

8 A 5
FEB - 9 1997

OPERATIONS COMMITTEE

MANAGEMENT SERVICES
DIVISION



OPERATIONAL BULLETIN NO. 1

FEBRUARY 5, 1998

SUBJECT: CONDITIONS OF PROBATION SYSTEM (COPS)

PURPOSE: The Conditions of Probation System (COPS) is being added to the County Warrant System (CWS). Juvenile information will become available on February 8, 1998, and adult information will become available sometime thereafter. The COPS will provide law enforcement officers access to information regarding enforceable conditions of summary and formal probation which will enable officers to more efficiently deal with certain field situations. With this information, officers may, based on the totality of the situation, warn or advise the person on probation; notify the person's Deputy Probation Officer (DPO) of the violation; or, physically arrest the violator. Additionally, the COPS information may be used as probable cause to initiate or expand a variety of field or follow-up investigations. This Order establishes procedures for conducting investigations and/or making arrests of persons who are on probation.

PROCEDURES: The COPS is automatically accessed when CWS is queried, (Attached is the access procedure for these queries). Although a COPS hit is revealed through CWS, it is not an active arrest warrant. Further, many, but not all, of the persons on probation have the same conditions of probation such as a requirement that they submit to search of their person, vehicle, and home. Therefore, prior to any type of condition of probation enforcement, an officer must confirm that the person detained is the same person in the COPS and verify the person's conditions of probation.

When an officer comes in contact with a person, adult or juvenile, who is in violation of one or more conditions of their probation and there is no open charge, the officer may:

- * Complete a Field Interview (F.I.) and release the person;
- * Complete a notification Release From Custody (RFC), Form 5.2.2, and forward it to the Probation Department; or,
- * Arrest the person for the probation violation.

I. FIELD INTERVIEW AND RELEASE. The decision to F.I. and release an adult or juvenile must be based on the circumstances surrounding the contact and the seriousness of the probation violation. If the circumstances warrant, the officer may warn the violator and complete a Field Interview Report, Form 15.43, documenting the circumstances.

II. NOTIFICATION TO THE PROBATION DEPARTMENT. The RFC Form 5.2.2 is normally completed to initiate criminal proceedings. However, the RFC Form will now also be used to notify a DPO of a violation of probation. When an RFC is used for such notification, the violator's signature on the RFC is not required and a copy of the RFC shall not be provided to the violator.

A. To notify a DPO, an officer shall:

- * Line out the words "Notice to Appear" at the top of the RFC and write "Probation Violation" under the RFC number;
- * Enter the Juvenile Automated Index Number (JAIN) in the "Booking Number" box (if juvenile involved);
- * Complete the following boxes on the RFC:
 - * Date and Time;
 - * Driver's License Number;
 - * Name;
 - * Residence Address;
 - * Business Address;
 - * Personal and Miscellaneous Descriptors;
 - * Vehicle Information;
 - * Reporting District;
 - * Division and Detail; and
 - * Issuing Officer(s).
- * Enter observations and the violation number (from the COPS) in the "Description of Violation" box;
- * Write the issuing officer's work phone number under the word "Unavailable Dates" in the "Issuing Officer" box; and
- * Complete an F.I. on the person to record the contact.

If additional space is required, a Release From Custody (RFC) Report Continuation, Form 5.02.8, shall be utilized. The original notification RFC and the blue copy shall be submitted with the officer's daily log and the pink copy retained in the RFC book.

Note: The Form 5.2.2 will be revised at the next routine printing with the applicable boxes highlighted.

B. Area/Division Records Unit Responsibilities.

Area/division records personnel shall maintain a file containing the blue copy of the notification RFC indexed by calendar month and forward the original notification RFC as follows:

* Juvenile to Juvenile Probation Headquarters
 9150 E. Imperial Highway
 Downey, CA 90242
 Phone (562) 940-2531
 Fax (562) 803-1855

* Adult to (Unknown address at this time)

III. PHYSICAL ARREST FOR PROBATION VIOLATION.

A. Adult Violation of Probation. When an adult is convicted of a felony and placed on probation, the person is usually placed on formal probation, supervised by a DPO, and assigned a DPO number. When an adult is convicted of a misdemeanor and placed on probation, the person is usually placed on summary probation and is not supervised by a DPO nor assigned a DPO number.

When it is determined that an adult is in violation of a condition of probation only, there is no open charge or arrest warrant, and the officer determines that the best course of action is to arrest the adult for probation violation, the booking charge shall be 1203.2 P.C., "Violation of Probation." Prior to booking an adult for violation of probation, the COPS shall be queried via the Network Communications System (NECS) and the conditions of probation as well as the effective dates shall be confirmed. An arrest report documenting the circumstances of the arrest and the condition(s) of probation violated shall be completed. A copy of the COPS information shall be attached to the arrest report. The Department or Division of the court which imposed the probation shall be entered above the Parole/Probation Agent portion on the Booking Recommendation, Form 12.31.

An adult arrested for violation of juvenile probation shall be booked at an adult facility.

Exception: When a juvenile court warrant requires detention at a specific juvenile facility, the officer shall detain at that facility.

When an officer encounters an adult who is on probation, and the person has committed a crime or is named on an arrest warrant, the person shall be booked on the open charge or warrant. A statement regarding the arrestee's probationary status shall be included in the arrest report narrative and a copy of the COPS information from NECS shall be attached to the arrest report. If there will be no follow-up investigator assigned to the arrest, i.e., misdemeanor or warrant arrest, the arresting officer shall forward a copy of the arrest report to the DPO. If a follow-up investigator will be assigned, the follow-up investigator will make the appropriate notification to the DPO.

- B. **Juvenile Violation of Probation.** When it is determined that a juvenile is in violation of a condition of probation only, there is no open charge or arrest warrant, and the officer determines that the best course of action is to arrest the juvenile for probation violation, the booking charge shall be 777 W.I.C., "Violation of Probation." Prior to booking a juvenile for violation of probation, the COPS shall be queried via the NECS and the conditions of probation as well as the effective dates shall be confirmed. An arrest report documenting the circumstances of the arrest and the condition(s) of probation violated shall be completed. If the juvenile is to be detained, the officer shall contact the juvenile's DPO or a Supervising Deputy Probation Officer (SDPO) prior to transporting the juvenile to a detention facility.


Note: Intake and Detention Control staff will not accept a juvenile for violation of probation without prior notification to the DPO or SDPO.

When an officer encounters a juvenile who is on probation, and the subject has committed a crime or is named on an arrest warrant, the subject shall be booked on the open charge or warrant. A statement regarding the subject's probationary status shall be included in the arrest report narrative and a copy of the COPS information from NECS shall be attached to the arrest report. If the subject is not detained, the assigned follow-up investigator will make the appropriate notification to the DPO.

C. **Supervisor's Responsibilities.** Prior to approving a Booking Recommendation for violation of probation, 1203.2 P.C. or 777 W.I.C., the approving supervisor shall:

- * Review the COPS printout to verify that the arrestee/subject is on probation;
- * Verify that one or more of the conditions have been violated;
- * Review the circumstances surrounding the contact and the seriousness of the violation to ensure that a physical arrest is appropriate; and
- * Ensure that the Department or Division of the court which imposed the probation is listed on the Booking Recommendation.

Department personnel will be notified when the adult portion of COPS becomes available and of procedures to contact DPOs for adults.


MARTIN H. POMEROY, Deputy Chief
Chairman, Operations Committee

Attachment

Distribution "A"

ACCESSING THE CONDITIONS OF PROBATION SYSTEM (COPS)

1) ACCESSING THE COPS VIA THE MOBILE DIGITAL TERMINAL (MDT).

Each time a want/warrant inquiry is performed and the person is on probation, the MDT will display the COPS hit in the "other" warrants portion. For example:

1A35W2 INC-NO:7281000001
CWS:BROWN, LISA
FEL=000 MISD=000 OTHR=001

In the above example, the name Lisa Brown was run. The CWS inquiry revealed no felony or misdemeanor warrants, but there is a hit under the "other" warrants. If there are arrest warrants, they will be displayed before the COPS response. If there are no arrest warrants, the next page will display the COPS response. Below is an example of the COPS response.

PROBATION INFO ONLY
PROBATION EXPIRE ON 102998
CWS:211 PC F
BROWN, LISA
F B 505 150 BRO BRO 060680
CT:JC03 ISS:103097 OP:
COPAB0459901 ST: VEH:

The above information notifies the officer that the person is on probation, the expiration date of the probation, the original charge, a verification of personal descriptors, the assigned court, the issue date, and the COPS number. The COPS number for this example is COPAB0459901. A COPS number can be differentiated from a arrest warrant number by the "COP" prefix. To obtain the specific conditions of probation for this person, the officer may perform one of the following functions:

- * If only one person's name who is in COPS has been run on that particular MDT, enter the command "CP@A" and the COPS information will be displayed; or
- * If more than one person's name has been run, enter the command "CP@" followed by the COPS number.

The MDT stores the last 7 names that were run via the CWS that returned with probation hits. To display a list of those names, the command "CP" should be entered. An example response to the "CP" inquiry is:

NAME	CHG CODE
A BROWN LISA	211 PC F
B ANDERSON BILL	245 PC F
C DIAZ RUBEN	496 PC F
D MILES ROBERT	211 PC F
E BROWN CASSIE	245 PC F
F VELEZ CARLOS	242 PC M
G MURPHY JUSTIN	415 PC M

To review the conditions of probation for Bill Anderson the officer should enter: CP@B.
Any one of the inquiries will reveal the enforceable conditions of probation. For example:

(First Page)

C60 INC-NO:7281000001
CWS: BROWN LISA
F B 505 150 BRO BRO 060680
COPAB0459901 EXPIRE ON 102998
01 OBEY ALL LAWS
02 OBEY PARENTS
06 NOT ENGAGE IN GANG ACTIVITIES

(Second Page)

CWS BROWN LISA
F B 505 150 BRO BRO 060680
COPAB0459901 EXPIRE ON 102998
14 GEO:NOT BE AWAY FROM RESIDENCE
OVER 24HRS/LEAVE LA COUNTY
15 GANGS:NOT PARTICIPATE

(Third Page)

C60 INC-NO:7281000001
CWS:BROWN LISA
F B 505 150 BRO BRO 060680
COPAB0459901 EXPIRE ON 102998
16 WEAPONS: NOT POSSESS NOR BE IN
PRESENCE OF PERSONS UNLAWFULLY
POSSESSING

(Fourth Page)

CWS: BROWN LISA
F B 505 150 BRO BRO 060680
COPAB0459901 EXPIRE ON 102998
25 SRCH:SUBMIT TO SEARCH OF PERSON/
PROPERTY AT ANY TIME
LAST PAGE

Each page begins with the identifiers of the person being run. After the identifiers, the conditions of probation are listed. Each condition begins with the condition number and is followed by a brief description.

2) **ACCESSING THE COPS VIA THE NETWORK COMMUNICATIONS SYSTEM (NECS).**

When a warrant inquiry is performed using NECS, a COPS hit is displayed after the OTHER heading and a "P" is displayed in the WARR TYPE field. The COPS number will be displayed in the WARR# field. On NECS as well as the MDT, a COPS number is differentiated from an arrest warrant by the "COP" prefix. All arrest warrants are displayed before any COPS hit.

To obtain the specific conditions of probation, an officer must first note the COPS number then go to the CHK2 screen. On the CHK2 screen, the COPS number is entered in the WARR# field and an "X" is entered in the WARRANT DETAIL INQUIRY field. That inquiry will reveal the enforceable conditions of probation as well as the effective dates, assigned court, and DPO information.

3) **ACCESSING THE COPS VIA THE RADIO.**

An officer may also access the COPS by performing a Code Ten wants/warrants check via the radio. If there is a positive hit in the COPS, Communications Division will notify the requesting officer. If the specific conditions of probation are desired, the officer shall query either the MDT or the NECS. Communications Division will not broadcast additional probation information as broadcasting this information would unnecessarily limit access to radio frequencies.