

## MEMORANDUM OF UNDERSTANDING

### JUVENILE TRAFFIC MATTERS

The Informal Juvenile Traffic Court (IJTC) closed effective January 3, 2017. The Office of the District Attorney, Office of the Public Defender, the Juvenile Probation Department and the Superior Court have agreed upon the manner set forth below for handling of cases that were previously within IJTC jurisdiction.

Minors are entitled to representation by the Office of the Public Defender on all misdemeanors.

#### I. MATTERS TO BE REVIEWED WITH THE DISTRICT ATTORNEY

- a. Misdemeanor crimes involving damage greater than \$1000<sup>1</sup>;
- b. Driving under the influence;
- c. Cases in which restitution has not been paid to a victim within 6 months of the date of incident<sup>2</sup>; and
- d. Cases in which a minor has received 3 or more citations for traffic misdemeanors within a year.

#### II. OTHER VEHICLE CODE MISDEMEANORS

This category includes cases in which the minor is charged with both Vehicle Code misdemeanors that are not covered in Section I and infractions in a single citation.

- a. If the minor is not a ward of the court, Probation's Prevention and Early Intervention Unit (PEI) will handle the matter informally.<sup>3</sup>
- b. If the minor is a current ward of the court, the assigned Probation Officer will handle the matter informally. If the minor has an upcoming court date, the Probation Officer will notify the court and counsel of the violation on said date.
- c. In cases in which there is a victim, Probation may refer the case to the Victim Offender Mediation Program (VOMP).
- d. In addition to other informal handling options, Probation may refer the minor to the "Start Smart" course offered by the California Highway Patrol (CHP). [www.chp.ca.gov/Programs-Services/Programs/Youth-Programs](http://www.chp.ca.gov/Programs-Services/Programs/Youth-Programs)
- e. If a minor fails to comply with PEI conditions, the case will be referred to the Santa Clara County Traffic Court.
  - i. When forwarding a referral to the Traffic Court, PEI shall attach a cover note stating: "This matter is being referred by Juvenile Probation to Santa Clara County Traffic Court for adjudication."

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<sup>1</sup> Payments by insurance companies or other sources shall not be used to reduce the amount of "damage".

<sup>2</sup> Juvenile Probation and the District Attorney will attempt to avoid filing a petition due to financial inability to pay.

<sup>3</sup> If a minor's record has been sealed, the matter will be handled by PEI as if the minor had no previous juvenile history.

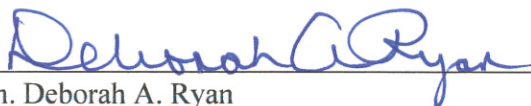
- ii. PEI shall route the referral with cover note to the appropriate personnel at Santa Clara County Traffic Court. At the time this Memorandum is finalized, that person is Karen Jones.

III. CASES INVOLVING TRAFFIC INFRACTIONS ONLY


These cases will be referred to the Santa Clara County Traffic Court. Traffic Court commissioners will consider the age, nature of violation, personal, family or financial hardship, adolescent brain development and other mitigating and/or aggravating factors when determining the appropriate consequence. The Traffic Court commissioners may consider ordering the youth to attend and complete traffic school; waiving fines and fees; ordering community service hours in lieu of traffic school for a dismissal; or ordering the Start Smart course for a dismissal when such an alternative disposition is in the interest of justice. If a minor requests legal advice on an infraction, the minor shall be referred to the Office of the Public Defender. The matter shall then be continued for further hearing.

AGREED TO BY:

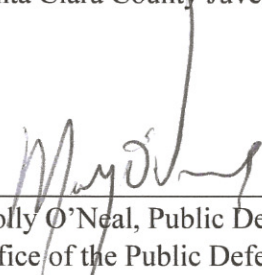
Dated: April 18, 2019

  
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Hon. Deborah A. Ryan  
Superior Court, County of Santa Clara


Dated: April 16, 2019


  
\_\_\_\_\_  
Laura Garnette, Chief Probation Officer  
Santa Clara County Juvenile Probation

Dated: April 16, 2019

  
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Molly O'Neal, Public Defender  
Office of the Public Defender

Dated: April 4, 2019

  
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Jeff Rosen, District Attorney  
Office of the District Attorney

Approved as to form and legality  
  
\_\_\_\_\_  
Robert M. Coelho, Assistant County Counsel  
Office of the County Counsel  
4/16/19  
\_\_\_\_\_  
Date