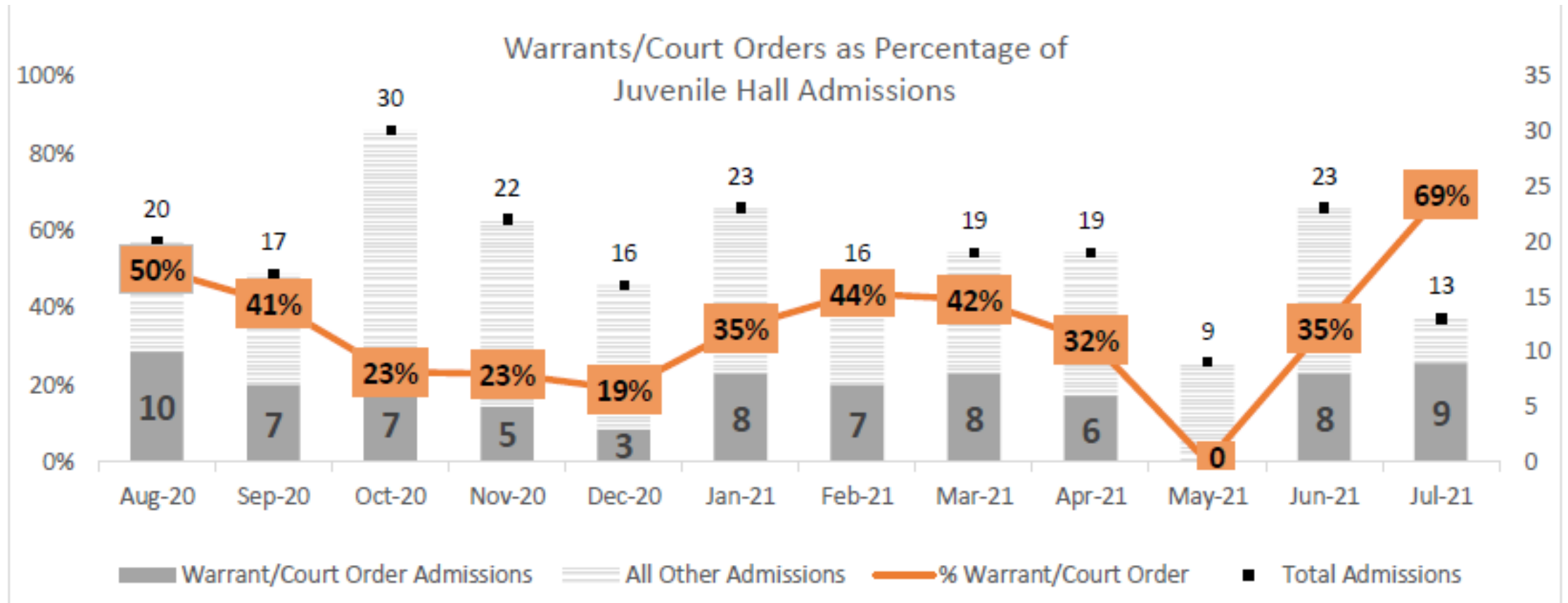


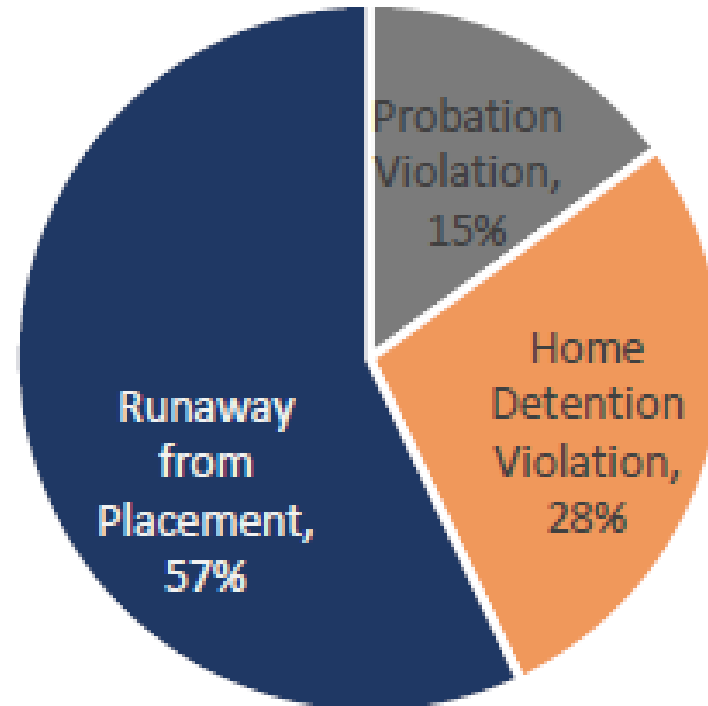
Policy Brief: Reforming Detention for Juvenile Court Bench Warrant

Data and Needs Assessment Ad Hoc Committee


Warrants / Court Orders as Percentage of Juvenile Hall Admissions



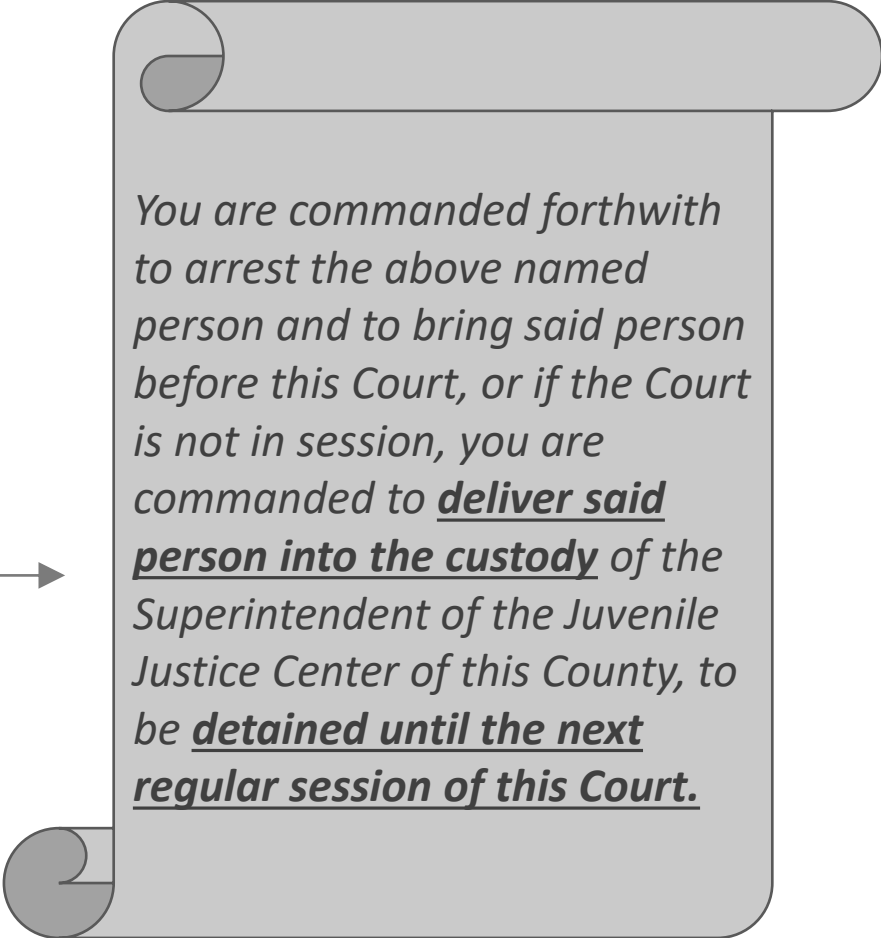
Reason for Warrants



What is a Bench Warrant?

- A juvenile bench warrant is an order issued by a juvenile court judge.
- Terms of Bench Warrants vary by county and court.
- In San Francisco, juvenile bench warrants are issued with the following terms: 

Under the current terms: JPD does not currently have discretion to release youth brought to juvenile hall with a bench warrant.



*You are commanded forthwith to arrest the above named person and to bring said person before this Court, or if the Court is not in session, you are commanded to **deliver said person into the custody** of the Superintendent of the Juvenile Justice Center of this County, to be **detained until the next regular session of this Court.***

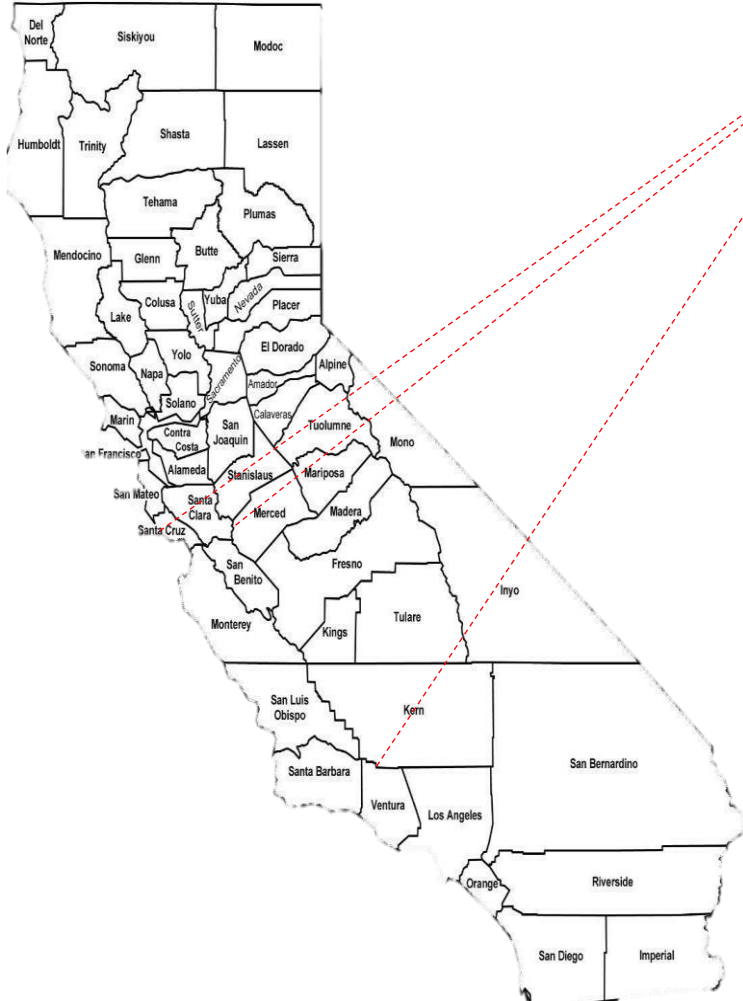
When Are Bench Warrants Issued?

- Bench warrants are issued when a young person already has a case pending before the court, either:
 - *before* the youth's charges have been adjudicated (pre-trial), or
 - *after* adjudication / disposition (for example, while on probation).
- Bench warrants may be issued for things like:
 - Youth "fails to appear" (FTA) in court
 - Youth is "AWOL"
 - Probable cause that youth is out of compliance with a court order
- Juvenile court may issue bench warrant:
 - Upon findings made in court, on its own authority,
 - Upon request by Juvenile Probation Department.

Research on Bench Warrants

- ❖ San Francisco's policy of mandatory detention for all juvenile bench warrants **conflicts with the overarching juvenile court principle of keeping youth at home whenever possible.**
- ❖ Detention for bench warrants **imposes significant harms on youth** and is counter-productive to the rehabilitative goals of the juvenile court.
- ❖ There is **no deterrence justification** for detaining youth with bench warrants.
- ❖ There is **no public safety justification** for detaining youth with bench warrants.
- ❖ Detention on bench warrants **may lead to an increased risk of recidivism.**
- ❖ Other jurisdictions have implemented policies to:
 - ❖ reduce the need for bench warrants; and
 - ❖ reduce detention of youth who are arrested on bench warrants.

“Two-Tiered” and Discretionary Bench Warrants



Two Tiered and Discretionary Bench Warrants

- **Santa Cruz County “Two-Tiered Warrants.”**

- Allows release of the youth at the probation officer’s discretion. Local risk assessment instrument is used to determine whether the youth may be released. If released, the youth and their parent or guardian signs a promise to appear for a hearing that is to be scheduled within 48-hours.

- **Ventura “Two-Tiered Warrant.”**

- Gives the court the opportunity to authorize specific conditions upon which the youth may be released pending his/her next court date. For youth arrested with a warrant authorizing release, Probation conducts the standard booking screening procedure, including administering the risk assessment instrument (RAI), for consideration of a detention alternative.

- **Santa Clara “Discretionary Bench Warrant.”**

- Allows for the discretionary release at screening of some youth with an existing warrant when they are brought to Juvenile Hall. Under this policy, when issuing a discretionary warrant, the court will indicate whether the youth is eligible for release pending the next scheduled court hearing.

Recommendations

1. San Francisco should implement policies to avoid the issuance of bench warrants to the greatest extent possible.
2. When a bench warrant cannot be avoided, San Francisco should implement bench warrant policies that preserve options to release the youth pending their court hearing.
3. When a youth cannot be released, San Francisco must expedite its court hearings.
4. San Francisco must create processes to allow outstanding warrants to be resolved and cleared without detention of the young person.