

<b>PIERCE COUNTY</b>	<b>SECTION I</b>	<b>Date: 2/1/02</b>
<b>COMMUNITY SUPERVISION MANUAL</b>	<b>Policy Number: 1.2</b>	<b>Pages 10</b>

SUBJECT: **PRETRIAL RELEASE/DETENTION CRITERIA**

I. **POLICY**

The question as to detaining or releasing a youth pending further court proceedings may be addressed at every scheduled court hearing. Probation Officers will attempt to gather as much legal and social information so as to make informed recommendations. All recommendations must adhere to the criteria established in RCW 13.40.040.

II. **DEFINITIONS**

**RCW 13.40.040 Taking juvenile into custody, grounds– Detention of, grounds – Release on bond, conditions – Bail jumping.**

- (2) A juvenile may not be held in detention unless there is probable cause to believe that:
  - (a) The juvenile has committed an offense or has violated the terms of a dispositional order; and
    - (i) The juvenile will likely fail to appear for further proceedings; or
    - (ii) Detention is required to protect the juvenile from himself or herself; or
    - (iii) The juvenile is a threat to community safety; or
    - (iv) The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or
    - (v) The juvenile has committed a crime while another case was pending; or
  - (b) The juvenile is a fugitive from justice; or
  - (c) The juvenile's parole has been suspended or modified; or
  - (d) The juvenile is a material witness.

III. **PROCEDURES**

A. General

1. Notification of a scheduled court hearing may occur in a variety of ways. The two methods that allow for a legal paper trail are as follows:
  - (a) Note of Issue (which may be initiated by any party) (Attachment #1)
  - (b) Scheduling Conference Worksheet (Attachment #2 and Attachment #3)

B. Specifics of Order

1. Paperwork should be completed in advance of the court hearing. Any/all appropriate conditions are to be either checked or written in as needed.
2. The court order addressing detention and/or release is a two page self carboned form – FORM Z-2396 (01/01). (Attachment #4)
3. A separate order must be completed for each additional cause number.
4. Headings consist of the following:
  - (a) Full Legal Name
  - (b) Date of Birth
  - (c) JUVIS Number and Referral Number
  - (d) Cause Number
  - (e) Order establishing conditions of release for ARRAIGNMENT/TRIAL/DISPOSITION/RESTITUTION (Circle the correct choice)

C. Detention recommendations

**[ ] IT IS HEREBY ORDERED THAT THE ABOVE-NAMED JUVENILE SHALL BE DETAINED. (ORDT)**

1. Secure Confinement seeks detention at the facility.
2. Electronic Monitoring allows detention at one's home. This recommendation requires a number of considerations regarding availability and advisability.

D. Release recommendations

[ ] **IT IS HEREBY ORDERED THAT THE ABOVE-NAMED JUVENILE SHALL BE RELEASED FROM CUSTODY PENDING NEXT COURT HEARING ON PERSONAL RECOGNIZANCE, SUBJECT TO THE FOLLOWING CONDITIONS: (ORECRP)**

**CONDITIONS OF RELEASE:** Check or fill-in as necessary.

1. Community Detention Program
  - (a) Grant funded juvenile monitoring program
  - (b) Offers added monitoring of 24-hour house arrest conditions.
  - (c) Agency provides monitoring levels, communication and reports regarding compliance.
  
2. Submit to the supervision of:
  - (a) Specific name of parents or guardians
  - (b) Probation Officer
  - (c) If appropriate: DCFS Social Worker's name, Caseworker's name, treatment facilities' staff or DSHS approved foster parents.
  
3. Reside only at:
  - (a) Specific physical address
  - (b) DSHS approved placement
  - (c) Specific treatment facility
  
4. House Arrest: Remain at residence at all times in the company of supervising adult, exceptions as follows:
  - (a) Specific exceptions such as school, counseling, or drug/alcohol treatment groups.
  
5. Curfew as set by Probation Officer or supervising adult:
  - (a) Specific numbers (Examples: 7:00 p.m. daily, 7:30 p.m. Sunday through Thursday and 9:00 p.m. Friday and Saturday).
  - (b) Curfew per parent
  
6. Obey rules of parent or supervising adult.

7. Travel restricted to Pierce, King, Kitsap and Thurston Counties.
  - (a) Check if appropriate or use the “Additional Conditions of Release” section for exceptions.
8. Maintain contact with Probation Officer, telephone number (253) 798-7900, and Defense Attorney.
9. No association or contact with: \_\_\_\_\_ as set by Probation Officer or supervising adult.
  - (a) Specific names of individuals deemed inappropriate by either party. (Example would be names of codefendants.)
10. No personal contact with the complaining witness or witnesses.
11. No violation of the criminal laws of this State, any political subdivision of this State or any other State, or the United States, during the period of release.
12. Attendance at school or place of employment without absences and maintain best effort.
13. No guns, firearms, ammunition or other weapons.
14. Additional conditions of release:
  - (a) Any exceptions to the listed conditions or more specific requirements.
15. The respondent will submit to such drug and/or alcohol evaluations as the Probation Officer deems appropriate.

E. Completion of Forms

1. Submit forms with any/all recommendations for detention or release to the Presiding Judge.
  - (a) Date the form in the space provided. This is to the left of the Judge’s signature line.
  - (b) The Judge will discuss the matter in open court, receive any requested input from the family or other

parties, and make a ruling. They will sign the form when satisfied with the conditions outlined.

- (c) Detention orders require only the Judge's signature.
- (d) Release orders require that the youth and guardian sign in the space provided. They should include the address that the juvenile will reside at and the telephone number.

F. Distribution of Forms

1. The top (white) copy is returned to the court clerk for placement in the juvenile's legal file.
2. The second (green) copy is returned to the court clerk and after processing is routed for return to the assigned Probation Officer.
3. The third (yellow) copy goes to the Deputy Prosecuting Attorney and is maintained in their working file.
4. The fourth (pink) copy goes to the Defense Attorney and is maintained in their working file.
5. The fifth (canary) copy is given to the juvenile. Please be aware that this copy needs to be legible.

(Attachment #1)

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE  
JUVENILE COURT**

STATE OF WASHINGTON,

Plaintiff

VS.

CAUSE NO: \_\_\_\_\_  
NOTE OF ISSUE/NOTE TO STRIKE

\_\_\_\_\_  
DOB \_\_\_\_\_

JUVIS # \_\_\_\_\_

Respondent

\_\_\_\_\_  
TO: \_\_\_\_\_, Deputy Prosecuting Attorney  
\_\_\_\_\_, Respondent's Attorney  
\_\_\_\_\_, Probation Officer

NOTE OF ISSUE: PLEASE NOTE THAT THE ABOVE-LISTED CAUSE HAS BEEN SCHEDULED FOR HEARING ON THE DATE AND TIME SET FORTH BELOW: (ALL dates/times assigned courtrooms must be confirmed by Court Services in advance of scheduling. Information can be obtained from the Juvenile Department Clerk's Office located at 5501 Sixth Avenue, Tacoma WA 98406 - 798-7915)

NATURE OF HEARING \_\_\_\_\_

TO THE CLERK:

Schedule this matter to be heard on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_ A.M./P.M.  
Clerk's initials Authorizing Court Time: \_\_\_\_\_

NOTE TO STRIKE (Requires notice by noon the day before the hearing. Moving party's obligation to notify all parties. EXCEPTION: Cannot be used for Trials or Dispositions.)

Strike the hearing scheduled as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF MOVING PARTY      DATE      PHONE:

CERTIFICATE OF SERVICE:

The undersigned certifies that on this day he/she delivered by U.S. Mail, personal service or Legal Messenger to all parties of record a true and correct copy of the document to which the certificate is attached. This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington. Signed at Tacoma, Washington on the date below.

Date \_\_\_\_\_ Signature \_\_\_\_\_ LINX \_\_\_\_\_

( Attachment #2)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE - JUVENILE COURT

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO.

vs.

ORDER ON PRETRIAL  
CONFERENCE

DOB:  
JUVIS #:

Respondent.

The State and Respondent have personally appeared this day and the court has set these future court dates.

PLEA & SENTENCING \_\_\_\_\_ TIME: \_\_\_\_\_

TRIAL: \_\_\_\_\_ TIME: 9:00 A.M.

DEFERRED DISPOSITION: \_\_\_\_\_ TIME: \_\_\_\_\_

OTHER RETURN DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

PLEA ONLY: \_\_\_\_\_ TIME: \_\_\_\_\_

DETENTION REVIEW REQUESTED: YES \_\_\_\_\_ DATE: \_\_\_\_\_

FAILURE TO APPEAR FOR ANY OF THE ABOVE DATES WILL RESULT IN A BENCH WARRANT BEING ISSUED FOR YOUR ARREST.

30 DAYS EXPIRE:

60 DAYS EXPIRE:

WAIVER OF SPEEDY TRIAL ATTACHED [ ]

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
JUDGE/COMMISSIONER

THIS DATE(S) ASSIGNED BY THE COURT CLERK: \_\_\_\_\_

COPY RECEIVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
RESPONDENT

\_\_\_\_\_  
RESPONDENT'S ATTORNEY

JUVIS \_\_\_\_\_

SCOMIS \_\_\_\_\_

LINX \_\_\_\_\_

Office of the Prosecuting Attorney  
Juvenile Division  
5501 Sixth Avenue  
Tacoma, Washington 98406-2697

(Attachment #3)

PLEA NEGOTIATION WORKSHEET

DATE: \_\_\_\_\_  
RESPONDENT: \_\_\_\_\_  
JUVIS NO. \_\_\_\_\_  
CAUSE NO. \_\_\_\_\_  
DOB: \_\_\_\_\_  
PROBATION OFFICER: \_\_\_\_\_  
DEFENSE ATTORNEY: \_\_\_\_\_  
DPA'S INITIALS: \_\_\_\_\_

STATE'S OFFER

PLEA AS CHARGED \_\_\_\_\_  
COUNT 1 PRIOR ADJUDICATIONS \_\_\_\_\_ CURRENT OFFENSE CATEGORY \_\_\_\_\_  
\_\_\_\_\_ MONTHS \_\_\_\_\_ HOURS \$ \_\_\_\_\_ CVPA \_\_\_\_\_ DETENTION

COUNT 2 PRIOR ADJUDICATIONS \_\_\_\_\_ CURRENT OFFENSE CATEGORY \_\_\_\_\_  
\_\_\_\_\_ MONTHS \_\_\_\_\_ HOURS \$ \_\_\_\_\_ CVPA \_\_\_\_\_ DETENTION

COUNT 3 PRIOR ADJUDICATIONS \_\_\_\_\_ CURRENT OFFENSE CATEGORY \_\_\_\_\_  
\_\_\_\_\_ MONTHS \_\_\_\_\_ HOURS \$ \_\_\_\_\_ CVPA \_\_\_\_\_ DETENTION

PLEA TO THE AMENDED CHARGE(S) OF  
COUNT 1 PRIOR ADJUDICATIONS \_\_\_\_\_ CURRENT OFFENSE CATEGORY \_\_\_\_\_  
\_\_\_\_\_ MONTHS \_\_\_\_\_ HOURS \$ \_\_\_\_\_ CVPA \_\_\_\_\_ DETENTION

COUNT 2 PRIOR ADJUDICATIONS \_\_\_\_\_ CURRENT OFFENSE CATEGORY \_\_\_\_\_  
\_\_\_\_\_ MONTHS \_\_\_\_\_ HOURS \$ \_\_\_\_\_ CVPA \_\_\_\_\_ DETENTION

COUNT 3 PRIOR ADJUDICATIONS \_\_\_\_\_ CURRENT OFFENSE CATEGORY \_\_\_\_\_  
\_\_\_\_\_ MONTHS \_\_\_\_\_ HOURS \$ \_\_\_\_\_ CVPA \_\_\_\_\_ DETENTION

\_\_\_\_\_ STATE WILL RECOMMEND THE GRID AMOUNT OF RESTITUTION \$ \_\_\_\_\_,  
OR FULL RESTITUTION IF DOCUMENTED BY THE VICTIM

\_\_\_\_\_ THERE IS NO RESTITUTION PER THE POLICE REPORT

ELIGIBLE FOR DEFERRED DISPOSITION YES \_\_\_\_\_ NO \_\_\_\_\_  
STATE SUPPORTS \_\_\_\_\_ OPPOSES \_\_\_\_\_ A DEFERRED DISPOSITION  
TO THE ORIGINAL INFORMATION WITH FULL RESTITUTION  
\_\_\_\_\_ CONTINGENT UPON PROBATION DEPARTMENT'S AGREEMENT  
LICENSE REVOCATION: YES \_\_\_\_\_ NO \_\_\_\_\_

OTHER \_\_\_\_\_

OFFER IS REVOKED IF NOT ACCEPTED BY \_\_\_\_\_

\_\_\_\_\_  
RESPONDENT'S ACCEPTANCE/  
ACKNOWLEDGEMENT

\_\_\_\_\_  
RESPONDENT'S ATTORNEY  
Office of the Prosecuting Attorney  
Juvenile Division  
5501 Sixth Avenue  
Tacoma, Washington 98406-2697  
Telephone: (253) 798-3400

(Attachment #4)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE  
JUVENILE COURT

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. \_\_\_\_\_

vs.

ORDER ESTABLISHING  
CONDITIONS OF RELEASE FOR  
ARRAIGNMENT/

\_\_\_\_\_

D.O.B. \_\_\_\_\_

TRIAL/DISPOSITION/RESTITUTION

JUVIS No. \_\_\_\_\_ R \_\_\_\_\_  
Respondent.

- 
- IT IS HEREBY ORDERED THAT THE ABOVE-NAMED JUVENILE SHALL BE DETAINED. (ORDT)**
    - Secure Confinement
    - Electronic Home Monitoring (subject to the conditions of the monitoring agreement and the conditions set forth below.)
  - IT IS HEREBY ORDERED THAT THE ABOVE-NAMED JUVENILE SHALL BE RELEASED FROM CUSTODY PENDING NEXT COURT HEARING ON PERSONAL RECOGNIZANCE, SUBJECT TO THE FOLLOWING CONDITIONS: (ORECRP)**

**CONDITIONS OF RELEASE**

- Community Detention Program.
- Submit to the supervision of: \_\_\_\_\_  
\_\_\_\_\_
- Reside only at: \_\_\_\_\_  
\_\_\_\_\_
- House arrest: Remain at residence at all times in the company of supervising adult, exceptions as follows: \_\_\_\_\_  
\_\_\_\_\_
- Curfew as set by Probation Officer or supervising adult: \_\_\_\_\_  
\_\_\_\_\_
- Obey rules of parent or supervising adult.
- Travel restricted to Pierce, King, Kitsap and Thurston Counties.
- Maintain contact with Probation Officer, Telephone No. (253) 798-7900 and Defense Attorney.
- No association or contact with: \_\_\_\_\_  
\_\_\_\_\_ as set by Probation Officer or supervising adult.
- No personal contact with the complaining witness or witnesses.

(Attachment #4 Continued)

\_\_\_\_\_  
JUVENILE

\_\_\_\_\_  
CAUSE NUMBER

[ ] No violation of the criminal laws of this State, any political subdivision of this State or any other State, or the United States, during the period of release.

[ ] Attendance at school or place of employment without absences and maintain best effort.

[ ] No guns, firearms, ammunition or other weapons.

[ ] Additional conditions of release: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] **The Respondent will submit to such drug and/or alcohol evaluations as the Probation Officer deems appropriate.**

**FAILURE TO APPEAR AFTER HAVING BEEN RELEASED ON PERSONAL RECOGNIZANCE IS AN INDEPENDENT OFFENSE.**

Dated: \_\_\_\_\_, 200\_\_\_\_\_.

\_\_\_\_\_  
JUDGE/COURT COMMISSIONER

**PARENT/SUPERVISING ADULT AND JUVENILE - PLEASE READ**

I have read the above conditions of release and any other conditions of release that may be attached. I agree to follow said conditions and understand that a violation will lead to my arrest and will result in my detention until trial or other resolution of this matter. I further agree and promise to appear before this Court or any other place as this Court may order upon notice to me at my address stated below or upon notice to my attorney.

**PARENT/SUPERVISING ADULT AND JUVENILE - PLEASE SIGN**

\_\_\_\_\_  
PARENT/SUPERVISING ADULT

\_\_\_\_\_  
JUVENILE

Address Juvenile Will Reside at: \_\_\_\_\_  
\_\_\_\_\_ ZIP \_\_\_\_\_

Telephone: \_\_\_\_\_