

PROBATION DEPARTMENT DIRECTIVE

No.: **1494**

Issued: 04/24/2023

Post Until: 05/24/2023

SUBJECT: Family Violence

The following sections of the CORE Manual has been approved for distribution. Staff assigned to support CORE Bureau are instructed to review the attached policy.

FAMILY VIOLENCE (FV) DEPUTY PROBATION OFFICER (DPO) RESPONSIBILITIES

Deputy Probation Officers (DPO) assigned to a Family Violence (FV) caseload are tasked to supervise clients charged with/convicted of domestic violence, child threat, elder abuse or offenses wherein a victim is a vulnerable family member. DPOs monitor client's compliance with court orders and strive to support clients' positive behavioral change to prevent future victimization.

In addition to field supervision duties and monitoring client's compliance with conditions of probation supervision, a FV DPO responsibilities include, but not limited to ensuring:

- Initial office visits are scheduled within three business days of case assignment and complete a face-to-face office visit within 10 business days (of case assignment).
- Residential/ home contact is made within 10 business days of the client's initial contact, and unannounced home visits are completed each month thereafter for cases with victims present.
- A minimum of one office visit and one mandatory home visit for cases with victims present are conducted each month.
- Alternative field visit, not including client's residence (e.g., therapist's office/treatment provider, work, etc.) is conducted on a quarterly basis (i.e., a visit every three months).
 - DPO or Supervising Deputy Probation Officer (SDPO) create collateral meetings with law enforcement, Department of Children and Family Services (DCFS), victim's advocates, therapists, and other parties of interest pertinent to family violence cases, on as needed basis, to discuss the client's case plan, compliance with terms, adherence to protective orders, as well as any issues and/or concerns.
- A Report-In Slip is completed for all office contact and a Field Contact Itinerary form for field visits.
- Update the Adult Probation System (APS)- Report-In by Defendants Data (RPDD) screen (under no circumstances are clients permitted to report via mailer); RPDD and APS Defendant Chrono Info Data (DCID) screens are updated to reflect contact with the client within one business day of conducting a visit.
- An immediate investigation is conducted when observations made by a DPO and/or any significant information received from another source, which indicates

PROBATION DIRECTIVE
ADULT CORE BUREAU - FAMILY VIOLENCE (FV) CASELOADS
PAGE 2 OF 10

a client is not in compliance with the conditions of probation; consult with SDPO and determine if a report needs to be submitted to court.

- Written documentation of any noteworthy observations (e.g., treatment program compliance, employment status, victim information, new arrests, etc.) is documented in the APS-DCID screen within one business day of occurrence, as well as, on a monthly basis. APS- Defendant Treatment and Program (DTPD) screen is also updated, within one business day, to reflect information regarding treatment programs.
- If a client fails to report as instructed, the DPO is to make reasonable attempts to contact the client via telephone, as well as sending the client notice via U.S. mail. The DPO shall document all attempts to contact the client in APS-DCID. However, if failure to report exceeds 1 months (30 days of non-reporting) it is mandatory that the matter be investigated and reported to the court as a possible desertion and potential violation.
- DPO shall submit a Notice to Probationer/Request For Calendar Date (Prob Form 646) to the Court no later than five (5) working days after the 30th day of non-reporting.
- A Level of Service/Case Management Inventory (LS/CMI) is conducted for all clients within 30 days of case assignment. Complete a follow up LS/CMI assessment at the following: mid-point of the grant of probation, after a new arrest with a subsequent grant of probation, or after any significant point in the grant of probation where an extended period of time on Bench Warrant (6 months or more) has occurred.
- A Spousal Assault Risk Assessment (SARA) is completed for all clients within the first 60 days of supervision.
- A case plan is developed to target client's criminogenic needs as identified on the LS/CMI assessment, APS- Defendant Risk Assessment Data (DRAD) screen and/or SARA.
- Client has submitted to DNA test and provided a palm print sample per Penal Code § 296- Offenders Subject to Sample Collection. In instances when a client has not yet submitted a DNA and palm print sample, DPO shall instruct client to contact Probation Information Center (PIC) at (866) 931-2222 to schedule an appointment within 30 days.
- Address information is verified and/or updated in APS- Defendant Address Data (DFAD) screen, monthly.
- Client's current photograph is secured in the clients file (X-file) along with photographs of client's vehicle(s), copies of Department of Motor Vehicles (DMV) registration and insurance for each vehicle.
- Interaction with law enforcement and DCFS is conducted, as needed.
- When appropriate, client is referred to call 211, a 24-hour information/referral service, for information and assistance with financial assistance, housing, and free/low-cost medical treatment services (Medi-Cal Administrative Activities (MAA) Outreach). When information is provided, staff shall chrono a notation in APS- DCID screen).

DOMESTIC VIOLENCE

Family Code § 6211 states, "domestic violence" is abuse perpetrated against any of

PROBATION DIRECTIVE
ADULT CORE BUREAU - FAMILY VIOLENCE (FV) CASELOADS
PAGE 3 OF 10

the following persons:

- (a) A spouse or former spouse
- (b) A cohabitant or former cohabitant, as defined in Section 6209
- (c) A person with whom the respondent is having or has had a dating or engagement relationship
- (d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 Section 7600 Division 12)
- (e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected; Any other person related by consanguinity or affinity within the second degree.
- (f) Any other person related by consanguinity or affinity within the second degree

Clients granted probation with a domestic violence conviction will complete a Domestic Violence/Batterer's Program. DPO of Record shall conduct a SARA for a client within 60 business days of case assignment. Additionally, when a domestic violence case is received, DPO shall confirm the case is coded in APS-CNCD with one of the following condition codes:

- H01- Domestic Violence: Enroll in Counseling
- H02- Domestic Violence: Cooperate with Probation
- H03- Domestic Violence: Plan for Counseling
- H04- Domestic Violence: Batterer's Counseling
- H05- Domestic Violence: Anger Management

Subsequently, DPO shall ensure the following:

- Cases, where a client has been convicted of stalking (Penal Code 646.9 or other offenses) within the course of intimate partner violence, has an 'H' condition to attend batterer's intervention counseling, shall have a SARA completed within 60 days.
- A Domestic Violence Victim Notification Letter and resource information is mailed to all victims of domestic violence.
- APS-Count Victim (CNVD) screen is updated to reflect a letter/resource information was sent to the victim and note the amount of time it took to complete the task.
- Referral services such as housing, victim protection and reparation recovery are provided to all victims via mail.
- Domestic violence cases are reassessed for suitability to transfer to a CORE caseload for further supervision after one year for an appropriate level of supervision. Reassessment includes the following:
 - Client has successfully completed a court ordered 52-week domestic violence counseling program.
 - Client completed the 52-week counseling program and is no longer living with the victim.

PROBATION DIRECTIVE
ADULT CORE BUREAU - FAMILY VIOLENCE (FV) CASELOADS
PAGE 4 OF 10

- Financial account is in good standing.
 - No violations within the last year.
- Cases classified as non-reporting domestic violence or misdemeanor domestic violence cases are to be assigned to Adult Minimum Service (AMS) caseloads at the Riverview Area Office. Cases shall not be transferred to AMS without completing the required assessments and mailing out a Domestic Violence Victim Notification Letter. The SDPO shall have the discretion to declare an override to these criteria on a case-by-case basis.

CHILD THREAT (CTH)

The Probation department is committed to the protection of children and the prevention of child abuse. At any phase in the probation process where a child may be involved as a victim or potential victim of abuse, the DPO or other Probation Department employee shall immediately report as suspected incidents as mandated in Penal Code 11166.

Any case in which there is reason to believe that the client's behavior would pose a threat to a child by reason of violence, drug abuse history, sexual molestation, or cruel treatment, regardless of official charges or conditions of probation, may be assigned to a CTH caseload to promote safety of the child and the family.

DPO supervise any case when there is a minor child in the home and the client has been convicted of:

- Child endangerment (abandonment, cruelty, or inflicting traumatic injury).
- A violent offense involving a victim under the age of 18 (manslaughter, mayhem, kidnap or assault)

CTH cases with drug testing orders are supervised by the DPO who is responsible to ensure anti-narcotic testing is performed.

In every case where the victim or other child under the age of 18, resides in the same residence as the client, a monthly home visit is mandatory. The victim and other children must be seen by the DPO. The DPO carefully observes the children for any indications of maltreatment. The children are interviewed if appropriate. Any complaints or indications of maltreatment may call for immediate action or further investigation by the DPO.

In homes where no children under the age of 18 are initially reported as residing with the client, DPO will conduct random home visits to ensure children are not subsequently brought into the home, unbeknownst to the court or the DPO, placing them at risk.

An individual case plan is to be developed to provide close monitoring of the client's compliance with the orders of the court and ensure increased safety for the victim. A case may require coordination with the Department of Children and Family Services (DCFS), the treatment provider(s) and the court.

Note: Child threat cases shall not be transferred to Adult Minimum Service (AMS) caseloads.

ELDER ABUSE

WIC § 15610.27 defines an elder as someone who is 65 years or older. It further defines a dependent adult as someone who is between the ages 18-64, with a physical or mental condition that restricts their ability to carry out normal activities or protect their rights.

California Welfare and Institution Code 15600, recognizes that elders and dependents are a vulnerable population and may be more subjected to abuse, and/or exploitation.

Penal Code 368 defines the abuse of elders and details the sanctions for each type of offense. WIC 15610.45 and 15630 define DPOs as mandated reporters

DPOs shall complete the following for cases that involve elder abuse:

- Conduct home visits in every instance where a victim resides with a client.
- Meet with the victim monthly for the first six months of case assignment.

Elder and dependent adults are vulnerable victims and are often frightened of, but totally dependent on their abuser. They may be reluctant to disclose their abuse, which can be physical, mental, emotional, or financial and may include neglect, abandonment and/or isolation.

The DPO carefully observes the elder/vulnerable person for any indications of maltreatment. Complaints or indications of maltreatment may call for immediate action or further investigation by the DPO. Concerns of abuse can be referred to the Los Angeles County Elder Abuse Hotline (877) 477-3646 (877-4-R-Seniors)

Should there be no issues or concerns after six months, DPO has the discretion to modify visits with victim(s) on a quarterly basis (every three months). This is to ensure the victim's welfare and monitor any changes in the residence.

ASSESSMENTS AND DOCUMENTATION

LEVEL OF SERVICE/ CASE MANAGEMENT ASSESSMENT (LS/CMI)

LS/CMI is a validated assessment instrument that measures risk/needs and criminogenic factors of clients. Information from LS/CMI is utilized to assist DPOs with case planning and in making appropriate service referrals.

The LS/CMI is not intended to be the only tool used to assess the level of service required for clients nor is it to be utilized as an alternative for sound judgment that integrates other sources of information. Once an assessment is completed and scored, the assessment results will be entered on Defendant Comprehensive

Assessment Data (DCAD) screen and the LS/CMI form is placed in the client's X-file. (See LS/CMI manual)

SPOUSAL ASSAULT RISK ASSESSMENT

Spousal Assault Risk Assessment (SARA) is a tool designed to screen for risk factors of spousal or family related assault. It is deemed a useful instrument, containing a 20-item quality-control checklist, for determining the extent to which an individual poses a threat to their spouse, children, other family members or other persons involved.

Pursuant to Penal Code § 1203.097(3), after a court orders a client to a Batterer's Program, the Probation Department shall conduct an initial assessment of the client, including, but not limited to the following:

- Social, economic, and family background
- Education
- Vocational achievements
- Criminal history
- Medical history
- Substance abuse history
- Consultation with the probation officer
- Verbal consultation with the victim, only if the victim desires to participate
- Assessment of the future probability of the defendant committing murder

COMPLETION OF SARA ASSESSMENT

Spousal Assault Risk Assessment (SARA) shall be completed within 60 days of case assignment. SARA is used in conjunction with the Level of Services/Case Management Inventory (LS/CMI). Family Violence (FV) Deputy Probation Officers shall conduct a SARA on all clients who meet the following criteria:

- Ordered by the court to complete a DV/Batterer's Intervention Treatment Program.
- Convicted of Penal Code 273.5.
- Convicted of stalking or assault **only if** the court orders the Batterers' Intervention Treatment Program.
- Granted probation for a crime in which the victim is a person defined in CA Family.
 - Code Section 6211
- Cases where a criminal protective order has been implemented to protect DV/IPV victims from further acts of violence, threats, stalking, sexual abuse and harassment.
- Convicted of animal cruelty, only if intimate partner is involved and court ordered DV counseling.
- Ordered APS-CNCD condition codes (H01-H05)
 - H01-Domestic Violence: Enroll in Counseling
 - H02-Domestic Violence: Cooperate w/Probation
 - H03-Domestic Violence: Plan for Counseling
 - H04-Domestic Violence: Batterer's Counseling

PROBATION DIRECTIVE
ADULT CORE BUREAU - FAMILY VIOLENCE (FV) CASELOADS
PAGE 7 OF 10

- H05-Domestic Violence: Anger Management

Additional SARA assessments shall be conducted whenever:

- There is a new domestic violence conviction.
- There is a new conviction that orders DV counseling or batterer's program
- Criminogenic needs change

After completing the SARA, DPO shall:

- Complete the SARA screen in APS
- Place the assessment form in the client's X-file
- Document on DCID screen the client's treatment plan needs

Note: *Domestic violence cases shall not be transferred (to caseloads within the office or to outlying offices) without the completion of an LS/CMI and SARA.*

Spousal Assault Risk Assessment forms are available upon FV Supervising Deputy Probation Officer (SDPO) request to FV Consultant. FV SDPOs shall distribute forms to FV deputies.

VICTIM NOTIFICATION PROCEDURES

In compliance with victim notification requirements pursuant to Penal Code § 1203.097(b)(4), Family violence deputies shall:

- Inform victim(s) of domestic violence of the disposition of the case.
- Notify victim(s) regarding the requirement that the client participate in and complete a Domestic Violence/Batterer's Intervention Program.
- Inform victim(s), the client's attendance in Domestic Violence/Batterer's Intervention Program does not guarantee client will not be violent or re-offend.
- Notify victims regarding available victim resources

In compliance with victim notification requirements pursuant to Penal Code § 679.06, Family violence deputies shall:

- Notify victims of the client's community of residence and/or community of supervision, upon request.

Upon receipt of new case, deputies shall attempt to notify victims of domestic violence by generating the Victim Notification Letter. DPO shall ensure the following steps are taken when attempting to notify a victim(s):

- Review X-file to ensure victim(s) information has been properly recorded in APS- Count Victim Data (CNVD) screen.
- Generate the Domestic Violence Victim Notification Letter.

- Attach suggested resources to the Victim Notification Letter (i.e., shelter, counseling, medical, food, 211).
- Document on APS-CNVD screen the Victim Notification Letter was generated and sent via U.S. mail.
- Document in APS-DCID screen if unable to contact the victim (i.e., no address, mail returned, or victim is unidentified).
- Retain a copy of the Domestic Violence Victim Notification Letter in the X-file.
- If applicable, retain the returned Victim Notification Letter in the X-file, Document on APS-CNVD and APS-DCID screen that the letter was returned via U.S. mail.

PRE-HOME/FIELD CONTACT PREPARATION

FV DPO shall complete Field Officer Safety Training (FOST), OC spray training, and First Aid/CPR prior to being issued safety equipment and prior to conducting home/field visits. The FV DPO is required to flex or modify his/her work schedule, to conduct home/field visits. It is integral for DPO to prepare for home/field contacts by obtaining as much information as possible, prior to home/field visit (i.e., conduct a careful review of all record information, ask client questions about living arrangements and inquire about other residents within home, review prior criminal history, and complete a consultation with an immediate supervisor). Information shall be obtained and reviewed prior to conducting the field contact. Note: Record checks at the last minute do not allow adequate time for a thorough review of information or to seek additional information that may be important in safely executing a home/field contact.

DPO determines the level of support needed to conduct a home/field contact based on information obtained during preparation process. DPO conducting a home/field contact has the discretion of making the contacts alone or with another DPO.

DPO DRESS CODE AND EQUIPMENT DURING HOME/FIELD CONTACTS

Refer to the department *Staff Dress Code and Grooming Standard* policy. Staff safety is paramount and body armor shall be worn while conducting home/field contacts.

Additionally, DPOs are required to carry the following equipment during home/field contacts:

- Cellular phone and charger
- Body Armor (under clothes)
- DPO Badge & ID card
- Utility belt
- OC canister and holder
- Flashlight and holder
- Handcuffs and case, and Handcuff Key (1)

- First Aid Kit (In Vehicle)

Except for the cell phone and phone charger, all safety equipment shall be returned to the Family Violence Consultant prior to leaving the assignment.

TRAVEL OR TRANSFER REQUEST

Upon client's request to travel, DPO is expected to adhere to travel permit procedures in accordance with the Travel Permit Procedures.

Upon gaining information that a client resides in another county, request to transfer to another county or another state, DPO is expected to adhere to *1203.9 Jurisdictional Transfers and Preparation of 1203.9 Transfer Request Packet* policy and *Interstate Compact* policy.

FAMILY VIOLENCE (FV) CLERICAL SUPPORT RESPONSIBILITIES

Upon receipt of a case file from a SDPO in route to the FV DPO for case supervision, clerical support shall update the CNCD screen with applicable 'H' codes .

Upon receipt of case file from the SDPO, to route to CORE caseload, clerical support shall:

- Use the APS-Supervision Assignments Maintenance Data (SMTA) screen to solely make changes in the area office field, as necessary.
- Verify caseload type remains as Child Threat, Domestic Violence or Family Violence.
- Never eliminate or modify the "in-person" contact unless ordered by the court.

FAMILY VIOLENCE (FV) SUPERVISING DEPUTY PROBATION OFFICER (SDPO) RESPONSIBILITIES

SDPOs shall review all cases and ensure the following:

- Family violence cases are reviewed and forwarded to clerical support for case assignment.
- Family violence cases are coded with the appropriate caseload type and conditions.
- Domestic Violence Victim Notification Letter was sent to victims of domestic violence.
- All required assessments are completed in a timely manner and confirm completion prior to transfer, when appropriate.
- All required client contacts and visits with victims are made by the DPO with proper code in APS-RPDD and all other pertinent screens (i.e., DCID, DTPD, etc.).
- Ensure all mid-point and financial reviews are completed in a timely manner.
- All domestic violence cases are reviewed after one year to determine appropriate transfer to CORE caseload.

PROBATION DIRECTIVE
ADULT CORE BUREAU - FAMILY VIOLENCE (FV) CASELOADS
PAGE 10 OF 10

- All FV DPOs are enrolled in, and complete, required and/or mandatory trainings.
- Periodic audits of case files are completed to ensure proper documentation is contained and secured neatly within the case file.

The policies will be located on Prob-Net (Probation Manuals- [POLICIES, PROCEDURES AND MANUALS \(sharepoint.com\)](#) – Case Transfer. Questions or concerns regarding this Directive shall be directed to Rene Martinez at (562) 940-2525.



Richard Giron, Deputy Director
Adult CORE Bureau

04/21/23

Date