COUNTY OF LOS ANGELES
PROBATION DEPARTMENT DIRECTIVE

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SUBJECT: ADULT SUPERVISION PROCEDURES AND REPORTS

This document emphasizes certain Bureau expectations and provides guidelines for the Deputy Probation Officer (DPO) to follow in addressing critical areas of the supervision process and in preparing court reports.

The Department continues to emphasize that court reports shall be prepared in a manner that serves the needs of the Court. The quality and accuracy of information contained in court reports is particularly important, and shall address the specific issues and concerns raised by the Court, relative to each case. It is the responsibility of the DPO preparing the report to review case file materials and access all available automated systems prior to the preparation and submission of any supervision Court Report to the SDPO.

Automated systems that are available for the DPO's review include, but are not limited to, the following:

- Adult Probation System (APS)
- Automated Justice Information System (AJIS) – Includes Booking information
- Consolidated Criminal History Reporting System (CCHRS)
- California Law Enforcement Telecommunications System (CLETS) includes:
    - Criminal Information Index (CII)
    - National Crime and Information Center (NCIC) - FBI and Interstate Information
    - Department of Motor Vehicles (DMV)
    - Supervised Release File (SRF) – Statewide index of Parolees, Probationers (County and Federal), Sex and Arson Registrants, Career Criminals, and Violent Offenders
- Trial Court Information System (TCIS)
- Prosecutor's Information Management System (PIMS)
- Pretrial+ (PT+)
- Countywide Warrants (CWS)
- Juvenile Automated Index (JAI)

MANUAL HOLDERS: CROSS-REFERENCE YOUR MANUALS TO THIS DIRECTIVE WHERE APPROPRIATE

In order to provide the Court with accurate and reliable information, the DPO shall address specific issues throughout the supervision process. These areas include, but are not limited to, Victims' Issues, Financial Obligations, Reporting Requirements, any Subsequent Arrests, and the probationer's overall progress on the grant of probation.

The SDPO or designee shall review all Court Reports prior to submission to the Court. The review process is an assurance of the quality and integrity of the Court Report. The signature of the SDPO, or designee, confirms a joint responsibility for appearance, content, and appropriateness of the recommendation in the Court Report.

SUPERVISION INTAKE TEAM

Upon receipt of a new case file, the **Supervision Intake Team (SIT)** determines whether the probationer has or has not reported to the office, and/or whether the probationer is in custody or in a residential program. The Court Order should assist in determining if the defendant may be "in custody" or in a residential treatment program.

Booking information may be accessed by reviewing the Sheriff's Booking Information through the Automated Justice Information System (AJIS). The probationer's tentative release date is determined by accessing the AJIS - S101 screen. If this screen indicates that a "Hold" has been placed on the probationer, the WD01 screen should be accessed to determine what agency placed the hold, the case number, and the contact information.

If it is determined that the probationer may have been placed in a residential program, contact is made with the facility to ascertain and confirm the probationer's status and tentative release date. If it appears that the probationer has been placed in a drug treatment program, the Narcotic Consultant (562 – 908-3269) may be able to assist in determining the facility where the probationer may be located. Assure that all pertinent information is updated in APS.

The SIT DPO reviews the case records, including the court order and the conditions of probation. If any order appears unclear or unenforceable, the DPO must request clarification through the SDPO, who will determine the necessity for and the method of requesting clarification from the Court. The SIT is responsible to assure that all appropriate data has been properly recorded in APS, such as CII number (The FCN Number on the APS - DFPD screen confirms that the CII Number has been validated by DOJ), Social Security Number, address, jail custody status, conditions of probation, and risk score. The SIT Duties and Responsibilities are outlined in a separate document.

The SIT DPO reviews and reassesses the Risk Assessment score calculation to assure the case has been designated for assignment to the appropriate caseload, and the probationer provided with reporting instructions. As appropriate, probationers that qualify for KIOSK reporting are to be enrolled by the SIT.

SUPERVISION DPO' S RECEIPT OF NEW CASE ASSIGNMENT

Upon receipt of a new case assignment, the **Supervision DPO** shall take the initial steps toward understanding the case dynamics and developing appropriate strategies for supervision, such as:

- Review the Minute Order and/or access TCIS to determine the specific terms and conditions of probation.

- Access the APS - FIND screen to verify all financial conditions have been set up. If there are Victims, review the APS - CNVD screens to assure all Victims have been forwarded Statements of Loss and their responses have been established in APS. If more than 90-days have passed since the grant of probation, and the restitution amount has not been entered on the APS – FIND screen, the ACRU DPO should be contacted to ascertain the status of the restitution issue.

- If the victim(s) did not return the Statement of Loss, and restitution has been set at $0.00 on the APS – CNVD screen, the DPO, at midpoint in the probation grant, should prepare a court report to ensure the court is advised that the victim(s) has not responded to reasonable inquiries made by the Probation Department. In the report the DPO should recommend that the court name the victim (if not previously named in the court's order) and retain jurisdiction for the purpose of determining restitution until such time as the victim's losses may be determined (per PC 1202.46).

FINANCIAL OBLIGATIONS

Restitution is a high priority. Other financial obligations include Court-ordered fines and fees, as well as Cost of Probation Services (COPS). The monthly payment plan is initially established during the SIT process; however, the probationer's ability to pay may be re-evaluated at any time during the grant of probation. The DPO may refer the probationer to a Financial Evaluator as necessary to determine his/her current ability to pay and to modify the payment plan as appropriate.

SERVICES TO VICTIMS

The Department continues to reemphasize our commitment in terms of providing support and services to victims. In addition to assuring that restitution has been set up, the DPO shall closely monitor the probationer's compliance with restitution payments by accessing the APS-FINL screen. Monthly payment plans are either specifically ordered by the Court or established during the SIT process. Failure of the probationer to make at least the minimum payment during any two consecutive months shall be considered a violation of probation and a violation report shall be submitted to the Court.

The DPO shall maintain contact with the victim during the grant of probation, particularly in those cases in which the Court has ordered the probationer to stay away from the victim. The DPO's contact with victims should be in a manner that demonstrates appropriate sensitivity and the avoidance of impersonal or only "bureaucratic" language.

REPORTING REQUIREMENTS

The manner in which the probationer is required to report must be consistent with the reporting requirements for the assigned caseload type. The reporting methods and their specific requirements are as follows:

- **In-Person**

    - Child Threat/Domestic Violence

      Probationers assigned to Child Threat/Domestic Violence caseloads are required to have a minimum of one direct "in-person" contact each month. This may include the probationer reporting in-person to the Area Office, as well as field supervision contacts. The frequency of field supervision contacts is determined by casework assessment of victim vulnerability, community risk and probationer needs. Any failure of the probationer to report as instructed by the DPO, each month, is considered a violation of probation and a report shall be submitted to the Court.

    - Adult Gang

      Probationers assigned Adult Gang caseloads are required to have two in-office contacts monthly with the assigned DPO. If it is verified that the probationer is working full time or is in school or a training program full time, then, with SDPO approval, the probationer may have only one monthly in-office contact.

- High Risk Offender (HRO)

  Probationers assigned to HRO caseloads require primarily in-person contacts. However, a high risk offender may report by mail for no more than two consecutive months, and then only with SDPO approval.

- **Kiosk**

  Probationers who are enrolled in Kiosk are instructed to report once a month during the week that corresponds to the day of his/her birth. For example, if the probationer's birthday is October 12th, he/she should report during the week in which the 12th day of the month occurs. Once enrolled, probationers may report to any Kiosk Reporting Site.

- **Mail-in Report Form (Mailer)**

  This method of reporting applies primarily to Adult Minimum Service (AMS) cases, but can apply to HRO cases for two consecutive months with SDPO approval.

  Probationers have been instructed by the SIT to assure the Mail-in Report Form is placed in the U.S. Mail by the 10th day of each month, and that Mailers will only be credited in the month received. No credit is given for multiple mailers received in a given month.

At the time of each report of the probationer the DPO must verify the probationer's progress by accessing, at a minimum, the following APS screens:

- DFAD – Reconfirm the validity of the probationer's current residence address and place of employment
- RPDD - Verify that the probationer is reporting as instructed
- FINL - Verify that the probationer is making the appropriate monthly payments as stated on the APS – FIND screen.
- CNCD - Review the conditions of probation with the probationer and confirm that the probationer is complying with all court ordered conditions.
- SCID – Discuss with the probationer any reported arrests or contacts with law enforcement agencies.

Any contact with the probationer should be thoroughly documented in the APS - DCID screen.

NEW ARRESTS

Subsequent arrests are brought to the attention of the DPO in a variety of ways. Some examples are as follows:

- The probationer may notify the DPO of a new arrest. (During the initial orientation the probationer is instructed to notify the DPO of any arrest within 24 hours). This notification may also take place via the Mail-in Report Form or Kiosk Reporting.

- The Department has developed an interface with the Department of Justice (DOJ) Supervised Release File (SRF) that is based on the probationer's verified CII Number in APS. SRF provides notice to the DPO in regards to any arrest or contact the probationer has sustained by any California Law Enforcement arresting agency. The Area Office receives a printout – "Notification of Defendant SRF Chrono Entry" that is sorted by caseload and distributed by Clerical Support Staff on a daily basis. The DPO shall review the SRF Chrono entries (both contact and arrest entries) through the APS-SCID screen. The DPO needs to investigate further to determine whether or not this reported incident constitutes a new arrest or an arrest based on a previously issued Bench Warrant.

The DPO shall report any new arrest to the court, either by a Notice of Arrest or Violation Report, within 30-days of the DPOs notification.

TREATMENT / COUNSELING PROGRAMS

The DPO shall maintain regular contact with program staff (Batterer's Intervention, Child Abuse, Narcotic Treatment, etc.) in order to closely monitor the probationer's participation in the program. If there is a requirement for the program to provide periodic progress reports to the court, the DPO should ensure that a copy of all progress reports are received for review and Probation records.

COURT REPORTS

The DPO prepares various reports for the Court, such as progress reports, which are ordered by the Court, and violation reports, which are initiated by the DPO to address violations of probation.

This process shall include but not be limited to the following processes:

- Examine all Minute Orders and/or access TCIS to ascertain whether the Court has made any modifications to the original terms and conditions, and what, if any, specific information the Court is seeking.

- Search case file materials and TCIS for documentation/verification of completion or progress regarding programs, community service, community labor or Caltrans. If necessary, contact the program and/or the probationer directly for clarification.

- Review APS - DCID chrono entries for pertinent details of communication with the defendant, or interested parties, such as victims, programs, law enforcement agencies, etcetera.

- Access the APS - SCID screen to ascertain if there have been any arrests reported to the California Department of Justice (DOJ) based on the CII Number in APS. Assure that the Court has been advised of any new arrest(s), and review TCIS to determine how the Court handled the Notice of a new arrest.

- Analyze SRF information, in terms of its relevance to the probationer's conviction charge and/or classification. For example, charges relating to the Gang Injunction, or loitering, would be significant, if the probationer has been identified as a gang member.

- Access the APS – FINL screen to determine that the probationer has made the appropriate monthly payments, based on the agreed upon amount indicated on the APS – FIND screen.

- Review the APS – RPDD screen to establish or reconfirm that the probationer has reported as instructed.

- Access all available systems to identify arrests/dispositions not previously reported to the court, and/or determine the probationer's current custody status.

Court reports are generally modular and self-explanatory. Another type of Court report is the narrative report, which includes Progress Reports and Violation Reports.

Progress Reports are ordered by the Court at various intervals throughout the grant of probation. The headings include, but are not limited to, the following:

> **<u>Reason for Hearing</u>**

Briefly summarize the purpose of the court hearing.

- **Record Bureau Clearance**

  Report any Criminal History information that has not previously been brought to the court's attention.

- **Report**

  Include the probationer's compliance with the conditions of probation.

- **Remarks**

  Evaluate the information presented in the report.

- **Recommendation**

  Provide a legal recommendation that is consistent with the case factors.

The **Report for General Violations** (Prob. 241K) is used to report violations of the conditions of probation not handled by the categorical court report formats such as Desertion, Financial or Narcotic Testing. It is further used to report multiple violations or new arrests.

The report includes, but is not limited to, the following:

- **Facts of Alleged Violation**

  Describe probationer's behavior generating the alleged violation, along with any court disposition(s) resulting from new arrests.

- **Probationer's Statement**

  Recapitulate probationer's explanation (oral as well as written) of the alleged violation and the probationer's response to the proposed plan and recommendation.

- **Records/Reports (CII, Arresting Agency, etc.)**

  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 a violation as it occurred prior to the grant of probation.

- **Additional Information**

  Include statements or pertinent comments from victims and/or other interested parties.

- **Evaluation/Remarks**

  Assess probationer's suitability for continued supervision, and provides reasons for the recommendation that follows.

- **Recommendation**

  Provide a recommendation that is both legal and consistent with the case factors.

RECOMMENDATIONS

Recommendations should follow logically from the facts of the case, and be consistent with the law. For example, if the probationer has already served 365 days in jail, and a violation is recommended, suitable time in local custody is not an appropriate recommendation.

When recommending that the term of probation be extended, the recommendation must be in accordance with the limitations imposed by the Penal Code. Felony grants cannot exceed the maximum authorized by statute or five years, whichever is longer. The maximum term of probation for a Misdemeanor is three years or the term prescribed by law, whichever is longer.

If there are any questions concerning this Directive, please contact Charles Rogers, Adult Consultant, at (562) 940-2525 or Diana Cunningham, Staff Assistant, at (562) 940-2807.

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