

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT
DIRECTIVE

No.:	1247
Issued:	10/28/10
Post Until:	11/28/10

SUBJECT: ADULT SUPERVISION USAGE OF THE HOLD IN ABEYANCE PROCESS (*This Directive modifies Directive 853 and Adult Manual Section 1234*)

The Hold in Abeyance process has been modified and is being reissued for limited casework use. This process shall not apply to probationers assigned to either the Family Violence or Sex Registrant caseloads. The use of the Hold in Abeyance process is optional. Case circumstances should always be carefully reviewed with public safety as the primary consideration.

Generally, the Hold in Abeyance process will be used once within a 12-month period, only with SDPO approval. If casework circumstances suggest additional usage during this time, Director approval is required. This process may not be used more than twice during the same 12-month period.

This process may be used to address alleged violations including but not limited to the following:

- Failure to enroll or continue participation in community service as ordered by the court and/or Probation Officer;
- Failure to enroll or continue participation in approved counseling services as ordered by the court and/or Probation Officer;
- Failure to report as instructed to the Probation Department or any unit therein;
- Prohibited drug use as indicated by probationer admission, or laboratory-confirmed positive test result;
- Departure from Los Angeles County without the express written authorization of the court and/or Probation Officer; and
- Willful failure to make financial payments established by financial evaluation, for a period of two months.

A copy of the "Request to Hold Alleged Violation in Abeyance" form (Prob. 708) is attached and may also be found on PROBNET in the "forms" section. This form may be used to address multiple alleged violations that occur simultaneously. For example, if a probationer fails to report as instructed and admits to the DPO that he/she was out of the County, both of these alleged violations (failure to report as directed, leaving the County without permission) would constitute a simultaneous act that resulted in two alleged violations. Under these circumstances, use of the "Request to Hold Alleged Violation in Abeyance" form would be appropriate.

If the probationer complies with all terms and conditions of probation subsequent to the use of this tool, *the alleged violation(s) does not have to be reported to court.*

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The SDPO and DPO of record are responsible for the following:

- Reviewing case records to ensure that the use of this process is not contrary to court order;
- Discuss and obtain SDPO approval. The SDPO is responsible for reviewing the "Request to Hold Alleged Violation in Abeyance" form to ensure the form is complete and in compliance with this Directive.
- Meeting with the probationer, explaining this process, and obtaining his/her signature acknowledging receipt of a copy of the Hold in Abeyance form;
- Entering details regarding the use of this process on the DCID screen in APS and placing the signed original form in the case file.

Handling of Alleged Violations Held In Abeyance:

If the probationer successfully completes probation after an alleged violation(s) is held in abeyance, the case may be allowed to expire without reporting the alleged violation(s). Should the case be calendared for early termination, the circumstances of the alleged violation(s) that were held in abeyance shall be reported at that time. Early termination and/or dismissal will not be requested unless **all** conditions of probation have been met.

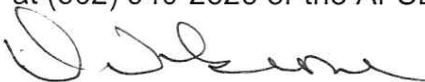
If violations occur after the Hold in Abeyance process has been exhausted, the case shall be calendared for violation proceedings within 30 days of the date the DPO becomes aware of the subsequent alleged violation(s). The DPO shall note in the report the specific alleged violation(s) held in abeyance.

Prohibited Use:

The Hold in Abeyance process shall not be used under the following circumstances:

- **Any time there may be a public safety issue;**
- **Failure to report for orientation;**
- **New arrests (these alleged violations shall be reported to the court consistent with current departmental policy); and**
- **When use of this process is prohibited by a court order that requires all alleged violations to be reported forthwith.**

Questions or concerns regarding this Directive should be directed to the Adult Consultant at (562) 940-2525 or the AFSB Staff Assistant at (562) 940-3694.



Dave Leone, Acting Deputy Director
Field Services Division

**LOS ANGELES COUNTY PROBATION DEPARTMENT
REQUEST TO HOLD ALLEGED VIOLATION IN ABEYANCE**

Date: _____

TO: Supervising DPO _____ FROM: DPO _____

PROBATIONER _____ X - _____ Expires _____

Court _____ Date Granted _____ Court No _____

Violation previously held in abeyance ☐ Yes ☐ No (If yes, attach previous request)

Present Violation:

Specific condition violated: _____

Details of violation: _____

Reason for holding violation in abeyance and remedial plan:

Request for abeyance ☐ Approved ☐ Denied (Use reverse side if needed)

DPO Signature Date SDPO Signature Date

I hereby waive my right to a prompt court hearing regarding the above alleged violation(s) and request the matter be held in abeyance and reported to the Court at the time of the termination of my probation or at such time as my case is otherwise before the Court. I also agree to the remedial plan proposed. This request does not represent acknowledgment or denial of the alleged violation, only my desire that the matter be presented to the Court at a later date. This request is made without any promise of leniency by the Court or the Probation Officer. I understand I have the right to seek the advice of an attorney before signing this waiver of rights, however:

_____ I waive my right to legal counsel regarding the advisability of making this request.

_____ I am signing this waiver of rights based upon the advice I have been given by my lawyer.
(Check the applicable provision.)

Date

Signature of Probationer