COUNTY OF LOS ANGELES

PROBATION DEPARTMENT
DIRECTIVE

No.:	1467
Issued:	08/18/2021
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SUBJECT: ADULT SERVICES MANUAL – PROBATIONER REGISTRATION (SECTION 400); ADULT INVESTIGATIONS (SECTION 500); AND THE PRE-SENTENCE INVESTIGATION REPORT (SECTION 600).

The following sections of the Adult Services Manual have been updated and approved for distribution. Staff assigned to support the AIS Bureau are instructed to review the attached policies. The following new/revised policies are to be incorporated into the Adult Services Manual:

1. **Probationer Registration (Section 400)**
   - Sex Offender Registration – New legislation as of January 1, 2021; (Section 402) (*revised*)
   - Criminal Street Gang Registration (section 404) (*new*)
   - DNA Collection; (previously section 405) (*Removed- No longer applicable)*

2. **Adult Investigations (Section 500)**
   - Dual Recommendations (Double Barrel Reports); (Section 505) (*revised and removed Set-On-Slip*)
   - Active Post Release Community Supervision (PRCS) Case (Section 507) (*new*)
   - Active Formal Probation, Mandatory Supervision, PRCS, and/or Parole Cases in Other Counties, States, or Territories (Section 509) (*new*)
   - Jail Location; (Section 513) (*revised*)
   - Conducting an Interview; (Section 517) (*revised*)
   - Bench Warrants (Section 520) (*revised*)
     - ➢ Face Sheet (new)

3. **The Pre-Sentence Investigation Report (Section 600)**
   - The Pre-Sentence Report (Section 601) (*revised*)
     - ➢ The California Rules of Court 4.410; (Section 601) (*new*)
     - ➢ Face Sheet – Superior Court (*revised*)
     - ➢ Present Offense: Legal History (*revised*)
     - ➢ Elements and Relevant Circumstances of the Offense (*revised and new offense examples*)

   - Victim (Section 602) (*revised*)
   - Prior Record (Section 604) (*revised*)
   - Juvenile History (Section 605) (*revised and new examples*)
   - Adult History (Section 606) (*revised and new examples*)
   - Interested Parties (Section 618) (*revised*)
   - Conduct Under Supervision (Section 619) (*revised*)
   - Sentencing Considerations (Section 621) (*revised*)

- Diversion Report (Section 626) (*revised*)
- Diversion of Mental Disability (Section 627) (*revised*)

The policies will also be located on Prob-Net [Probation Manuals - Adult Services Manual (ASM)]. Questions or concerns regarding this Directive shall be directed to the Central Adult Investigations (CAI) Director, at (213) 974-9016.

AUG 0 9 2021

Brandon Nichols, Chief Deputy
Adult Services

Date

Subject: ADULT SERVICES MANUAL PROBATIONER REGISTRATION	Section Number: ASM-400
	Effective Date:
	Approved By: Brandon Nichols, Chief Deputy

401 INTRODUCTION

The Department of Justice (DOJ) maintains data on certain sex, narcotic, gang and arson offenders and that information is available to law enforcement agencies to investigate, identify, apprehend, and prosecute offenders. Additionally, 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)

As of January 1, 2021, PC290 mandates that every person required to register under this section shall register for a minimum of 10 years, 20 years, or life. A tier one offender is subject to registration for a minimum of 10 years. A tier two offender is subject to registration for a minimum of 20 years. A tier three offender is subject to registration for life.

In addition, as of January 1, 2021, PC290 mandates that every person required to register after being adjudicated as a ward of the court and discharged or paroled from the Department of Corrections and Rehabilitation (CDCR) shall register for a minimum of 5 years or 10 years. A tier one juvenile offender is subject to registration for a minimum of 5 years. A tier two juvenile offender is subject to registration for a minimum of 10 years.

Individuals shall be required to register with the chief of police of the city in which he or she is residing. If the individual resides in an unincorporated area, he or she will be required to register with the sheriff of the county in which he or she resides. Additionally, If the person resides upon the campus or a facility owned and/or operated by: a University of California, a California State University, or Community College, the individual must register with the campus chief of police of the respective institution. If the person has more than one residence address or location at which he or she regularly resides or is located, they are required to register in all jurisdiction. If the person is transient or has no residence address, he or she shall update his or her registration no less than once every 30 days. 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 their registration with the entities described in this code section, including verifying their address on a form as required by DOJ. In addition, every person who has ever been adjudicated a sexually violent predator, shall after his or her release from custody, verify their address and place of employment no less than once every 90 days.

The person is responsible to 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.

As of July 1, 2021, registrants who meet the mandated minimum requirements may petition for termination of their sex offender registration requirement in the Superior Court or Juvenile Court in the county in which they reside.

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 ARSON OFFENDER REGISTRATION (PC457.1)

A person must register as an arson offender if convicted of PC451 (Arson), PC451.5 (Aggravated arson), or PC453 (Possession of flammable device for malicious use), or any attempted arson, which includes, but is not limited to, a violation of PC455.

Any person convicted, on or after November 30, 1994, in any court in the state for arson or attempted arson shall be required to register as an arson offender for the rest of his or her life. Any person having committed the offense of arson, on or after January 1, 1993, or attempted arson, and after having been adjudicated a ward of the juvenile court, is discharged or paroled from the formally named California Youth Authority (CYA), currently referred to as the Department of Juvenile Justice (DJJ) 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. Any person who on or after January 1, 1985, through November 29, 1994, inclusive, was convicted in any court in the state for arson or attempted arson was required to register as an arson offender for 5 years from the date of their release from confinement or from the date of sentencing or discharge if not confined.

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. If the person is in California and has no declared residence, within 14 days of coming into California, or changing residence or location within any city or county; the person must register with either the chief of police in the city they are located or the Sheriff, if located in an unincorporated area. City police and sheriff’s Department addresses, and telephone numbers may be determined via access to the CJIS Arrest Agency Directory through APS.

Prior to release/discharge, any person released on probation, who is required to register is to be informed of his/her duty to register by the probation department of the county in which he or she has been convicted. As required by the DOJ, the probation officer shall require the person to read and sign the Notice of Arson Offender Registration Requirement form; which acknowledges that the person was informed of their responsibility to register. Upon the individuals release/discharge, the probation officer shall obtain the address where the person expects to reside and shall report the address to the DOJ within 3 days of obtaining it.

The probation officer shall give copies of the Notice of Arson Offender Registration Requirement form to the person, the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his or her discharge or release, the prosecuting agency that prosecuted the person, chief fire official of the fire department or fire protection district having local jurisdiction where the person expects to reside upon his or her discharge or release, and the DOJ. The probation officer shall also retain one copy.

404 CRIMINAL STREET GANG REGISTRATION (PC186.30)

A person must register as a criminal street gang offender if convicted or who has had a petition sustained in juvenile court of PC186.22; any crime where the enhancement of PC186.22 was found true; or any crime that the court finds is gang related at the time of sentencing or disposition.

The person required to register shall register with the chief of police of the city in which he/she resides or the sheriff of the county if he/she resides in an unincorporated area, within 10 days of release from custody or within 10 days of coming into or changing residence or location within any city or county. The probation officer assigned to the person shall verify that he or she has complied with the registration requirements. All registration requirements shall terminate five years after the last imposition of a registration requirement.

Subject:	Section Number:
ADULT SERVICES MANUAL	**ASM-500**
	Effective Date:
ADULT INVESTIGATIONS	**Approved By:**
	Brandon Nichols, Chief Deputy

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 areas of inquiry and factors to be considered in preparing the report and making recommendations.

Every type of probation investigation may 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 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 (CDCR) with information regarding the ffense 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 must refer the case for designation as a High-Profile case.

<u>A referral for investigation takes one of several forms</u>:

- 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.
- 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. 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

Cases shall be assigned and entered in APS within twenty-four (24) hours of receipt of referral and are assigned without respect to ethnicity or gender. (Refer to NOTICE 1322 – ASSIGNMENT OF ADULT INVESTIGATIONS CASES – ROLE OF THE ADULT INVESTIGATION ASSIGNMENT CLERK).Cases are assigned equitably to available staff, with consideration given to such factors as workload, co-defendants, and language spoken by the defendant. Assignment DPO coordinates the assignment of High-Profile cases. When investigation cases are farmed in or out, the Adult Investigations assignment DPO must be notified.

Adult investigations are new court cases, Bench Warrant Pick up Reports (BWPU), or Early Disposition Reports (EDP) that are assigned and counted by dictation due dates.

504 DICTATION/COURT REPORT FILING AND DUE DATES

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. Submitted reports that are prepared by Transcribing are prepared and due on the dictation due date. (Refer to DIRECTIVE 1009 – DICTATION TRANSMITTAL FORM (Prob. 4A) REVISION).

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 reasons 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, two 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, one (1) court calendar day 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, return for corrections, resubmit the report through PEDMS, and 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 SDPO 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 formal probation, or mandatory 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 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.

As a general rule, the supervision deputy’s recommendation carries more weight because the supervision DPO has a complete and more accurate picture of the defendant’s ability and interest in probation than the investigator. The Investigation DPO submits a recommendation on each case at 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
- 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 POST RELEASE COMMUNITY SUPERVISION (PRCS) CASE

In all PRCS cases, the information obtained from the supervision probation officer shall be reported in the "Interested Parties" section of the court report. If the supervision officer is unavailable, the investigator shall contact the officer of the day or SDPO to verify the conduct under supervision. The investigator shall also include the defendant's Probation "PB" case number, controlling charge, start date, discharge date, and conduct on PRCS prior to the commission of the present offense.

PRCS cases that have been terminated shall be included in the prior record section with the controlling case. After the sentence information, the investigator shall include the PRCS referral date, PB case number, release from state prison/start on PRCS date, relevant violation(s), termination date, and termination reason, if available, in the prior record.

508 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.

509 ACTIVE FORMAL PROBATION, MANDATORY SUPERVISION, PRCS, AND/OR PAROLE CASES IN OTHER COUNTIES, STATES, OR TERRITORIES

If the defendant has an active supervision case in another county, state or territory, the investigator shall make every effort to contact the supervision probation, parole, etc. officer. The information obtained shall be reported in the "Interested Parties" section of the court report. The investigator shall include the location, start date, expiration/discharge date, length of time ordered, relevant violation(s), and conduct on supervision when available.

510 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".

511 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) Area Office SIT. (Refer to AM 516 – BEGINNING THE INVESTIGATION). The appointment time, date, and location should be documented in APS-DCID.

512 WALK-IN

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

513 JAIL LOCATION

Location and booking number may be obtained by accessing the information through JDIC, (refer to PROBNET; Probation Systems; LASD Inmate Information Center) or Automated Justice Information System (AJIS) computer systems.

514 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.

515 INTERPRETER

Case materials and court records (TCIS) 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 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.

The list of approved service providers will be maintained by the Adult Bureau or may be obtained from the Ombudsman office at Probation Headquarters.

516 BEGINNING THE INVESTIGATION

The basic investigation tool is the Worksheet (Adult - Prob. 18 or Juvenile - 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 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.

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), PCMS, eJudge, ETRS, CWS, PT+, Probation Pretrial+, NCIC, PEDMS 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, video conference, by mail, telephone or by scheduling a jail visit. (Refer to AM – 513 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 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
- Chronology of Case Proceedings
- CII "Rap Sheet"

- Coroner Information
- DA Investigator Reports
- Extradition Information
- Investigation Reports
- Plea Bargain Information
- Preliminary Hearing Transcript
- Proof of Prior Convictions
- Psychiatric and Medical Reports
- Special Allegations
- Victim and Witness 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.

517 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.

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?
- 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 is 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 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.

518 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 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.

519 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 a 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.
- 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 effect 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.

As part of the case conference, the SDPO ensures that the Probation X-File or dummy 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.

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.

520 BENCH WARRANTS

NOTICE 1530 MODIFICATION OF THE APS-CUSD SCREEN: THE DF28 REPORT AND MODIFICATION OF SUPERVISION DPOS RESPONIBILITIES

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 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 significant time passes and/or the underlying circumstances change a thorough investigation is conducted.

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. The defendant should report to the nearest SIT team that services the court.

The Bench Warrant Pick-up Report is usually requested when a probationer/defendant has been arrested on a bench warrant issued by the court following a revocation of probation or mandatory supervision. The Bench Warrant Pick-up Report provides the court with information about the probationer's/defendant's activities subsequent to the revocation, his/her explanation for failing to comply with probation or conditions of supervision, the defendant's plans for the future and the Probation Officer's assessment of the defendant's suitability for continued supervision and recommendation for a disposition in the case. (Refer to NOTICE 1472 – ADULT SERVICES COURT OFFICER TEAM (ASCOT) DUTIES: BENCH WARRANT PICK-UP REPORTS).

To prepare a Bench Warrant Pick-up Report, use Prob. Form 241A.

FACE SHEET

1. Report Sequence No.: Report Sequence number as indicated in APS and/or TCIS/the court.

2. Court – Dept/Div: Court hearing case can be expressed by abbreviations for area and Department designation/number.

3. Atty: Name of counsel, followed by type of representation: PD (Public Defender), APD (Alternate Public Defender), PVT or PR (Private), PC987.2 (Court Appointed) or PRO PER (in propria persona), etc.

4. Judge: Judge's Name.

5. Hearing Date: Date of Scheduled Hearing.

6. Expiration Date(s): The date probation or mandatory supervision expires. If probation or mandatory supervision expired prior to the instant matter's court date, the revocation date can be placed under the expiration date with (REV) after the date.

7. Court Case No./Def. ID: Court Case number and defendant ID number. If multiple case numbers have been referred, the case numbers are presented in numerical order.

8. Name: Name as referred.

9. SID. No.: State Identification Number also called the CII Number.

10. True Name: If the name as referred is not the true name, indicate the true name. If true name is as referred, indicate “SAME AS ABOVE”.

11. DPO: Investigation DPO’s name.

12. Area Office: Investigation DPO’s Area Office.

13. No.: X number assigned as Probation Department’s identification number.

14. Whereabouts (Address/Zip Code/Telephone): Verified address in full. If in custody, indicate UPON RELEASE, followed by full-anticipated address. If unable to verify address by booking and an interview was not conducted, indicate LAST KNOWN ADDRESS, followed by full address. If transient, indicate TRANSIENT and City/Area staying in.

15. Booking No.: LASD booking number if defendant in custody. If none, state NONE.

16. Recommendation: Brief description of recommendation. Examples, “Revoke and impose sentence”; “Reinstatement of probation”; etc.)

17. Check off either “Non-Appearance” OR “Defendant Instructed to Appear By:” and choose from County Clerk, Court, or Probation Officer.

18. Convicted of the Crime(s) Of: List only the counts and offense(s), including descriptions and severity, the defendant was convicted of in the instant case. If multiple cases, introduce offenses and counts by case number.

19. Date of Original Grant: Date defendant was sentenced to Probation or Mandatory Supervision.

20. Sentence: If granted Probation choose “Imposition of Sentence Suspended” OR “Execution of Sentence Suspended” and indicate prison sentence. If granted Mandatory Supervision indicate local prison sentence and portion suspended.

21. Judge at P&S: Judge’s Name when defendant convicted.

22. Period: Indicate “Probation” or “Mandatory Supervision” in blank before Period. Then indicate length of probation or mandatory supervision time ordered (i.e., “Three Years”, “Five Years”, etc.).

23. Determining Time Spent in County Jail: When considering time spent in county jail, it is important to note that, in most cases, defendant’s get credit for all time ordered for county jail whether they actually serve it or not. It is important to capture these numbers because if a defendant ends up violating his/her probation or mandatory supervision and goes to prison, the time he/she completed in county jail, will come off his/her prison sentence. The exception to this is if a defendant “waives his/her back-time credits.”

NOTE: Rarely will the numbers in the following boxes be the same. (However, it is possible if someone was released prior to a probation grant and given time served, surrendered themselves to court on the warrant, and then allowed to leave court and return on the date of the next hearing, and then receive no additional days for violation.)

24. County Jail Time (Total): The number of county jail days the defendant was ordered to serve when they were placed on probation. Add any subsequent number of days he/she was ordered for probation violation(s). Finally add the number of days spent in custody from the time they were arrested on the instant warrant up until the instant court date.

NOTE: For example: A defendant was granted three years formal probation with an order for 180 days in custody. They were ordered an additional 90 days for an earlier violation of probation. The defendant was then arrested on the instant warrant and spent 30 days in custody before the violation hearing (the instant report).

The box should look like: 180 days + 90 days + 30 days = 300 days.

25. Time Prior To P&S: There should be only one number in this box. The number is the time spent in jail from the original arrest, up until the time they were granted probation. Only the court determines credit for good time/work time. Often it differs by one day and is reported in TCIS. However, we do not need to report this number. Keep in mind they may have been released from custody prior to being placed on probation. Or, they may have been released, rearrested, and released again. In that case, it is much harder to determine this number.

26. Time as a Condition: This number includes the days ordered when they were originally placed on probation, as well and any time ordered for subsequent violations.

NOTE: For a defendant who was initially given 180 days when granted probation and was given another 90 days on a prior violation and then held in custody in the instant violation, released upon reinstatement, may look like: 180 days + 90 days + 30 days.

<u>Headings for Bench Warrant Pick-Up Report (Prob. 241A):</u>

27. 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.

28. 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. Include parenthetical statements,

regarding the status of open court cases (pending, no disposition, on probation or other supervision, etc.) or if no case has been filed. Also, include parenthetical statements on any new arrests when information regarding the arrest is available, such as a Pre-Conviction Report or a Probable Cause Declaration, make sure to state where information was obtained.

29. Case Synopsis: Includes a brief summary of the circumstances of the crime that the defendant was convicted of. (Do not copy and paste the entire Circumstances from the Pre-Conviction and/or Probation and Sentencing report(s).) Also include, the background and community status of the defendant when probation or mandatory supervision was granted. Brief descriptions of prior violation(s) can be included if the information is going to be used in the Evaluation section. Any additional court related information if needed.

30. Defendant's Statement: Includes defendant's explanation for any failure to comply with probation or mandatory supervision conditions and/or failure to appear for a court hearing, and defendants 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.

31. Interested Parties: Statements from persons contacted by the DPO to verify defendant's claims or to provide additional information in the report. Examples include employers, drug counselors, family, etc.

32. Conduct Under Supervision (if applicable): Including defendant's compliance with the conditions of probation or mandatory supervision 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. Include the relevant information under the appropriate subheadings which include Reporting, Payments, and Conditions (of supervision). In the Conditions subheading include the condition and how the defendant did or did not comply.

33. 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 or mandatory supervision, the circumstances of the warrant are evaluated in the context of the defendant's overall performance under supervision.

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

35. Recommendation: Must include the new expiration date/s (see Time Tolling information below) if recommending reinstatement of probation. 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 the new expiration date clearly indicated, in case the court finds the probationer in violation of probation and reinstates 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."

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 except for the Reason for Hearing.

522 TRUE SUMMARY GRANTS

A True Summary grant occurs when a court (summarily) places a defendant on formal probation or diversion without a prior referral for an investigation. (Refer to DIRECTIVE 962 – PROCESSING OF TRUE SUMMARY GRANTS).

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

Subject: ADULT SERVICES MANUAL THE PRE-SENTENCE INVESTIGATION REPORT	Section Number: ASM-600
	Effective Date:
	Approved By: Brandon Nichols, Chief Deputy

DIRECTIVE 844 REVISION OF ADULT SUPERIOR REPORT [PROBATION FORM 19SC] COURT INVESTIGATION

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. (Refer to DIRECTIVE 860 – COURT REPORT CONTENT). 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. (Refer to AM – 629 PRE-CONVICTION REPORT)

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 California Rules of Court 4.410 – General Objectives in Sentencing:

- Protect society.
- Secure restitution for the victims of crime.
- Rehabilitate 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.

REFER TO CALIFORNIA RULES OF COURT 4.410 (https://www.courts.ca.gov/rules.htm)

- Rule 4.401. Authority
- Rule 4.403. Application
- Rule 4.405. Definitions
- Rule 4.406. Reasons
- Rule 4.408. Listing of factors not exclusive; sequence not significant
- Rule 4.409. Consideration of relevant factors
- Rule 4.410. General objectives in sentencing
- Rule 4.411. Presentence investigations and reports
- Rule 4.411.5. Probation officer's presentence investigation report
- Rule 4.412. Reasons-agreement to punishment as an adequate reason and as abandonment of certain claims
- Rule 4.413. Grant of probation when defendant is presumptively ineligible for probation
- Rule 4.414. Criteria affecting probation
- Rule 4.415. Criteria affecting the imposition of mandatory supervision
- Rule 4.420. Selection of term of imprisonment
- Rule 4.421. Circumstances in aggravation
- Rule 4.423. Circumstances in mitigation
- Rule 4.424. Consideration of applicability of section 654
- Rule 4.425. Factors affecting concurrent or consecutive sentences
- Rule 4.426. Violent sex crimes
- Rule 4.427. Hate crimes
- Rule 4.428. Factors affecting imposition of enhancements
- Rule 4.431. Proceedings at sentencing to be reported
- Rule 4.433. Matters to be considered at time set for sentencing
- Rule 4.435. Sentencing on revocation of probation, mandatory supervision, and post release community supervision
- Rule 4.437. Statements in aggravation and mitigation
- Rule 4.447. Sentencing of enhancements
- Rule 4.451. Sentence consecutive to or concurrent with indeterminate term or term in other jurisdiction
- Rule 4.452. Determinate sentence consecutive to prior determinate sentence

- Rule 4.453. Commitments to nonpenal institutions
- Rule 4.470. Notification of appeal rights in felony cases [Repealed]
- Rule 4.472. Determination of presentence custody time credit
- Rule 4.480. Judge's statement under section 1203.01

FACE SHEET – SUPERIOR COURT

There are different versions of the Pre-Sentence Investigation Report such as 10-HP and 10-SR/Early Disposition Program (EDP). Content in each section of the investigation report should remain the same but may be formatted in a different order than presented below depending on which report is being used. 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. 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.
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 or mandatory supervision 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 or upon release), followed by full-anticipated address. If transient, indicate TRANSIENT or the anticipated address/location.
7. Date of Scheduled Hearing. (Refer to DIRECTIVE 924 – COURT REPORT FACE SHEET – HEARING DATE TO BE INCLUDED ON ALL COURT REPORTS).
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, Female or non-binary).
12. Race: SELECT AN ITEM from the list of available selections.
13. Driver's license (indicate state of issue) or identification number and expiration date.
14. Investigation DPO's name/Caseload Number.
15. Field Office where report prepared: SELECT AN ITEM from list of Area Offices.
16. Telephone number of DPO preparing report.
17. X-number assigned as Probation Department's identification number.
18. Case record identification number assigned by the Bureau of Criminal Identification and Information (CII).
19. LASD main number. If none, state none.
20. Recommendation: Check appropriate box. When double barrel, appointment of expert witness (EC730), continuance, PC1203.09, WIC3051, local prison 1170(H)(1)/1170(H)(2) PC and split sentence so indicate under "Other." Check county jail or state prison only when recommending denial of probation.
21. Report Type: SELECT AN ITEM from list of report types
22. Actual number of days (partial days count as a whole day) in custody as a result of the present offense.
23. Custody Status: SELECT AN ITEM from list of custody status choices.
24. LASD booking number if defendant in custody. If none, state None.

PRESENT OFFENSE: LEGAL HISTORY

1. List offenses, counts, enhancements, priors or special circumstances in sequence as charged. 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. If 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. Example: BA509607-01, counts I & II (BA509617-01 consolidated into BA509607-01 as count II). Specify severity (misdemeanor or felony). List priors, enhancements or special allegations found true, admitted, or found untrue and dismissed. Indicate if enhancements are continued to P&S.

4. Convicted by: SELECT AN ITEM from listed choices. (PLEA, COURT, JURY, N/A).
5. Date of: SELECT AN ITEM for date of referral or date of convictions. Enter date below item.
6. Counts continued to P&S for disposition counts charged but not adjudicated, list by number (I, II, III). If none, state NONE.
7. Proposed plea agreement: use only if the information was obtained from court or DA (defendant is 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.
8. Sources of information: Choose the appropriate box.
9. Date(s) and Time(s) of Offense.
10. Defendant: This section summarizes the defendant's criminal status as reported in the Prior History section of the report.
    - Check the "N/A" box or "No" box, if not applicable.
    - Sentenced to: (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.
    - Check the "Formal/ Summary Probation" box and provide case number in indicated section if on probation.
    - Check the "Hold/Warrants" box to address if the probationer has a hold, a warrant, both, or none and provide warrant number.

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.
    d. Offense: List the code section.

       EXAMPLE: PC459; HS11357; PC211 (describe

       charge).
    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.

2. 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".

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. See examples below:

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. See examples below:

OFFENSE #1:

COUNT 1: 10851(A) VC (DRIVING OR TAKING A VEHICLE WITHOUT CONSENT), FELONY

COUNT 2: 496D PC (RECEIVING A STOLEN VEHICLE, TRAILER, CONSTRUCTION EQUIPMENT, OR VESSEL), FELONY ALLEGATION: 666.5 PC (AUTO THEFT WITH PRIOR)

ELEMENTS:

IT IS ALLEGED THAT ON MARCH 10, 2020, THE DEFENDANT WAS IN POSSESSION OF A STOLEN VEHICLE.

CIRCUMSTANCES:

ON MARCH 10, 2020, AT APPROXIMATELY 3:37 P.M., DEPUTIES FROM THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, COMPTON STATION, WERE ON PATROL ON COMPTON BOULEVARD, WHEN THEY OBSERVED A VEHICLE TRAVELING DIRECTLY IN FRONT OF THEM. THEY CONDUCTED A RECORDS CHECK OF THE VEHICLE'S LICENSE PLATE AND DISCOVERED THAT IT WAS REPORTED STOLEN. THEY CONDUCTED A FELONY TRAFFIC STOP AND DETAINED THE FEMALE DRIVER AND MALE PASSENGER, WHO WAS LATER IDENTIFIED AS THE DEFENDANT. DURING QUESTIONING, THE DRIVER STATED THAT THE DEFENDANT ARRIVED AT HER HOME EARLIER IN THE DAY AND AGREED TO HELP HER WITH HER ERRANDS. HE ASKED HER IF SHE COULD DRIVE, TO WHICH SHE AGREED. SHE STATED THAT SHE HAD NO KNOWLEDGE OF THE VEHICLE BEING STOLEN. THE DEFENDANT STATED THAT HE BORROWED THE VEHICLE FROM A FRIEND TWO DAYS PRIOR AND HAD NO FURTHER INFORMATION TO PROVIDE. THE DRIVER WAS RELEASED AND THE DEFENDANT WAS PLACED UNDER ARREST.

OFFENSE #2:

COUNT 1-2: 530.5(C)(2) PC (IDENTIFYING INFORMATION THEFT WITH A PRIOR) FELONIES

COUNT 3: 476 PC (FORGERY RELATING TO A BILL, NOTE OR CHECK EXCEEDING $950 IN VALUE) FELONY SPECIAL ALLEGATIONS OF 1203(E)(4) PC (TWO OR MORE PRIOR FELONY CONVICTIONS AND 1203(K) PC (ON FELONY PROBATION AT THE TIME OF INSTANT MATTER).

ELEMENTS:

IT IS ALLEGED ON AUGUST 22, 2019, THE DEFENDANT WAS IN POSSESSION OF A FORGED CHECK BELONGING TO VICTIM [redacted] AND DEPOSITED THE MONEY INTO VICTIM [redacted] BANK ACCOUNT.CIRCUMSTANCES:

ON AUGUST 22, 2019, THE DEFENDANT ENTERED THE JP MORGAN CHASE BANK AT 1720 SATICOY STREET IN VAN NUYS AND DEPOSITED A STOLEN FORGED CHECK IN THE AMOUNT OF $4,000, FROM THE PERSONAL ACCOUNT OF VICTIM [redacted], INTO A BANK ACCOUNT ACTIVATED IN THE NAME OF VICTIM [redacted]. THE CRIME CAME TO LIGHT AFTER VICTIM [redacted] REPORTED THAT SHE HAD BEEN A VICTIM OF IDENTITY THEFT AND THAT AN UNKNOWN PERSON HAD OBTAINED A CHECK SHE HAD WRITTEN AND MAILED SOMEWHERE ELSE. DURING FOLLOW-UP INVESTIGATION, IT WAS DETERMINED THAT THE DEFENDANT HAD COMMITTED THE CRIME. THE INVESTIGATOR WAS PROVIDED A VIDEO OF THE PERSON DEPOSITING THE STOLEN FORGED CHECK INTO THE CHASE BANK AND AN INVESTIGATION LED THEM TO THE DEFENDANT.

OFFENSE #3:

COUNT 1: 11379(A) H&S (SALE/OFFER TO SELL/TRANSPORTATION OF CONTROLLED SUBSTANCE, TO WIT, METHAMPHETAMINE) FELONY

COUNT 2: 11378 H&S (POSSESSION FOR SALE OF A CONTROLLED SUBSTANCE, TO WIT, METHAMPHETAMINE) FELONY

ELEMENTS:

IT IS ALLEGED ON MARCH 4, 2020, THE DEFENDANT WAS IN POSSESSION OF METHAMPHETAMINE FOR SALE.

CIRCUMSTANCES:

ON MARCH 4, 2020 DEPUTIES FROM THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT WERE PATROLLING IN THE AREA OF SPRING STREET AND PALMER STREET, IN COMPTON WHEN THEY OBSERVED WHAT APPEARED TO BE TWO SUBJECTS MAKING A HAND-TO-HAND TRANSACTION. AS SOON AS THE SUBJECTS NOTICED THE PATROL VEHICLE, ONE OF THEM RAN TOWARDS SPRING STREET AND OUT OF VIEW. THE OTHER, THE DEFENDANT, STOOD IN FRONT OF AN OPEN GARAGE. AS DEPUTIES APPROACHED HIM, THEY SAW IN PLAIN VIEW, A CLEAR PLASTIC BAG ON A WOODEN TABLE OUTSIDE OF THE GARAGE DIRECTLY NEXT TO THE DEFENDANT. IT WAS LATER FOUND TO CONTAIN METHAMPHETAMINE.

THE DEFENDANT WAS DETAINED AND OFFICERS RECOVERED A BOX OF CLEAR PLASTIC BAGGIES, AND A PLASTIC BOX WHICH HELD NUMEROUS CLEAR GLASS TUBES WITH BULBS ON THE END. IT WAS NEXT TO THE PLASTIC BAGS CONTAINING METHAMPHETAMINE. THE DEFENDANT WAS ALSO HOLDING $50.00 IN UNITED STATES CURRENCY IN SMALL BILLS.

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
- Victim injuries and loss
- DA file not received

NOTE: 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.

602 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)
DIRECTIVE 1391	VICTIM ASSISTANCE REFERRALS)
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 first name and last initial of the 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, if applicable.
- 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, if applicable. The deputy includes the fact that the victim was notified of the hearing via mail or through the IO.

603 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. Including the emotional/psychological impact of the crime. 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 the victim(s) 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, if applicable 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.

604 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 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. Additional facts can be obtained from a prior report.

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.

605 JUVENILE HISTORY

Complete the opening statement regarding the availability of juvenile records five years 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:

- Offense date.
- Arresting or petitioning agency.
- Offense by code and word description.
- 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 (Refer to PCMS).

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. Prior Juvenile reports are maintained in the Juvenile library in PEDMS and should be reviewed during the investigative process.

If a prior record has been sealed indicate from the JAI language. Do not obtain information from other sources (PCMS, PEDMS, Juvenile Probation reports).

EXAMPLES:

10-31-2010 LAPD/77TH – 211 PC (ROBBERY). 11-02-2010, PETITION FILED, COURT NUMBER [redacted]. 12-19-2012, SUSTAINED PETITION OF COUNT 1: 211 PC (ROBBERY), DISPOSITION: CAMP COMMUNITY PROGRAM.

(AT THE TIME OF THIS OFFENSE, THE DEFENDANT WAS 15 YEARS OLD).

(ACCORDING TO PROBATION RECORDS, IN THE ABOVE ENTRY, THE MINOR WAS ARRESTED BY LAPD 77TH DIVISION OFFICERS AFTER HE TOOK A NECKLACE FROM A FEMALE VICTIM THROUGH FORCE, AND THE THREAT OF FORCE AND SERIOUS BODILY HARM, AND THE VICTIM

REFUSED TO COMPLY. MINOR IS ALLEGED TO HAVE APPROACHED THE VICTIM FROM BEHIND, WHILE SHE WAS AT A BASEBALL GAME, AND BEGAN TO CHOKE HER, SAYING, "GIVE ME YOUR NECKLACE OR I'M GONNA COME BACK AND SHOOT YOU." MINOR THEN FORCEFULLY

REMOVED THE NECKLACE FROM HER NECK. DURING HIS ESCAPE FROM THE SCENE, MINOR DROPPED THE NECKLACE, WHEN A WITNESS HELPED THE VICTIM. THE MINOR WAS CHASED BY WITNESSES WHO ALSO AIDED THE POLICE IN THEIR APPREHENSION OF THE MINOR. HE WAS SUBSQUENTLY ARRESTED.)

12-13-2012 LASD/LENNOX – 148.9(A) PC (FALSE IDENTIFICATION TO PEACE OFFICER), 594(A) PC (VANDALISM). 12-17-2012, PETITION FILED, COURT NUMBER [redacted]. 01-11-2013, SUSTAINED PETITION OF COUNT 1: 594(A) PC (VANDALISM), COUNT 2: 148.9(A) PC (FALSE IDENTIFICATION TO PEACE OFFICER), DISPOSITION: CAMP COMMUNITY PROGRAM.

(AT THE TIME OF THIS OFFENSE, THE DEFENDANT WAS 17 YEARS OLD.)

(ACCORDING TO PROBATION RECORDS, IN THE ABOVE ENTRY, THE MIINOR AND (2) ACCOMPLICE WERE OBSERVED BY THE VICTIM ALLEGEDLY WRITING GANG WRITING ON THE GARAGE DOORS WITH A BLACK MARKER. ONCE THE SUSPECT'S NOTICED THE VICTIM COMING OUT THE BACK DOOR, THE SUSPECTS RAN DOWN THE STREET. THE POLICE OFFICERS WERE NOTIFIED AND THE MINOR AND THE OTHER (2) SUSPECTS WERE IDENTIFIED BY THE VICTIM AND MINOR AND SUSPECTS WERE ARRESTED. ACCORDING TO THE POLICE REPORT, THE MINOR WAS FOUND IN POSSESSION OF A BLACK MARKER. WHILE CONDUCTING THE INVESTIGATION, THE MINOR GAVE THE POLICE OFFICER A FALSE NAME. HOWEVER, AFTER FURTHER INVESTIGATION, THE MINOR WAS IDENTIFIED AS ([redacted]) AND IDENTIFIED AS HAVING A BENCH WARRANT FOR HIS ARREST.)

606 ADULT HISTORY

The defendant's criminal history is compiled from all available sources of information. Available automated sources are noted in (Refer to DIRECTIVE 1129 – ADULT PROBATION RECORD CHECKS (CLARIFICATION OF DIRECTIVE 1126)). 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, CCHRS 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, prior probation reports, online records, or court records to determine the outcome. Cross referencing arrest histories with other systems such as APS and TCIS is important when putting together an accurate prior record.

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 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 including the court case numbers.

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.

Each entry shall contain the following information, if available:

- Offense date or indictment charges at arrest
- Arresting Agency
- Offense by Code and Word Description
- Disposition which includes convicted of charges and their severity, Case Number, Court Location, Court Date and Court Department.

EXAMPLES:

04-06-2011 HOWARD COUNTY POLICE DEPARTMENT (MARYLAND) – COUNT 1: 2.2411 MD (UNAUTHORIZED REMOVAL OF PROPERTY). 04-24-2014, SENTENCING AGENCY: HOWARD COUNTY POLICE DEPARTMENT, MARYLAND, UNKNOWN CASE NUMBER, CONVICTION FOR COUNT 1: 2.2411 MD (UNAUTHORIZED REMOVAL OF PROPERTY), MISDEMEANOR, SENTENCE AND PROBATION, LOW SUPERVISION DESCRIPTION, BEGIN DATE 04-24-2014.

12-19-2016 LAPD/77TH – COUNT 1: 11379(A) H&S (TRANSPORT/ETC CONTROLLED SUBSTANCE), CONVICTION DATE 01-05-2017 LOS ANGELES SUPERIOR COURT/AIRPORT, COURT CASE NUMBER LAX

[redacted]-01 FOR COUNT 1: 11379(A) H&S (TRANSPORT/ETC CONTROLLED SUBSTANCE), FELONY. SENTENCED TO THREE YEARS PROBATION, 90 DAYS JAIL.

(ACCORDING TO A PRIOR PROBATION REPORT, UNDERCOVER OFFICERS MADE CONTACT WITH THE DEFENDANT DURING A BUY/BUST OPERATION. THEY ASKED THE DEFENDANT IF HE KNEW WHERE THEY COULD PURCHASE ANY METHAMPHETAMINE. THE DEFENDANT ENGAGED IN CONVERSATION WITH THE CO-DEFENDANT AS THE DEFENDANT RETRIEVED THE NARCOTICS FROM HIS POCKET AND THE CO-DEFENDANT ACTED AS A LOOKOUT. THE DEFENDANT OPENED A BAGGIE THAT CONTAINED METHAMPHETAMINE AND HANDED ONE TO THE OFFICER IN EXCHANGE FOR U.S. CURRENCY. OFFICERS THEN RECOVERED THE METHAMPHETAMINE AND THE DEFENDANT WAS PLACED UNDER ARREST).

05-10-2017 LAPD/PACIFIC – COUNT 1: 602.5(A) PC (ENTER/ETC NON-COMMERCIAL

DWELLING). 05-12-2017, LOS ANGELES AIRPORT SUPERIOR COURT, CASE NUMBER 7AR00792-01, CONVICTED OF COUNT 3: 148.9(A) PC (FALSE ID TO SPECIFIC PEACE OFFICER), MISDEMEANOR, SENTENCED TO 24 MONTHS SUMMARY PROBATION, 60 DAYS JAIL.

12-01-2017 LAPD/77TH – COUNT 1: 459 PC (BURGLARY), COUNT 2: 211 (ROBBERY). 01-17-2018 LAX SUPERIOR COURT, CASE NUMBER SA096979-01 CONVICTION FOR COUNT 2: 459 PC (BURGLARY), FELONY, SENTENCED TO 36 MONTHS FORMAL PROBATION, 96 DAYS COUNTY JAIL. 06-22-2018, PROBATION REVOKED, DEFENDANT FOUND IN VIOLATION OF PROBATION, ORDERED 180 DAYS COUNTY JAIL, PROBATION REINSTATED. 06-05-2019, PROBATION REVOKED, DEFENDANT FOUND IN VIOLATION OF PROBATION, PROBATION TERMINATED, SENTENCED TO TWO YEARS COUNTY JAIL.

(ACCORDING TO A PRIOR PROBATION REPORT, THE DEFENDANT COMMITTED THE CRIME OF BURGLARY AND VANDALISM. THE LOS ANGELES POLICE DEPARTMENT RECEIVED A CALL OF A BURGLARY SUSPECT. AT THIS TIME, THE DEFENDANT HAD RETURNED TO THE BUSINESS WHERE THE BURGLARY AND VANDALISM OCCURRED AND THE OFFICERS DETAINED HIM BECAUSE HE MATCHED THE DESCRIPTION OF THE REPORTING PARTY THAT WAS PROVIDED. THE OFFICER INVESTIGATION REVEALED THAT THE DEFENDANT ENTERED THE BUSINESS WITHOUT THE MANAGER'S PERMISSION AND VANDALIZED AND REMOVED PROPERTY. THE DEFENDANT WAS THEN PLACED UNDER ARREST.)

08-13-2018 LAPD/PACIFIC – COUNT 1: 11377(A) H&S (POSSESS CONTROLLED SUBSTANCE), COUNT 2: 594(A) PC (VANDALISM). 11-08-2018 LOS ANGELES SUPERIOR COURT/AIRPORT, CASE NUMBER 8AR01617-01 CONVICTED OF COUNT 1: 11377(A) H&S (POSSESS CONTROLLED SUBSTANCE), MISDEMEANOR, SENTENCED TO 36 MONTHS SUMMARY PROBATION, THREE DAYS JAIL.

(THE ABOVE CASE PERTAINS TO THE SUMMARY GRANT OF PROBATION.)

12-15-2018 LAPD/VALLEY – COUNT 1: 594(A)(1) PC (VANDALISM: DEFACE PROPERTY), COUNT 2: 594(A) PC (VANDALISM). 06-05-2019, LOS ANGELES SUPERIOR COURT, CASE NUMBER SA099598-01 CONVICTION FOR COUNT 2: 594(A) PC (VANDALISM), FELONY, SENTENCED TO 16 MONTHS JAIL.

(ACCORDING TO A PRIOR PROBATION REPORT, THE VICTIM OBSERVED THE DEFENDANT BREAKING THE GLASS FRONT DOOR WITH AN UNKNOWN OBJECT. THE EMPLOYEE CONTACTED THE POLICE AND THE DEFENDANT FLED THE LOCATION PRIOR TO POLICE ARRIVAL. THE DIRECTOR OF THE BUSINESS IDENTIFIED THE DEFENDANT VIA VIDEO SURVEILLANCE AS [redacted], A FORMER CLIENT OF A NON-PROFIT TRANSIENT OUTREACH CENTER. ANOTHER EMPLOYEE HAD OBSERVED THE DEFENDANT VIA VIDEO SURVEILLANCE, THROW AN UNKNOWN OBJECT AT THE SAME GLASS FRONT DOOR, WHICH CAUSED THE GLASS TO SHATTER. THE DEFENDANT WAS SUBSEQUENTLY ARRESTED.)

01-15-2020 LAPD/PACIFIC – COUNT 1: 594(A)(2) PC (VANDALISM: DAMAGE PROPERTY). 01-27-2020, LOS ANGELES SUPERIOR COURT/AIRPORT, CASE NUMBER SA102080-01 FOR COUNT 2: 594(A) PC (VANDALISM), FELONY, SENTENCED TO 16 MONTHS COUNTY JAIL.

(ACCORDING TO PROBATION RECORDS, OFFICERS REVIEWED VIDEO FOOTAGE OF THE DEFENDANT THROWING A BRICK TOWARDS THE FRONT GLASS DOOR. THE MANAGER IDENTIFIED THE DEFENDANT AS A TRANSIENT WHO RECEIVED SERVICES AT THE LOCATION IN THE PAST. A WITNESS OBSERVED THE DEFENDANT SWINGING A METAL CHAIN BREAKING THE VICTIM'S VEHICLE'S WINDOWS. THE OFFICERS LOCATED AND ARRESTED THE DEFENDANT FOR THE INDICATED CHARGES.)

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. These would include entries that are in active probation status, active parole or PRCS and Mandatory Supervision. Prior probation reports dating back to approximately 2008 are maintained in the PEDMS Library and older reports can be ordered from Central Records. Parenthetical statement must be part of the entry for priors where probation reports were prepared, especially for serious and violent crimes (name and phone number of contact person).

Parenthetical statements should also identify any allegation pertaining to three strikes allegations or allegations pertaining to serious and violent offenses or offenses require registration pursuant to 290 Penal Code.

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" (Refer to AM 505 - DUAL RECOMMENDATIONS) cases are identified by a separate sentence prior to the parenthetical statement: "This Entry Refers to the Alleged Probation Violation."

607 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. Review prior court reports, APS - DCID Chronos.

608 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 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 to having a substance abuse problem, the defendant's drug treatment history, current involvement in treatment, if any, and plans for treatment in the future. Review prior court reports, APS - DCID Chronos.

609 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. Review prior court reports, APS - DCID Chronos.

610 RESIDENCE

a. Type: House, Mobile Home, Apartment, Other.

b. Length of occupancy at current address.

c. Total monthly rent/house payment. SELECT AN ITEM that indicates whether the defendant is paying rent or a mortgage.

d. Resides with/Relationship: SELECT AN ITEM that best describes the relationship of the person the defendant lives with.

e. Use <u>stable</u>, <u>unstable</u>, or <u>transient</u>, only, to characterize the defendant's residence.

f. Give year and state or country of previous residence or indicate BORN.

g. Came to County from other county, state, or country (indicate year).

h. 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, if applicable.

611 MARRIAGE/PARENTHOOD

a. Indicate Married, Single, Separated, Widowed, Divorced or Cohabitation. In the SELECT AN ITEM field choose which item best described the defendant's marital status.

b. Note length of union (refers to current relationship).

c. Enter number of children in this union (refers to current relationship).

d. Note supported by (defendant, other parent, public assistance, etc.).

e. Enter number of other children (refers to children resulting from casual relationships, and single parent adoptions).

612 FORMAL EDUCATION

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

613 EMPLOYMENT STATUS

a. If defendant is not presently employed, give details of last job, usual occupation, period of employment and gross monthly wage.

b. If chronically unemployed, steadily employed or newly hired, “good”, “fair”, or “poor” is entered as appropriate.

c. 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.

614 FINANCIAL STATUS

a. Income Stability: Indicate Good, Fair, or Poor, as appropriate.

b. Primary Income Source: Defendant, Parents, Public Assistance, Unemployment, Spouse or Other. (Specify)

c. Estimated Total Assets: According to the defendant and the DPO’s investigation.

d. Estimated Total Liabilities: Defendant’s estimate and/or as determined.

e. Major Assets/Estimated Value: Include house and equity, car, real

f. property, stocks, bonds, savings or other.

g. 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).

When permitted to interview, the Investigation DPO is required to inform the defendant of the financial obligations associated with a grant of probation.

615 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.

616 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 effect sentencing is presented in a narrative by topic:

- Childhood/Upbringing
- Organizational Ties
- Intellectual Ability
- Interests/Activities
- Military Experience

617 DEFENDANT'S STATEMENT

The defendant's statement regarding the present offense can 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.

618 INTERESTED PARTIES (Regarding a juvenile, contact DCFS to obtain information, if applicable)

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. (Refer to AM 518 – COLLATERAL CONTACTS)

619 CONDUCT UNDER SUPERVISION (Should include the date the defendant was granted probation, the scheduled expiration date, and the primary offense. Address if the defendant was reporting on a consistent basis, attending court ordered programs, and making payments toward victim restitution if ordered.

A statement of the defendant's conduct under supervision for any current formal grant of adult or juvenile probation and mandatory supervision 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. (Refer to AM 505 – DUAL RECOMMENDATIONS AND NOTICE 1463 – MODIFICATION TO THE ADULT PROBATION SYSTEM-CONDUCT UNDER SUPERVISION SCREEN (APS-CUSD))

620 EVALUATION (This is not a summary or recapitulation of case information)

The evaluation is based on facts provided 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:

a. Character
b. Background
c. Social influences
d. Behavior or conduct during the offense
e. Impact of the crime on the victim
f. Reason for the crime
g. Attitude
h. Response to potential or court ordered obligations
i. 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 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;
- 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.

621 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/local prison), and those, which condition or qualify the granting of probation in "unusual" cases (presumptive state/local 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 justice would be best served if the person is granted probation, probation shall not be granted to any of the following persons:

- 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, burglary with explosives, rape, with 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. (The above is directly from the Penal Code).
- 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 two previous felony convictions in the state of
- California or has two public offense convictions in any other state which, if committed in California, 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 state prison, a violation of Section 286, 287, 288, 288a, or 288.5, or a conspiracy to commit one or more of these crimes.
- Any person who has one felony conviction in the state of California or has one public offense conviction in any other state which, if committed in California, would have been punishable as a felony, and 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.

- 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 33215, a machinegun under Section 32625, or a silencer under Section 33410.
- Any person who is convicted of violation Section 8101 of the Welfare and Institutions Code.
- Any person who is described in subdivision of Section 27590.

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 or more 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.

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/local 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.

D. Circumstances in Mitigation

Mitigating circumstances are facts that justify imposition of the lower term in 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 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.
- If the defendant is in compliance with the PC296 requirement, the DPO must indicate the date the specimen was provided. This information is found in APS, on the DFID screen. The “DNA” field is found on the last line of the screen. A “Y” indicates a sample has been taken. DNA collection information is also 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.

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 courts decided DPOs shall no longer consider recommending concurrent sentencing as sentencing guideline are enforced by the courts.

The DPO considers the following criteria (from California Rules of Court 4.425) 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 rules changed or updated;
- Any circumstances in aggravation or mitigation.

2. Any circumstances in aggravation or mitigation may be considered in deciding whether to impose consecutive rather than concurrent sentences, except:
   - A fact used to impose the upper term;
   - A fact used to otherwise enhance the defendant's sentence in prison or county jail under section 1170(h); and
   - A fact that is an element of the crime may not be used to impose consecutive sentences.

G. Sentencing Criteria

The final paragraph is a weighing of all 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/local 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.

<u>In all applicable felony offenses, the DPO discusses:</u>

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

622 RECOMMENDATIONS (Certain sex registrant, gang, domestic violence, and financial crimes have specific conditions)

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.

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 (Refer to AM 500 – ADULT INVESTIGATIONS). 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.
- 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 report templates are found in the PEDMS template download. The 19SC is also available in Word format and can be downloaded to the DPO's computer. It can be utilized to determine the selections. It can also be utilized by DPOs who wish to type their own reports.

623 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) ."

624 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.
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. 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 Others, P=Pacific Islander, S=Samoan, U=Hawaiian, V=Vietnamese, W=White, X=Unknown, Z=Asian Indian).
15. Birth date by Month, Day and Year.
16. Last grade completed.
17. Occupation.
18. Cite sources. Count misdemeanor and felony convictions individually. Convictions are counted by case only; each case as one disposition.
19. Felony and misdemeanor dispositions in same case are counted only as one felony conviction.
20. Select appropriate category.
21. Findings: Use for DEJ and Diversion cases. Check appropriate category.
22. 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.
23. Recommendation: Recommended conditions are checked off, as appropriate, from the formerly known as Municipal Court P&S Memorandum of Court Order (Prob. 1224).

625 CONSIDERING THE RECOMMENDATION

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

626 DIVERSION REPORT

NOTE: Probation no longer recommends diversion or supervises offenders on diversion. (Except in cases of Mental Disability, (Refer to AM 628 – DIVERSION OF MENTAL DISABILITY). 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.

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.

627 DIVERSION OF MENTAL DISABILTY

Sections PC1001.20 to PC1001.34 specify "developmental disability" 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). (Refer to DIRECTIVE 1039 – REFERRALS TO REGIONAL CENTER).

To qualify for Diversion, such persons must be evaluated by a Regional Center for the Developmentally Disabled and determined to be developmentally disabled 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, developmental disability, 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.

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."

628 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 PC1203.7 (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.

629 EARLY DISPOSITION REPORT

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.

630 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.

631 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.

<u>The DPO indicates the reason for the continuance such as:</u>

“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.

632 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 reason for compiling a Supplemental Report is 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:

a. Reason for Hearing
b. Case Synopsis
c. Record Bureau Clearances
d. Victim's Statement
e. Defendant's Statement
f. Remarks
g. Interested Parties
h. Recommendation

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.