



LOS ANGELES COUNTY PROBATION DEPARTMENT

ADULT SERVICES MANUAL

2008

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Appendix I – ABBREVIATIONS AND ACRONYMS

LOS ANGELES COUNTY PROBATION DEPARTMENT

Subject: ADULT MANUAL INTRODUCTION	Section: AM-000
	Effective Date: July 17, 2008
	Approved By: Reaver Bingham, Bureau Chief

Since the beginning of probation in mid-nineteenth century Massachusetts, the Criminal Justice System throughout the United States has moved from penalties based strictly on the offense to the imposition of sanctions based on consideration of how best to protect society. As part of the Criminal Justice and Corrections Systems, the Probation Department carries out its Mission to protect the community by providing mandated services to the Superior Courts of Los Angeles County.

State Law (Penal Code Section 830.5) and the Los Angeles County Charter establish the Probation Officer's authority, and outline certain duties and responsibilities. The Chief Probation Officer (CPO) determines the manner in which Deputy Probation Officers are to exercise those powers in the execution of their duties and responsibilities.

The primary responsibilities of Adult Field Services DPOs are conducting investigations, supervising adult probationers, and preparing court reports.

This manual describes the tasks and sets the standards for Adult Field Services DPOs consistent with the Department's goals, values and Mission Statement.

The Department's standing with the judiciary and the community it serves depends upon how competently its deputies perform investigations, manage cases, and write court reports. This manual helps DPOs meet the standards required by the Investigation and Supervision functions, and provides other information essential to the performance of their duties. Deviations from tasks and written standards require the express permission of the CPO or designated representative. DPOs must remain current regarding changes, references, and resources related to the field of probation investigations and casework.

DPO's are not expected to possess an attorney's knowledge of the law, but their work as "Officers-of-the-Court," requires them to be competent regarding criminal court procedures.

Questions, suggestions or requests for clarification concerning procedures in this manual, should be referred to the Adult Consultant. Any and all subsequent changes or modifications shall be approved by the Adult Services Bureau Chief.

NOTE REGARDING DIRECTIVES AND NOTICES INCLUDED IN THIS MANUAL: Listings of Directives and Notices (dating back to 1999) are included in parenthesis under the applicable manual sections. The Directive and Notice

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information is included to augment and supplement the material in this manual. However, staff is urged to ensure that the Directive and Notice content is up-to-date and has not been superseded or rendered obsolete. Any obsolete Directives and Notices included in this manual are solely for informational and historical purposes, so that staff can get a general understanding of the changes in, and evolution of, Departmental processes and policies. All of the Directives and Notices listed in this document are available on PROBNET, under the “Directives and Events” Navigation link.

The Chief Probation Officer accepts the responsibility to always properly train and equip all employees. In addition, nothing in this manual is, in any way, intended to violate Federal, California State, or Los Angeles County, civil or criminal ordinance or code, or any existing, or future, mutually agreed upon provision of any Memorandum of Understanding, or Agreement, between the Los Angeles County Board of Supervisors and the various Los Angeles County Employee representative organizations.

LOS ANGELES COUNTY PROBATION DEPARTMENT

Subject: ADULT MANUAL GENERAL INFORMATION	Section: AM-100
	Effective Date: July 17, 2008
	Approved By: Reaver Bingham, Bureau Chief

101 INTRODUCTION

Crimes are acts or omissions forbidden by state law and made punishable through fines or imprisonment or other criminal sanctions such as probation. Crimes are public wrongs, as distinguished from civil wrongs, against an individual. Many crimes also constitute civil wrongs. A necessary element in all crimes is a criminal intent, which may be either expressed or implied from the offense.

102 FELONY

A felony is a serious crime punishable by death or imprisonment in state prison. The term of probation for a felony cannot exceed the "maximum authorized" by statute or five years, whichever is longer (PC1203.1).

When a crime is defined by statute as punishable, at the discretion of the court, by either state prison or county jail, it is a "**wobbler**", or a **reducible felony** that may be treated as a misdemeanor at the time of sentencing. The court may pronounce a misdemeanor sentence and suspend imposition of that sentence, making the offense a misdemeanor by sentence. Or, the court may suspend proceedings, leaving the offense a felony. The court can declare the offense a misdemeanor under section PC17 (b), either when granting probation or, at the time probation is terminated.

Anyone convicted of a felony, whether eligible for probation or not, is referred to the Probation Department for a pre-sentence or post-sentence investigation. PC1203.7 provides that referrals for pre-sentence investigations may be made prior to conviction (The Code of Civil Procedure (CCP131.1), which previously provided for a pre-plea report was repealed, as of January 1, 2002).

103 MISDEMEANOR

A misdemeanor is a public offense that is not a felony and is punishable by a fine of up to \$1000 and/or incarceration in the county jail for up to one year. The maximum term of probation for a misdemeanor is three years or the term prescribed by law, whichever is longer. Referrals for pre-sentence reports are at the discretion of the court.

GENERAL INFORMATION**104 INFRACTION**

An infraction is a violation of the law that is not punishable by imprisonment. Persons charged with infractions are not entitled to jury trials or to have representation by a public defender or other counsel appointed at public expense, unless they are arrested and not released on bail, or on their own recognizance or a written promise to appear.

105 PROBATION

Probation provides a way of individualizing punishment, so that sanctions are proportionate to the offense and suitable for the offender.

Probation is the **“suspension of the imposition or execution of a sentence and the order of conditional and revocable release in the community under the supervision of the probation officer”** (PC1203(a)).

Probation is the continuing supervision of a defendant and the maintaining of court jurisdiction for a specified period during which sentence is suspended. As a statutory act of clemency rather than a matter of right, probation offers qualified liberty in return for the offender’s effort to cooperate in his/her own rehabilitation. Probationers may be ordered to submit to warrantless searches of their persons or property, or to give up certain freedoms such as choosing where they may work or with whom they may associate.

The court has broad discretion to prescribe **conditions of probation**. Each condition protects the public, fosters rehabilitation, or otherwise serves the interests of justice.

In felony and misdemeanor convictions, all jail or court-ordered custody time **(including time in hospitals, prisons, juvenile detention facilities and residential institutions, if ordered in lieu of jail custody)**, arising from the same criminal act or charges, plus good time and work time credit, is calculated as the period of confinement. The period of confinement as a condition of probation cannot exceed one year per count.

Persons charged with divertible or Deferred Entry of Judgment offenses under the Penal Code may be referred to probation for investigation or may be “summarily” diverted (placed on Diversion without prior referral to the Probation

GENERAL INFORMATION

Department) or granted Deferred Entry of Judgment without prior referral to the Probation Department.

Convicted persons may have been previously referred for investigation or summarily granted formal probation. In the latter, known as a true summary grant, the case factors may be unknown and a background investigation is conducted subsequent to the grant. [\(See AM 523, True Summary Grants\).](#)

PC1202.7 recognizes that probation services are an essential element in the administration of criminal justice. The safety of the public, through the enforcement of court-ordered conditions of probation; the nature of the offense; the interest of justice, including punishment, reintegration of the offender into the community, and enforcement of conditions of probation; the loss to the victim; and the needs of the defendant shall be the primary considerations in the granting of probation.

106 Statutory Limits on Probation and Sentencing

The Determinate Sentencing Law, PC1170 et. Seq. provides a determinate penalty for most felonies committed after July 1, 1977. Sentence ranges, expressed by low, mid and high base terms, are varied, and frequently revised by legislation. Specific sentence lengths may be found in the Penal Code.

Not all felons are eligible for probation under the Determinate Sentencing Law. Some offenses call for a mandatory state prison sentence while others are “presumptive” and rely upon the court making a specific determination that an unusual situation exists which allows a grant of probation. As a general rule, if there are no special allegations or enhancements and the felony for which the defendant was convicted carries state prison and county jail sentencing options, the defendant is eligible for probation. Eligibility for probation is ultimately determined by the court’s interpretation of the law. DPOs are encouraged to check the specific codes when clarification is needed.

The general felony sentencing procedure of PC1170 is further delineated in the California Rules of Court, Div. III, Sentencing Rules for the Superior Court. The rules set forth criteria for probation eligibility and the contents of the investigation report, and define circumstances in aggravation and mitigation.

Crimes committed prior to July 1, 1977 are sentenced pursuant to PC1168(b). The same section of the law provides for indeterminate sentences such as life with or without possibility of parole for crimes committed after July 1, 1977.

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107 SUMMARY PROBATION (CONDITIONAL SENTENCE)

(DIRECTIVE 970 SUPERVISION OF SUMMARY GRANTS OF PROBATION)

The correct terminology for summary probation is "conditional sentence". Per Penal Code section PC1203 (a), "conditional sentence" means the suspension of the imposition or execution of a sentence and the order of revocable release in the community subject to conditions established by the court without the supervision of a probation officer.

Subject: ADULT MANUAL ROLE OF THE DEPUTY PROBATION OFFICER	Section: AM-200
	Effective Date: July 17, 2008
	Approved By: Reaver Bingham, Bureau Chief

201 INTRODUCTION

The DPO conducts investigations and monitors the compliance of probationers with their court orders, keeping the court apprised of probationers' conduct by providing reports as mandated or ordered.

A written or verbal order from the court for a report, an appearance, or other activity **is to be followed exactly**. If an immediate response to the court's order is not required, and the order is ambiguous, or appears to be contrary to Department policy, the matter should be cleared through the Supervising Deputy Probation Officer (SDPO) and, if necessary, returned to court for clarification. If the SDPO or designee is not available, and an immediate response to the order is necessary, the DPO shall comply with the order of the court and advise the SDPO as soon as possible.

Case information shall not be withheld from the court. Court reports are written in a formal style, avoiding slang (unless quoting a statement), and are clear, concise, fair, logical and relevant. Recommendations shall not be contrary to the law. Statements in court reports must be accurately quoted or paraphrased and the individual or source of the statement clearly identified. The DPO's responsibility for the statements of others extends only to reporting them accurately.

The court report and recommendation, upon submission to the court, become the official position of the CPO. A DPO is to support court report recommendations in all subsequent contacts related to the case.

The court report is the DPO's method of communicating a defendant's situation to the court. DPOs are not to refer defendants or interested parties directly to the court unless the court has initiated a request for personal contact, or a subpoena has been issued.

A defendant's attorney of record may be present during a DPO's interview and can present the defendant's position. The attorney may also be able to facilitate making appointments with a defendant and contacts with interested parties. Any contacts with attorneys are to be professional and must be documented in case records and court reports. An attorney in a court case receives his or her copy of the court report from the Court Clerk, and must secure a court order to review other case data. Since **"off the record"** comments by the DPO may be used by the attorney in later court proceedings, they must be avoided.

ROLE OF THE DEPUTY PROBATION OFFICER

Contacts outside of the office may involve visits to jails or other institutions, home calls, visits with victims, meetings with other agencies, or court appearances, and may require approval or guidance by the SDPO. All DPO contacts with victims or other individuals in the community, defendants, court personnel, and other Department employees shall be conducted in a professional and courteous manner.

DPOs must be very careful not to make any statement or prediction to defendants, probationers, their relatives, interested parties or others as to what action the court will take. Experienced DPOs know that in many cases the court does not follow the recommendation of the Probation Officer.

When a subpoena is received, the DPO documents that fact in the case records and immediately consults with the SDPO. All subpoenas are recorded in a log maintained in the office of the Director. Either the named DPO or a designee of the Director responds to a subpoena for work-related testimony or probation records (Subpoena Duces Tecum).

Probation files or records are, on occasion, subject to Subpoena Duces Tecum, which is a legal document of demand to produce records. If a Subpoena Duces Tecum has been issued by a law firm or process server, the requestor should be notified and advised that probation records may not be released except in compliance with a valid court order.

In response to a subpoena, DPOs shall arrive promptly for all court appearances and be appropriately attired. In court, written case information may only be given directly to the court, since information contained in the probation file has been interpreted as being a court record (PC1203.10). However, when called as a witness, or placed in a position where probation records or documents could be divulged to unauthorized persons, the DPO shall make the following statement to the court:

“The Probation Officer considers case records of the Probation Department confidential pursuant to EC1040 and PC1203.10; and other sections of the law. However, if the court finds that the need for disclosure is such that it outweighs the request of the Probation Officer to maintain confidentiality, we will release the records in accordance with the order of the court.”

202 EXCEPTION REPORTS

(NOTE: Because of the large number of Directives and Notices pertaining to this section, only the Directive and Notice number will be listed. The full title and text of each Directive and Notice is available on PROBNET.)

ROLE OF THE DEPUTY PROBATION OFFICER(DIRECTIVE 772)
(NOTICE 1087)(NOTICE 1166)
(NOTICE 1081)(NOTICE 1160)
(NOTICE 1037)

Exception reports are used to monitor and improve Adult Services Bureau operations. In general, the reports are to be used to identify and correct deficiencies, and improve processes and performance.

203 THE PROBATION OFFICER AS PEACE OFFICER

(NOTICE 1442 ON TIME ARRIVAL FOR COURT HEARINGS)

As designated in the Penal Code, the peace officer powers of a DPO are limited and, therefore, DPOs shall not preempt other law enforcement agencies in enforcing the law. Arrests should be made by DPOs only in emergencies, for the protection of the public or the individual being arrested. In any case, the DPO must take the most prudent course of action, which might be to report the information to law enforcement and not directly affect an arrest. The DPO is required to request law enforcement assistance in an arrest situation when their presence could eliminate or minimize danger to the DPO and others who might be involved.

DPOs may arrest non-probationers who are observed committing serious crimes only when conducting official probation related duties at the time such situation occurs. DPOs are considered “on duty” anytime day or night when, because of their peace officer status, they are required to respond to probation-related situations.

The DPO shall notify the SDPO immediately after completing an arrest. .

Los Angeles County DPOs are only allowed to carry a firearm while on duty when the CPO has expressly authorized permission, and such permission is only granted to those DPO’s who are assigned to a specialized unit and have been provided with the approved training.

A DPO’s peace officer status exists at all times “while engaged in the performance of the duties of their respective employment and for the purpose of carrying out the primary functions of their employment”. PC830.5 extends the peace officer authority of a DPO to the following situations:

1. **“To conditions of parole or of probation by any person in this state on parole or probation”** (which refers to the authority of a peace officer granted by PC1203.2 to re-arrest a probationer without a warrant and to bring that probationer before the court for a violation of any of the terms of probation).

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2. **“To the escape of any inmate or ward from a state or local institution”** (which refers to the authority of a peace officer to arrest persons without a warrant who have escaped from any county jail, prison, or other institution).
3. **“To the transportation of persons on parole or probation”** (confers peace officer authority on DPOs while they are transporting a person described in 1 or 2).
4. **“To the violations of any Penal Code provisions of law which are discovered while performing the usual or authorized duties of his or her employment.”** (A DPO may arrest any person for the commission of any crime while in the performance of the duties of his/her employment when he/she has grounds for such arrest under PC836. While off-duty, the DPO has only the same rights as other citizens, which includes the authority to make a citizen’s arrest.)
5. **“To the rendering of mutual aid to any other law enforcement agency.”**

204 CONFIDENTIALITY

(DIRECTIVE 1091 **POLICY REGARDING THE RECEIPT OF SUBPOENAS FOR ADULT PROBATION)**

(DIRECTIVE 1005 **PUBLIC DEFENDER REFERRALS)**

All information received by the DPO concerning cases under investigation is considered confidential and is not to be discussed with or disclosed to unauthorized persons. [[See Criminal Offender Record Information \(CORI\) Section 3.2](#)] Confidential information should not be released via the telephone unless the identity of the caller has been established and it is further established that the caller meets the criteria of both the need to know and the right to know. If not authorized, no confidential information is to be released. When defendants or interested parties indicate they wish to give information “in confidence” they are to be informed that all pertinent information received may have a material affect on the status of the case and must be made part of the official case records. In submitting reports to the court, the DPO is obligated to provide full disclosure of any information that may be relevant to the court in making a proper disposition of the case.

Adult probation reports filed with the court become public records and are open to public review for 60 days. Probation records in the possession of the Probation Officer, including all copies of court reports as well as all information

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stored in the Adult Probation System (APS), are confidential and are not open or available to the public except as ordered by the court.

In using juvenile probation records, Adult DPOs should keep in mind that such records are confidential, even when filed with the court, and the public does not have access to them except by order of the court.

The exchange of information and open communication between the Department and various branches of the criminal justice system is encouraged within CORI guidelines. All requests for case information by print, radio, television, or any other media are referred to the Area Office Director or Bureau Chief for appropriate action.

Additional legal information related to confidentiality is found in PC1203.05 and GC6250.

205 LIABILITY

The Government Code affords public employees immunity from civil liability for acts or omission of acts whenever discretion is provided. Unless negligence, malice or a wrongful act was involved in the exercise of discretion, the employee will be immune to legal suits.

In determining liability, the crucial distinction to be made is whether the act or omission was discretionary (as where law, policy or supervisor's direction requires or allows some judgment or is only intended as a guideline) and the officer would be expected to exercise judgment. In this situation, the DPO would be protected from legal liability. Where law prescribes and defines duties to be performed, or operational manuals or instructions require the performance of a certain duty or act, then the situation is considered "**ministerial**" and failure to discharge the duty may leave an individual vulnerable to legal action.

If judgment is made against an employee of a public entity and an act or omission arose in the scope of the employee's duties, the state will pay all damages except punitive or exemplary damages (which by law must be paid by the employee). An employee would be provided legal representation if the situation were discretionary.

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206 THREATS AGAINST VICTIMS

When the DPO becomes aware of a serious and immediate personal threat made by a probationer, the DPO has a duty to warn the intended victim of the imminent danger regardless of any confidentiality rules that might normally apply.

The DPO is expected to take steps to warn potential victims or those responsible for their welfare of a defendant's danger or threat. These situations must be discussed with the SDPO and efforts to warn potential victims or otherwise correct the matter must be documented.

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Subject: ADULT MANUAL CRIMINAL OFFENDER RECORDS AND RESOURCES	Section: AM-300
	Effective Date: July 17, 2008
	Approved By: Reaver Bingham, Bureau Chief

(DIRECTIVE 1110 ADULT PROBATION RECORD CHECKS)

(DIRECTIVE 1049 EXPECTATION REGARDING USE OF AUTOMATED INFORMATION SYSTEMS AND PERSONAL COMPUTERS)

(NOTICE 1152 COURT TRANSCRIPT REQUESTS)

(DIRECTIVE 1146 REQUEST FOR CRIMINAL OFFENDER RECORD INFORMATION (CORI))

301 INTRODUCTION

(DIRECTIVE 1096 DESTRUCTION/SHREDDING OF CONFIDENTIAL DOCUMENTS AND RECORDS)

(DIRECTIVE 1141 THE "STRIPPING AND DESTROYING" OF ADULT FILES/RECORDS)

Criminal Record Information and probation case information in general are confidential and may only be released to those agencies that have a need and right to know. Access to such information is strictly limited to statute, Court order, and Departmental policies. The State Attorney General through the Department of Justice furnishes a State Summary of Criminal History Information to any agency statutorily authorized to receive such information when it is needed in the course of carrying out the duties of that agency.

302 CRIMINAL OFFENDER RECORD INFORMATION (CORI)

Access to Criminal Offender Record Information is restricted to persons and public agencies as authorized by provisions of law. California Penal code Section 13102 defines CORI as records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release. Rules regarding inspection of juvenile files, confidentiality, and release of information are found in California Welfare and Institutions Code (WIC) Section 827.

A California Attorney General Opinion re-emphasized the legal requirement for California law enforcement agencies to maintain the confidentiality of criminal offender information. This requirement makes it a criminal offense to release a person's present or past probation status to members of the public who are not

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authorized by statute to receive that information. This Directive provides an understanding of the types of records that are confidential, and establishes a Departmental process for handling requests for Criminal Offender Record Information (CORI).

TYPES OF RECORDS AND/OR INFORMATION THAT ARE CONFIDENTIAL

Confidential records are information regarding a probationer or victim that includes, but is not limited to, the following:

- Case record information regarding probationer or victim
- Name & date of birth of probationer or victim
- Physical description of probationer or victim
- Dates of arrests of probationer
- Disposition of probationer case(s)
- Criminal charges for probationer
- Detention information (Adults or Juveniles)
- Release date from county jail, juvenile hall, group home or camp
- PDJ file information
- X-File information

PERSONS AUTHORIZED TO RECEIVE CORI

There are persons or entities that are authorized to receive CORI, during the course of their duties. (i.e. - the persons or entities must have a “need to know” and a “right to know.”)

Adult Probationers

Those with a business need to know and authorized to receive and/or discuss CORI information on adult probationers include:

- Court personnel
- Peace Officers
- District Attorney or City Attorney authorized to prosecute
- Probation Officers
- Parole Officers
- Pretrial Services
- The adult subject of the criminal offender record information
- Victims of adult probationers (excluding defendant address information)

CRIMINAL OFFENDER RECORDS AND RESOURCES

Due to the time constraints for CORI requests from field law enforcement agencies, court agencies or Pretrial Services agencies, the release of CORI to these organizations will be the only exception to the requirement for the submission of a written request. However, staff shall verify the identity of the caller, inclusive of the following:

- Reason for request (need to know and right to know)
- Requesting officer's name
- Agency name
- Badge number (if applicable)
- Call back number
- Office assignment telephone

All information shall be entered in the APS DCID, CCID or TECD screen and in a Third Party Log. The requestor will be directed to fax the written request and identity information to the staff providing the information within 24 hours. All Probation personnel, with access to the Justice Data Interface Controller (JDIC), will maintain a Third Party Log. The log will be kept at the staff's work station and will be used to record information regarding the release of CORI to all authorized parties. NOTE: If the requestor fails to fax a written request at the agreed upon timeframe, it is the responsibility of the Probation staff to track the facsimile request.

PERSONAL STORAGE DEVICES:

Portable devices such as laptop computers may be used by employees to store CORI needed for work related purposes. Data stored on these devices must be encrypted to ensure that CORI is not compromised in the event the device is lost or stolen. To encrypt portable devices contact the Information Services Bureau as stated in the Department's Networked Computing Policy Directive No. 1127, issued on April 4, 2007.

PROCESSING WRITTEN REQUESTS FROM AUTHORIZED PERSONS OR ENTITIES:

All staff who receives a request for CORI from authorized persons or entities shall alert the requestor that all requests for CORI must be processed in writing through the appropriate Departmental Custodian of Records. Staff shall immediately forward a request for CORI as listed below:

Open/Active Files

- Requests for records for active files should go to Custodian of Records at Headquarters. Requests should be faxed Attn: Custodian of Records at (562) 658-2306

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Closed Files

- Requests for records for closed files should go to Custodian of Records at Central Adult Investigation (CAI). Requests should be faxed Attn: Custodian of Records at (213) 485-0102

PERSONS OR ENTITIES UNAUTHORIZED TO RECEIVE CORI:

All persons or entities that cannot be confirmed (per established procedures) to belong to the authorized list shall be considered unauthorized to receive CORI. Staff shall inform unauthorized persons or entities that confidential information will not be released. Staff receiving the inquiry shall neither confirm nor deny the supervision or probation status of the subject of the inquiry.

If the person or entity claims to have information that may result in a potential violation, staff shall take the information and advise the person/entity that it will not be confirmed or denied whether the person they are making the claim against is, or is not, on probation. However, staff should alert the claimant that if an individual is found to be on probation, the information will be forwarded to the DPO of Record and handled appropriately. Questions regarding this Directive should be directed to the Civil Litigation Coordinator at (562) 940-2618.

DESTRUCTION OF PROBATION RECORDS

Penal Code (P.C.) 1203.10 mandates that the contents and records of adult files be retained until five (5) years after the date of probation termination. The retention of records may be achieved by the process of microfilming or digital imaging. It is the policy of the Los Angeles County Probation Department that the stripping and destruction of case file content is strictly prohibited. Only duplicated documents shall be discarded.

NOTE: Only after the file has been microfilmed or digitalized, can the file be stripped and destroyed with appropriate administrative authorization. File Preparation for Submission to Closed Files Prior to transferring the file to the Closed Files section at Central Records, Probation staff shall review all file contents. Case materials shall be filed in chronological order, starting with the most recent documents. Materials for each court case shall be placed together and separated by a sheet of white paper containing the corresponding court case number.

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303 U.S. JUSTICE DEPARTMENT

The United States Justice Department through the Federal Bureau of Investigation (FBI) maintains the National Crime Information Center (NCIC), Automated Identification System (AIS), and coordinates state history through NLETS.

NCIC maintains the following files:

Vehicle	U.S. Secret Service	Missing Person
Boat	Securities File Index	Unidentified Person
Gun	License Plate	Interstate Identification
Violent Felon	Article	
Foreign Fugitive	Wanted Persons	

NLETS maintains the following files:

Vehicle Registration	Driver License
Boat Registration	Snowmobile Registration
Hazardous Material	Aircraft Tracking
Aircraft Registration	ORION ORI
INTERPOL	Criminal History
Canadian Interface	NCIB
Interstate Broadcasts	Help Files

304 CALIFORNIA DEPARTMENT OF JUSTICE

Information from DOJ, of which CII is a part, is available to authorized persons and agencies. The files maintained by DOJ are as follows:

Stolen Vehicle System	Automated Boat System
Automated Firearms System	Automated Property System
Wanted Persons System	Restraining Order System
Supervised Release File	Criminal History System
Missing/Unidentified Persons System	
Mental Health Firearms Prohibition System	

All of the above files, in addition to FBI/NCIC, CCHRS, DMV, and Booking (AJIS) are available through JDIC

305 SUPERVISED RELEASE FILE (SRF)

(NOTICE 1451	SUPERVISED RELEASE FILE (SRF) NOTIFICATIONS DUE TO DNA COLLECTIONS)
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CRIMINAL OFFENDER RECORDS AND RESOURCES

SRF is a system that contains information on parolees and probationers in California. Information includes the supervising department, supervision officer's name and telephone number, along with case information and discharge/expiration dates.

Due to changes in their automated systems, the Department of Justice no longer posts probation registrations on the criminal history record. This information must be sent to the SRF system to provide the Department with arrest notifications and contact messages. There is an interface with APS and SRF that sends information electronically on probationers daily via APS to SRF. Adding probation grants into APS that include a valid CII number or closing disposition will trigger the process of adding, deleting, and updating records in the SRF system.

306 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

The California State DMV information is accessed through JDIC. DMV maintains the following files:

Vehicle Registration	Driver License	Identification Cards
Occupational Licensing	Parking Citation	

307 LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

(NOTICE 1156 ONLINE ARREST, BOOKING, AND COURT INFORMATION)

LASD records may be accessed by telephone, JDIC terminal, or authorized personal computer. Information is available in the Automated Justice Information System (AJIS) (booking, inmate location, holds, wants/warrants,) and Consolidated Criminal History Reporting System (CCHRS.) Information regarding a contact or arrest may be obtained via telephone from local Sheriff's stations. Sheriff's Department addresses and telephone numbers may be determined via access to the County Justice Information System (CJIS) Arrest Agency Directory through APS.

308 LOCAL LAW ENFORCEMENT AGENCIES

Local police departments and other investigation agencies maintain their own in-house records. The record sections or investigating officer may be contacted for information on specific arrests. Local police departments report arrests to the California DOJ for inclusion in the CII record. Local police addresses and telephone numbers may be determined via access to the CJIS Arrest Agency Directory through APS. **All persons booked by any agency in Los Angeles County are automatically booked into the LASD system.**

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309 RECORD BUREAU CLEARANCES

(DIRECTIVE 815 **AUTOMATED CRIMINAL HISTORY SYSTEM (ACHS)/CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS) REQUIREMENTS)**

(DIRECTIVE 1129 **ADULT PROBATION RECORD CHECKS (CLARIFICATION OF DIRECTIVE 1126)**

(DIRECTIVE 1126 **RE-ISSUANCE OF DIRECTIVE REGARDING EXPECTATION FOR USE OF AUTOMATED INFORMATION SYSTEMS AND PERSONAL COMPUTERS)**

It is the Department's expectation that as employees complete network registration forms and are provided with network access capability, and the access capability is accompanied by the availability of appropriate training, employees will use automated information systems and personal computer applications applicable to their assignment, and be accountable for communication and information originating from or delivered to the employee e-mail account. In addition, network registration employees are expected to access ProbNet to avail themselves in a timely manner to policies, procedures, Directives, Notices, forms and information about the department.

The information regarding the point at which record checks shall be conducted and the systems that are available to conduct those functions remains unchanged. Pretrial Services (PTS) investigative staff, Adult Investigation, Supervision Intake Team (SIT), Supervision, Specialized, Clearinghouse and Adult Compliance Team Deputy Probation Officers shall complete the necessary records checks using all appropriate systems to ensure that the probationer's status is accurately reflected in the Adult Probation System (APS) and all Court Reports.

Available Record Data Systems:

- Consolidated Criminal History Reporting System (CCHRS)
- Juvenile Caseload Management System (JCMS)
- Prosecutors Information Management System (PIMS)
- Expanded Traffic Record System (ETRS)
- Trial Court Information System (TCIS)
- Countywide Warrant System (CWS)
- Pretrial Plus (PT+)
- Probation Pretrial Plus (PPT+)
- Adult Probation System (APS)
- Automated Justice Information System (AJIS)

CRIMINAL OFFENDER RECORDS AND RESOURCES**Justice Data Interface Controller (JDIC)**

- Juvenile Automated Index (JAI – access limited to authorized staff)
- Criminal Identification and Information (CII or RAPS)
- Federal Bureau of Investigation (FBI)
- California Department of Motor Vehicles (DMV)
- Multi-State Department of Motor Vehicles (USD MV)
- Wanted Person System (WPS)
- Supervised Release File (SRF)
- Domestic Violence Restraining Order System (DVROS)
- Immigration and Customs Enforcement (INS)
- Violent Crime Information Network (VCIN)

Continued access to JDIC requires bi-annual re-certification training. Probation personnel with access to JDIC are expected to maintain their certification by attending mandatory, scheduled training to avoid any interruption of access to this system.

National Crime Information Center (NCIC)

- Wanted Persons
- Missing Persons
- Unidentified Persons

Other

- CAL GANG (access limited to LASD approved personnel)
- Megan's Law website

Pretrial Services (PTS) Investigative staff, Adult Investigations, and/or Adult Supervision personnel shall initiate a record checks at the time of the events indicated below.

Pretrial Services:

- Application for Bail Deviation
- Early Disposition Program Referral
- Application for Own Recognizance Release
- Application for Electronic Monitoring
- Eligibility for Proposition 36
- Drug Court Referral
- Civil Name Change Petition

Investigations (Investigators, EDP, ASCOT):

- Pre-Plea Report
- Probation & Sentencing Report
- Post Sentencing Report
- Bench Warrant Pick-up Report

CRIMINAL OFFENDER RECORDS AND RESOURCES**Supervision (SIT, CASC, AMS, HRO, DOM, SRG, GNG, CTH, NTU, BIG and DEJ) and ACT (including Clearinghouse, Centralized Custody Caseloads and Out of County Unit):**

- Upon receipt of file
- At the mid-term review
- Upon receipt of an SRF notice of arrest or police contact
- Whenever a court report of any kind is completed
- Prior to intra office or inter office transfer of supervision
- Prior to any application for transfer out of the state or county pursuant to Interstate Compact, 1203.9PC Transfer of Jurisdiction or Courtesy

Supervision

- Upon receipt of a request for Interstate Compact or 1203.9PC transfer
- Prior to the issuance of a Temporary Travel Permit to leave the state or country

The responsibility to conduct a thorough records check extends to all Adult Field Service Bureau personnel assigned to any specialized function, grant funded program, pilot program or any other function that requires the submission of a criminal records check to the court. Any potential violation of probation discovered during the record check shall be reported to the court pursuant to Departmental Policy.

All systems listed in this Directive are available to all Adult Field Service Bureau staff. All bureau staff are expected to register for those systems they cannot currently access, with the exception of JAI and CAL GANGS.

310 ADULT PROBATION FILES/RECORDS

In addition to computerized records, the Department maintains a paper case file, the X-file, which contains the original documents and information on all cases. The file and probation number are automatically created when a court referral is entered into APS. The DPO is responsible for compiling, updating, and maintaining the records. Probation records are considered part of court records and are open to court inspection. The file contains mandated records and information that are filed chronologically by court case number. These records may include, but are not limited to, the following documents:

Court Orders	Correspondence
Application for Probation (IB)	Instructions to Probationer
Record Bureau Clearance	Court Reports
Financial Documents	Investigation Referral

Active and/or multiple cases are filed in the prescribed order. Closed cases shall be placed behind the active cases.

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If the original "X-number file" cannot be located, or has been archived and microfilmed, a "dummy" case file is created in which case records can be maintained as described above. If an original file is found, all of the material from the "dummy file" is incorporated into the original file. If the file was re-created from microfilm, only the new material to be archived is returned when the case is closed.

Closed and inactive probation files are maintained at:

Central Records Section
Hall of Records
320 West Temple Street, Room 100
Los Angeles, CA 90012

Files may also be ordered by telephone at (213) 974-9322 for mailing to an Area Office. There is a "will call" desk if the file needs to be picked up quickly. Closed or inactive case files are automatically ordered when a new referral is entered into APS.

All probation department records are confidential documents, which come under the CORI regulations. The probation and sentence report is the only document which becomes public. The report is available from the Court Clerk's office to the public for sixty days following the sentencing of a defendant (PC1203.05). It may also be made available at the direction of the court.

311 ADULT PROBATION SYSTEMS (APS)

(NOTE: Because of the large number of Directives and Notices pertaining to this section, only the Directive and Notice number will be listed. The full title and text of each Directive and Notice is available on PROBNET.)

DIRECTIVES:	(1053)	(1002)	(887)	(878)	(839)	
		(830)	(817)	(814)	(811)	(810)
		(809)	(807)	(806)	(805)	(804)
		(801)	(799)	(780)	(779)	(773)
		(771)	(770)	(768)		
NOTICES:	(1477)	(1469)	(1463)	(1373)	(1318)	
	(1314)	(1114)	(1069)	(1066)	(1065)	
	(1042)	(1031)	(1030)	(1007)		

The Adult Probation System (APS) is an automated system that provides information on each probationer. APS contains case information pertaining to each grant of probation such as the court orders, conditions of probation, financial, addresses, chrono entries, and narcotic testing. APS interfaces daily

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with SRF, Collection Account Receivable System (CARS,) and the KIOSK system. Any telephone inquiries regarding APS should be made to the:

APS Help Desk (562) 940-3174

312 PRETRIAL SERVICES MANAGEMENT SYSTEM (PT+/PC PT+)

The Pretrial+ data system is a mainframe-based case management database program for the Los Angeles County Probation Department, Pretrial Services Division. Pretrial+ tracks both active and closed assessments and investigations, generates production and statistical reports, and stores defendant data for the Bail Deviation and Own Recognizance programs.

PC Pretrial+ data system is a Microsoft Windows case management database program for the Los Angeles County Probation Department, Pretrial Services Division. PC Pretrial+ tracks both active and closed assessments and investigations, generates production and statistical reports, and store defendant data for the 1) Electronic Monitoring Program; 2) Early Disposition Program; 3) Proposition 36 / Drug Treatment Program; 4) Drug Court Program; and 5) The Superior Court Civil Name Change Petition Program (This is a civil process and usually does not pertain to criminal defendants.)

313 COURT REPORT WEB SYSTEM (CRWS)

The Court Report Web System (CRWS) is a web-based system designed to assist Deputy Probation Officers in creating and printing court reports, forms, and letters. The data entry screens are visually similar to the actual court report format. The final versions of court reports are stored in the "Historical" module and can be viewed by users throughout the Probation Department. The court report is transferred to the Probation Enterprise Document Management System (PEDMS).

314 PROBATION ENTERPRISE DOCUMENT MANAGEMENT SYSTEM (PEDMS)

(NOTICE 1466	PROBLEMS WITH PEDMS WORK ITEMS)
(NOTICE 1465	MISSING OR INCORRECT INFORMATION ON DICTATION TRANSMITTALS THAT HAVE CAUSED DELAYS IN COURT REPORTS BEING DELIVERED TO PEDMS WORK ITEMS FOLDER)
(NOTICE 1464	AUTOMATIC DELETION OF SCANNED DOCUMENTS IN PEDMS SHARED L: DRIVE)
(NOTICE 1450	PEDMS COURT REPORT SIGNATURES)
(NOTICE 1449	IMPLEMENTATION OF PEDMS IN ALL AREA OFFICES)

CRIMINAL OFFENDER RECORDS AND RESOURCES

The Probation Enterprise Document Management System (PEDMS) replaces the Department's manual Court Report delivery process with a streamlined Court Report delivery and electronic workflow. PEDMS is a web-based system that manages Probation Court Reports for both adult and juvenile cases, and that communicates with the department's two main caseload systems, APS (Adult Probation System) and JCMS (Juvenile Caseload Management System). PEDMS also provides a document storage library that meets the storage needs for the Adult and Juvenile functions. All court reports sent through the PEDMS workflow are stored in this library.

315 PROBNET

(NOTICE 1205 ACCESSING PROBNET)

Probnets is an intranet system that provides a wealth of knowledge about the Probation Department, including Notices, Directives, and forms, along with allowing the user to access various systems such as CCHRS, CRWS, Crimetime Crime Finder, Megan's Law, and the Internet. It also includes links to the Pretrial Services Manual and Adult Manual.

316 CRIMEFINDER

(NOTICE 1371 CRIMETIME CRIMEFINDER FOR PROBATION)

The CrimeTime CrimeFinder is a web-based application that allows staff to find relevant information on any crime contained in the penal code, including aggravating and mitigating factors, severity, statute, fine information, wobbler information, registration requirements, status, and ineligibilities.

317 DRUG COURT PROGRAM MANAGEMENT INFORMATION SYSTEM (DCMIS)

DCMIS supports the operation and administrative requirements of a large multi-jurisdictional network of independently operated Drug Court projects by inter-connecting multiple courts and treatment agencies into a database system. The Probation Department has inquiry access only.

318 FINALIST

(DIRECTIVE 825 ADULT PROBATION SYSTEM (APS) MODIFICATION -
IMPLEMENTATION OF FINALIST)

Finalist is an automated system that allows users to validate residence addresses and determine zip codes.

CRIMINAL OFFENDER RECORDS AND RESOURCES**319 CARS**

The Collection Accounts Receivable System (CARS) is a financial system that tracks probationer's financial obligations and payment activity for both the juvenile and adult functions.

320 JUVENILE CASE MANAGEMENT SYSTEM (JCMS)/JUVENILE AUTOMATED INDEX (JAI)

These systems maintained by the Probation Department are used to retrieve and display a wide variety of information for a specified juvenile. Information includes: Characteristics, Alias Information, Arrest and Disposition Information, and Current Conditions of Probation.

Juvenile records are under the exclusive control of the Juvenile Court. Any request for information or access to the juvenile file by any unauthorized agency or person must be cleared with and approved by the Presiding Judge of the Juvenile Court.

321 MEGAN'S LAW

Megan's Law is a web-based application developed by the Department of Justice for use by law enforcement agencies. Information contained in the application includes specific sex offender personal information and whereabouts of sex offenders pursuant to California Penal Code section 290.4 (Megan's Law.)

322 HAINES CRISS+CROSS DIRECTORY

This on-line directory allows the user to locate resident, homeowner, dwelling and business information by street address or telephone number. The directory can be used for name, address, telephone number, and zip code verification. Inquiry into the directory is currently limited by the Probation Department to Financial Evaluators.

323 PROSECUTOR INFORMATION MANAGEMENT SYSTEM (PIMS)

PIMS is the DA system used to track all cases referred to and prosecuted by the District Attorney's office. Information is available regarding counts, charges and enhancements, hearing dispositions, victims, investigating officers, etc.

324 TRIAL COURT INFORMATION SYSTEM (TCIS)

The Trial Court Information System (TCIS) contains information concerning defendants, cases, court events, custody status, warrants, judges, attorneys, and

CRIMINAL OFFENDER RECORDS AND RESOURCES

other relevant data in criminal cases. Relative to probation case management, TCIS can be used to retrieve copies of minute orders.

325 JUSTICE DATA INTERFACE CONTROLLER (JDIC)

The Justice Data Interface Controller (JDIC) is an automated system that is maintained by the Los Angeles County Sheriff's Department. The system provides law enforcement and criminal justice agencies located within Los Angeles County immediate access to local, state, and federal data files. It also provides agencies with the ability to transmit and receive crime broadcasts, administrative messages, emergency notifications and other critical law enforcement related information.

Access to the interface requires bi-annual re-certification. Probation personnel are expected to maintain certification and access to the system by attending mandatory, scheduled re-certification training.

326 CONSOLIDATED CRIMINAL HISTORY REPORTING SYSTEM (CCHRS)

CCHRS was developed for the County of Los Angeles to assist in accessing arrest and case disposition information about subjects who have been processed by the Los Angeles County criminal justice system. The database contains information from county and state levels. This source data is provided by the following computer systems: AJIS, APS, CWS, JAI, PDS, PIMS, PHI, and TCIS. County data is supplemented with data from state justice agencies, ACHS and DMV. The system includes a photo, if available.

327 CAL-GANG

Cal-Gang is a cooperative project between California local law enforcement agencies and the Department of Justice that monitors gang members within California. The system allows local law enforcement agencies to electronically share information on criminal street gangs and gang members via a statewide network. Specially trained Deputy Probation Officers are able to access the system and are responsible for maintaining the conditions of probation portion of the gang file.

328 CRIME WEB

Crime Web is a booking identification and retrieval system for law enforcement. It automatically searches for previous booking records for each new arrestee and allows for the retrieval and storage of an unlimited number of images for a single arrestee. It can also search for similarities between suspects such as tattoos and gang affiliations. Crime Web is available through Probnets.

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329 EXPANDED TRAFFIC RECORD SYSTEM (ETRS)

ETRS is an automated system for maintaining records of traffic violations for the courts of Los Angeles County. It provides a timely, updated record of court actions, warrant issuances and recalls, and other status changes. Inquiries may be made by name, operator's license number, or citation/case number.

330 LEXIS NEXIS

This on-line service can be used to retrieve an enormous variety of federal, civil, criminal, and local court records nationwide, and can provide Social Security number information.

331 WEB BASED RESOURCE DIRECTORY

The Web Based Resource Directory is a direct access portal to over 4,000 health and human services providers in Los Angeles County. The database is owned and maintained by 211/L.A.County (formerly Info Line.) This database can help provide referrals to housing, food, childcare, transportation, legal, and other services. The Web Based Resource Directory application is accessed through PROBNET.

332 VINELINK

Vinelink (Victim Information and Notification Everyday) is a database system that services victims of crime in 40 states by providing them with present offender's custody status through e-mail and/or telephonic notification. The Los Angeles County Sheriff's Department manages the Los Angeles County custody information inputted in Vinelink. Offender custody information is uploaded into Vinelink every 15 minutes for jails and twice a day for prisons. Vinelink does not track federal inmate custody information. To receive federal inmate custody information, access the Bureau of Prison's website through www.bop.gov and click on Inmate Locator.

LOS ANGELES COUNTY PROBATION DEPARTMENT

Subject: ADULT MANUAL	Section: AM-400
	Effective Date: July 17, 2008
	Approved By:
	Reaver Bingham, Bureau Chief
PROBATIONER REGISTRATION	

(DIRECTIVE 1107 PROCEDURES FOR FILING THE NOTICE OF SEX, ARSON, OR NARCOTIC OFFENDER REGISTRATION FORM)

(DIRECTIVE 837 REGISTRATION OF SEX, ARSON, AND NARCOTICS OFFENDERS WHO ARE CURRENTLY ON ELECTRONIC MONITORING OR IN WORK FURLOUGH)

401 INTRODUCTION

The DOJ maintains data on certain sex, narcotic, and arson offenders and makes that information available to law enforcement agencies to investigate, identify, apprehend and prosecute offenders. Additionally, the DOJ notifies law enforcement agencies of registrants living in their jurisdiction, locates special registrants, provides updates of registration requirements and legislation, and offers training and assistance in complying with mandated registration requirements. DOJ files contain offender and case data, photographs and fingerprints.

402 SEX OFFENDER REGISTRATION (PC290)

(NOTE: Because of the large number of Directives and Notices pertaining to this section, only the Directive and Notice number will be listed. The complete title and text of the following Directives and Notices are available on PROBNET.)

(DIRECTIVE 1078)
(DIRECTIVE 788)

(DIRECTIVE 823)
(DIRECTIVE 1104)

(DIRECTIVE 796)

(NOTICE 1475)
(NOTICE 1334)

(NOTICE 1414)
(NOTICE 1231)

(NOTICE 1375)

PC290 mandates that every person required to register under this section do so for the rest of his or her life while residing in California, or while attending school or working in California. He or she shall be required to register with the chief of police of the city in which he or she is domiciled, or the sheriff of the county, if he or she is domiciled in an unincorporated area and, additionally with the chief of police of a campus of the University of California, the California State University, or community college if she or he is residing upon the campus or in any of it's facilities. If the person has more than one residence address or location at which he or she regularly resides or is located, he or she shall register in each of the jurisdictions in which he or she regularly resides or is located. If the person is homeless or has no residence address, he or she shall update his or her registration no less than once every 60 days.

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City police and Sheriff's Department addresses and telephone numbers may be determined via access to the CJIS agency directory through APS.

The person shall be required to register annually thereafter, within 5 days of his or her birthday, to update his or her registration with the entities described in this code section, including verifying his or her address on a form as required by the DOJ.

The person shall update, in writing, within 5 working days, any changes in his or her residence address or location, whether within the same county, or to a new jurisdiction inside or outside the state (including persons coming into the county and those released from jail custody), the law enforcement agency or agencies with which he or she last registered of the new address or location.

If a probationer is required to register per PC290, and fails to do so within the time prescribed, the DPO shall immediately prepare a Violation Report recommending that probation be revoked.

403 NARCOTIC OFFENDER REGISTRATION (HS11590)

(DIRECTIVE 926 **CHANGE IN PROCEDURES - REGISTRATION PURSUANT TO H&S 11590 AND PC 457.1)**

(NOTICE 1264 **CORRECTION ON THE TELEPHONE NUMBER TO THE SHERIFF'S DEPARTMENT PUBLIC SERVICES UNIT FOR REGISTRATION OF ADULT NARCOTIC AND ARSON OFFENDERS)**

(NOTICE 1252 **SHERIFF'S DEPARTMENT CHANGE IN THE HOURS OF OPERATION FOR REGISTRATION OF NARCOTICS AND ARSON OFFENDERS)**

If convicted of Health and Safety (HS) code violations, as defined in HS11590, a person must register as a narcotic offender and continue to register for 5 years after discharge from prison, release from jail, or expiration of parole or probation. The registration requirement does not apply to a conviction of a misdemeanor under PC11357, PC11360, or HS11377.

If any person who is required to register as a narcotic offender changes his or her residence address he or she shall inform, within 10 days, the law enforcement agency with whom he/she last registered, of the new address. All registration requirements shall terminate 5 years after the discharge from prison, release from jail or termination of probation or parole of the person convicted. Nothing shall be construed to conflict with the provisions of PC1203.4 concerning dismissal of charges and release from penalties and disabilities.

The person required to register shall register with the chief of police of the city in which he or she resides or the sheriff of the county if he or she resides in an

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unincorporated area, within 30 days of coming into any city or county. City police and Sheriff's Department addresses and telephone numbers may be determined via access to the CJIS Arrest Agency Directory through APS.

404 ARSON OFFENDER REGISTRATION (PC457.1)

(NOTICE 1264 CORRECTION ON THE TELEPHONE NUMBER TO THE SHERIFF'S DEPARTMENT PUBLIC SERVICES UNIT FOR REGISTRATION OF ADULT NARCOTIC AND ARSON OFFENDERS)

(NOTICE 1252 SHERIFF'S DEPARTMENT CHANGE IN THE HOURS OF OPERATION FOR REGISTRATION OF NARCOTICS AND ARSON OFFENDERS)

A person must register as an arson offender if convicted of PC451 (Arson Causing GBI), or PC453 (Possess/manufacture incendiary device), or any attempted arson, which includes, but is not limited to, a violation of PC455.

Any person who, is convicted in any court in the state of arson or attempted arson shall be required to register as an arson offender for the rest of his or her life. Any person who, having committed the offense of arson or attempted arson, and after having been adjudicated a ward of the juvenile court, is discharged or paroled from CYA shall be required to register until that person attains the age of 25 years, or until the person has his or her records sealed, whichever comes first.

The person required to register shall register with the chief of police of the city in which he or she resides or the sheriff of the county if he or she resides in an unincorporated area, or if the person has no residence, while located in California, within 14 days of coming into, or changing residence or location within any city or county. City police and sheriff's Department addresses and telephone numbers may be determined via access to the CJIS Arrest Agency Directory through APS.

405 DNA COLLECTION

(DIRECTIVE 1055 PROPOSITION 69 DNA AND PALM PRINT IMPRESSION COLLECTION INFORMATION FOR PROBATIONERS)

Pursuant to changes in the Penal Code, as a result of the passage of Proposition 69 (The DNA Fingerprint, Unsolved Crime, and Innocence Protection Act) the Department collects DNA samples (Buccal Swabs) and palm print impressions on adult probationers convicted of the following: felonies; misdemeanors with prior felonies; or misdemeanors that require collection pursuant to PC290 and PC457.

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The probationer should be referred for DNA collection upon reporting to the Supervision Intake Teams for orientation, unless there is proof of collection in APS. The DPO may also find verification of collection of a DNA sample in the Consolidated Criminal History Registration System (CCHRS) or in the California Information and Identification System (CII). Verification of such information will be updated in the APS Defendant Information Data (DFID) screen.

Cases with a requirement for DNA collection, either by statute or court order, shall not be referred to court for early termination of probation unless a DNA sample has been collected. Any report recommending termination of probation will include information regarding the collection of the DNA sample, including the date the sample was collected. The supervision DPO will review all cases 120 days prior to expiration to verify compliance with the collection of the DNA sample. Any probationer that does not respond to the request for submission of a DNA sample will be returned to court 90 days prior to the expiration of probation for notification and a potential violation of probation report.

DPOs initiating an Interstate Compact transfer must ensure that required DNA samples are collected prior to processing of the application for Interstate Compact supervision, 1203.9PC Jurisdictional Transfer or courtesy supervision.

Collection of samples from probationers living outside the state may be obtained by sending a collection packet to the receiving state. All requests must be made through the Interstate Compact Administrator's Office in Sacramento (see section 16.5 for address). The request will be made using an ICSAO "Action Request" form, which can be found in Probnets, under Adult Forms. Once a sample packet is returned from the receiving state, it will be forwarded to the Alhambra DNA Collections Unit for processing which includes the update of the APS DFID screen and chrono in DCID.

Probationers supervised for another state under the Rules of the Interstate Compact may request that the Los Angeles County Probation Department collect a DNA sample on their behalf. If that jurisdiction sends an Action Request for collection, and a collection kit, forward both items to the collection unit nearest the probationer's residence. The probationer will be instructed to contact the Probation Information Center and set-up an appointment at that collection site. The collection unit will obtain the sample and forward it and the Action Request form to the Alhambra Out of County Unit. The OCU will send the sample and return the Action Request form to the requesting state via the ISC Administrator's Office. A copy of the Action Request form will be sent to the DPO of record by OCU.

LOS ANGELES COUNTY PROBATION DEPARTMENT

Subject: ADULT MANUAL ADULT INVESTIGATIONS	Section: AM-500
	Effective Date: July 7, 2008
	Approved By: Reaver Bingham, Bureau Chief

(DIRECTIVE 974	INVESTIGATION OF DEFERRED ENTRY OF JUDGMENT (DEJ) CASES)
(DIRECTIVE 899	REVISED ASSIGNMENT OF POINTS IN ADULT INVESTIGATIONS)
(DIRECTIVE 874	STATEMENT REGARDING THE SUPERVISION AREA OFFICE IN COURT REPORTS PREPARED FOR THE CLARA SHORTRIDGE FOLTZ CRIMINAL JUSTICE CENTER (FORMALLY THE CRIMINAL COURTS BUILDING))
(DIRECTIVE 797	ADULT INVESTIGATION UNIT COVERAGE IN THE ABSENCE OF THE SUPERVISING DEPUTY PROBATION OFFICER)
(NOTICE 1461	ADULT SERVICES COURT OFFICER TEAM (ASCOT) DUTIES, REGIONS AND BID PROCEDURES)
(NOTICE 1361	ADULT SERVICES COURT OFFICER TEAM (ASCOT) DUTIES, REGIONS AND BID PROCEDURES)

501 INTRODUCTION

An investigation is the collecting, assembling and analyzing of specific and necessary information regarding the defendant and the present offense. The information and analysis are used to support a legal recommendation by the probation officer in a report submitted to the court for the court's consideration in determining an appropriate disposition. The law and sentencing rules define particular areas of inquiry and factors to be considered in preparing the report and making recommendations.

Every type of probation investigation can involve at least three basic activities: reviewing case-related documents, reports and records; interviewing principals and interested parties in the case; and evaluating the information obtained to formulate a recommendation and produce a report.

Each investigation is conducted impartially, adopting neither a prosecutorial nor a defense position. Speculation as to what the court may order does not enter into the formulation of a recommendation. Only the defendant's eligibility and the DPO's analysis of suitability for probation are considerations. While many defendants referred for investigation will not be legally eligible for probation, the DPO's report serves a valuable purpose by clarifying and focusing on sentencing issues such as imposition of low, mid- or high-base term, concurrent versus consecutive time in multi-count cases, and the applicability of enhancements. In

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some cases, the report may provide the court with new information – as in cases where the police agency discovers or identifies information not previously known to the court.

Sentencing of a defendant is often accomplished as a result of plea negotiations. The court may be assisted with the application of the most appropriate conditions of probation if provided with the DPO's recommendations. Therefore, the DPO shall include conditions of probation by completing and attaching Prob. 1242 to all felony pre-sentence investigations. Post sentence (prison commitment) cases do not require the Prob.1242.

At times, the court may order an investigation report (Post Sentence) after the defendant has been sentenced to prison. In this case, the investigation report is then written to provide the California Department of Corrections and Rehabilitation with information regarding the offense and the offender that is necessary to evaluate the defendant and determine issues such as housing.

Procedurally, an investigator's tasks follow only a general sequence because the DPO is confronted with deadlines of a few days to a few weeks. Because DPOs perform several investigations at the same time, all at varying stages of completion, a system of organization and control is crucial. Organization, planning and flexibility are basic to good investigation practices.

502 ADULT INVESTIGATION INTAKE

Referrals for investigations are received by the office that services the court. This is normally done by written court referral. Persons may also be referred from other jurisdictions if the nature of the case and defendant call for special handling.

The investigation of all Probation Department employees shall be referred to adjacent counties. Investigations involving relatives of employees as defendants or victims shall be assigned to an Area Office other than that of the employee. Any exceptions to this policy require the Bureau Chief's approval. In addition, the investigator and the supervisor shall or may refer the case for designation as a High Profile case.

A referral for investigation takes one of several forms:

- A defendant arrives at an Area Office with paperwork that specifies a future court date for a probation investigation report
- A defendant appears at an Area Office without paperwork and claims that the case has been continued for an investigation report

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- Paperwork (court order, DA file, docket, electronic email) from a court documenting that an investigation report has been ordered is received by an Area Office.
- A telephone call or fax from a court that indicates a new investigation has been requested is received by an Area Office. (This requires a written confirmation as follow-up.)

The referral is screened through TCIS to obtain preliminary identification data and official court records so that the case information can be entered into APS. The Record Bureau Clearance is initiated through JDIC, which provides other unique identification data. Prior to assignment, clerical support staff will use the collected information to perform an inquiry through APS to determine whether the defendant has had a previous probation referral for the same or different cases or to assign a new X-number.

503 ASSIGNMENT OF CASES

(DIRECTIVE 990	CLERICAL PROCEDURES FOR PROCESSING FARM-OUT CASES (DIRECTIVE 840, REVISED))
(DIRECTIVE 840	CLERICAL PROCEDURES FOR PROCESSING FARM-OUT CASES)
(DIRECTIVE 830	ADULT PROBATION SYSTEM (APS) - INVESTIGATION ASSIGNMENT FARM-OUT CONTROL SCREEN (IFOA))
(NOTICE 1322	ASSIGNMENT OF ADULT INVESTIGATION CASES – ROLE OF THE ADULT INVESTIGATION ASSIGNMENT CLERK

Cases shall be assigned and entered in APS within six (6) hours of receipt of referral and are assigned without respect to ethnicity or gender. Cases are assigned equitably to available staff, with consideration given to such factors as workload, co-defendants, and language spoken by the defendant. The SDPO coordinates the assignment of High Profile cases. When investigation cases are farmed in or out, the Adult Investigations Coordinator must be notified and will assist in entering the points/cases in APS.

Adult investigations are new court cases, Bench Warrant Pick up Reports, or Early Disposition Reports that are assigned and counted by dictation due dates. Investigation DPO workloads are counted and reported weekly, and are compiled to produce a quarterly total. SDPOS, DPOs and Clerical personnel are expected to verify that workload points given for any assignment are accurately recorded in the APS ICSD and CTRD screens.

504 DICTATION/COURT REPORT FILING AND DUE DATES

(DIRECTIVE 1009	DICTATION TRANSMITTAL FORM (Prob. 4A) REVISION)
(NOTICE 1436	DELIVERY OF LATE COURT REPORTS TO LAX COURT

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The dictation due date is five court calendar days prior to the court date, and can be verified on the APS/CTRD screen, and/or the APS/POWD screen. Each office has established a deadline hour, on the dictation due date, that the DPO shall have submitted reports that are to be prepared by Transcribing.

Excused Late to Transcribing

The following guidelines apply:

1. Referral received four (4) court calendar days or less prior to the dictation due date.

Note: The count starts on the date the referral is received by the DPO on the APS/CSHA screen.

2. Other causes may qualify a report to be excused late to Transcribing at the discretion of the SDPO.

Reports that have been prepared electronically by the DPO must be submitted (transmitted) to the SDPO for review, by no later than noon, three court calendar days prior to the court date.

The DPO and SDPO are responsible for ensuring that the court report is "delivered to the Court Clerk," by noon, two (2) court calendar days prior to the court date. All reports will be processed through the Probation Enterprise Document Maintenance System (PEDMS). Court reports will be automatically logged out through PEDMS, which will download the completion information to the APS CTRD screen. The report will print at the PEDMS print station, where clerical personnel will gather the reports and send them to court. It is vital that the DPO submit reports to the SDPO with enough time to review, approve, and process the report through PEDMS, and that the SDPO, or the SDPO's designee, complete processing the report in PEDMS in time to get it to court in a timely manner.

When notified that the court did not receive a report, the DPO or Officer of the Day will generate a copy of the report from the PEDMS Library, and forward a copy to court. Ascot officers in the court may also obtain a copy of the missing report from PEDMS, should they receive notice that a report is missing.

505 DUAL RECOMMENDATIONS (DOUBLE BARREL Reports)

When a defendant who is referred for a new investigation is on active probation supervision, including conditional sentence, or has a bench warrant outstanding on a supervision case, the Investigation DPO shall present the other case(s) to the court in the Pre-sentence report together with the new case. Reports

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addressing both the new and active case(s) and including recommendations on them are referred to as “double barrel” reports. The Double Barrel procedures allow the sentencing court the opportunity to dispose of all the cases concurrently. Before double barreling a case, the Investigation DPO should ensure that the supervision case has not been disposed of already, or is not being heard in another court.

The Investigation DPO, upon discovery of a Double Barrel situation, checks the CUSD screen to determine the probationer’s conduct under supervision. The report can be accessed by pressing the PF5 key. The report will print to a designated office mainframe printer and contains information from the following APS screens:

FIND: Financial data
FINL: Payment History
RPDD: Reporting record
DFPD: Reporting requirement, registration status
SCID: New Arrests
DCID: Defendant information
CNVD: Victim information
NTUD: Test Data including last test and results

In the conduct under supervision summary, the Supervision DPO discusses a recommendation on active cases **only**. The recommendation must be consistent with that of the new case. If an agreement is not reached between the supervision and investigation DPOs and SDPOs, determination shall be made at the Director level.

When double barreling a case, the Investigation DPO assumes responsibility for preparing and submitting a Set-On-Slip (Prob. 46) to the Court Clerk’s office, requesting the supervision case to be heard simultaneously with the new pre-sentence matter. Failure to complete the set-on slip(s) in a timely manner may result in the active supervision or bench warrant probation case/s not being heard with the investigation case, and could result in additional report/s being ordered by the court.

As a general rule, the supervision deputy’s recommendation carries more weight because the supervision DPO has a more complete and accurate picture of the defendant’s ability and interest in probation than has the investigator.

Following the unification of Superior and Municipal courts into one Superior Court, the investigator is now able to complete a set on request for all active formal probation cases in any court, in order to ensure that those cases “trail” the new investigation matter. Having completed the required Set-on-Slips for all open cases, The Investigation DPO submits a recommendation on each case at

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the time of the Sentencing Hearing. The DPO dictates the active case with the oldest grant date listed first, and other cases sequential to the expiration date(s).

506 ACTIVE JUVENILE CASE

When a youthful defendant is arrested as an adult and is on active juvenile supervision, the Investigation DPO must:

- Contact the Juvenile Supervision DPO and discuss the case situation
- Request that the Juvenile Supervision DPO complete a Conduct Under Supervision Report (Prob. 597)
- Notify the Juvenile Supervision DPO of the adult case recommendation

The Juvenile Supervision DPO will handle Court reports required by the Juvenile Court.

507 ACTIVE PAROLE STATUS CASE

In all parole cases, the information obtained from the parole agent should be reported in the “Interested Parties” section of the court report. The investigator should include the defendant’s controlling parole discharge date, length of time on parole, conduct on parole prior to the commission of the present offense, and the Parole Board hearing date and, if known, its outcome. .

508 CONTACTING THE DEFENDANT

When appropriate, the Investigation DPO shall attempt to personally contact the defendant as early as possible after referral. Defendants are customarily advised to report to the probation office by the court, if they are not in custody. All case contact should be documented in APS-DCID.

In cases where an interview is prohibited, the investigator reviews Pretrial+ records, the police report, prior probation reports and automated systems for any information that can be included in the report. The investigator should identify all sources of information under “sources of information”.

509 Appointment

When a defendant does not report to the probation office, the DPO attempts to contact the defendant by telephone, and/or sends an appointment letter (Prob. 1274) to arrange an office interview. [\(See AM 5.14, Beginning The Investigation\).](#) The appointment time, date, and location should be documented in APS-DCID.

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(DIRECTIVE 885 ADULT BUREAU POLICY FOR PROVIDING "NO WRONG DOOR" SERVICES TO PROBATIONERS)

(DIRECTIVE 862 CHANGE IN PROCEDURES - DEFENDANTS WITH NEW GRANTS OF PROBATION ARE NOW TO BE INSTRUCTED TO REPORT TO THE AREA OFFICE THAT SERVICES HIS/HER PLACE OF RESIDENCE)

If the defendant is a walk-in, the defendant should never be turned away or advised to report to another office. The DPO, if available, personally provides the defendant with a brief explanation of the materials and verification documents that the defendant must bring to the interview appointment. If the DPO is not available, the defendant should be seen by the Officer of the Day or an SDPO.

511 Jail Location

Location and booking number may be obtained by accessing the information through the JDIC, [LASO Internet Booking](#), or Automated Justice Information System (AJIS) computer systems.

512 VIDEO CONFERENCING

The Los Angeles County Justice Inmate Video Conferencing System (JIVCS) is a multi-agency program consisting of the Probation Department, Sheriff's Department, Public Defender, Alternate Public Defender and the Internal Services Department, under the auspices of the Information Systems Advisory Board (ISAB). The system brings together three criminal justice agencies with a common need for direct personal interviews with inmates in the County jail system. This system should be used to conduct jail interviews whenever possible, when the defendant is detained in an outlying location.

In the event the video conferencing is not available, defendants in custody at Pitchess Honor Rancho may be transported to the main county jail for interview upon request of the DPO by contacting the Department's liaison at (213) 974-9300. Prior to arranging a "Wayside Order-Out", the DPO shall verify that a scheduled court appearance does not conflict with the interview date. Prior to leaving the office for a custody interview, the DPO checks the defendant's booking information to confirm that there have been no changes in the defendant's location.

513 INTERPRETER

Case materials and court records (TCIS) are reviewed to determine if an interpreter is needed. The Court Interpreter's Office no longer provides

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interpreters for probation interviews, unless the court has specifically arranged for the interpreter to be available.

Some area offices have departmentally certified interpreters who may assist investigators with video-conference interviews; however, if no interpreter is available, the investigator shall indicate in the report that the interview could not be conducted due to the absence of an official interpreter.

In cases where the defendant is hearing impaired and an interpreter is required, the DPO will notify his/her Director. The Director or the Director's designee shall be responsible for contacting the current, Department-approved provider of interpretation services. The list of approved service providers will be maintained by the Adult Bureau or may be obtained from the Ombudsman office at Probation headquarters.

514 BEGINNING THE INVESTIGATION

The basic investigation tool is the Worksheet (Prob. 18 or Prob. 1041). The Worksheet provides a consistent framework for information gathering, and the Investigation DPO shall use the Worksheet to record routine information and other facts of the investigation. The DPO's investigative notes become an essential resource for the DPOs preparation of the court report, and a fundamental asset in subsequent probation supervision or investigations. The worksheet is to be legibly prepared, and completed in full, prior to the SDPO case conference and clearance.

When a referral for an investigation is received, the DPO:

- Checks APS for case data information. The APS/POWD Workload Detail screen includes all cases assigned to the DPO. Using various APS screens, the DPO can access valuable information. Examples of information contained on specific APS screens are as follows:

POWD – DPO and number of points assigned to the case; dictation due date; defendant's custody status.

CNDD - Court dispositions and current status of case(s) referred to the Department.

CUSD - The supervision deputy's assessment of the defendant/case prior to the issuance of a bench warrant, and the supervision deputy's recommendation regarding whether continued supervision is indicated.

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DFAD - If defendant has been previously known to probation, addresses and phone numbers for defendant or employer may be available.

DFID - Defendant identification data.

DCID - Notes of interest regarding the defendant or case.

DFSR - Co-defendant cases that have also been referred to probation.

CSHA - Name and location of other DPOs who have had caseload responsibility for the defendant.

FIND - Summary of the defendant's response to any previous financial obligation ordered by the Court.

TECD - Targeted Case Management chrono information, which may contain notes of interest regarding defendant needs and referrals made.

CNVD – Victim information (This screen allows the DPO to add victims and input victim information directly into the APS by selecting the “A” or “add” function. The Investigator may also update information at a later time by selecting the “V” function.)

CCHRS, TCIS, PIMS, AJIS (Booking), **JCMS, ETRS, CWS, PT+, Probation Pretrial+, NCIC** and **JDIC** (CII, JAI, FBI, DMV, USDMV, WPS, SRF, DVROS, INS, VCIN) are also valuable resources.

- Prepares Victim List (Prob. 1271) within one day of case assignment and submits it to the appropriate clerical support staff. A copy of the Victim List (Prob. 1271) or printout of the ICSD (Investigation Case Data) screen (showing no victims in victimless crimes) should be maintained in the file.
- When appropriate, initiates contact with defendant to set up an interview appointment. This may be done in person, by mail, telephone or by scheduling a jail visit. [\(See AM 5.11, Jail Location\)](#). When an “out-of-custody” defendant does not report to the probation office, the DPO attempts to contact the defendant, or sends an appointment letter to arrange an office interview. The defense attorney, bail bondsman or relative may also be helpful resources to assist in contacting the defendant.
- Requests or procures needed records such as automated criminal history records, active and closed probation files, Conduct Under

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Supervision Summaries or Reports, arrest reports, and needed DA files or packets.

If made available, DA records are received by the DPO on interagency loan. The DPO is **responsible for safekeeping of the DA records, and maintaining the confidential information.** Information in the DA records may be removed for copy purposes only, but must be replaced in the same order as removed. DA records must be returned to the DA's office, as soon as possible. Information in the DA records includes:

Arrest Reports	Investigation Reports
CII "Rap Sheet"	Plea Bargain Information
Chronology of Case Proceedings	Preliminary Hearing Transcript
DA Investigator Reports	Proof of Prior Convictions
Extradition Information	Psychiatric and Medical Reports
Special Allegations	Victim and Witness Information
Coroner Information	

When possible, the DPO reviews available case material (e.g. DA file, arrest report, prior probation and pretrial records, preliminary transcript, etc.) prior to the initial interview.

The DPO reviews the available case information to determine the details of:

- Charges, convicted counts, special allegations, plea negotiation, need for interpreter, and any pending issues
- The present offense and the victim's circumstance
- The defendant's performance during prior periods of probation supervision

515 CONDUCTING AN INTERVIEW

Since 1996, per order of the court, DPOs are not permitted to interview defendants referred for pre-plea investigations unless permission to interview is specifically expressed by the referring court. When permitted to interview, the interview is a dialogue between the DPO and the defendant, to obtain relevant information for the court report. During the interview process, the DPO must show objectivity and a professional demeanor. The interview may be an anxiety producing situation for the defendant. The DPO must attempt to lower this anxiety while methodically obtaining the information necessary to accomplish the investigation.

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The initial interview should include only one person at a time. On occasion, after the initial interview, a conference including the defendant and family members may be productive. The DPO is under no obligation to include extra participants during the interview, except the defendant's attorney.

The DPO should ascertain that the defendant fully understands:

- The case status. However, the DPO should avoid attempting to explain legal issues to the defendant.
- The purpose of the probation investigation and the role of the Probation Department
- That lack of cooperation or refusal to give information will be reported to the court
- That he or she has the right to refuse probation and to accept an alternative disposition by the court
- That the court, not the Probation Department, determines the sentence disposition
- That all pertinent information provided to the DPO must be reported to the court and there are no "off the record" statements that may be made to the investigator.

The DPO guides the interview to obtain factual data, make observations, and record impressions of the defendant's attitude, temperament, etc. DPO shall make note of any abnormal physical, psychological or intellectual characteristics displayed by the defendant. Some situations may require more than one interview.

When it is appropriate to discuss the offense, the DPO shall inform the defendant that he or she has a right to submit a written statement, and explain how this statement would be used in the court report.

During the interview, if permitted to discuss the offense, the DPO obtains information to ascertain:

- What acts were committed that constituted the offense?
- Against whom were these acts committed, and with what results?
- During what time span the offense(s) was committed?

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- How the offense(s) was committed and/or planned?
- Where the offense(s) was committed?
- In companion cases, who did the most? Who did the least?
- Who told others what to do?
- Whether the defendant exhibited strange or irrational behavior or conduct at time of arrest?
- What were the victim's injuries and/or loss?
- Whether drug use a factor in the offense? ... What? ... How long? ... How much? ... Was there any indication of drug sales? ... What type of drug? ...What quantity?
- Defendant's statement regarding each entry in the criminal records check.

The DPO is to request verification of defendant's employment and residence. A residence is considered verified when the defendant provides a current rent receipt, utility bill, or letter that has been received by defendant via U.S. mail. Resources available to corroborate a defendant's residence may also include interested parties and data base resources such as PT+, DMV and CCHRS.

When contact with the defendant is permitted, the DPO instructs the defendant, in writing, via Notice to Report for Supervision (Prob. 909), where to report for supervision should probation be granted and advises of any possible need to register under HS11590, PC290, or PC457.1. A copy of Prob. 909 is retained in the probation file.

In Domestic Violence offenses, the DPO also provides the defendant with a list of approved community agencies.

516 SCREENING OF POSSIBLE SUBSTANCE ABUSE CASES

This process includes the DPO interpreting and recording on the worksheet and in the court report, any possible signs of abuse and recommending specific conditions of supervision to correct the substance abuse problem, such as referral to a residential drug treatment program, Proposition 36 program, Drug Court program, etc. The investigator should note any physical symptoms (dilation of pupils, tremors, nystagmus, track marks, or recent or oozing wounds that could indicate serious drug use. Pointed questions, such as when the last time the defendant used "primos" or "weed", instead of general questions such as

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“Have you ever used drugs?” should be asked whenever there is indication that the defendant has engaged in substance abuse.

517 COLLATERAL CONTACTS

A comprehensive investigation requires contact with collateral resources, such as criminal justice agencies, victims, treatment programs, employers, the defendant's family members, and significant others. If the contact is with a minor, there may be a need to obtain the parent's and/or attorney's authorization to interview. The DPO/SDPO will determine the level and extent of collateral contacts. The interviewing techniques previously discussed apply equally when interviewing collateral resources.

Collateral contacts must be informed that:

- The court has referred the defendant for the Department's investigation and the defendant is making an application for probation.
- The purpose of making the contact is to obtain necessary information regarding the defendant for the court report to assist the court in sentencing.
- They will be identified as a source of information if their comments are included in the court report.
- The court report is a public document and the defendant may have an opportunity to read it.

Collateral contacts are generally made by telephone but may also be made in person or through written correspondence. Documentation of contacts and/or efforts to contact is required:

If the offense involved a victim or victims, it is mandatory that the investigator attempt to contact the victim(s) unless the court has issued an order restricting contact. Victims should be apprised of their right to appear and address the court. As part of the interview with the victim(s), the DPO obtains a statement regarding any physical injuries, psychological damage or financial loss that resulted from the defendant's criminality, and any opinion the victim might have with reference to the crime and/or the court's sentencing of the defendant

- Information may be obtained from official sources connected with the present offense such as arresting agencies, investigating officers (I/O) and witnesses. In felony cases, it is mandatory that the investigator contact the investigating law enforcement officer in the case, and the defendant's

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probation officer and/or parole or correctional officer for relevant information.

- A statement of the defendant's conduct under supervision for any current grant of probation supervised by the Department shall be obtained whether or not a dual recommendation is to be submitted. If a dual recommendation is being made, the statement shall also include recommendation concerning the active probation case(s).

Persons who have an association with the defendant, and/or an interest in the defendant's involvement in the present offense, such as the local police agency, relatives, employers, therapists and neighbors, may also be sources for important information.

518 CASE EVALUATION AND CASE CONFERENCE WITH SDPO

The DPO analyzes the facts (legal and social) of the investigation to determine the appropriate recommendation. The DPO should be able to articulate this analysis during the case clearance with the SDPO. The analysis should include the following considerations:

- Any violent tendencies exhibited by the defendant that pose threat to the community
- The prognosis for future violent behavior
- Significant community, employment, and/or family ties
- Defendant's willingness and ability to assume responsibility for any court ordered financial obligations
- Defendant's eligibility for probationer when appropriate, Proposition 36.
- The application of sentencing considerations
- The defendant's prior record
- The Risk Assessment (except post-sentence and capital cases)
- The nature and extent of the defendant's substance abuse and what interventions are needed
- The affect of the offense on the victim, the vulnerability of the victim, and the victim's statement concerning the case and its disposition. Defendant's suitability for formal probation supervision

The DPO shall bring all available case material to the conference with the SDPO.

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As part of the case conference, the SDPO ensures that the Probation X-File contains the following documents:

- Worksheet – completed and signed by the DPO
- Application for Probation (IB-walk-ins only)
- Arrest report (if available to DPO during the investigation)
- Record bureau clearance documents
- Risk Assessment form or DRAD printout
- Victim list detailing names, addresses and other pertinent information to identify and provide a means to contact the victim(s). In victimless crimes, a printout of the ICSD screen, showing that there is no victim can be substituted for a victim list.
- Report for Supervision (Prob. 909) – except in post sentence cases and only if defendant is interviewed.

The DPO clears each case with the SDPO before a recommendation is made to the court. The SDPO checks for consistency with law and policy, considers the need for special programs, questions departures from usual practices, and indicates any needed remedial measures. The SDPO must code the agreed upon recommendation and initial all investigation worksheets. Once clearance is complete, the recommendation is not to be changed without a new clearance.

519 BENCH WARRANTS

- | | |
|--------------|--|
| (NOTICE 1472 | ADULT SERVICES COURT OFFICER TEAM (ASCOT) DUTIES: BENCH WARRANT PICK-UP REPORTS) |
| (NOTICE 1468 | ADULT SERVICES COURT OFFICER TEAM (ASCOT) DUTIES: BENCH WARRANT PICK UPS (BWPU_s) |
| (NOTICE 1530 | MODIFICATION OF THE APS-CUSD SCREEN: THE DF28 REPORT AND MODIFICATION OF SUPERVISION DPOS RESPONSIBILITIES) |

The Bench Warrant process is currently under review and is being restructured. . The intention of the AFSB is to centralize the processing and completion of all Bench Warrant Pick-Up reports at the Central Adult Investigations Office.

Bench warrants may be issued by the court for violations of court orders; such as contempt or failing to appear as ordered. The bench warrant may be issued on the court's own initiative or based upon facts contained in a report submitted by the DPO.

When a bench warrant is issued prior to sentencing, the matter is placed off calendar. If the defendant is subsequently returned to court, proceedings resume and the defendant is referred back to probation, the Investigation DPO

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continues the investigation from the point where proceedings were suspended. If the warrant was issued prior to completion of the pre-sentence report, a full pre-sentence is prepared.

If a pre-sentence report was completed and submitted and the matter is returned to probation for supplemental report, the Investigation DPO submits a Supplemental Report (Prob. 712) using appropriate headings (see below).

When a probationer is rearrested following revocation of probation and referred for supplemental report, the Investigation DPO prepares a Bench Warrant Pick-Up Report (Prob. 241A) using appropriate headings (see below). In any case where the probationer is arrested on the warrant, probation is reinstated, or remains revoked, and the matter is continued for a supplemental or progress report, the report is assigned to a supervision deputy for completion.

For every investigation report prepared **following an arrest on a bench warrant**, the DPO shall instruct the defendant in writing, via Notice to Report for Supervision (Prob. 909), if the defendant is interviewed, where to report for supervision should probation be reinstated. Currently, the defendant should report to the nearest SIT team that services the court.

520 THE BENCH WARRANT PICK-UP REPORT

The Bench Warrant Pick-up Report is usually requested when a probationer has been arrested on a bench warrant issued by the court following a revocation of probation. The Bench Warrant Pick-up Report provides the court with information about the probationer's activities subsequent to the revocation, his/her explanation for failing to comply with probation, the defendant's plans for the future and the Probation Officer's assessment of the defendant's suitability for continued supervision and the DPO's recommendation for a disposition in the case.

To prepare a Bench Warrant Pick-up Report, use Prob. Form 241A or Prob. Form 241BW (if no interview is ordered) and include appropriate subheadings for each section as necessary.

Headings for Bench Warrant Pick-Up Report (Prob. 241A):

Reason for Hearing – includes a brief statement regarding the circumstances of the arrest on the warrant, when the matter was last heard, and the status of the case.

Record Bureau Clearance – includes any new arrests since the last report to court, or any arrests that were not reported to the court in previous probation reports, and the defendant's comments regarding each arrest.

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Conduct Under Supervision (if applicable) – including defendant's compliance with the conditions of probation including the defendant's payment history and any outstanding victim restitution owed. DPOs should also indicate the name and office location of the last Supervision DPO of record. The Conduct Under Supervision screen (CUSD) in APS. The investigator can access a conduct under supervision report (DF28) by pressing the PF5 key. This report will be generated at a designated office mainframe printer (not the desktop printer). The report will have information collected from various APS screens that provide information regarding reporting history, payment history, total financial obligation, last payment, registration compliance, recent arrests and residential and employment address information.

Case Synopsis – background and community status of defendant when probation was granted.

Defendant's Statement – includes defendant's explanation for any failure to comply with probation conditions and/or failure to appear for a court hearing, and defendant's account of activities (whereabouts, employment, drug/alcohol use and compliance with registration requirements) during the period of absence. This section should also include any comment made regarding defendant's willingness or ability to comply with future probation terms.

Interested Parties – statements from persons contacted by the DPO to verify defendant's claims or to provide additional information in the report.

Evaluation - If the defendant failed to appear prior to a P&S hearing, the circumstances of the bench warrant are evaluated along with the other facts of the case. If the defendant is already on probation, the circumstances of the warrant are evaluated in the context of his overall performance under supervision.

Tolling of Time – Calculate time to be tolled, showing the new expiration date/s if probation is reinstated, regardless of the recommendation.

Recommendation – must include the new expiration date/s if recommending reinstatement of probation.

521 THE DA MOTION TO REVOKE REPORT

This report occurs in response to a request by the District Attorney for a revocation of probation upon the probationer's arrest on a new criminal charge. This can either be an actual criminal filing or an "in lieu of filing".

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If the defendant is already in custody the court simply revokes probation and continues the matter for further report. If the probationer is not in custody, the court revokes probation and issues a warrant. This report is very similar to the Bench Warrant Pick-up report, and uses similar section headings with the exception of the Reason for Hearing.

522 TIME TOLLING**(DIRECTIVE 958****TOLLING OF TIME)**

Case law has established that a revocation of probation serves to toll (stop or suspend) the running of the probationary period pursuant to 1203.2 (A) PC, and consequently allow the court to retain jurisdiction. Time remaining must be calculated by utilizing calendar days, as months contain varying numbers of days. Once calculated, the time (called tolled time) is added to the reinstatement date of the grant of probation.

NOTE: A violation of probation must be found to be true by the court to actually allow time to be tolled on a case. However, all Bench Warrant Pick-up Reports must contain a section on the tolling of time, with the new expiration date clearly indicated, in case the court finds the probationer in violation of probation and reinstates probation.

523 TRUE SUMMARY GRANTS**(DIRECTIVE 962****PROCESSING OF TRUE SUMMARY GRANTS)**

A True Summary grant occurs when a court (summarily) places a defendant on formal probation, DEJ, or diversion without a prior referral for an investigation.

The Supervision Intake Team (SIT) completes all True Summary Investigation paperwork and APS screens, which include the following:

- True Summary Worksheet (PROB. 1228)
- Victim's List (PROB. 1209)
- Risk Assessment (APS-DRAD)
- Permanent Instructions sheet (PROB. 895)
- Reporting Instructions Sheet (PROB. 909)

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- Provides appropriate notice and instructions regarding any registration (sex, arson, narcotics, gang) requirements, if necessary.

LOS ANGELES COUNTY PROBATION DEPARTMENT

Subject: ADULT MANUAL	Section: AM-600
	Effective Date: July 17, 2008
	Approved By:
	Reaver Bingham, Bureau Chief
THE PRE-SENTENCE INVESTIGATION REPORT	

(DIRECTIVE 948 PRE-CONVICTION REPORTS PURSUANT TO 131.3 CCP - ADDITION OF ASSESSMENT, EVALUATION AND RECOMMENDATION FOR PROP 36 ELIGIBILITY PURSUANT TO PC 1210.1 (DIRECTIVE 925 REVISED))

(DIRECTIVE 925 PRE-CONVICTION REPORTS PURSUANT TO 131.3 CCP - ADDITION OF ASSESSMENT, EVALUATION AND RECOMMENDATION FOR PROP 36 ELIGIBILITY PURSUANT TO PC 1210.1)

(DIRECTIVE 860 COURT REPORT CONTENT)

(DIRECTIVE 844 REVISION OF ADULT SUPERIOR COURT INVESTIGATION REPORT(PROBATION FORM 19SC)

(NOTICE 1353 CHANGE IN IDENTIFICATION CODE FOR PRE-CONVICTION REPORTS)

601 THE PRE-SENTENCE REPORT

The Felony Pre-sentence Investigation Report is a systematic disciplined approach to providing essential information that aids the court in determining the appropriate sentence. It is also an information source for clinical examiners, researchers, Supervision DPOs, State Prison staff, and other custodial authorities. The structured format assures that both legislative mandates and information prescribed in the California Rules of Court are included. The Probation and Sentencing investigation report is essentially the same report, but differs in that, as a general rule, defendants are not permitted by the court to be questioned regarding the instant offense for pre-plea reports, while in Probation and Sentencing, or P&S reports, the defendants may be questioned regarding their commission of the crime.

Modular sections are to be completed in their entirety. The format excludes superfluous material and emphasizes pertinent information essential for the court's exercise of sentencing discretion. The modular portions of the report are supplemented by narrative sections which offer, when necessary, clarifying data, facts or information. The evaluation and sentencing considerations lead logically to the DPO's recommendation. Case complexity or gravity determines the detail and length of the report.

The same principles and considerations apply to the more abbreviated Misdemeanor Pre-sentence Investigation Report.

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The Investigation DPO provides the court with an overall view of the pending case and should be concerned with a straightforward and unbiased reporting of facts regarding the defendant and the crime. Citing the sources from which the information is derived validates the information in each category of the report. The DPO's evaluation and recommendation should be guided by the general objectives of sentencing, which are to:

- Protect society
- Secure restitution for the victims of crime
- Punish the defendant
- Discourage the defendant from committing new crimes by imposing a period of incarceration and/or appointing appropriate conditions of probation
- Deter others from criminal conduct by demonstrating its consequences
- Achieve uniformity in sentencing
- Impose suitable treatment considerations

602 FACE SHEET – SUPERIOR COURT

(DIRECTIVE 924 COURT REPORT FACE SHEET - HEARING DATE TO BE INCLUDE ON ALL COURT REPORTS)

Drop down boxes labeled SELECT AN ITEM are placed throughout the report. These boxes provide the DPO with selections from which to choose for specific categories in the face sheet. The DPO can determine the choices by clicking on SELECT AN ITEM and dictating the appropriate selection. In order to avoid confusion for the transcribing services, it is important that the DPO be aware of the selections available in SELECT AN ITEM boxes so that the appropriate response is dictated. The transcribing services will be utilizing only these selections when transcribing the dictated report.

1. Report number is usually "1" but if supplemental or continuance, indicate the place of the report in the sequence by the appropriate number.
2. Name as referred. If alias (AKA), indicate the true name (T/N). If multiple aliases, refer to prior record section by stating **SEE PRIOR RECORD**.

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3. Court hearing case expressed by abbreviations for area and Department designation in outlying courts or Department number in Central Criminal Court cases.
4. Judge's Name.
5. If multiple case numbers have been referred, the case numbers are presented in numerical order. Active probation cases are presented as a "double barrel" and shall be identified as (VIOL).
6. Verified address in full, including Telephone Number and Zip Code. Choose from SELECT AN ITEM status of address (either present of upon release), followed by full-anticipated address. If transient, indicate TRANSIENT or the anticipated address.
7. Date of Scheduled Hearing.
8. Name of counsel, followed by type of representation: PD (Public Defender), APD (Alternate Public Defender), PVT (Private), PC987.2 (Court Appointed) or PRO PER (in propria persona).
9. Prosecutor, by name and type of agency: DA, CA (City Attorney).
10. Birth date by Month, Day and Year.
11. Gender: SELECT AN ITEM (Male or Female).
12. Race: SELECT AN ITEM from the list of available selections.
13. Citizenship Status: SELECT AN ITEM from the list of available items.
14. Social Security Number: The probationer's SSN will be entered in this field.
15. Driver's license (indicate state of issue) or identification number and expiration date.
16. Investigation DPO's name/Caseload Number.
17. Field Office where report prepared: SELECT AN ITEM from list of Area Offices.
18. Telephone number of DPO preparing report.

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19. X-number assigned as Probation Department's identification number.
20. Case record identification number assigned by the Bureau of Criminal Identification and Information (CII).
21. LASD main number. If none, state none.
22. Recommendation: Check appropriate box. When double barrel, appointment of expert witness (EC730), continuance, PC1203.09, WIC3051, so indicate under "Other." Check county jail or state prison only when recommending denial of probation.
23. Report Type: SELECT AN ITEM from list of report types
24. Actual number of days (partial days count as a whole day) in custody as a result of the present offense.
25. Custody Status: SELECT AN ITEM from list of custody status choices.
26. LASD booking number if defendant in custody. If none, state None.

603 PRESENT OFFENSE: LEGAL HISTORY

1. List offenses, counts, enhancements, priors or special circumstances in sequence as charged in information. If multiple cases, introduce offenses and counts by case number.
2. If the offense of which convicted is the same as charged, repeat the entry.
3. In 1203.7 PC, enter NONE. If convicted of a lesser or included offense, or added count, specify with the code section number and own description. Multiple and consolidated case numbers are introduced by case number, followed by count number.
4. Example: BA509607-01, counts I & II (BA509617-01 consolidated into BA509607-01 as count II)
5. List priors, enhancements or special allegations found true, admitted or found not true and dismissed. Indicate if enhancements are continued to P&S.

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6. Convicted by: SELECT AN ITEM from listed choices. (PLEA, COURT, JURY, N/A).
7. Date of: SELECT AN ITEM for date of referral or date of convictions. Enter date below item.
8. Counts continued to P&S for disposition counts charged but not adjudicated, list by number (I, II, III). If none, state NONE.
9. Proposed plea agreement: use only if the information was obtained from court or DA (defendant in not a reliable source). Indicate N/A, if pre-plea or UNKNOWN, if only conflicting information or no information is available. In post sentence reports, indicate the indicated prison sentence.
10. Sources of information: Choose the appropriate box.
11. Date(s) and Time(s) of Offense.
12. Defendant: This section summarizes the defendant's criminal status as reported in the Prior History section of the report. Check the "N/A" box, if not applicable. Sentenced to: SELECT AN ITEM (County Jail or state prison) and provide case number in indicated section. Check the "Pending violation" box if an active grant is violated by conviction of new offense(s). Check the "Pending new case" box if there are cases in any other court Department or division. On SELECT AN ITEM (Summary or Formal" Probation. "Holds/Warrants" SELECT AN ITEM to address is the probationer has a hold, a warrant, or both.

604 PRESENT OFFENSE

This section contains the elements (factors) and circumstances of the crime, the defendant's arrest, and other information. Check the appropriate box(s) for the source of the information.

1. Arrest Information:
 - a. Arrest Date: Self-explanatory.
 - b. Time: Self-explanatory.
 - c. Booked As: Always state the defendant's name as listed on arrest report or booking information.

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d. Offense: List the code section.

EXAMPLE: PC459; HS11357; PC211.

e. Location of Arrest: Self-explanatory.

f. Arresting Agency: Give name of the arresting agency. Use the officially recognized abbreviations (i.e., LAPD, LASD, CHP, etc.).

NOTE: Occasionally, in multiple arrest cases, there are more dates, times, locations and agencies that can be recorded in the allowed module space. It may be appropriate to include the information in the circumstances of the arrest section for clarification.

- Dictate only as much information as will fit in the designated space.
- Inform the Transcriber in advance of the necessity to continue the information on a following page.

1. Co-defendant(s):

- a. List by name, court case number and disposition for each companion or co-defendant.
- b. If there are none, indicate "NONE".

605 ELEMENTS AND RELEVANT CIRCUMSTANCES OF THE OFFENSE

The format of the present offense consists of two parts: **Elements and Relevant Circumstances**. Many cases can be handled in two brief paragraphs. The present offense must contain a clear and logical sequence of events with supporting facts. Some offenses that include special allegations such as lying in wait, multiple victims, crimes committed over time and serious injuries may require additional information.

In the first paragraph (**Elements**) the DPO states briefly and precisely what the defendant did, to whom (or upon what), to get arrested. For example:

"The defendant sold .2 gram of "rock" cocaine to an undercover police officer."

"The alcohol inebriated defendant, struck victim Doe over the head with a sledge hammer, causing serious injuries."

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In the second paragraph (**Relevant Circumstances**) the DPO presents the explanation of how the defendant acted and to whom or upon what. The DPO describes clearly and briefly the facts as well as defendant's actions during the offense and arrest, if that behavior was significant. For example:

"The defendant sold \$50 worth of "rock" cocaine to an undercover officer. After a brief struggle, an arrest was made, and the contraband, money and several firearms were seized."

"The defendant and victim Doe, his neighbor, were drinking in the defendant's living room, when the defendant accused the victim of drinking most of the liquor. An argument ensued, and the victim ran to the attached garage. The defendant followed the victim into the garage and picked up a sledgehammer. After trapping the victim into a corner, the defendant struck the victim a total of 15 times, about the head and neck.

A second neighbor intervened and held the defendant for police. Responding paramedics determined the victim suffered a broken collarbone, a broken jaw, and a concussion, and had lost 3 teeth. "

The present offense must contain a clear and logical sequence of events with supporting facts. The most basic guide to any discussion answers the fundamental questions of who, what, where, why, when, and how. Some circumstances are always relevant such as:

- Use or possession of weapons
- Use of force or violence
- Intoxication
- Psychological disturbance
- Co-defendant involvement
- Relationship to victim

To provide clarity, multiple cases are generally introduced by a paragraph heading that states the court case number. Multiple counts may be introduced by indicating the count number before the elements are discussed. Consolidated cases are similarly handled by presenting the information in date or time sequence. The DPO should use a parenthetical to explain that the counts/cases have been consolidated.

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606 VICTIM

(DIRECTIVE 916	VICTIM NOTIFICATION OF SENTENCING PROCEEDINGS – CLARIFICATION PENAL CODE 1191.1 AND DIRECTIVE 801)
(DIRECTIVE 872	ADULT PROCEDURES FOR ENTERING VICTIM INFORMATION IN PROBATION RECORDS-REVISED (SUPERCEDES DIRECTIVE NUMBER 799, ISSUED OCTOBER 3, 2000))
(DIRECTIVE 801	ADULT PROCEDURES FOR ENTERING VICTIM INFORMATION IN ADULT PROBATION RECORDS)
(DIRECTIVE 791	MANDATORY PREPARATION OF A VICTIM LIST)
(NOTICE 1363	MODIFICATION TO THE "VICTIM NOTIFICATION OF HEARING" LETTER)

In cases involving large numbers of victims, the DPO selects the most significant victims to present individually. The remaining victims can be presented in summary form. Check the appropriate box(s) for the source of the information.

- List the specific sources of information.
- Provide full name of victim. If deceased, give name of next of kin and relationship below deceased's name. If victim is a minor, give first name only and DOB.
- List the count number(s) that refers to victim.
- Provide type and actual (or estimated) amount of loss, including replacement value of stolen or damaged property or cost of repair, medical or psychiatric counseling expenses, lost wages due to injury or time spent as a witness. Note: Even if the victim has insurance to cover the entire loss, the victim is still entitled to full restitution. List total amount of loss, and indicate any deductible/s paid.
- Give total (or estimated) amount of loss the victim suffered. Indicate if the victim/s continues to incur a loss, and report the current amount of loss and the anticipated (if known) final amount.
- Indicate amount or kind of restitution paid by defendant to victim prior to hearing.
- Indicate if victim applied for relief through the Victim's Restitution Fund.

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- In cases where victims are not available for comment or are to be contacted via the investigating police officer, the deputy contacts the Victim Restitution Fund to ascertain if any claims were filed by the victim. The deputy includes the fact that the victim was notified of the hearing via mail or through the IO.

607 VICTIM STATEMENT

This section focuses on the details regarding the loss or injury sustained, and the victim's version of the facts and circumstances relating to the victim's involvement in the present offense. Also included is a statement regarding what the victim considers a just and suitable disposition of the case by the court.

Unsuccessful efforts to contact victim shall also be indicated by listing the dates and times of all attempts.

Any victims that do not wish to provide statements are still provided with court hearing information, and their refusal to provide a statement is included in the report. The deputy should contact the State Victim Restitution Fund to determine if any claims were filed on the victim's behalf.

- Indicate total number of victims involved in offense. Victims in dismissed counts are not included unless a **"Harvey Waiver"** exists, or unless they are related to the present offense. Victims listed in counts that are dismissed as the result of plea negotiations are included in the total number of victims. If there is no indication from the court or DA that a victim's count was dismissed, the victim is included in the report and the absence of information is reported to court.
- Give exact amount of loss (if known), estimated approximate amount, or indicate UNKNOWN.
- Verify via APS/CNVD Screen and then check appropriate box if notice of hearing and notice of rights have been provided to victim per PC1191.1 and PC1191.2.
- Victim address/s and telephone numbers are not included in the court report if doing so would present a security risk for the victim or if the victim requests that the information not be provided to court.

608 PRIOR RECORD

The prior record provides a summary of the defendant's juvenile and adult criminal history and becomes an important part of the probation case file. An

THE PRE-SENTENCE INVESTIGATION REPORT

original copy is maintained in the file for future use and should not be written upon, or used to make notations. It provides a starting point for updating the defendant's criminal record and is to be reviewed thoroughly and brought up to date as necessary.

Records of arrest or charges not leading to conviction or adjudication of guilt are not included unless supported by additional facts that show the defendant's involvement, or if the defendant admits or discusses them.

Drunk or reckless driving, driving without owner's consent and hit and run offenses are included as well as any other vehicular violations resulting in significant injury or damage. Minor traffic offenses are generally not included, unless there is a noteworthy pattern, such as previous or current failures to appear, unlicensed driver violations, are included. Other violations may be summarized.

- Enter sources such as **CLETS, CII, FBI, CCHRS**, Probation Department records and defendant's statement. Include dates of record clearances or indicate date of last entry.
- Enter aliases revealed by official records as well as multiple dates of birth, driver's licenses, social security numbers and other multiple record bureau identification numbers.

609 JUVENILE HISTORY

Complete the opening statement regarding the availability of juvenile records five year after the termination of the case by selecting the appropriate SELECT AN ITEM entry.

All sustained juvenile offenses and any admissions of juvenile offenses made by the defendant are included in the report.

The juvenile record contains only those offenses, which would constitute a criminal act if committed by an adult. Status offenses (WIC601), such as incorrigible and runaway, are reported in the Personal History section of the report.

Each entry, in chronological order, contains:

- Date of arrest or referral
- Arresting or petitioning agency
- Offense by code and word description

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- Disposition, including court date and court number, if known

A paragraph (parenthetical) indicating defendant's age at the time of the arrest, along with a brief description of offense and defendant's comments regarding the arrest/incident, and subsequent court history, if appropriate.

Institutional and supervision performance is included only if the defendant was involved in serious behavioral incidents such as physical assaults on staff or wards, destruction of property, or escape.

A paragraph summarizing the defendant's juvenile record is appropriate when the defendant is well into adult years, or has a lengthy adult record, in which case a full review of the juvenile history is not pertinent to the case before the court.

610 ADULT HISTORY

The defendant's criminal history is compiled from all available sources of information. Available automated sources are noted in Directive 1129. A DMV check is required in all cases involving Vehicle Code violations and where the defendant's privilege was suspended or revoked or shows an extensive traffic history. Although CII and CLETS computerized criminal records are the most available sources, they are not always complete. Where the disposition of an arrest is not shown, the DPO makes further inquiry through available database resources, arresting agencies, DA information, or court records to determine the outcome.

If the DPO is unable to determine or verify a disposition leading to a conviction, and there is no admission on the defendant's part, that entry is excluded from the Prior Record section of the report. However, arrest entries that have verified pending court dates are included in the report.

When CII and CLETS records identify the arrest history, as "California Only" pursuit of NCIC information is not necessary. However, in all other cases, the NCIC check shall be made.

Telephone contact with other agencies (in and out of the State and the County) should be made to clarify disposition or current status of an arrest. The defendant is usually an important source of arrest and disposition information. However, other sources such as police, arrest reports, prior probation records, etc. may also provide information regarding the circumstances of the arrest and disposition. If the defendant admits arrests or convictions not part of official records, or other official sources confirm defendant's participation in the crime, the DPO includes those entries in the Prior Record and indicates the source of the information in a parenthetical entry. The only exception would be in cases

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where the minute order specifically prohibits the inclusion of a prior record in the report.

Frequently, one offense will result in multiple entries on the arrest record. The DPO consolidates the information to make only one entry per offense.

Arrests are listed in chronological order (oldest to newest). If the defendant has a lengthy history of misdemeanor or traffic offenses, a narrative summary can include the time period involved, the nature of the offenses and the dispositions.

Although an entry for the present offense is usually omitted from the Prior History, it is to be included when there have been subsequent arrests. It should be clearly noted as the present matter. It is included in the prior record whenever eligibility for Proposition 36 is determined.

Each entry shall contain the following information, if available:

- Date of Arrest or Indictment charges at arrest.
- Arresting Agency
- Offense by Code and Word Description
- Disposition which includes Court Location, Court Date and Court Case Number

A parenthetical statement following each entry contains a brief description of the offense and the defendant's explanation of his/her involvement in it, if appropriate and if available.

In either the Disposition section of the entry, or as part of the parenthetical statement, the DPO includes details regarding subsequent and relevant court actions, such as, probation and parole violations, revocations, reinstatements, reductions, terminations and dismissals, when applicable.

"Double barrel" ([AM 5.5 Dual Recommendations](#)) cases are identified by a separate sentence prior to the parenthetical statement: **"This Entry Refers to the Alleged Probation Violation."**

611 PROPOSITION 36 ELIGIBILITY

(DIRECTIVE 948 PRE-CONVICTION REPORTS PURSUANT TO 131.3 CCP -ADDITION OF ASSESSMENT, EVALUATION AND RECOMMENDATION FOR PROP 36 ELIGIBILITY PURSUANT TO PC 1210.1 (DIRECTIVE 925 REVISED)

THE PRE-SENTENCE INVESTIGATION REPORT

(DIRECTIVE 925 PRE-CONVICTION REPORTS PURSUANT TO 131.3 CCP ADDITION OF ASSESSMENT, EVALUATION AND RECOMMENDATION FOR PROP 36 ELIGIBILITY PURSUANT TO PC1210.1)

(DIRECTIVE 849 AREA OFFICE CLERICAL PROCEDURES FOR PROCESSING PROPOSITION 36 CASES IN THE ADULT PROBATION SYSTEM (APS)

In any case where the defendant is charged with a non-violent, drug offense in pre-plea reports, the investigator shall make an assessment for Proposition 36 per Directive 949. The investigator includes the statement that applies:

“The exclusionary criteria have been reviewed and the defendant is eligible for Proposition 36.”

“The exclusionary criteria have been reviewed and the defendant is ineligible for Proposition 36.”

“The exclusionary criteria have been reviewed and the defendant is conditionally eligible for Proposition 36.”

612 PERSONAL HISTORY

This section describes the personal and social circumstances of the defendant, (other than prior record) which may affect the court's sentencing decision. Economic factors such as income, employment records and vocational skill may directly affect the defendant's ability to pay a fine or make restitution. The defendant's mental state or substance abuse may be directly related to the present offense. The defendant's community and family ties may indicate how much support would be available if probation were granted. Additional information in the narrative should be relevant and provide an understanding of the defendant in relation to the present offense.

Modular sections contain mandated personal data and social history that constitute part of the court records. Hence, they should be as complete as possible.

613 SUBSTANCE ABUSE

Regardless of the criminal charges for which the defendant has been referred, the final assessment of the case may include recommendations for participation in a drug/alcohol rehabilitation program, anti-narcotic testing, detoxification, and/or general narcotic conditions.

In all cases, the DPO shall seek to determine if the defendant has a significant or chronic substance abuse problem. If the defendant admits having a substance

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abuse problem, or information is received from collateral resources indicating such a problem, the DPO shall attempt to determine the extent of substance use, its frequency, and the type(s) and amount of substances used. The investigation shall also address whether or not the defendant admits having a substance abuse problem, and the defendant's drug treatment history, current involvement in treatment, if any, and plans for treatment in the future.

614 PHYSICAL/MENTAL/EMOTIONAL HEALTH

Briefly describe any significant problem, treatment or professional diagnosis relative to the defendant and list any current medication. Obtain a signed "Release of Information" (Prob. 1051) when there has been any indicated physical or mental health treatment. Verification of any disability, mental or otherwise, that might affect the defendant's ability to comply with probation should be included.

615 RESIDENCE

- Type: House, Mobile Home, Apartment, Other
- Length of occupancy at current address.
- Total monthly rent/house payment. SELECT AN ITEM that indicates whether the defendant is paying rent or a mortgage.
- Resides with/Relationship: SELECT AN ITEM that best describes the relationship of the person the defendant lives with.
- Use **stable**, **unstable**, or **transient**, only, to characterize the defendant's residence.
- Give year and state or country of previous residence or indicate BORN.
- Came to County from other county, state, or country (indicate year).
- Include the defendant's alien registration number whenever possible, for defendants who are resident aliens, have student or work visas, etc. Include other forms of identification such as out of state licenses or Matricula Consular cards.

THE PRE-SENTENCE INVESTIGATION REPORT**616 MARRIAGE/PARENTHOOD**

- Indicate Married, Single, Separated, Widowed, Divorced or Cohabitation. In the SELECT AN ITEM field choose which item best described the defendant's marital status.
- Note length of union (refers to current relationship).
- Enter number of children in this union (refers to current relationship).
- Note supported by (defendant, other parent, public assistance, etc.).
- Enter number of other children (refers to children resulting from casual relationships, and single parent adoptions).

617 FORMAL EDUCATION

Provide a brief statement of the highest grade achieved, type of school (public, private), GED, vocational training, certificates, diplomas or degrees received.

618 EMPLOYMENT STATUS

- If defendant is not presently employed, give details of last job, usual occupation, period of employment and gross monthly wage.
- If chronically unemployed, steadily employed or newly hired, "good", "fair", or "poor" is entered as appropriate.
- Laborer, teacher, lawyer, etc.

Additional information should also indicate correlation of defendant's prior or current employment to the present offense, if such a relationship exists. Potential or anticipated employment, if relevant to this section, should be noted. Any vocational skills should be included in this section.

619 FINANCIAL STATUS

- Income Stability: Indicate Good, Fair, or Poor, as appropriate.
- Primary Income Source: Defendant, Parents, Public Assistance, Unemployment, Spouse or Other. (Specify)

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- Estimated Total Assets: According to the defendant and the DPO's investigation.
- Estimated Total Liabilities: Defendant's estimate and/or as determined.
- Major Assets/Estimated Value: Include house and equity, car, real property, stocks, bonds, savings or other.
- Monthly Liabilities, Amount: Include mortgage or rent, credit cards, medical expenses, child support, car and furniture payments, insurance and any other monthly obligations.

Particular attention is to be given to the determination of the defendant's monthly net income and the number of legal dependents supported. Additional information should also include indications of the defendant's potential to satisfy financial orders, such as property, that could be converted to cash. This is especially important in welfare fraud, embezzlement and high restitution cases. Efforts should be made to verify a defendant's social security number, in the event that billing must be continued after the termination of probation.

The court is required to order the convicted defendant to pay a restitution fine and restitution to the victim, or victims, if any (PC1202.4).

The penal code authorizes the DPO to determine charges to the defendant for the Cost of Probation Services (COPS). These charges are based upon the defendant's ability to pay. The defendant shall have a court hearing regarding the determination of COPS unless he/she waives that right in writing.

Should the court include financial orders such as fines, penalties, restitution, etc., the sum of COPS and all financial court orders, will become part of the defendant's financial obligation. When permitted to interview, the Investigation DPO is required to inform the defendant of the financial obligations associated with a grant of probation.

620 GANG ACTIVITY

If the defendant indicates that he/she is a member of a street gang, the DPO shall dictate the name of the gang (including clique) or tagging crew. The DPO shall dictate the age at which the defendant began his/her gang involvement and his/her moniker. If the circumstances of the instant offense appear to be gang related, the DPO will dictate that in the box under the Additional Information section be checked.

THE PRE-SENTENCE INVESTIGATION REPORT**621 Other Relevant Defendant Information**

Additional significant information revealed during the course of the investigation that may contribute to an understanding of the defendant's behavior or the effect sentencing is presented in a narrative by topic:

CHILDHOOD/UPBRINGING
INTELLECTUAL ABILITY
MILITARY EXPERIENCE

ORGANIZATIONAL TIES
INTERESTS/ACTIVITIES

622 DEFENDANT'S STATEMENT

The defendant's statement regarding the present offense is allowed to be included in a pre-plea report. Following a conviction, when the DPO is preparing a P&S Report, the defendant has a right to submit a written statement for inclusion in the report. **In all appropriate cases, the DPO shall advise the defendant of this right.** The written statement is attached to the court report, when available.

The DPO summarizes or paraphrases the defendant's verbal and written statements regarding the present offense, motivation, attitude (acceptance, remorse, rationalization, minimization, excuse, denial, etc.), plans for the future, and willingness and ability to comply with the terms and conditions of probation. Quotations are used where pertinent.

623 INTERESTED PARTIES

Contacts with interested parties, directly or indirectly associated with a defendant or an offense, may provide information useful in evaluating the defendant's amenability for probation or continued supervision. (See AM 517 – COLLATERAL CONTACTS)

624 CONDUCT UNDER SUPERVISION

(NOTICE 1463

**MODIFICATION TO THE ADULT PROBATION
SYSTEM-CONDUCT UNDER SUPERVISION
SCREEN (APS-CUSD)**

A statement of the defendant's conduct under supervision for any current formal grant of adult or juvenile probation supervised by the Department shall always be included, whether or not there is a dual recommendation ("double barrel"). Written material from the Supervision DPO summarizing the defendant's performance on probation and recommending a disposition for the alleged violation can be located in the APS CUSD screen. (See Section 5.5)

THE PRE-SENTENCE INVESTIGATION REPORT**625 EVALUATION**

The evaluation is the DPO's opinion of the defendant's suitability for probation and contains analytical support for the recommendation. This section of the report shall not contain discussion of any information that has not been presented in previous sections of the report. The evaluation is not a summary or recapitulation of case information. It is a careful appraisal of the case facts, as presented in the court report, and logically leads to the recommendation.

The DPO may analyze the following information regarding the defendant in preparing the evaluation:

- Character
- Background
- Social influences
- Behavior or conduct during the offense
- Impact of the crime on the victim
- Reason for the crime
- Attitude
- Response to potential or court ordered obligations
- Motivation

The DPO's assessment focuses on case problems and casual factors, and continues in a logical and descriptive format.

The DPO discusses the defendant's suitability or unsuitability within the following Judicial Counsel guidelines:

- Statutory provisions authorizing, limiting or prohibiting the granting of probation.
- The likelihood that, if not imprisoned, the defendant will be a danger to others;
- The propensity for violence which might be drawn from indicators such as a previous history of violent behavior, heavy use of drugs or alcohol, childhood familiarity with or access to weapons, an explosive temper or personality, and poor emotional or behavioral controls
- Facts relating to the crime such as its nature, seriousness and circumstances; the vulnerability of victim and degree of harm or loss; whether the defendant was armed with or used a weapon; the infliction of bodily injury; whether the offense was planned, instigated or participation was solicited by others (active or passive role); the existence of unusual circumstances such as great provocation; criminal sophistication or professionalism; and

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whether the defendant took advantage of a position of trust or confidence to commit the crime.

- Facts relating to the nature of the offender such as prior criminal history, age at first conviction, age at first incarceration, pattern of regular or increasingly more serious offenses, prior performance on probation or parole and current probation or parole status, willingness and ability to comply with conditions of probation; abuse or use of controlled substances; effect of defendant's imprisonment on dependents; effect of felony record on defendant; defendant's remorsefulness and willingness or unwillingness to cooperate; and the financial ability of the defendant to make restitution.

If probation is recommended, the evaluation offers a specific supervision plan. If denial is recommended, an alternative is discussed in the evaluation section, which includes type and term of any incarceration. **Regardless of the recommendation, in pre-sentence investigation reports, the recommended terms and conditions of probation form (Prob.1242) is completed and attached.**

626 SENTENCING CONSIDERATIONS

This section aids the court in applying the determinate sentencing law to the defendant and the present offense, and deals with probation eligibility, special allegations, aggravating and mitigating circumstances and a weighing of these factors as they apply to the present offense.

A. Eligibility for probation

Probation eligibility is generally determined by the nature of the crime, the conviction, and special allegations. Numerous statutes affect the defendant's eligibility for probation: those, which absolutely prohibit probation (mandatory state prison), and those, which condition or qualify the granting of probation in "unusual" cases (presumptive state prison).

Probation ineligibility for most crimes is determined by special allegations that have been proven, admitted or found true during the court process. Therefore, defendants who commit specific crimes under certain circumstances are also expressly ineligible for probation.

PC1203(e) Except in unusual cases where the interest of just would be best served if the person is granted probation, probation shall not be granted to any of the following persons:

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- Unless the person had a lawful right to carry a deadly weapon, other than a firearm, at the time of the perpetration of the crime or his or her arrest, any person who has been convicted of arson, robbery, carjacking, burglary, rape, force or violence, torture, aggravated mayhem, murder, attempt to commit murder, train wrecking, kidnapping, escape from state prison or a conspiracy to commit one or more of those crimes and who was armed with the weapon at either of those times.
- Any person who used, or attempted to use, a deadly weapon upon a human being in connection with the perpetration of the crime of which he or she was convicted.
- Any person who willfully inflicted great bodily injury or torture in the perpetration of the crime of which he or she has been convicted.
- Any person who has been previously convicted twice in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony.
- Unless the person has never been previously convicted once in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony, any person who has been convicted of burglary with explosives, rape with force or violence, torture, aggravated mayhem, murder, attempt to commit murder, train wrecking, extortion kidnapping, escape from the state prison, a violation of Section 286, 288, 288a, or 288.5, or a conspiracy to commit one or more of these crimes.
- Any person who has been previously convicted once in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony, if he or she committed any of the following acts:
 - Unless the person had a lawful right to carry a deadly weapon at the time of the perpetration of the previous crime or his or her arrest for the previous crime, he or she was armed with a weapon at either of those times.
 - The person used, or attempted to use, a deadly weapon upon a human being in connection with the perpetration of the previous crimes.
 - The person willfully inflicted great bodily injury or torture in the perpetration of the previous crime.

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- Any public official or peace officer of this state or any city, county, or other political subdivision who, in the discharge of the duties of his or her public office or employment, accepted or gave or offered to accept or give any bribe, embezzled public money, or was guilty of extortion.
- Any person who knowingly furnishes or gives away phencyclidine.
- Any person who intentionally inflicted great bodily injury in the commission of arson under subdivision (a) of Section 451 or who intentionally set fire to, burned, or caused the burning of, an inhabited structure or inhabited property in violation of subdivision (b) of Section 451.
- Any person who, in the commission of a felony, inflicts great bodily injury or caused the death of a human being by the discharge of a firearm from or at an occupied motor vehicle proceeding on a public street or highway.
- Any person who possessed a short-barreled rifle or a short-barreled shotgun under Section 12020, a machinegun under Section 12220, or a silencer under Section 12520.
- Any person who is convicted of violation Section 8101 of the Welfare and Institutions Code.
- Any person who is described in paragraph (2) or (3) of subdivision (g) of Section 12072.

If any fact that would make the defendant ineligible for probation is proven (is found true or admitted) prior to the probation and sentence hearing, the DPO shall not recommend probation.

When the defendant's eligibility for probation is determined, the DPO makes one of the following statements:

- THE DEFENDANT IS ELIGIBLE FOR PROBATION.
- THE DEFENDANT IS INELIGIBLE FOR PROBATION PURSUANT TO PC ____.
- THE DEFENDANT IS INELIGIBLE FOR PROBATION PURSUANT TO PC ____ UNLESS THE COURT DETERMINES THIS AN UNUSUAL CASE.

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Where there is still a question of eligibility due to unproven special allegations that have been continued to P&S hearing, the DPO makes the following recommendation:

- THERE MAY BE A QUESTION AS TO THE LEGAL ELIGIBILITY OF THE DEFENDANT FOR PROBATION WHICH THE COURT MUST DETERMINE.

B. Special Allegations

Special allegations are charges added to the individual crime. A special allegation means any law that alters the sentence for a felony, by either affecting probation eligibility or enhancing the state prison base term. An enhancement is a special allegation that affects the length of the sentence by adding to the selected base term.

The allegation and its status are stated as follows:

“It has been alleged and found true that the defendant attempted to use a deadly weapon within the meaning of PC10022.2”

If no special allegations or enhancement have been charged, omit this section.

NOTE: There are currently over 100 special allegations that have been enacted into law. Since the language of the law may become confusing, the DPO is reminded that *special circumstances*, *special allegations* and *enhancements* refer to an additional charge attached to the crime. This should not be confused with aggravating and mitigating circumstances, which are separate considerations.

C. Circumstances in Aggravation

Aggravating circumstances are facts that justify the imposition of the upper prison term referred to in PC1170 (b). An aggravating circumstance is also referred to as an aggravator or aggravating factor. The DPO identifies aggravating circumstances by applying Judicial Council Rules to pertinent case facts. Each factor is presented in the general order as listed.

NOTE: If a potential aggravating factor is an element of the crime or has been proven, admitted, or is still pending proof as an enhancement, it cannot be used as a factor in aggravation.

THE PRE-SENTENCE INVESTIGATION REPORT**D. Circumstances in Mitigation**

Mitigating circumstances are facts that justify imposition of the lower term in state prison. Mitigating circumstances are also called factors in mitigation and mitigators. Mitigating circumstances are presented in the same manner as aggravating circumstances and, similarly, are not restricted to those stated in the list.

Note: if no mitigating or aggravating factors exist, or if they are equal, this would support a mid base term.

E. Criminal Registration Information

The DPO shall do the following when applicable:

- Dictate which boxes should be checked in the section labeled Offender Registration.
- If the defendant is eligible for Proposition 36, the DPO shall dictate that this box be checked.
- If the defendant does not have a SID (CII) number at the time the report was completed, the DPO shall dictate that this box should be checked.
- If the defendant is convicted of a charge that requires him/her to provide a DNA specimen pursuant to PC 296, the DPO shall dictate which box should be checked along with the appropriate selections for the SELECT AN ITEM boxes.
- If the defendant is in compliance with the PC296 requirement, the DPO must indicate the date the specimen was provided. This information is can be found in APS, on the DFID screen. The "DNA" field can be found on the last line of the screen. A "Y" indicates a sample has been taken. DNA collection information can also be found in the "Registration Information" section of CCHRS. DPOs can also check the defendant's CII printout for further DNA collection information.
- If records indicate that the defendant was previously deported as a criminal alien, the DPO shall dictate which box should be checked along with the appropriate selection for the SELECT AN ITEM box.
- If the defendant indicates that he/she is a resident of a state other than California at the time the instant offense occurred or he/she indicates an interest in residing in a state other than California, the DPO shall dictate that this box should be checked.

THE PRE-SENTENCE INVESTIGATION REPORT**F. Consecutive Sentences**

Consecutive sentences for two or more felonies are treated as enhancements. Again, as with enhancements, there are certain limitations on the overall punishment that may be added. (Reference: PC669 and PC1170.1).

The DPO considers the following criteria (from Judicial Council Rule 425) in recommending consecutive rather than concurrent sentencing:

1. Facts relating to the crimes, including whether or not:
 - The crime and its objectives were predominantly independent of each other;
 - The crimes involved separate acts of violence or threats or violence;
 - The crimes were committed at different times or separate places, rather than being committed so close in time and place as to indicate a single period of aberrant behavior;
 - The crimes involve multiple victims;
 - The convictions for which sentences are to be imposed are numerous.
 - Any circumstances in aggravation or mitigation.

F. Sentencing Criteria

The final paragraph is a weighing of all of the sentencing considerations and the DPO's recommendation as to how the considerations should be applied to the case. The Probation Department is not a party to any plea bargain and, therefore, the DPO is not bound to recommend the sentence indicated by a plea bargain.

If a sentence other than probation or state prison is recommended, the alternative is discussed relative to the sentencing considerations.

If probation is recommended, the DPO discusses the issues of a suspended sentence versus proceedings suspended, and the impact on the defendant's future behavior.

In all applicable felony offenses the DPO discusses:

- Imposition of the upper, middle or lower term relative to the aggravating and/or mitigating circumstances.

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- Concurrent versus consecutive sentencing in terms of judicial council criteria:
 1. Facts relating to the crime, including whether or not the crimes and their objectives were predominantly independent of each other; the crimes involved separate acts of violence or threats of violence; the crimes were committed so close in time and place as to indicate a single period of aberrant behavior; any of the crimes involved multiple victims; the convictions for which sentences are to be imposed are numerous.
 2. Aggravating or mitigating circumstances.
 3. Application of the special allegations, as to enhancement of sentence.
 - 4.

627 RECOMMENDATIONS

The recommendation is a standardized statement submitted as the final section of the court report. The DPO shall dictate which boxes should be checked along with the appropriate selections for the SELECT AN ITEM boxes in the recommendation section.

The DPO makes a recommendation for a grant or denial of probation and includes specific conditions of probation regardless of the recommendation. The recommendation begins with a formalized statement of the specific court order to be made to implement the selected conditions of probation.

Conditions of probation are selected from Prob. 1242, Recommended Terms and Conditions of Probation, which shall be attached to all felony pre-sentence investigation court reports. On a case-by-case basis, the SDPO may formally excuse (requires documentation) the DPO from attaching the Prob. 1242 (See Section AM 501-22). Probation conditions must be reasonably related to the crime for which the defendant was convicted and the type of criminality to which the defendant might be inclined.

Unless the probation applicant is a business, the following conditions of probation are appropriate in every case. The DPO/SDPO shall assure the following conditions are recommended:

- Pay a restitution fine pursuant to PC1202.4.
- Defendant be ordered to report to the area office for determination of the ability to pay the Cost of Probation Services.

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- Seek and maintain training, schooling or employment as approved by the Probation Officer.
- Keep the Probation Officer advised of your residence at all times.
- Obey all laws. Obey all orders, rules and regulations of the Probation Department and of any Court.
- Report to the _____ Area Office, located at _____ within 48 hours.

Many conditions of probation are required under the law and the DPO must include those mandated.

The DPO recommends a period of time in custody, length of probationary period and/or a fine when recommending probation.

Dictation Transmittal Form (Prob 4a)

DPOs shall complete the Dictation Transmittal Form completely and accurately, including the applicable Probation form number (e.g. 19SC).

The revised 19SC template can be found under the "Adult Forms" tab on Probnet. The 19SC is also available in Word format and can be downloaded to the DPO's personal computer. It can be utilized to determine the selections for the SELECT ANITEM areas outlined above. It can also be utilized by DPOs who wish to type their own reports.

628 ASSIGNMENT OF SUPERVISION OFFICE

In the recommendation section the DPO shall include the name and address of the Supervision Area Office to which a case is assigned if probation is granted. The entry shall read:

"If probation is granted, the defendant has been instructed to report to the -
_____(name)_____ Area Office located at _____(address)_____.

629 MISDEMEANOR PRE-SENTENCE REPORT

The modular sections of the one page Misdemeanor pre-sentence investigation report is prepared using the Deferred Entry of Judgment/Diversion Worksheet. The report is dictated and submitted for transcribing.

1. Superior Court of California, County of Los Angeles.

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2. Report sequence is usually number "1", but if supplemental or continuance, indicate the place of the report in the sequence by appropriate number.
3. Court hearing case (expressed by appropriate abbreviation and courtroom designation).
4. Defense Attorney name followed by type of representation, PD (Public Defender), APD (Alternate Public Defender), PVT (Private), PC987.2 (Court Appointed) or PRO PER (in propria persona).
5. Date of scheduled pre-sentence hearing.
6. Court case number listed in numerical order of multiple court numbers. If "double barrel," indicate active case status as (VIOL).
7. Defendant's name as referred.
8. Criminal record identification number assigned by CII.
9. Validated address in full, ZIP Code, and Telephone Number. If in custody, indicate UPON RELEASE followed by full-anticipated address. If transient indicate TRANSIENT and a mailing address, if available.
10. List offenses, counts or priors in sequence as charged in the complaint.
11. If the offense for which convicted is the same as charged, enter SAME.
12. PLEA (guilty), NOLO (nolo contendere [same as guilty plea for purposes of sentencing), COURT (trial)
13. Actual number of days, including partial days, in custody as a result of the present offense.
14. Use symbol: A=Registered Alien, B=U.S. Born, C=U.S. Citizen, I=Illegal alien, N=Naturalized, O=Other, P=Permanently Registered Alien [Green Card], R=Resident, T=Temporary Registered [Visa].
15. Race by generic identify: (A=Other Asian, B=Black, C=Chinese, D=Cambodian, F=Filipino, G=Guamanian, H=Hispanic, I=Native American, J=Japanese, K=Korean, L=Laotian, M=Mexican, O=All

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Others, P=Pacific Islander, S=Samoaan, U=Hawaiian, V=Vietnamese, W=White, X=Unknown, Z=Asian Indian).

16. Birth date by Month, Day and Year.
17. Last grade completed.
18. Occupation.
19. Cite sources. Count misdemeanor and felony convictions individually. Convictions are counted by case only; each case as one disposition.
20. Felony and misdemeanor dispositions in same case are counted only as one felony conviction.
21. Select appropriate category.
22. Findings: Use for DEJ and Diversion cases. Check appropriate category.
23. Remarks: Only the elements essential to the recommendation are included in this section, which may include defendant's statements or admission, victim comments and estimates of loss, and/or extent of drug use in a drug case.
24. Recommendation: Recommended conditions are checked off, as appropriate, from the formerly known as Municipal Court P&S Memorandum of Court Order (Prob. 1224).

630 CONSIDERING THE RECOMMENDATION

- The basic consideration is whether the defendant is eligible and suitable for probation supervision.
- Recommendations should follow logically from the facts and the analysis of the case.
- In recommending conditions of probation, it is important to be realistic about the defendant's capability of complying with the recommended conditions.

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631 DEFERRED ENTRY OF JUDGMENT (DEJ)

NOTE: As of 12/1/2004, the Probation Department has discontinued supervision of new DEJ cases. The information in this section applies to cases granted DEJ prior to 12/1/2004. Refer to Directive 1011, issued 11/30/2004 for detailed information. The information in this section is for informational and historical purposes only.

(DIRECTIVE 1052	SUPERVISION OF DEFERRED ENTRY OF JUDGEMENT (DEJ) CASES FOLLOWING A SUBSEQUENT CONVICTION)
(DIRECTIVE 1011	CHANGE IN PROCEDURES FOR THE SUPERVISION OF DEFERRED ENTRY OF JUDGMENT GRANTS)
(DIRECTIVE 947	DEFERRED ENTRY OF JUDGMENT (DEJ) - DPO PROVIDING SUBSEQUENT REPORTS TO THE COURT)
(DIRECTIVE 816	COST OF PROBATION SERVICES (COPS) ASSESSED FOR DEFERRED ENTRY OF JUDGEMENT (DEJ) CASES)
(DIRECTIVE 813	COST OF PROBATION SERVICES FOR DEFERRED ENTRY OF JUDGEMENT CASES)
(DIRECTIVE 769	RECOMMENDATIONS FOR PROGRESS REPORTS IN DEFERRED ENTRY OF JUDGMENT (DEJ) CASES)

DEJ provides that after being deemed eligible, the defendant must plead guilty to the charge or charges, and waive time for the pronouncement of judgment. Then the court, summarily or with a probation report, grants a DEJ for a period of 18 to 36 months. If defendant completes the requirements successfully, and, at least, the minimum period of 18 months has elapsed, the charges are dismissed. If the defendant fails to meet the conditions of the DEJ, the prosecuting attorney, the court, on its own, or the Probation Department may make a motion for entry of judgment.

The offenses for eligibility are as follows:

- Sections HS11350, HS11357, HS11364, HS11377, HS11550
- Section HS11358, if the marijuana is planted, cultivated, harvested, dried, or processed for personal use
- HS11368 if the drug is for personal use and was not sold or furnished to another
- PC653f (d) if the solicitation was for acts directed to personal use only

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- PC647f or Section PC381 if for being under the influence of a controlled substance.
- BP4230

In addition to the above, defendants must meet all of the following criteria, except as provided in HS11357(b):

- The defendant has no conviction for any offense involving controlled substances prior to the alleged commission of the charged offense.
- The offense charged did not involve a crime of violence or threatened violence.
- There is no evidence of a violation relating to narcotics or restricted dangerous drugs other than a violation of the section listed in this subdivision.
- The defendant's record does not indicate that probation or parole has ever been revoked without thereafter being completed.
- The defendant's record does not indicate that he or she has previously successfully completed or been terminated from Diversion or DEJ pursuant to this chapter within five years prior to the alleged commission of the charged offense.
- The defendant has no prior felony conviction within five years prior to the alleged commission of the charged offense.

A defendant's plea of guilty pursuant to this chapter shall not constitute a conviction for any purpose unless a judgment of guilty is entered pursuant to PC1000.3.

All program referrals for DEJ shall be made only to programs that have been certified by the county drug program administrator. The defendant may request to be referred to a program in any county or jurisdiction, as long as that program meets the criteria set forth in this subdivision.

Any defendant who is participating in a program referred to in this section may be required to undergo analysis of his or her urine for the purpose of testing for the presence of any drug as a part of the program. However, urine analysis results

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shall not be admissible as a basis for any new criminal prosecution or proceeding.

Should a Pre-Sentence Report later be required on a case originally granted a DEJ, the investigation is treated as a new referral. No information is to be derived from the DEJ investigation report or statement made by the defendant during the course of the DEJ.

632 DIVERSION REPORT

NOTE: Probation no longer recommends diversion or supervises offenders on diversion. (Except in cases of Diversion of Mentally Retarded, see Section 633) Therefore, the information in this section is for informational purposes only.

“Diversion” is the suspension of prosecution for the purpose of assisting selected eligible defendants to seek corrective programs prior to and without being convicted.

Youthful offenders, first time offenders or those not criminally oriented are Diversion’s target population. These are defendants for whom further criminal proceedings are not considered necessary to protect the safety and property of others.

Diversion utilizes community-based education, treatment and rehabilitation programs to bring about positive change. A successful defendant is afforded an opportunity for dismissal of the criminal complaint “as if never arrested and never diverted.” An unsuccessful defendant may be returned to court for resumption of criminal proceedings.

The court and prosecuting attorney screen defendants who appear eligible for Diversion, and may refer those offenders to the Department for further investigation.

When information during an investigation reveals the defendant to be statutorily ineligible, the DPO must recommend against Diversion.

In all Diversion matters the DPO conducts an investigation taking into consideration the defendant’s age, employment and service records, educational background, community and family ties, prior controlled substances use, incidents of violence, treatment history (if any), demonstrable motivation and other mitigating factors, in determining whether the defendant would benefit from education, treatment or rehabilitation.

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A complete report is submitted to the court with a recommendation for or against Diversion regardless of whether or not the defendant kept the scheduled office interview appointment.

Referrals for felony case numbers require a full Pre-Sentence Report, omitting the Sentencing Considerations Section.

Referrals for misdemeanor case numbers require the completion of a Diversion Worksheet (Prob. 1301). The report is dictated and submitted to transcribing, along with the P&S Memorandum of Court Order (Prob. 1224).

Should a Pre-Sentence Report later be required on a case originally diverted, the investigation is treated as a new referral. No data is to be derived from the Diversion investigation.

633 DIVERSION OF MENTALLY RETARDED**(DIRECTIVE 1039 REFERRALS TO REGIONAL CENTER)**

Sections PC1001.20 to PC1001.34 specify “mentally retarded” as significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period. Legislation provides for dual (Probation and Regional Center) supervision and single agency Diversion (Regional Center only).

Such persons, in order to qualify for Diversion, must be evaluated by a Regional Center for the Developmentally Disabled and determined to be mentally retarded and eligible for the Center’s Services. Further, a defendant may not have been diverted within 2 years prior to the current case.

The DPO conducts an investigation considering the defendant’s age, mental retardation, employment record, educational background, ties to community agencies and family, treatment history, criminal record, if any, demonstrable motivation and other mitigating factors, in determining whether the defendant is a person who would benefit from a Diversion-related treatment and rehabilitation program. All Regional Center cases will be assigned to the Riverview Administrative Caseload for monitoring.

The DPO receives information from both a Regional Center and the DA, primarily based upon availability and suitability of a Regional Center program.

The Regional Center’s report should be received within 25 judicial days of referral and is attached to the probation report.

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THE PRE-SENTENCE INVESTIGATION REPORT	

The DPO makes a recommendation:

"It is recommended that this matter be diverted for _____ (6 months to 2 years) pursuant to PC1001.23."

Conditions of Diversion include:

1. "Obey all laws, orders, rules and regulations of the Probation Department and of the Court."
2. "Participate in a dual agency Diversion program of treatment and rehabilitation aimed at the criminal offense charged and individually tailored to the needs of the defendant."
3. "Pay an administrative fee not to exceed \$300 (misdemeanor) or not to exceed \$500 (felony) pursuant to PC1001.17 through the Probation Officer."

Or, "It is recommended that Diversion be denied."

634 PRE-CONVICTION REPORT

The court may refer a case for a pre-sentence report and recommendation prior to the defendant's conviction. Such pre-plea or pretrial cases are authorized in PC 1203.7 (Pre-Plea Reports were previously authorized in CCP131.3).

The report format is identical to any other pre-sentence report except that the recommendation is preceded by, "Should the defendant be convicted, it is recommended..."

NOTE: The Investigation DPO may not interview the defendant referred for pre-plea report unless instructed to do so by the court. In such cases, the defendant is not interviewed regarding the circumstances of the present offense or his or her prior criminal history.

635 EARLY DISPOSITION REPORT

**(DIRECTIVE 963 MODIFICATION TO CLERICAL PROCEDURES FOR PROCESSING
EARLYDISPOSITIONCASES (EDP))**

The District Attorney and Public Defender screen defendants in Los Angeles County for early disposition of cases. Defendants who agree to the early disposition can avoid the lengthy process of the justice system. Pre-Trial Services (PTS) provides comprehensive criminal history information to the judge who is deciding on the early disposition of a defendant. The criminal record is

THE PRE-SENTENCE INVESTIGATION REPORT

compiled by searching all criminal justice databases, interpreting the criminal history, and reporting the criminal history, pending cases/warrants and probation or parole status. This information is forwarded to the Deputy Probation Officer who prepares an expedited Pre-plea Report.

636 POST-SENTENCE REPORT

The Post Sentence investigation will generally follow the same format as a pre-sentence case. However, since the defendant is already sentenced, the "Evaluation and Recommendation: headings/sections are omitted.

637 CONTINUANCE REPORT

Continuances are discouraged and require pre-approval by the Director or Designee. When no other alternative is available, a Continuance Report (Prob. 613) is submitted.

The DPO indicates the reason for the continuance such as:

"Referral for investigation was received too late to allow for timely completion of the report."

The recommendation for a new court date should reflect the least amount of time necessary to complete the investigation.

638 SUPPLEMENTAL REPORT

Supplemental reports (Prob. 712) are prepared when ordered by the court or when additional relevant information has been received after a report has been completed or submitted to the court. If the information is pertinent to the investigation, the DPO shall submit a Supplemental Report to the court. The most common reasons for compiling a Supplemental Report would be to include new information in the areas of restitution, victim's statements, Interested Parties, or subsequent arrests.

Report headings include, but are not limited to, the following:

- Reason for Hearing
- Case Synopsis
- Record Bureau Clearances
- Victim's Statement
- Defendant's Statement
- Remarks
- Interested Parties
- Recommendation

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THE PRE-SENTENCE INVESTIGATION REPORT	

Under the heading of Recommendation, the DPO shall either affirm the original recommendation or make a new recommendation. Additional paragraph headings may be added for clarity of presentation. The Supplemental Report is completed by the Investigation DPO that submitted the original investigation report.

LOS ANGELES COUNTY PROBATION DEPARTMENT

Subject: ADULT MANUAL COLLATERAL CONTACT AND REFERRAL INFORMATION	Section: AM-700
	Effective Date: 2007
	Approved By:
	Reaver Bingham

701. INTRODUCTION

Investigators should be extremely careful to make contact with victims, law enforcement officers, family members, and others who may have some needed information regarding a case.

702. VICTIMS

(DIRECTIVE 916 VICTIM NOTIFICATION OF SENTENCING PROCEEDINGS - CLARIFICATION PENAL CODE 1191.1 AND DIRECTIVE 801)

(DIRECTIVE 872 ADULT PROCEDURES FOR ENTERING VICTIM INFORMATION IN PROBATION RECORDS-REVISED (SUPERCEDES DIRECTIVE NUMBER 799, ISSUED OCTOBER 3, 2000)

(DIRECTIVE 791 MANDATORY PREPARATION OF A VICTIM LIST)

An important purpose of probation is to protect the rights of victims. Victims are the persons, organizations, or entities against whom the offense was committed. Victims may include parents or guardians if the victim is a minor or the next of kin if the victim is deceased. The DPO is required to ensure the victim's rights by furnishing notices of hearings, assisting in speedy reimbursement for losses suffered as a result of a defendant's criminal behavior, and responding appropriately to all victim inquiries.

Victim information, as part of probation records, is confidential. Extreme care should be taken in divulging any information about a victim. Victim addresses are not disclosed.

The victim has a right to attend all sentencing hearings of the person who committed the crime. At the sentencing hearing, the victim will be allowed to express his or her views concerning the crime, the defendant, and the need for restitution.

Victims have the right to be informed of the sentence recommended to the court by the probation officer, but may not view the actual probation report prior to sentencing. However, the victim may inspect the report through the court clerk's office within 60 days after the court judgment is pronounced.

COLLATERAL CONTACT AND REFERRAL INFORMATION

Department policy requires the DPO to provide the victim with adequate notice of the sentencing hearing, as well as information concerning the victim's right to pursue recovery from the defendant through a civil judgment, the victim's right to enforce the restitution order as a civil judgment and, if eligible, the victim's opportunity to be compensated from the Restitution Fund.

The DPO complies with Department policy by preparing the Victim List (Prob. 1209) within one day of case assignment and submitting it to clerical to enter the victim information into APS, via APS/CNVD. The Notice of Sentencing Hearing (Prob. 1220A) is then generated by APS and mailed, by clerical staff, with a Crime Victim's Compensation pamphlet, to the victim or victim's next of kin. These actions comply with PC1191.1 and PC1191.2.

THE INVESTIGATION DPO SHALL PREPARE A VICTIM LIST, PROVIDING THE REQUIRED INFORMATION FOR ALL IDENTIFIED VICTIMS (CONFIRMED VIA PIMS) FOR EVERY INVESTIGATION CASE ASSIGNMENT. IF THERE IS NO VICTIM, ENTER "NONE" ON THE VICTIM LIST AND SUBMIT TO THE APPROPRIATE CLERICAL SUPPORT STAFF WITHIN ONE DAY FOLLOWING THE CASE ASSIGNMENT. THE VICTIM INFORMATION WILL BE ENTERED INTO APS-CNVD.

The DPO complies with PC1203 (h) by telephoning or sending the victim a letter requesting immediate contact. Victims are to be advised that the DPO is preparing an investigation report and is interested in conveying to the court how the crime has personally affected the victim and the gravity of the offense from the victim's point of view, and in providing information that will assist the court in determining an appropriate sentence and making a fair restitution order.

The DPO's contact with the victim or next of kin should be in a manner that demonstrates appropriate sensitivity and avoids impersonal or "bureaucratic" sounding language. The order in which questions are asked may also be important to the victim. The DPO should place initial focus on the emotional impact of the crime while being cognizant that information regarding the financial impact on the victim is also vital. Information may be gathered from a victim using questions such as the following:

- How the offense has affected the general well being of the victim, the victim's family, or others close to the victim.
- Has the victim sought any type of victim services or trauma counseling because of the offense?
- What physical injuries or symptoms have the victim or others close to the victim suffered as a result of the offense.

COLLATERAL CONTACT AND REFERRAL INFORMATION

- What changes has the victim had to make in his or her life as a result of the injuries or the offense.
- Have the injuries or the offense affected the victim's ability to work, run a household, or participate in other activities that were previously performed or enjoyed?
- Does the victim's doctor or therapist anticipate future medical or counseling needs and/or expenses?
- Does the victim have medical expenses, personal property loss or other financial expenses as a result of the offense?
- Has the victim paid or does the victim owe any money for bills as a result of the offense.
- Did the victim take time off from work? Did the victim lose wages or income because of the offense?
- If eligible, has the victim made an application for financial assistance from the State Victims of Crime Program (Restitution Fund)?
- What are the victim's thoughts regarding the sentence the court should impose on the victim?
- Does the victim want the court to issue a "no-contact" or restraining order instructing the defendant to stay away from the victim, the victim's family, or the victim's business location?
- Family members or friends of homicide victims should be offered opportunity to describe the deceased's personal characteristics and how the loss of the person killed has affected their lives.
- In the case of a homicide victim, the amount of funeral expenses.

Some examples of expenses victims may have paid or owe include: medical bills or expenses, counseling costs, lost wages or loss of support, funeral expenses, crime scene cleanup, and the repair or replacement of door locks and security devices.

In companion cases, the DPO/SDPO shall consider recommending restitution be joint and several. Restitution cannot be ordered to the victim's insurer, as the insurer was not the direct victim of the crime. If the victim's insurance company covered the loss, the defendant should not receive a windfall by avoiding having

COLLATERAL CONTACT AND REFERRAL INFORMATION

to pay restitution. Payment of restitution is still recommended. It is the responsibility of the victim to work out a repayment to the insurance company based on actual restitution received from the defendant.

PC1203.1K provides that the court may order the specific amount of restitution and the manner in which restitution shall be made to a victim based on the Probation Officer's report or the court may, with the consent of the defendant, order the Probation Officer to set the amount of restitution and the manner in which restitution shall be made to the victim. The defendant shall have the right to a hearing before the Judge to dispute the restitution determinations made by the Probation Officer.

PC1202.4 requires that, in every case in which a victim has suffered economic loss as a result of the defendant's conduct, the court shall order the defendant to make restitution to the victim in a dollar amount that is sufficient to fully reimburse the victim for determined economic losses.

If the defendant is granted probation, the clerk in the Area Office will prepare a packet that contains the following:

1. Minute order from granting court
2. Victim's List (Prob. 1209)
3. Arrest report
4. Probation and Sentencing Report (P&S)
5. DA Summary (if Available)

This packet will be sent to:

**Adult Centralized Restitution Unit (ACRU)
9150 E. Imperial Hwy, Room P-32
Downey, CA 90242**

Upon receipt of the packet, ACRU will send a cover letter (Prob. 1217) and, if necessary, a Statement of Loss Form (Prob. 1207) to the victim(s). The cover letter contains information regarding the case disposition, Supervision DPO, Supervision Area Office and information regarding restitution accounts, limits, and victim's rights and responsibilities. Victims are requested to return the Statement of Loss to ACRU, at the location noted above, within 30 days.

If the charge is deemed a violent offense within the meaning of PC12021.1b and the defendant is committed to the California Department of Corrections (CDC), each victim or the victim's next of kin, and each witness, if threatened after the

COLLATERAL CONTACT AND REFERRAL INFORMATION

defendant's arrest, is sent a notice pursuant to PC679.03 advising them of their right to receive notification of the defendant's release from state custody. By agreement, this notification is currently the responsibility of the District Attorney's Office.

PC3058.8 requires the Board of Prison Terms, the California Department of Corrections or the California Youth Authority to notify the threatened witnesses and victims of the defendant's release date.

In all felony investigations in which there is a victim, the DPO shall attempt contact the victim unless excused by the SDPO. The date and time of any unsuccessful attempts to contact the victim shall be noted on the worksheet and in the court report.

Victim information, as part of probation records, is confidential. Extreme care should be taken in divulging any information about a victim. Victim addresses are not disclosed.

703. REFERRALS FOR VICTIMS

Victims may be referred to various agencies outside the Department for assistance. The DPO is encouraged to maintain a resource file including referrals for Domestic Violence Shelters, Child Abuse Treatment Projects, Rape Crisis Units and other similar programs. Victims should also be provided Los Angeles County Victim-Witness Assistance Program pamphlets. The investigator is encouraged to utilize the [Web-Based Resource Directory](#) to find appropriate resources for victims.

704. LAW ENFORCEMENT/ARRESTING AGENCIES

The DPO contacts the investigating officer to obtain details and opinions regarding the present offense, other crimes under investigation, and potential violations. In cases where the victim information is blacked out or omitted and therefore unavailable to the investigating DPO the investigating law enforcement officer is asked to make a statement for the victim or to relay a message to the victim from the Probation Investigator. Victim notices for these cases are sent to the investigating officer.

In all felony investigations, the DPO shall contact the investigating officer, unless excused by the SDPO.

In all instances where a police officer is the victim or where there is indication of resistance that may have resulted in equipment or uniform damage, the contact is mandatory.

COLLATERAL CONTACT AND REFERRAL INFORMATION**705. PROBATION AND PAROLE CASES**

Whenever a defendant is on, or suspected of being on, probation or parole to any other judicial agency, Department the DPO shall contact the supervising agency to:

- Obtain needed information, such as detention dates or release dates.
- Assess defendant's conduct under supervision, compliance with the conditions of supervision, and contemplated action by the supervising agency and, if necessary, coordinate services.

706. EMPLOYERS

A defendant's employment is a sensitive area because it raises issues of confidentiality and disclosure. Employers may be able to give valuable information about a defendant, such as his or her work performance and adjustment on the job, as well as his or her capabilities and reliability. If necessary, a DPO may contact a defendant's employer, without indicating the reason, by identifying himself or herself as a representative of the County of Los Angeles, to obtain:

- Dates of employment
- Current status, such as actively employed
- Type of employment: full-time or part-time.
- Confirmation and nature of the defendant's assignment
- Current pay scale

The DPO must give special attention to those cases in which the defendant's occupation and offense are closely related. In such cases, a balance must be struck between a defendant's right to privacy and a potential victim's right to a warning. The child abuser who works in a day care center, the drug abuser whose job provides access to controlled substances, and the embezzler working as an accountant or cashier are examples of cases in which the potential victim's rights come first.

When it appears necessary to disclose a defendant's criminality to an employer, the DPO discusses the circumstances with the SDPO and encourages the probationer to make such disclosure and provide verification to the DPO. If disclosure is not made within a reasonable time, the DPO should solicit SDPO

COLLATERAL CONTACT AND REFERRAL INFORMATION

approval to take further action, such as informing the court about the defendant's specific type of employment, and/or, if necessary to protect the community or employer, contacting the employer directly.

The DPO shall maintain complete, accurate and current documentation of any discussions with, or instructions given to, the defendant on employment-related matters.

707. FAMILY

Family members should be contacted to verify personal information, obtain information regarding a defendant's background or behavior, learn of any special problems and/or validate a residence.

708. MEDICAL, PSYCHOLOGICAL OR TREATMENT AGENCIES

When deemed appropriate, the DPO contacts members of the medical, psychological or other treatment professions for information regarding the defendant's diagnosis, prognosis, recommended course of treatment, and compliance with, or completion of, any related process. Because such matters are confidential, the DPO shall first obtain the defendant's signature on an Authorization for Release of Information (Prob. 1051).

A copy of the Release Form is placed in the case file and the original sent to the service provider. An equivalent information release form from a treatment service provider is acceptable as long as the DPO receives and files a copy.

709. OTHER INTERESTED PARTIES

Occasionally, other parties with an interest in the offense or the defendant may have relevant information to share with a DPO. Such parties are identified by name and relationship to the defendant in case documentation and in any report to the court. Their addresses and telephone numbers should be included whenever possible.

As noted above, the DPO should also contact the law enforcement/arresting agency investigating officer to obtain details and opinions regarding the present offense, other crimes under investigation, and potential violations.

710. REFERRALS

The DPO is to avoid a conflict of interest when referring defendants/probationers to community agencies. When a list of certified/approved programs is available, the DPO is to provide the probationer with the appropriate list, allowing the probationer to make his/her own selection. However, when a listing of

COLLATERAL CONTACT AND REFERRAL INFORMATION

certified/approved agencies is not available, the DPO shall provide the probationer with at least three referrals, allowing the probationer to make the final selection

The Department distributes approved lists for various programs, such as:

Program:**Certification/Approval Agency**

- | | |
|------------------------------|-------------------------------|
| • Child Abuse | Probation Dept. |
| • Batterer Intervention | Probation Dept. |
| • Drinking Driver Programs | Department of Health Services |
| • Substance Abuse Counseling | Department of Health Services |

DPOs are encouraged to use the Web-Based Resource Directory to find appropriate referrals for other community based treatment providers and services. In addition, probationers should be encouraged to call 211/L.A. County (211 from any touch tone telephone in Los Angeles County,) in order to find any health and human services referrals for themselves and their families.

711. CORRESPONDENCE

Any correspondence received, in regards to a defendant or probationer that was not provided to the court, shall be retained in the case file. Documentation regarding the action taken when correspondence is received must be appropriately noted on the APS/DCID screen.

The Director or designated area office staff shall respond regarding correspondence received on closed cases if the file is still available. Correspondence received after a file has been sent to Central Records is forwarded to:

Custodian of Records
Central Adult Investigation
320 W. Temple, Room 180
Los Angeles, CA, 90012

Correspondence written by DPOs for mailing, shall be approved by the SDPO and prepared on standardized Departmental forms or typed on Probation Department Letterhead stationery containing the Area Office address and phone number, with copies to the file and documentation in APS as appropriate.

LOS ANGELES COUNTY PROBATION DEPARTMENT

Subject: ADULT MANUAL RISK ASSESSMENT AND CLASSIFICATION	Section: AM-800
	Effective Date: July 17, 2008
	Approved By: Reaver Bingham, Bureau Chief

(DIRECTIVE 991 ADULT RISK ASSESSMENT-ADULT PROBATION SYSTEM (APS) BASED APPLICATION)

(DIRECTIVE 855 CLARIFICATION OF ADULT RISK ASSESSMENT FORM AND INSTRUCTIONS (PLEASE REFER TO DIRECTIVE NUMBER 835)

(DIRECTIVE 835 REVISED RISK ASSESSMENT FORM)

801 INTRODUCTION

The Risk Assessment standardizes classification and assures appropriate caseload assignment.

The Risk Assessment (APS-DRAD) is completed initially by the Investigation DPO, based on information gathered during the pre-sentence investigation. **The Investigation DPO calculates the classification score and is responsible for ensuring that the risk assessment is completed and entered into the APS DRAD screen on all cases that require a risk assessment.**

Risk Assessments are is not prepared for Post-Sentence, Diversion, DEJ or capital case investigations.

A risk score of 14 or less generally indicates that a probationer requires a minimum level of service and contact.

The Supervision DPO checks to ensure that the current score is entered in the APS-DRAD screen and assigns the case accordingly. The DPO may override the presenting score to designate a specialized caseload assignment. Approval by the SDPO is required and the appropriate notations overriding the initial score must be entered on page two of APS-DRAD and the Override Field in DFPD screens. The reason for the override shall be documented in the APS-DCID screen.

The Supervision DPO makes periodic reviews of the Risk classification (a requirement at mid-term review) and documents the need for any changes, as applicable.

As a foundation for Evidence-Based Practices (EBP), the Department has adopted a fourth generation risk assessment instrument, called the Levels of Service/Case Management Inventory (LS/CMI). This validated tool will more precisely predict criminogenic risk and need factors, as well as identify any

RISK ASSESSMENT AND CLASSIFICATION

inherent protective factors (strengths) which the probationer has. This tool will be further augmented by issue-specific assessments that will be used on target groups such as sex offenders, domestic violence cases, substance abusers, and probationers with mental health issues. Finally, this tool will include an integrated case planning component, so that probationers and staff will be able to appropriately address the risk factors during the probation grant.

802 HIGH PROFILE CASES**(DIRECTIVE 969 HIGH PROFILE CASES)**

Cases involving celebrities, Departmental employees or members of their families, or other cases that have attracted special public attention, are to be brought to the attention of the SDPO for review and possible classification as "High Profile." The SDPO or Area Office Director will send appropriate notification and explanation of the reasons for high-profile classification to Adult Bureau staff at Headquarters in each such case. This notification form can be found on PROBNET.

803 INVESTIGATION AND FOREIGN BORN DEFENDANTS**(DIRECTIVE 875****OBTAINING INFORMATION ON DEFENDANTS WHO
HAVE BEEN DETAINED BY U.S. IMMIGRATION AND
NATURALIZATION SERVICES (INS)****(DIRECTIVE 873****MATRICULA CONSULAR IDENTIFICATION CARD
PILOT PROGRAM)**

Consideration of the fact that a person is an illegal alien is valid but the DPO should also take into account the defendant's willingness and ability to comply with the terms of probation, family/community ties, and employment history in determining suitability for probation.

Notwithstanding the DPO's recommendation, the Investigation DPO shall refer to U.S. Immigration and Customs Enforcement (ICE), (formerly known as the U.S. Immigration and Naturalization Services/INS) only those alien defendants who are convicted felons not in custody.

If it is subsequently determined that a probationer may be deportable, the Investigation DPO submits the I.C.E. Notification Letter (Prob. 1223) to I.C.E., which the DPO forwards to Central Adult Investigations (CAI) by the next business day, with a copy retained in the case file.

LOS ANGELES COUNTY PROBATION DEPARTMENT

Subject: ADULT MANUAL CASE CLEARANCES	Section: AM-900
	Effective Date: July 17, 2008
	Approved By: Reaver Bingham, Bureau Chief

901 CASE CLEARANCES

Prior to dictating a court report, the Investigation DPO shall meet with the SDPO to obtain approval of the recommendation that is being submitted to the court. The case clearance (which includes presentation of all case material and approval of the risk score in APS-DFAD) may consist of a brief transaction, a discussion of main issues, or a full conference, depending on case dynamics.

Companion cases with a pending disposition investigated by two or more DPOs require a joint clearance. Cases, which have generated unusual community interest or publicity, may involve the Director or, on rare occasion, the Bureau Chief.

The Director becomes involved if the SDPO and DPO are unable to reconcile their views on the recommendation. A DPO may decide not to sign a court report if there is substantive disagreement regarding the recommendation. However, the DPO's intent not to sign must be made known to the SDPO prior to submission of the court report. In such cases, the SDPO shall read and sign the original report, initial the copies, and give the report to a designated clerk for distribution.

The court report and recommendation, upon submission to the court, become the official position of the CPO.

Subject: ADULT MANUAL SPECIAL CASE SITUATIONS	Section: AM-1000
	Effective Date: July 17, 2007
	Approved By: Reaver Bingham, Bureau Chief

1001 INTRODUCTION

This section of the manual describes unique situations involving probationers with special case circumstances, especially concerning sensitive medical, immigration, and legal matters.

1002 HIV AND AIDS

Acquired Immune Deficiency (AIDS) is a disease of the auto immune system that impairs the body's normal ability to resist infection and serious disease. It is caused by the Human Immunodeficiency Virus (HIV) and is spread through exposure to the blood or bodily fluids of an infected individual or through intimate sexual contact.

Although health officials have the authority to take action to prevent the spread of AIDS, as they do for other communicable diseases, specific laws govern HIV testing and the confidentiality of the test results. These laws require that results of voluntary tests be kept confidential. A person may not be tested for antibodies to HIV without his or her written consent unless the testing is part of a scientific investigation in which blood samples are obtained anonymously or unless the court has made a specific order for such testing. No one may disclose the results of an HIV antibody test except physicians authorized in writing by the person tested and those specifically authorized by law to transmit such results. Unauthorized disclosure carries civil and criminal penalties.

A DPO may include in reports to the court any information voluntarily given by a defendant regarding an AIDS-related condition. Such statements, included in the "Defendant's Statement" section of reports to the court, may be further discussed in the "Evaluation" or "Remarks" section of such reports as they may impact sentencing considerations.

While DPOs are free to include the defendant's discussion of his or her own AIDS-related condition, care must be taken to avoid compromising the anonymity of others (family member, co-defendant, and cohabitant) based on the defendant's statements. AIDS medical information cannot be conveyed, or otherwise released, without a signed Release of Information (Prob. 1051).

For grants of probation or Diversion, PC1001.10 requires the court to order a drug Diversion program or AIDS education program and to offer, but not require, AIDS antibodies testing for convictions of HS11350(a), HS11377(a), HS11550,

SPECIAL CASE SITUATIONS

BP4143, BP4149 and PC647(f) if intravenous use of a controlled substance is involved.

AIDS EDUCATION REFERRALS CAN BE MADE TO PROVIDERS OF DEFERRED ENTRY OF JUDGMENT PROGRAMS. THESE PROGRAMS CONTAIN A STATE – APPROVED AIDS COMPONENT.

PC 1202.1 mandates aids testing for defendants convicted of certain sex offenses. Such defendants are "...to submit to a blood or oral mucosal transuded saliva test for evidence of antibodies to the probably causative agent of acquired immune deficiency syndrome (AIDS)..."

HS121055 allows the courts to require tests and permits limited disclosure to:

1. Victims of certain sex crimes (PC261, PC261.5, PC262, PC266b, PC266c, PC286, PC288, PC288a) if the court has reason to believe exchange of body fluid occurred at the time of the crime.
2. Peace officers involved in possible exchange of bodily fluids, in the course of their duties, may seek relief from fear of infection by submitting a Petition for Blood Test of Defendant, Declaration, and Proposed Order to the court.

1003 ALIENS (CRIMINAL ALIENS)

(DIRECTIVE 875 OBTAINING INFORMATION ON DEFENDANTS WHO ARE
DETAINED HAVE BEEN DETAINED
AND NATURALIZATION SERVICES (INS)

(DIRECTIVE 873 MATRICULA CONSULAR IDENTIFICATION CARD PILOT
PROGRAM)

The Probation Department assists the Immigration and Customs Enforcement (ICE) in identifying criminal aliens for deportation. Any alien may be deported if he/she is determined to be a criminal, convicted of a "crime involving moral turpitude" (CIMT), or illegal possession or trafficking of a controlled substance.
Aliens not in the country legally are deportable at all times.

Special emphasis is placed on drug offenders as a result of the U.S. Anti-Drug Abuse Act of 1988. Violent felons, gang members and habitual offenders are particularly subject to deportation if they have been convicted of a crime involving moral turpitude. Under the Immigration Act of 1990, criminal aliens may also be deported if convicted of an aggravated felony.

SPECIAL CASE SITUATIONS

If a defendant was referred to ICE while incarcerated in any state or county facility, or if an alien registration number is available, deportation information can be obtained from ICE automated records at (213) 894-0528 or (213) 894-0530. DPOs may request information from ICE via fax (213-894-3429) on probation letterhead, or a request for deportation information can be obtained via JDIC.

Deportation Criteria:

A legal alien (legal permanent resident) is deportable if:

- Within 5 years of entry is convicted of a crime involving moral turpitude and is sentenced to more than 1 year.
- At any time after entry is convicted of two (2) crimes involving moral turpitude.
- At any time is convicted of any narcotic offense including simple possession and under the influence (specify drug in under influence).

After being deported a person is barred from legal entry for the following periods:

- Simple re-entry (no conviction) = 2 years
- Re-entry with felony conviction = 5 years
- Re-entry with aggravated (murder, drug trafficking, possession for sale and weapons trafficking) felony conviction = 15 years

1004 SUPERVISION AND ALIEN DEFENDANTS

If it is subsequently determined that a probationer may be deportable, the Supervision DPO submits the ICE Notification Letter (Prob. 1223) to ICE. The probationer is supervised until the action taken by ICE is confirmed. The case may be transferred to the Custody Caseload at the Alhambra Area Office after probationer's detention in Federal custody is confirmed.

The court is notified of the probationer's actual deportation by submission of a Deportation of Probationer Report (Prob. 241N). Since the probationer may return to this country, the DPO submits the following recommendation:

"IT IS RECOMMENDED THAT PROBATION BE REVOKED AND A BENCH WARRANT BE ISSUED."

SPECIAL CASE SITUATIONS

If the court takes no action, the courts actions are noted in the DCID, and the file is transferred to the Administrative Caseload at the Riverview Office.

1005 APPEALED CASES

An appeal does not stay the execution of the judgment nor the order granting probation unless the court so orders (PC1243, PC1467), except that the court shall not stay the requirement to register as a sex offender (PC290). Cases on appeal are processed like any other active grant of probation.

The DPO reviews the court order to determine whether the court has stayed any conditions or probation. Stayed conditions are not enforced.

When a case is appealed, the DPO notifies Fiscal Services using a Financial Change Form to hold all disbursements from the account until further notice. Generally, fine and restitution payments are held in a defendant's account for cases that are on appeal unless the court has stayed the financial order. Based on the outcome of an appeal, any funds deposited with Probation are disbursed or refunded to the defendant upon receipt of another Financial Change Form by Fiscal Services.

When a case is returned from the appellate court to the trial court for re-sentencing, an updated probation report is required even if the defendant is ineligible for probation.

The DPO conducts a subsequent interview, reviews the prison report, if available, and makes any necessary collateral contacts. A supplemental report is prepared that contains:

- A brief summary of the prison report, if applicable, and the defendant's behavior, including compliance with the terms and conditions of probation, during the period of the appeal.
- Additional new information, if relevant.
- The DPO's evaluation and,
- The recommendation

If the order for probation was stayed, the Investigation DPO prepares the supplemental report. If the defendant is being supervised, the Supervision DPO prepares the supplemental report.

SPECIAL CASE SITUATIONS**1006 RE-ARRESTS****(DIRECTIVE 853 REPORTING ARRESTS AND VIOLATIONS OF PROBATION TO THE COURT)**

If the DPO has **probable cause** to believe that a probationer has violated any of the terms or conditions of his or her grant of probation, PC1203.2 and PC830.5 enable the DPO to re-arrest the probationer without a warrant and to bring that probationer before the court for a violation hearing. It is the Department's policy that DPOs re-arrest probationers with the assistance of the police or Sheriff's Department. Correct identification of the probationer placed under re-arrest is mandatory. If the individual to be re-arrested is unknown to the DPO, identity must be confirmed before the re-arrested probationer can be released to the custody agency. All custody entry/booking forms must be properly completed at the time of release to the custody agency. The DPO must indicate in writing on the custody forms that the inmate/probationer is to be taken to the court granting probation within two (2) judicial days (48 hours) of re-arrest. Probationers who are re-arrested for a violation of probation are entitled to substantially the same due process rights prior to the probable cause hearing as individuals arrested on new matters. Copies of custody forms are to be placed in the probationer's X-file.

1007 HOLDS

A hold detains a probationer who is in custody on another matter and brings that probationer before the court that granted probation for a violation hearing. A hold must be placed when necessary to insure the protection of the victim or the community. The DPO shall confirm the inmate's identity and the existence of an active grant of probation before taking any action to place a hold. Identity can be confirmed through the comparison of individual and case identification numbers, such as: CII, MAIN, D.O.B., FBI, SSN, DMV, and Court Numbers, etc.

The arresting agency is to be contacted for details of the new arrest and to obtain the agency "mnemonic" code necessary to place a hold. The hold is placed by teletyping the custody agency using JDIC. In the hold teletype message, the DPO must give specific instructions to the custody agency to bring the inmate/probationer before the court granting probation within two (2) judicial days (48 judicial hours) of the placement of the hold. **This is a legal requirement.** A copy of the teletype is to be placed in the probationer's X-file and the event is appropriately documented in APS.

See sample teletype, as follows:

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TO/ ENTER MNEMONIC CODE HERE/

TO/ ENTER CUSTODY AGENCY NAME: THIS IS YOUR AUTHORITY TO ARREST AND HOLD (ENTER DEFENDANT'S NAME—LAST, FIRST); BOOKING NUMBER (ENTER BOOKING NUMBER); PENDING FURTHER COURT HEARING ICASE (ENTER COURT CASE NUMBER); CHARGE PC1203.2 (VIOLATION OF PROBATION); SUBJECT TO BE TRANSPORTED TO SUPERIOR COURT DEPARTMENT (ENTER COURT DISTRICT AND COURTROOM DESIGNATION) ON (DATE OF HEARING).

REFER TO (NAME OF DPO PLACING HOLD), DEPUTY PROBATION OFFICER

(ENTER AREA OFFICE ADDRESS OF THE ABOVE LISTED DPO AND PHONE NUMBER)

The DPO may place a hold on an in-custody probationer when the facts of the new arrest or other information suggest that the probationer presents a:

- Significant pattern of failing to follow the orders of the court or the rules and regulations of the Probation Department
- Danger to the victim
- Danger to the community
- Danger to self
- Flight risk

Note: Re-arrests/holds that occur during normal business hours must be pre-approved by the SDPO to ensure that all appropriate criteria and steps have been followed. Re-arrests/holds that occur during non-business hours must be cleared with the SDPO the next business day.

WHENEVER A LAW ENFORCEMENT AGENCY REQUESTS THAT A “HOLD” BE PLACED ON A PROBATIONER, THE DECISION SHALL BE CLEARED WITH THE SDPO AND AREA OFFICE DIRECTOR.

1008 RE-ARREST/HOLD COURT PROCESS

In all cases of re-arrest or the placement of a hold, the DPO placing the hold must complete a “Request for Calendar Date” form (Prob. 646) and submit it to the court granting probation. Clerical support staff will make the appropriate entries in APS prior to the DPO hand carrying the “Request for Calendar Date” form (Prob. 646) to the court within 24 hours of the re-arrest or hold. The DPO must clearly explain to the court that the emergency calendaring is based on the fact that the DPO has re-arrested or placed a hold on the probationer and that a hearing must be held within 48 judicial hours of the re-arrest or placement of the hold.

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The DPO will prepare a report using Prob. 641 (Report of Probation Officer, Regarding Arrest of Probationer for Violation of Probation) and will provide details of the re-arrest, hold, and/or new arrest or a copy of the police report. Generally, a three (3) week continuance is requested to allow time for further investigation. The matter is followed up at the next hearing with the appropriate violation report.

Specialized Unit DPOs that re-arrest or place holds on probationers who are not on their caseload, must immediately (during business hours) contact the DPO of record and inform them of the re-arrest. The DPO making the re-arrest or placing the hold is always expected to prepare the "Request for Calendaring Date" form and the initial report (any different arrangement must be cleared through the SDPO by the DPO making the re-arrest or placing the hold). They are also expected to ensure that the proper APS entries are made regarding the calendaring of the violation—this is a clerical support staff function that must be completed before any documents are taken to court.

The DPO should always indicate on Hold/Booking documents that the probationer is to be taken before the court within 48 judicial hours (substantially the same as in PC825). The DPO is responsible to monitor to ensure that the probationer/inmate appears before the court within the 48-hour judicial time frame. The court may, for logistical or administrative reasons, move the probable cause/probation arraignment hearing over to the next day (sometimes this is necessary to accommodate the arraignment of the probationer on new charges in another court).

If the probationer/inmate is not brought before the court within the time frames allowed in PC825 (within 48 hours, excluding Saturday and Sunday), the DPO shall notify the SDPO who will consider the necessity of informing the court that a probationer may have been held beyond the statutory limits. The SDPO may make the decision to release the hold (the SDPO must be notified of all holds that are released by the DPO).

1009 CDCR-DIVISION OF JUVENILE JUSTICE (FORMERLY CYA)

Pursuant to WIC1731.5, California Department of Corrections and Rehabilitation-Division of Juvenile Justice (DJJ) (formerly known as the California Youth Authority/CYA) accepts certain defendants, who are under the age of 18 at the time of apprehension, if it believes that the person could materially benefit from the rehabilitative impact of its programs.

Certain minors who are prosecuted in the adult court may be committed to State Prison and housed at the DJJ. The DJJ may decline to accept custody and the defendant is returned to court for re-sentencing. Once accepted, a defendant may be returned to the Department of Corrections custody at any time without

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further notice to the sentencing court, either because of lack of facilities, program, or for noncompliance.

If a state prison recommendation is considered for a Defendant who was under the age of 16 years when he or she committed the offense, the DPO must first recommend that the defendant be sent to DJJ for an evaluation and recommendation pursuant to WIC707.2. A review of the defendant's personal history, background, family, upbringing, and school performance must be provided for every case where a DJJ recommendation is submitted. This review may be part of a pre-sentence investigation where the DPO elaborates under the Personal History section of the report, or it may be contained in copies of a juvenile investigation or fitness report or presented in a violation report.

If the committing offense is deemed a violent offense pursuant to PC12021.1b, the victim may require notice pursuant to PC679.03. [\(See AM 7.2, Victims\).](#)

1010 CHILD ABUSE REPORTING

As a child protective agency, the Probation Department is committed to the protection of children and the prevention of child abuse. At any phase of the probation process where a child may be involved as a potential victim of abuse, the DPO, or any Probation Department employee shall immediately report any suspected incidents as mandated in PC11166.

A child is any person from birth through 17 years, including "Emancipated Minors," but excludes a person who is now an adult but was abused as a child.

Mandated reporters are immune from civil and criminal liability when the reporting is done to comply with the law. Failure to report suspected abuse is a punishable criminal offense.

Reportable abuse may be physical (beating, unjustifiable corporal punishment and homicide); sexual abuse (sexual assault, molestation, exploitation, rape and incest); mental or emotional abuse such as excessive verbal harassment; or, severe neglect where a child's welfare has been endangered to a point that the child fails to thrive.

A suspected incident of child abuse is reported immediately by telephone to the Department of Children's and Family Services (Los Angeles County Child Abuse Hotline 1-800-540-4000), Protective Services Intake or, in emergencies situations, to the local police agency.

Secondly, a Department of Justice Suspected Child Abuse Report (ss8572) is submitted within 36 hours and forwarded to the agency to which the initial telephone report was made. Advice regarding the reporting of incidents and

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other assistance can be obtained from the DA Sexual Crimes and Child Abuse Division at (213) 974-1611.

DOJ maintains a Child Abuse Central Index based upon investigated reports of suspected child abuse and may offer information not found in other criminal history systems. The DOJ serves as an intermediary for the exchange of child abuse information and may be contacted at (916) 739-1509 for urgent or emergency information or through CLETS. The DPO should provide names and dates of birth of the victim and suspect, the nature of the inquiry, the type of abuse, the requester's name and agency, and a phone number where information can be relayed.

1011 ELDER ABUSE REPORTING

(DIRECTIVE 781

ELDER AND DEPENDENT ADULT ABUSE MANDATED REPORTING, POLICY AND PROCEDURES FOR DEPUTY PROBATION OFFICERS IN ADULT AND JUVENILE FUNCTIONS)

PC368 defines abuse of elders (ages 65 and older) and dependent adults (ages 18-64) with an incapacitating physical or mental condition) and details the sanctions for each type of offense. Although physical abuse is the most common, psychological, financial, and rights violations are also forms of elder abuse. At any phase of the probation process where an elderly person or dependent adult may be involved as a suspected victim of abuse, it is mandated that the DPO shall immediately report such abuse. Mandated reporters are immune from civil and criminal liability when the reporting is done to comply with the law. Failure to report is a criminal offense.

As mandated reporters, DPOs must fax a written report using the SOC 341 form, "Report of Suspected Dependent Adult/Elder Abuse" to Adult Protective Services at (213) 783-6485.

A complete and accurate written report is submitted on the Report of Suspected Dependent Adult/Elder Abuse (SOC 341) within 2 working days and forwarded to the agency to which the initial telephone referral was made. Instances of non-physical abuse may be reported in writing only. No telephone contact is required.

Reportable physical abuse occurs when any person who has the care and custody of, or who stands in a position of trust for an elder, willfully inflicts upon that elder any cruel or inhuman corporal punishment or injury such as direct beating, sexual assault, unreasonable physical constraint, or prolonged deprivation of food and/or water. The DPO may report other types of known or

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suspected abuse, such as neglect, intimidation, fiduciary abuse, abandonment or other treatment which results in physical harm, pain or mental suffering.

A suspected incident of abuse is reported immediately by telephone to the Department of Public Social Services, Adult Protective Services Unit, serving the victim's area of residence in cases of abuse occurring anywhere other than a long-term care facility. Abuse occurring in a long-term care facility shall be reported to the Los Angeles Ombudsman. If the situation requires immediate action to protect the safety of the victim, local law enforcement shall be called.

DPOs are encouraged to contact the Adult Protective Services Resource Specialist and Law Enforcement Liaison, at (818) 260-2301, who is available for consultation on any case in which abuse is alleged or suspected.

1012 DEPARTMENT OF CORRECTIONS AND REHABILITATION COMMITMENTS**1012.1. Civil Narcotic Commitments**

Under the provision of **Sections WIC3050 (Misdemeanor)** and **WIC3051 (Felony)**, the court may initiate proceedings for confinement in the California Rehabilitation Center, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics.

Ineligible for a civil narcotic commitment are persons:

- Convicted of any offense for which the provisions of PC667.6 apply (PC261(2), PC261(3), PC264.1, PC286, PC288(a), PC288(b), PC289).
- Convicted of committing or attempting to commit any violent felony pursuant to PC667.5(c). Whose sentences are enhanced per PC12022(b), PC12022.3, PC12022.5, PC12022.6, PC12022.7 or PC12022.8.
- Whose sentence is subject to PC3046 (life in prison).
- Whose conviction results in a sentence exceeding 6 years.
- Who are ineligible for probation under PC1203.06.
- Criminal proceedings are adjourned or the court suspends the imposition or execution of the sentence. The defendant is certified to the Superior Court and the DA is ordered to file a petition for commitment to the Department of Corrections and Rehabilitation. A physical examination is conducted and a subsequent court hearing is held. If a person is found not fit for confinement or treatment, the

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matter is returned to court for further proceedings on the criminal charges (WIC3050).

1012.2. Civil Narcotic Commitments

In any case where a defendant is convicted of an offense punishable by imprisonment in state prison, if the court concludes that a just disposition requires such diagnostic evaluation and treatment services as can be provided at a facility of the Department of Corrections and Rehabilitation (CDCR), the defendant may be temporarily placed for observation and examination.

In a period not to exceed 90 days, the process is completed and a report containing a confidential diagnosis and recommendation is forwarded to the court and the Probation Department. If the defendant is placed on probation, the Department may retain the CDCR report until termination of probation at which time the report is returned to the court clerk by clerical for retention in a sealed file.

1012.3. State Prison

A state prison sentence causes the defendant to be transferred directly from county to state custody.

1013 EMERGENCY RESPONSE FROM A PUBLIC AGENCY

PC1203.1(e) requires the court to consider whether an offender or any person whose intentional wrongful conduct causes an incident shall make restitution to a public agency for costs of an emergency response as a condition of probation. Police, fire, rescue and emergency medical services are considered emergency response public agencies (GC53156). Liability for expense of an emergency response is limited to \$1,000 per incident (GC53155).

The Investigation DPO:

- Determines that an emergency response was provided by a public agency.
- Obtains the actual costs for the response.
- Lists the public agency name and total cost in the Victims section of the court report.

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The Supervision DPO:

- Instructs the probationer and enforces compliance with the specific condition of probation.
- Investigates non-payment of restitution and prepares a Financial Violation report when appropriate.

1014 MENTALLY DISORDERED & DEVELOPMENTALLY DISABLED OFFENDERS

(DIRECTIVE 1039 REFERRALS TO REGIONAL CENTER)

A mentally disordered or developmentally disabled offender is one who has been determined mentally incompetent or not guilty by reason of insanity, during court proceedings. Once mental incompetence has been declared, criminal proceedings are suspended until the defendant's mental competence is restored.

When a not guilty by reason of insanity (NGI) case is referred to the Probation Department, the DPO prepares a Pre-Sentence Report omitting the section **DATE CONVICTED** and completing the report through the section **INTERESTED PARTIES**.

If the DPO has reason to believe a defendant may be mentally disordered or developmentally disabled, a recommendation for an evaluation by a court-appointed psychiatrist should be considered.

The DPO communicates with a Regional Center after a signed Release of Information form is obtained. Records are treated as confidential.

1015 NARCOTIC SEIZURE REVENUE

The Probation Department may share in distribution of assets seized as a result of participating in drug-related arrests pursuant to HS11489.

1016 PAAWS (PROBATION ADULT ALTERNATIVE WORK SERVICES PROGRAM)

(NOTICE 970 PROBATION ADULT ALTERNATIVE WORK SERVICE (P.A.A.W.S.) PROGRAM: AN ALTERNATIVE SENTENCING OPTION)

The **Probation Adult Alternative Work Service (PAAWS) Program** operates under the provisions of PC1203.1. PAAWS was created in 1989, to reduce jail overcrowding by offering the courts an alternative to time in custody for offenders. PAAWS participants are assigned to work crews, which work eight-hour days, Monday through Friday, performing jobs such as:

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- Interior/exterior painting of county facilities
- Weed abatement for municipalities and governmental agencies
- Graffiti removal at private residences
- Clean-up of flood control channels
- Landscaping/gardening at County facilities

The Program generates revenue for the Probation Department from the agencies with which the Probation Department contracts. The revenue is applied to the cost of the program.

Probationers convicted of any misdemeanor or felony offense are suitable for participation in this program. There is no minimum number of days required for participation. PAAWS participation may be ordered as a condition of probation and in lieu of serving time in County Jail. Participants are held responsible for full compliance with the court order and with all rules and regulations of the program. Acts of non-compliance, including unsatisfactory work performance or conduct, may result in violation proceedings or a recommendation from PAAWS for the imposition of suspended custody time.

The Probation Officer may recommend PAAWS in court reports prepared for sentencing hearings or for violation hearings, resulting from non-compliance with probation conditions. The Court may also initiate a probation investigation of suitability for participation in the PAAWS Program.

Adult Investigation and Supervision Officers are encouraged to consider making recommendations for the PAAWS program whenever appropriate. On the Recommended Terms and Conditions of Probation Form, the DPO shall make the following statement:

In Lieu of (or in addition to) County jail time, defendant is to complete ____ days of PAAWS (Probation Adult Alternative Work Service).

The DPO either phones or instructs the probationer to phone the PAAWS office at (626) 308-5295 for an appointment.

1017 MEDI-CAL ADMINISTRATIVE ACTIVITIES (MAA)

- | | |
|----------------|--|
| (DIRECTIVE 910 | MEDI-CAL ADMINISTRATIVE ACTIVITIES (MAA)
STAFF ASSIGNED TO ADULT FUNCTIONS
PROCEDURES) |
| (DIRECTIVE 906 | PHONE NUMBER CORRECTION TO DIRECTIVE
ADMINISTRATIVE ACTIVITIES (MAA)" |
| (DIRECTIVE 903 | MEDI-CAL ADMINISTRATIVE ACTIVITIES (MAA) –
ASSIGNED TO ADULT FUNCTIONS – IMPLEMENTATION) |

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Medi-Cal Administrative Activities are activities that are designed to provide outreach to the probationers, their families, victims, and other interested parties. This consists of information on the Medi-Cal Healthy Families for Children and other health care programs for which they might be eligible.. Included in this outreach program are written materials that are given to the clients, as well as materials that are mailed to their residences. DPOs can provide outreach in person, on the telephone, and through the mail. They also route the potential Medi-Cal client to Department of Public Social Services, where it can be determined whether or not the client is eligible.

1018 TARGETED CASE MANAGEMENT (TCM)

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|----------------|--|
| (DIRECTIVE 992 | EXPANSION OF THE TARGETED CASE MANAGEMENT (TCM) PROGRAM TO INCLUDE THE ADULT GANG AND BIG MAC CASELOADS) |
| (DIRECTIVE 922 | TARGETED CASE MANAGEMENT-CORRECTION TO DIRECTIVE) |
| (DIRECTIVE 921 | TARGETED CASE MANAGEMENT (TCM)-GUIDELINES FOR STAFF ASSIGNED TO SPECIALIZED ADULT CASELOADS-IMPLEMENTATION JULY 1, 2003) |

Targeted Case Management is a program designed to assist probationers in obtaining needed medical and other health and human services. A comprehensive needs assessment is performed on eligible probationers, and the information is used to develop a comprehensive case plan and suitable referrals to needed services.. Follow ups are performed at routine intervals, and the DPO acts as case manager while the probationer is involved in the program.

1019 EMERGING ADULTS (ALSO KNOWN AS TAY'S)

- | | |
|----------------|--|
| (DIRECTIVE 983 | EMANCIPATION SERVICES RESOURCES AND SERVICES FOR ADULT DEFENDANTS AND PROBATIONERS AGES 18 THROUGH 21-PROCEDURES FOR PRETRIAL SERVICES AND ADULT FIELD SERVICES STAFF) |
|----------------|--|

Emerging Adult Offenders, also known as Transitional Age Youth (TAY) are offenders between the ages of 18-26 years of age.. Generally, these probationers come under the auspices and supervision of the Adult Services Bureau. Research shows that offenders in this age group are neither mature adults, nor adolescents . They represent a distinctly different demographic with specific needs and issues. The Adult Services Bureau is currently exploring the feasibility of specialized Evidence Based Practices programming to assist probationers in this age group address their unique criminogenic risk and needs factors.

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1020 TRANSLATION SERVICES

(DIRECTIVE 931 TELEPHONE TRANSLATION SERVICES)

(NOTICE 1491 ACCESSING INTERPRETER ASSISTANCE FOR DEAF AND
HEARING IMPAIRED ADULT PROBATIONERS)

(See Section 12.14, Interpreters)

LOS ANGELES COUNTY PROBATION DEPARTMENT

Subject: ADULT MANUAL FINANCIAL PROCEDURES	Section: AM-1100
	Effective Date: July 17, 2008
	Approved By:
	Reaver Bingham, Bureau Chief

- | | |
|----------------|---|
| (DIRECTIVE 991 | ADULT RISK ASSESSMENT-ADULT PROBATION SYSTEM (APS)
(DIRECTIVE 967 FINANCIAL PROCEDURES -
DOCUMENTATION IS TO BE PROVIDED WITH THE FINANCIAL
CHANGE FORM (Revision of Directive 704, Issued 6-16-98) |
| (DIRECTIVE 949 | FINANCIAL ASSESSMENT - ADDITION OF A \$20.00 COURT
SECURITY FEE ON ALL CRIMINAL CASES) |
| (DIRECTIVE 901 | NOTIFICATIONS TO THE COURT OF UNPAID FINANCIAL
OBLIGATIONS:

1) RECOMMENDATION FOR JUDGMENT (COPS)
2) RECOMMENDATION FOR JUDGMENT (VICTIM
RESTITUTION)
3) INTRODUCTION OF PROB FORM 241-F (NOTICE ON
FINANCIAL CONDITIONS) |
| (DIRECTIVE 879 | ACCEPTING PAYMENTS WHEN THE DEPARTMENT OF
TREASURER AND TAX COLLECTOR (DTTC) ACCOUNT NUMBER
HAS NOT BEEN ESTABLISHED AND USE OF THE NEW PROB 1405
ENVELOPE) |
| (DIRECTIVE 841 | FORWARDING PAYMENTS TO DEPARTMENT OF TREASURER TAX
COLLECTOR (DTTC) |
| (NOTICE 1351 | REQUEST FOR MONEY JUDGMENT (DIRECTIVE 901 UPDATE) |
| (NOTICE 1321 | CLOSED SUPERVISION CASES - CHANGE IN BILLING DATES) |
| (NOTICE 1234 | COURT ORDERS FOR A CIVIL JUDGMENT OR MONEY JUDGMENT) |
| (NOTICE 1217 | TAX INTERCEPT/POSTING TO PROBATIONER ACCOUNTS) |

1101 INTRODUCTION

The Department's financial procedures are based on the concept that defendants are responsible for their crimes and will be held accountable to society and their victims. Through compliance with financial orders, the probationers may be aided in developing habits of responsibility and may thus be motivated to become law-abiding citizens.

The Department is authorized to collect and distribute funds payable by, or on behalf of, probationers and to make collections and disbursements for service charges, fines and restitution. The Department of Treasurer Tax Collector (DTTC) handles the actual collection, disbursement and accounting of

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probationer accounts for the Department. Establishing the manner of payment and enforcing the probationer's payment of financial obligations are important DPO roles, as is responding to a victim's rights and inquiries.

1102 FINANCIAL RESPONSIBILITIES – INVESTIGATION DPO

The Investigation DPO is responsible for making a reasonable effort to obtain and record relevant information regarding a defendant's financial condition, including:

- Present financial position (income and support)
- Number of dependants supported by the defendant
- Ability to pay restitution, fines, and other court and probation costs
- Assets, expenses, future obligations
- Present employment, or likelihood of future employment

THE INVESTIGATION DPO IS ALSO RESPONSIBLE FOR ATTEMPTING TO VERIFY THE DEFENDANT'S SOCIAL SECURITY NUMBER.

Information is collected regarding losses to victims. This may include information such as the following, which is necessary to establish restitution amounts (see AM 1105):

- Nature and extent of loss or losses
- Out of pocket financial expenditures or bills for medical treatment, replacement or repairs, that are directly related to the present offense
- Reimbursements received from sources such as the defendant and/or the State Victims of Crime Program (Restitution Fund)

WHEN APPROPRIATE, THE INVESTIGATION DPO ADVISES THE DEFENDANT OF POSSIBLE FINANCIAL OBLIGATIONS ARISING FROM THE CASE, INCLUDING COST OF PROBATION SERVICES (COPS).

Based upon the facts of the investigation, state law, and the victim's claims, the DPO recommends specific financial conditions.

1103 ADULT CENTRALIZED RESTITUTION UNIT (ACRU)

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ACRU was created to provide immediate service to victims and to significantly reduce the Investigation DPO's responsibility in processing restitution claims. Since 1996, ACRU has been responsible for processing victim restitution claims and handling the initial set up of restitution. ACRU mails Statements of Loss, handles calls from victims, reviews victims' claims, and processes Financial Change forms (Prob. 1286) for victim restitution. Pursuant to PC1203.1k, when requested by the court, ACRU may provide a "Notice" to the court regarding the determination of restitution.

NOTE: THE SUPERVISION DPO HANDLES ALL RESTITUTION MATTERS THAT ARE NOT RELATED TO THE INITIAL ACCOUNT SETUP PROCESS.

1104 INVESTIGATION OFFICE PROCEDURES**1105 INVESTIGATION DPO**

1. Complete the Victim List (Prob. 1209). The Prosecutor Information Management System (PIMS) provides a reference of accurate victim information. Information from the Victim's List initiates the Notice of Hearing and Notice of Rights letters to the victims as required in the Penal Code.

The following information must be completed on the Victim List:

If the victim is deceased, the information provided on the Victim's List should apply to the victim's next of kin.

- Victim/Company Name (If the victim is a business, also indicate the contact person and applicable account number, if any.)
 - Street/Apt Number
 - City/State/Zip Code
 - Area Code/Telephone number (if available)
 - Indicate in RED INK "**1303 CDC**" on the Victim List (Prob. 1209) when the referred offense fits the criteria of a violent crime (This alerts the Restitution Coordinator to mail the appropriate letters to the victim.)
2. Review the handwritten Victim List (Prob. 1209) for accuracy of information and forward it to the Restitution Coordinator or appropriate clerical support staff within (1) working day of receiving the case assignment.

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3. If there is no victim in the case, complete the pertinent case information on the Victim List and write "**NONE**" in the space for the first victim's name.
4. The Investigation DPO is responsible for ensuring that the APS-CNVD screen is updated with appropriate information.
5. If the case is a True Summary assignment, the DPO makes the following available to the Restitution Coordinator within one day of the case assignment:
 - Arrest/Crime Report
 - Victim List (Prob. 1209)
6. Prior to preparation of the court report, review the APS/CNVD screen to ensure that the Victim Notice of Hearing letter has been sent. Respond appropriately on Line 24 of the Victim Module in the Investigation Report, indicating whether or not the victim has been notified of the hearing pursuant to PC1191.1.
7. The DPO is responsible for the completion of the risk assessment and ensures that the risk assessment is entered in the DRAD screen in APS. The risk assessment is approved by the SDPO prior to the assignment of the case should probation be granted.

1106 RESTITUTION COORDINATOR

In all cases in which a Victim's List is received from the DPO, the Restitution Coordinator assures entry of the data into APS. If there is a victim in the case the Restitution Coordinator coordinates receipt of the following documents and assembles the victim restitution packet:

- Victim List
- Arrest/Crime Report
- Complaint or DA Information
- Investigation Report

Following the court disposition, the Restitution Coordinator includes the court order and forwards the victim's restitution packet to ACRU.

1107 FINANCIAL RESPONSIBILITIES – SUPERVISION DPO

(DIRECTIVE 802 CALENDARING OF CASES WITH UNPAID FINANCIAL OBLIGATIONS 90 DAYS PRIOR TO EXPIRATION OF THE GRANT OF PROBATION, INCLUDING COST OF PROBATION SERVICES)

FINANCIAL PROCEDURES

Much of the initial financial obligation set up will be accomplished by the Supervision Intake Team and Financial Evaluators. In general, they will conduct an ability to pay assessment and set up a monthly payment plan for the probationer. (Refer to Adult Manual Section 1209, regarding the duties and responsibilities of the SIT unit and the Financial Evaluators.)

Upon receiving the case assignment the DPO determines which financial conditions have been ordered by the court, and that they have been appropriately entered into APS. At the initial contact with the probationer, the Supervision DPO determines if the probationer will make full and immediate payment of the court-ordered financial condition(s). The supervision DPO also ensures that a determination has already been made regarding the probationer's ability to pay the costs of probation services. If not, the DPO will refer the probationer to the Financial Evaluator so that an ability to pay assessment and monthly payment plan can be arranged.

If the probationer declines to sign the "Waiver of Rights to a Hearing Regarding the Cost of Probation Services" (Prob. 1361) and/or the "Notice Regarding Financial Responsibilities" (Prob. 1323) forms during the appointment with the Financial Evaluator, the DPO shall initiate a request for calendaring the matter for a court hearing.

Based upon consideration of all financial orders made by the court, and the probationer's ability to pay, a payment plan should be established with the goal of full payment in the shortest possible time. This plan should be established during the first 30 days of the supervision process.

THE SUPERVISION DPO REITERATES INFORMATION THAT THE SIT DPO AND THE FINANCIAL EVALUATOR HAS GIVEN TO THE PROBATIONER; PRIMARILY THAT HIS OR HER FAILURE TO MAKE THE REQUIRED PAYMENT OF THE FINANCIAL OBLIGATIONS AS ORDERED BY THE COURT OR AS INSTRUCTED BY THE DPO WILL RESULT IN THE CASE BEING RETURNED TO COURT FOR POTENTIAL VIOLATION PROCEEDINGS.

When confirmation of compliance is received in cases where community service is ordered in lieu of a fine, the Supervision DPO prepares the "Financial Change" form (Prob. 1286). The form is forwarded to the appropriate clerical support staff for mailing to the Probationer Accounts Unit. Staff in the Probationer Accounts Unit will process the change in APS to the probationer's account. APS will send this change to the Collections Accounts Receivable System (CARS).

The DPO monitors compliance with payment of financial orders on a monthly basis. Nonpayment may be excused for the following reasons:

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- Probationer is incarcerated 21 or more days in the month
- Probationer is confined to a hospital or residential treatment program 21 or more days in the month
- Financial condition is specifically stayed pending an appeal (If funds have been collected, distribution shall not be made until determination of the appeal.)

In the above instances, the DPO should prepare a Financial Change form (PROB. 1286) to suspend payment to the approximate future date of release from jail/residential treatment or until the appeal process is concluded.

When an account is identified as delinquent, it will automatically be referred to the Lynwood Delinquent Accounts Unit with the objective of bringing the probationer's financial account current.

Delinquency occurs when a probationer's combined payments toward his or her financial obligations is less than the agreed upon payment plan for any two month period.

For example:

- Probationer has an established payment plan of \$100.00 per month.
- Probationer makes a payment of \$50.00 in one month and the following month makes a payment of \$125.00.
- The probationer's account is delinquent because the total payments during the two-month period did not equal the established payment plan.
- The combined total for the two months should have been \$200.00.
- The Probationer was delinquent by \$25.00 and the account would be assigned to the Lynwood Delinquent Accounts Unit to bring the account current.
- The Lynwood Delinquent Accounts Unit will service collection on the account until the probationer brings the account current.

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When the case status becomes delinquent, the word "**DELINQUENT**" is highlighted on the APS/FIND screen. When the delinquent accounts unit accepts assignment of the case, they will send a message to the supervision DPO via the APS/DCID Screen (chrono), as follows:

"Delinquent account (account number) was assigned to Lynwood Delinquent Accounts Unit"

THE DPO SHALL DISCUSS THE CASE WITH THE SDPO FOR CONSIDERATION OF A FINANCIAL VIOLATION REPORT TO THE COURT AT ANY POINT WHEN THE PROBATIONER HAS FAILED TO MEET THE ESTABLISHED PAYMENT PLAN DURING ANY TWO CONSECUTIVE MONTHS. (SEE AM 1508, VIOLATION REPORT FOR FINANCIAL CONDITIONS).

The DPO enforces the probationer's compliance with his or her financial obligations. If the probationer fails to maintain the established payment plan and/or does not fulfill the total financial obligation within 120 days prior to expiration, the DPO prepares a financial violation report (PROB 241I) and requests that the matter be calendared for violation proceeding.

THE COURT REPORT SHALL BE SUBMITTED AT LEAST 90 DAYS PRIOR TO THE PROBATION EXPIRATION DATE.

THE DPO SHALL NOT RECOMMEND A REDUCTION OR DISMISSAL IF FINANCIAL OBLIGATIONS ARE NOT PAID IN FULL.

1108 SUPERVISION OFFICE PROCEDURES

When the active supervision disposition and the conditions of probation, including all financial conditions, are entered on the Conditions of Probation Data (APS/CNCD) screen, the financial categories on the Financial Data (APS/FIND) screen are created. Based on the APS data, a probationer account is established through an automated electronic interface with DTTC. The case is assigned an account number at midnight on the date the financial conditions are entered into APS.

If the probationer has more than one active case, a separate DTTC Account Number is assigned for each case. All probationers with multiple active grants of probation will be referred for a financial evaluation.

IF A PROBATIONER IS IN CUSTODY BILLING MUST BE SUSPENDED TO PREVENT THE PROBATIONER FROM RECEIVING BILLING STATEMENTS FROM DTTC.

FINANCIAL PROCEDURES

During the initial case setup in APS, when the conditions of probation are entered, clerical support staff also enter the probationer's booking number and future release date on the APS/DFID screen. This process suspends DTTC billing statements from being sent to the probationer until he or she is released from custody. If this process is not followed, the DPO of record shall, within 10 business days of receiving the case assignment, submit a Financial Change form (Prob. 1286) to the Probationer Accounts Unit with instructions to suspend billing statements until the probationer's custody release date (indicate the date).

If the probationer has any subsequent period of jail custody, the DPO shall, within 10 business days of knowledge of the probationer's custody status, submit a Financial Change form to the Probationer Accounts Unit with instructions to suspend billing statements until the probationer's custody release date. A tentative release date may be available in Sheriff's booking records. The DPO should be mindful of any holds placed by other law enforcement agencies, jurisdictions, or federal agencies, such as I.C.E.

When any court ordered financial condition(s) is added to APS the "Monthly Payment Amount" will be automatically set based on the following:

- If the total obligation is less than \$100 and any category amount is blank (for example, Restitution amount not set), the "Monthly Payment Amount" is set to \$100.
- If the total obligation amount is less than \$100, and all category amounts are greater than zero (amount set), the "Monthly Payment Amount" is set to the "Total Obligation Amount".
- If the "Total Obligation Amount" is greater than or equal to \$100 the "Monthly Payment Amount" is set to \$100.

The Begin Billing Date is automatically calculated by APS. APS will calculate the COPS supervision amount based on the length of the grant and will add the COPS investigation amount based on the type of investigation performed.

At the initial contact with the probationer, the supervision DPO reiterates the information the probationer has received from the SIT DPO and/or the Financial Evaluator and instructs the probationer regarding financial obligations. This includes:

- Ensuring the completion of the Notice Regarding Financial Responsibility from (Prob. 1323)

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- Ensuring the completion of the Waiver of Rights to a Hearing Regarding the Cost of Probation Services form (Prob. 1361)
- Ensuring that a determination has been made regarding the monthly payment amount necessary to satisfy all financial obligations within 120 days prior to expiration of probation.
- Ensuring that a determination has been made regarding the monthly amount that the probationer is able to pay. Once the monthly payment amount has been determined, immediately submit a Financial Change form (Prob. 1286) to the appropriate clerical support staff for forwarding to the Probationer Accounts Unit.
 - a. If the amount on the “Monthly Payment Amount” field in APS/FIND screen is greater than the agreed upon probationer’s payment plan, the “Monthly Payment Amount” must be adjusted to avoid going into arrears and becoming delinquent after two months.
The DPO shall refer probationer to the Financial Evaluator to effect any necessary adjustment in the monthly payment amount.
 - b. COPS include the monthly supervision portion and the cost of preparing the investigation report, and shall be based on the probationers “ability to pay”.
 - c. Pursuant to the authorization provided for in PC1203.1b, APS is programmed to add a \$50 collection installment fee to all accounts. If the total financial obligation is paid in full with the first payment, this fee must be deleted from the account. Refer the case to the Financial Evaluator so that they can submit a Financial Change form (Prob. 1286) to the Probationer Accounts Unit to delete this fee.

The Probationer Accounts Unit will then update the Monthly Payment Amount on the Financial Data (APS/FIND) screen.

The adjusted Monthly Payment Amount may be determined prior to setting the restitution amount. The DPO should consider the potential restitution amount when initially setting the “Monthly Payment Amount”. The DPO may need to make further adjustments to the Monthly Payment Amount once restitution has been set. Refer the case to the Financial Evaluator so that they can submit a Financial Change form (Prob. 1286) to effect any subsequent changes.

FINANCIAL PROCEDURES

The DPO monitors and enforces the probationer's compliance with financial orders on a monthly basis, and also reviews the probationer's employment and income status, as a routine matter, at every report-in contact made by the probationer.

The probationer's ability to pay the monthly payment amount may require several adjustments during the grant of probation. Refer the case to the Financial Evaluator so that they can submit a Financial Change form (Prob. 1286) to effect any subsequent changes.

1109 DELINQUENT ACCOUNT COLLECTIONS

When an account is identified as delinquent, it will automatically be referred for collection to the Lynwood Delinquent Account Unit. A delinquent account occurs when a probationer's combined payments toward his or her financial obligations are less than the agreed upon payment plan (as stated on the APS/FIND screen) for any two month period.

When the case status becomes delinquent, the word "**DELINQUENT**" is highlighted on the APS/FIND screen. When the delinquent accounts unit accepts assignment of the case, they will send a message to the supervision DPO via the APS/DCID Screen (chrono), as follows:

"Delinquent account (account number) was assigned to Lynwood Delinquent Accounts Unit"

The Lynwood Delinquent Accounts Unit will service collection on the account until the probationer brings the account current.

The Lynwood Delinquent Accounts Unit uses the following formula to calculate a probationer's Monthly Payment Amount:

- The total of the outstanding financial obligation is divided by the number of months left on the probation grant, less 120 days to expiration.

Thus, in some cases, the established Monthly Payment Amount will either increase or decrease.

The following cases are excluded from assignment to the Lynwood Delinquent Accounts Unit:

- Cases with a "closed" or "inactive" supervision status
- Cases expiring within 90 days

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- Cases on calendar pending COPS hearing
- Diversion, Deferred Entry of Judgment or CII only cases
- Cases on Calendar for violation or termination hearing
- Custody cases
- Cases in which the probationer is Hospitalized (21 + days)
- Welfare Fraud Cases on a grant adjustment
- Bench Warrant cases

If APS reflects that an account has been assigned to the delinquent accounts unit for collections, the probationer should be referred to the Lynwood Delinquent Accounts Unit, (323) 249-1584, to discuss financial obligations and make arrangement for payment.

1110 CHANGING THE MONTHLY PAYMENT AMOUNT

(DIRECTIVE 1100 PROCESSING OF FINANCIAL CHANGE FORMS – REDUCTION OF MONTHLY PAYMENTS)

If the account has been assigned to the Lynwood Delinquent Accounts Unit, the DPO can request a change in the Monthly Payment Amount by referring the case to the Financial Evaluator, who will complete a Financial Change form (Prob. 1286). Instructions for completing the Financial Change form (Prob. 1286) are as follows:

1. Complete all information in Section 1.
2. In Section 4, under "Reasons" indicate the change to be made to the probationer's account and a justification for the change.

Example: "Lower monthly payment amount to \$_____. The probationer is currently unemployed, the monthly payment is being decreased based on the probationer's ability to pay," or "Increase monthly payment amount to \$_____. The probationer has obtained employment and has the ability to pay this amount."

3. Sign and date the form.
4. Obtain SDPO initials.

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5. If the account is delinquent, mail or fax the Financial Change form (Prob. 1286) to:

Lynwood Delinquent Accounts Unit
 11701 S. Alameda Street, Ste 3228
 Lynwood, CA 90262
 Fax: (323) 249-1584

All other Financial Change forms should be mailed to:

Los Angeles County Probation Department
 9150 East Imperial Highway, P-73
 Downey, CA 90242
 ATTN: Probationer Accounts

6. Retain a copy of the change form in the case file.

1111 ACCOUNT RECALL

The Account Recall form allows the DPO to notify the Lynwood Delinquent Accounts Unit of a change in the probationer's financial status. An Account Recall form must be sent for the following types of cases:

- Terminated Cases
- Expired Cases
- State Prison Cases
- Outgoing PC1203.9 Transfer
- Bench Warrant Cases
- Summary Probation Cases
- Bench Warrant Cases
- Defendant Deceased
- Community Service in Lieu of Fine
- Custody Cases

Payment disbursement for probationers with multiple accounts (multiple grants):

When a payment is received without an identified account number and there are multiple accounts, the payment will be applied to the case nearest expiration.

1112 COLLECTIONS ACCOUNTS RECEIVABLE SYSTEM (CARS)

The DTTC bills probationers on a monthly basis. The DTTC sends billing statements to the probationer's address, which is maintained on the APS/DFAD screen. The DPO is responsible to reconfirm the validity of the probationer's address on an ongoing bases.

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DTTC DISCONTINUES THE MAILING OF BILLING STATEMENTS TO THE PROBATIONER'S RESIDENCE WHEN THERE HAS BEEN NO PAYMENT FOR TWO CONSECUTIVE MONTHS. .

All payments should have identifying account information written on the check or money order. It is mandatory that the probationer be instructed to :

- **Make the check or money order payable to "Los Angeles County Probation Department".**
- **Include his or her name on the check or money order.**
- **Include his or her payer (DTTC) account number, from the Financial Data (APS/FIND) screen in APS, on the check or money order.**
- **Include the remittance coupon from the billing statement with the check or money order in the envelope provided.**

Probationers should be encouraged to mail payments in the preprinted envelopes that are provided by the Probation Department. **Probationers should not mail payments to the area office.** Payments should be mailed to the following address:

Los Angeles County Probation Department
Post Office Box 60997
Los Angeles, CA 90060-0997

Payments can be made in person at the following address:

Department of Treasurer-Tax Collector
Kenneth Hahn Hall of Administration
500 W. Temple Street, Room 114
Los Angeles, CA 90012

DPOs shall not accept payments directly. If a probationer brings a payment to the area office, it is to be deposited by the probationer in the locked box provided at each work location for forwarding to DTTC. If payments are inadvertently received in the area office, clerical support staff shall ensure that the proper payer number is included on the check or money order, document the event on the APS/DCID screen, place the check or money order in a DTTC envelope and deposit it in the locked box.

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Probation staff shall not to make photocopies of probationer's checks or money orders. If the probationer requires a receipt, he or she may remit payment at the Department of the Treasurer-Tax Collectors Office.

Probationers should be encouraged to maintain their own records and receipts regarding payments made.

Proof of Payment:

When discrepancies occur in crediting an account with a payment, the **probationer must provide the DPO with proof of that payment.** This can be accomplished in one of three ways:

1. Payments that are mailed:

Provide the DPO with **a copy of the front and back of the cancelled check or money order to initiate a search.** This is needed to obtain the DTTC scan receipt number and date, which is located on the back of the canceled check. The information printed on the back of the document is proof that DTTC received and deposited that payment and is necessary to locate the payment.

The DPO will forward the copy of the cancelled check or money order to the **Probationer Accounts Unit.**

2. Payments in Person to DTTC:

Provide the DPO with **a copy of the front and back of the cancelled check or money order to initiate a search.** This is needed to obtain the DTTC scan receipt number and date, which is located on the back of the canceled check. The information printed on the back of the document is proof that DTTC received and deposited that payment and is necessary to locate the payment. **Or,** Provide the DPO with a copy the original register receipt obtained from the DTTC cashier.

The DPO will forward the copy of the cancelled check, money order or original register receipt to the **Probationer Accounts Unit.**

3. Payments made in Court:

Provide the DPO with a copy of the front and back of the cancelled check or money order to initiate a search.

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The DPO prepares a court report requesting the court's verification of the payment and attaching the copy of the front and back of the cancelled check or money order. If the court verifies confirmation of the payment, the DPO prepares a Financial Change form (Prob. 1286) to credit the probationer's account appropriately.

Disbursement of Funds:

Installment payments made by the probationer are distributed on a priority basis, with all monies initially received being applied towards any victim restitution, then court ordered fines and fee, followed by the cost of probation services.

Contact the Probationer Accounts Unit at (562) 940-2617 for inquiries regarding probationer accounts and victim/disbursement information.

Tax Intercept:

Active probationer accounts will be referred for State Tax Intercept when the balance owed is over \$50, regardless of the current status of the account or the probationer's payment pattern. The DPO should confirm that the Social Security Number in the probationer's records is correct, as the SSN will be used to reference the probationer's tax refund for intercept. Verification can be made by referring the SSN to the designated verification officer located at the Alhambra Probation Office.

CARS Information in APS:

The following CARS information is available to the DPO in APS:

- Account Number
- Court Case Number
- X-Number
- Billing Address
- Payment History
- Arrearages
- Financial Obligation
- Account Totals/Balances
- Victim Data

The following changes can be made to CARS accounts in APS:

- Probationer's name correction
- DPO Caseload Number
- PC1203.9 transfer
- Social Security Number
- Court Case Number correction
- X-Number consolidation

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- Probationer's address
- X-Number
- Court Number
- Expiration Date
- Revocations
- Inter-office transfers
- Terminations

CARS/APS Balances:

There may be instances when the CARS balance and the APS balance do not match. In those instances, the DPO submits a Financial Change form (Prob. 1286) to the Probationer Accounts Unit to reconcile the balance discrepancies.

Refunds to Probationer:

Refunds to probationers are requested by submitting a Financial Change form: (Prob. 1286) signed and dated by the DPO and initialed by the SDPO, to the Probationer Accounts Unit. The DPO forwards the original to the appropriate clerical support staff in the Area Office and the copy is retained in the case file. The clerical support staff mails the original to the Probationer Accounts Unit. An explanation regarding the refund is to be noted in detail on the APS/DCID screen. The DPO must insure that there are no possible financial obligations pending, such as the setting of victim restitution, before forwarding a request for a refund. This would include a thorough investigation of matters that have an order for victim restitution, but no amount set-up in the FIND screen.

1113 RESTITUTION

Both the California Constitution (Article 1, 28(a)(b)) and the Penal Code mandate restitution. PC1202.4 provides that in every case where a person is convicted of a crime, the court shall require that the person make restitution to the victim or victims for every determined economic loss incurred as the result of the defendant's criminal conduct.

NOTE: PC1214(B) PROVIDES THAT THE RESTITUTION ORDER REVEALING THE VICTIM'S NAME AND THE AMOUNT OF ECONOMIC LOSS MAY BE FULLY ENFORCED AS A MONEY JUDGMENT BY THE VICTIM AS IF THE RESTITUTION ORDER WERE A CIVIL JUDGEMENT. AT NO TIME WILL A DPO MAKE A RECOMMENDATION TO THE COURT ASKING FOR the CONVERSION OF RESTITUTION TO A CIVIL JUDGEMENT. THIS IS BECAUSE A CRIMINAL MONEY JUDGEMENT CANNOT BE DISCHARGED IN A BANKRUPTCY, WHILE A CIVIL JUDGEMENT CAN.

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1114 RESTITUTION FINE

PC1202.4 requires that in every case where a person is convicted of a crime, the court shall impose a separate and additional restitution fine upon the defendant.

- \$100 - \$1,000 for a misdemeanor conviction
- \$200 - \$10,000 for a felony conviction

Probationer payments collected from the imposed restitution fine are contributed to the "Restitution Fund", which is administered by the State Board of Control, for financial assistance to victims of violent crimes.

The court shall order community service if the restitution fine is reduced.
Payment of the fine cannot be stayed.

1115 COST OF PROBATION SERVICES (COPS)

(DIRECTIVE 886A	NEW RATES FOR THE COST OF PROBATION SERVICES)
(DIRECTIVE 886	NEW RATES FOR THE COST OF PROBATION SERVICES)
(DIRECTIVE 778	INSTRUCTIONS TO ADULT BUREAU STAFF REGARDING THE COST OF PROBATION SERVICES (COPS)
(DIRECTIVE 1100	<u>PROCESSING OF FINANCIAL CHANGE FORMS - REDUCTION OF MONTHLY PAYMENTS</u>
(NOTICE 1476	MULTIPLE GRANTS WITH COPS)
(NOTICE 1487	COST OF PROBATION SERVICES ON CASES WHERE PROBATION IS EXTENDED)

PC1203.1b (a) permits the Probation Officer to determine to collect pay for the cost of supervision in any case in which probation services are rendered. COPS include the cost of preparing the pre-sentence report and the cost of supervision, including processing requests for interstate compact supervision. The defendant reimburses the Department for COPS in the amount and the manner as determined by the Probation Department, based upon the probationer's ability to pay. The probationer's ability to pay will be determined by the Financial Evaluator. The DPO is no longer responsible for the determination of the ability to pay, the monthly service charge or the establishment of a payment plan.

The Supervision DPO shall ensure that a determination of the defendant's ability to pay COPS and the payment amount has been established, and the DPO will enforce the payment plan established by the Financial Evaluator. The DPO or Financial Evaluator shall inform the probationer that he or she is entitled to a hearing in which the court shall make a determination of his or her ability to pay.

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If the probationer does not agree to waive the right to such hearing or objects to the amount of COPS assessed, the Supervision DPO calendars the matter for financial hearing.

When COPS has been ordered by the court, as the result of a financial hearing, and is not fully paid by the end of the probation term, the DPO will submit a request for judgment against the probationer, in favor of the County of Los Angeles, in the total amount of COPS.

A probationer's failure to pay COPS shall not be alleged as a violation of probation and should not be included in any reference to a potential violation for failure to pay a court ordered financial obligation.

1116 COST OF INCARCERATION**(DIRECTIVE 989 NEW RATES FOR THE COST OF PROBATION SERVICES)**

Defendants may be ordered to reimburse the county for reasonable costs of incarceration (PC1203.1c) in the county jail or other detention facility ordered as a condition of probation. The court determines ability to pay. The Probation Department does not collect costs of incarceration.

The Investigation DPO is responsible for advising the defendant of the possibility of payments for costs of incarceration.

1117 FINES (PC1203.1)

The court may order a defendant to pay a fine in a sum not to exceed the maximum amount provided by law. When recommending a fine as a condition of probation, the DPO makes a general recommendation for a "suitable" fine amount instead of a specific dollar amount.

Penalty Assessments are attached to all PC1203.1 fines unless the court has ordered that they not be collected.

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1118 LAB ANALYSIS FEE

Health and Safety Code Section 11372.5 requires payment of \$50 (for each case rather than for each count) of:

HS11350	HS11359	HS11377	HS11380.5
HS11351	HS11360(a)	HS11378	HS11382
HS11351.5	HS11361	HS11378.5	HS11383
HS11352	HS11363	HS11379	HS11390
HS11355	HS11364	HS11379.5	HS11391
HS11357(a) or (c)	HS11368	HS11379.6	HS11550
HS11358	HS11375	HS11380	BP4320

1119 EXTRADITION COSTS

A probationer may be held responsible for extradition reimbursement costs. In applicable cases, a discussion of extradition costs must be included in the Interested Parties section of the pre-sentence investigation report. A specific recommendation for such costs is made on the Additional Conditions of Probation form (Prob.1242) that is attached to the investigation report.

Details regarding extradition and specific amounts are available through the DA' Office, Extradition Section, (213) 974-3877.

1120 SEXUAL HABITUAL OFFENDERS PROGRAM (SHOP) – FINE

Persons convicted of a sex offense that requires registration per PC290 must pay \$200 upon a first conviction and \$300 upon a second or subsequent conviction pursuant to PC290.3 unless the court finds that the defendant does not have the ability to pay.

1121 FINANCIAL CONDITION RECOMMENDATIONS

Restitution Fine: (Required in all felony cases—Prob. 1242 / Required in all misdemeanor cases—Prob. 1225)

Pay \$_____ restitution fine pursuant to PC1202.4 in a manner as instructed by the court/probation officer. Total amount to include a service charge in the amount of \$_____.

Restitution Fine: (Required in all Felony cases when state prison is recommended)

It is recommended that probation be denied and that the defendant be sentenced to _____ with pre-imprisonment credit of _____ days; that the court

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order the defendant to pay a restitution fine in the amount \$_____ as provided in PC1202.4.

Restitution: (Required in all cases in which there is a victim who incurs any economic loss)

Pay restitution to the victim(s) pursuant to PC1202.4 in the amount of \$_____/ in a manner as instructed by the court/probation officer, including a service charge per PC1203.1. Minimum payment of restitution to be \$_____.

Sexual Habitual Offenders fine:

Pay a fine of \$_____ pursuant to PC290.3 through the probation officer (**See AM 1015**, Sexual Habitual Offenders Program)

CDCR-Div. Of Juvenile Justice (Youth Authority) commitments: (Felony cases)

Pursuant to WIC731.1 or GC13956©, the defendant is ordered to pay \$_____ restitution to victim (name) to be collected by the Youth Authority as provided by law.

LOS ANGELES COUNTY PROBATION DEPARTMENT

Subject: ADULT MANUAL PROBATION SUPERVISION	Section: AM-1200
	Effective Date: July 17, 2008
	Approved By: Reaver Bingham, Bureau Chief

(DIRECTIVE 991 ADULT RISK ASSESSMENT-ADULT PROBATION SYSTEM (APS))

1201 INTRODUCTION

Supervision is an intervention into the lives of probationers, and is guided by the court order, state law, Department policy, and the case situation. The Supervision DPO's duties support the Probation Department's service objectives to protect the community and to attempt to bring about responsible behavior in those probationers supervised.

1202 THE COURT ORDER

Court orders are generally of two kinds: those directed at the probationer and those directed at the Probation Officer. All orders are assumed to be in effect until final compliance is verified or until the court modifies them.

Conditions directed toward the probationer are usually expressed in such terms as "obey all laws," or "do not possess". Orders directed to the Probation Officer direct the DPO in specific activities when supervising the probationer. These orders are to be strictly followed.

If any court order appears in conflict with the law or with Department policy, the DPO shall confer with the SDPO and, if necessary, seek immediate clarification from the court. Because the Probation Officer is an officer of the court, the DPO must be guided by the orders of the court when determining appropriate supervision strategies in a given case.

1203 STATE LAW

This Adult Manual and Department Directives comply with legal statutes that relate to probation supervision and other activities and that are mandatory for the Probation Officer. The DPO shall not submit any report or recommendation to the court that is in conflict with the law. It is never appropriate or acceptable for the DPO to withhold essential information from the court.

1204 DEPARTMENT POLICIES AND PROCEDURES

This Adult Manual and Probation Department Directives specify policies and procedures regarding probation investigation and supervision and other responsibilities. Probation Department objectives, particularly to protect the

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community, shall be a primary element in planning and carrying out supervision programs.

Community protection encompasses deterrence, prevention of crime, and collection of restitution and fines to alleviate the harm done by the probationer's acts. Community protection must take precedence over the defendant's rehabilitation. The DPO is responsible for complying with all Department regulations in all case activities.

1205 CASE PLAN

Within the above requirements, each probation supervision plan is designed according to individual case factors. The plan is implemented at the least invasive level of intervention that is necessary to meet the requirements of the court, the law, and Departmental and case objectives. Supervision is essentially an intervention. Although discretion exists in many situations, it does not permit unqualified involvement or intervention in all aspects of a probationer's life. Any planned supervision activity or objective not required by court order, law, or policy must be relevant to aiding probationers in avoiding further illegal behavior.

As part of the Adult Bureaus implementation of Evidence Based Practices, the Levels of Service/Case Management Inventory (LS/CMI) will be implemented. This validated risk and needs assessment tool includes an integrated case plan, that is based on criminogenic risk and needs factors determined through the assessment. The goal is to reduce risk factors and increase protective factors for each probationer, thereby reducing recidivism and increasing public safety.

1206 PROTECTION OF THE COMMUNITY & CONFIDENTIALITY OF INFORMATION

Criminal Offender Record Information (See AM 302) and probation case information, in general, are confidential. Such information may only be released to persons that have a need and right to know. Under certain circumstances, however, the DPO's responsibility to protect the confidentiality of the probationer's criminal history might conflict with the DPO's responsibility to protect others from harm caused by the probationer.

THE DPO OWES A DUTY OF CARE, AND HAS A DUTY TO WARN, ANY THIRD PARTY OR THE PUBLIC WHO MAY BE ENDANGERED BASED ON THE PROBATIONER'S THREAT OF PHYSICAL VIOLENCE OR HARM, AND THE PROBATIONER IS CAPABLE OF INFLICTING SUCH HARM.

In all such circumstances, the DPO shall not be hampered by the rules of confidentiality in notifying the potential victim(s) of the threat and taking immediate action against the probationer in order to protect the public.

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In cases that present no danger of physical violence but do present the danger of monetary loss, the duty to warn is less established. The DPO must determine a “reasonably foreseeable risk of harm” between the probationer’s criminal history and prior pattern of criminal conduct and current situation such as employment or a living arrangement. In such a situation, the DPO should immediately discuss the case with the SDPO in order to establish a “reasonably foreseeable risk of harm.” If established, the DPO shall order the probationer to notify the employer or the person facing potential harm. If the probationer fails to comply, the DPO shall seek the courts guidance in the matter by returning the case to court with an explanation of the circumstances and an appropriate recommendation.

The DPO maintains complete, accurate, and timely case records regarding any potential conflicts and the need to disclose information to a potential victim.

1207 INTAKE

(DIRECTIVE 776 CLARIFICATION OF ISSUES INVOLVING ADULT SUPERVISION CASE ASSIGNMENT)

(NOTICE 1080 ADULT SUPERVISION ORIENTATIONS)

Probationers are generally referred to the Probation Department by the court having case jurisdiction although they may be referred from other jurisdictions for supervision.

Referrals for supervision may occur as follows:

- A probationer arrives at an Area Office with paperwork indicating Probation or DEJ has been granted.
- A probationer arrives at an Area Office without paperwork, claiming that he or she has been granted probation or DEJ.
- A court order or docket is received at an Area Office from the court ordering supervision services, and the probationer has not reported prior to receipt of the court papers.
- A telephone call from the court notifies the Area Office of a new supervision case (requires written confirmation as follow-up).

Clerical support staff screens the referral and record the preliminary information in APS. This initiates the necessary records and assigns the case to a DPO.

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1208 SUPERVISION INTAKE TEAM (SIT)

(NOTE: Because of the large number of Directives and Notices pertaining to this section, only the Directive and Notice number will be listed. The complete title and text of the following Directives and Notices are available on PROBNET.)

(DIRECTIVE 1057)
(DIRECTIVE 980)
(DIRECTIVE 882)
(DIRECTIVE 812)

(DIRECTIVE 1015)
(DIRECTIVE 978)
(DIRECTIVE 880)
(DIRECTIVE 808)

(DIRECTIVE 987)
(DIRECTIVE 885)
(DIRECTIVE 862)

The SIT intake process provides a consistent manner of completing orientations for new probationers or cases reinstated to active supervision. This process includes, but is not limited to, reviewing conditions of probation, providing the probationer with permanent instructions, reviewing financial obligations, determining payment plan, referrals to Financial Evaluator, and making referrals for services. The SIT includes Clerical Support staff and Deputy Probation Officers as a team to ensure unit coverage throughout the course of the work day.

All cases appropriate for SIT will be referred to the area office that services the court in which the probationer was granted probation. Directive 885 mandates that all walk-in probationers will receive temporary or permanent instructions at the office of first contact. The determination of Area Office supervision assignment shall be based on the probationer's residence Zip Code unless the probationer states that an Area Office more convenient to his or her place of employment will facilitate in-person reporting or area office closest to the probationer's residence does not offer the level of supervision required.

The SIT will require probationers to demonstrate acceptable compliance with the court order, and provide verification of requested information. The objective is to place increased accountability on the probationer, verify specific information, and to accomplish an immediate assessment of the probationer's willingness and ability to comply with the terms and conditions of the grant of probation. The probationer will be expected to demonstrate acceptable cooperation and compliance as soon as possible and certainly within the first two weeks following notice of the probation grant or new case assignment. The initial meetings with the probationer will also establish a determination of the financial obligation owed, an assessment of the probationer's "ability to pay," if necessary, and the setting up of a payment plan to provide for payment of the court ordered financial obligations. Additionally, SIT will determine the cost of probation services or make a referral to the Financial Evaluator.

The primary purpose of the Supervision Intake Team is to assure that each probationer reporting for initial supervision, or reinstated to probation following a

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bench warrant, is provided with temporary or permanent instructions, reinstruction, and/or orientation, whichever is appropriate.

Completion of the SIT process will be noted in the appropriate APS screens and the SIT DPO will complete the SIT "Check Sheet" noting all procedures completed, all required information verified and all APS field updated. The check sheet will provide the supervision DPO with information regarding missing information which was not collected, whether the probationer was referred to the Financial Evaluator, and what referrals were made. The check sheet and case file will be reviewed by the SIT SDPO to ensure the case was completion of necessary procedures and that the case is assigned to the appropriate.

1209 ASSIGNMENT OF SUPERVISION CASES

Cases are assigned for supervision in accordance with established policy on the following basis:

Probationers are assigned to Area Offices based on their home address, by Zip code, except:

- The Area Office servicing the court, which granted probation, retains supervision responsibility for those probationers living outside LA County. Consideration should always be given to the possibility of transferring supervision pursuant to PC1203.9. (See SECTION 1600: Transfers). Welfare Fraud cases cannot be transferred out of county. This office is also responsible for completion of all applications and requests for supervision in the probationer county or state of residence, until a final determination is made.
- Those cases, which cannot be transferred to their home counties, are supervised in the Area Office where the investigation was completed (Crenshaw supervises for CAI). In order to facilitate in person reporting and a more effective supervision plan for those probationers who reside in contiguous counties, cases may be transferred to the Area Office closest to the probationer's county of residence.
- Those cases supervised by another jurisdiction (ISC, Courtesy Supervision) are assigned to Administrative Caseloads and are transferred to the Riverview Office. The transfer of supervision process must be complete. Expedited reporting instructions on Interstate Compact requests are not considered a completed application.
- The Area Office where the investigation was completed supervises transient probationers. Crenshaw Area Office supervises CAI transient cases. Transient probationers may be transferred to another Area

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Office if the Supervision DPO and SDPO document that a probationer maintains a “homeless” status in another area of the county and in person reporting will be facilitated by transfer to an Area Office more proximate to the probationer’s place of habitat.

- Probationers are assigned without regard to gender or ethnicity unless such consideration is necessary to meet case requirements. (For example, female-only NTU caseloads, or other gender-specific programming.) Cases are assigned equitably after reviewing factors such as workload, case type, and availability of specialized service caseloads.
- Supervision of **Department employees** on probation, DEJ, or **relatives of employees** who are either victims or who have been placed on probation shall be assigned to an Area Office other than that of the employee. Exceptions require approval of the Adult Services Bureau Chiefs.

1210 ESTABLISHING CONTACT WITH THE PROBATIONER

The Investigation DPO routinely instructs probationers regarding reporting for supervision using the Notice to Report form (Prob. 909) and designates the appropriate area office in the court report. In True Summary cases, probationers may also be advised to report to the probation office by the court granting probation.

1211 APPOINTMENT

Following the completion of the orientation/re-orientation process, the Supervision DPO attempts contact with the probationer as early as possible after being assigned the case. When a probationer fails to report to the probation office, the DPO contacts the probationer by telephone or sends an Appointment Letter (Prob. 1274) to arrange an office interview.

If the probationer fails to report, refer to Section 1215.

1212 WALK-IN

(DIRECTIVE 885 **ADULT BUREAU POLICY FOR PROVIDING “NO WRONG DOOR” SERVICES TO PROBATIONERS**)

Probationers who come into an area office with or without an appointment shall be logged in by clerical support staff and identified in APS, if possible. Clerical staff shall refer all probationers to either the assigned DPO or Officer of the Day (OD), who is responsible to provide the necessary services required by the

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probationer. The DPO shall appropriately update the APS DCID and RPDD Screens or, if necessary, seek assistance from the SDPO. Clerical personnel may enter information on the APS CCID screen pertaining to any clerical procedures addressed or complete.

When a probationer comes into the Area Office without an appointment and the court minute order is not available through TCIS, the probationer shall be referred to the SIT Unit. The probationer will be provided with Temporary Instructions (Prob. 895) by the SIT DPO or the Officer of the Day (OD) in the event the SIT unit is backlogged. Prob. 895 can be located in Probnets under Adult Forms.

With the Temporary Instructions, the SIT DPO:

- Ensures that Prob. 895 is filled out completely with Court Number, X-Number, Court Date, Location of Court, etc.
- Reviews the report-in-person form for completeness of requested data.
- Completes Prob. 895 in triplicate, ensuring that the probationer signs the form.
- Provides a copy of Prob. 895 to the probationer, retaining the original and one copy.
- Sets a return in-person appointment and provides a brief explanation of requirements for the next interview. These include valid identification, proof of residence, employment information, a financial payment and verification of program involvement, if applicable.
- Updates the necessary screens in APS, including RPDD DCID and SIND, noting the date the probationer reported any pertinent information about the probationer or his or her case, as well as the date and time of the next appointment.

In all cases, when a probationer reports to any Supervision Area Office, he or she shall complete a report-in-person form. An entry is made by the DPO who sees the probationer, on the **Defendant's Chrono Information Data (APS/DCID)** screen, noting the report and that Temporary Instructions (Prob. 895) have been given to the probationer. The fact that Temporary Instructions (Prob. 895) have been given shall be updated on the APS/SIND Screen. The probationer shall not be rerouted to the correct area office, per the Bureau's "No

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Wrong Door” policy. Upon completing the foregoing, the SIT or OD will instruct the probationer to report to his or her home office the following month.

1213 LOCATING PROBATIONERS IN CUSTODY

The probationer’s location and booking number is determined through APS, JDIC, Sheriff’s Booking Records, Sheriff’s Internet Inmate Locator, and Consolidated Criminal History Records System (CCHRS) or by telephone call to LASD booking information, (213) 473-6100.

Probationers in custody at Pitchess Honor Rancho (formerly known as Wayside) may be transported to the main county jail for interview upon request of the DPO by contacting the Department’s liaison at (213) 974-9009 (Wayside Order-outs). However, this option should only be utilized if a video conference interview with the probationer is not possible. (See AM Section 512, Video Conferencing)

To arrange for a custody interview, the DPO checks the probationer’s booking record and TCIS for additional court cases and hearing dates to determine that the probationer is available for interview at the specified jail location.

Prior to leaving the Area Office for a custody interview, the DPO consults Sheriff’s Booking information to confirm that there have been no changes in the probationer’s location.

It is vital that DPOs check Immigration Records to determine if a probationer was turned over to Immigration and Customs Enforcement for deportation proceedings. This information may be obtained through INS records in the JDIC records system.

1214 INTERPRETERS

(DIRECTIVE 931 TELEPHONE TRANSLATION SERVICES)

(NOTICE 1491 ACCESSING INTERPRETER ASSISTANCE FOR DEAF AND HEARING IMPAIRED ADULT PROBATIONERS)

Case materials, court records, minute order (TCIS), and investigator’s worksheet are reviewed to determine if an interpreter is needed. The Court Interpreter’s Office no longer provides interpreters for probation interviews, unless the court has specifically arranged for the interpreter to be available.

Some area offices have departmentally certified interpreters who may assist investigators in the interview via video-conference; however, if one is not available, the investigator simply indicates in his report that the interview could not be conducted due to the absence of an official interpreter.

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In the case where a deaf or hard of hearing interpreter is required, the DPO will contact the Ombudsman office at Probation headquarters to get authorization. The contact information for the authorized vendors is contained in Notice 1491.

For other occasions, when Interpreter Services are needed, the DPO may seek assistance from the Area Office's bilingual staff. Further, the Department has made available telephonic "Language Line" services, which may be accessed by the DPO by using special codes that are available from the area office Director.

1215 INITIATING SUPERVISION

The DPO has a twofold responsibility: first to establish a supervision plan that will allow verification of the probationer's compliance with the court orders and establish a plan that promotes the probationer's compliance with the court orders; second, to create an atmosphere in which the probationer can reduce his or her Criminogenic risks and needs factors, and increase protective factors. In most cases, this process will be initiated by the SIT unit. However, in some cases, such as High Profile probationers, the process will be completed by the supervision officer.

- Upon assignment, the Supervision DPO establishes contact with a probationer within 30 days to conduct an initial interview and to issue instructions.

Note: DPOs are required to issue Permanent Instructions (Prob. 895) to probationers within 20 days of sentencing or release from custody. The date scheduled for the issuance of permanent instructions, as well as the actual date the permanent instructions are issued shall be recorded on the designated fields on the APS/SIND screen. If the probationer fails to report to the Probation Department or present himself/herself for orientation as instructed, the DPO shall calendar the matter for violation within 30 days of release from custody.

- At the initial supervision meeting the DPO completes the following activities as appropriate:
- Verifies probationer's address by current rent receipt, utility bill or letter received by defendant via U.S. mail. (Drivers license by itself does not constitute valid address verification.)
- Explains to the probationer the importance of keeping the DPO informed of the probationer's current address.

The address maintained in probation records (APS DFAD) shall be a valid address, where the probationer resides and/or can receive

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mail. Transient probationers may have an address where they are able to receive mail. The DPO shall attempt to obtain and verify that address information. The DPO shall attempt to verify any address information through FINALST.

- Provides probationer with a copy of the court order and instructs the defendant on the specific conditions of the probation grant.
- Reviews the “Instructions to Adult Probationer” (Prob. 895) with the probationer and procures probationer’s signature to acknowledge receipt of form.
- Instructs probationer regarding subsequent court hearings or progress reports and records any special instructions given to defendant in APS.
- Instructs probationer regarding his or her reporting responsibility (this may include using Report-In-Person form (Prob. 34B) or reporting via KIOSK.
- Informs the probationer that the Report-In-Person form (Prob. 34B) is completed per appointment, as scheduled by the DPO, but shall occur no later than the last business day of the month.
- Where applicable, informs probationers’ regarding requirements for registration. HS11590 and PC457.1 require registration within 30 days of court order. PC290 requires registration within 5 days of the notice to register. (See Section 400, Probationer Registration).
- Reiterates to probationers financial obligations, particularly any victim restitution ordered by the court or determined by the probation officer.
- Reviews the probationer’s ability to pay all court ordered financial obligations.
- Reviews the probationer’s ability to pay COPS. Informs probationer regarding COPS total using Waiver of Rights to a Hearing Regarding Cost of Probation Services (Prob. 1361).
- Informs the probationer regarding the pending court hearing, if the waiver is not signed.

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- Reviews the total financial obligation and collects the financial payment in full or reviews the payment plan to assure completion of financial obligation within the shortest period of time.

NOTE: Total payment must be completed within 120 days of expiration. (See AM 1107, Financial Responsibilities).

- Instructs probationer to pay on a monthly basis according to the established plan unless excused for reasons set forth in AM 1107, Financial Responsibilities). The minimum payment shall be of an amount that is sufficient to insure full repayment 120 days before case expiration.
- Refers the probationer to treatment, educational or community service programs, as per the court order, and advises of the expected enrollment and completion dates.
- Obtains a signed Release of Information from the probationer (Prob. 1051), if needed, in order to secure confidential information from an agency.
- Checks APS to insure proper recording of CII number, payment plans, etc. If no CII number is recorded in APS, the DPO will check CII records. If no CII number exists, the probationer will be referred to the nearest Live-Scan collection station for finger printing.

The instructions to Adult Probationer (Prob. 895) and the court order contain all terms and conditions of probation and set the parameters for expected behavior from a probationer. Orders of the court are to be followed explicitly by the DPO and the probationer. If any order appears unenforceable or the intent of the court seems ambiguous, the DPO will return the matter to court to request clarification or modification of the order.

The probationer shall be re-instructed (Prob. 895) in writing and provided a copy of the instructions and subsequent court order whenever there is a modification to the terms or conditions of probation.

1216 SUPERVISING PROBATIONERS

(DIRECTIVE 790 ADULT PROBATIONERS RESIDING IN ADJOINING COUNTIES)

The Supervision DPO monitors compliance with the court-ordered conditions of probation, DEJ or Diversion. The frequency, type and number of case contacts

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are determined by the DPO based upon the court order, Department policy and work instructions.

THE DPO IS RESPONSIBLE TO RECONFIRM THE VALIDITY OF THE PROBATIONER'S ADDRESS ON A ROUTINE BASIS.

1217 NARCOTIC TESTING INFORMATION

All cases that include conditions D02- "Submit to periodic narcotic test as directed by the Probation Officer" and/or D03-"Anti-narcotic test to administered at least _____time(s) per month" in the Adult Probation System (APS) or the Trial Court Information System shall be assigned to a Narcotic Testing Unit (NTU) Tier I caseload. Conditions D02 and D03 are the only conditions that will set the test flag in APS. While some courts may word the order for narcotic testing differently than indicated in the D02 and D03 codes, the probation officer must review the order and consider the intent of the court. If it is confirmed that the court's intend is to have the probationer tested, the code (D02 or D03) that most closely fits the order or intent of the court will be entered and the case will be assigned for testing to NTU. (and the case be will assigned for anti-narcotic testing.)

Specialized Units (Sex Registrants, Child Threat, Gang, Domestic Violence, and BIG MAC) with test flag D02 and D03 shall remain with their appropriate caseload. Cases with a risk score of 15 or higher that include D02 or D03 and are not assigned to one of the specialized caseloads shall be assigned to a NTU Tier I caseload.

NOTE: Cases with a risk assessment score of 15 or more with a deleted anti-narcotic testing order shall be placed on a HRO caseload. Cases with a risk score of 14 or less with a deleted anti-narcotic testing order may be transferred to the Automated Minimum Service (AMS) caseload located at the Riverview Area Office. Deputy Probation Officers and Supervising Deputy Probation Officers shall thoroughly review prospective AMS cases with a deleted anti-narcotic testing order to ensure the criminal matter (level of violence, firearm use, heinous crimes, etc.) does not warrant an assignment override to a HRO caseload prior to approval and transfer to the Riverview Area Office.

Cases from outside counties or states that require formal supervision with anti-narcotic testing orders and are subject to anti-narcotic testing in their home jurisdiction shall be assigned to NTU for testing, in accordance with Departmental Policy and Procedure. To set the test flags in APS, the appropriate condition (D02 or D03) that is the closest match for the original order shall be entered into the APS- Count of Conditions Data screen.

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Standards for testing are developed in conference between DPO and SDPO for each individual case, with the objective of providing protection to the community and the detection and deterrence of drug abuse.

The standards for testing are set at various levels depending on the case conference as follows:

- Tier 1 – two tests per month (below maximum yardstick 130)
- Tier 1 - Once a month above yardstick maximum
- Tier 2 – quarterly testing

Note: A level of cooperation must occur between DPOs assigned to Narcotic Testing, Child Threat, Sex Registrant and Domestic Violence caseloads to ensure testing is accomplished when ordered by the court.

1218 ASSIGNMENT OF CASES TO AREA OFFICE

Cases shall be assigned to the Area Office that supervises the area where the probationer is actually living. If the probationer is to be in a program for 59 days or less, the case is assigned to the NTU aligned with the probationer's verified and valid permanent home address, or, if transient, to the office that services the court. If the probationer is to be in the program for 60 days or more, the case is to be assigned to the NTU aligned with the address of the program. Once the probationer is released from the program, and the permanent home address is verified, the case is to be transferred to the NTU that is aligned with that zip code, and will be supervised on Tier 2 (Unless minute order specifies higher frequency testing or by SDPO override to Tier 1.)

A controlled substance test consists of collecting a urine specimen, accurately completing the "chain of custody" document and forwarding it to a laboratory under contract to the Department for analysis. The laboratory routinely screens specimens for controlled substances and their metabolites such as Barbiturates, Opiates, Amphetamines, Methamphetamines, Diazepam, Cocaine, Methadone, Propoxyphene and Phencyclidine using a variety of scientific procedures. In addition, special screening for other drugs can be requested by the DPO with SDPO approval. Test results are reported to the DPO by the contract laboratory. The DPO is responsible for maintaining accurate and updated test records in the APS NTUD screen and the case file.

1219 INSTRUCTING NTO CASES

In addition to the permanent instructions, the probationer receives a copy of available accredited drug programs, the Narcotic Testing Instructions (Prob.1048), and Telephone Answering Instructions (Prob. 1203). The

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probationer is assigned a unique code, which is used to determine when he or she is to report for testing. All probationers that are ordered to submit to anti-narcotic testing and are assigned to an NTU caseload must be given a test code, and must be placed in a testing group. These forms are discussed with the probationer. A notation is made on the APS/DCID screen and signed copies of the forms are retained in the case file.

1220 COMMON TYPES OF PROBATIONER CONTACTS

Interviews with probationers serve various purposes. These include:

Initial Interview:

The DPO explains to the probationer the expectations of the court and probation, and the general nature of the supervision process. DPO informs the probationer that all violations will be reported to the court. For additional information, see Initiating Supervision (AM-1216).

The DPO explains to the probationer the importance of keeping the DPO informed of his or her current address. The address maintained in probation records (APS) shall be a valid address, where the probationer resides and/or can receive mail. Transient probationers may have an address where they are able to receive mail. The DPO shall attempt to verify such information.

Question/Answer/Request:

These interviews may focus on a specific problem such as determining appropriate treatment programs, discussing difficulties in complying with the court orders, or securing permission to leave the county, state or country. The DPO defines and resolves the immediate problem, as appropriate.

If action is needed to ensure compliance with court orders, the probationer is instructed regarding what specifically must be done (i.e., obtaining verification of enrollment in a treatment program). Frequently, the situation may be resolved through referring the probationer to an appropriate agency. If the probationer appears to be avoiding compliance with the supervision plan, confrontation, admonition, and consideration of a violation report to the court are appropriate.

PROBATION SUPERVISION**Admonition:**

In this interview, the DPO confronts the probationer regarding lack of compliance with the conditions of probation, which may not yet be serious enough to require court action. These could include a failure to make a payment for financial obligations, irregular attendance in treatment programs, or a general fault in complying with other terms of probation.

The DPO informs the probationer of the specific areas of non-compliance with the probation plan. The probationer must understand what is required in order to fully comply with the conditions of probation. The DPO also discusses possible consequences of the probationer's repeated or continued failure to comply.

The content and tone of the interview depends on many factors, including case type, the probationer's understanding of what exactly he or she must do, or desist from doing, to fully comply with the probation plan. While a firm demeanor may be necessary, respect and courtesy toward the probationer are fundamental.

Violations of Probation:

The DPO investigates and questions the probationer regarding the potential violation(s) of probation to obtain information or a statement for the court report. In addition, the DPO attempts to elicit from the probationer, his or her expectations in regard to the consequences of their behavior.

When conducting an interview for a Bench Warrant Pick-Up Report, the DPO procures the information needed to complete the report. (See AM-1234 Bench Warrants).

IF THE DEFENDANT HAS BEEN ARRESTED FOR A NEW OFFENSE AND THE CASE HAS NOT BEEN ADJUDICATED, THE DPO SHALL NOT QUESTION THE DEFENDANT REGARDING HIS OR HER INVOLVEMENT IN THE NEW OFFENSE.

After an interview regarding a possible violation, the DPO shall either:

- Calendar a violation report or
- Submit a Notice to Court of Arrest of Probationer (Prob. 1082)

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Common interviewing principles apply when the probationer is interviewed. The DPO maintains a professional demeanor and controls the interview. The DPO is balanced and objective, giving due weight to both positive and negative information.

A probationer is given the opportunity to ask questions, or to provide additional information. The DPO is observant, curious and skeptical, probing for answers beyond the superficial and alert to contradictory or improbable information offered by the probationer.

1221 REPORTING

(DIRECTIVE 950 CHANGE IN PROCEDURES - DEFENDANTS WITH NEW GRANTS OF PROBATION ARE TO REPORT TO THE AREA OFFICE WHICH SERVICES THE COURT DISTRICT IN WHICH PROBATION WAS GRANTED)

If the probationer reports in person, the report-slip information is reviewed for accuracy and completeness. The probationer is questioned and the level of compliance with specific conditions is noted in case records. Any changes in instructions or orders to the probationer are documented in case records and appropriate action taken. The DPO shall explain to the probationer the importance of keeping the Probation Department informed of his/her current address at all times.

Field contacts are usually made by DPOs supervising specialized caseloads such as Sex Registration, Child Threat, Narcotic Testing, Domestic Violence, Gang, etc. (See AM 1223, Field Contacts).

All case contact and other pertinent information is to be documented in case records (APS/DCID). All field contacts are to be cleared with the unit SDPO, and the DPO will not venture into the field alone. Officers making field contacts may employ the assistance of another specialized caseload DPO, a representative of the Specialized Enforcement Operations, or local law enforcement.

Any time a probationer reports to the area office and is seen by the supervision DPO or the OD, the probationer shall be required to complete a Report-In-Person slip (Prob. 34B). The DPO assisting the probationer is responsible to review the Report-In-Person slip to assure it has been successfully completed and the information is entered on the APS/DCID, RPDD or TECD screens. The Report-In-Person slip is forwarded to the DPO of record. If the probationer reporting is not assigned to the office, the Officer shall ensure that the matter is referred to a clerical support staff with global access in APS to enter the data in the appropriate APS fields. The completed report-in-person form may be sent to the DPO of record via County Mail.

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Any report from the probationer that indicates noncompliance with the conditions of probation and/or a new arrest is to be identified for immediate investigation and possible violation proceedings.

A DPO may initiate a Violation report to the court for a probationer's failure to report during any month. However, upon the second consecutive failure to report (2 months of non-reporting), it is mandatory that the matter be investigated and reported to the court for potential violation or desertion proceedings.

All probationers shall submit a written report a minimum of one time per month in-person or via KIOSK, depending on the risk level and caseload type. A probationer is excused from reporting or testing for the month only under the following conditions:

- Incarcerated for 21 or more days during the month. (When a probationer is serving time in the county jail as a condition of probation, the DPO is responsible to ensure that the tentative release date has been entered on the APS/DFID screen. If the DPO becomes aware of the need to update this information, he/she ensures that the necessary entry is made on the APS/DFID screen.)
- Confined to a hospital or a certified and Probation Department approved residential treatment program for 21 or more days during the month.
- Matter is calendared for desertion.
- New supervision case received after the 21st day of the month.
- Court order allowing the probationer to be out of the country without a responsibility to report to the DPO.

Proper case management requires the DPO to set appointments with probationers when it is necessary to interview, collect information, review compliance with court orders, investigate potential violations, and to re-instruct when the court has ordered modifications to the conditions of probation. The DPO also responds to probationers requesting in-person appointments. (See AM 1223 for Field Contacts).

IN ALL SUCH CASES THE APS/RPDD MUST BE UPDATED (THROUGH APS/DFPD) TO INDICATE THE APPROPRIATE REPORTING STATUS.

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1222 KIOSK REPORT IN SYSTEM

(DIRECTIVE 1004 KIOSK REPORTING FOR HIGH RISK OFFENDERS CASELOADS)

(DIRECTIVE 951 PROPOSITION 36 CASES ON KIOSK)

The KIOSK Report-In System is designed to allow probationers to report to probation in cases where face-to-face contact is not necessary (usually Automated Minimum Services cases that were assessed as low-risk or assigned to Prop 36.) The system uses a biometric palm reader to verify the identity of the probationer, and requires the probationer to answer pre-programmed questions. If the answers deviate, then the probationer is alerted that he or she must see his or her Deputy Probation Officer or the attendant, where available. The system also allows for financial payments to be made. The KIOSK system also maintains the ability to communicate with the probationer through a message system, and allows the probationer to leave messages or questions for the assigned DPO. It is the DPO's responsibility to ensure that KIOSK messages are checked and addressed in a timely manner.

The DPO should check DCID and other applicable APS screens to ensure that those probationers who are reporting via the KIOSK are reporting as required, that their residence, employment, and vehicle information has not changed, and that they have not been arrested during the past month. If there are any questions to which the probationer answers "yes", the DPO should contact the probationer immediately and assess the probationer's situation.

High Risk Offender caseloads may also use the KIOSK, but only in cases where the probationer demonstrated compliance with probation conditions for at least one year and the unit SDPO has approved the assignment to KIOSK reporting. The probationer shall not report more than two consecutive months by KIOSK, and any missed report-in or potential violation of probation conditions shall result in the probationer's disqualification from further KIOSK reporting.

1223 RECORDING (CASE HISTORY)

By law (PC1203.10) the Supervision DPO must maintain a written record of each active probation case. The Supervision DPO makes accurate, current and complete case notations that provide a continuing evaluation of the probationer's behavior and activities, with respect to compliance with court orders. This comprises the legal case history as detailed in Probation Department Records. (See AM-3.10, Probation Department Records)

The Probation Department's case records, for all caseloads, are maintained in APS. The DPO is responsible to assure the case records are accurate and updated as necessary. The DPO shall maintain and review case notations, as

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necessary, to remain current in regards to the probationer's compliance with court orders and the DPO's instructions.

The Probation Department uses computerized case recordings for all caseloads, which are maintained in the APS DCID, CCID, and/or TECD screens.

Chrono entries shall contain any and all case contacts, including:

- Date case received/reviewed
- Changes in probationer's status
- Special instructions given probationer
- Reminders to defendant regarding pending court hearing
- Probationer's conduct
- Case clearances with SDPO
- Notations of correspondence, incoming and outgoing
- Arrests and violations
- Payment plans
- All actions taken by the DPO on the case

The automated database also includes information regarding:

- Legal history of the case including continuance dates for progress reports
- Reporting history
- Payment history

1224 FIELD CONTACTS

A field supervision contact is any visit with the probationer or collateral contact outside the Area Office, and is subject to prior approval by the SDPO. Field contacts may include but are not limited to visiting the probationer:

- In the home

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- At a place of employment
- At a counseling program
- At a hospital
- At a residential treatment program
- At other sites

Significant changes and other pertinent information are documented in case records (APS/DCID Chrono Screen).

Prior to the initiation of any field contact, the DPO will provide the SDPO with a clear itinerary of all probationers that will be seen in the field, including the probationers address, the approximate time of contact, the sequence of contacts and the reason for the contact. All field contacts must be cleared with the SDPO.

At the current time, the Bureau is distributing appropriate field safety equipment and will be developing procedures and training for DPO's required to make field contact with the probationer. DPOs are required to maintain safety equipment and complete required safety training in order to maintain assignment to one of the above listed caseloads.

1225 INTERSTATE COMPACT TRANSFERS (SUPERVISION)

(DIRECTIVE 1031	ADULT TRANSFER CHECK SHEET (PROB 577)
(DIRECTIVE 994	NEW PROCEDURES FOR THE PROCESSING OF INTERSTATE COMPACT CASE TRANSFERS)
(DIRECTIVE 957	JURISDICTIONAL TRANSFERS AND COURTESY SUPERVISION PURSUANT TO PC 1203.9 - MODIFICATION TO DEPARTMENTAL NOTICE 1280 AND DIRECTIVE 905)
(DIRECTIVE 917	PROCEDURES FOR PROCESSING OUTGOING INTERSTATE COMPACT CASES)
(DIRECTIVE 905	TRANSFERS OF ADULT INTERSTATE COMPACT CASES AND PC1203.9 COURTESY SUPERVISION CASES ACCEPTED FOR SUPERVISION IN OTHER JURISDICTIONS)
(DIRECTIVE 846	ADULT BUREAU CLEARINGHOUSE-SUPERVISION CASE TRANSFER GUIDELINES)

The rules of the Interstate Compact require that a receiving state supervise an ISC case exactly as they would supervise a similar case of their own. The principal difference in providing supervision of ISC cases is that only supervision is transferred to the receiving state. Jurisdiction of the case **always** remains with the sending state. Therefore, the sending state is responsible for collecting all fines, restitution court costs and other financial obligations except COPS.

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Likewise, the sending state will be notified of any violations that occur for possible action.

1226 SPECIAL CONDITIONS

At the time of investigation or supervision or during supervision, the compact administrator or the supervising authority in the receiving state may impose special conditions of probation. Such conditions must be consistent with what the state would impose on their own offenders.

Conditions added in this manner by the receiving state have the same force and effect as the conditions initially granted in the sending state. Therefore, if a violation of such a condition occurs the DPO will return the matter to court for violation proceedings regardless of the fact that the added condition was not one initially imposed by the granting court.

1227 OFFENDER REGISTRATION IN THE RECEIVING STATE

A probationer transferred under the compact must comply with any registration or DNA testing requirements of the receiving state.

1228 VIOLATION REPORTS

Any violation of probation must be reported to the sending state within 30 days using the approved ICAOS Form **Offender Violation Report**. The form **Response to Violation Report** must be submitted to the receiving state within 10 days of receiving a violation report. All forms are routed through the ISU in Sacramento.

1229 PROGRESS REPORTS

(NOTICE 1462 COMMUNITY SERVICE VERIFICATION)

Progress reports are submitted on an annual basis. The first progress report is due on the yearly anniversary date of the date of acceptance and every year thereafter. Progress reports are submitted on the approved ICAOS Form, **Progress Report**, and are routed through the ISC unit in Sacramento. All current ISC forms are available in Probnets under "Adult Forms."

1230 TRAVEL PERMITS**1. Temporary Travel Permit**

The DPO may authorize travel to any state or territory of the United States for a period of time not to exceed 30 Days. The DPO **may not** approve travel to

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a destination outside of the U.S. Probationers requesting travel to a foreign country must be referred to the court granting probation for such permission. It is advisable that the probationer be directed to visit or contact the Consulate of the country to be visited, to assure they are not violating any local statute, ordinance, or edict regarding convicted persons visiting that particular country.

Travel to another state is to be by the most “**expeditious**” route possible, given the mode of travel. Permission to travel is granted only for that period of time necessary to complete the purpose of the travel and to return. Probationers granted permission to travel should be in compliance with all conditions of probation.

- a. Travel permits are **not** renewable. The probationer must return and report in before being granted another travel permit.
- b. Travel permits are **not** issued for the purpose of seeking employment in another state.
- c. Travel permits are single destination specific. Multi-state travel is in most cases **not** permitted.
- d. Probationers should be instructed to carry the travel permit with them at all times.
- e. Some states have enacted laws providing for the arrest of Probationers found in their state without compact authority. Temporary travel does not fall under the compact. Those states are Connecticut, Minnesota, New Hampshire, North Dakota, Pennsylvania and Tennessee.
- f. Probationers should be instructed regarding registration requirements in the state to which they are traveling (e.g. Nevada requires registration of felons if their stay exceeds 48 hours).

2. Provisional/Transfer Travel Permit

A provisional travel permit is to be used when travel is authorized by a sending state for a probationer to proceed to the receiving state **prior** to acceptance of the case by the receiving state, but only after reporting instructions have been provided. A Provisional Permit is used for any form of expedited travel (returning resident, emergency or forthwith order). Travel to a third party state should never be included.

3. Sex Offender Travel Permits

If a probationer required to register as a sex offender under PC 290 requests permission to travel outside of the County of Los Angeles the probation officer must consider each case on an individual basis. The probationer should be advised that all out of county, out of state, and out of the country travel requests must be approved in advance by the Deputy Probation Officer,

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Supervisor, and when necessary, the court. The probationer must also submit a detailed itinerary which must include specific locations of travel, dates and times, duration, and departure and return dates. When traveling, PC 290 probationers must also obey all laws and follow the applicable sex offender registration requirements of each jurisdiction to which they will be traveling. In evaluating a probationers request for permission to travel the probation officer must take into account both the **need** for travel and **reason** for travel

TEMPORARY TRAVEL OUTSIDE CALIFORNIA

The policy of the Probation Department is to refer all requests for travel outside of the state of California to the court. If the Court grants permission to travel, the Temporary Travel Permit (attachment) must be completed and sent to the Interstate Compact Office in Sacramento.

TRAVEL PROCEDURES:

1. The DPO shall request a detailed itinerary from the PC290 probationer noting where he or she plans to sleep, the stops that will be made, the time to be spent at each location, and the address and telephone number of each location.
2. The DPO shall complete and fax the Travel Permit and the Minute Order approving travel, to the California Interstate Compact Office at **916-341-7334**. Also send a hard copy to:

California Department of Corrections and Rehabilitation
California Interstate Compact
Deputy Compact Administrator: Probation
610 Bercut Drive, Suite B
Sacramento, CA 95814

3. The DPO shall request receipts from the probationer, upon her or his return, and compare these with the previously submitted itinerary.
4. The DPO shall note each action and request in APSTTECD.
5. The DPO shall place all copies of the itinerary, receipts and Travel Permits in the X-file.

IT IS IMPORTANT TO BE AWARE OF THE FOLLOWING:

1. The California Interstate Compact Office will contact the states noted on the itinerary.

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2. If the PC 290 probationer works out of state, this process must be completed each time a work related trip is planned.
3. The DPO must inform the PC290 probationer regarding the sex registration requirements for each state to which the he or she is traveling or traveling through, regardless of the reason for travel. This information can be found by going to www.sexcriminals.com, then selecting "sex offender registry" and left-clicking on the state(s) of choice. Information can be gathered from that web site or by contacting the people noted for the state of inquiry or go to Meagan's Law and select the appropriate state.
4. Permanent probation instructions note the request to leave the State must be made two months in advance.
5. **If the probationer was on probation in one of the U. S. protectorates, such as Guam or Puerto Rico, and is currently under supervision with this Department, a travel permit is required and the above noted procedures must be followed.**

TEMPORARY TRAVEL OUTSIDE THE COUNTY OF LOS ANGELES

There is no blanket restriction on the travel of sex offenders outside the County of Los Angeles, but within California, that are supervised by the County of Los Angeles Probation Department. The probation officer must take into consideration the need for the probationer to travel outside the county and each request must be considered individually. Permission may be granted by the supervision officer after careful review of the probationer's case and verification of the reason and need to travel. The supervision officer may consult with his or her supervisor in coming to a decision on the matter. As a last resort, the DPO may wish to consult the court, particularly in cases where the probationer must travel to a different county on a regular basis.

TEMPORARY TRAVEL OUTSIDE THE UNITED STATES (AND IT'S TERRITORIES)

Any time a probationer requests permission to travel out of the country, the probationer shall be referred to court for permission to travel. The probation officer should request an itinerary and the name or contact at the travel agency that booked any tour package. The DPO will calendar and submit a Modification of Probation Report (Prob. 712) to the court indicating the probationers request permission to travel and a copy of the itinerary should be attached to the report. The probation officer will provide a recommendation either for or against permission being granted. The recommendation will be based on a consideration of the probationer's reason and need to travel and the probationer's compliance with probation terms and conditions.

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Probation Officers must be careful to verify the source and intent of travel abroad to assure the probationer is not booking travel to destinations that have a reputation for catering to the probationer's sexual proclivities.

NOTE: When referring the probationer to the court regarding a travel request the probationer officer is to first contact the court, set the matter on calendar and provide the court with a report.

EMERGENCY REQUESTS

A probationer may need to travel out of state due to an emergency. Such emergency situations include, but are not limited to:

1. Obtain medical treatment that is only available out of state (defendant or immediate family member).
2. Travel to assist or see a close family member that is hospitalized, convalescing, or terminally ill.
3. Attend the funeral of an immediate family member or close relative.
4. Obtain training needed to maintain or secure employment.

If the probationer is traveling out of state, the probation officer should make the necessary contact with ISC in Sacramento, according to procedures indicated above. Should the probationer need to travel out of the county, but remain in California, the probation officer may grant permission to travel. If the probationer must leave the country, the probation officer must contact the court immediately and attempt to have the matter calendared within 24 hours. The probation officer will complete a brief report regarding the probationer's situation and make a recommendation to the court regarding the travel request. The probationer should then be referred to the court.

1231 SUBSEQUENT TRANSFERS

In some cases, a probationer supervised by the County of Los Angeles through Interstate Compact or courtesy supervision from another county, may move to another county within the State of California, or request to relocate to another state.

1231.1 Transfer to a Subsequent Receiving State

The original sending state makes the request of the new receiving state for transfer. The DPO of record will assist the sending in acquiring the probationer's information and signatures and submit a progress report.

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The DPO shall issue a travel permit when approval of the transfer is received from the sending state and reporting instructions are received from the new receiving state. The probationer will not be allowed to leave the state until reporting instructions are secured from the receiving state.

1231.2 Transfer to Another County Within the Receiving State

The receiving state makes a request of the new county to accept supervision of the probationer. As acceptance of the probationer has already been provided by the state the new county must accept the case. The DPO forwards the ISC application packet and a brief summary of the probationers conduct under supervision. A copy of the ISC transfer packet is retained in the probationer's case file.

1231.3 Probationer Requests Return to the Sending State

The receiving state shall request reporting instructions, unless the probationer is under investigation or charged with a new criminal offense. The sending state will provide reporting instructions within 3 business days. Upon receipt of reporting instructions the DPO will issue a travel permit and allow the probationer to proceed. The DPO will then send a Notice of Departure through the ISC Unit in Sacramento.

1232 CLOSING SUPERVISION

The receiving state may close and cease its supervision of a probationer upon any of the following:

1. The date of expiration
2. Notice to the sending state of the absconding of the probationer
3. Notice to the sending state of incarceration of the probationer for 180 days or longer
4. Notification of death
5. Return to the sending state

The DPO completes ICAOS Form, Case Closure Notice, attaches any documentation and sends through the ISU to the sending state.

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1233 TRUE SUMMARY GRANTS

A True Summary grant occurs when the court (summarily) places a defendant on formal probation, DEJ, or Diversion without a prior referral to probation for an investigation report. A court report is not prepared unless ordered by the court.

True Summary cases are assigned to the Investigation Area Office servicing the court that referred the case. The case will not be assigned for supervision until the Investigation DPO has completed the case set up.

If the defendant has an active probation case, the True Summary case is assigned to the Supervision DPO on the active case, for processing and set up. The DPO takes steps to assure the court in the active case is notified regarding the new grant of probation. If the defendant is in custody, the DPO determines the need to suspend DTTC billing statements on all cases.

- The DPO completes the True Summary Worksheet (Prob. 1228), and ensures the necessary case data has been entered into APS.
- The DPO reviews the court ordered conditions of probation, and if necessary, identifies the victims and submits a Victim List (Prob. 1209) for processing through ACRU (See AM - 1103 and 1105), within one day of receiving the referral.
- The DPO instructs the defendant on the conditions of probation using Prob. 895.
- The DPO completes a Risk Assessment (APS-DRAD).
- A case conference is scheduled with the SDPO to confirm the appropriate caseload to which the case should be assigned.

The supervision process regarding the making of referrals, determining responsibility for financial obligations, probationer reporting requirements, and enforcing compliance with ordered conditions is the same as any other grant. (See AM-1216, Initiating Supervision)

1234 VIOLATIONS

- | | |
|----------------|---|
| (DIRECTIVE 853 | REPORTING ARRESTS AND VIOLATIONS OF PROBATION TO THE COURT) |
| (DIRECTIVE 852 | CRIMINAL INCIDENT FILING GUIDELINES) |

PROBATION SUPERVISION**ALL POTENTIAL VIOLATIONS SHALL BE CALENDARED OR REPORTED TO THE COURT WITHIN 30 DAYS OF THE DATE THE DPO IS NOTIFIED OF THE POTENTIAL VIOLATION.**

There are two basic methods by which the court is informed of possible violations:

1. The DPO submits the court report and attaches the appropriate set-on slip to calendar the case for violation.
2. The DPO submits a Notice of New Arrest/Potential Violation (Prob. 1082 revised).

Notices of Potential Violation are used when the DPO is not recommending a change in the conditions of probation or further sanctions. If ordered by the court, after submission of the Notice of Potential Violation, the Supervision DPO prepares a full violation report.

An alleged violation may be:

1. Any breach of any of the terms or conditions of probation or of the rules and regulations of the Probation Department, such as desertion, failure to pay restitution or fine, testing positive for narcotics, or failing to complete a treatment program.
2. A subsequent arrest or conviction.
3. A failure to complete the required registration process (Sex, Arson, Narcotics) following the notice to register.

When a probationer has been convicted of a new offense and the court orders a pre-sentence investigation, a dual ("double barrel") recommendation may be submitted. This replaces a violation report by the Supervision DPO. (See AM-505, Dual Recommendations)

The Supervision DPO investigates a potential violation by conducting an automated criminal history record check, including a DMV check, reviews compliance **with all the** terms and conditions of probation, obtains a copy of the arrest report for new arrests*, determines the filing status of the new arrest, interviews the defendant, makes collateral contacts, and documents findings in the case record. The DPO obtains sufficient information to report to the court that a violation may have occurred.

The Request/Release of Criminal Records form shall be utilized when requesting criminal offender record information (CORI) from the Los Angeles Police

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Department and Los Angeles Sheriff's Department. This form shall be used to also document all requests for release and retrieval of reports and authorization for release. The ASFB maintains a list delineating the Department's secured facsimile numbers approved by the Los Angeles Police Department, Administrative Services Section, Records and Identification.

Prior to releasing any criminal offender record information (CORI), The Los Angeles Police Department and Los Angeles Sheriff's Department personnel shall make a determination of the CORI requestor's *right-to-know* and *need-to-know*. Local law enforcement agencies shall not release CORI unless the CORI requestor has established both a right-to-know and a need-to-know.

- **Right-to-Know:** The right-to-know is the legal authority for a person or agency to have access to CORI. Those persons or agencies authorized by law to access CORI are defined in California Penal Code Sections 11105 and 13300.
- **Need-to-Know:** The need-to-know is the official purpose for which the information is being requested. The purpose or compelling requirement for the information must be directly related to officials' duties and/or responsibilities of the person or agency initiating the request, and should be specific to the type of investigation, such as a robbery investigation; a criminal investigation is not sufficient. A booking or D.R. number should be provided whenever available upon requesting CORI.

If the DPO concludes that a violation may have occurred, the matter is cleared with the SDPO and a report alleging the specific violation(s) is completed. The report is submitted to the SDPO with a Request for Calendar Date (Prob. 5522R or 646).

Violation Reports alleging violation for financial orders, narcotic testing, or desertion of probation are reported to the court on the appropriate forms.

New arrests are reported on a General Violation Report form (Prob. 241K). (See SECTION 1500, Supervision Reports)

In the violation report, the DPO recommends that probation be revoked, modified, or continued.

- When reporting alleged violations, the DPO keeps in mind that the probationer is entitled to due process of law. **Only the court determines whether the defendant is in violation of probation.**

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- Recommendations must be appropriate to the violation and to the DPO's evaluation of the probationer's probable future criminal behavior.

1235 BENCH WARRANTS

(DIRECTIVE 913 **BENCH WARRANT PROCEDURE ON PROPOSITION 36 CASES "MODIFICATION OF DIRECTIVE 911")**

(DIRECTIVE 911 **BENCH WARRANT PROCEDURE ON PROBATION 36 CASES)**

The court may issue bench warrants for the probationer's arrest. A bench warrant is issued at the discretion of the court and may be based upon facts contained in a report submitted by a DPO alleging a violation of the terms and conditions of probation.

Superior Court felony and misdemeanor bench warrant pick-up cases are assigned to the Investigation DPO, provided that the proper documentation has been entered into APS.

When a probationer is re-arrested following revocation of probation and referred for supplemental report, a Bench Warrant Pick-up Report (Prob. 241A) is prepared.

1236 DISTRICT ATTORNEY FILING OF PROBATION VIOLATIONS

In some circumstances the DA may initiate violation of probation proceedings when the defendant has sustained a new arrest. Such violations may be alleged following a subsequent conviction or in-lieu-of filing a complaint on the new arrest.

The DA may request that the court calendar the violation hearing and refer the matter to the Probation Officer for a report. Or, the DA may calendar and report the violation to the court.

1237 TEMPORARY PERMISSION TO LEAVE COUNTRY, COUNTY, STATE

A probationer's request to temporarily leave Los Angeles County must be evaluated by the DPO to determine if the probationer's travel plan is legitimate and if permitted, whether appropriate casework goals will continue.

Note: There are travel restrictions for probationers who are required to register as Sex Offenders pursuant to PC290.

The DPO may grant a probationer temporary permission to leave Los Angeles County for the purpose of employment, family need, or vacation, if the travel will

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terminate within the state of California. The DPO shall seek SDPO endorsement of the probationers plan, and consider notification to the court regarding the travel plans for probationers who are not in compliance with all conditions of probation and/or in other questionable cases that may present a particular concern to the court. The DPO documents in APS/DCID the probationer's departure and return dates, destination and reason for the trip.

The written approval of the DPO and SDPO is required when a probationer wishes to travel to another state, even for temporary or emergency situations. The DPO shall also obtain court approval prior to allowing a probationer's departure in cases of notoriety, aggravated offenses, large financial balances, and in any case in which the probationer is not in compliance with all conditions of probation. A Permission to Leave State of California Temporarily form (Prob. 612) is completed, a copy is given to the probationer, a copy placed in the case file, and the details of the trip documented in APS/DCID.

Travel to another country always requires permission from the court. The DPO presents the matter to the court for modification and approval. If the situation is an emergency, probationers should be referred to their attorney or public defender for expeditious handling.

1238 MIDPOINT REVIEW

DPOs shall conduct a **midpoint review** on each case assigned to their caseload. Cases are to be returned to court for violation proceedings if it appears that the probationer's progress, at the midpoint review, has not been in compliance with all prescribed conditions of probation. APS generates a list of all cases reaching midpoint, which is available to the DPO. The DPO shall make the appropriate entry on the APS/SIND and DCID/TECD screens to record the fact that the midpoint review has been conducted. Also, a comprehensive records check using APS, SRF, TCIS, JDIC, CCHRS, CWS, and all other law enforcement systems should be made.

NOTE: ALL POTENTIAL VIOLATIONS SHALL BE CALENDARED OR REPORTED TO THE COURT WITHIN 30 DAYS OF THE DATE THE DPO IS NOTIFIED OF THE OCCURRENCE.

As part of the **Midpoint Review**, the DPO should determine whether or not a probationer has fulfilled all probation conditions, including those pertaining to financial obligations. If so, then the DPO must determine if the probationer is eligible for Early Termination, Reduction, Dismissal or any combination. All cases considered for Early Termination, Reduction, Dismissal, or modification shall be approved by the SDPO prior to dictation.

PROBATION SUPERVISION**1239 TERMINATING SUPERVISION**

Termination ends the period of probation, the court's jurisdiction of the case, and discharges the probationer. Termination may be handled in several ways depending on the status of the case. These include violation or modification; early termination; reduction and/or dismissal; and expiration.

In order to process case termination in a timely manner, the DPO procures a list of probationers whose cases have reached the mid-point of the probation grant and another list from APS of those cases expiring within 180 days.

1240 EARLY TERMINATION

Early Termination ends the period of probation, along with the court's jurisdiction of the case, and discharges the probationer. Early termination is recommended when a probationer is determined to have been fully cooperative and completely fulfilled all terms and conditions of his or her probation grant at the midpoint review, or at a point thereafter; all financial obligations have been satisfied, and continued supervision is no longer needed.

(Cases involving Domestic Violence or Driving Under the Influence are not eligible for Early Termination.)

“Driving Under the Influence” (per VC23206 probation shall not be less than 3 nor more than 5 years). Domestic Violence cases (per PC1203-097) require a minimum period of 36 months probation, which may include a period of summary probation.

Some cases that may not be suitable for Early Termination may be appropriate for a modification from formal probation to summary probation, from formal probation to a grant without supervision, or from formal probation to a summary grant with Supervised Release File (SRF) check.

DPOs should consult with and gain approval from the SDPO prior to completing an early termination report and requesting a set-on for a hearing.

1241 REDUCTION

Reduction of a felony under PC17(b) makes the offense a misdemeanor for all purposes.

When proceedings have been suspended in a felony matter and the charged offense is reducible (punishable as a felony or misdemeanor, i.e.-“wobbler”), the matter may be calendared for Reduction and returned to court prior to expiration.

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The APS/CNOD screen assists the DPO in determining reducible offenses. Also, offense information can be obtained by using Crimefinder. (Available on PROBNET.) When recommending a Reduction, the DPO must take into consideration the probationer's conduct under supervision, prior record, and circumstances of the offense. (Use Prob. 241L).

Such hearings may be scheduled as nonappearance matters. However, the probationer must sign a Modification or Termination Agreement (Prob. 1195), waiving appearance, which the DPO attaches to the court report.

1242 DISMISSAL**(DIRECTIVE 1097 CHANGE IN PROCEDURE REGARDING PC1203.4 REQUEST FOR DISMISSAL OF CHARGE(S))**

Dismissal is a legal action in which the probationer is allowed to enter a plea of not guilty or the court sets aside a guilty verdict with respect to the original offense. Although the defendant is relieved of all penalties and disabilities resulting from the offense of conviction, he or she must still disclose the conviction in response to direct questions on applications for public office or state license. Further, there is no relief from the consequences of using a firearm in violation of PC12021. In this instance the dismissed charge can be used as a prior conviction in subsequent prosecutions.

A dismissal is contingent upon the defendant having fulfilled conditions for the entire period of probation or termination prior to expiration date, and the court's determination that a dismissal should be granted.

Persons serving a sentence for any other offense, on probation for any other offense, or pending disposition on any charged offense, are ineligible for dismissal.

Dismissals may be initiated by the DPO. **A Petition for Dismissal may be submitted by the DPO only while the probation grant is active.** The DPO provides the probationer with the Consideration for Dismissal form (Prob. 538). Per PC1203.4(d) the Probation Officer must provide a 15-day notice to the DA when a petition for dismissal is filed. This is accomplished by submitting a report and calendar request, with "Dismissal" indicated as the reason for hearing.

The probationer may make a request for dismissal, in writing, through the DPO. The probationer may also petition the court directly at the time of termination or after termination has occurred.

CRC Returnees – Section WIC3200 provides that a CRC returnee" case may be dismissed under the following circumstances:

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1. Committed for a period of 24 months or less, pursuant to Article (commencing with WIC3050);
2. Abstained from the use of narcotics other than as medically prescribed in a methadone program while on in-patient status (WIC3153);
- and -
3. Complied with release conditions.

The Director of Corrections advises the Narcotic Addict Evaluation Authority of the request to discharge. If the Authority concurs, it shall file a certificate with the Superior Court and DA recommending discharge of the person from the program. The court may, among other options, dismiss the criminal charges.

The court may order a supplemental report if the CRC returnee, at the time of commitment, was on probation or was the subject of a pre-sentence investigation. The court report shall include all relevant information, i.e., record bureau clearance and information from the Department of Corrections.

The DPO recommends, "that the case be dismissed under the provisions of WIC3200."

Closed cases where the defendant returned to court to request a reduction, termination, or dismissal of a closed case are to be referred to the Early Disposition Program (EDP) at Central Adult Investigations (CAI). The office receiving the order from court will relay the minute order to the EDP unit. The EDP officer will order the file from Central Records and complete the report.

1243 EXPIRATION

Expiration occurs when the period of probation ordered by the court has elapsed. The case is allowed to expire without return to court when the DPO verifies that all conditions have been met and that there are no unreported arrests or violations.

Such verification shall be completed at least 120 days prior to the date of expiration.

A 180-day Expiration List is computer-generated each month. The list assists in reviewing cases with unmet supervision requirements such as unpaid financial obligations or unreported violations. **If the case is to be returned to court, the DPO submits the report to court at least 90 days prior to the expiration date.**

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The DPO uses the 180-day Expiration List as shown below.

- Verify that any arrest of the probationer has been reported to the court and that no unreported arrests appear on the APS/SCID screen.
- Verify, through the APS/FIND screen, that all financial obligations have been paid, in full. In those instances where a financial obligation remains outstanding, the DPO shall inform the probationer that one of the following will occur:
 - The probationer will pay the obligation in full forthwith (payment is not considered made until posted on the APS/FINL Screen). Payment must be posted by 120 days prior to expiration.
 - The DPO will schedule the case for either a violation hearing or to advise the court regarding the outstanding financial obligation.

The DPO shall not allow a case to expire with an outstanding financial obligation without following one of the above procedures.

1244 DEATH OF A PROBATIONER

When there is a reported death of a probationer, the DPO verifies the death by obtaining a coroner's certificate number, police report or death certificate. If the death occurred in Los Angeles County and a death certificate is needed the DPO requests a certified copy from the Register-Recorder's Office. Further information may be obtained from the Register-Recorders 24-hour information line (562/462-2137). When the DPO completes verification, the case is calendared for report. When there is a restitution order with an outstanding balance, procedure requires that the DPO notify the victim(s) of the probationer's death. (See Section 15.6)

1245 CERTIFICATE OF REHABILITATION OR PARDON

Felons who have been conviction-free, without a probation violation for 5 years, and have obtained or are eligible to obtain a PC1203.4 dismissal may petition for a Certificate of Rehabilitation and Pardon.

Forms for petitioning for a Certificate of Rehabilitation or Pardon are available from the County Clerk's Office.

If an Attorney has not been retained, requests for information and assistance are made to:

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Office of the Public Defender
Criminal Courts Building
210 W. Temple Street
Los Angeles, CA 90012
(213) 974-2811

DPOs do not participate in this process unless ordered or requested by the court to take action.

A Certificate of Rehabilitation entitles the person to thereafter exercise all civil and political rights of citizenship, including, but not limited to:

1. The right to vote.
2. The rights to own, possess, and keep any type of firearm that may lawfully be owned and possessed by other citizens, except that this right shall not be restored...if the person was ever convicted of a felony involving the use of a dangerous weapon (PC4852.17).

A Certificate of Rehabilitation is a prerequisite for making application to the Governor for Pardon.

1246 SEALING OF JUVENILE RECORDS

Sealing of records is a specialized function, and is carried out by staff at CAI. Any person arrested for a felony and/or a misdemeanor, as a minor, may petition the court for sealing of records if criteria in PC851.7, PC851.8 and PC1203.45 are met.

Persons who have been:

- Convicted of offenses requiring registration per PC290;
- Found unfit for juvenile court;
- Convicted of Division 10 HS Code offenses (beginning with 11000) or violations of VC23103, VC23104, VC23152 and VC23220

are not eligible for sealing of records.

Upon judgment, the court orders the records sealed. The arrest, detention and any further proceedings are deemed not to have occurred and the petitioner may answer accordingly all questions relating to the occurrence. Sealed records are

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confidential and available only for inspection by court and court-authorized persons.

1247 FAILURE TO PROVIDE CHILD SUPPORT

The Office of Child Support Services Department (CSSD) is responsible for investigating and assisting with complaints regarding parents' failure to provide support for dependent children. They provide to the public, free of charge, the following services:

- Locating parents
- Establishing paternity
- Establishing a court order for child support
- Modifying a child support order
- Collecting court ordered support
- Distributing collected support
- Working with other counties, states and countries to obtain child support

Probationers or their spouses can be referred directly to the CSSD, (323) 890-9800, concerning information regarding failure to provide.

1248 PROBATION ADULT ALTERNATIVE WORK SERVICE (PAAWS)

PAAWS was created pursuant to section PC1203.1, as a sentencing alternative for the court.

Goals and Objectives:

- Provide an alternative sanction with immediate and observable consequences for offenders
- Reduce time in custody for a targeted population of offenders
- Provide the community with a work force to perform jobs normally deferred due to fiscal constraints
- Generate revenue to partially offset the operational costs of the program

PAAWS participants must meet the specific criteria and standards set forth. Defendants are assigned to crews with pickup sites out of the following Area Offices and city locations:

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Area Offices:

Crenshaw	East San Fernando Valley	Foothill	Harbor
Long Beach	Pomona	Rio Hondo	

City Locations:

Lancaster	Palmdale	San Fernando
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LOS ANGELES COUNTY PROBATION DEPARTMENT

Subject: ADULT MANUAL SUPERVISION CASELOADS	Section: AM-1300
	Effective Date: July 17, 2008
	Approved By: Reaver Bingham, Bureau Chief

(DIRECTIVE 1021	ASSIGNMENT OF SUMMARILY REVOKED PROBATION GRANTS- USE OF THE "ZR" CODE)
(DIRECTIVE 1016	ZIP CODE DESIGNATION FOR TRANSIENT PROBATIONERS)
(DIRECTIVE 865	ADULT SUPERVISION PROCEDURES AND REPORTS)
(NOTICE 1297	CLARIFICATION OF PROCEDURES RELATIVE TO THE COURT'S ORDER TO SUMMARILY REVOKE THE TERM OF PROBATION)
(NOTICE 1180	CLARIFICATION OF THE PROBATION OFFICER'S RESPONSIBILITY WHEN THE COURT HAS SUMMARILY REVOKED THE TERM OF PROBATION)

1301 INTRODUCTION

This chapter assists the DPO in implementing the appropriate level of probation supervision by describing the range of caseload types. Probationers are assigned to caseloads according to the following guidelines; however, the DPO should routinely evaluate cases, and assure an evaluation is performed at the Midpoint Review, for potential transfer to the caseload type providing the appropriate level of supervision.

1302 AUTOMATED MINIMUM SERVICE CASELOAD (AMS)

(DIRECTIVE 1060	TRANSFER OF MISDEMEANOR CASES TO AUTOMATED MINIMUM SUPERVISION CASELOADS (AMSC)
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AMS cases receive a minimum level of service. Defendants report monthly by KIOSK, except those cases on a non-reporting status. The DPO relies on records, inter-agency communications and computer-generated reports to determine the appropriate level of service. Probation, Diversion, and DEJ instructions are generally given to defendants by SIT prior to being assigned to the AMS caseload. Records are maintained in APS, and the CRWS system is utilized to generate court reports.

Assignment to the Area Office AMS is dependant upon the service area. Cases meeting the following criteria are assigned to AMS (**Note: The SDPO can declare an override to these criteria on a case by case basis.**)

- Cases with a risk score of 14 or less.

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- Misdemeanor cases
- Probationers who are in compliance with all terms and conditions at the midpoint of the probation grant, and have been returned to court for early termination, but the court did not terminate probation.
- Diversion and DEJ Cases

THE FOLLOWING CASES ARE INAPPROPRIATE FOR TRANSFER TO AN AMS CASELOAD REGARDLESS OF RISK SCORE FACTOR:

- Probationers with offenses involving domestic violence, stalking, child threat, elder abuse, terrorist threats; gang members or probationers with a requirement to register as either an arson offender (PC 457.1) or sex offender (PC 290).
- Probationers with a narcotic testing order (not DEJ).
- Probationers with a financial obligation in excess of \$10,000.
- Probationers with multiple formal grants.
- Active Proposition 36 cases.

1303 RIVERVIEW OFFICE

(DIRECTIVE 1011 CHANGE IN PROCEDURES FOR THE SUPERVISION OF DEFERRED ENTRY OF JUDGMENT GRANTS)
(DIRECTIVE 871 THE ADULT BUREAU CENTRALIZED CUSTODY CASELOAD)
(NOTICE 956 LA MADERA OFFICE RELOCATION AND NAME CHANGE)

The Riverview office supervises the following types of cases:

- Cases with a risk score of 14 or less, with the above listed exceptions.
- DEJ cases.
- Misdemeanor cases.
- Probationers on specialized caseloads who have been accepted for supervision under the terms of Interstate Compact or courtesy supervision by another jurisdiction.

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- Probationers with new cases from SIT, who reside in another county and the appropriate paperwork has been completed. (See Directive #1015.)
- Probationers with new cases from SIT, who are returning residents to another state and have been given emergency reporting instructions by the receiving state, with a risk score of 14 or less.
- Probationers who are being supervised by the Department of Corrections or U.S. Probation and Parole for whom active probation supervision has been suspended until the completion of parole.
- Probationers with a formal grant without supervision with a Court order for the Probation Officer to comply with SRF or CII checks only.
- Probationers with a formal grant without supervision with only a Restitution obligation condition that requires payment through the Probation Department.
- Diversion cases including diversion for Mental Disability pursuant to PC 1001.21.
- Welfare Fraud cases that do not require supervision on a Narcotic Testing, Child Threat, Domestic Violence, or Gang caseload.
- Probationers who have been deported, the deportation has been reported to the court, and the court has maintained them on formal probation.

Probationers who are in compliance with all terms and conditions at the midpoint of the probation grant, and have been returned to court for early termination, but the court did not terminate probation.

1304 WELFARE FRAUD

CAI provides investigation services to all probationers pending conviction or convicted of welfare fraud (WIC10980).

The Riverview office provides supervision services for all welfare fraud defendants who have been granted probation. Defendants are instructed to call the Probation Information Center at (866) 931-2222 if there are any questions or concerns related to the Welfare Fraud Unit at Riverview.

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1305 HIGH RISK OFFENDER (HRO)

(DIRECTIVE 1004 KIOSK REPORTING FOR HIGH RISK OFFENDERS CASELOADS)

HRO cases include, but are not limited to the following:

- A risk score of 15 or higher
- Serious Felonies (PC1192.7 & PC1192.8)
- Felony cases where State prison was recommended
- Complex cases or those with conditions of probation requiring an increased level of service
- Serious gang related offenders who have not been accepted for the Adult Gang Caseload
- Cases designated High Profile in APS
- Cases with a secondary Proposition 36 case.

The HRO DPO supervises complex cases involving habitual and potentially dangerous offenders who may be resistant to services and are likely to violate conditions of probation. High-risk probationers often require in-person contacts, contacts with police or victims, and monitoring participation in treatment programs. A high-risk offender may report by KIOSK no more than two consecutive months without SDPO approval.

1306 NARCOTIC TESTING OFFICE (NTO)

(NOTE: Because of the large number of Directives and Notices pertaining to this section, only the Directive and Notice number will be listed. The full title and text of each Directive and Notice is available on PROBNET.)

(DIRECTIVE 1107)
(DIRECTIVE 1032)
(DIRECTIVE 966)
(DIRECTIVE 951)
(DIRECTIVE 913)
(DIRECTIVE 851)

(DIRECTIVE 1066)
(DIRECTIVE 1020)
(DIRECTIVE 965)
(DIRECTIVE 948)
(DIRECTIVE 911)
(DIRECTIVE 849)

(DIRECTIVE 1034)
(DIRECTIVE 972)
(DIRECTIVE 961)
(DIRECTIVE 926)
(DIRECTIVE 902)

(NOTICE 1488)
(NOTICE 1480)
(NOTICE 1404)
(NOTICE 1391)
(NOTICE 1131)

(NOTICE 1486)
(NOTICE 1479)
(NOTICE 1398)
(NOTICE 1382)

(NOTICE 1485)
(NOTICE 1469)
(NOTICE 1392)
(NOTICE 1374)

SUPERVISION CASELOADS

The purpose of narcotic testing is to detect and deter controlled substance abuse. All cases with testing orders are assigned to NTO with the exception of Sex Registration, Child Threat, Domestic Violence and Adult Gang cases.

1307 CHILD THREAT (CTH)**(DIRECTIVE 843****MANDATORY IN-PERSON CONTACTS WITH PROBATIONERS
ASSIGNED TO CHILD THREAT OR DOMESTIC VIOLENCE
CASELOADS**

Any case in which there is reason to believe that the defendant's behavior would pose a threat to a child by reason of violence, drug abuse history, sexual molestation or cruel treatment, regardless of official charges or conditions of probation, may be assigned to a CTH caseload to promote the safety of the child and the family. Out of state ISC cases shall be transferred to HRO.

CTH cases with drug testing orders are supervised by the CTH DPO who is responsible to ensure anti-narcotic testing is performed. CTH DPOs also supervise any case where there is a minor child in the home and the defendant has been convicted of:

1. Child endangering (i.e. abandonment, cruelty or inflicting traumatic injury).
2. A violent offense involving a victim under 18 (i.e. manslaughter, mayhem, kidnap or assault).

In every case where the victim or other child under the age of 18 resides in the same home as the defendant, a monthly home visit is mandatory. The victim and other children must be seen by the DPO. The children are interviewed by the DPO, if appropriate, and the DPO observes the children carefully for any indications of maltreatment. Complaints or other indications of maltreatment may call for emergency action or further investigation by the DPO. In homes where no children under the age of 18 are initially identified as residing with the defendant, random home visits are to be performed bi-monthly to ensure children are not subsequently brought into the home unbeknown to the court or Probation Officer, placing them at risk.

An individual supervision plan is developed to provide close monitoring of the probationer's compliance with the court orders and to ensure increased safety for the victim. A case may require coordination with the Department of Children's Services, the court and treatment provider(s).

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1308 DOMESTIC VIOLENCE (DV)

(DIRECTIVE 843 MANDATORY IN-PERSON CONTACTS WITH PROBATIONERS ASSIGNED TO CHILD THREAT OR DOMESTIC VIOLENCE CASELOADS)

DV caseloads have been implemented to provide specialized supervision of defendants who have either victimized a spouse, or former spouse, cohabitant or former cohabitant, a person with whom the defendant is having, or has had a dating or engagement relationship, or a person with whom the defendant has had a child, as defined in FC6211 or PC13700(b).

Caseload Assignment:

- All new cases must initially be assigned to a **DV** caseload, whether the probation is in or out of jail custody.

Caseload Assessment:

- All cases shall receive the same level of service during the first year that the probationer is in the community and involved in a 52-week treatment program.
- No case will be reassessed until after the completion of the 52-week program, unless unusual circumstances dictate otherwise.
- After the probationer's successful completion of the 52-week Batterers Treatment Program, cases will be retained in **DV** Caseloads or transferred to HRO. **DV** cases are not suitable for transfer to an AMSC caseload, unless the case has been approved for ISC/1203.9 PC Supervision, and the probationer is being supervised in another County/State.

Contact with Probationer:

- A minimum of one office contact per month is mandatory, during assignment to the Domestic Violence Caseload.
- Home calls will be made as needed.

Contact with Victim (whether living with Probationer or not):

- One mandatory phone or office contact during the first month will be performed.
- All future contacts will be made on an "as needed" basis.

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Contact with Family Members:

- As needed.

Contact with Treatment Program:

- One mandatory contact is required during the first 30 days, after the probationer produces proof of enrollment.

Handling of Violation:

- Must be cleared with SDPO immediately (within 24 hours of DPO becoming aware).
- Same options as HRO caseloads.

Community Involvement:

- Attend one monthly meeting of local domestic violence council.
- Any other involvement will be on an as needed basis.

1309 DOMESTIC VIOLENCE MONITORING UNIT (DVMU)

PC1203.097 authorizes the Probation Department in each county to implement an approval and renewal process for Batterer's Intervention Programs. The program shall be required to renew that approval annually. Any complaints or grievances regarding batterers treatment programs are to be referred to the Domestic Violence Monitoring Unit (DVMU) (323) 357-5555.

1310 ADULT GANG CASELOAD (GNG)

(DIRECTIVE 861 NEW ADULT GANG CASELOADS - OVERVIEW, LOCATIONS, AND CONTACT REQUIREMENTS)

(DIRECTIVE 857 INTAKE CRITERIA FOR ASSIGNING NEW ADULT PROBATION CASES TO ADULT GANG CASELOADS)

This caseload is comprised of probationers who have been identified by law enforcement and others as adult gang members. (As listed on the CALGANGS system.) Probation staff at the area offices collaborate with staff in the community (usually Intensive Gang Supervision or CLEAR DPOs) to provide a comprehensive system for monitoring compliance, as well as ensure a level of public safety.

1311 FAMILY VIOLENCE CASELOADS (FAM)

(DIRECTIVE 1010 ADULT FAMILY CASELOAD PILOT PROGRAM- INFORMATION REGARDING IMPLEMENTATION NOVEMBER 15, 2004)

SUPERVISION CASELOADS

The Family Violence Caseload shall utilize Evidence Based Practices research by creating a caseload designed to offer a holistic approach to offender rehabilitation and treatment. The caseload will consist of cases that would have traditionally been assigned to the Child Threat, Domestic Violence, or Family Caseloads. However, the Family Violence Caseload concept combines the best practices of these existing caseloads and augments them with Evidence Based research.

One of the critical parts of this caseload shall be to promote positive change intrinsically and extrinsically with regards to the probationer. Results from a validated risk and needs assessment shall be utilized to create an individualized case plan that accounts for the criminogenic needs, with an emphasis on mitigating violent tendencies by using targeted interventions. The Deputy and probationer will collaborate to recognize and strengthen protective factors, such as family bonds, connections to faith-based organizations, and employment situations.

The Deputy shall monitor the progress of the probationer by addressing criminogenic factors while maintaining adequate and appropriate levels of supervision, especially in regards to violence issues.

DPO Duties are as follows:

- Seek to minimize or prevent child endangerment (i.e. abandonment, cruelty or inflicting traumatic injury)
- Seek to minimize or prevent sexual assault or molestation involving a victim under 18 (i.e. rape, unlawful intercourse or oral copulation) that does not require PC290 registration
- Seek to minimize or prevent violent offense involving a victim, co-habitant, spouses, common law spouse (i.e. manslaughter, mayhem, kidnap or assault)
- Ensure probationers reports in person monthly
- Have contacts with family members, children, and community resources (i.e.-counseling programs, faith-based programs, etc.) on an as needed basis
- Conduct a minimum of one office and/or field visit (home, work, therapists office) per month; however, mandatory monthly field visits for Child Threat cases with victims that are present in the probationer's home
- Mandatory monthly field visits for Domestic Violence cases with victims that are present in the probationer's home or victims that initiate complaints regarding the probationer's misconduct
- Have one contact in the first 30 days with the program after the probationer produces proof of enrollment

SUPERVISION CASELOADS

- Attend the local Domestic Violence Council meeting quarterly
- Collaborate and coordinate with DHS, DMH, DCFS, DPSS, community-based organizations; educational providers, employment resources, or other health/mental health/human services agencies dependent upon the needs of the probationers and their families, including the circumstances of the case
- Conduct validated risk assessment, and trailer assessments (as needed), including collaborating with the probationer to design a case plan that addresses criminogenic needs. An assessment to gauge violence tendencies shall be conducted separately
- Provide periodic progress reports to the court
- Give notice to the victim of case disposition and assist in providing information regarding protective shelter and independent counseling
- Clear all violations with SDPO immediately (within 24 hours of the DPO becoming aware)
- Complete Mid-Term, Financial Violations, General & Technical Violations, DA Revocations in a timely manner
- Ensure all deficiencies on exception reports are corrected
- Ensure probationers are referred to a financial evaluator if necessary
- Respond to various law enforcement agencies inquiries and requests
- Assist law enforcement officers with arrests provided there is probable cause or warrant
- Perform monthly anti-narcotic testing on all cases with a testing order
- Document all contact in APS on TECD screen and maintain records
- Monitor probationer's payment trends and make necessary referrals to financial evaluator for account modifications or adjustments
- Report all violations to court within 30 days
- Document all contacts in APS on TECD screen and maintain records
- Ensure all database screens for the Department are updated within 48 business hours of receiving such information
- Provide referrals to Treatment, Community Service, Vocational Training, Educational Training, and various other Counseling Programs
- Perform Target Case Management (TCM)
- Enforce all court ordered terms and conditions
- Respond to Court Ordered Subpoenas
- Monitor and Collect Victim's Restitution
- Perform Officer of the Day Duties

1312 SEX REGISTRATION CASELOAD (SRG)

(DIRECTIVE 1078
(DIRECTIVE 796

ADULT SERVICES BUREAU SEX REGISTRANT (SRG) CASELOADS)
VERIFICATION OF "SERIOUS" OR "HIGH RISK" SEX OFFENDER

LOS ANGELES COUNTY PROBATION DEPARTMENT	AM-1300
SUPERVISION CASELOADS	

(NOTICE 1475 (NOTICE 1375	DESIGNATION) SUPREME COURT DECISION: PEOPLE VS. HOFSEIER) SEX OFFENDER (PC290) ADDRESS VERIFICATION)
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The Sex Registration Supervision Caseloads were developed with the goal of managing sex offenders in the community and preventing future victimization. Per PC 290, probationers who have been convicted of any registerable sex offense are to be assigned to the SRG caseloads. In most cases, probationers on the SRG caseload should not have direct or indirect contact with victims; no contact with children under 18 years of age; and no non-therapeutic contact with other sex offenders in order to comply with their conditions of probation. Probationers on this caseload will be assessed using a validated, sex offender specific risk assessment (such as the Static-99,) to determine the extent of supervision and the specific community services that will be utilized in order to assist the probationer from creating further victimization. In addition, Global Positioning System (GPS) monitoring will be established on this caseload as an additional tool for monitoring the probationer in the community.

1313 BIG MAXIMUM (BIG)

The Big Maximum Account caseload serves adult probationers who have been identified as having a total financial obligation that exceeds \$10,000. This caseload provides greater focus in collecting the financial obligations, including all reasonable losses to the victim as a result of the offense.

DPOs on this caseload should work closely with the victims, the Bureaus' victims advocate, the D.A.'s Victims-Witness Assistance Unit, and other victim's advocate and assistance groups in order to address victim's needs, including financial, emotional, medical, etc.

LOS ANGELES COUNTY PROBATION DEPARTMENT

Subject: ADULT MANUAL PRETRIAL SERVICES DIVISION	Section: AM-1400
	Effective Date: July 17, 2007
	Approved By: Reaver Bingham, Bureau Chief

1401 INTRODUCTION

Since 1963, Pretrial Services (PTS) has been at the forefront in providing crucial information to those public entities concerned with community safety (i.e. law enforcement, the courts, Probation) on matters of detention/incarceration and alternative sentencing. The Pretrial Services Division (PTS) includes eight countywide programs.

1402 BAIL DEVIATION PROGRAM (BD)

BD Manual

Pursuant to PC810 (a) and (b) and prior to the formal filing of charges, individuals detained on felony or misdemeanor charges may request a deviation from the bail schedule or a release on their own recognizance (OR). Additionally, law enforcement or prosecutorial personnel may request increases to an individual's existing bail. BD program staff members provide Bail Commissioners with unbiased, verified information to assist them in making bail deviation determinations. In order to provide this information and process individual requests, BD program staff perform the following:

- Telephonic interviews of individuals detained at booking facilities throughout Los Angeles County or, in the case of bail increase requests, information is obtained from the requesting agency regarding circumstances of arrest, basis for the increase and amount of bail requested
- Accessing/interpretation of complete criminal history information
- Utilization of a "pre" and "post" point screening tool to determine those individuals for whom a recommendation for release OR will be made
- Contacting references for those found to meet the criteria to verify background information

The service is equally available to any member of law enforcement, or prosecuting agencies, who are requesting a change in an inmate's scheduled bail. The information provided by the requesting agency is obtained telephonically, and presented to the scheduled Bail Commissioner for a decision.

LOS ANGELES COUNTY PROBATION DEPARTMENT	AM-1400
PRETRIAL SERVICES DIVISION	

1403 DRUG COURT PROGRAM (DC)

(DIR. 1067 CLERICAL PROCEDURES FOR PROCESSING DRUG COURT CASES)
(NOT. 1492 PROBATION_PRETRIAL+)

[Probation-Pretrial Quick Reference Guide](#)

[DC Procedures](#)

[DC Documents](#)

The Drug Court program is a voluntary court-supervised, comprehensive treatment and rehabilitation program for non-violent defendants arrested on specific felony drug charges. The goal of the program is to break the cycle of drugs and crime by substituting an effective treatment alternative that is strictly enforced by the court. The program relies on personal involvement of a single Drug Court Judge who closely monitors the participation of the defendant in treatment. It is a multi-phase program that will last 6-9 months and involves an integrated modality of treatment and rehabilitation services including: individual and group counseling, acupuncture, 12-step programs and comprehensive programs of educational, vocational training and job placement.

Defendants admitted to the program by the Drug Court Judge will be monitored for compliance through regular urine testing and frequent court appearances. Those defendants who successfully complete all phases of the treatment program will have their criminal cases dismissed.

PTS staff provides the eligibility and risk assessments on defendants being considered for Drug Court by performing the following:

- Interview defendants in court and jail facility lock-ups
- Access automated criminal records and interpret criminal history
- Provide assessments for Drug Court eligibility
- Maintain liaison with other court and justice agencies and participate on countywide steering committee

1404 EARLY DISPOSITION PROGRAM (EDP)

(DIR. 963 MODIFICATION TO CLERICAL PROCEDURES FOR PROCESSING EARLY DISPOSITION CASES - EDP)

(NOT. 1492 PROBATION_PRETRIAL+)

[Probation-Pretrial Quick Reference Guide](#)

[EDP Procedures](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

LOS ANGELES COUNTY PROBATION DEPARTMENT	AM-1400
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In conjunction with the Superior Courts, DA, PD, LASD and LAPD, EDP was implemented to evaluate defendants who could be determined suitable for a plea agreement in lieu of going to trial.

PTS staff provides the criminal history information on defendants being considered for early disposition by performing the following:

- Access and interpret criminal history records
- Provide written reports that include prior criminal history, pending cases/warrants and probation/parole status
- Maintain liaison with other court and justice agencies

1405 OWN RECOGNIZANCE PROGRAM (OR)

[OR Manual](#)

Pursuant to PC1270 defendants in custody on a felony complaint for which bail has been set may request that an OR investigation be conducted on their behalf. OR program staff provides judicial officers with unbiased, verified information to assist in making custody/release determinations.

Staff, located in 22 branch offices, provides service to the Los Angeles County Superior Court. On-site interviews are conducted, complete criminal history and other relevant information is gathered and verified and a written report (Notice of PTS Investigation) containing all pertinent information is presented to the court, at arraignment, if possible.

1406 ELECTRONIC MONITORING PROGRAM (EM)

(DIR. 837 REGISTRATION OF SEX, ARSON, AND NARCOTICS OFFENDERS WHO ARE CURRENTLY ON ELECTRONIC MONITORING OR IN WORK FURLOUGH)

(DIR. 868 ELECTRONIC MONITORING PROGRAM)
(NOT. 1492 PROBATION_PRETRIAL+)
[Probation-Pretrial Quick Reference Guide](#)

[EM PROCEDURES](#)

[EM Manual Appendix A - Vendor Notification](#)

[EM Manual Appendix B - Vender Notification - Court Ordered Participation](#)

[EM Manual Appendix C - Daily Contact List](#)

[EM Manual Appendix D - CBAC Excluded charges list CBAC- COURT](#)

[EM Manual Appendix E - CBAC List of Excluded Charges Work Release](#)

[EM Manual Appendix F - Assessment](#)

PRETRIAL SERVICES DIVISION

[EM Manual Appendix G - Court Notification Forms- Offender Information](#)

[EM Manual Appendix H - Program Rules Regulations-CJ Referrals](#)

[EM Manual Appendix I Client Contract](#)

[EM Manual Appendix J - Financial Information Worksheet](#)

[EMP Manual Appendix K - Sliding Scale](#)

[EM Manual Appendix L- Monitoring Condition Form](#)

The EM program provides an alternative sentencing/probation violation sanction, in lieu of or in conjunction with, county jail time. It is designed for the low-risk, non-violent defendant who must have a residence and a telephone to be eligible. Defendants with a history of or convictions for violence or sex crimes and/or convictions for drug sales or manufacture are excluded from participation. To assist in determining program suitability/eligibility, judicial officers are provided with unbiased, verified information by program staff.

The defendant is referred to EM at time of conviction or when the court would like the defendant to be considered for home detention as a modification or (violation) sanction for a probation grant. Defendants are interviewed, their complete criminal history is accessed, and a risk assessment scale is done to determine suitability for program participation.

If the defendant is found suitable by the court, then he or she is ordered to report to the approved electronic monitoring vendor. In accordance with the court's instructions, the Probation Department PTS staff and the vendor develop a plan for home detention that will best meet the needs of the Court while ensuring the highest level of community safety.

1407 CIVIL COURT NAME CHANGE PETITIONS PROGRAM (NC)

[Name Change Program Procedures](#)

[Name Change Procedures for Criminal History Record](#)

[Name Change Criminal History Assessment Form](#)

The Name Change Petition Screening Program provides criminal history background investigations to Superior Court Civil Departments on all applicants requesting a Name Change. CCP1279.5 requires all petitions for name change to undergo a complete history background investigation to determine if the petitioner is a registered sex offender and/or under the jurisdiction of the Department of Corrections (DOC).

PTS staff provide Superior Court Civil Departments countywide a criminal history assessment on all adults and juveniles (11 years or older) who have petitioned the court to legally change their names. The following procedures are followed:

PRETRIAL SERVICES DIVISION

- The court provides the petitioner a “Name Change Criminal History Assessment Form”
- Petitioner completes form and returns the form to the court
- Court forwards form to Pretrial Services for complete criminal history assessment
- Pretrial Services performs assessment and returns criminal history information to the court prior to scheduled hearing date

Requests for information and assistance may be referred to the manager of the NC Program at (213) 974-5838.

1408 DRUG TREATMENT / PROP 36 PROGRAM (DT)

[\(DIR. 849 PROPOSITION 36 CLERICAL RESPONSIBILITIES\)](#)

[\(DIR. 948 PRE-CONVICTION REPORTS TO 131.3 CCP- ADDITION OF ASSESSMENT, EVALUATION AND RECOMMENDATION FOR PROP 36 ELIGIBILITY PURSUANT TO PC 1210.1- DIR. 925 REVISED\)](#)

[\(DIR. 961 CLERICAL PROCEDURES TO ENTER PROP 36 CASES PER DIRECTIVE 948\)](#)

[\(DIR. 965 PROPOSITION 36 -1210 PENAL CODE-, GUIDELINES\)](#)

[\(NOT. 1492 PROBATION PRETRIAL+\)](#)

[Probation-Pretrial Quick Reference Guide](#)

[DT Procedures](#)

[DT referral \(attachment A\)](#)

[DT Courts \(attachment B\)](#)

[DT Eligibility Assessment \(attachment 1\)](#)

[DT Crim Rec \(attachment 2\)](#)

[DT Risk Assessment Score \(attachment 3\)](#)

The Pretrial Services Division (PTS) Drug Treatment (DT) Program provides a service to the court in determining the eligibility of a defendant charged with a specific non-violent, drug-related offense in accordance with Proposition 36. The DT Program provides a complete criminal history and an assessment of eligibility to the court. The court determines the defendant's eligibility and placement. If found eligible, the defendant is referred to a Community Assessment Service Center (CASC), where the level of treatment is evaluated, and the defendant is monitored by the treatment provider and supervised by the Probation Department. A copy of the risk assessment completed by DT staff is provided to the DPO.

LOS ANGELES COUNTY PROBATION DEPARTMENT	AM-1400
PRETRIAL SERVICES DIVISION	

1409 PROPOSITION 69/ DNA AND PALM PRINT IMPRESSION COLLECTION (DNA)

[\(DIR. 1055 PROP 69 DNA AND PALM PRINT IMPRESSION COLLECTION INFORMATION FOR PROBATIONERS\)](#)
[\(DIR. 1062 COLLECTION OF JUVENILE DNA SAMPLES- PROPOSITION 69\)](#)
[\(DIR. 1078 ADULT SERVICES BUREAU SEX REGISTRANT –SRG CASELOADS\)](#)
[\(DIR. 1105 JUVENILE–PROPOSITION 69 DNA AND PALM PRINT IMPRESSION COLLECTION INFORMATION FOR PROBATIONERS\)](#)
[\(DIR. 1107 PROCEDURES FOR FILING THE “NOTICE OF SEX OFFENDER REGISTRATION REQUIREMENT – 290 PC”, NOTICE OF ARSON OFFENDER REGISTRATION REQUIREMENT 0 457.1 PC, AND “ NOTICE OF NARCOTIC OFFENDER REGISTRATION REQUIREMENT – 11590 H&S\)](#)

Pursuant to Proposition 69 (The DNA Fingerprint, Unsolved Crime and Innocence Protection Act) and under the provisions of Penal Code Section 296, the Department must collect DNA samples and palm print impressions on all adult probationers convicted of the following: felonies, misdemeanors with a DNA collection court order, misdemeanors with a prior felony conviction; or misdemeanors that require collection pursuant to PC 290 and PC 457. The Department must also collect DNA samples and palm print impressions on all juvenile probationers who have been adjudicated for a sustained petition of a felony or a qualifying misdemeanor. PTS staff provides the collection service of DNA samples and palm print impressions for both adult probationers and juvenile probationers. Live Scan machines are operational at the collection sites to ensure compliance with the palm print impression-capturing requirement of Proposition 69.

Pursuant to PC269, the Adult Field Services Bureau will complete the obligation for the collection of DNA samples by January 1, 2009.

LOS ANGELES COUNTY PROBATION DEPARTMENT

Subject: ADULT MANUAL SUPERVISION REPORTS	Section: AM-1500
	Effective Date: July 17, 2007
	Approved By: Reaver Bingham, Bureau Chief

(DIRECTIVE 866 TRANSCRIBING DEADLINES FOR ADULT COURT REPORTS)
(DIRECTIVE 860 COURT REPORT CONTENT)

1501 INTRODUCTION

Specified sections of the Penal Code mandate that the Probation Officer prepare certain investigation and supervision reports. Generally, written reports will facilitate some type of court action on a case. The content and format of court reports vary with the type of report.

1502 GUIDELINES FOR SUPERVISION REPORTS

Using the PEDMS system, the DPO will electronically send the report to the SDPO, who will review it, and, if necessary, send the report back (with suggested corrections,) to the DPO for rewriting. This process will continue until the SDPO accepts and finalizes the report, at which time it will be printed and sent to court, or sent to court directly.

Every court report shall be filed with the County Clerk's Office no later than noon, two working days prior to the court hearing. The DPO is responsible for delivery of the report to court within the prescribed deadlines. When the court provides notice that the report has not been received, the DPO is responsible to ensure prompt delivery to the appropriate court.

1503 TYPES OF COURT REPORTS

Court report forms are used primarily to address single item issues (except 241K), which may occur during a defendant's grant of probation. They are a mechanism by which the Supervision DPO reports information to the court in a concise manner. Generally these reports consist of one to three pages with preprinted headings (additional pages may be added). To maintain continuity for the reader, every effort should be made to provide concise and relevant information. The DPO either dictates or legibly hand writes the information on the form report and submits to transcribing for typing. DPOs may type their own court reports only when using templates that have been approved by the Adult Bureau Chiefs.

The following is a list of form reports:

Prob. 241E

Desertion

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Prob. 241F	Notice on Financial Conditions
Prob. 241H	Death of Probationer
Prob. 1368	Report on the Determination of the Cost of Probation Services
Prob. 241I	Violation Report for Financial Conditions
Prob. 241J & 241J2	Violation Report for Narcotic Testing
Prob. 241K-1, 2, 3	Report for General Violation(s)
Prob. 2412L	Early Termination, Reduction Pursuant to PC17, Termination Pursuant to PC1203. Dismissal
Prob. 241M	Supplemental Report CII Only
Prob. 241N	Deportation of Probationer
Prob. 241P	Probationer in Prison
Prob. 241Q	Probation Officer Report Regarding Technical Violation
Prob. 712	Supplemental Report
Prob. 1030	Diversion/Deferred Entry of Judgment
Prob. 1082	Notice to Court of Potential Violation

A narrative report is dictated or typed in its entirety. Modifications, answers to motions, bench warrant pick-ups, supplemental reports and progress reports are dictated in an all-narrative format.

1504 CONTENT OF REPORTS

Most of the report modules are self-explanatory. However, certain guidelines or instructions regarding other section of the court reports appear below. The Court Memorandum (Prob. 1225) shall be attached to all misdemeanor court reports.

1505 DESERTION

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A violation report is mandatory when a probationer has failed to report by the tenth day of the second month (the tenth day of the third month for AMS cases). The DPO prepares, calendars, and submits a Desertion of Probation report (Prob. 241E) when a probationer has failed to report as instructed and has failed to respond to the "Failure to Report Notification" (FRN). The DPO shall ensure that an FRN is sent first class mail (at SDPO direction a certified letter may be required) to the probationer's last known address. The FRN is used to set a new appointment (usually should be within the same month) and/or request that the probationer make immediate contact with the DPO for further instructions (See AM-1113).

In all desertion reports, the DPO prepares and submits a Report to Sheriff – Probation Violator (Prob. 537).

Steps to be taken prior to submission of a Prob. 241E to the court are:

- Check all available automated and other resources to ascertain any other means of contacting the probationer
- A record check shows the probationer is not in custody
- A check of APS to confirm the assignment of the probationer
- A record search for holds and warrants

When the DPO has completed these steps it is appropriate to prepare the Desertion report.

1506 DEATH OF PROBATIONER

DPO reports the death of a probationer to the court on Prob. 241H. A report to the court is routinely required upon the death of a probationer.

In all cases, the death is verified by obtaining either a coroner's certificate or a death certificate, which is to be attached to the court report.

The death certificate can be obtained by sending a request to:

Registrar-Recorder/County Clerk Birth Records
PO Box 53120
Los Angeles, CA 90053-0120

Include the Probation Department's Funding Organization Number, Account Code, Budget Unit (Probation Main) and Appropriation (Services and Supplies),

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as the Records office will bill the Department for the copy of the report. The Funding Organization and Account code may be obtained from the Adult Bureau.

Requests for death certificates on cases where the probationer resides outside Los Angeles County should be made to the Registrar Recorder for that county. The probation staff will secure funds to pay for the certified copy from Petty Cash.

1507 REPORT ON THE DETERMINATION OF THE COST OF PROBATION SERVICES

Prob. 1368 is used to report the amount that the Probation Officer has set for COPS. The case is calendared whenever the defendant disagrees with the Probation Officer's setting of COPS or declines to sign the required Waiver of Right to Appear (Prob. 1361).

The report is comprised of four sections:

- Reason for Hearing
- Assessment of Defendant's Ability to Pay Cost of Probation Services (from Financial Evaluator)
- Court-Ordered Financial Obligation
- Recommendation

Information to complete the report is gathered from Probation records and defendant interview.

1508 VIOLATION REPORT FOR FINANCIAL CONDITIONS

Prob. 241I form is used to report violations of financial conditions only. The form is not intended to replace a full violation report if there are other potential violations or circumstances that require presentation to the court. When a financial violation involves victims' restitution the DPO notifies the victim of the hearing and hearing date. In addition, it is critical that in order to have a valid violation, the DPO must show the court that the probationer had the ability to pay and willfully refused to do so. Therefore, before the report is generated, the DPO must ensure that a recent (no more than 6 months old) ability-to-pay assessment has been performed by the Financial Evaluator, and that the probationer has willfully refused to make the required payment.

A financial violation may be alleged when:

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- The probationer is two (2) months in arrears of an established payment plan that is based on the probationers ability to pay
- The probationer is in arrears of a court-ordered payment plan
- The probationer has reached midpoint of the probation grant and has paid less than half of the payment plan.
- A review of the 180-day expiration list reveals that the probationer will not satisfy all financial obligations within 120 days prior to expiration.
- The probationer had the ability-to-pay, and willfully refused to do so

In some instances the probationer may be making token payments but is not in compliance with the established payment plan. The violation must be reported. The Prob. 241-I form is used as a worksheet and submitted for transcription.

NOTE: Failure to pay COPS **shall not** be alleged as a violation of probation. Also, the 241-F form is not to be used for financial violations.

1509 VIOLATION REPORT FOR NARCOTIC TESTING

Prob. 241J form (pages 1 & 2) is used to report routine narcotic testing violations to court and to reduce the time needed for dictation and transcription. Since the modular reporting areas in the form are specific to narcotic conditions, this form may not be used to report other types of violations.

The first seven (7) sections of the report cover various narcotic violations. For cases with methadone involvement, Line One of the report may be completed as follows:

Date:	January 2, 2001 to July 31, 2001
Substance:	Methadone (20 tests)
Comments:	LA Methadone Maintenance Program (Verified)
Alleged Violations:	NO

The following are examples of responses to other portions of the initial section:

<u>Date</u>	<u>Substance</u>	<u>Comments</u>	<u>Alleged Violation</u>	
			<u>Yes</u>	<u>No</u>
3-05-01	Codeine-Morphine	Verified Dr. Rx		X
3-28-01	Morphine	Admits heroin use	X	

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6-05-01	Codeine-Morphine	Claims Rx-unverified	X
6-12-01	PCP	Admits use – 6/12/01	X

The probationer's explanation shall be brief and confined to explanations of the illegal use with specific dates and substances. The "Other (Narcotic Conditions)" section may be used to report violations of the following:

- Not possess any narcotics, etc
- Not associate, etc
- When a probationer is on a methadone maintenance program and consistently tests positive for methadone, but at least one of the tests results in a negative, the probationer's explanation must be included in this section.

The probationer's statement should reflect a response to the overall alleged violations. The statement may be oral and/or written. If probationer refuses to provide a statement, so indicate.

Sample recommendations may include:

- Spend suitable time in county jail
- Submit progress report in _____ days
- Modification permitting probationer to enter/continue residential treatment program
- Revoke and Impose

1510 REPORT FOR GENERAL VIOLATION(S)

(DIRECTIVE 765 REPORTING ARRESTS AND VIOLATIONS OF PROBATION TO THE COURT)

Prob. 241K form consists of three pages comprised of preprinted headings. It is used to allege violations of conditions of probation. The report includes:

1. Identification of the specific condition(s) violated.
2. Facts of Alleged Violation – specific description of probationer's behavior generating the alleged violation, along with any pending court hearings or disposition(s) resulting from new arrests.

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3. Defendant's Statement – recapitulating probationer's explanation (oral as well as written) of the alleged violation and the probationer's response to the proposed plan and recommendation.
4. Records/Reports (CII, Arresting Agency, etc.) – reflects record bureau clearances conducted that provide information regarding possible violations and arrests not previously reported. (This section is also used to report status of pending cases including those previously reported to the court, that were pending when probation was granted; or any pending case not alleged as violation as it occurred prior to grant of probation).
5. Additional Information – statements from interested parties.

Example: At the time probation was granted, the defendant was a twenty-five-year-old unmarried man with no children who was employed as a carpenter. In the matter then pending before the Downey Court under case number 94M0000-01, the defendant pled guilty to PC484 (a) (Petty Theft), was placed on a "Conditional Sentence" and was fined \$350, plus penalty assessment.

6. Conduct Under Supervision – assesses the probationer's conduct, response to conditions/instructions of DPO, provides compliance with financial orders, narcotic testing record, if applicable, etc.
7. Evaluation – evaluates probationer's situation and assesses the defendant's suitability for continued supervision on probation. Provides reasons for the recommendations that follow.
8. Recommendation – check the applicable conditions being recommended. When recommending jail time as a condition, the DPO recommends a "**suitable**" period of time in custody.

1511 EARLY TERMINATION/REDUCTION, TERMINATION/DISMISSAL

(DIRECTIVE 838 EARLY TERMINATION, REDUCTION, DISMISSALS, AND MODIFICATION OF PROBATION)

Under certain circumstances, a probationer may be eligible for early termination of probation, reduction of the charge to misdemeanor, or dismissal of the charges. The DPO shall notify the court and may so recommend (**see AM-1126, 1127, 1128**). In these cases, Prob. 241L form is used.

1512 SUPPLEMENTAL REPORT CII ONLY

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When the Court grants a defendant a Formal Grant of probation, without formal supervision, and orders the Probation Officer to submit periodic record checks (CII-only), the Prob. 241M form is prepared and submitted to the court with the CII printout attached (court copy only).

SUPERVISION REPORTS**1513 PROBATION OFFICER'S REPORT – DEPORTATION OF PROBATIONER**

After verifying that the probationer has been deported, the DPO prepares, calendars and submits a Deportation of Probationer report (Prob. 241N) to the court. As a result of having been deported, the probationer is not available for supervision. Therefore, in the event that the probationer may return to this country, the DPO preparing the Prob.241N report shall make the following recommendation:

It is recommended that probation be revoked and a Bench Warrant be issued.

1514 REQUEST FOR IMPOSITION OF SENTENCE (PROBATIONER IN PRISON ON SUBSEQUENT COMMITMENT, PC1203.2A)

A probationer imprisoned on a subsequent case may request that sentence on the probation case be imposed in absentia without being represented by counsel. The legislative intent is to guarantee disposition of a violation during a new term of confinement and to prevent an inadvertent denial of the possible benefits of concurrent sentences. DPOs are able to dispose of active cases, and courts are able to terminate cases, avoiding unnecessary court appearances.

PC1203.2a indicates that, "The probation officer may, upon learning of the defendant's imprisonment, and **must within 30 days after being notified in writing** by the defendant or his or her counsel, or the warden or duly authorized representative of the prison in which the defendant is confined, **report such commitment to the court** which released him or her on probation."

When information regarding a probationer's subsequent prison commitment is received, the DPO locates the inmate and sends him or her a packet consisting of a cover letter and Request for Imposition of Sentence, Waiver of Appearance and Right to Attorney (Prob. 986).

As an alternative, the probationer/inmate may request imposition of sentence, and waive appearance and representation by counsel using forms provided by the incarcerating institution. Whether the forms are received from the DPO or the incarcerating institution, they must be signed in the presence of, and be attested to, by the warden or his or her duly authorized representative.

If the DPO does not receive a response from the probationer within 30 days, the DPO submits a report to the court whether or not a form has been returned within the 30-day period.

If the DPO receives the signed Prob. 986 form, or similar form(s) provided by the institution, the DPO shall immediately prepare, calendar, and submit a Probation

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Officer's Report (Prob. 241P) to the court. The signed Prob. 986 form shall accompany the DPO's report. As indicated, this information must be presented to the court within 30 days of the DPO receiving the written request for imposition of sentence from the probationer/inmate, his attorney, or the warden

THE DPO DOES NOT HAVE THE TRADITIONAL 30 DAYS TO CALENDAR THE MATTER—THE COURT MUST HEAR THE MATTER WITHIN 30 DAYS. IN FACT, THE DPO MUST REQUEST AN EMERGENCY CALENDARING SO THAT THE COURT WILL HEAR THE MATTER WITHIN 30 DAYS OF THE DPO RECEIVING THE PROB. 986.

The DPO makes the following recommendation:

If the form has not been returned: **"It is recommended that probation be revoked and a bench warrant issued."**

If the form has been returned: **"It is recommended that probation be revoked and sentence pronounced and imposed or that the previously pronounced sentence be imposed, in accordance with PC1203.2a."**

Upon receipt of the signed and completed PC1203.2a form, requesting an imposition of sentence, the DPO has 30 days to have the matter heard by the court. Failure to calendar and have the matter heard will result in the court losing jurisdiction over the matter.

If imposition of the previously pronounced sentence was suspended (state prison suspended), the court must make a final order within 60 days of receiving notice from the DPO or lose jurisdiction of the case. When a sentence was not previously pronounced (proceeding suspended or imposition of sentence suspended), the court loses jurisdiction if a final court order is not made within 30 days of the defendant's written request for imposition of sentence.

1515 SUPPLEMENTAL REPORT**(NOTICE 1376 SUPPLEMENTAL PROBATION REPORTS - PURPOSE AND CONTENT)**

Generally, a supplemental report is prepared when the court requests information in addition to the previously submitted report. Conversely, the DPO may receive relevant information after a report has already been submitted, and will complete the supplemental report as an addendum to the original report. In addition, the supplemental report may be used by the DPO at any time to provide information to the court; however, it should not be used in-lieu of a more suitable report type (**Example:** a probationer who is in desertion should be reported to the court on a Desertion Report Prob. 241E form).

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The DPO prepares, or dictates, a supplemental report on a Prob. 712 form, (Probation Officer's Supplemental Report), including headings, as needed, to provide the necessary information. Headings include, but are not limited to, the following:

1. Reason for Hearing:

Briefly summarize the purpose of the court hearing.

Example: The matter was continued from June 2, 2000, to permit the probationer to submit proof that he completed payment of restitution directly to the victim.

2. Record Bureau Clearance:

This is where a summary of the probationer's Criminal History information, which has not been previously brought to the courts attention (generally new arrests), is entered.

3. Report:

This heading is generally used when answering specific questions from the court. This is where information is generally presented to the court.

4. Probationer's Statement:

Included probationer's response regarding the information presented in the report. If the report involves a potential violation of probation and the DPO is recommending sanctions, a probationer's statement or an attempted to obtain a probationer's statement must be documented in the report.

5. Interested Parties:

Furnish any relevant information received by an interested party.

6. Conduct Under Supervision:

Describe the probationer's conduct, as it relates to his/her terms and conditions of probation, new arrests, and the rules and regulations of the Probation Department.

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7. Remarks:

This section is for brief comments from the DPO regarding the information presented in the report. It is generally used when it is not appropriate to use the Evaluation heading.

8. Evaluation:

This section is used evaluate information presented in the report. It must be used when potential violations are presented and sanctions are recommended.

9. Recommendation:

Dictate a recommendation consistent with the case factors.

1516 MODIFICATION REPORT

Modification reports may be used in the following situations:

- Circumstances have arisen since the sentencing hearing that will require additional orders or instructions by the court
- Because circumstances have changed, a previous court condition is no longer relevant but court approval is necessary to delete the condition; or
- A court order is unclear, and clarification is being requested.

The **format** of the modification report (Supplemental Report, Prob. 712) consists of the headings given below. Others may be included as necessary to present all relevant information to the court:

1. Reason for Hearing:

Give a clear, concise explanation regarding the need for a change of the court order.

Example: The Probation Officer requests that the conditions of probation be modified to order the probationer to order the probationer not to harass or annoy his ex-wife, who has returned to this area and reports the probationer is attempting to interfere with her employment.

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2. Probationer's Statement:

Include probationer's response to the proposed modification. If calendared at the defendant's request, state reasons for the request and provides any additional relevant information considered needed to assist the court in making a decision.

3. Interested Parties:

Furnish any relevant information received by an interested party.

4. Evaluation:

Present, briefly and logically, the reasons supporting the recommendation and the expected result of the modification, if granted.

5. Recommendation:

Recommend that a specific condition of probation be modified, terminated or vacated, or that additional conditions of probation be imposed.

Example: a) *Felony*. It is recommended that the conditions of probation be modified to require that the probationer submit to periodic anti-narcotic tests as directed by the Probation Officer, all other terms and conditions to remain the same. b) *Misdemeanor*. It is recommended that probation be modified as shown on the attached Court Memorandum.

NOTE: An order is vacated when there has been no action needed to affect compliance; an order is terminated when compliance has been attempted, even unsuccessfully.

1517 ANSWER TO MOTION

Request for an Answer to Motion is technically a petition initiated by the probationer, defense counsel or the DA. The hearing is a special type of modification, which does not originate with the Probation Officer. The court determines whether or not to grant the motion or petition to modify probation.

The **format** of the Answer to Motion Report (Supplemental Report, Prob. 712) contains the following headings (others are used as necessary to present all relevant material):

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1. **Reason for Hearing:**

Identify the source of the request for modification, the nature of the modification requested, and any supporting arguments presented to the court by the requesting party.

Example: The probationer, through counsel, requests that the court modify probation to allow possession of a pistol, essential to employment as a security guard.

2. **Probationer's Statement:**

Include in this section the probationer's response to the proposed modification and, if the request originated with the probationer's, reasons for the request.

3. **Interested Parties:**

Presents relevant material from interested parties.

4. **Evaluation:**

Present the reasons supporting the recommendation briefly and logically.

5. **Recommendation:**

Example: **a) *Felony*** - Generally, the recommendation is that the motion be granted or denied, e.g., "It is recommended that the motion be granted." If the motion is complicated, the DPO should correctly state the recommendation to provide the appropriate wording of the court order; e.g., "It is recommended that the motion be granted, and that the terms and conditions of probation be modified to allow the probationer to travel to and from the library on Saturdays, to have up to three volumes of law library material in the jail cell at all times, and to consult with counsel for three hours each Sunday during the remainder of confinement in County Jail." **b) *Misdemeanor*** - "It is recommended that action be taken as indicated on the attached Court Memorandum."

1518 BENCH WARRANT PICK-UP REPORT

(NOTICE 1472 ADULT SERVICES COURT OFFICER TEAM (ASCOT) DUTIES: BENCH WARRANT PICK-UP REPORTS)

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(NOTICE 1468 ADULT SERVICES COURT OFFICER TEAM (ASCOT) DUTIES: BENCH WARRANT PICK UPS (BWPU's))

The Adult Investigator will do the Bench Warrant Pick-Up (BWPU) report on all cases. If the bench warrant information was not updated in APS by the Supervision DPO, that DPO will ensure that the case information is updated and that the case is referred to the appropriate Investigations unit for completion of the BWPU report.

Cases where the court has ordered that the probationer be interviewed for the BWPU report will be referred to the appropriate Investigations unit. If there is no order for an interview, the case will be referred to the EDP unit at CAI for completion of the BWPU report.

When a probationer has been arrested on a bench warrant following revocation of probation, the court may request additional information before disposing of the matter.

This report is provided the court with the information about the probationer's activity subsequent to the revocation, statement and plans, and the Probation Officer's assessment of the situation and recommendation.

NOTE: Bench Warrant Pick-Up Reports require the use of the Prob. 241A form. The recent addition of the 241BW form was made for the use of the EDP unit, at CAI, which will complete all BWPU reports that do not required a defendant interview.

1401 PROPOSITION 69/ DNA AND PALM PRINT IMPRESSION COLLECTION (DNA)

(DIR. 1055 PROP 69 DNA AND PALM PRINT IMPRESSION COLLECTION INFORMATION FOR PROBATIONERS)
 (DIR. 1062 COLLECTION OF JUVENILE DNA SAMPLES- PROPOSITION 69)
 (DIR. 1078 ADULT SERVICES BUREAU SEX REGISTRANT –SRG CASELOADS)
 (DIR. 1105 JUVENILE–PROPOSITION 69 DNA AND PALM PRINT IMPRESSION COLLECTION INFORMATION FOR PROBATIONERS)
 (DIR. 1107 PROCEDURES FOR FILING THE “NOTICE OF SEX OFFENDER REGISTRATION REQUIREMENT – 290 PC”, NOTICE OF ARSON OFFENDER REGISTRATION REQUIREMENT 0 457.1 PC, AND “ NOTICE OF NARCOTIC OFFENDER REGISTRATION REQUIREMENT – 11590 H&S)

Pursuant to Proposition 69 (The DNA Fingerprint, Unsolved Crime and Innocence Protection Act) and under the provisions of Penal Code Section 296, the Department must collect DNA samples and palm print impressions on all adult probationers convicted of the following: felonies, misdemeanors with a DNA collection court order, misdemeanors with a prior felony conviction; or misdemeanors that require collection pursuant to PC 290 and PC 457. The

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Department must also collect DNA samples and palm print impressions on all juvenile probationers who have been adjudicated for a sustained petition of a felony or a qualifying misdemeanor. PTS staff provides the collection service of DNA samples and palm print impressions for both adult probationers and juvenile probationers. Live Scan machines are operational at the collection sites to ensure compliance with the palm print impression-capturing requirement of Proposition 69.

Pursuant to PC269, the Adult Field Services Bureau will complete the obligation for the collection of DNA samples by January 1, 2009.

LOS ANGELES COUNTY PROBATION DEPARTMENT

Subject: ADULT MANUAL TRANSFERS	Section: AM-1600
	Effective Date: July 17, 2008
	Approved By: Reaver Bingham, Bureau Chief

(**NOTE:** Because of the large number of Directives and Notices pertaining to this section, only the Directive and Notice number will be listed. The full title and text of each Directive and Notice is available on PROBNET.)

(DIRECTIVE 1031)
(DIRECTIVE 917)

(DIRECTIVE 994)
(DIRECTIVE 905)

(DIRECTIVE 981)
(DIRECTIVE 846)

(DIRECTIVE 957)
(DIRECTIVE 762)

1601 TRANSFERS

File transfers are made according to guidelines (Directive #846) and are based upon the level of supervision required, residence, and availability of specialized supervision programs. All transfers require approval of the SDPO.

All transfers are recorded in APS. The movement of probation files in an inter-office transfer is recorded on APS-DFXD (Defendant X-file Location Data) screen. Whenever transfers occur, the "File Location" field in APS is updated to correctly reflect the Area Office having possession of the X-file. The movement of probation files in intra-office transfers is recorded on APS-CSHA.

1602 INTER-OFFICE TRANSFERS

Inter-office transfers are transfers made between offices. All files must meet the following criteria:

- FCN is required in APS-formerly CII registration.
- All violations have been reported to court and dispositions entered in APS-CNDD.
- Orientation/Permanent Instructions (Prob. 895) is complete and recorded on the APS-SIND screen.
- Case files and materials are complete and properly filed.
- Criminal offender registration (PC290, HS11590, PC457.1, PC296, Gang, Violent Offenders) is current and entered on APS- DFPD.
- Probationer's address is verified by utility bill, rental contract, Driver License, U.S. Mail received by probationer, or registration address in

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VCIN for sex offenders required to register pursuant to section 290 of the California Penal Code.

- A thorough Transfer Summary is entered in APS-DCID, identifying each active case, special conditions of probation, future court reports, reason for transfer, and other pertinent information.
- A Transfer Check Sheet (Prob. 577) is completed by the DPO and approved by the SDPO. After approval by the SDPO, the DPO notifies the probationer of the transfer and new Area Office assignment.

All inter-office transfers, except those from SIT, are forwarded to the Clearinghouse for review, and the Clearinghouse sends the file to the appropriate office. The Clearinghouse will correct minor errors in the file. However, major discrepancies will result in a file return to the sending office for corrections. Should the receiving office note a discrepancy in the file, the matter is discussed between the receiving and Clearinghouse SDPO's. The receiving office shall not return any file directly to the sending office, due to perceived discrepancies.

1603 INTRA-OFFICE TRANSFERS

Intra-office transfers are transfers made within an office, from caseload to caseload. All intra-office transfers are submitted to clerical with a Transfer Check Sheet (Prob. 577) that has been approved by the SDPO. APS-SMTA is updated with the current caseload assignment, and the receiving DPO promptly notifies the probationer of the transfer.

1604 OUT OF COUNTY UNIT

The Out of County Unit (OCU), housed at the Alhambra Office, processes requests for the transfer of cases between California counties pursuant to Penal Code (PC) Section 1203.9, and other states via the Interstate Compact (ISC). The OCU insures that transfer cases are responded to in a consistent and timely manner.

The unit is the resource for 1203.9 PC related communication between other counties and the ISC Administrator in Sacramento and DPO's in the Probation Department and the OCU may be contacted to request information on the status on any 1203.9PC or ISC request. The cases remain assigned to the DPO of record during the transfer process.

1605 INTERSTATE COMPACT TRANSFERS (OUTGOING)

The California Penal Code (Sections 11180 – 11181) enacts the acceptance of the *“Interstate Commission For Adult Offender Supervision”* (ICAOS) as the

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controlling statute for the supervision of probationers in a state other than where probation or parole was granted.

In all cases in which a probationer requests transfer to from one state to another the receiving state shall have the opportunity to conduct an investigation as to the eligibility and/or suitability to reside in that state. **In no case should a probationer be allowed to proceed to the receiving state without having been granted permission by the receiving state and having received reporting instructions.**

Any probationer with at least six months remaining on his/her grant of probation is potentially eligible for transfer under the compact. All requests and reports are directed through the Alhambra OCU. The OCU will forward all correspondence to the Interstate Compact unit in Sacramento,

Division of Adult Parole Operations
California Interstate Compact Unit
9825 Goethe Road, Suite 200
Sacramento, CA 95827
Fax: (916) 255-2047
Phone: (916) 255-2781

The receiving state will not collect on the probationer's financial obligations to Los Angeles County, but does have the authority to charge their cost of supervision fees. Los Angeles County has the authority to demand payment for the cost of any probation services (COPS) incurred prior to the date of acceptance by the receiving state.

1606 TRANSFERRING SUPERVISION

The following are guidelines to be adhered to when the probationer is requesting permission to move to another state and be transferred under the compact.

1. The DPO initiates steps to determine the probationer's eligibility to reside in another state. Eligibility requirements are as follows:

The probationer is a resident of the receiving state or has family residing within the receiving state and an offer of employment or a means of support.

- To qualify as a "resident" of the receiving state, the probationer must not have resided in California for more than six months prior to the commission of the new offense (time in custody excluded) and must have resided in the receiving state continuously for at least one year immediately prior to coming to California. Acceptable verification would include: rent receipt, tax returns, school transcripts, employment check

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stubs or a drivers license from the receiving state indicating the date of issuance.

- “Family” consists of only immediate family: parent, grandparent, aunt, uncle legal spouse, adult siblings, adult children, legal guardian or stepparents. The family member must have resided in the receiving state for 180 days or longer as of the date of the transfer request and indicate a willingness and ability to assist the offender as specified in the “plan of supervision.” The probationer does not necessarily have to reside with the family member.
- An “offer of employment” is a written offer of employment from a verified prospective employer. A “means of support” is a verifiable source of income in the receiving state or a verified letter of support from the family member with whom the probationer will reside. Public assistance is not a means of support

The following probationers are immediately eligible for reporting instructions and acceptance in the receiving state:

- A probationer who is a member of the military and is deployed to another state.
- A probationer who lives with a family member who is in the military and the family member has been deployed to another state, provided that the probationer will reside with the member of the military in the receiving state.
- A probationer who resides with a family member who is transferred to another state by their full-time employer, provided that the probationer will continue to reside with the family member in the receiving state.

If the probationer qualifies as above then the receiving state must accept the case for transfer.

If an offender does not qualify as having family, employment or a visible means of support then the receiving state may “for good cause shown” consent to the transfer. “Good cause shown” must in general relate to being in the interests of the probationer’s rehabilitation.

The following types of cases fall under the authority of the compact:

Felonies – All felony grants of Formal Probation with supervision fall under the compact. Additionally, the following types of cases are included under the compact:

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- Formal grants of probation without supervision with at least one enforceable condition other than “Obey all laws” and a means to provide supervision either by the court or probation (e.g. Formal Probation without supervision with CII only” or Formal Probation without supervision with community service and a completion notice to be filed with the court).
- Felony Deferred Entry of judgment cases.

Misdemeanors – Any grant of misdemeanor probation with supervision will fall under the authority of the compact if the sentence includes at least one year of supervision and the instant offense includes one of the following:

- An offense in which a person has incurred direct or threatened physical or threatened harm.
- An offense that involves the use or possession of a firearm.
- A second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol.
- A sexual offense that requires the offender to register as a sex offender in the sending state.

In addition, any case that meets the above criteria and is a misdemeanor grant of probation without probation or conditional sentence (also described as summary probation, bench probation or informal probation), that has an enforceable condition and a means to provide supervision by the courts or other agency is included under the compact.

***Note: Misdemeanor DEJ cases are not included under the compact at this time, as they do not fit the above criteria.**

2. The DPO must review the case records for pending violations, scheduled court hearings, and outstanding financial obligations, particularly victim restitution. The DPO will demand and attempt to collect full payment of the outstanding financial obligations prior to granting permission to leave. The authority to charge the probationer COPS ends on the date of acceptance by the receiving state. Therefore, prior to the probationer departing, the DPO will adjust the amount of COPS to charge only for those months in which the probationer was supervised and the investigation report. The DPO will submit a Financial Change Form to delete the remaining months of charges.

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3. The DPO informs the probationer he/she may not leave the state until the investigation is completed in the receiving state and the Notice of Acceptance is received along with the reporting instructions. The DPO should inform the probationer the process may take up to 120 days.
4. The DPO completes the Interstate Compact Packet consisting of the following ICAOS Forms which are all available on Probnets under Adult Forms:
 - Transfer Request
 - Offender's Application for Interstate Compact Transfer (probationer signs)
 - Authorization for Release of Medical And Psychological Information (probationer signs)
 - Consent to Random Drug or Alcohol Testing and to Searches Based on Reasonable Suspicion (probationer signs).

The DPO must attach the following to complete the packet:

- Probation and Sentencing Reports/any subsequent reports
 - Photograph (may be obtained through CCHRS)
 - Criminal history
 - Certified copy of the sentencing minute order
 - Print outs of APS screens, FIND, FINL and RPDD
5. The completed packet (3 copies) is sent to the Out of County Unit (OCU) at the Alhambra Area Office. OCU will review the packet for completeness and forward it to ISC Unit in Sacramento. OCU will monitor the processing of the request and notify the requesting DPO of the results.
 6. The receiving state is given the opportunity to complete their Investigation (45 days from the date of the receipt of the request in the ISC Unit of the receiving state) and grant or deny acceptance.
 7. When notification of acceptance and reporting instructions are received the DPO prepares a Provisional/Transfer Travel Permit for the probationer to proceed to the receiving state. The DPO then sends a Departure Notice to the ISC Unit in Sacramento.

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8. All cases that are accepted for ISC supervision are to be transferred to the Riverview Office for continued supervision.

It is important to advise the probationer to travel by the most expeditious route possible based on the mode of travel. Probationers required to register under Section 290 of the Penal Code may have special restrictions placed on them by other states.

THE FOLLOWING ARE EXCEPTIONS TO THE USUAL MANNER IN WHICH CASE ARE TRANSFERRED UNDER THE COMPACT AND FALL UNDER "EXPEDITED TRAVEL"

A. EMERGENCIES –

The probationer has an "emergency" situation, which necessitates leaving the state immediately. For an emergency to exist the ISC Unit Offices in the receiving state must agree that the situation is an emergency.

1. The DPO determines and verifies if an emergency exists which necessitates the probationer leaving the state prior to the receiving state completing their investigation. Emergency circumstances may include the following:
 - a. Death or serious illness in the immediate family, requiring the probationer to provide immediate care for an elderly or dependent relative.
 - b. Imminent loss of employment if the probationer is not allowed to proceed.
2. It is the DPO's responsibility to verify the emergency exists.

Upon verification the DPO will forward the form Request for Reporting Instructions to the ISC unit in Sacramento (916) 255-2781 or FAX (916) 255-2047.

If the ISC unit agrees that an emergency exists, the request will be forwarded to the receiving state, via fax, requesting reporting instructions. The probationer shall not be allowed to leave until the receiving state provides reporting instructions.

Upon receiving reporting instructions for the probationer to travel to the receiving state, the DPO will forward 3 copies of the investigation packet, with all required documentation, to the ISC unit in Sacramento within 10 days and one copy of the packet to the OCU in Alhambra. Once reporting instructions are received by the DPO a Provisional Travel Permit may be issued to the probationer and a Notice of Departure sent through the ISC unit.

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In such emergency situations the compact provides that the receiving state may extend tentative acceptance prior to the completion of their investigation.

It is the responsibility of the sending state to arrange for removal from the receiving state of any offender who has been allowed to proceed to the receiving state in advance of formal acceptance and is later rejected for transfer of supervision.

B. PROBATIONER IS “LIVING IN THE RECEIVING STATE AT THE TIME OF SENTENCING” AND REQUESTS PERMISSION TO RETURN

1. The DPO verifies that probationer is living in the receiving state. Acceptable verification would include; rent receipt, utility bills, tax returns, school transcripts or employment check stubs
2. To qualify as living in the receiving state at the time of sentencing, the probationer must have been living in the receiving state during the court process or moved to the receiving state and established residency prior to the sentencing hearing.
3. The DPO must FAX a copy of the form Request for Reporting instructions to the ISC Unit in Sacramento. The ISC Unit will provide reporting instructions within 48 hours from the receiving state.
4. The probationer may not be allowed to leave the state until reporting instructions have been received and all ISC forms are signed. Once reporting instructions are received the DPO issues a Provisional Travel Permit and allows the probationer to proceed. The DPO then sends a completed Notice of Departure through the ISC Unit. The DPO sends three copies of the investigation packet directly to the ISC Unit in Sacramento within 10 days and one copy to the OCU in Alhambra.

C. THE PROBATIONER HAS A COURT ORDER GRANTING PERMISSION TO LEAVE THE STATE OR RESIDE IN ANOTHER STATE.

Typically, these court orders are worded that the probationer “**may**” or has “**permission**” to reside in another state. These orders do not represent a change in the manner in which cases are transferred.

However, the order may grant permission to leave the state “**forthwith**” or prior to acceptance of the case by the receiving state or while the probation officer arranges supervision through the ISC. The probationer must be advised that a judge’s order to allow an offender to leave prior to completion of the investigation

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is not a legal order in another state or under the compact. Some states have laws providing for the arrest and prosecution of probationers found to be in their state without compact authority. Other states may demand the immediate removal of the probationer from the receiving state and will suspend the application process as long as the probationer remains in the receiving state.

If the court order (verify on TCIS) does grant permission to leave forthwith the DPO shall immediately inform the SDPO who will determine the best course of action. The SDPO should contact the OCU in Alhambra for further instructions.

Under no circumstances shall the court be advised of any means of avoiding ISC transfer rules. As indicated above, under current compact rules, conditional sentences and certain Felony Deferred Entry of Judgment cases now fall under the compact.

D. ASSIGNMENT OF ISC CASES:**Supervision:**

Following the referral of a case for interstate compact, the case will remain assigned to the supervision DPO that initiated the transfer, pending the completion of the investigation by the receiving state. All conditions of probation will be enforced while the probationer is awaiting transfer, and no probationer shall be allowed to leave the state without verification of DNA submission. Supervision DPOs will also ensure that every effort is made to collect victim restitution prior to the probationer's relocation to another state. Furthermore, the probationer will be reminded that, unless the court has indicated otherwise, they will be expected to attend all calendared court hearings. Following the departure of the probationer the case will be updated in APS and the file will be transferred to the Riverview Office for assignment to the Out of County Caseload, for supervision.

SIT:

All cases where the SIT officer has secured expedited reporting instructions, and the probationer has departed for the receiving state, will be referred to the Riverview Office for supervision. Cases that are awaiting reporting instructions on a non-expedited request will be assigned to the appropriate caseload and area office, pending the completion of the ISC investigation.

REJECTED CASES:

In the event a probationer living out of state on expedited reporting instructions is denied courtesy supervision, the DPO will order the probationer to return to

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California. In cases where the probationer reports to the Riverview Office, as directed, and that defendant's case would normally be supervised on a Specialized caseload (SRG, CTH, DOM, GNG, HRO, BIG), the probationer's case will be transferred back to the SIT unit that initiated the request for reporting instructions for re-orientation and assignment to the appropriate caseload. The Riverview DPO will be responsible for calendaring and reporting any potential violations of probations prior to transfer of the case to the SIT. However, the re-assignment of supervision to the appropriate SIT unit will not require that the matter be heard prior to transfer. The Specialized caseload DPO will be responsible for any subsequent court reports.

1607 INTERSTATE COMPACT TRANSFERS (INCOMING)

All incoming requests from the ISC Administrator in Sacramento for supervision in Los Angeles County will be referred to the OCU in Alhambra. Any inquiries regarding the status of a request or the policy of the Department may be referred to the OCU at (626) 308-5542.

The OCU will either accept or reject the case based on the rules of the Interstate Compact. The OCU will make a determination of the level of supervision required in the particular case. When the case is accepted for supervision the OCU will transfer the case to the appropriate area office SIT for supervision.

DPOs are required to submit an annual progress report, violation reports, and a closing report to the sending state. All reports types are available on PROBNET.

1608 JURISDICTIONAL TRANSFERS AND COURTESY SUPERVISION PURSUANT TO PC 1203.9

(NOTICE. 1280 CHANGE IN PROCEDURES - JURISDICTIONAL TRANSFER AND
COURTESY SUPERVISION PURSUANT TO PC 1203.9)

Section 1203.9 of the Penal Code allows for the transfer of supervision between county within the State of California. It is vital that the DPO recognize the difference between a 1203.9PC transfer of jurisdiction and courtesy supervision. If the court grants the transfer of the case through 1203.9PC, the jurisdiction of the case will be transferred from Los Angeles County to the Superior Court of the receiving county, and the matter will be closed. If the receiving county agrees to supervise the probationer on a "courtesy" basis, the case remains active to the Department and is transferred to Riverview for monitoring.

1609 INCOMING REFERRALS

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Requests from other counties for residence verification, courtesy supervision or jurisdictional transfer to Los Angeles County are all received by the OCU. The unit makes a necessary determination if the probationer resides in Los Angeles County and has the stated intention to reside in this county for the remaining period of probation. Cases pending transfer are monitored by the OCU until the case is received by the Los Angeles Courts. Once accepted for jurisdictional transfer or courtesy supervision cases will be transferred to the area office servicing the probationer's residential zip code for orientation.

1610 OUTGOING REFERRALS

The DPO of record is responsible for the review of a probationer's request for transfer and the processing of PC 1203.9 requests in accordance with current departmental procedures. Once the need for the transfer of a case has been determined the DPO completes a transfer "packet" consisting of the following:

- 1203.9 PC Residence Verification Form
- Request For Intercounty Transfer (Prob. Form 14200)
(Probationer signs)
- Modification or Termination Agreement (PC1203.2(b))
(Probationer signs)
- Probation and Sentence Reports/any subsequent reports
- Arrest report(s)
- Copy of original court order
- Copy of any modification orders
- Transfer summary

The completed packet will then be forwarded to the OCU for review and referral to the appropriate jurisdiction for completion of the residence verification. All outgoing referrals will request jurisdictional transfer on the referral document.

Requests for transfer involving "new" cases will be handled by the appropriate SIT/CASC/ASCOT. SIT/CASC/ASCOT will complete as much of the "packet" as possible and obtain the probationer's signatures. Cases with risk scores of 14 or less will be sent to Riverview for completion of the packet. Riverview will then forward the completed "packet" to OCU for review and referral. Cases with risk scores of 15 or above will be assigned to the appropriate specialized caseload within the area office for completion of the packet. The "packet" will then be sent to OCU for referral and review.

The OCU will monitor the processing of the referral by the receiving county and maintain contact with the receiving county until accepted for transfer or notice of rejection of the referral is received. The DPO of record will be notified of the response from the receiving county so that the processing of the transfer can be

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completed. Once the case is accepted for jurisdictional transfer per 1209.9PC, the file will be transferred to closed files.

NOTE: A case is not considered to be transferred to another jurisdiction until the DPO or clerical staff can verify that the legal file was sent, by the court, to the receiving jurisdiction. This is usually entered in the Trial Court Information System; however, it may be necessary to contact the court directly to secure verification of this information.

For additional information regarding the 1203.9 PC transfer process see Directives 957, 1015 and Notice 1280.

1611 COURTESY SUPERVISION

1611.1. INCOMING

Los Angeles County Probation Department accepts incoming requests for Courtesy Supervision pursuant to 1203.9 PC. All incoming requests are to be sent to the OCU at the Alhambra Office. The sending county always retains jurisdiction of courtesy supervision cases. Therefore, the Department does not collect on financial orders and will not arrest probationers for violations. However, the Department will charge the monthly cost of probation supervision for all courtesy supervision cases. The Department will promptly report all violations to the sending county.

1611.2. OUTGOING

Penal Code Section 1203.9 PC allows the receiving jurisdiction to determine if the case is to be transferred jurisdictionally or as a courtesy supervision. Although all outgoing requests for transfer from this Department are to be made for jurisdictional transfer some counties may decide to accept the case on a courtesy supervision basis. In these cases the Department retains legal responsibility and the legal case remains with the granting court. The receiving county does not collect on financial orders, and will not arrest probationers for violations, but is responsible to promptly report any known violations to the sending county.

Upon acceptance by the receiving jurisdiction, the case file is transferred to an AMS caseload. All information regarding the transfer, including any acceptance letters must be in the file, upon transfer to Riverview.

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Court reports, recommending modifications, reporting violations and other case activity, such as collecting financial obligations, are the same as for any other grant, with the exception that the receiving county conducts surveillance and monitors the probationer's reporting.

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Subject: ADULT MANUAL APPENDIX I: ABBREVIATIONS AND ACRONYMS	Section Number: AM-1700
	Effective Date: July 17, 2008
	Approved By: Reaver Bingham, Bureau Chief

The following pages list acronyms and abbreviations common to the Department, as well as County, State, and Federal agencies.

“A”			
AA	Alcoholics Anonymous	AACIS	Automated Adult Central Index Systems (Obsolete System)
AARS	Automated Accounts Receivable System (Obsolete System)	ABC	Alcoholic Beverage Control Department (State)
ACHS	Automated Criminal History System	AD	Acting Director
ADR	Area Director's Report	ADW	Assault with Deadly Weapon
AFA	Armed with Firearm	AFDC	Aid to Families with Dependent Children (Obsolete Program)
AFSB	Adult Field Services Bureau	AIDS	Acquired Immune Deficiency Syndrome
AIS	Automated Identification System	AJIS	Automated Justice Information System (Booking Information)
AKA	Also Known As (alias or nickname)	AMS	Action Management System
AMS	Asset Management System	AM	Adult Manual
AMSC	Automated Minimum Supervision Caseload	AO	Area Office
AP	Appraisal of Promotability	APP	Appearance (Hearing)
APB	All Points Bulletin	APS	Adult Probation System
ARAD	Arrest, Report, Adjudication, and Disposition	ASAP	Alcohol Safety Action Program
ASCPM	Adult Supportive Case Procedures Manual	ASB	Administrative Services Bureau
ASM	Administrative Services Manual	ASSP	Adult Special Services Bureau
AVY	Antelope Valley Area Office		

“B”			
BIG	Big Maximum Account Caseload	BJN	Barry J. Nidorf Juvenile Hall
BKG	Booking Number	BMP	Behavior Management Program
BLS	Bid List System	BPOA	Black Probation Officers Association
B&P	Business and Professions Code (State)	BRS	Budget Reporting System
BTS	Background Tracking System	BW	Bench Warrant
BWI	Bench Warrant Issued	BWPU	Bench Warrant Pick Up

“C”			
C&R	Counseled and Released	CAI	Central Adult Investigations
CAL/GANG	California Gang System	CASC	Community Assessment Service Center
CAO	Chief Administrative Office (Obsolete Name – Replaced by CEO)	CAPS	Countywide Accounting and Purchasing System
CARS	Collection Accounts Receivable System	CBO	Community Based Organization
CC	County Clerk	CCC	Centralized Custody Caseload California Conservation Corps

ABBREVIATIONS AND ACRONYMS

			Civilian Conservation Corps
CCCJ	California Council on Criminal Justice	CCHRS	Consolidated Criminal History Reporting System
CCP	Camp Community Program	CCTV	Closed Circuit Television Cameras
CCH	Consolidated Criminal History	CDC	Community Day Center
CDCR	California Department of Corrections and Rehabilitation		
CDD	Community Development Department	CDL	California Driver's License
CDP	Community Detention Program	CE	Centinela Area Office
CEO	Chief Executive Office (The Executive Officer of Los Angeles County)	CHP	California Highway Patrol
CII	Criminal Identification and Information	CIM	California Institution for Men
CIMP	Crime Involving Moral Turpitude	CIW	California Institution for Women
CJ	County Jail	CJH	Central Juvenile Hall
CCJCC	Countywide Criminal Justice Coordination Committee	CETS	Crime Evidence Tracking System
CJIS	Criminal Justice Information Systems County Justice Information System California Justice Information System	CLETS	California Law Enforcement Telecommunications System
CLEAR	Community Law Enforcement and Recovery		
CLO	Custody Liaison Officer	CM	Camps Manual (Obsolete term; replaced by RTSB)
CMS	Caseload Management System	COI	Cost of Incarceration
COMPASS	County Owned Multi Point Automatic Switching System	COPS	Cost of Probation Services
CORI	Criminal Offender Record Information	CPO	Chief Probation Officer
CPPCA	California Probation, Parole, and Correctional Association	CR	Crenshaw Area Office
CRMS	Centralized Records Microfilm System	CRU	Central Restitution Unit (Juvenile)
CRASH	Community Resources Against Street Hoodlums (LAPD Gang Program)	CRC	California Rehabilitation Center
CRV	Court Referral Volunteer (Community Services)	CSA	Corrections Standards Authority (formerly BOC)
CSSD	County Child Support Services Department		
CS	Courtesy Supervision	CT	Child Threat
CTS	Compliance Tracking System	CVC	California Vehicle Code
CYA	California Youth Authority (Obsolete term; replaced by DJJ)	CWTAPPS	Countywide Timekeeping and Payroll / Personnel System
CWS	Countywide Warrant System		

"D"

DA	District Attorney	DBL BRL	Double Barrel
DCFS	Department of Children and Family Services	DCMIS	Drug Court Management Information System
DD	Deputy Director	DDA	Deputy District Attorney
DEJ	Deferred Entry of Judgment	DIBS	Digital Imaging Barcode System
DJJ	Department of Juvenile Justice (formerly CYA)	DKC	Dorothy Kirby Center
DKJJC	David Kenyon Juvenile Justice Center	DIAC	Delinquency Intervention Adjustment Center
DISPO	Disposition	DIV	Division

ABBREVIATIONS AND ACRONYMS

DL	Driver's License	DMH	Department of Mental Health
DMS	Defense Management System	DMV	Department of Motor Vehicles
DOB	Date of Birth	DOC	Department of Corrections (replaced by CDCR)
DOJ	Department of Justice	DPD	Data Processing Department Deputy Public Defender
DPO	Deputy Probation Officer	DPR	Detained Petition Request
DPSS	Department of Public Social Services	DRC	Day Reporting Center
DSB	Detention Services Bureau		
DSO	Detention Services Officer	DSSS	Detention Services Scheduling System
DTS	Discipline Tracking System	DTTC	Department of Treasurer – Tax Collection
DUI	Driving Under the Influence		

“E”

EB	Executive Bulletin	ECRDS	Electronic Court Report Delivery System
EDP	Early Disposition Program	ELA	East Los Angeles Area Office
EM	Electronic Monitoring Program	EMI	Expanded Master Index
EPIC	Expedited Probation Intervention Collection	EPM	Emergency Plan Manual
ESFV	East San Fernando Valley Area Office	ETRS	Expanded Traffic Record System
EV	East Valley	EXP	Expiration

“F”

F/A	Firearm	FBI	Federal Bureau of Investigation
FEL	Felony	FERPA	Family Educational Rights and Privacy Act
FFE	Full Force and Effect		
FI	Firestone Area Office	FIT	Financial Evaluator Team Fitness Hearing
FFI	Failure to Follow Instructions	FMO	Facilities Management Office
FO	Foothill Area Office	FSB	Field Services Bureau
FTA	Failure to Appear		
FTB	Franchise Tax Board	FTP	Failure to Provide

“G”

GAPP	Gang Alternative and Prevention Program	GBI	Great Bodily Injury
GC	Government Code	GED	General Education Diploma
GREAT	Gang Reporting, Evaluating, and Tracking System	GU	Gang Unit
GS	Group Supervisor	GSN	Group Supervisor Nights
GSCPM	General Supportive Case Procedures Manual	GTS	Grievance Tracking System

“H”

HAA	Harbor Area Office	HC	Head Clerk
HELP	Help Desk Logging System	H&S	Health and Safety Code
HIA	Hold in Abeyance	HIPPA	Health Insurance Portability and Accountability Act
HOP	Home on Probation	HRO	High Risk Offender

ABBREVIATIONS AND ACRONYMS

HTA	Held to Answer		
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“I”			
IB	Application for Probation Form – Identification Bureaus	IBMP	Individualized Behavior Management Plan
ICAN	Interagency Child Abuse Network		
ICU	Intensive Care Unit	ICE	Immigration and Customs Enforcement
ICS	Injury Claim System		
ICT	Inter-County Transfer	IDC	Intake and Detention Control
ILP	Independent Living Plan	IMPSS	Imposition of Sentence Suspended (also ISS)
INS	Immigration and Naturalization Service	IO	Investigation Officer
IP	Interested Parties	IRC	Inmate Reception Center (LASD – County Jail)
ISAB	Information Systems Advisory Body	ISB	Information Systems Bureau
ISC	Interstate Compact	ISS	Imposition of Sentence Suspended (also IMPSS)
ISTC	Intermediate Supervising Typist-Clerk	ITC	Intermediate Typist-Clerk
ITS	Inventory Tracking System		

“J”			
JAi	Juvenile Automated Index	JAiMS	Justice Automated Information Management System
JJCPA	Juvenile Justice Crime Prevention Act	JAWS	Juvenile Alternative Work Services
JCCS	Juvenile Calendar Control System	JCMS	Juvenile Caseload Management
JCL	Juvenile Court Laws	JDIC	Justice Data Interface Controller
JDCMI	Juvenile Drug Court Management Information System	JDS	Justice Data System
JFSB	Juvenile Field Services Bureau	JH	Juvenile Hall
JM	Juvenile Manual	JRS	Juvenile Reimbursement System
JSCC	Justice Systems Coordinating Committee	JSCPM	Juvenile Supportive Case Procedures Manual
JSSP	Juvenile Special Services Bureau		

“K”			
KDS	Keys Distribution System	KJJC	Kenyon Juvenile Justice Center
KRIS	Kiosk Report-In System		

“L”			
LAGH	Los Angeles General Hospital	LAPD	Los Angeles Police Department
LARCIS	Los Angeles Regional Criminal Information System	LASD	Los Angeles Sheriff’s Department
LAPIS	Los Angeles Person Index Search	LB	Long Beach Area Office
LC	Labor Code	LD	Legislative Digest
LEAA	Law Enforcement Assistance Administration		
LEEP	Law Enforcement Education Program	LEAPS	Life Excelsior Assessment of Personal Skills
LP	Los Padrinos Juvenile Hall		

“M”			
MACA	Mexican American Correctional	MAPP	Management Appraisal Performance

ABBREVIATIONS AND ACRONYMS

	Association		Plan
MCC	MacLaren Children's Center	MC	Municipal Court
MCI	Municipal Court Information (renamed TCIS)	MDSO	Mentally Disordered Sex Offender
MI	Master Index	MIRANDA	Miranda Rights
MIRAL	Mira Loma	MODIF	Modification
MOU	Memorandum of Understanding	MSB	Management Services Bureau
MSC	Minimum Service Caseloads		

"N"			
NA	Non-Appearance	NCIC	National Crime Information Center
NCS	Night Court Services	NDPR	Non-Detained Petition Request
NG	Not Guilty	NGI	Not Guilty by Reason of Insanity
NEJJC	Northeast Juvenile Justice Center	NIC	National Institute of Corrections
NLETS	National Law Enforcement Telecommunication System	NRO	Non-Registerable Offense Non-Retainable Offense
NSF	Non-Sufficient Funds	NTU	Narcotic Testing Unit
NTO	Narcotic Testing Office		

"O"			
O/C	Off Calendar	OD	Officer of the Day
OETS	Outside Employment Tracking System	OL	Operator's License
OPP	Occasional Paring Permit	OR	Own Recognizance
ORMS	Own Recognizance Management System (renamed PT+ System)	OSAP	Office for Substance Abuse Prevention

"P"			
P&S	Probation and Sentence Property and Supply Purchasing and Stores	PA	Penalty Assessment Private Attorney
PAAWS	Probation Adult Alternative Work Service	PACE	Professional Appointee Court Expenditures
PAH	Personnel Administration Handbook	PC	Penal Code
PCREQ	PC Requisition System	PC PT+	PC Pretrial + System
PCS	Paid Crew System	PD	Police Department Public Defender
PDD	Probation Department Directive	PDN	Probation Department Notice
PDJ	Probation Department Juvenile Identifier	PDPM	Probation Department Policy Manual
PDS	Probation Detention System	PEDMS	Probation Enterprise Document Management System
PEP	Public Employment Program	PES	Performance Evaluation System
PG	Plead Guilty	PHI	Personal History Index
PIMS	Prosecutors Information Management System	PIN	Personnel Information Notice
PIX	Pro-active Information Exchange	POB	Place of Birth
POST	Peace Officer Standards and Training	PPS	Placement Packet System
PR	Petition Request	PROB	Probation
PSO	Personnel Services Office	PT+	Pretrial + System (aka ORMS)
PTS	Pretrial Services	PV	Pomona Valley Area Office

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ABBREVIATIONS AND ACRONYMS	

“Q”			
QASB	Quality Assurance Services Bureau		

“R”			
R/A	Runaway	RECOMM	Recommendation
REDUC FL	Reducible Felony	REGIS	Registration
REV	Revocation	RFP	Request for Proposal
RH	Rio Hondo Area Office	ROS	Record of Supervision
RP	Regional Placement	RT&D	Reduction, Termination, & Dismissal
RTSB	Residential Treatment Services Bureau		

“S”			
SAP	Systematic Audit Procedure	SARB	School Attendance and Review Board
SBI	Sybil Brand Institute (closed)	SC	South Central Area Office Superior Court
SCSP	School Crime Suppression Program	SDMH	State Department of Mental Health
SDPO	Supervising Deputy Probation Officer	SEIU	Service Employees International Union
SIT	Supervision Intake Team	SFVJH	San Fernando Valley Juvenile Hall (aka BJNJH)
SGSP	Specialized Gang Supervision Program	SGV	San Gabriel Valle Area Office
SHO	Serious Habitual Offender	SIRS	Security Incident Report System
SM	Santa Monica Area Office	SOS	Sign In/Sign Out System
SPSS	State Prison Sentence Suspended	SP	State Prison Suitable Placement
SRCC	Southern Reception Center Clinic	SRF	Supervised Release File
SRM	Suspense Remittance Memorandum	SSN	Social Security Number
STC	Supervising Typist Clerk Senior Typist Clerk Standards & Training for Corrections Staff Training Billing System	STERS	Staff Training Enrollment Register System
STO	Staff Training Office	STT	Supervising Transcribing Typist

“T”			
TANF	Temporary Assistance for Needy Families	TC	Typist Clerk
TCIS	Trial Court Information System	TCPX	Treatment Court Probation Exchange
T&D	Termination and Dismissal	TELE	Telecommuting System
TERM	Termination	TOP	Truant on Probation
TM	Transcribing Manual	TRACS	Transcribing Automated Court Report System
TSS	Time Study System – Title IV-E	TSST	Time Study System – TANF
TT	Transcriber Typist	TTC	Tax Treasurer Collection Refunds System

“U”			
UDW	Use of Deadly Weapon	UFA	Use of Firearm
UIC	Unemployment Insurance (State)	USL-LAC-MC	University of Southern California – Los Angeles Medical Center

“V”			
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ABBREVIATIONS AND ACRONYMS	

VC	Vehicle Code	VCIN	Violent Crime Information Network
VISTO	Volunteers in Service to Others		

“W”			
WAS	Workload Assignment System	WF	Work Furlough
WFS	Work Furlough System	WIC	Welfare and Institutions Code
WITS	Ward Inmate Tracking System	WPS	Wanted Person (CJIS)

“X”			
X-Number	Probation Department Adult Identifier		

“Y”			
YA	Youth Authority (now DJJ)	YFAM	Youth/Family Accountability Model
YTS	Youth Training School (CYA)		

“Z”			