

**COUNTY OF LOS ANGELES
PROBATION DEPARTMENT**

DIRECTIVE

No.:	1449
Issued:	04/05/2021
Post Until:	05/05/2021

SUBJECT: CUSTODIAN OF RECORDS FUNCTIONAL GUIDELINES AND JOB DUTIES

This document emphasizes certain Bureau expectations and further clarifies the functional guidelines and job duties of the Custodian of Records as offered in Notice #1103 (Recruitment of Custodian of Records for the Adult Field Services Bureau).

The Custodian of Records (COR) is responsible for the security, storage, dissemination and destruction of criminal records in keeping with Directive #1146 (Requests for Criminal Offender Record Information - CORI) and serves as the primary Probation Department (Department) contact for all Federal, State and local law enforcement agencies. The COR's primary goal is to ensure all records are up-to-date and available for inspection at any time. Response times for record and document procurement vary depending on case complexity, and the number and type of records requested.

As noted in Directive #1146, access to CORI is restricted to persons and public agencies as authorized by provisions of law.

MAINTENANCE OF RECORD INTEGRITY AND AUTHENTICITY

Agencies that create and retain records must use appropriate techniques for authenticating the origin of records and for maintaining their integrity. Moreover, if an agency retains custody of its records for a lengthy period, it must proactively address the possibility of either unintentional corruption or deliberate tampering; therefore, careful procedural safeguards and protective measures are important to preserve archival data.

The COR utilizes established protocols such as verifying the chain of custody from a record's issuer to a record's user. This ensures the continuity of paper records and decreases the likelihood of forgery and document tampering. Additionally, with the advent of personal computers, the public is now aware how easily digital documents can be altered undetectably. A digital record is utilized to establish and maintain a secure communications channel. This ensures what is received is what was sent.

DETAINDER INQUIRIES AND CASE STATUSES

A Detainer is a request filed by a criminal justice agency with an institution in which the inmate is incarcerated asking them to hold the inmate for the agency or otherwise indicate when they will be released. Most states have enacted laws that create Interstate Compact Commissions, which allows agencies to create their own policies and regulations regarding detainers and the transferring of prisoners and probationer's across state lines.

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

PROBATION DIRECTIVE
CUSTODIAN OF RECORDS FUNCTIONAL GUIDELINES AND JOB DUTIES
PAGE 2 OF 9

Upon receipt of the California Department of Corrections and Rehabilitation's (CDCR's) Detainer Status Request, the COR conducts a thorough search of records to verify case status information. A notification of bench warrant status is provided if applicable. If the case status is on "active supervision," a current disposition is provided.

For warrant arrests within California, contact the Los Angeles County Sheriff Department's (LASD's) Statewide Transportation Unit and provide the defendant's name, arresting county, booking information, and warrant number. LASD's Statewide Transportation Unit can be reached at (213) 974-4565, Monday through Friday, 6:00 AM to 2:00 PM.

For warrant arrests outside of California, inform arresting agency from the other state to submit a teletype hit conformation request to ORI CA0190064 (central routing at LASD Major Crimes Bureau, Warrants and Extraditions). LASD Major Crimes Bureau Warrants and Extraditions – Countywide Warrant System (CWS) Unit will reply to the arresting agency as to the extradition. Hit conformation requests and replies are automatically sent to the LASD CWS Unit. When the LASD CWS Unit receives the hit confirmation, a request is forwarded to the District Attorney's (DA's) office for approval, along with a notice to the Department. The DA's office will notify the Department of its decision to extradite. If the decision is made to extradite, the DA's office will request a copy of 1515 (i.e., Proof of Extradition Hearing Waiver). The LASD CWS Unit will then send Detectives to retrieve the fugitive from the other state.

MAILING REPORTS TO INTER/INTRA ENTITLED AGENCIES

A major function of the COR is the search, procurement, and dissemination of court documentation to CORI authorized agencies/individuals pursuant to Penal Code Section (PC) 13300. Law enforcement agencies conducting new criminal investigations and/or probation and parole agencies who are tasked with the classification of inmates in a facility are entitled to this documentation per CORI. The COR must request and verify the requesting agency's e-mail/ mailing addresses and phone number. The COR will likewise provide the most recent probation officer's report unless otherwise specified. If the request involves a misdemeanor matter, refer the requestee to the appropriate court clerk having jurisdiction over the case.

INFORMATION PROCUREMENT LOGISTICS

Once the COR receives a duly authorized request for information, he/she will search appropriate databases (e.g., the Probation Enterprise Document Management System [PEDMS] and Adult Probation System [APS]) for the requested information and retrieve relevant case materials. Information from 2005 will be included in the PEDMS Library. If a case is older than 2005, contact the responsible Microfilm Clerk at Central Records to retrieve the document. Memorialize this information (i.e., citing PC 13300 request, the requestee's agency, their name, badge, and phone numbers). (Note: 2005-current = PEDMS; 1990-2004 = Microfilm and or X-file; and some files may be in Source HOV and or contaminated.)

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

TERMINATION/EXPIRATION LETTERS

PC 1203.3 grants the court authority at any time during the term of probation to modify or terminate the time and manner of supervision for purposes of good conduct and reform. As a service, once probation is terminated, the COR may, upon request of the ex-probationer, prepare a letter memorializing this status (**Termination/Expiration Letter - Attachment I**). It is important to note this is not an automatic process and must be initiated by the ex-probationer. These letters typically take approximately two weeks to process and forward to the ex-probationer via U.S. Mail. It should be noted that a Termination/Expiration Letter does not release the ex-probationer of his/her statutory requirement to register as required and if applicable pursuant to statute and or court order in association with this and or any other case (e.g. arson, sex, and narcotics registration).

It is the responsibility of the COR to access and interpret the defendant's criminal history information through automated criminal justice systems to determine their eligibility for a Probation Termination Letter. If warrants are outstanding, the law enforcement agency responsible for the arrest is contacted to verify its status. The COR will immediately notify the defendant to contact the Superior Court and address the warrant. Additionally, if an ex-probationer has a pending matter (e.g., any case without disposition), the COR will inform him/her that the letter cannot be generated until it is resolved.

REQUEST FOR DISPOSITION OF PROBATION CASES PER PC 1203.2(a)

PC 1203.2(a) provides a means for a prisoner/inmate to resolve any felony probation violation matters pending in California state courts. Please refer to AFSB Adult Services Manual Section 1514 for further information. The purpose of this code gives prisoners/inmates an opportunity to be sentenced on the probation violation matter that is concurrent with their active term. PC 1203.2(a) applies to any prisoner/inmate who, at the time of his or her commitment to a prison term, including out-of-state or federal, was on probation for another California case. This section also establishes procedures for requesting disposition of pending probation violation matters, the time limits for officials and courts to act on such requests, and consequences if time limits are not met. A prisoner/inmate who wants to resolve a probation violation matter must determine whether a sentence was imposed at the time probation was granted. It is important for a prisoner/inmate to obtain the correct information as the courts require strict compliance with the statute.

Once the COR receives notice of the prisoner's incarceration, he/she must notify the court within thirty (30) days (PROB 241-P). After the court receives the notice from the probation officer or prison officials, it must issue a sentencing commitment for either a prison commitment, consecutive or concurrent sentence, or some other final order within sixty (60) days. If the court fails to act within 60 days, or the probation officer fails to inform the court of the prisoner's confinement with 30 days after receiving notification, the court will lose jurisdiction to sentence the prisoner for the probation violation.

PROBATION DIRECTIVE
CUSTODIAN OF RECORDS FUNCTIONAL GUIDELINES AND JOB DUTIES
PAGE 4 OF 9

All requests must be in writing, be signed in the presence of a prison official, and include waivers of the prisoner's right to personally appear and have an attorney at sentencing. The prison official must sign as a witness to both the request and the waivers. CDCR Form 616 (California only), Request for Disposition of Probation, Waiver of Appearance and Right to Attorney, is used for such requests and waivers (**For out-of-state waiver requests use Prob. 986 - Revised 2/2021 - Attachment II**). After the waiver form is completed, it must be mailed to the Clerk of the Superior Court in which the probation violation matter is pending. Once the court receives the request and waivers, it must impose sentence and issue its commitment order or otherwise make a final order terminating its jurisdiction.

DEPARTMENT OF JUSTICE SEALINGS

The Department of Justice (DOJ) sends record sealing notification letters to various law enforcement agencies that include the Department. These letters order all involved agencies to remove, redact and or destroy such information pursuant to PC 851.8.

Record sealing is the process of removing from general review the records pertaining to a court case; in some cases, destroying court records that would otherwise be accessible as public records. It is important to note, however, that the records may not completely disappear and can still be reviewed under limited circumstances resulting from a court order. Once a record is sealed, the contents are legally considered never to have occurred and thus are not acknowledged by the state. A person with a sealed record gains the legal right to deny or otherwise not acknowledge anything to do with the arrest and subsequent legal proceedings. Records are commonly sealed in several situations (e.g., birth records, and juvenile and adult criminal matters).

Once a request is received, the COR conducts a thorough search of automated systems and existing records, including the APS, the Trial Court Information System (TCIS), and the defendant's probation file. The COR will then identify the exact documentation that needs to be redacted and destroyed, instruct Central Records clerical personnel to remove and destroy the defendant's court entry information in APS and purge specified file documentation as identified in the DOJ record sealing notification. This process must also be completed with microfilm files via Central Records clerical personnel. Finally, the COR will delete any chronological entries in APS that pertain to the sealed record.

RECORD CHECKS (290 PC, FIREARM & BRADY BILL APPLICATIONS)

The DOJ collects requested information for processing fingerprint-based criminal offender background information on individuals and provides this information to the COR for investigation. The COR will research and provide offender information to the DOJ utilizing computer systems including APS, TCIS, and the National Crime Information Center (NCIC). The COR will, if necessary, alert the appropriate law enforcement agency of defendants/ex-probationers who fail to register pursuant to 290 PC within their jurisdiction.

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

FEDERAL BUREAU OF INVESTIGATION (FBI) WARRANT CHECKS

The COR works directly with the Federal Bureau of Investigations (FBI) in the apprehension of felony absconders by providing their last known address/es.

DOJ FIREARM ELIGIBILITY CHECKS

The COR works in conjunction with the DOJ in processing peace officer Firearm Eligibility Applications.

SUBPOENA CONTROL

The COR receives subpoenas and thereafter collaborates with County Counsel and the Probation Department's Civil Litigation Department for the procurement and dissemination of archival documentation. He/she must authenticate the subpoena and certify the copy as an exact replica of the original record. Please refer to Directive No.1091 regarding the receipt and processing of subpoenas.

WARRANT RECALLS

A warrant is a court order which authorizes law enforcement to arrest and bring a defendant before the court. A warrant may be issued when a person is charged with and/or convicted of a crime but fails to appear in court when required. The COR receives inquiries from law enforcement agencies regarding case/warrant statuses. He/she must thoroughly research the matter to confirm if the warrant remains outstanding and advise the requesting agency of its status. Once a warrant is recalled, the COR coordinates with and assists clerical in processing the necessary documentation to recall the warrant in APS.

CIVIL LITIGATION

The COR works directly with the Civil Litigation Unit in processing requests for information and securing the requisite documentation. He/she also appears in court on behalf of the Civil Litigation Unit.

VICTIM RESTITUTION ISSUES

The COR responds to victims' initial requests and thereafter directs them to the Adult Centralized Restitution Unit at Probation Headquarters. In a criminal case, restitution is paid by the defendant to the victim to compensate for losses associated with the crime. Restitution is ordered by the courts as a condition of Probation.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES REQUESTS

The COR works directly with the Department of Children and Family Services (DCFS) locating parents (i.e., Probationers) who do not fulfill their responsibilities, especially when they evade court-ordered child support obligations or custody arrangements.

TELEPHONIC AND IN-PERSON REQUESTS

The COR receives intermittent phone calls, faxed requests, and walk-in inquiries from various law enforcement agencies, the courts, former probationers, and the general public aligned with CORI. These inquiries may be case-specific or regarding the judicial system in general.

COUNTY ARCHIVES

The COR contacts the County Archives Department at the Hall of Records to locate dated confidential information when requested by the courts and/or law enforcement.

MAIL

The COR receives and answers inmate mail requests as well as mail from CDCR and Superior Courts.

SOCIAL SECURITY REQUESTS

The COR receives, and processes written requests from the Social Security Administration Department. Typically, they will request records when a probationer applies for Social Security benefits.

LETTERHEAD AND FORMS

The COR generates official Departmental letters required to perform specified duties (e.g., Termination/Expiration Letters, PC 1203.2(a) Waiver Requests, and other document request letters).

MILITARY CLEARANCES

The COR works with military personnel who are conducting background investigations for individuals with prior juvenile and/or adult Probation records for the purpose of determining "moral qualifications."

DISCLOSURE OF JUVENILE RECORDS/JUVENILE AID LETTERS

The COR works with law enforcement agencies, the courts, and Public Defender or private Attorney's to process juvenile record requests as approved by the Department's Civil Litigation Office.

The COR works with former foster care/suitable placement individuals verifying their previous placement status. This research assists these individuals with the application process for financial aid, which may also assist with applying for college grants.

MISCELLANEOUS

The COR works with individuals requesting Expungement, Petition for Dismissal, Certificates of Rehabilitation and Pardons by conducting research and providing the appropriate contact information.

Questions or concerns regarding this process should be directed to the Adult Investigative Services Bureau Chief and/or Designee.

HUMAN TRAFFICKING (PETITIONS FOR RELIEF PER PC 236.14)

The COR processes countywide petitions for relief to vacate arrests and convictions for nonviolent crimes committed by defendants who were also victims of human trafficking pursuant to Penal Code Section 236.14. Once the petition is granted, the court will notify the Probation Department of their ruling by sending a copy of the sealing order. The COR will then seal the record with the aid of designated clerical personnel.

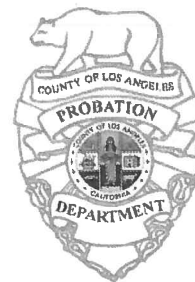


Brandon Nichols
Chief Deputy



COUNTY OF LOS ANGELES PROBATION DEPARTMENT

CENTRAL ADULT INVESTIGATIONS (CAI)
320 W. TEMPLE ST. ROOM 180 – LOS ANGELES, CA, 90012
(213) 974-9331



ADOLFO GONZALES
Chief Probation Officer

DATE: _____

TO: _____

RE: TERMINATION OR EXPIRATION OF PROBATION
CASE NAME: PEOPLE VS. _____
CII NO: _____
CASE NO: _____

Dear: _____,

Our office received your request for a status of probation letter pursuant to California Penal Code Section 13300(c)(6). A comprehensive search was conducted and revealed the following:

- ☐ The Adult Probation System (APS) and the Trial Court Information System (TCIS) reflects that **probation terminated/expired on:**_____. There are no active or pending cases with the Los Angeles County Probation Department associated with the above-named individual at this time.
- ☐ The Adult Probation System (APS) and the Trial Court Information System (TCIS) reflects an **active probationary** status set to expire on: _____.

The above status does not release your statutory condition to register pursuant to statute and/or court order for this or any other case. If you have any questions regarding the listed case, please call or send future correspondence to the address listed below:

Los Angeles County Probation Department-Custodian of Records
320 W. Temple Street, Room 180
Los Angeles, California 90012
(213) 974-9029

Sincerely,

Adolfo Gonzales
Chief Probation Officer

By: _____
Custodian of Records- Central Adult Investigations



COUNTY OF LOS ANGELES PROBATION DEPARTMENT

CENTRAL ADULT INVESTIGATIONS (CAI)
320 W. TEMPLE ST. ROOM 180 – LOS ANGELES, CA, 90012
(213) 974-9331



ADOLFO GONZALES
Chief Probation Officer

REQUEST FOR IMPOSITION OF SENTENCE WAIVER OF APPEARANCE, AND RIGHT TO ATTORNEY

NAME: _____ CASE NO: _____

DATE: _____ CII NO. _____

Under the provisions of California Penal Code Section 1203.2(b)(2), the court has been notified of your imprisonment and may order a detainer against you. This detainer can be removed and the probation matter in Los Angeles County resolved in your absence if you sign and return this waiver. If you have any questions, please call or send future correspondence to the address listed below:

Los Angeles County Probation Department-Custodian of Records
320 W. Temple Street, Room 180
Los Angeles, California 90012
(213) 974-9029

The probation officer may recommend that probation be revoked, and sentence imposed. If the court follows this recommendation, it may order the sentence to run concurrently or consecutively with your present sentence. The court may not follow the recommendation and reinstate probation, terminate probation, or take no action. You have the right to have attorney representation at the hearing. If you are indigent, the court will appoint counsel to represent you.

Date

Signature of Probation Officer

☐ I waive my right to be present at any hearings in this matter, and I waive my right to legal counsel.

☐ I request this matter be heard without my presence in court.

Date

Signature of Probationer

I certify that _____ is an inmate of _____,
and on this date he/she signed this waiver in my presence.
Name of Institution

Date

Phone No.

Signature of Warden or Duly Authorized Representative of Warden (title)

Rebuild Lives and Provide for Healthier and Safer Communities