

	JUVENILE JUSTICE SERVICES	Effective Date: 9/5/2002
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	Title: SUPERVISION OF PROBATION AND PAROLE CLIENTS -- WARRANTS	
Procedure #: 8.14.2.12D		

AUTHORITY:

Policy: *Supervision of Probation and Parole Clients-- 8.14.2.12 NMAC*

Delinquency Act, NMSA 1978 32A-2-1 et seq.

DEFINITIONS:

Juvenile justice services refers to the organizational unit within CYFD that operates juvenile justice facilities, and provides other services under the Delinquency Act, NMSA 1978 section 32A-2-1 et seq.

Staff refers to employee(s) of CYFD.

FORMS:

PROCEDURE:

A. WARRANTS --PROBATION VIOLATION WARRANTS:

1. Prior to requesting a Probation Violation Warrant, the JPPO or designee makes every reasonable effort to locate the client:
 - a. Attempt telephonic contact with the parent/guardian or other known relative.
 - (1) If the family does not have a home telephone, staff attempt to contact the parent/guardian at their place of employment or attempt to contact a relative or other known individual(s) who may have residence information.
 - b. Conduct a visit to the last known address.
 - c. Conduct a school visit if it is believed that the client may be attending school or contact the school police for current enrollment information.
 - d. Contact the client's employer.
 - e. Staff documents all efforts in FACTS.

2. JJS staff **shall** request a probation violation warrant when the following conditions exist:
 - a. Facts or information that would cause a reasonable person to believe that the client has violated probation conditions by committing a felony or a firearm related violation.
 - b. The client has violated probation condition(s), there is credible information indicating that the client poses a significant risk to self or to the public safety and cannot be located. In this instance, JPPO must consult with their supervisor to establish the risk to the public safety.
3. JJS staff **may** request a probation violation warrant when the following conditions exist:
 - a. The client is classified "high" risk of re-offending and has allegedly violated probation condition(s) and cannot be located
 - b. The underlying admitted/adjudicated offense is a felony or is firearm related, and the client has violated probation conditions and cannot be located.
 - c. The client has allegedly violated probation conditions, there is credible information indicating that the client poses a significant risk to self or to public safety and cannot be located. In this instance, the JPPO must consult with their supervisor to establish the risk to public safety.

B. WARRANTS -- CONDITIONAL RELEASE --When a client is alleged to have violated the terms of a conditional release, the JPPO, with the approval of CJPPPO/designee, may request the Children's Court Attorney to prepare a motion to request a judicial review or reconsideration.

1. At the judicial review/reconsideration the JPPO shall recommend to either continue the child on Conditional Release, with such modifications as the JPPO has deemed appropriate or request detention of the child pending further proceedings.
2. If the child is alleged to have violated the terms of his conditional release, the JPPO may request a Warrant for the child's arrest.
 - a. The JPPO with CJPPPO/designee approval must articulate in the affidavit located in FACTS why the child poses a serious risk to his safety or the safety of the community or meets detention criteria as set in 31A-2-11.

C. WARRANTS -- FAILURE TO APPEAR -- If the Court Order allows the client to be released from the warrant at the discretion of the JPPO to the P/G/C, the client must first

be taken into custody and the warrant must be served. Clients do not need to be booked in detention for this to occur. The JPPO obtains CJPPPO/designee written approval to release the client.

D. SERVING WARRANTS

1. When JJS staff become aware of the location/whereabouts of a client on warrant status Department staff **shall immediately** call law enforcement, report the client's location and request apprehension.
2. When calling law enforcement the JPPO/designee reports the location of client on warrant status and requests that a warrant be served call the **police non-emergency number**.
 - a. If, however, there is credible information suggesting the client presents an imminent risk to him/herself or others, call 911.
 - b. In the event the client contacts Juvenile Probation and Parole staff the JJS staff instructs the client to immediately turn him/herself in to the locate detention center or law enforcement agency.

E. MONITORING DELINQUENCY WARRANT STATUS CASES -- Delinquency cases for which a warrant has been issued are monitored according to the following:

1. Designated JJS staff will make ongoing and regularly document (log notes in case file FACTS narrative) efforts to locate the client for whom a warrant has been issued.
2. During the initial 90 days, the assigned JPPO/designee on a monthly basis, actively attempts to locate the probationer if on probation.
 - a. Thereafter, the JPPO/designee at a minimum continues on a monthly basis to actively locate the client whose SDMS' risk level is "high".
 - b. For those clients whose SDM's level are either "medium" or "low" the JPPO/designee at a minimum of every 60 days actively attempts to locate the client.
3. Periodically, the CJPPPO/designee reviews the list of outstanding warrants to determine whether warrants in the system should be recalled.

F. CANCELLATION -- Staff consider the following factors when requesting a warrant be cancelled/quashed:

1. Whether the pending underlying charge is a person or firearm law violation;

2. The SDM "risk" classification of the client;
3. Whether the client is believed to pose a significant public safety risk;
4. Whether the client has met or continues to be in need of court ordered treatment/counseling that is intended to address his/her offending behavior;
5. The age or adult status of the client;
6. Whether the client is also under the jurisdiction of the adult criminal justice system;
7. The length of time the warrant has been in the system; and
8. If there is credible information indicating the client resides out of state and whether the District Attorney's Office is willing to extradite, if the client is arrested/taken into custody on the warrant.
9. When JJS determines that a warrant should be cancelled/quashed, and with the approval of the CJPPPO/designee, the assigned JPPO contacts the Children's Court. The JPPO documents in FACTS the reason for the request.