apply the same applicable statutory criteria it is mandated to use to authorize the detention of a minor by the police department.

At the time a VOP/VOS with a recommendation for detention is presented in court, all Probation Officers must (where appropriate) recommend a Release Upon Request

(RUR) to the Detention Alternatives Coordination Services (DACS) to expedite the step-down to a detention alternative program.

At the time a VOP/VOS with a recommendation for detention is presented in court, Probation Officers must request placement of minors thirteen (13) years of age and under, who otherwise would be held in JTDC, in one of the shelter care facilities contracted by the Probation Department, unless otherwise ineligible.

Beginning January 28, 2008, the State's Attorney's Office (SAO) must approve the filing of all supplemental petitions pursuant to the following protocols:

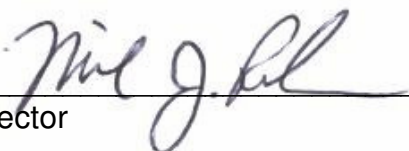
When a Probation Officer is requesting the filing of a supplemental petition, supervisory approval must occur. When the Supervisor approves the filing of a supplemental petition, the Probation Officer, or designated staff, must draft the supplemental petition in JEMS (including scheduling the hearing date). Once the supplemental petition is drafted, Supervisors must review the draft to ensure the accuracy and integrity of the supplemental petition.

Once approved, the Supervisor must send the draft supplemental petition to the Calendar Assistant State's Attorney (ASA) for final review and filing (using option nine (9) on JEMS PETITION LIST screen). Only Probation Supervisors can perform the option to send draft supplemental petitions to the Calendar ASA's. The ASA will routinely check the JEMS system to review and file supplemental petitions sent by the probation Supervisor. In an emergency, the Supervisor can contact the ASA directly and ask for the process to be expedited. When filing the supplemental petition, the Calendar ASA will add his/her name as the petitioner.

When the ASA declines to file a drafted supplemental petition, the Probation Officer or Probation Supervisor must request the ASA's reason for the denial in writing. All written documentation relative to the requesting and filing of a supplemental petition must be placed in the minor's client/family folder. The Probation Officer must also document in the narrative section of the Monthly Case Log the ASA's justification for denying the filing of a supplemental petition(s).

Supervisors/Probation Officers must print the supplemental petition(s) in JEMS once the Calendar ASA has filed the supplemental petition(s). All protocols currently in place regarding Probation Officers delivering summons will remain in effect (see Service of Summons policy, #2.22).

Approved:

  
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Director

**June 25, 2008**  
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Date