COUNTY OF LOS ANGELES

PROBATION DEPARTMENT

DIRECTIVE

No.:	1488
Issued:	03/23/2023
Post Until:	04/23/2023

SUBJECT: ADULT PROBATION – PC1203.9 JURISDICTIONAL TRANSFERS AND PREPARATION OF 1203.9 TRANSFER REQUEST PACKET

This Directive supersedes Directive 1471, issued on October 21, 2021.

Effective immediately, the following instructions are implemented when addressing the transfer of active supervision cases pursuant to California Penal Code Section PC1203.9. The referrals will be processed through the Out of County Unit (OCU). The OCU is a specialized unit that serves an Investigative and processing function with regard to submitted intercounty transfers. The role of the OCU is to receive, review (investigate), and process *PC1203.9 Transfer Packets (Transfer Packet)* for approval or rejection based on the submitted information and/or probation client case files.

Note: It is not the function of the Riverview OCU to complete Transfer Packets. It is the responsibility of the Supervision Intake Team (SIT), DPO of Record, or another assigned DPO to complete the Transfer Packet.

OUTGOING TRANSFER REQUESTS

In all cases where the probation client indicates, or it is discovered the client resides outside Los Angeles County[1], and the client requests a transfer to their county of residence, the Supervision DPO or Supervision Intake DPO will be responsible for reviewing the case to determine whether it qualifies for transfer and submitting a *Transfer Packet* for those cases that qualify. Additionally, in all cases where the client does not request a transfer, the Supervision DPO or Supervision Intake DPO must initiate a transfer if the receiving county would provide more effective supervision and the case qualifies for transfer.

The DPO of Record (or submitting DPO) must ensure the *Transfer Packet* is correctly submitted to the OCU *(please refer to the PC1203.9 Transfer Packet Check List available on PEDMS/Template Download)*. **Submitted transfer cases must have nine (9) months or more remaining on their *Grant of Supervision*.** Exceptions to this rule are the following matters:

- Sex Offenses
- Domestic Violence
- Use of a Firearm
- Drug Sales
- Matters Involving Public Safety

Such cases can be transferred with any time remaining. Failure to complete portions of the *Transfer Packet* or incomplete documentation in the *Transfer Packet* will result in rejection and

[1] Residing in San Bernardino, Riverside, Orange, Kern, or Ventura Counties. Clients residing in all other counties are presumed to be more effectively supervised by their county of residence.

return to the submitting DPO. Consequently, such a rejection may result in a denied transfer of the client or a significant delay in the transfer to the intended county.

*Note: In instances when a case is currently on appeal or an appeal has been filed, the case is **NOT** eligible for transfer while the appeal is pending.*

PREPARING A TRANSFER PACKET

- When preparing the *Transfer Packet*, the DPO of Record (or submitting DPO) must refer to the revised *Transfer Packet Check List* available on PEDMS to ensure that all forms and procedures are completed prior to submitting the *Transfer Packet*. Transfer Forms are available on PEDMS.

REQUIRED CONTENTS OF A PC1203.9 TRANSFER PACKET

- The PC1203.9 "*Request for Intercounty Transfer Sheet*."
  - Ensure the client has signed and dated the "*Request for Intercounty Transfer Sheet*" at the bottom of the form.
- The "*Modification or Termination Agreement Form.*"
  - The Deputy of Record (or submitting DPO) must inform and instruct the client when signing the "*Modification or Termination Agreement Form*" to review and checkmark only one (1) of the three (3) box selections listed below on the "*Modification or Termination Agreement Form*":
    - Present for hearing
    - Waive right to legal counsel
    - Consult with attorney
  - Ensure that both the client and submitting DPO sign and date the form.

Note: Should the client receive a Notice from the court to appear, they will be required to appear.

- Legible copy of the Police Report
- Legible copy of the Probation Report / Sentencing Report
  - If the matter is a "*True Summary*" and the Probation/Sentence Report is unavailable, the submitting DPO must checkmark the *"True Summary"* box on the *PC1203.9 Transfer Packet Checklist*.
- Legible copy of the entire *Minute Order* (entire court docket including Grant and Conditions of Probation).
- Proof of Residency
  - Proof of permanent residence requires one (1) complete (all pages included) current utility bill with a listed service address. *Note: The service address indicates the actual address location where services are being provided, not where the letter is mailed to.*
  - Utility bills must be recent within three (3) months of packet submission.
  - Utility bills that display the phrase "*DISCONNECTION NOTICE," "TERMINATION," "CLOSING," or "FINAL NOTICE"* **are not acceptable**.
  - Utility bills can be water, gas, electricity, waste disposal, cable/internet, or a telephone landline bill. **Cell phone bills are currently not acceptable**.
  - A current Mortgage Statement or Property Deed is also acceptable proof of residence.

Note: In instances where a utility bill, mortgage statement, or deed is not in the name of the client, a signed letter is required in the name of the person (first and last name) listed on the utility bill or mortgage statement. The letter should be dated and state that the client has permission to reside at the specific address. The letter must include the listed address and the correct spelling of both the client's name and the person listed on the utility bill. A copy of the letter can be scanned and emailed, postal delivery, faxed, or personally delivered to the submitting DPO. **LETTERS DRAFTED DIRECTLY VIA COMPUTER EMAIL WILL NOT BE ACCEPTED**. Scanned copies of the letter with a signature can be sent through email and will be accepted.

- Clients who reside in Sober Living, Residential Treatment, or an Adult Group Home
  - Sober Living / Residential Treatment Program / Adult Group Home residents are considered appropriate for transfer if the client is currently residing and receiving services in the receiving county and has a plan for permanent residency in the receiving county. A plan for permanent residency can include the facility where the client resides. Signed and dated documentation from the group home or treatment program, which identifies the client as a current resident and the address where they are residing, is sufficient proof of residence.
- Clients who are homeless
  - Homeless clients are acceptable for transfer to a receiving county. The Rules of Court do not require a physical apartment, house, or normal living quarters, "Residency" is defined as the location where the supervised person customarily lives. Proof of residence is not required for these clients.

- Proof of DNA Sample verified through JDIC or APS Chrono by Pretrial Services / Probation Information Center (PIC).
- For cases with a registration condition, proof of VALID registration (e.g., Sex, Arson, Gang, or other designated type of registration).
  - **TEMPORARY OR EXPIRED REGISTRATIONS ARE NOT ALLOWED. Under no circumstances will expired registrations be accepted.** A receiving county will not accept *PC1203.9 Transfer Packets* with expired registrations.
  - It is the responsibility of the submitting DPO to ensure proof of registration is valid.
  - Valid proof of probation client's permanent registration must be on official agency stationary and display the agency name, address, and name and address of the client.
  - Handwritten notes or simple computer printouts without agency heading will not be accepted.
  - *Proof of Registration Forms* are not needed. These forms only provide applicant information relevant to the registration process.
  - Submitting DPO is to update the registration and date on the APS DFPD Screen.

ADDITIONAL REQUIREMENTS FOR OUTGOING TRANSFERS

- The client must be in compliance with all conditions of the probation.
  - All *Notices of Arrest* must be addressed by the court prior to transfer.

- Reporting In APS RPDD - Within the past 60 days, client must show current reporting.
- Should client have pending custody time remaining or is currently in custody, the case cannot be transferred until all time is served.

Note: Clients currently on Work Release and/or Electronic Monitoring cannot be considered for jurisdictional transfer until their program is completed.

- Records Check
  - Submitting DPO must check and run criminal justice systems: JDIC, CCHRS, TCIS, and APS to ensure there are no new arrests, pending matters, active warrants, or pending violation hearings.
  - DFAD must show the current address in the county in which the client is requesting the transfer.
  - Client must have their Probation Orientation Completed and the APS SIND screen updated with the date of orientation for each case.

- Cases With Victim Restitution
  - Restitution / Victim Information - Restitution must be set up, or a *Restitution Packet* must be submitted to *Adult Centralized Restitution Unit (ACRU)*; submitting DPO is to make a note in APS DCID prior to submission of the *PC1203.9 Transfer Packet*. The submitting DPO must verify that APS FIND and CNVD screens reflect court orders. Should submitting DPO experience a delay in restitution being set up, an inquiry to ACRU should be conducted to check the status.
  - All Restitution Hearings must be concluded prior to transfer.

Note: Restitution and fines will continue to be collected by Los Angeles County Probation after a PC1203.9 transfer to another county.

- Clients with a risk score of 14 and under must be KIOSK enrolled if they will be transferred to Riverview Area Office, and the kiosk enrollment is reflected in APS DFPD. Those low-risk clients not residing in San Bernardino, Riverside, Orange, Kern, or Ventura Counties are to be given three (3) mail-in reports; submitting DPO is to instruct the client to mail-in reporting slip to Riverview Area Office, Attention: DPO of Record and the reporting type changed to “Mailers” in APS DFPD.

Note: Riverview Area Office does not have the ability to KIOSK enroll.

- Submitting DPO must submit one (1) *Transfer Packet* per supervised probation case. If client is supervised for more than one (1) case, a *Transfer Packet* must be submitted for each additional case(s). *(Additional cases to be transferred simultaneously are not subject to minimum supervision times remaining, as the intention is to have all active cases supervised by the same county.)*

WHEN TO SUBMIT THE TRANSFER PACKET AND CASE FILE

- Cases with a DRAD Score of 14 and under that qualify for *Automated Minimum Supervision (AMS)* at the Riverview Area Office require BOTH the *Probation File* and *Transfer Packet* sent to the OCU.
- Cases with a DRAD Score of 15 and above are to remain at the Host Area Office **(DO NOT TRANSFER FILE TO RIVERVIEW OCU)**. The DPO of Record must submit only the *Transfer Packet* and NOT the *Probation File.*
- No cases from specialized caseloads will be transferred to the OCU regardless of *DRAD Risk Score (SRG, FAM, or Mandatory Supervision Cases)* and should remain with the DPO of record for supervision until transfer is determined.
- Cases with a DRAD Score of 14 and under that have been issued an override are to remain with the Host Area Office, and only the *Transfer Packet* will be forwarded to the OCU.

WHERE TO SUBMIT A TRANSFER PACKET

- Completed *Transfer Packets* will be emailed to "EDL-PROB Out of County" or OCU@probation.lacounty.gov.
- *Transfer Packets* can also be mailed via County Mail.

LOS ANGELES SUPERIOR COURT GRANTS THE TRANSFER REQUEST AND CASE CLOSURE

DPO of Record and Case Closing Responsibilities:

- DPO of record will receive an email notification from the Riverview OCU Deputy indicating the legal file has been physically transferred to the receiving county, and the case file can now be officially closed.
  Case is not to be closed until notification is received from the Riverview OCU Deputy.
- DPO of Record is to ensure all matters pertaining to "closing out" the case file are recorded in APS DCID.

INCOMING JURISDICTIONAL TRANSFERS

The *PC1203.9 PC Intercounty Transfer* process requires the department to investigate and review cases received for jurisdictional transfers from outside counties. - Intercounty Transfer Requests will be received and processed by the OCU Deputies at the Riverview Area Office. OCU is responsible for verifying the address[2] of the client and preparing judicial notes (CR-252). The *CR-252 Form* is a recommendation submitted to the court when the transfer is deemed unsuitable for transfer to Los Angeles County. All cases are tracked by checking TCIS or notifications received by the sending county.

Note: When a CR-252 is submitted to recommend a transfer be denied, the Superior Court of the sending county has the discretion and authority to order the transfer to Los Angeles County.

Once the OCU DPO has processed the *Transfer Packet,* completed the DRAD, and the court has consolidated the sending county's case number with a Los Angeles County Court case

[2] The inability of a receiving county to conduct an address verification does not preclude a transfer to another county.

number, an acceptance letter will be mailed to the client instructing them to report within forty-eight (48) hours to their assigned Area Office. The case is forwarded to the designated Area Office's *Supervision Intake Team (SIT)* or *Specialized Caseload* for orientation and supervision. Once the file is transferred to the Area Office, the DPO of Record is responsible for submitting all reports/violations. Should clarification pertaining to court assignment for calendaring be needed, the DPO of Record must contact the Court Clerk's office for the assigned department.

When the OCU DPO is notified that an arrest has occurred after the sending county has granted/ordered transfer to Los Angeles County and prior to case transfer to Area Office, the OCU DPO will submit a *Notice of Arrest (NOA) Report* to the court. Once the NOA Report is completed and approved by the OCU SDPO, the file will be forwarded to the designated *Area Office's SIT Unit* or *Specialized Caseload* for orientation and for holding the case until the disposition of court hearing. Arrests that occur prior to the sending county transfer court hearing date are the responsibility of the sending county

Note: In unique circumstances in which an arrest occurred after the sending county initiated the transfer yet prior to the sending county transfer hearing date if the arrest was unreported by the sending county and Los Angeles County Court issued a case number, the OCU DPO will submit a NOA to LA County court prior to transferring the case to the Area Office.

Questions or concerns regarding this Directive shall be directed to the Adult Consultant at (562) 940-2525.

Richard Giron

Richard Giron, Deputy Director
Adult Services

03/23/23
Date