

DATE: October 7, 2002

PAGE 1 OF 2

CANCELS: New

SEE ALSO:

APPROVED BY: Executive Committee

POL-501 MEETING OFFICE SAFETY REQUIREMENTS

This policy applies in all cases where staff members conduct presentence and probation interviews, as well as client reception activities.

1. Interviewing Offenders Alone Is Prohibited

Staff will meet with offenders only when another staff member is present in the office.

2. Staff Will Occupy the Reception Area

Unless the office is temporarily closed, staff will occupy the reception area at all times when the office is open for business.

3. Staff Working Alone Will Lock Office Doors

If through necessity a staff member must work alone in the probation office, the main office door will be locked and the office will not be open to the public. In the event all staff but one are required in court for a probation hearing, the restitution/community service coordinator should delegate his/her cases to a probation officer so two people remain in the office.

4. Problem Offenders Require Specific Precautions and Actions

Staff members or volunteers anticipating or experiencing a problem with a hostile and/or potentially dangerous offender will comply with the following procedures:

- 4a. If anticipating a problem, the employee's office door should remain open for outside monitoring purposes. The employee should also report the anticipated problem to another staff member to be on the alert.
- 4b. If a potentially hostile or dangerous situation does occur, the employee should immediately push the panic button for courthouse

POL-501 MEETING OFFICE SAFETY REQUIREMENTS

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security to respond.

- 4c. Additionally, if the incident is occurring in the outer reception area, the staff member should also press the panic button alerting staff in the probation officer suite.

5. Employee Will Document and Report the Incident

If an actual problem with a hostile and/or potentially dangerous offender occurs, the staff member immediately affected will:

- 5a. Immediately report the incident to the Director
- 5b. Document the incident in the client's casefile
- 5c. If appropriate, the court is to be notified and possible recommendations made for sentence modification. If threats have been made by any offender, the prosecutor should be consulted for law enforcement action.

POL-501 APPROVED BY EXECUTIVE COMMITTEE:

_____, Judge _____ Date

_____, Judge _____ Date

_____, Director _____ Date

DATE: October 7, 2002

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CANCELS: New

SEE ALSO: POL 602

APPROVED BY: Executive Committee

POL-601 INFORMING PARTIES OF PROSPECTIVE HARM TO A THIRD PARTY

This policy applies in all cases where a staff member recommends disclosing a threat of imminent harm to a specific third party based upon a reasonable belief that the threat would be carried out.

See also POL-602 Reporting Abuse of a Child or a Developmentally Disabled Adult.

1. A Specific Threat Made To An Identifiable Victim Must Be Reported Without Prior Approval

If a probationer makes a credible threat or otherwise indicates a prospect of harm to a specific, identifiable victim, a probation officer should make reasonable attempts to warn the victim by reporting the threat to law enforcement. A probation officer may attempt to warn by direct contact with the victim, then follow-up with law enforcement. In either situation, the following steps should be taken: the warning/report is made, the Director is notified, and a written report is forwarded to the judge with a copy to the appropriate prosecutor.

2. Officer Will Make Log Entry In Casefile

If a probation officer has warned a third party of threats or of potential harm, a log entry should be made in the probationer's casefile indicating relevant information given by the probationer, and details of the information disclosed and to whom.

3. Prospective Harm Disclosures Do Not Require a Release From The Probationer

POL-601 INFORMING PARTIES OF PROSPECTIVE HARM TO A THIRD PARTY

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POL-601 APPROVED BY EXECUTIVE COMMITTEE:

_____, Judge _____ Date

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_____, Director _____ Date

DATE: October 7, 2002

PAGE 1 OF 2

CANCELS: New

SEE ALSO: POL 601

APPROVED BY: Executive Committee

**POL-602 REPORTING ABUSE OF A CHILD OR A DEVELOPMENTALLY
DISABLED ADULT**

This policy applies in all cases where a staff member has reasonable cause to believe that a child or developmentally disabled adult has suffered abuse or neglect.

See also POL-601 Informing Parties of Prospective Harm to a Third Party.

**1. Staff Member Will Immediately Notify Proper Law
Enforcement Agency**

The staff member or volunteer should, as soon as practical, notify the proper law enforcement agency or the Department of Social and Health Services of the possible occurrence of abuse or neglect. This notification shall be documented in the appropriate casefile.

**2. Staff Member Will Immediately Notify the Director
That a Report of Possible Abuse/Neglect Has Been Made**

3. Authorities May Request Follow-Up Report In Writing

If the proper agency to whom the abuse or neglect is reported requests a written report, the staff member or volunteer will make this report.

4. Oral and Written Reports Will Contain Specific Information

Pursuant to RCW 26.44.040, reports shall contain the following:

- 4a. The name, address, and age of the child or adult suspected of being abused or neglected.
- 4b. The name and address of the child's parents, step-parents, guardians, or other persons having custody/care of the child or the residence of the adult dependent person
- 4c. The nature and extent of the abuse or neglect, citing

**POL-602 REPORTING ABUSE OF A CHILD OR A DEVELOPMENTALLY
DISABLED ADULT**

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observed injuries if any.

- 4d. Any evidence of previous injury or neglect, including their nature and extent
- 4e. Any other information which may be helpful in establishing the cause of the dependent person's death, injury, abuse or neglect, and the identity of the suspected perpetrator(s).

5. Log Notes Will Be Made

Whenever the probation staff receives or makes a report of possible abuse or neglect, log notes will be made in the offender's casefile describing information received, action taken, information disseminated and to whom, as well as any other pertinent data.

POL-602 APPROVED BY EXECUTIVE COMMITTEE:

_____, Judge _____ Date
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_____, Director _____ Date

DATE: October 7, 2002

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CANCELS: All Previous

SEE ALSO: POL-902 , POL-903

APPROVED BY: Executive Committee

POL-901 MAINTAINING AND PROTECTING RECORDS

This policy applies to all cases where a staff member works with casefiles on probationers.

1. Staff Will Protect All Information

Staff will not publish or otherwise disclose to any unauthorized third party, orally or in writing, any protected information concerning anyone referred to probation. See POL-902 Maintaining Regulations Regarding Confidentiality and Access to Records.

Community service workers will not have access to any probation client casefile information, such as loose paper filing containing treatment status, etc.

2. All Record and Case File Material Will Stay In the Offices

Staff will not remove any probation department client record or casefile material from the office without the permission of the Director except when used for court appearances, jail or field interviews. Material that can not be removed includes client casefiles, all computerized data, Probation Department software and programs.

3. Clerical Staff Will Limit Information Disseminated

Individuals inquiring about defendants will be told only whether the person has been referred to probation services and who the probation officer/case manager is. If the individual wants additional information, they shall be referred to the officer assigned to the case and/or informed about accessing public records through the court clerk. Clerical staff may not disseminate additional record information. (See POL 903 Requesting, Obtaining and Distributing CHRI)

4. Casefile Information or Client Identity Will Not Be Discussed In Presence of or With Unauthorized Persons or Other Clients

POL-901 MAINTAINING AND PROTECTING RECORDS

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5. Officer Will Provide Information as Requested and Appropriate

The probation officer will not give the probationer's address, phone number or place of employment, except to criminal justice agencies, a collection agency handling a probationer's service fee account, or with an authorized release from the probationer.

6. Director Will Answer All Inquiries From the Press

The Director alone is responsible for answering, in writing or orally, any questions about the Department, its policies and/or a subordinates work.

7. A Probation Officer May Inform a Prospective or Current Employer Of A Probationer's Status Only In Certain Situations

A written court order must be obtained before a probation officer can inform an employer that a probationer's offense or criminal history makes certain kinds of employment questionable and/or dangerous to the public. Consent of the probationer is not required under these circumstances.

8. All Court Referrals Will Require a Casefile, Account and Identification Database Record

Review various Tasks according to type of referral as well as automation access manuals.

9. All Casefile Information Will Be Retained In Archives For Five Years Following Closure

After those periods, paper files and cards can be shredded except those with bench warrants resulting from probation violations. Those files will remain intact in archives until the bench warrant status has been resolved. The computer records will not be destroyed. (See TSK-901A Retaining Casefile Information.)

10. Supervision Casefiles Will Be Maintained in a Consistent Format Regarding Location of Information

See Appendix, Casefile Content Organization.

POL-901 MAINTAINING AND PROTECTING RECORDS

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11. Contents of Casefiles Must Meet Minimum Requirements

See Appendix, Casefile Contents Minimum Requirements.

POL-901 APPROVED BY EXECUTIVE COMMITTEE:

_____, Judge _____ Date

_____, Judge _____ Date

_____, Director _____ Date

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CANCELS: All Previous

SEE ALSO: RCW 10.97, RCW 42.17,
ARLJ 9, POL-901

APPROVED BY: Executive Committee

**POL-902 MAINTAINING REGULATIONS REGARDING CONFIDENTIALITY AND
ACCESS TO RECORDS**

Probation files and records are confidential and protected under federal and state regulations and court rule. Although some information is a matter of public record, due care and caution must be exercised as to the kind of information that is disclosed, to whom it is given, and how it is transmitted. This policy will apply in all situations involving any referral to probation services and to all staff members.

**1. Various Regulations Will Define and Govern Access and
Dissemination of Probation Department Records**

RCW 10.97, Criminal Records Privacy Act and RCW 42.17, the Public Disclosure Act, define and govern access and dissemination of records for criminal justice agencies, including probation. Washington Administrative Court Rules (ARLJ 9) further define private and quasi-private records as it relates to court records. (See Appendix.)

**2. Probation Staff Must Understand Criminal History Record
Information As Defined by Statute**

According to RCW 10.97, criminal history record information includes non-conviction data and conviction records, which are further defined:

- 2a. Nonconviction Data – All criminal history record information relating to an incident which has not led to a conviction or other disposition adverse to the subject, and for which proceedings are no longer actively pending. There shall be a rebuttable presumption that proceedings are no longer actively pending if more than one year has elapsed since arrest, citation, charge, or service of warrant and no disposition has been entered.
- 2b. Conviction Records – Criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the subject. Conviction or other

**POL-902 MAINTAINING REGULATIONS REGARDING CONFIDENTIALITY
AND ACCESS TO RECORDS**

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disposition adverse to the subject means any disposition of charges other than: (a) A decision not to prosecute; (b) a dismissal; or (c) acquittal; with the following exceptions, which shall be considered dispositions adverse to the subject: An acquittal due to a finding of not guilty by reason of insanity and a dismissal by reason of incompetency, pursuant to chapter 10.77 RCW; and a dismissal entered after a period of probation, suspension, or deferral of sentence.

3. Specific Information Regarding Current Clients May Be Disseminated Without Restriction

The only information that can be released without restriction, even to the general public, is that an offender is on probation, for what offense, and the sentence imposed. While clerical staff may disclose that a particular probationer is on supervision and the type of offense, any other details should be handled by the assigned probation officer.

Details of any counseling sessions, treatment referrals/status, investigative reports, or service fee accounts are protected from any dissemination unless we have the client's written permission to release specific information to a specific individual. (See also POL 901, Maintaining and Protecting Records.)

4. Dissemination of Non-Conviction Data is Restricted.

The following information may not be disseminated unless certain exceptions apply.

- 4a. Charges which have not been filed, have been dismissed at or before trial, or led to acquittal (being found not guilty).

- 4b. Information contained in offender probation files which includes personal identifying information on defendant to include address, chronological log notes, witness/victim statements, sentencing investigative reports, compliance and/or treatment progress reports, driving records, and any information given in official confidence such as psychological evaluations/reports.

**POL-902 MAINTAINING REGULATIONS REGARDING CONFIDENTIALITY
AND ACCESS TO RECORDS**

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- 4c. In conformance with statewide protocol, It is court policy to disseminate to treatment agencies conviction history, incident/crime reports relating to the offense, court ordered conditions and probation term information.

5. Criminal Justice Agencies May Receive Information Unrestricted.

Probation officers may disseminate criminal history record information to another criminal justice agency for the purpose of the administration of justice. This would include all information itemized in 4b of this policy with the exception of psychological evaluations/reports or other information given to us with statutory requirements of confidentiality.

6. Defendant And/Or Attorney of Record May Inspect Records

The subject of probation department records and/or his/her attorney may inspect but not copy criminal history record information.

7. Staff Will Maintain Documentation of All Disseminations

Documentation of a verbal dissemination will consist of a chronological log entry which will include date, individual to whom information was released, and initials of staff. Each document disseminated will bear the "secondary dissemination" prohibition stamp; the document(s) remaining in the casefile will be stamped with the "disclosed to" stamp.

Exception: Disseminations to a criminal justice agency for the purposes of processing a matter through the criminal justice system are not considered by RCW 10.97.030(8)(b) to be a dissemination. However, documentation of such a sharing of information should be made.

8. Access to Casefile Information Will Be Limited to Authorized Employees and Volunteers, or Other Criminal Justice Personnel

Requests for information over the telephone will be denied unless the caller is known and/or easily identifiable. Any other such requests must be submitted in writing. This would include requests from criminal justice agencies from outside the area.

Community service workers are denied access to any casefile information except that which is public record. In other words,

POL-902 filing casefiles is acceptable under supervision; filing of loose
**MAINTAINING REGULATIONS REGARDING CONFIDENTIALITY
AND ACCESS TO RECORDS**

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documents and treatment reports in to the casefile is not permitted.

9. Confidential Information Will Not Be Faxed.

POL-902 APPROVED BY EXECUTIVE COMMITTEE:

_____	, Judge	_____	Date
_____	, Judge	_____	Date
_____	, Judge	_____	Date

DATE: October 7, 2002

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CANCELS: All Previous

SEE ALSO: POL 901, POL 902

APPROVED BY: Executive Committee

POL-903 REQUESTING, OBTAINING, AND DISTRIBUTING CRIMINAL HISTORY RECORD INFORMATION (CHRI)

This policy will apply routinely in all investigation and supervision matters and when Criminal History Record Information is specifically requested by sentencing judges or probation officers.

1. ADR and DCH Screens Will Be Printed For All Investigation And Probation Cases Utilizing JIS

This information will be filed in each individual casefile prior to intake, and will be reviewed/updated as required by various tracking and classification activities.

2. A Juvenile Criminal History Will Be Obtained In All Investigations Or Probation Cases Where Offender is Age 21 or Under.

3. Incident/Crime Reports Will Be Maintained In Casefiles

If the report is not contained in the original court referral packet, or if a criminal incident serves as the basis for a new violation, the report will be requested in writing from the appropriate law enforcement agency,

4. NCIC III Will Be Obtained On All Formal Supervision and Investigation Cases

This information is obtained in-house utilizing the Spillman system via the sheriff's office. Only properly certified staff will have access to Spillman. The CHRI will be placed in the casefile prior to intake.

5. JIS Will Be Accessed To Verify Incomplete NCIC III

Occasionally, NCIC will not show sentencing data on an entry. If the charge is within Washington State, the probation officer will attempt to verify conviction and sentencing information via JIS.

6. NCIC Will Be Released Only To The Court and Prosecutor

**POL-903 REQUESTING, OBTAINING, AND DISTRIBUTING CRIMINAL
HISTORY RECORD INFORMATION (CHRI)**

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In the event of a sentencing investigation, the NCIC will also be provided to a defense attorney of record or a pro se defendant. All other releases are prohibited without prior approval of the Director and/or presiding judge.

- 7. NCIC Checks Will Not Be Conducted For Prosecuting Attorneys, Defense Counsel, Clients or Any Other Agencies.**

- 8. JIS Defendant Case History Will Be Provided to All Treatment Providers Pursuant to Statewide Protocol.**

This would include providing a copy of the crime/incident report.

POL-903 APPROVED BY EXECUTIVE COMMITTEE:

_____, Judge _____ Date

_____, Judge _____ Date

_____, Director _____ Date

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PAGE 1 OF 2

CANCELS: All Previous

SEE ALSO:

APPROVED BY: Executive Committee

POL-1001 ACCEPTING PROBATION CASES

1. Judges Order Probation Supervision

To be accepted for supervision, probation must be ordered by a judge. The paperwork received from the court must include all conditions of sentencing.

2. Probation Supervision Cases Will Not Be Accepted From Other Jurisdictions

Conversely, Chelan County probation cases will not be transferred to other jurisdictions for supervision.

3. Probation Officers Will Conduct Intake Interviews

Probation Officers will conduct in-person intake interviews unless the Director approves a waiver of an in-person interview. Officers will go over all conditions of probation, the fee contract, risk classification and reporting requirements. The probationer's signature will be obtained and witnessed on all appropriate documents. In addition, all referrals to outside agencies will be made. (See TSK-1001A)

4. Risk Classification Will Be Conducted at Intake

5. Victims May Be Contacted

Probation Officers may contact victims in appropriate cases, most particularly domestic violence, at any time during the course of supervision. Victims can be advised of the probationer's sentence, treatment referrals and progress (providing an appropriate consent to release has been signed by the defendant), procedures for lifting no contact orders, and any other sentencing conditions.

POL-1001 ACCEPTING PROBATION CASES

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POL-1001 APPROVED BY EXECUTIVE COMMITTEE:

_____, Judge _____ Date

_____, Judge _____ Date

_____, Director _____ Date

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CANCELS: All Previous

SEE ALSO: POL-1003, POL-1004

APPROVED BY: Executive Committee

POL-1002 SUPERVISING PROBATION CASES

This policy will apply to the supervision of probationers by probation officers. This policy does not apply in situations where an offender's compliance falls under the special referral categories. (See Appendix.)

1. The Assigned Probation Officer Will Monitor for Completion of Court Ordered Requirements.

A probation officer is not required to affirmatively verify a probationer has a valid drivers license and liability insurance during the course of supervision. However, any law violations relevant to the scope of supervision must be reported to the court.

Probation Officers are not authorized to add conditions or requirements that are not part of the sentencing order. If additional needs or restrictions become apparent, the Probation Officer must file a report with the court asking for a modification of the sentence.

2. The Assigned Probation Officer is Responsible for Verifying the Payment of Court Ordered Restitution.

Monitoring of restitution in probation cases will be handled by the assigned Administrative Assistant, but the Probation Officer, at the four month review prior to case closure, shall determine whether restitution has been paid.

3. The Probation Officer Will Formally Refer the Probationer to Outside Agencies for Treatment Relative to the Court Order.

A packet of information, including the appropriate referral document to the treatment provider, will include the following information which will all be stamped with the confidentiality statement regarding secondary dissemination:

- a. Incident/crime report and victim statements regarding the offense

POL-1002 SUPERVISING PROBATION CASES

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- b. Prior conviction data in the form of a JIS defendant case history and DOL abstract if appropriate to the case
- c. A presentence investigative report if completed
- d. Probation Agreement outlining prescribed court order
- e. Signed consent for release form

4. A Probation Officer Will Monitor the Probationer's Treatment Status on a Monthly Basis Until Treatment Completion.

In all cases where a treatment agency is involved, the Probation Officer will review a written report from the treating agency a minimum of once per month on a standard treatment reporting form designed by Probation Services. If a treatment status report indicates non-compliance, the Probation Officer will demand, in writing, contact with the probationer. If compliance is restored, a violation report need not be filed with the court. If after the contact letter the probationer continues to be in non-compliance, a probation violation notice will be filed with the court.

5. Probationers Must Commence Treatment Programs Within 90 Days of Sentencing or Release from Custody.

If the probationer fails in this regard, a probation violation report must be submitted. If there is good cause shown for a client's delay in treatment, the Probation Officer shall submit a memo to the court which outlines the reasons for the delay, requesting additional time for the probationer.

6. The Probation Officer Will Obtain Signed Contracts for Probation Supervision and Service Fees at Time of Initial Intake.

See TSK- 1001A, Conducting Probation Intake.

7. Probation Officers Will Provide the Court with Periodic Status Reports as Well As Notification of Completion.

Occasionally, a District Court Judge may request an update on the supervision of an offender. Probation Officers will respond as requested by the judge, either a formal written report or an e-mail response. A copy of this communication should be maintained in the probationer's casefile.

POL-1002 SUPERVISING PROBATION CASES

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At the end of a probation term, the Probation Officer will make a closing entry on DISCIS. (See TSK-1009A.) If the supervision is a DV Diversion, DUI Deferred Prosecution or other Stipulated Order of Continuance, a formal Declaration for Dismissal will be filed with the Court. Notation of this will be part of the closing DISCIS entry.

8. Probation Officers Will Report Relevant Law Violations to the Court Within 10 Working Days of Discovering the Violation.

If the probation officer will not be recommending PV sanctions, a violation report may be submitted to the court recommending no action be taken. If a probation officer believes PV sanctions are appropriate, an Affidavit form will be filed.

Probation Officers are required to file a PV action for non-reporting to probation upon missing the first initial intake appointment, or in the case of an out of town client, upon failure to return the initial probation documents. For an established probationer, a PV action must be filed after two consecutive missed appointments.

9. Third Party Information Will Be Reported.

- 8a. An identified person reporting information will be informed that, by policy, all credible information received relating to offenders will be reported to the court and prosecutor, even if the person reporting has indicated that they do not want the probationer to know they reported and even if they indicate they will not testify.
- 8b. If the person reporting the information expresses a fear for his or her safety should the probationer learn that they contacted probation services, this information will be included in the memo to the court, with a copy provided to the prosecutor.

10. Probation Officers Shall Have Contact With Probationers According to Caseload Management Classification Reporting Levels.

Classification will be accomplished at initial intake. (See POL-1004

POL-1002 SUPERVISING PROBATION CASES

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Assessing Supervision Levels.) This additional policy also addresses classification override approval.

11. All Contacts With Probationers Will Be Logged on Casefile Reporting Chronological Sheet.

To be included is the date of contact, content and/or purpose of the contact, who the contact was with. Any staff member making an entry in a probation casefile other than the assigned PO should initial the entry. This would include telephone contact. (See POL-1007)

12. Probation Officers Will Administer a PBT When Appropriate.

When alcohol consumption is suspected in a probationer who is alcohol-prohibited by court order or treatment plan, the probation officer may demand the probationer submit to a PBT. If any positive reading results, or if the defendant refuses the test, a PV will be submitted. (See POL-1003 Administering a Personal Breath Testing Device.)

13. All Staff Will Observe All Rules, Regulations, And Statutes Relating To Confidentiality and Privacy of Client Records.

Basically, the only information that can be released to the general public is that an offender is on probation, for what charge and the sentence imposed. Details of any counseling sessions, treatment or investigative reports, service fee accounts are protected unless we have the client's written permission to release specific information to a specific individual. (See also POL-902 Maintaining Regulations Regarding Confidentiality and Access to Records and POL-901 Maintaining and Protecting Records.)

14. Probation Officers Are Only Required to Verify Installation of a Court Ordered Ignition Interlock Device.

This requirement is limited to while the defendant is on probation. Probation Officers are only required to verify the initial installation of the required device or the filing of a statement by the defendant indicating his/her intent not to drive or reinstate their driving privilege.

Any reports by third parties to the probation office of the probationer tampering with the device or positive readings are to be referred to the prosecutor's office for appropriate action. However, a law

POL-1002 SUPERVISING PROBATION CASES

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violation, such as driving without ignition interlock, is to be reported to the court by the probation officer as a probation violation

POL-1002 APPROVED BY EXECUTIVE COMMITTEE:

_____, Judge _____ Date

_____, Judge _____ Date

_____, Director _____ Date

DATE: October 7, 2002

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CANCELS: New

SEE ALSO:

APPROVED BY: Executive Committee

POL-1003 ADMINISTERING A PERSONAL BREATH TESTING DEVICE

This policy applies in all formal supervision cases where the probationer has been prohibited by the court or alcohol/drug treatment plan from consuming alcohol and can be applied in the field or in the office setting.

1. Only Probation Officers Who Are Trained by Appropriate Law Enforcement Representative May Administer the PBT.

All probation officers will be trained by PBT certified local law enforcement in the proper administration of a PBT. Clerical staff will not be trained and consequently are not authorized to administer a PBT. Additionally, the PBT unit shall be properly maintained by an appropriate technician.

2. A PBT Will Be Administered Only to Those Probationers Who Are Prohibited From Alcohol Consumption By Specific Court Order.

Prior to administering a PBT, the Probation Officer must first review the probationer's sentence and treatment conditions to determine if the prohibition exists.

If no such order exists, a PBT will not be administered.

3. Any Staff Member Who Suspects Alcohol Use By a Probationer On Supervision Will Inform a Probation Officer.

After a staff member reports alcohol consumption to a probation officer, there is no further obligation required of that staff member, unless the probation officer subsequently requests a written report concerning the staff member's observations.

Upon receiving the report, the Probation Officer will then review the court order to verify the existence of an alcohol use prohibition. If such exists, the Probation Officer will bring the client to a private PO office, ask the probationer to give a breath sample and then administer the PBT, unless the probationer admits the allegation. The probationer may be informed why the PBT is being requested and that a positive result, or admission by the probationer, as well as a refusal, will be reported to the court.

POL-1003 ADMINISTERING A PERSONAL BREATH TESTING DEVICE

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A PBT will not be administered in the outer reception area or in view of any other clients/visitors unless requested by the probationer.

4. The Administration of a PBT Must Be Witnessed by Another Probation Officer.

5. The Incident Will Be Documented in the Client Casefile.

This documentation will involve a notation by the staff member who made the initial observation (including staff initials), the PO who administered the test, and the PO who witnessed said test. The notation will also include the results of the PBT.

6. A Positive Reading Or a Refusal To Give A Breath Sample Will Result in the Filing of a Probation Violation.

This affidavit must be filed within 5 working days. Attached to the Affidavit will be statements provided by the staff member who initially reported the observation and the PO who witnessed the PBT administration.

POL-1003 APPROVED BY EXECUTIVE COMMITTEE:

_____, Judge _____ Date

_____, Judge _____ Date

_____, Director _____ Date

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CANCELS: All Previous

SEE ALSO:

APPROVED BY: Executive Committee

POL-1004 ASSESSING SUPERVISION LEVELS

This policy will apply in all court referrals for any type of formal supervision. Sentencing investigations, community service, restitution and other forms of special condition referrals are exempt from the risk classification system.

1. Probation Officers Will Complete the Initial Risk Classification Questionnaire at the Time of Initiating Supervision of the Offender

2. Probationers Will Report as Required by Level Classification

- 1a. Level I – In person reporting once per month at a minimum.
- 1b. Level II – Mail in reporting monthly. PO can require in person reporting once every 3 months.
- 1c. Level III – Seen once at intake to complete probation/fee agreements and make treatment referrals, then not required to report in any manner.
- 1d. Level IV – No reporting required. The majority of cases at this level are either exempt from classification or are not available for supervision, including but not limited to the following: Pending PV, bench warrant outstanding, in jail/prison.

3. Probation Officers Will Obtain Approval for Classification Overrides

- 3a. If requesting override to a higher reporting level, the PO must complete the override section at bottom of questionnaire, citing whether the type of override is a policy or a PO decision, and further explain why the override is requested. Approval of the Director is required.
- 3b. Downward override requires written approval of the sentencing judge. These will only be requested in cases where the probationer's physical condition and/or current or future

POL-1004 ASSESSING SUPERVISION LEVELS

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residency prohibits compliance with his or her assigned supervision reporting levels.

4. PO's Will Conduct Periodic Reassessment of Client Risk Classification

- 1a. Level I – Required every 4 months
- 1b. Level II – Required every 6 months
- 1c. Level III – Not required.
- 1d. When a case is returned for supervision after a probation show cause hearing
- 1e. When a defendant incurs a new criminal or criminal traffic offense.

5. PO's Will Be Required to Perform Various Case Management Tasks According to Each Level

These tasks involve the following: Monthly treatment verification; review/note ADR and DCH monthly on DP's and quarterly on DUI convictions.

6. Probationers Not Available for Supervision Will Be Entered on Database at Level 4

- 1a. This level includes probationers in custody for an extended period, in inpatient treatment for an extended period, or pending court action on a filed probation violation.

7. Domestic Violence Cases Will Be Classified at Level 1 For First Four Months of Supervision Period.

- 1a. This does not preclude the requirement of completing the Initial Supervision Level Questionnaire.
- 1b. If the Initial Questionnaire score does not place the probationer at Level I, the PO must check Override, citing type of override

POL-1004 ASSESSING SUPERVISION LEVELS

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as Policy-DV. Director approval is not required.

9. All Out of Area Probationers Will Be Classified

- 1a. For a Level I probationer, monthly in person reporting will be required, unless waived by the sentencing judge or the Director.

10. All Staff Will Follow Established Guidelines for Completing the Initial and Reassessment Questionnaires

POL-1004 APPROVED BY EXECUTIVE COMMITTEE:

_____, Judge _____ Date

_____, Judge _____ Date

_____, Director _____ Date

DATE: October 7, 2002

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CANCELS: New

SEE ALSO:

APPROVED BY: Executive Committee

POL-1005 HANDLING CASES ON BENCH WARRANT STATUS

This policy applies to all paid and volunteer staff supervising cases.

1. Cases Pending Court Action Will Be Filed Separate From Active Casefiles

Whenever a violation report is submitted to the court, the actual casefile will be filed in the Pending section of the Active Files.

2. Cases On PV Bench Warrant Status Will Remain in Pending Files Until Original Probation Term Expires

Upon learning of a bench warrant for failing to appear for PV hearing, the casefile and database record will be updated with the information. The casefile will remain in the Pending Files until the bench warrant is served or the original supervision period expires, whichever occurs first.

The database will reflect a pending status until disposition or closure.

2a. If the original supervision period has expired and the bench warrant remains outstanding, complete closure procedures will be followed, including making a DISCIS entry. The casefile will then be filed in archives fully intact, meaning no documents in the file will be destroyed.

3. Cases With Bench Warrants Will Be Reopened Upon Court Order

Cases with bench warrants, whether in pending or archived, will be reactivated upon order of the court. The official paperwork must include the court action and confirmation of conditions.

If the original calculated supervision period has expired, the court must include an order to extend probation, assigning a new expiration date. If this is not done, the casefile will be reviewed and clarification obtained from the court.

POL-1005 HANDLING CASES ON BENCH WARRANT STATUS

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4. Supervision Activities Are Suspended During Bench Warrant Status

All supervision duties of a probation officer are temporarily suspended after an affidavit alleging a probation violation has been filed. Probation supervision will resume upon disposition of the probation violation and the issuance of a court order directing further supervised probation.

POL-1005 APPROVED BY EXECUTIVE COMMITTEE:

_____, Judge _____ Date

_____, Judge _____ Date

_____, Director _____ Date

DATE: October 7, 2002

PAGE 1 OF 2

CANCELS: New

SEE ALSO:

APPROVED BY: Executive Committee

POL-1006 SERVING OF BENCH WARRANTS

This policy applies to all paid and volunteer staff supervising cases or preparing pre-sentence reports. We have an obligation, in administering justice, to attempt to effect the service of warrants whenever possible. This includes out of area warrants.

Because probation officers do not have the power to arrest, Chelan County Probation Services is not responsible for regularly checking the caseload specifically for bench warrants. However, when a probation officer becomes aware of a warrant, this policy will apply.

1. Warrants Will Be Noted and Officers Informed

If, in checking any computer database, a staff member learns of an outstanding warrant for a probationer who is scheduled for an appointment, this information will be noted in the casefile log and the probationer's assigned probation officer notified.

2. Probation Officer Will Confirm the Warrant With Law Enforcement

Prior to seeing the probationer, a call will be made locally to law enforcement to confirm the existence of a warrant and to determine if it is extraditable. If confirmed that the warrant is extraditable, law enforcement will be advised that we will call for warrant service if and when the probationer appears in the office. The PO will notify support staff that as soon as the probationer is taken in to the PO's office that the law enforcement agency should be called immediately for bench warrant service. If law enforcement does not respond, our effort at serving the warrant will be documented.

3. Bench Warrants Will Be Served In the Probation Officer's Area

Upon arrival of the law enforcement officer, he/she should be directed to the appropriate PO's office to serve the warrant.

3a. Warrants should not be served in the outer reception area to the extent practical.

POL-1006 SERVING OF BENCH WARRANTS

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POL-1006 APPROVED BY EXECUTIVE COMMITTEE:

_____, Judge _____ Date

_____, Judge _____ Date

_____, Director _____ Date

DATE: October 7, 2002

PAGE 1 OF 2

CANCELS: All Previous

SEE ALSO:

APPROVED BY: Executive Committee

POL-1007 PREPARING MONTHLY ACTIVITY REPORTS

This policy applies to all staff supervising probation cases.

1. Staff Will Maintain Tracking Reports

- 1a. Probation officers are provided various database reports every month from which to track caseload activities. These are Classification Level I and II reports used to verify reporting by the probationer; and Deferred Prosecution reports used to verify review of DCH/ADR and receipt of treatment report.
- 1b. On each probation officer's PC are various database caseload activity files, namely Risk Classification, DUI Tracking and DV Tracking. At scheduled times during each month, the PO will print a report from each database file which will show which evaluation/treatment reports are needed, which cases need reclassification, and whether review of DCH/ADR is in order. Upon completion of these activities by the probation officers, the database files should be updated accordingly. (See samples of database reports in Appendix.)

2. Staff Will Forward Database Reports to Director Monthly

Before the 20th working day of the month, probation officers will submit to the Director the following completed activity reports for the previous month: Level I and II Classification listings, and the Deferred Prosecution listing. These reports should clearly show whether or not the probationer reported as required and, if not, whether notice has been sent to them; also should clearly indicate receipt of or requests for DP treatment reports and evidence the DCH/ADR has been reviewed.

3. The Director Will Periodically Review PO Database Files for Activity Completion Verification

POL-1007 PREPARING MONTHLY ACTIVITY REPORTS

Page 2

October 7, 2002

POL-1007 APPROVED BY EXECUTIVE COMMITTEE:

_____, Judge _____ Date

_____, Judge _____ Date

_____, Director _____ Date

DATE: October 7, 2002

PAGE 1 OF 2

CANCELS: All Previous

SEE ALSO:

APPROVED BY: Executive Committee

POL-1008 MAINTAINING CHRONOLOGICAL LOG NOTES

This policy shall apply to all paid and volunteer staff.

1. Staff Will Date And Sign Log Entries

All log entries will be in chronological order, and will denote the type of contact as reflected on the approved form. If staff other than the assigned officer is making the entry, the entry will be signed with first initial and last name

2. Staff Will Include All Necessary Information

- 2a. Staff will note whether the contacts with the probationer were made in-person or by telephone, and will detail the pertinent information discussed. If it is a regularly scheduled contact, the entry will also include the degree of compliance or lack thereof, and whether any new offenses have been incurred.
- 2b. All contacts with probationer's relatives, victims and/or any other collateral persons will detail the pertinent information discussed and any action planned by the probation officer.
- 2c. All contacts with other agencies and treatment providers regarding the probationer will not only detail the discussion but name the individual spoken to and the agency associated with.

3. Staff Will Maintain Only One Log On A Probationer

If there are multiple casefiles for one individual probationer, all casefiles will be kept together and only one file needs a complete chronological log. All other casefiles should have a notation that states the on-going log is located in another file and indicate the cause number. When one casefile is closed, leaving another one open, the chronological log should be copied for the closed file, and the original transferred to the remaining open casefile.

POL-1008 MAINTAINING CHRONOLOGICAL LOG NOTES

Page 2

October 7, 2002

POL-1008 APPROVED BY EXECUTIVE COMMITTEE:

_____, Judge _____ Date

_____, Judge _____ Date

_____, Director _____ Date

DATE: October 7, 2002

PAGE 1 OF 2

CANCELS: All Previous

SEE ALSO:

APPROVED BY: Executive Committee

POL-1009 PROCESSING A PROBATION CASE FOR CLOSURE

1. DCH Will Be Reviewed For Three (3) Months Prior to End Date

An assigned staff member will utilize listings from the database for all probation cases for which supervision is terminating over the next 3 months, and will review the JIS defendant case history (DCH) monthly for any violations until the supervision period ends. If there are any violations, a DCH printout will be given to the assigned probation officer for appropriate action.

2. Support Staff Will Pull All Probation Casefiles One Month Prior To Scheduled Termination Date

Support staff will receive a database listing of all cases scheduled for probation end. All casefiles will be pulled not later than one month prior to the end date and distributed to the appropriate probation officer for review of compliance issues and additional violations. (See Tsk-1009A)

3. Probation Officers May Schedule Final Interviews

Prior to preparing final disposition documents and entries, if a probation officer considers it appropriate, a final exit interview can be held with the probationer

4. Probation Officers Can Petition For Early Termination

A probation officer has discretion to petition the court for early termination of supervision. To be recommended for early termination, a probationer must, at a minimum, have complied with all affirmative conditions of probation. This request will be made in writing. Supervision will not be terminated until response from the court is received.

Exceptions:

POL-1009 PROCESSING A PROBATION CASE FOR CLOSURES

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- 1a. DUI Deferred Prosecution and prosecutor initiated Stipulated Orders of Continuance cannot be terminated early.
- 1b. DV Diversion cases can be terminated early but only after one full year of supervision has passed.
- 1c. Early termination of cases involving sex offenses and all DV matters will require Director approval.

POL-1009 APPROVED BY EXECUTIVE COMMITTEE:

_____, Judge _____ Date

_____, Judge _____ Date

_____, Director _____ Date