

17 VIOLATIONS AND REVOCATION OF AFTERCARE SUPERVISION

OVERVIEW OF CHAPTER CONTENTS

PRIMARY TOPICS COVERED IN THIS CHAPTER (READ ACROSS)

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- Initiation of Revocation Process
- Taking Youth into Custody
- Revocation Packet
- Revocation Hearing
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- Violation of Aftercare Supervision
- Summary Disposition
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- Notice to Youth
- Preparation for Revocation on Hearing
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- Petition for Change in Placement by the Court

FORMS DISCUSSED IN THIS CHAPTER

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- Cancellation of Order to Detain (DOC-1916)
- Detention Notice and Appeal (DOC-1614)
- Revocation Hearing Request (DOC-1794)
- Recommendation for Administrative Action (DOC-44a)
- COMPAS Youth/Re-entry
- Statement (DOC-1305)
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- Apprehension Request (DOC-58)
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- Violation Investigation Report (DOC-1783)
- Community Supervision Rules & Conditions (DOC-1741)
- Youth Restitution & Debt Collection (DOC-1841)
- Aftercare Revocation Report (DOC-2125)
- Department Revocation Order (DOC-1700)

FORMS DISCUSSED AND INCLUDED IN THIS CHAPTER

- Aftercare Revocation Checklist

The following forms are available in MyDOC: DOC-58a, DOC-1916, DOC-44a, DOC-1305, DOC-1304, DOC-58, and DOC-1915. The balance are completed in JJIS.

APPLICABILITY

The disciplinary procedures described are in accordance with Chapter DOC 393 of the Wisconsin Administrative Code. They **apply only to youth released by OJOR from a JCI and placed on state or county aftercare supervision, or a youth released to aftercare from type 2 status.**

VIOLATION OF AFTERCARE SUPERVISION

FINDING OF VIOLATION

DJC staff respond to alleged violations following the procedures pursuant to s. DOC 393.12.

In accordance with s. DOC 393.11, a youth may be found to have violated a conduct rule or a court-ordered condition of aftercare under s. DOC 393.05 if one of the following applies:

- Youth committed an act(s) prohibited by the conduct rule or court-ordered condition.
- Youth was convicted or was adjudicated delinquent for violating a criminal law or municipal ordinance.

INVESTIGATION

- Investigation by agent includes an interview with the youth to discuss the alleged violation within a reasonable period of time after the agent becomes aware of the allegation.
- Agent consults with his or her supervisor regarding the amount of time remaining for the youth's commitment to DJC.
- Agent and supervisor determine the most appropriate response to the youth's conduct considering the options listed below:
 - ✓ Counseling
 - ✓ Summary Disposition
 - ✓ Revocation

COUNSELING

CIRCUMSTANCES WHEN COUNSELING IS APPROPRIATE

Counseling may be an appropriate course of action if the **violation is minor** and the **risk** the youth presents **to the community is not substantial** or immediate **and one or more of the following apply:**



- Youth is **unfamiliar** with the conduct rule or court-ordered condition.
 - Youth has **not previously violated** the same or a closely related conduct rule or court-ordered condition.
 - Youth is **unlikely to repeat** the behavior if warned and counseled.
- Youth's **ability to understand** the conduct rules or court-ordered conditions is **limited** or impaired.
 - **Summary disposition or revocation is not appropriate.**

ACTIONS BY AGENT

- **Explain and review** the Community Supervision Rules and Conditions (**DOC-1741**) and **court-ordered conditions**.
- Inform the youth **why the conduct is a violation**
- Direct the youth to take **corrective action**
- Agent completes and places in youth's file the **Violation Investigation Report** (DOC-1783)
 - ✓ Youth's name and DOC number
 - ✓ Date and location of incident
 - ✓ Description of behavior
 - ✓ Counseling the agent provided to the youth

SUMMARY DISPOSITION**PROCEDURES**

If an agent believes that counseling would not serve the purpose of holding the youth accountable for his or her actions, but revocation is not necessary, the agent may use the summary disposition procedures.

After informing the youth that the youth's **conduct is in violation of his or her DJC community supervision, or court-ordered condition of aftercare**, the agent takes one or more of the following actions:

- **Explain and review** the Community Supervision Rules and Conditions (**DOC-1741**) and **court-ordered conditions**.
- **Warn** the youth that further violations may result in revocation of the youth's aftercare.
- **Modify the DOC-1741**.
- Require the youth to **re-sign** the revised DOC-1741.
- Require the youth to take **corrective action**.
- **Further restricts the youth's placement or supervision**.

COMPLETION OF DOCUMENTATION

Agent completes and places in youth's file the **Violation Investigation Report** (DOC-1783) that includes:

- Youth's name and DOC number
- Date and location of incident
- Description of behavior
- Summary disposition imposed by agent

APPEAL PROCEDURES:

- A youth may appeal a summary disposition either verbally or in writing **within 5 days of its imposition.**
- An appeal **does not delay the imposition** of the summary disposition pending outcome of the appeal.
- Agent's **supervisor reviews the appeal and responds** in writing to the youth within 5 working days of receipt of the appeal.
- If the supervisor does not issue a written decision within 5 working days, the agent's disposition is upheld.
- Agent places a copy of the youth's **appeal and the supervisor's decision**, if issued, in the youth's **field file.**

INITIATION OF REVOCATION PROCESS**CONSULTATION WITH SUPERVISOR****Recommendation by Agent**

Agent recommends **to his or her supervisor** that revocation proceedings should be initiated after consulting with the county liaison or caseworker and determining that counseling and summary disposition are not satisfactory options.

Role of Supervisor

Supervisor considers the following prior to initiating revocation proceedings:

- Seriousness of committing offense upon admission to a JCI.
- Past conduct and the positive or negative adjustments while on aftercare.
- Previous violations of aftercare and the disposition of each.
- Seriousness of the new violation.
- Why alternatives to revocation are not appropriate and have been rejected.

DECISION TO INITIATE REVOCATION

When the agent and supervisor **decide to begin revocation proceedings**, the agent **completes a Violation Investigation Report** (DOC-1783) providing all the information required including the youth's name, DOC number, date, location and description of the youth's behavior.

ADMINISTRATIVE DETENTION OF YOUTH**ADMINISTRATIVE DETENTION****Appropriateness of Administrative Detention**

A youth on aftercare, unlike a youth in type 2 status, may not be placed in a JCI as a form of sanction without first deciding to begin the revocation process. The **decision to begin revocation proceedings must precede the determination of the need for administrative detention** of the youth.

Not all youth against whom revocation has been initiated **need to be placed in administrative detention**. Further assessment of the youth must take place. [see section below]

Role of Agent

Agent decides whether to recommend to his or her supervisor that the youth should be administratively detained based on the alleged violation and the youth's past conduct.

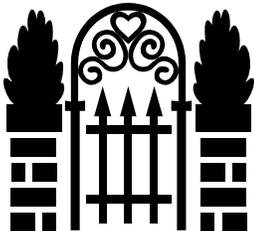
Role of Supervisor

Supervisor determines **if it is likely that the youth will do any of the following if the youth remains in the current community placement:**

- Seek to intimidate a witness in a pending investigation, disciplinary action or revocation action.
- Encourage others by example, expressly or by the youth's presence, to defy staff authority and thereby decreasing the staff's ability to control a particular situation.
- Present a substantial danger to the physical safety of himself or herself, or another person.
- Attempt to flee.
- Commit a crime.
- Engage in an activity that violates a conduct rule or court-ordered condition of aftercare.
- Not achieve the goals and objectives of his or her aftercare.

If none of the above conditions exist, the youth may remain in his or her current placement pending outcome of the revocation. There must be a **reason to remove the youth from the community; initiation of the revocation process alone is not sufficient**.

Decision to Administratively Detain



- DJC may place a youth in a JCI or secure detention facility pending the outcome of revocation proceedings.
- DJC may request that the youth be taken into custody under s. 938.19 (1) (d) 6., Stats., and released to DJC under s. 938.20 (2) (cm), Stats. [see section below]

Notice to Youth to be Placed on Administrative Detention

- Agent's **supervisor completes the Detention Notice and Appeal (DOC-1614)** and sends it **to the youth no later than the 7th day** after the day the youth was placed on administrative detention.
- DOC-1614 explains why the youth is on administrative detention based upon the considerations described above.

Youth's Appeal Rights

- Youth has the **right to appeal the administrative detention decision** in writing at any time prior to the revocation hearing.

- **Regional chief reviews and responds** to the youth's appeal in writing within 7 days after receipt of the appeal.
- Youth may **appeal the regional chief's decision to the administrator** who responds in writing to the youth within 7 days after receipt of the appeal.

TAKING YOUTH INTO CUSTODY

LAW ENFORCEMENT INVOLVEMENT

Under s. DOC 393.10 (1), DJC staff may request that law enforcement authorities take a youth into custody and transport the youth to a detention facility, a mental health or medical facility or a JCI.

Pursuant to administrative rules, DJC may take youth into custody; however, by practice DJC usually requests law enforcement to take youth into custody.

- Agent completes the **Apprehension Request** (DOC-58) and forwards to local law enforcement. Completion of DOC-58 must be noted in JJIS.
- When **law enforcement apprehends a youth**, the youth may be turned directly over to DJC staff for transportation to the JCI.
- Agent cancels the DOC-58 by completing the **Apprehension Cancellation** (DOC-58a) as soon as the youth is taken into custody by law enforcement. Completion of DOC-58a must be noted in JJIS.

PLACEMENT IN LOCAL SECURE DETENTION FACILITY

Roles of Agent and Supervisor : Return within 24 hours

- Agent notifies his or her supervisor that a youth has been placed in a detention facility pending return to a JCI.
- Supervisor calls and **notifies the JCI that the youth is being returned to the JCI** on administrative detention pending the outcome of revocation proceedings.
- Supervisor tries to arrange for the youth's return to the JCI within 24 hours of the youth being placed in custody.
- Agent completes and faxes the **Aftercare Administrative Detention** (DOC-2109) to the JCI immediately following the supervisor's telephone call to the JCI.

Involvement of County Intake Worker: Return to JCI Not in 24 Hours

- If the youth is not released directly to DJC within 24 hours of arrival at the local detention facility, a local county intake worker must see the youth to authorize the placement.
- Depending on the county, the **intake worker may request** one or both of the following from the youth's agent: **Juvenile Aftercare Revocation Notice, Rights, Acknowledgment and Waiver** (DOC-1795) and/or **Order to Detain** (DOC-1915).
- County Schedules **Detention Hearing**
- Agent participates in hearing speaking in support of the request for on-going detention.
- Upon Issuance of Order to Detain

If the **youth is 17 years or older**, the local intake worker may order the youth be held in an approved portion of a county jail pending pickup by DJC staff. This is a local issue determined by the county intake department, county sheriff's department and the county board of supervisors.

- **Youth Returned to JCI:** Agent completes and faxes the **Cancellation of Order to Detain** (DOC-1916) to the local detention center when DJC staff transports the youth from secure detention to JCI.

PRE-HEARING PROCEDURES

SCHEDULE REVOCATION HEARING

- **Agent schedules a revocation hearing**, which takes place **within 30 days** after the youth was taken into custody.
- The time limit for the hearing may only be extended by agreement of the youth, youth's attorney and the agent.
- For **interstate compact youth** outside of Wisconsin, the 30-day time period for a revocation hearing begins the first day when the youth is back in Wisconsin. [see *Chapter 19*]

SERVE YOUTH WITH DOC-1795

- Agent completes and serves the youth with the Juvenile Aftercare Revocation Notice, Rights, Acknowledgment and Waiver (DOC-1795).
- DOC-1795 includes date of hearing.
- If the youth is being held on **administrative detention**, the agent serves the youth with the DOC-1795 **no later than the 7th day after the day on which the youth was taken into custody**.
- If the youth is **not in custody**, the agent serves the **DOC-1795** to the youth **at least 14 days prior to the scheduled revocation hearing**.
- When the agent cannot personally meet with a youth who was returned to a JCI, he or she forwards the DOC-1795 to the JCI and arranges for the social worker to serve the youth with the DOC-1795.
- Agent or social worker **carefully explains the contents** of the DOC-1795.
- When the youth understands the contents of the DOC-1795, the agent or social worker may **proceed with asking the youth if he or she wishes to waive the right to a revocation hearing**.

WAIVER OF HEARING BY YOUTH

- A youth served with a DOC-1795 **may waive the right to a revocation hearing at the time notice is served upon youth or at a later time**, including the right to be represented by an attorney at that hearing. [see *later section regarding procedures when hearing waived*]

- Youth must waive his or her rights **knowingly, voluntarily and in writing** after a DJC staff member thoroughly explains the consequences of waiving the right to a hearing.
 - ✓ DJC staff **may not accept a waiver from a youth who is less than 14 years** of age at the time of the waiver, unless the youth's attorney approves the waiver. If a youth who is less than 14 years of age at the time of the waiver does not have an attorney, DJC staff may not accept a waiver unless the youth's parent, guardian or legal custodian approves the waiver. The youth may consult with an attorney, if requested, before the youth waives any rights.
 - ✓ DJC staff **may not accept a waiver** from a youth of any age if the DJC staff reasonably believes that the youth **lacks the mental capacity** to make a reasoned and voluntary waiver of his or her rights.
- An **adult witness** must observe the explanation of the waiver and the youth's signing of the waiver. The witness may not be DJC staff, unless no other witness is available.

YOUTH REQUESTS HEARING

If the youth requests a revocation hearing, the agent completes the following tasks in addition to the above documents.

- Complete the **Revocation Hearing Request** (DOC-1794).
- Notify the appropriate State Public Defender's office in the county where the hearing is scheduled.
- List the **names of all witnesses** on the DOC-1794 who will attend the revocation hearing on behalf of DJC.
- Complete the **Subpoena** (DOC-1304) for each witness.
- Provide witnesses with the pamphlet written by the Division of Hearings and Appeals, "The Revocation Process."
- Serve the subpoena to each of the witnesses or request the local Sheriff's Department, if practical.
- Arrange for appearance of witnesses testifying on behalf of DJC.

REVOCATION PACKET

CONTENTS

The following documents shall be in every **revocation packet regardless of whether the youth wants a hearing or waives his or her right to a hearing.**

-  Original Dispositional Order and any subsequent Orders that extend the youth's supervision under DJC [see Chapter 3]
-  Community Supervision Rules and Conditions (DOC-1741) [see chapters 10 & 16]
-  Violation Investigation Report (DOC-1783)
-  Aftercare Revocation Report (DOC-2125)

- ☐ Statement (DOC-1305) from any unavailable witness and why the witness will be unavailable at the hearing
- ☐ Recommendation for revocation included on the Administrative Action (DOC-44a)
- ☐ Juvenile Aftercare Revocation Notice, Rights, Acknowledgment and Waiver (DOC-1795)
- ☐ Youth Restitution and Debt Collection (DOC-1841)
- ☐ Aftercare Administrative Detention (DOC-2109)
- ☐ COMPAS Youth or Re-entry bar chart
- ☐ Any other pertinent information (e.g., police reports, alternate care placement reports, etc.)

DISTRIBUTION OF REVOCATION PACKET: HEARING

Agents follow the timeline below for distributing the revocation packet when a **revocation hearing will be conducted**.

- At least **10 days prior to the hearing**, the **agent provides his or her supervisor** with the original revocation packet so the supervisor may review and approve the packet.
- At least **5 days prior** to the day of the revocation hearing, the agent sends a **copy of the entire revocation packet to the following**:
 - Division of Hearings and Appeals
 - Youth
 - Youth's attorney
 - Youth's SS file
 - OJOR-local
 - Agent's supervisor
 - County
 - Agent retains original for youth's field file
- See section below regarding distribution of packet when youth waives hearing.

AGENT REVIEWS FILE

Prior to the hearing, **agents should be thoroughly prepared** by reviewing the revocation packet, looking over the Court Testimony section of the Court Proceedings chapter (*see Chapter 9*).



YOUTH AND ATTORNEY REVIEW FILE

At least 2 days prior to the day of the hearing, the youth and youth's attorney may review all evidence that the agent will submit at the hearing including documents not provided in the revocation packet.

REVOCATION HEARING

HEARING PROCEDURES

Hearings are conducted in accordance with chapter HA 2, Wisconsin Administrative Code by an **Administrative Law Judge (ALJ) from the Division of Hearings and Appeals (DHA)**.

- See **chronological outline of a revocation hearing below prepared by the DHA**.

- Remember that each ALJ has a different style and approach to conducting a revocation hearing.

Revocation hearings are dynamic and the order in which things occur may change depending on the circumstances. For example, child victim/witnesses or witnesses with time constraints may require special accommodations. **Do not be surprised if hearings vary**, even with the same ALJ.

Audiotape

All hearings are recorded on audiotape; therefore, it is imperative to speak clearly. If the agent needs a copy of the tape or transcript made from the tape, he or she may order it from the Division of Hearings and Appeals for a fee.

PRIOR TO BEGINNING OF TAPE RECORDING

- A defense attorney may request some time to discuss the case with his or her client before the hearing. An ALJ generally allows this time because it may result in a waiver of the hearing or an admission to the violations.
- Some ALJ's may go through the revocation packet and mark the documents in numerical order. The documents will then be referred to as "exhibits" during the hearing.
- If the agent has any documents that he or she wants to submit that were not included in the packet, he or she shall give these documents to the ALJ at this time. In addition, the defense attorney may submit documents or evidence to be marked by the ALJ.
- Most ALJ's mark DOC exhibits then the defense attorney's exhibits in continuing numerical order.
- Any objections to exhibits are usually considered on the record (i.e., when the tape begins recording).
- When all the participants (i.e., agent, defense attorney, youth, and ALJ) are in the designated hearing room, participants may raise an issue to discuss off the record (i.e., meaning without the tape recording). For example, the ALJ may ask what witnesses are present. Then an agent or attorney may make an uncontested request for a continuance/adjournment (i.e., both the agent and attorney agree to the continuance/adjournment).
- Each ALJ will determine what is acceptable to discuss off the record; therefore, if the agent is uncertain, he or she shall ask the ALJ.

CALLING THE CASE

- The ALJ turns on the tape recorder and calls the case.
- ALJ states the purpose of the hearing, the name of the youth, date, time, location of hearing, and his or her name for the record.
- Some ALJ's may state the names of the agent and the defense attorney and others may ask those parties to say their names for the record.

- If there is an interpreter, the ALJ may swear him or her in at this point, but not all ALJ's may do this.

READING THE VIOLATIONS

- Youth have the right to have the Department's allegations read to them at the hearing.
- Most youth waive this right because his or her attorney has usually previously discussed the allegations with the youth.

PRELIMINARY MATTERS

- The defense attorney states whether the youth admits or stipulates (agrees) to any of the violations.
- Other matters may be raised at this point such as a contested (agent and attorney disagree about the issue) request for a continuance. The party objecting to the adjournment should be given an opportunity to state his or her reasons for the objection. The ALJ will decide whether to grant the continuance.
- The ALJ may ask about witnesses who will be testifying at the hearing, if he or she did not ask prior to the tape beginning to record.
- The agent or attorney may have an objection to the appearance of a witness which may be addressed at this time.
- If the agent has safety concerns about a witness, arrangements should be made prior to the hearing; however, the issue may be discussed at this time to allow the defense attorney the opportunity to object to the safety measures being taken for a witness.

DOC PRESENTATION OF THE CASE

General Procedures

- Agent testifies and presents the documentation related to the case.
- As a general rule, all witnesses will be asked to wait outside of the hearing room until he or she is called to present testimony.
- Witnesses are called; however, they may be called out of order to accommodate off-duty police officers or civilian witnesses who have time constraints.

Direct Examination of the Agent

- Most ALJ's swear in the agent (i.e., "Do you swear or affirm, under penalty of perjury that the testimony you're about to give is the truth, the whole truth and nothing but the truth?" The agent shall respond "yes".).
- The ALJ begins to ask the agent basic questions such as, "What is your name?", "Where are you employed?", "How long have you been worked for your current employer?", etc.
- Then the ALJ will ask questions for the agent to show his or her familiarity with the case (i.e., "Do you know the youth?", "How do you know the youth?", etc.).
- Next, the ALJ will ask the agent to identify the documents in the revocation packet. If the ALJ did not mark the exhibits before this point of the hearing, he or she will now mark the documents.

- If the youth has not admitted or stipulated to the alleged violations, some ALJ's may ask the agent questions about the evidence that the Division is relying upon to prove the allegations.
- The ALJ asks questions of the agent about his or her knowledge of the youth's alleged violations. Agents should be aware that some ALJ's may not ask many or any questions after reviewing the revocation packet. The ALJ may only ask the agent if he or she has any additional information to add to the record. The agent shall determine the necessity to testify on the additional information.
- After the facts of the case have been established, the ALJ may ask the agent questions about alternatives to revocation (ATR) (i.e., counseling or summary disposition).
- If the only issue in dispute is whether the youth should be given an ATR, the ALJ may ask the agent questions about the youth's adjustment to aftercare, other ATR's the youth has received, prior revocations, and the youth's treatment history.

Cross Examination of the Agent

- When the ALJ finishes the direct examination, the defense attorney may then cross-examine the agent.
- After cross-examination, the agent may have the opportunity to make additional comments to the record. **Note:** Agents should not give their closing arguments at this time. Agents shall provide information not yet in the record, but relates to the questions asked by the attorney or ALJ.

Direct Examination of DJC Witness

- When the agent concludes his or her testimony, the ALJ asks the agent to bring in the first witness.
- ALJ swears in the witness.
- Agent conducts a direct examination of the witness by asking questions such as "How does he or she know about the case?" or "What does he or she know about the case?"
- If the defense attorney objects to a question, he or she raises the objection before the witness answers the question. The agent has the opportunity to defend the validity of the question, if necessary.
- The ALJ either sustains (agrees with) the objection or over rules (disagrees with) it.
- The ALJ may interrupt the direct examination to ask the witness questions, or he or she may wait for the agent and attorney to finish asking questions.

Cross Examination of DJC Witness by Defense Attorney

- Youth's defense attorney may cross-examine the witness after the agent finishes his or her direct examination.
- If the agent objects to a question asked by the defense attorney, he or she raises the objection before the witness answers the question. The defense attorney has the opportunity to defend the validity of the question, if necessary.
- ALJ either sustains (agree with) the objection or over rules (disagree with) it.
- ALJ may interrupt the cross-examination to ask the witness questions, or he or she may wait until the agent and attorney are finished asking questions.

Excusing the Witness

When the agent, attorney and ALJ have finished asking questions of the witness, the ALJ excuses the witness and the agent brings in the next witness. This process continues until all of the agent's witnesses have testified on behalf of DJC.

DEFENSE ATTORNEY PRESENTATION OF THE YOUTH'S CASE

- Attorney usually introduces the exhibits during the course of the testimony of witnesses.
- When the attorney brings in witnesses, the process described above is followed except the defense attorney presents the direct examination and the agent conducts the cross-examination.

CLOSING ARGUMENTS/STATEMENTS

Closing Argument

- Agent has the opportunity to present a closing argument in order to:
 - ✓ Emphasize the evidence that he or she believes proves the youth's involvement in the alleged violations.
 - ✓ Explain why the youth's aftercare should be revoked.
 - ✓ **Note:** Agents may decide not to give a closing argument and simply rely on the revocation packet.
- Defense attorney has the opportunity to give a closing argument in order to:
 - ✓ Assert that the evidence does not prove the youth's involvement in the alleged violations.
 - ✓ State why revocation is not appropriate for the youth.
- Rebuttal
ALJ may ask the agent if he or she wants to make a rebuttal statement, i.e., response to the defense attorney's closing argument.

CONCLUSION OF HEARING

The ALJ makes a brief statement concluding the hearing such as, "This concludes the final revocation hearing of Jamie Smith" and turns off the audio tape.

PROCEDURES FOLLOWING REVOCATION HEARING

Hearing examiner revokes the youth's aftercare

- The administrator of the Division of Hearings and Appeals signs and sends the (DHA-11) revoking the youth's aftercare. The DHA-11 is the equivalent of the DOC-1700 signed by the DJC administrator.
- Within 24 hours of the agent's receipt of the DHA-11, the agent will notify the youth's institution social worker by phone or email that the youth's aftercare is revoked.
- If the youth is in custody, the DHA-11 authorizes the transfer of supervision to the JCI.
- If the youth was not in custody during the revocation process, DJC takes the youth into custody and returns him or her to the JCI upon receipt of the DHA-11.

Hearing examiner does not revoke the youth's aftercare

Youth continues on aftercare, and is promptly released from administrative detention to an approved alternative placement as soon as practical after receipt of the DHA-11.

APPEAL OF HEARING DECISION

The youth or youth's attorney may **appeal a decision to revoke** the youth's aftercare to the Division of Hearings and Appeals administrator and then to a court. If the youth is in custody, he or she remains on administrative detention pending the outcome of an appeal.

YOUTH WAIVES RIGHT TO HEARING

ROLE OF AGENT

Within 10 days after the youth signs the DOC-1795 waiving his or her right to a revocation hearing, the **agent sends the original revocation packet to his or her supervisor**. Youth may waive the right to a hearing at the time DOC-1795 is first served or at a later time prior to the hearing. Within 24 hours of receipt of the signed Department Revocation Order from the DJC Administrator, notify the youth's institution social worker by phone or email that the youth's aftercare is revoked.

ROLE OF SUPERVISOR

- Review and approve the agent's recommendation that the youth's aftercare be revoked.
- **If the supervisor agrees** with the agent's recommendation of revocation, the supervisor **forwards the revocation packet to the administrator** within 14 days after acceptance of the waiver, unless the administrator grants an extension for cause.

ROLE OF ADMINISTRATOR

- If the administrator agrees with the recommendation of revocation, he or she signs the Department Revocation Order (DOC-1700) which states:
 - ✓ Reasons the youth's aftercare is being revoked.
 - ✓ Orders the youth's aftercare revoked and transfers supervision of the youth back to the JCI.
- Within 14 days of receipt of the revocation packet, the **administrator/designee sends copies of the following documents to the entities listed below:**

Entire Revocation Packet	DOC-1700 only	DOC-1700 & DOC-44a
<ul style="list-style-type: none"> • JCI if youth on administrative detention • OJOR-local • Agent • Agent's supervisor • Committing county • Youth's attorney, if any 	<ul style="list-style-type: none"> • Div. of Hearings & Appeals • Youth • Youth's parent(s)/guardian 	<ul style="list-style-type: none"> • County Clerk of Courts

- | | | |
|--|--|--|
| <ul style="list-style-type: none"> • OJOR-Central retains originals | | |
|--|--|--|

REVOCAION OF YOUTH NOT IN CUSTODY

If the Administrator revokes the youth's aftercare and he or she **was not in custody** during the revocation proceedings, the administrator directs the **agent to take the youth into custody and transports him or her to the JCI.**

REVOCAION HEARING CANCELED

AGENTS RESPONSIBILITIES

The agent completes the following tasks **if the youth's revocation hearing is canceled because of a late waiver by the youth or the agent decides not to pursue the revocation.**

- Complete the **DOC-1700** stating the reasons **why the youth's aftercare was revoked or not revoked.**
- Notify the Hearing Examiner's Office of the canceled hearing.
- Notify any witnesses.
- Notify the youth's attorney if agent decides not to pursue. Attorney should be aware of youth's decision to waive.
- Cancel the hearing room.

AFTERCARE NOT REVOKED

If the agent terminates revocation proceedings or the Administrator does not issue a Department Order (DOC-1700) revoking the youth's aftercare and youth has been held on administrative detention during the proceedings, the **youth shall be released from the JCI to a suitable community placement at the earliest practical time.** This placement may be the previous placement from which the youth was initially removed, or an alternative placement.

PLACEMENT IN CORRECTIVE SANCTIONS PROGRAM

After revocation of aftercare, DJC may place a youth in CSP if all of the following have occurred:

- Youth waived the revocation hearing.
- Administrator signed the Department Revocation Order (DOC-1700) revoking the youth's aftercare.
- OJOR approved the transfer to CSP and issued a Department Order (DOC-1722a). [*see Chapters 5 and 10*]

PETITION FOR CHANGE IN PLACEMENT BY THE COURT

DJC, **in lieu of a revocation hearing,** may **petition** the committing court under s. 938.357 (3), Stats., for a **change in placement** to a JCI. This procedure is followed by counties more frequently than by DJC.

AFTERCARE REVOCATION CHECKLIST

Name of Youth	DOC Number
Location of Youth	

Revocation Initiated Without Administrative Detention

- Serve youth Juvenile Aftercare Revocation Notice, Rights, Acknowledgment and Waiver (DOC-1795) before or on the 7th day the youth was taken into custody on administrative detention OR at least 14 days prior to the hearing if the youth is not in custody.

Administrative Detention

- Contact supervisor for approval to administratively detain the youth at a JCI
- Fax Aftercare Administrative Detention (DOC-2109) if youth is detained at a JCI
- Schedule revocation hearing within 30 days of youth being detained
- Reserve hearing room for revocation hearing (at JCI or jail; usually where youth is detained)
- Serve youth Detention Notice and Appeal (DOC-1614) within 7 days of being detained
- Serve youth Juvenile Aftercare Revocation Notice, Rights, Acknowledgment and Waiver (DOC-1795) within 7 days of being detained

Revocation Packet must include the following:

- Original Dispositional Order and any subsequent orders
- Community Supervision Rules and Conditions (DOC-1741) and, if applicable, Special
- Violation Investigation Report (DOC-1783)
- Aftercare Revocation Report (DOC-2125)
- Statement (DOC-1305)—from youth and/or witness(es)
- Recommendation for Administrative Action (DOC-44a)
- Juvenile Aftercare Revocation Notice, Rights, Acknowledgment and Waiver (DOC-1795)
- Youth Restitution and Debt Collection (DOC-1841)
- Juvenile Aftercare Risk Assessment (DOC-1909)—completed in JJIS or COMPAS bar chart
- Any other pertinent information (e.g., Face Sheet (DOC-1701), police reports, etc.)

Revocation Hearing Requested

- Revocation Hearing Requested (DOC-1794)
- List all witnesses on DOC-1794 who will attend the hearing

- Ensure all subpoenas are issued to witnesses testifying on behalf of DJC
- Request to protect witness identity, if applicable

Revocation Hearing Waived

- Department Revocation Order (DOC-1700)

Revocation Hearing Canceled Due to Late Waiver or Agent Decision Not to Continue

- Department Revocation Order (DOC-1700)
- Notify Division of Hearings and Appeals of late waiver
- Notify all witnesses
- Notify youth's attorney
- Cancel hearing room
- Forward original revocation packet to supervisor for review