

# Merced County Probation Department

## Procedures Manual

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### **CHIEF'S PREFACE**

#### CHIEF'S PREFACE

The responsibilities conferred upon us all by the California Penal Code and the Welfare and Institutions Code, as well as the obligations of our mission, require that we conduct the business of the Merced County Probation Department in a manner that insures effectiveness, consistency, and professionalism. To that end, this manual contains policies and procedures designed to provide guidance and establish requirements for staff as we perform the business of the agency.

The policies included in this manual are based on applicable sections of law, best practices and sound judgment. Adherence to the policies serves not only to facilitate department operations, but also to protect individual members, the Department and the county from exposures to liability.

While policies contained in this manual are intended to cover all aspects of department operations, it is possible that staff may encounter some situations that may not be covered by a specific policy or procedure. On those occasions, staff are expected to seek supervisory or management direction when practicable and exercise sound judgment that reflects compliance with all ethical, legal and mission obligations on the Department.

All staff have an affirmative responsibility to remain knowledgeable of and compliant with the contents of this manual, and to keep abreast of additions and revisions as they are completed and distributed.

Nothing in this manual supersedes the Merced County personnel policies.

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## **Chapter 3 - General Operations**

## Firearms

### **303.1 SECTION TITLE**

This section reserved for future procedural content.

### **303.2 SECTION TITLE**

This section reserved for future procedural content.

### **303.3 SECTION TITLE**

This section reserved for future procedural content.

### **303.4 SECTION TITLE**

This section reserved for future procedural content.

### **303.5 AUTHORIZATION PROCEDURES**

Procedure to request authorization to carry a firearm when a probation Officer has received a serious threat:

Any Probation Officer who believes he/she is facing a potential life threatening situation will report the circumstances in writing to his/her supervisor and to law enforcement, if appropriate, as soon as possible. The Probation Officer's supervisor will have the responsibility to evaluate the circumstances, to mitigate or alleviate them if possible and to explore alternative methods of reducing the level of danger to the Probation Officer. If the affected Probation Officer believes it is necessary to carry a firearm for additional protection, he/she will prepare a written request and complete the Merced County Probation Department [Authorize Use of Defensive Equipment on Duty form](#) . That request will be directed to the Chief Probation Officer and will contain the following information:

- (a) If known, the name of the person making the threat, his/her location and his/her relationship to the Probation Officer.
- (b) The circumstances and background of the situation constituting the threat, including any history of violence on the part of the person making the threat, or his/her family/friends.
- (c) The relevant time factors establishing the immediacy of the threat.
- (d) A statement of the precautionary measures which have already been taken to reduce the personal risk, and why these measures are not sufficient to negate the threat.
- (e) An estimation of the time period to be covered by the authorization.

The request for authorization to carry a firearm will be passed through the chain of command immediately and assigned top priority by each successive supervisor. If any individual in the chain of command cannot be available in a timely fashion, the request will be advanced to the next level.

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Each level will evaluate the request and make a recommendation. Notification of supervisors may be accomplished by telephone, should distance be a factor.

If the request is denied, the Probation Officer will be notified in writing of the reasons for the denial. The Probation Officer will have a period of five (5) days after receiving such notice to request reconsideration of the denial. During such five (5) day period, the Probation Officer may review the file and submit material to the Chief Probation Officer that is to be considered in connection with the reconsideration of the request. The Chief Probation Officer will then reconsider the Probation Officer's request and advise the Probation Officer in writing of the final action within five (5) days after the submission of the request for reconsideration. The decision of the Chief Probation Officer will be final and absolute and not subject to review.

#### Procedures to request authorization to carry a firearm as a result of job assignment:

Any officer who has been assigned to a position that supervises juvenile or adult probationers in the community may request to be armed with a firearm.

The officer in such assignment will fill out a Merced County Probation Department Authorize Use of Defensive Equipment on Duty form and forward this request through the chain of command.

The Chief Probation Officer will make such authorization on the form provided.

Any officer assigned to a multi-agency task force or field supervision position that supervised PRCS, 1170 or high risk adults and/or juveniles will require the officer to be armed.

### **303.6 SECTION TITLE**

This section reserved for future procedural content.

### **303.7 SECTION TITLE**

This section reserved for future procedural content.

### **303.8 QUALIFICATION PROCEDURES**

The following are the procedures related to firearms qualifications:

- (a) The minimum qualifying score for each type of firearm will be established by the Rangemaster and approved by the Chief Probation Officer. At a qualification shoot, an officer will be given a minimum of two (2) opportunities on a given day to accomplish a passing qualification score.
- (b) Officers will comply with the Rangemaster and Firearms Instructors' policies and directions during qualification activities.
- (c) Officers may not carry or use a firearm, while on duty, other than the department issued firearm with which they have qualified as set forth in the Chief Probation Officer's authorization. The Chief Probation Officer may authorize a similar weapon to be carried on duty prior to qualification on the specific weapon.
- (d) Any officer who requests a reissue of the firearm after being absent from an armed assignment for a period of six (6) months or longer, will complete a firearms training

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program designed by the Department's Rangemaster. If at the end of the course, the Rangemaster or Firearms Instructor believes the officer requires more training, the officer will be required to attend a Department approved forty (40) hour "Armed Academy." In addition, the officer will qualify on an approved range before any firearm will be reissued. The returning officer will also receive and review all firearms training material provided to other officer during the absence.

- (e) Any officer who has not been armed for a period of six (6) months after completing the forty (40) hour "Armed Academy" will also be required to attend the training described above. The officer may not be required to attend the training program if they have satisfactorily participated in monthly range familiarizations/qualifications during those six (6) months. The officer may be required to attend a Department approved forty (40) "Armed Academy" training upon the recommendation of the Rangemaster or Firearms Instructor.
- (f) An officer may, with the supervisor's approval, be authorized to practice with his/her duty weapon at a private indoor/outdoor range to improve proficiency in the use of a firearm at the officer's own expense and on the officer's own time.

### **303.9 CLEANING, INSPECTIONS, AND MAINTENANCE**

The following are the procedures related to the cleaning, inspection, and maintenance of department-issued firearms:

- (a) All cleaning necessary to maintain the firearm in good working order is the responsibility of the officer to whom the firearm is assigned.
- (b) The firearm may be inspected prior to any range live fire to ensure it functions properly. Problems will be brought to the attention of a Firearms Instructor immediately and before making any attempt to fire the weapon.
- (c) Immediately upon completion of any firing range activity the officer will clean the assigned weapon. The firearm will be field stripped, cleaned, reassembled and dry fired to ensure proper functioning of the weapon.
- (d) At no time will an attempt be made to clean a weapon while it is loaded.
- (e) At no time will a weapon be removed from its holster and cleaned in the office.
- (f) The officer's supervisor, Program Manager or Firearms Instructor will be immediately notified of any malfunction or other problem with the assigned weapon. The officer will not attempt to make any unauthorized repair.
- (g) All repairs and servicing of Department firearms will be performed by or under the direction of the Department approved Armorer. The only exception will be the normal cleaning of firearms (field stripping).
- (h) Any officer whose firearm has been dropped or any officer who has a question regarding the condition or proper functioning of the firearm will notify the Rangemaster or Firearms Instructor, who will have the firearm inspected by a Department approved Armorer.
- (i) All Department weapons will be inspected annually by the Department's Firearm Instructors and/or Armorer. A record will be kept of said inspections.

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#### **303.10 SECTION TITLE**

This section reserved for future procedural content.

#### **303.11 SECTION TITLE**

This section reserved for future procedural content.

#### **303.12 UNHOLSTERING PROCEDURES**

Unholstering incident reporting procedure:

An officer will complete a Departmental incident report when an officer's firearm is unholstered in response to a hostile confrontation that results in an individual's arrest by this Department or any other law enforcement agency. The report shall be submitted to the officer's immediate supervisor before the end of the officer's shift, unless approval has been given by the Deputy Chief Probation Officer or Chief Probation Officer.

An officer will complete a Departmental incident report when the firearm is unholstered and pointed at an individual whether or not an arrest is made.

The written report will be routed through the appropriate channels to the Chief Probation Officer. A copy will also be sent to the Department Rangemaster.

The written report will include all of the following information, if possible:

- (a) A brief description of the incident
- (b) The complete names and contact information of all persons present during the incident, noting their status as Probation Officer, Juvenile Institutions Transportation Officer, probationer and/or other persons.
- (c) The names, telephone numbers and departments of law enforcement personnel, and other participating agencies and/or other persons.

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## Control Devices

### 305.1 OC SPRAY AFTERCARE PROCEDURES AFTERCARE PROCEDURES

The following procedure will be carefully followed after an individual has been purposely sprayed with oc in an attempt to control their behavior:

- (a) Immediately restrain the subject with handcuffs behind their back. Make sure their chest is not bound and they are placed into a seated position as soon as it is safe to do so.
- (b) Tell the person to calm down, to relax, and to try to breathe normally. Assure the person that the effects will diminish and dissipate shortly.
- (c) As soon as safe and practical, remove the subject from the area in which OC spray was used, keep the subject up right, flush face and contaminated areas with cool water and wash with mild soap (without oil, cream or lanolin). A water spritzer may be used and pat dry with clean towels. This will reduce the time needed for the symptoms to dissipate. Any contaminated outer clothing will be removed from subject as soon as practical.
- (d) All symptoms should disappear within 15-60 minutes without after effects. Special care will be given to individuals who indicate they suffer from emphysema and asthmatic conditions as OC spray may cause severe temporary effects on these persons. Provide asthmatics with their inhaler as soon as possible. If symptoms do not disappear within the 45 minute period or they worsen during this period, transport subject to the nearest medical facility.
- (e) If the subject is taken to Juvenile Hall or County Jail, the admitting personnel will be notified of the use of OC spray on the subject.

### DOCUMENTATION

An incident report shall be submitted to the officer's supervisor or designee, prior to ending their shift, each time OC spray is used. The report will include the following:

- (a) A description of the incident to justify the use of OC spray;
- (b) A description of how the OC spray was utilized and results obtained;
- (c) A description of after-care procedures taken.

### MISCELLANEOUS MATTERS

Oleoresin Capsicum spray is the only chemical agent approved for use by the Merced County Probation Department. Officers, while on duty, will only use OC spray products issued and approved by the Chief Probation Officer. When armed, officers will carry one canister of OC spray. The exception to this requirement can only be authorized by the Chief Probation Officer or designee.

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Each person issued safety equipment, including OC spray, will be personally responsible for the proper care and use of this equipment. When OC spray is not carried on the officer, it will be placed in a secure place out of view of the general public.

If any canister becomes damaged, fails to function, or is emptied, the officer will forward it to their supervisor or designee with a request for new issue. All used canisters will be turned over to the Department's Administration for proper disposal.

Officers will visually check their OC spray at least once a month to be sure they are clear of dirt. Officers will conduct a one second test spray once every six months.

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## Activity Documentation Procedures

### 335.1 ACTIVITY DOCUMENTATION PROCEDURES ACTIVITY CATEGORIES

The following are the activity types to utilize when entering case notes into Tyler Supervision:

**Attempted Home Visit:** Home visit made; however, no contact made with probationer (probationer not present during home visit or no answer at door).

**Home Visit:** Home visit made to probationer's home and probationer was contacted.

**Email:** Officer/PA receives/sends an email from/to anyone (probationer, RTP, providers, LE) regarding probationer.

**Fax:** Officer/PA receives/sends fax from/to anyone (probationer, RTP, providers, LE) regarding probationer.

**Field Visit:** Contact was made with probationer in the field.

**Information Only:** Anything else not listed in "activity" type fields.

**Jail Visit:** Contact was made with the probationer in a detention setting.

**School Visit:** Contact was made with the probationer at school.

**Letter:** Officer/PA receives/sends a letter from/to anyone (probationer, RTP, providers, LE) regarding probationer.

**Random Office Encounter:** Probationer shows up to office during non-scheduled appointment/time.

**Office Visit:** Probationer showed up to office visit for appointment.

**Phone Call:** DPO/PA receives/makes a phone call from/to probationer or anyone (probationer, RTP, providers, LE) regarding probationer. DPO/PA also makes phone call to probationer or anyone (RTP, providers, LE) regarding probationer.

**Transport:** Probationer was successfully or unsuccessfully transported to a program.

**Victim Contact:** Officer/PA was able to successfully or unsuccessfully contact victim during field/home visit.

**Victim Letter:** Officer/PA receives/sends letter to or from victim.

**Voice Message:** Voice Message was received/left from/with probationer or anyone (probationer, RTP, providers, LE) regarding probationer.

### CASE NOTE FORMAT BY ACTIVITY TYPE

The following outlines the format to be utilized when entering case notes for specific activity types:

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### *Activity Documentation Procedures*

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#### **Home Visit**

- (a) List the address (last known, last reported) where officer/officers went to. Name of officer/officers who was/were present.
- (b) Who answered the door and how did officer(s) gain entrance into residence. Who allowed entrance into the residence.
- (c) Name and DOB of all people present inside residence during contact. How was identity of people confirmed? (CA DL, ID card, verbal identification, school ID, etc)
- (d) What action(s) took place at the residence. Was a protective sweep performed? Was a search conducted? If the search box is checked, need to state what area was searched. (bedroom area, living room, the probationer etc). Do not just write "a search was conducted of residence." If an arrest was made, document reason why. (VOP, new law violation, or flash incarceration)
- (e) Don't write "visual inspection/check" in running account. This is not considered a search.

#### **Field Visit**

- (a) List location (street intersection, business, school, address, etc) where officer(s) contacted probationer. Name of officer(s) present during point of contact.
- (b) What action did officer(s) take during point of contact (search, conversation, arrest?)
- (c) Name and DOB of any other people present during point of contact

#### **Office Visit**

- (a) Document any new reported LE contacts, drug usage, changes in employment, residency, or telephone number.
- (b) If "chem test" box is checked, complete documentation on tree under "Drug Tests." If another officer tested probationer, make sure to mention in running account. Statement of admissions included under "Drug Tests." Document who observed the gathering of urine sample if not by officer entering running account.
- (c) Incentive/sanctions: If checked, make sure to mention what was done in running account and complete documentation in tree under "incentive/sanction" section.
- (d) Make sure to document in running accounts if any of the other type of "action" was checked.
- (e) Ensure Case Plan goals/program status are addressed on a monthly basis.
- (f) Update pictures within the case management system. Do not simply use jail booking photos. This includes any new self-reported or observed tattoos.
- (g) Intake: Reviewed intake packet with probationer, confirmed address/contact phone numbers, advised of any future court hearings, any future appointments scheduled, and any specific instructions given to probationer by intake DPO. Review terms and conditions of probation with probationer and document. This should be done with supervision officer on initial appointment as well and make documentation of it. Refer

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### Activity Documentation Procedures

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probationers to pertinent programs/registrations (if applicable) and document within program enrollment section.

#### **School Visit**

- (a) List the school name and address. Name of officer/officers who was/were present.
- (b) What action did officer(s) take during visit (search, conversation, arrest, etc.)

#### **Warrant/Custody Entries**

- (a) If in custody somewhere (local/state/federal prison), make entry monthly.
- (b) If on warrant status, continue to make ongoing attempts to serve/verify warrant status.
- (c) Make monthly entries documenting above statuses

#### **Phone Call**

- (a) If possible, document the phone number probationer called from. Also document what phone number officer called if making a phone call to probationer.
- (b) Update phone numbers on personal information section

#### **Letter**

- (a) Document what address you send any letter to. Provide information regarding any letter received from outside agencies regarding probationer.

#### **Fax**

- (a) Provide information (contents of fax) regarding any fax officer sends/receives from outside agencies regarding probationer.

#### **Information Only**

- (a) Any other information that does not fit any of the above categories.
- (b) Transfer Summaries: Officers/PAs need to include case status, updated demographics and what programs (RTP, BTP, C/S, vocational, or substance abuse) probationer has been referred to and completed. Any other pertinent information next officer may need.

## **Chapter 4 - Intake, Orientation, and Supervision**

## Initial Intake to Probation Services

### 400.1 ADULT INTAKE PROCEDURES INTERVIEWS

#### Out of Custody Defendants - Appointments

The Court will direct defendants who are not in custody to schedule appointments for investigation interviews with the Probation Officer. If a defendant telephones or personally appears at the office to schedule an appointment, the office assistant will notify the officer and/or the Unit Supervisor. In the officer's absence, the defendant can be seen by the Officer of the Day (OD) so that an intake interview appointment can be scheduled. If the defendant lives out of town or state, prior arrangements can be made through a defendant's attorney to be interviewed on the day of the plea or later by telephone.

- (a) Defendants who fail to schedule an appointment - If a defendant fails to schedule an appointment for an interview, an officer shall attempt to contact them by phone. The officer will need to complete a continuance memorandum to be filed with the Court advising the Court of the defendant's failure to schedule an interview, should the officer not be able to make contact with the defendant.
- (b) Defendant who schedules an appointment, but fails to keep it - In cases where the defendant failed to keep a scheduled appointment, efforts should be made to reschedule the appointment, if possible. The officer should check the jail screen, probation file, etc., as well as contact the defendant's attorney for a possible phone number or contact person. If an officer is unable to reschedule the appointment or contact the defendant, a continuance memorandum will be generated and filed with the Court.

#### In Custody Defendants

It is the officer's responsibility to see the defendant in custody. Appropriate custodial facilities' interview times will change periodically in accordance with current custodial facility policy. Each facility has varying interviewing times and the officer should be aware of the interviewing times before the interview.

On rare occasions, an officer may be assigned a case of an individual who is in custody in another jurisdiction. These individuals may be interviewed by telephone except on occasions when a personal interview is warranted. Officers should contact the jail personnel to verify the defendant's location and availability for interview. Officers may secure permission to interview the defendant outside of the County by discussing the case with the Unit Supervisor.

### INVESTIGATION PROCESS

#### Intake Timelines

- (a) Full intake on an immediate sentencing case with no future court date will be completed within 60 days of assignment unless an exception is granted by the Supervisor or Program Manager.

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- (b) Full intake and orders on a case with a court date set for receipt of full probation orders will be completed and submitted to the Supervisor at least 5 judicial (business) days prior to the court date unless an exception is granted by the Supervisor or Program Manager.
- (c) Full intake and a report on a case set for receipt of a Pre-Sentencing Report or Pre-Plea Report will be completed and submitted to the Supervisor at least 7 judicial days prior to the next hearing unless an exception is granted by the Supervisor or Program Manager. Keep in mind, a Pre-Sentencing Report must be filed with the court at least 5 judicial days prior to the hearing pursuant to Section 1203(b)(2)(E) of the Penal Code and a Pre-Plea Report must be filed at least 2 judicial days, or 5 judicial days if requested by the defense attorney, prior to the hearing pursuant to Section 1203.72 of the Penal Code.
- (d) Court documents that do not require full intake to be completed (e.g., Custody Credits, Restitution Memorandums, etc.) will be submitted to the Supervisor at least 2 judicial days prior to the set court date.

#### Adult Intake Packet

A adult intake packet must be completed by or for every defendant and is included as part of the probation department file. If the defendant is out of custody, an intake packet will be given to him/her when the appointment is scheduled, or the appointment desk clerk will supply it to the defendant and they may fill it out. If the defendant is in custody, the deputy will take the intake packet and fill it out thoroughly.

The intake packet needs to be filled out completely. In cases where there is an adult intake packet completed within the last six months already in the probation file, it is not necessary to obtain a new one. However, in all cases, the information on the adult intake packet should be reviewed with the defendant and the appropriate changes should be noted. It is appropriate to ask questions that are not on the intake packet, in order to complete a thorough investigation and assist the client best.

#### Defendant's Statement

In all cases where a pre-plea or pre-sentencing report is ordered, the defendant may provide a statement. Officers shall omit the last name of a child abuse victim and other confidential victims if included in the defendant's written statement.

If a defendant submits a written statement in a language other than English, another employee who is receiving bilingual pay will translate the written statement for the pre-plea or pre-sentencing report. The translated statement will be typed in the report, while the written statement will be attached to the report. If the statement is in a language in which no employees are qualified to translate, efforts will be made to obtain services from a qualified translator.

#### Investigating Criminal History

The defendant's prior criminal history is an important aspect of the case to be considered by the investigating deputy probation officer and the court. In each case, a basic record check will be done by clerical staff based on the defendant's name, birth date, CII and FBI numbers as

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indicated on the court referral document. The clerk will use the criminal record access computer, hereafter referred to as CLETS, to ascertain whether the defendant has an arrest record with the California Bureau of Criminal Identification and Investigation (CII) in the automated system. You will receive a printout with California and National warrant information, a DMV check, restraining order information, supervised probation and parole information, the CII rap, and occasionally FBI "multiple" information.

NOTE: Just because a person has a "no hit" on the automated system does not mean that there is not a criminal record. It may mean that there is no recent criminal record or the person has not been properly identified. Also, note that CII may be up to a year behind in entry of data.

On those cases which come back "no hit" on the automated system, the clerk will automatically request an FBI record search which may show a record in the states providing input to the FBI. If the defendant has an "M" number (manual rap), clerical will request an FBI check, as it may take several weeks to receive a manual rap in the mail.

Occasionally, when the clerical staff has been unable to come up with a "rap sheet," or criminal history, an officer may find one in the District Attorney's file. In some instances this may be an FBI rap sheet. In addition, when checking the jail computer, an officer may find a different name or CII number than was used by clerical. If so, an officer may wish to have clerical resubmit the CLETS request.

During the course of an investigation and especially after interviewing the defendant, an officer may want to request a record check in another state or jurisdiction. Checking the jail or the probation computer case system is also a good source for arrest, conviction, and court information.

Once an officer has obtained a "rap sheet," he/she may find it contains arrests without dispositions. If the arrest was in Merced County, there are many sources from which to obtain a disposition. Some of the possible sources include: court records, the probation file, the District Attorney's file, or the defendant's jail computer information.

For arrests outside Merced County the primary source used to obtain dispositions are the arresting agency, the court, or the probation department in that county or jurisdiction. Officers are authorized to telephone other agencies and jurisdictions in order to obtain necessary relevant information.

#### Calculating Custody Credits

For all reports and appearances in Court, information must be gathered to reflect how much actual time and conduct and work time credits a defendant receives for time served in jail, State Hospital, any specific residential treatment program as ordered by the Court, or any other facility in which the defendant is lawfully entitled to credits (2900.5 PC).

In general, defendants receive all credit for time served attributable solely to a case. They should receive credit for time in custody under a "hold" or warrant for the case.

As a rule, a defendant does not earn good/work time credit for various types of hospitalization from the date of the order. If the defendant has criminal proceedings suspended, no good/work time

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credits are earned. When a defendant is housed in the Department of Juvenile Justice pursuant to 1731.5(c) of the Welfare and Institutions Code, conduct and work time credits are earned. However, when a defendant is committed directly to the Department of Juvenile Justice pursuant to 1731.5(a) of the Welfare and Institutions Code, conduct and work time credits are not earned (nor are they given at the time of sentencing). An officer should also review whether a defendant is being sentenced on a violent felony (a violent felony is defined in Penal Code Section 667.5(c)). If a defendant is being sentenced to the Department of Corrections and Rehabilitation on a violent felony, a defendant is only entitled to 15 percent work time credits (this is found in Penal Code Section 2933.1).

Many cases regarding the computation and application of credits are complex and involve many issues. In these cases, consultation with the unit supervisor is often necessary and encouraged.

#### Victim Issues

1202.4(f) (3) PC and the following specify what is required by law regarding restitution and the fact victims can be compensated for every determined economic loss.

The legislature has added “derivative victims” (Govt. Code 13960) to the list of who is a victim.

A derivative victim is:

- (a) One who at the time of the crime was the parent, sibling, spouse, or child of the victim.
- (b) At the time of the crime was living in the household of the victim.
- (c) A person who had previously lived in the household of the victim for a period of not less than two (2) years in a relationship similar to “a” above.
- (d) Is another family member of the victim, including the victim's fiancée and witnessed the crime.

Economic losses are covered by 1202.4(f) (3) (A)-1202.4(f) (3) (K) PC and are as follows:

- (a) Full or partial payment for the value of stolen property. Loss is figured at replacement value or actual cost to repair.
- (b) Medical expenses (excluding Medi-Cal)
- (c) Mental Health counseling services
- (d) Wages or profits lost due to injury incurred by the victim. If the victim is a minor, lost wages or lost profits can be ordered for the parents or guardians while caring for the injured minor.
- (e) Wages or profits lost due to time spent as a witness or in assisting the police or prosecution.
- (f) Non-economic losses, including, but not limited to, psychological harm for felony violations of 288 PC.
- (g) Interest at the rate of 10% per annum which accrues from the date of sentencing or loss as determined by the court.

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- (h) Actual and responsible attorney fees and other costs of collection accrued by a private entity on behalf of the victim.
- (i) Expenses incurred by an adult victim in relocating away from the defendant, including, but not limited to, deposits for utilities and telephone service, deposits for rental housing, temporary lodging and food expenses, clothing and personal items. Expenses incurred pursuant to this section shall be verified by law enforcement to be necessary for the personal safety of the victim or by a Mental Health provider to be necessary for the emotional well-being of the victim.
- (j) Expenses to install or increase residential security related to the crime, as defined by subdivision (c) of Section 667.5PC, including, but not limited to, a home security system, or replacing or increasing the number of locks.
- (k) Expenses to retrofit a residence or vehicle, or both, to make the residence accessible to the victim, or the vehicle operational by the victim, if the victim is permanently disabled, whether the disability is partial or total as a direct result of the crime

In all sentencing cases, immediately after you review the probation and case files, send a form letter to the victim or victims pursuant to 1191.1 PC for any offenses to which the defendant has pled or been found guilty. Restitution should be determined within 60 days of receiving the file. If a death was involved in the offense, there is a victim form letter sent to the next of kin of the deceased. In check cases, only send a letter to persons or businesses actually suffering the loss. If the charging language shows a victim or business plus a check owner and a bank, only send a copy of the victim letter to the business or person where the check was cashed or the actual loss occurred.

In all felony cases involving crimes of violence, child abuse, or molest and physical injury, the officer shall attempt to make in-person contact with the victim, or the next of kin of the victim, and ascertain their feelings regarding the offense, the defendant, any loss they suffered, and what disposition they feel is appropriate. In all other cases, the officer shall attempt to contact the victim by telephone if there is no response mailed victim letter.

If the victim is under the age of 12, only parents/guardians should be contacted for restitution information and a victim impact statement. Victims between the ages of 12 and 17 may be contacted with parent's permission.

The California Victim Compensation Board has victim of crimes and restitution programs and pays listed victims directly for their loss and injury. Deputies must check on this payment through the State or District Attorney's Office (their office has a liaison), note this information in the sentencing report. In a case where the CA Victim Compensation Board has paid for expenses/cost to the victim, probation should request restitution be paid to the CA Victim Compensation Board.

### Interviews

The probation interview should encompass a review of the personal history information for the adult intake packet and other aspects of the defendant's social history, including prior juvenile and adult records. It should also give the defendant the opportunity to speak about the offense such

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as how or why she/he became involved and how she/he feels about it, as well as defendant's statement about sentencing.

Written notes should be taken during the interview. Notes taken are not placed in the probation file, but shall be kept by the investigating officer until the sentencing is completed.

During the actual interview, the intake packet should be completed in its entirety.

Officers should advise the defendant that reference letters can be submitted, and when they are needed, in order to be part of a probation sentencing report.

#### Collateral Contacts

Collateral contacts are people or agencies you may wish to contact during the course of your investigation to provide verification of certain facts or to gain a greater knowledge about the defendant. Some of these contacts may be made prior to the interview and some will be made based on your interview.

#### Evaluations and Recommendations

This is the place for the Probation Officer's opinion and conclusions, which must be based on supportive evidence contained in the body of the probation report. No new information shall be presented in this section.

The Evaluation should summarize the probation officer's findings, followed by a plan and recommendation. The first thing to be addressed in this section is the client's eligibility or ineligibility for probation. List specific code sections regarding the defendant's ineligibility. You may also include a narrative paragraph to further explain your position or to point out either positive or negative aspects of the case. However, generally, evaluations and recommendations appear in the form noted in the examples below.

The following are examples of typical Evaluations and Recommendations:

- (a) It will be recommended that the defendant be granted probation based on the following: (1) the defendant has a minimal prior record and no felony conviction, (2) the defendant is willing to comply with terms of probation and appears to have the ability to do so, (3) the defendant is remorseful, and (4) the defendant does not appear to be a danger to others.
- (b) As the defendant's abuse of drugs appears to be a major factor in the commission of this offense, appropriate probation terms will be recommended to address this issue.
- (c) Pursuant to Penal Code Sections 1203.066(a) (8) and (9), the defendant is statutorily ineligible for a grant of probation unless the defendant meets the criteria set forth in Section 1203.066(c) of the Penal Code. If found to be eligible for a grant of probation, the defendant must also meet the criteria in Section 1203.067 of the Penal Code before probation is granted. In this case, it appears he may meet the criteria. In all other respects, the defendant would appear to be an appropriate candidate for a grant of probation pursuant to the following criteria contained in California Rule of Court 4.414: (1) The defendant has no prior record of criminal conduct, (2) the defendant appears to have the willingness and ability to comply with terms of probation as indicated by

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his seeking out counseling and confessing his guilt prior to arrest, (3) the defendant has a history of relatively stable employment, and (4) the defendant is remorseful. If it is determined that the defendant is a suitable candidate for treatment within the community, it will be recommended that probation be granted.

A closing paragraph as noted above may be added to clarify terms and jail sentence.

As a further guideline, listed below are some wordings derived from California Rules of Court 4.414. These statements appear below in the positive; however, for justification of a denial of probation, some may be reversed to point out the negative. (See Rule 4.414 for the entire list)

- (a) The crime is not particularly serious.
- (b) The monetary loss was small.
- (c) The defendant was a passive participant in the crime.
- (d) The crime lacked criminal sophistication.
- (e) The defendant has no (or minimal) prior record.
- (f) The defendant's prior performance on probation or parole was satisfactory.
- (g) The defendant has not previously been supervised on probation, appears to be in need of, and would benefit from counseling and the supervision of the Probation Officer. (Note: The Probation Officer does not provide "counseling".)
- (h) The defendant is remorseful.
- (i) The defendant made restitution or partial restitution to the victim (only use this if the defendant paid restitution out of pocket not via his/hers insurance company).
- (j) The defendant has a history of steady employment.
- (k) The defendant appears to have the willingness and ability to comply with terms of probation.
- (l) The defendant does not appear to be a danger to others.
- (m) The defendant has a strong family support system within the community.

#### Case Conferencing

Conference with a supervisor - Any time you have a question as to what would be an appropriate recommendation, or on cases that could be considered "borderline" cases, an officer should discuss the case with the unit supervisor.

Conference with the Program Manager - Occasionally, after the supervisor has reviewed the rough draft of a report they may not agree with the recommendation being presented by the investigating deputy probation officer. When this occurs, the supervisor and the investigating deputy probation officer will review and discuss the case in an attempt to resolve their differences of opinion. After discussion, an agreement may be reached as to an appropriate recommendation. However, if the difference of opinions cannot be resolved, the Supervising Probation Officer will consult with the Program Manager of his or her division for resolution and final recommendation. The Program Manager's decision will be considered the final department recommendation.

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#### Terms and Conditions of Probation

The terms and conditions of probation are the court orders that must be adhered to by the defendant as a condition of their probation. The standard by which we judge the appropriateness of a term and condition of probation is that it must either be directly related to the offense for which the defendant has been convicted, or deals specifically with a behavior that is illegal. For instance, having the defendant submit to testing for the use of controlled substances, and the defendant has an identifiable problem with the use of controlled substances (1203.1 PC).

Additional terms may be recommended when the deputy probation officer believes they are needed in order to assist in the defendant's rehabilitation.

The terms can be tailored according to the offense, such as drug offenses, sex offenses, domestic violent offenses, and gang offenses.

In all probation grants, it is not necessary to type the standard terms and conditions of probation, as they are automatically included in our court report template.

#### **TYPES OF REPORTS**

##### Felony Sentencing Reports

According to Section 1203(b)(1) of the Penal Code (see also Rule of Court 4.411.5) in every case in which a person is convicted of a felony and is eligible for probation, before judgment is pronounced, the court shall immediately refer the matter to the Probation Officer to investigate and report to the Court, at a specific time, the circumstances surrounding the crime and the prior history and record of the person, and factors which may be considered either in aggravation or mitigation of the punishment. The Probation Officer shall immediately investigate and make a written report to the Court of his/her findings and recommendations including the granting or denying of probation and the conditions of probation, if granted.

According to Section 1203(g) of the Penal Code, if a person is not eligible for probation, the Judge may order an investigation by the Probation Officer of all the facts relevant to sentencing. The Probation Officer shall immediately investigate the circumstances surrounding the crime, the prior record, and history of the person and make a written report to the Court of his/her findings.

Pursuant to Section 1191 of the Penal Code, the sentencing hearing, in a felony case, is set 20 judicial days from the date of conviction.

Frequently, defendants waive the probation report and are sentenced without a formal report being prepared

##### Pre-Plea Reports

A Pre-Plea Report may be requested for a felony or a misdemeanor case. The same format is used for either report.

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The format of the Pre-Plea Report is similar to the standard probation officers report and recommendation as previously described.

Regarding the evaluation and recommendation, the first sentence of the Pre-Plea Report is, "Should a conviction occur on any or all of the charges." The recommendation in the Pre-Plea Report is a full and complete recommendation, as is done in a standard Probation Officer's Report and recommendation. In many cases, several alternatives are possible, depending on which charges are pled to. In these cases, alternate recommendations may be appropriate.

Prior to asking the defendant to provide a statement regarding the alleged offense, an officer must advise them of their rights per Miranda. Officers shall document in the defendant's statement area of the report that the defendant was advised of his/her Miranda Rights. This is an important element to include when writing these reports, due to the fact the defendant has not yet pled or been found guilty of the offense.

#### Misdemeanor Reports

Occasionally the court will request a misdemeanor probation report to be done using the same format as is used for felony court reports. The sections of this report are the same as the felony report format and you may refer to this manual for specific information regarding content in various sections. If a section of the report does not apply to your misdemeanor case, such as factors in aggravation or mitigation, just delete those sections on the template.

At the present time, the only types of cases that will receive services under a misdemeanor formal probation grant would be misdemeanor sex offenses, domestic violence, and physical child abuse. These cases may be reviewed for suitability on these specific caseloads, and if the need is present, a recommendation for formal probation may be made. In all other cases, formal probation will not be recommended unless the defendant has a specific identifiable problem or need for which our department has a specific program which relates to that problem or need. In the majority of other cases, court probation, a fine, or a conditional revocable release will generally be appropriate.

#### Supplemental Reports

Supplemental Reports will be used to update information to the Court after a complete initial report has been prepared. Examples include the defendant fled custody and remained at large for a long period of time, a victim called and provided new or additional information after the filing of the report, or for some other reason a significant amount of time has passed. A Supplemental Report may also be required upon the defendant's return to Court after an Appellate Court hearing. The sentencing judge may order a Supplemental Report any time updated information is required. A Supplemental Report format is similar to other report formats.

The front page contains the same basic information as is found in the felony Sentencing Report. Much of the body of the report is also similar. Primarily, the summary section of the report is the only major difference, and here, the summary is used to include information of all significant Court proceedings by date and what occurred. Note specifically what is the current issue at hand.

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The Criminal History Information section may include a statement that: "there is no change from the Probation Officer's report dated \_\_\_\_\_." or, "The following is in addition to the information contained in the Probation Officer's report dated \_\_\_\_\_."

In a Supplemental Report, the defendant's statement includes any information that the defendant wanted to include which is significant to the case, i.e.: why the defendant failed to appear for sentencing and where s/he has been since, adjustment to the California Rehabilitation Center, benefit from programs, etc.

Collateral Information in the Supplemental Report may include specific information from an institution regarding the defendant's adjustment while in the institution. The Evaluation and Recommendation in a Supplemental Report is in narrative form, which summarizes the present situation and justifies the recommendation.

### **POST RELEASE COMMUNITY SUPERVISION INTAKE PROCEDURES**

Notice of a Post Release Community Supervision (PRCS) referral from California Department of Corrections and Rehabilitation (CDCR) will arrive in the form of a pre-release packet from the institution where the inmate is detained approximately 120 days prior to the inmate's release. Once received the packet is reviewed by the Supervising Probation Officer (SPO) supervising the PRCS unit.

- (a) Once the SPO determines the case accepted for county supervision the case information is entered into the PRCS spreadsheet.
- (b) The file is then forwarded to an Adult Division Legal Process Clerk (LPC) who will set up the supervision file and enter case information into the case management system.
- (c) The LPC will return the file to the SPO for assignment to an Intake Officer.
- (d) The Intake Officer is responsible for the following:
  1. If it is determined the offender will not be residing in Merced County after their release from custody, the Intake Officer shall follow the transfer procedure for PRCS cases.
  2. Prior to 30 days before the release date for the inmate the Intake Officer will electronically submit the CDCR 611 form and any appropriate pre-release special conditions to the Institution where the inmate is detained. Prior to sending the CDCR 611 form and any appropriate pre-release special conditions the Intake Officer shall check the CDCR Inmate Locator to confirm the facility where the inmate is being detained.
  3. The Intake Officer shall complete a risk assessment.
  4. The Intake Officer shall complete the Conditions of Release. The Conditions of Release will be forwarded to the SPO for review. The Conditions of Release will be printed prior to the PRCS offender's release from CDCR.
  5. The Intake Officer will conduct the initial office visit with the offender after their release from custody. During this interview they will be responsible for, but not limited to, the following: reviewing Conditions of Release with the offender,

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making appropriate treatment/counseling referral, ensuring offender registration has been completed and providing appropriate directive if registration is not current, taking photographs of the offenders identifying marks, including but not limited to tattoos, and directing the offender to return to the probation office on a specific date/time to meet with their assigned field supervision officer (if the field supervision officer is available at the time of the Intake interview they should be introduced to the offender)

- (e) The Intake Officer forwards the case file to the SPO for assignment.
- (f) The SPO will assign the case to a field supervision officer and forward the file to the LPC to update the case management system with the Conditions of Release.
- (g) The LPC will forward the file to the field supervision officer.

#### PRCS Terms and Conditions

The individual under PRCS shall be required to comply with the following terms of post-release community supervision (Penal Code § 3453):

- (a) Obey all laws.
- (b) Report to the probation agency within two working days of release from custody.
- (c) Follow the directives and instructions of the assigned officer.
- (d) Report to the assigned officer as directed.
- (e) Be subject, along with the individual's residence, to search at any time of day or night, with or without a warrant by an officer or a peace officer (Penal Code § 3465).

Any additional post-release supervision conditions shall be reasonably related to the offense for which the individual was incarcerated, the individual's risk of recidivism, and the individual's criminal history (Penal Code § 3454).

#### **400.2 JUVENILE INTAKE PROCEDURES PROCESSING REFERRALS**

Once received, the referral should be separated by type:

- (a) Serious Felonies, usually 707(b) WIC offenses
- (b) Felonies
- (c) Misdemeanors
- (d) Status offenses, only considered "crimes" because minor is under 18

Referrals should then be sorted by date. When a referral is assigned to the DPO, the officer should check to see if it is a Felony; and if so, immediately cite in for an appointment within 30 days. If referral is a Misdemeanor or Status Offense the minor should be cited in for an appointment within 60 days. Officers should not have referrals with "pending intake" status for more than 90 days without a valid reason approved by the unit supervisor. The Supervising Probation Officer

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will review assigned referrals on a monthly basis to ensure that they are being processed in a timely manner.

If a cite in comes back as undeliverable, the officer should immediately look to see if a new address is listed by the post office. If not the officer should check the police report, booking sheet, or jail screen to see if any other address is listed. If not, local schools may be a resource for an updated address; due diligence must be shown. If an address cannot be obtained, depending on the circumstances and nature of the offense, the referral may then be sent to the DA for review and possible filing. The petition request will note all of your due diligence in attempting to contact the youth.

Prior to any appointment for intake, the assigned intake officer shall thoroughly review the police report(s).

#### Victim Issues

1202.4(f) (3) PC and the following specify what is required by law regarding restitution and the fact victims can be compensated for every determined economic loss.

The legislature has added “derivative victims” (Govt. Code 13960) to the list of who is a victim.

A derivative victim is:

- (a) One who at the time of the crime was the parent, sibling, spouse, or child of the victim.
- (b) At the time of the crime was living in the household of the victim.
- (c) A person who had previously lived in the household of the victim for a period of not less than two (2) years in a relationship similar to “a” above.
- (d) Is another family member of the victim, including the victim’s including the victim's fiancée and witnessed the crime.

Economic losses are covered by 1202.4(f) (3) (A)-1202.4(f) (3) (K) PC and are as follows:

- (a) Full or partial payment for the value of stolen property. Loss is figured at replacement value or actual cost to repair.
- (b) Medical expenses (excluding Medi-Cal)
- (c) Mental Health counseling services
- (d) Wages or profits lost due to injury incurred by the victim. If the victim is a minor, lost wages or lost profits can be ordered for the parents or guardians while caring for the injured minor.
- (e) Wages or profits lost due to time spent as a witness or in assisting the police or prosecution.
- (f) Non-economic losses, including, but not limited to, psychological harm for felony violations of 288 PC.
- (g) Interest at the rate of 10% per annum which accrues from the date of sentencing or loss as determined by the court.

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- (h) Actual and responsible attorney fees and other costs of collection accrued by a private entity on behalf of the victim.
- (i) Expenses incurred by an adult victim in relocating away from the defendant, including, but not limited to, deposits for utilities and telephone service, deposits for rental housing, temporary lodging and food expenses, clothing and personal items. Expenses incurred pursuant to this section shall be verified by law enforcement to be necessary for the personal safety of the victim or by a Mental Health provider to be necessary for the emotional well-being of the victim.
- (j) Expenses to install or increase residential security related to the crime, as defined by subdivision (c) of Section 667.5PC, including, but not limited to, a home security system, or replacing or increasing the number of locks.
- (k) Expenses to retrofit a residence or vehicle, or both, to make the residence accessible to the victim, or the vehicle operational by the victim, if the victim is permanently disabled, whether the disability is partial or total as a direct result of the crime

For any referral involving a victim, a victim form letter shall be mailed immediately after reviewing the file. In all felony cases involving crimes of violence, child abuse, or molest and physical injury, the officer shall attempt to make in-person contact with the victim, or the next of kin of the victim, and ascertain their feelings regarding the offense, the minor, any loss they suffered, and what disposition they feel is appropriate. In all other cases, the officer shall attempt to contact the victim by telephone if there is no response mailed victim letter.

If the victim is under the age of 12, only parents/guardians should be contacted for restitution information and a victim impact statement. Victims between the ages of 12 and 17 may be contacted with parent's permission.

The California Victim Compensation Board has victim of crimes and restitution programs and pays listed victims directly for their loss and injury. Officers must check on this payment through the State or District Attorney's Office (their office has a liaison), note this information in the disposition report. In a case where the CA Victim Compensation Board has paid for expenses/cost to the victim, the officer should request restitution be paid to the CA Victim Compensation Board.

#### Organization of Files

Officers should keep files in alphabetical order. Files should also be kept separate by categories depending on what stage in the court process:

- (a) Appointments/cite ins
- (b) DA pending
- (c) Court pending
- (d) Conditional dismissals

Files should be purged on an ongoing basis. The following information should be removed and properly destroyed:

- Old notices of hearings.

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- Extra copies of petitions or reports.
- Unnecessary envelopes.
- Unused forms.
- Duplicate copies of forms, letters, etc.
- Old face sheets and reporting directives if not needed.
- Negative drug test results once documented

#### Intake Interviews

The following are the steps that should be followed during the initial intake interview with a minor:

- (a) Have parent sign release of information for school and medical records.
- (b) Make a file copy of the minor's social security card, birth certificate, and immunization records, if available.
- (c) Make a file copy of the parent's social security card and medical insurance/Medi-Cal card, if available.
- (d) Enter personal information in the case management system.
- (e) Read the minor his/her Miranda Rights form before asking any questions about the offense. Make sure the minor answers out loud to the questions on the form (no head nodding). Have the minor and parent/guardian sign the form and make sure you sign also.
  1. If the minor waives their rights, ask them to tell you what happened. Write down/type what the minor tells you. Always summarize what the minor states to ensure you understand. Ask the minor why it happened and if they received any punishment at home or school because of the offense.
  2. If the minor invokes their rights, do not ask any more questions about the offense. Advise the minor and parent the matter will be referred to the DA who will then decide if a petition will be filed. Let them know if the DA does file charges, they will be contacted by mail with a court date.
  3. Enter the minor's statements or lack thereof into the case management system.

#### Intake Documents

The following documents/records should be gathered as part of the intake process:

- (a) School records
- (b) CPS records
- (c) Parent's/Guardian's rap sheet/Merced Co. DA records
- (d) Copies of birth certificate, SS card and immunizations
- (e) School release form
- (f) Medical release form

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- (g) Merced Superior Court Collection Unit form (if applicable)
- (h) Below are the California Judicial Council JV forms needed for intake:
  - 1. [JV-535](#) (Educational rights form, not needed if minor is over 18 or graduated)
  - 2. [ICWA-20](#) (Indian ancestry form, not needed if minor is over 18)
  - 3. [JV-790](#) (If needed – Not for DEJ)

### Intake Outcomes

The following are the possible outcomes for a referral:

- (a) Dismissals
  - 1. Dismiss with prejudice – the matter cannot be addressed later.
  - 2. Dismiss without prejudice – the matter can be addressed later. For example, you have a referral for a battery that you dismiss without prejudice. If the minor gets arrested again for a new charge, you can send both referrals to the DA for filing.
  - 3. Dismiss in the interest of justice – same as dismissing without prejudice.
  - 4. Dismiss by referral to special services/program – dismissing the matter and referring the minor and parent to a special service/program. No proof of completion required.
- (b) Transfer Out to Another Agency (TOT)
  - 1. CPS – transfer to CPS if offense is not serious and minor is a 300 dependent
  - 2. Another County – if the offense is a misdemeanor, the matter should be transferred to the minor's county of legal residence. If the offense is a felony, it should be referred to the DA.
- (c) Conditional Dismissal Contract
  - 1. Complete a conditional dismissal contract and decide what terms they must follow.
  - 2. Complete any referrals to any programs deemed appropriate.
  - 3. The intake officer will supervise the case to determine that they completed the contract.
- (d) 6 Months Informal Contract (654 WIC)
  - 1. Complete an informal contract ([JV-622 Form](#))
  - 2. Complete any referrals to any programs deemed appropriate.
  - 3. Submit to supervisor who will assign to a juvenile supervision officer to monitor the case.
  - 4. If the minor fails to complete the contract, the matter may be returned to you for submission to the DA for possible filing of charges.
- (e) Refer to the District Attorney

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1. You will forward the case management referral form, the police report and the rights sheet to the DA

#### **TYPES OF JUVENILE PETITIONS**

- (a) **Original Petition:** The FIRST petition filed by the Deputy District Attorney which outlines the minor's criminal acts. There is usually only one original petition filed. However, if a minor is on DEJ or a new petition is filed prior to the adjudication (but after jurisdiction) of the first original then a second original petition can be filed. In addition, if a petition is filed after the minor's wardship has been terminated, then it will also be an original petition.
- (b) **Subsequent Petition:** Any petition filed by the DDA after the minor has been adjudicated (adjudged a ward or placed on 725(a) Probation).
- (c) **Supplemental Petition (777 Notice):** This is a notice filed by the supervision DPO alleging the minor has violated the terms of his/her probation.

#### **DISPOSITIONS**

Once a minor has admitted or been found true on an charges alleged in a petition filed by the DA, the Court will set the matter for a disposition hearing. The intake officer will be required to complete and submit a disposition report providing the court with a social study of the minor and a recommendation.

#### Disposition Interviews

The following are the steps that should be taken during the disposition interview:

- (a) Update any and all personal information in the case management system. Enter the minor's information into the current assessment system.
- (b) Complete a Positive Achievement Change Tool (PACT) assessment (pre-screen version) in the current assessment system. This is not necessary if a PACT has been completed within the last 6 months.
- (c) Obtain all necessary information from the minor and parent/guardian needed to complete your disposition report.
- (d) Obtain any documents (birth certificates, SS cards, etc) not submitted during intake interview.
- (e) Run and review criminal rap sheets on parents/guardians prior to interview in case you have questions regarding their criminal history.
- (f) Obtain CPS history prior to interview in case you have questions or need clarification.
- (g) Obtain most recent school records prior to the interview.
- (h) Request a statement from the minor's supervision officer if the minor is currently on probation.

#### Court Dispositions

The following are the possible dispositions that can be ordered by the Court:

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- (a) Informal Probation – 654.2 WIC
- (b) 6 Months Court Probation – 725(a) WIC
- (c) Deferred Entry of Judgment – 790 WIC
- (d) Hearing pursuant to 241.1 WIC
  1. This is a hearing for youth that appear to fall under the jurisdiction of both the dependency and delinquency courts. Our agency collaborates with CPS to prepare a report with a recommendation as to which agency will keep jurisdiction over the minor's case.
- (e) Wardship – 725(b) WIC
- (f) Transfer Hearing - 707(a)(1) WIC
  1. This is a hearing to decide if the minor should be tried as an adult rather than remain in the delinquency court. The DDA will request that the court hold a transfer hearing. Probation will prepare a report with a recommendation. This recommendation will be based on criteria established in 707(a)(1)(A-E) WIC.

### **RESTITUTION PRE-TRIALS/HEARINGS**

If restitution information was not obtained at the time of disposition, the court may set a restitution pre-trial at a later date. If the intake officer performed “due diligence” in attempting to get restitution information for the disposition, the assigned supervision officer will be required to follow up on the restitution. If the intake officer did not perform “due diligence,” they will be responsible for obtaining the restitution information. For any subsequent restitution pre-trial, an officer will be required to submit a memorandum outlining their findings, a JV-790 for each victim (if recommending restitution – except DEJ), and attach any documentation received from the victim. If an officer is asking for a continuance, they must be certain to note the efforts they made in obtaining the information and the reason for the continuance.

### **TYPES OF REPORTS**

- (a) **Original Disposition:** This is a disposition report on an original petition. This report contains social/criminal background information on the minor and his/her family as it is the first disposition report.
- (b) **Subsequent/Supplemental Memorandum Disposition:** This report is completed for subsequent/supplemental petitions where a disposition report has been completed less than 6 months previously. It has far less detail as the court is expected to refer to the previous disposition report for more detailed information.
- (c) **Subsequent/Supplemental Disposition:** This report is completed for subsequent/supplemental petitions where a disposition report has been completed more than 6 months previously.
- (d) **241.1 WIC Report:** This is a report for youth that appear to fall under the jurisdiction of both the dependency and delinquency courts. Our agency collaborates with CPS to prepare a report with a recommendation for which agency will keep jurisdiction over the minor's case. We will prepare our portion of the report and CPS prepares theirs

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separately. The two reports are then consolidated by the CPS liaison assigned to the Probation Department.

- (e) **Transfer:** This report makes a recommendation as to whether the minor should be tried as an adult rather than remain in the delinquency court. The DDA will request that the court hold a transfer hearing. We will prepare a report with a recommendation. This recommendation will be based on criteria established in 707(a)(1)(A-E) WIC. If the court finds the minor “unfit” for juvenile court, the court will dismiss the petition upon the filing of an adult criminal complaint.
- (f) **Disposition Memorandum:** A disposition report in memo format with no face sheet. This report usually only contains the circumstances of offense, victim information, and recommendation.
- (g) **Wardship Transfer-In Memorandum:** A memorandum requesting a minor’s wardship be transferred in from another county. This memo will also include wardship orders.

### **TYPES OF PROBATION**

- (a) **Informal Probation:** A six month contract made between the DPO and the minor and his/her parent. If the minor does not complete the assigned task(s) or program(s) in the allotted time frame, the DPO will decide whether to “close out” the case as unsuccessful or “fail” the case and refer the matter to the DDA for filing of charges. The contract cannot extend beyond six months informal.
- (b) **Deferred Entry of Judgment (DEJ):** A minor placed on probation for a period of 1 to 3 years. The requirements for DEJ are as follows: the minor must be over the age of 14 at the time of the plea, the minor must be charged with at least one felony offense (no 707 (b) WIC offenses), and the minor must admit all charges as alleged in the petition. A review hearing will be calendared for 1 year following the date the minor is granted DEJ. If the minor has been successful, the court will dismiss the petition filed against the minor and seal his/her record. If the minor has not satisfied all of the terms of DEJ, the court may allow the minor to remain on DEJ for a period not to exceed 3 years from the time he/she was granted DEJ. If the minor has been non-compliant, the court may also lift the minor’s DEJ and adjudge him/her as a ward. The minor should not be detained on a violation of DEJ.
- (c) **654.2 WIC Probation:** A minor placed on probation by the court for a period of six months. The court may extend the period of probation as it deems necessary. The court will set a review prior to the expiration of the six month period. If the minor has satisfied the terms and done well, the court will dismiss the petition. If the minor has not satisfied the terms of probation, the court will proceed to disposition.
- (d) **725(a) WIC Probation:** A minor placed on probation for a period of six months. The court cannot extend the duration of probation. A review hearing will be set after 3 months to determine the minor’s progress. If the minor has been compliant, the supervision officer will recommend the minor remain on probation with no further review set. If the minor has been unsuccessful, the court may adjudge the minor a ward. At any point during the probation, the supervision DPO can file a 777 notice (VOP) and recommend the minor be adjudged a ward. The minor should not be detained for violations of probation.

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### *Initial Intake to Probation Services*

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- (e) **Wardship:** The minor is placed on probation for an indefinite period of time. However, juvenile court jurisdiction will expire when the minor reaches the age of 21. Once a minor has successfully completed all of the terms of wardship, the supervision officer can request termination of the minor's wardship. If the minor fails to comply with his/her orders, the supervision officer may file a 777 notice (VOP). The minor can be arrested and detained on violations of probation.

### **STANDARD CONDITIONS OF SUPERVISION**

Standard conditions of probation are those which apply to all juvenile probationers under active supervision. They are the "backbone" of supervision and provide authority for and a means to monitor and guide minor's behavior. Generally, they are as follows:

- Obey all laws;
- Report to the probation officer at such times and places as the probation officer may direct;
- Obey the reasonable and proper orders of your parents/guardians;
- Attend school every day, every class on your schedule, as prescribed by law and obey all school regulations. Notify your probation officer by 10:00 a.m. on any school day that you are absent from school. If you are home from school because of illness or suspension, you are not to leave your home that day or night except to keep a doctor's appointment, unless given permission by your probation officer. You will not voluntarily enroll in an independent studies program, unless prior permission has been obtained from your probation officer;
- Report any change of address to the probation officer in writing within five (5) days;
- Obtain permission of the probation officer before leaving Merced County, unless accompanied by a parent or guardian;
- Do not leave the State without the written approval of the Court and the probation officer;
- Be inside your home between the hours of 10:00 p.m. and 6:00 a.m., unless accompanied by a parent or guardian, and in accordance with any curfew conditions the probation officer may direct. Do not remain away from home overnight without first securing the probation officer's permission;
- Follow the instruction of the probation officer relating to your conduct at home, at school, and in the community;
- Have no contact of any type with persons known to you to be wards or probationers, to include during the period of probation/wardship;
- Do not own, possess, or be in control of any firearm.

**Discretionary Conditions of Supervision:** The Court may impose any conditions of supervision which appear appropriate to the crime, the juvenile probationer's behavior and /or the protection of the community. Some of the more common conditions are:

- Juvenile hall commitments;

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- Work program/Community Service;
- Search and seizure;
- Chemical testing;
- Counseling:
  - Mental Health
  - Substance Abuse
  - Anger Management
- No contact with victim;
- Delay/suspension/revocation of driving privilege;
- Specialized gang conditions;

### **STEP-PARENT ADOPTIONS**

One of the functions of the Juvenile Intake and Investigations Unit is the processing and report preparation related to Step-Parent Adoption petitions. Before preparing a Step-Parent Adoption report, an officer should confirm receipt of the following documents:

- (a) Certified copy of birth certificate of child (children) being adopted.
- (b) Proof of legal entry if child (children) is/are not United States citizen(s).
- (c) Certified copy of final divorce decree of natural parents or death certificate, if applicable.
- (d) Certified copy final divorce decrees and/or death certificates of all previous marriages of petitioner, if applicable.
- (e) Certified copy of marriage certificate of petitioner and natural parent retaining custody.
- (f) Copy of Consent of Natural Parent Relinquishing Custody, which has been signed and filed in the Office of the Clerk of Merced County, in conjunction with the adoption. (Copies of the form are available in the Office of the Clerk of Merced County and the Merced County Probation Department) or a Copy of Freedom from Custody Petition and proof of service to non-custodial parent.
- (g) Original letter of consent written by the child being adopted if twelve (12) years of age, or older.
- (h) Four (4) letters of reference known to petitioner who are not related to petitioner. The letters should include the following information:
  1. Name, address, and phone number of the reference.
  2. Length of time they have known the petitioner.
  3. Relationship with the petitioner and child being adopted.
  4. Number of times they have visited petitioner in the home.
  5. Attitude of petitioner towards the child (children) being adopted.

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6. If known, information detailing petitioner's job title and work habits or length of employment.
  - (i) Fingerprints of Petitioner. The petitioner will need to make an appointment to submit his/her fingerprints at the Juvenile Justice Correctional Complex. Results can take up to one (1) month to be returned from the Department of Justice. To schedule an appointment, the petitioner must contact the Chief's Secretary at (209) 385-7665 to schedule an appointment for a "Request for Live Scan Service" to be completed. At that time, payment in the amount of \$66.00 will be required. Payment options of cash, check, or money order payable to the County of Merced will only be accepted.
  - (j) Completed Step-Parent Adoption worksheet.

If any of the above documents is missing from the file, the officer will contact the petitioner by mail to advise him/her of the documents needed. If the documents are not received within 20 days, the officer will attempt to contact the petitioner by telephone. If an investigation is closed due to lack of response to the request for documentation, a letter will be sent to the petitioner or the petitioner's attorney, notifying them of that action. The closure will also be documented in the case management system.

Once all documentation has been received, the officer will conduct a social study that shall include an on-site investigation of the petitioner's home to include the client's sleeping, study, and recreation areas. In addition, the petitioner, spouse, and adoptee will be interviewed. The interviews will be conducted and the report will be drafted within 30 days of receipt of the required documentation. Once the report has been drafted and approved by the Supervising Probation Officer, the responsible legal process clerk will route the report to the appropriate courtroom.

## Risk and Needs Assessments

### 401.1 PROCEDURES RELATED TO ASSESSMENTS

#### STATIC RISK ASSESSMENT (SRA)

- (a) Officers should supplement information collected during the scoring of an SRA with information from official records checks; such as criminal history inquiries and local court records checks.
- (b) The officer who conducts the intake investigation on new cases will score an SRA as part of the intake process.
- (c) For PRCS cases, the PRCS officer will score an SRA as part of the prerelease process.
- (d) For 1203.9 PC and ICOTS transfers, the unit supervisor or assigned officer will score an SRA at the earliest practicable point in the transfer or supervision process.
- (e) The SRA shall be scored in Noble.

#### OFFENDER NEEDS ASSESSMENT (ONA)

- (a) Officers shall administer and score an ONA for all individuals who score High or Moderate on the SRA.
- (b) The ONA shall be conducted within 30 days of intake to supervision and every 180 days thereafter.
- (c) Information used in the ONA should be collected during a face to face interview. A telephonic interview is acceptable in extenuating circumstances.
- (d) Officers should supplement information collected during the ONA interview with information from official records checks, such as criminal history inquiries, local court records checks, and Probation Department records checks.
- (e) The ONA shall be scored in Noble.

#### STATIC-99R

- (a) The officer who conducts the intake on new in county sex offense cases will score a Static-99R as part of the intake process. The results shall be included in the presentence report if applicable.
- (b) For PRCS sex offense cases, the PRCS officer will verify CDCR has completed a Static-99R prior to release.
- (c) Officers should supplement the assessment process with information from official records checks, such as criminal history inquiries, local court records checks, and Probation Department records checks.
- (d) Officers shall score the Static-99R by hand.

#### POSITIVE ACHIEVEMENT CHANGE TOOL (PACT)

- (a) A PACT will be scored on all minors pending a dispositional hearing.

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### *Risk and Needs Assessments*

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- (b) A PACT should be scored using information an interview with the minor as well as information from official records checks.
- (c) For incoming transfers of wardship cases, the supervising officer will verify a PACT has been scored on the incoming ward. If not, the supervising officer will score a PACT.
- (d) The PACT shall be scored using Noble software.

#### **DISCRETIONARY OVERRIDES**

- (a) If after considering the score of the SRA or PACT, as well as other factors affecting supervision levels, the supervisor or officer may override the SRA or PACT to the appropriate supervision level.
- (b) Overrides may be appropriate to both raise and lower supervision levels.
- (c) All overrides must be approved by the supervisor.

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## Supervision Duties

### 402.1 CASE SUPERVISION PROCEDURES

#### Initial Meeting with Probationer

At the first meeting, the deputy probation officer/probation assistant (DPO/PA) will:

- (a) Thoroughly review the conditions of supervision with the probationer. It is imperative that the probationer understand each condition as it applies to his/her behavior and that the officer makes clear the manner in which he/she will be monitored;
- (b) Provide a copy of the orders of probation, if they have not been given to the probationer;
- (c) Obtain signatures from the probationer on all necessary documents at the first meeting;
- (d) Thoroughly explain behaviors which constitute violations of probation and how violations may be handled. Cooperation from the probationer is best obtained when the parameters are clear from the outset and when it is obvious That the officer will be dealing honestly with the case;
- (e) Note the probationer's current address, telephone number, employment, and family status, and any collateral contacts such as family members, friends, neighbors;
- (f) Arrange for immediate enrollment into programs ordered by the Court and explain the procedures to the probationer.
- (g) Complete and have the probationer sign a release of information for any programs for which they have been referred.

#### Implementing Conditions

Upon receipt of a file, the supervision officer will review the file and formulate a case plan within thirty (30) days (the case plan might have been completed by the investigations officer). If the Merced Superior Court Collection Unit has not been notified of any restitution, the supervision officer will compose the required documentation and provide said documentation as ordered by the Merced County Superior Court. If restitution was not determined due to a dispute in court, the supervision officer will ascertain the amount owed by contacting the victim(s) and then obtain a Court order to that effect within ninety (90) days.

#### Home Visits/Purpose/Preparation/Precautions

Home visits are a valuable tool in accurately assessing the progress and compliance of probationers under supervision. Although contacts in person with probationers may be done in the office, home visits offer the unique opportunity to observe and interact with the probationers in their own environment.

Home visits may be scheduled or unscheduled depending on the circumstances of the case. Field officers should schedule a home visit when they want to ensure that the probationer will be home. Unscheduled home visits provide an excellent opportunity to meet with your probationers

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and observe them in their genuine condition. When home visits are unscheduled, it increases the possibility of encountering a situation in which probationers and others at the residence may be openly violating the law or their terms of probation.

Home visits may be conducted alone or with another officer. Home visits can be done during the regular work day or outside traditional hours or on weekends with prior supervisor approval.

#### Preparation for Conducting a Home Visit

Deputy Probation Officers have the discretion to make contact with probationers as needed. If officers are participating in field activities, a list of the probationers to be seen shall be submitted to the supervising probation officer using printed face sheets or by printing out a caseload list and highlighting those who will be seen. The list shall have the names and addresses of the probationers listed in the sequence they are to be seen. The list shall also include the date and time the officer will be in the field, vehicle number, cellular phone number, and the names and officer numbers of the probation officers going on the home visits. The sequence of field visits should be scheduled to maximize the use of the field officer's time by minimizing travel between stops and avoiding backtracking.

#### Precautions in Conducting Home Visits

- Field officers should be observant of the environment they are in and take note of any potential safety hazards.
- If during a home visit an officer feels unsafe or uncomfortable, the officer should expeditiously leave the residence and contact local law enforcement.
- As a matter of officer safety, field officers should not place themselves in a situation where they may not be able to retreat.

### **Searches**

Field service officers may conduct searches of their searchable probationers, as they deem appropriate.

When conducting probation searches in the field, there shall be at least two probation officers present. As a matter of officer safety, probation searches are not to be undertaken if it appears the search cannot be conducted safely with the number of officers present. In addition, local law enforcement may be included in probation searches.

When a search operation involves several officers or another agency (sweep), a Non-Traditional Shift or Operations Plan shall be completed and submitted through the chain of command prior to the operation and a Non-Traditional Shift or Post Operations Plan Outcomes shall be submitted upon completion.

### **Child/Client and Family Team Meetings**

A Child/Client and Family Team (CFT) is defined as – “A group of individuals who are convened by the placing agency and who are engaged through a variety of team-based processes to identify the strengths and needs of the youth or client and his or her family, and to help achieve positive

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### *Supervision Duties*

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outcomes for safety, stability, and well-being.” The CFT is comprised of a network of care that shares responsibility to assess, plan, intervene, monitor and refine service delivery over time.

Anytime a CFT is scheduled whether in the community, treatment or in custody, the officer assigned will attend and work closely with the CFT facilitator to ensure the goals identified during the CFT are implemented into the probationer’s case plan.

#### **Incentives and Sanctions**

All officers will use an Incentives and Sanctions-based approach in supervising probationers. As probationers show progress towards case plan goals, officers will consider providing an incentive-based response. As officers encounter or discover non-compliance, officers will respond either through the issuance of an administrative sanction or a formal revocation, as case dynamics indicate. Responses to non-compliance should not be more intrusive or restrictive than necessary.

- (a) [Adult Response Matrix - Incentives](#)
- (b) [Adult Response Matrix - Sanctions](#)
- (c) [Juvenile Response Matrix - Incentives](#)
- (d) [Juvenile Response Matrix - Sanctions](#)

#### **402.2 SPECIALIZED CASELOADS**

The Merced County Probation Department has several specialized caseloads in order to meet the unique needs and mandates of certain offense types and to better facilitate the rehabilitation of offenders while linking victims with services. The following is a list and brief summary of each of these specialized caseload:

High Risk Gang/DJJ Returnees (Juvenile) - This officer is responsible for monitoring high risk gang cases ordered to complete supervised probation under court probation, 725 (a) W&I Code, Deferred Entry of Judgment, or Wardship. This officer also supervises those youth that have been released from the Division of Juvenile Justice (DJJ) to be supervised on probation locally.

Bear Creek Academy (BCA) Long Term/Youth Treatment Program (Juvenile) - This officer is responsible for monitoring cases ordered to complete the BCA Long Term and Youth Treatment Programs. The BCA officers work in collaboration with the Juvenile Justice Correctional Complex and Valley Community School staff to monitor clients’ compliance. They will also work with local Community Based Organizations (CBO’s) in providing local resources to the client and family.

Bear Creek Academy (BCA) Long Term/Youth Treatment Aftercare Officer (Juvenile) - The BCA Aftercare officer is responsible for monitoring cases ordered to complete the BCA Long Term and Youth Treatment Programs. Additionally, the BCA Aftercare officer will be the day-to-day overseer of the L.I.N.K. program.

Behavioral Health/Wraparound/Juvenile Behavioral Health Court - The assigned officer is responsible for monitoring cases that have an open mental health case, are participating in the WeCan or DoWith wraparound programs, or ordered to participate in the Juvenile Behavioral Health Court (JBHC).The assigned officer works in collaboration with the Merced County

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Behavioral Health staff, Recovery Assistance For Teens (RAFT) staff, and Aspiranet wraparound staff.

Placement/Extended Foster Care (Juvenile) - The placement officers are responsible for monitoring cases ordered to out of home placement and Extended Foster Care (EFC) cases. The placement officers must collaborate with Human Services Agency (HSA) eligibility staff on a consistent basis for billing services; and with suitable placement/foster family agency staff and administrators.

Gang Caseloads (Adult) - These officers are responsible for monitoring a caseload of validated gang members on formal probation, Mandatory Community Supervision, or Post Release Community Supervision. These officers attend local gang meetings and brief the unit on gang trends. They attend gang trainings as required by the department and participate in at least one Gang Awareness Presentation at a local school or in the community.

Domestic Violence Offender (Adult) - These officers supervise probationers that have been convicted of domestic violence offenses and have been ordered to submit to specific domestic violence probation terms. These officers attend monthly domestic violence meeting in collaboration with other County agencies and attend domestic violence meetings/ trainings and community awareness events as required by the department. They maintain regular contact with victims. These officers collaborate with BTP providers when necessary and conducts quarterly on-site evaluations of BTP providers. They may also assist in BTP program approvals and re-approvals.

Sex Offender Caseload (Adult) - This officer supervises a caseload of probationers who are on probation/PRCS for sex offenses and those offenders who are required pursuant to 290 PC. This officer collaborates with sex offender program providers monthly and confirms their status of compliance with State regulations.

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## Drug and Alcohol Testing

### 405.1 DRUG AND ALCOHOL TESTING TESTING EQUIPMENT AND SUPPLIES

The following procedures will be followed regarding testing equipment and supplies:

- (a) Officers must be trained or certified to use testing equipment.
- (b) All protocols and procedures recommended by the manufacturer for storage, use and operation of testing equipment will be followed.
- (c) Supplies and equipment should be stored in a secure area. At no time may clients or the general public have unsupervised access to this area.

### COLLECTION OF SPECIMENS

The following procedures will be followed regarding the collection of specimens:

- (a) The officer must observe and process only one collection at a time. Prior to obtaining a specimen from any client, officers must confirm the client's identity.
- (b) Clients should be asked to remove outer garments, such as coat and jackets.
- (c) When possible, clients should roll up their sleeves and wash their hands with cold water before submitting a specimen. The client's hands should be thoroughly dry before proceeding.
- (d) The officer should wear disposable, waterproof gloves during the collection process.
- (e) An empty specimen cup should be handed to the client, without the lid. The specimen cup should never leave sight of the officer during collection. It is critical that each collection be observed carefully to guard against the possibility of tampering, dilution or adulteration.
- (f) The officer shall always be able to observe the client's hands and urine stream during the testing process.
- (g) The specimen must contain enough volume to register on the test strips contained on the specimen cup.
- (h) Immediately after collection, the client should be asked to seal the specimen cup with the lid and initial the security seal applied to the cup. This will serve as evidence that the client acknowledged the urine as his or her own.
- (i) The toilet or urinal should not be flushed until the collection is complete and the specimen cup is sealed.
- (j) The cup shall be capped and labeled, prior to collecting a sample from another probationer.

### INABILITY TO SUBMIT TO TESTING

In the event a probationer is unable to submit a specimen, a note shall be entered into the case management system documenting the inability. If the probationer is unable to submit a specimen

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### *Drug and Alcohol Testing*

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on a subsequent occasion, he or she will be advised that the inability to submit to testing could constitute a violation of their probation terms and subject them to a revocation of probation.

#### **REFUSAL TO SUBMIT TO TESTING**

In the event that a client declines to submit to testing, he or she should be advised that a refusal will be considered a violation of their terms and conditions and may subject them to a revocation of probation. The refusal shall be noted in the probation case management system.

#### **POSITIVE TEST RESULTS**

In the event a probationer submits a specimen that results in a positive test, the officer will give the probationer an opportunity to sign a statement of admission. If the probationer admits and signs the statement of admission acknowledging use of all of the substances that he or she tested positive for, the collected specimen can be discarded in the authorized disposal bin. The admission shall be logged as a running account and the statement scanned into the case management system. If the probationer declines to sign a statement of admission, the sample will be prepared for shipping for laboratory confirmation.

#### **CHAIN OF CUSTODY**

Chain of custody documentation is critical to the integrity of the testing program. The following guidelines are to be adhered to:

- (a) Possession of the specimen shall be accounted for at all times.
- (b) Changes in possession must be recorded.
- (c) Officers shall be thoroughly familiar with all of the associated forms and must complete them at the required times.

## Intercounty Transfer of Jurisdiction

### 411.1 PROCEDURES RELATED TO JURISDICTIONAL TRANSFERS

#### Jurisdictional transfer of juvenile cases pursuant to 750 WIC

When another county in California wishes to request that jurisdiction of a youth be transferred to Merced County, the requesting county transfers the case pursuant to 750 WIC. In order to transfer jurisdiction from one county to another, a True Finding must have been made by the sending court. If there was no True Finding made in the case it will be returned to the sending court. Because the sending court has already transferred jurisdiction to our court, our court must accept the case for transfer to establish jurisdiction, then transfer and return the case to the sending jurisdiction.

Jurisdictional transfers may be made pre-disposition or post-disposition.

If a transfer is made pre-disposition, the Disposition Hearing will be scheduled by the Court in accordance with mandated time frames and taking into consideration the minor's custody status. A pre-disposition transfer will be assigned to a juvenile intake officer to complete the intake and prepare a disposition report.

For post-disposition transfers, the Court will set a Transfer-In Hearing and refer the matter to Probation. The case will be assigned to an intake officer to complete the intake and prepare a Wardship Transfer-In Memorandum and the appropriate wardship orders.

#### Jurisdictional transfer of adult cases pursuant to 1203.9 PC

Pursuant to California Penal Code §1203.9, cases may be transferred from one County Probation Department to another within the State of California. In most cases, jurisdictional transfer is mandatory when a probation or mandatory supervision client states their intention to reside or remain in a different county for the remainder of their period of supervision. To provide consistency among counties regarding transfer procedures, the Chief Probation Officers of California have developed [1203.9 PC Best Practices](#).

#### Transfer out at intake

- (a) If a probationer reports an address outside of Merced County during the intake process, the intake DPO will make a copy of proof of where the individual resides out of County either CDL, ID, electric bill or lease agreement. The document must have their name on it.
- (b) The probationer must set up any fine and restitution accounts and provide proof within 30 days.
- (c) The file will be sent to the SPO for assignment to the DPO who processes the 1203.9 PC transfers.
- (d) The DPO should process the 1203.9 transfer out paperwork within 10 business days. Once the paperwork has been processed, the case will be set out 60 calendar days for transfer-out hearing.

#### Transfer out during supervision

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- (a) The supervision DPO must make copy of proof of where the individual wants to reside out of County.
- (b) The probationer must have set up R&R accounts and provide proof to the supervision DPO to be scanned into the case management system.
- (c) The file will be sent to the SPO for assignment to the DPO who processes the 1203.9 PC transfers.
- (d) The DPO should process the 1203.9 transfer out paperwork within 10 business days. Once the paperwork has been processed, the case will be set out 60 calendar days for transfer-out hearing.

### Jurisdictional Transfer-Ins

- (a) Once a file is received by the 1203.9 PC Transfer DPO, the DPO will verify the reported address within 10 business days.
- (b) The DPO will complete the comment form ( [CR-252](#) ) and send to receiving county indicating either acceptance or denial of the transfer. The DPO will scan a copy of the comment form into the case management system.
- (c) The DPO will complete intake on the probationer and request a court number for a transfer-in hearing from the Merced County Superior Court
- (d) The DPO will complete the terms and conditions of probation and calendar a transfer-in hearing. The hearing should be set at least two weeks out to provide proper notice to the probationer. The notice to the probationer will be scanned into the case management system and a copy of the notice will be forwarded to the Court with the terms and conditions of probation.

### **Jurisdictional transfer of adult cases pursuant to 3460 PC**

Penal Code 3460 provides a statutory framework regarding the transfer of “jurisdiction” between counties, related to post release community supervision (PRCS) offenders. County probation departments agree that maintaining clear lines of accountability, consistency and fairness in this process will be vital to providing for effective supervision. Unlike in 1203.9 PC, the Court does not have jurisdiction in this process and the transfer of post release community supervision cases will be administrative and directly from one county to another.

### PRCS transfer process

- (a) A PRCS offender in the community makes a written statement of intention and requests to her/his probation officer to permanently reside in another county; or a post release community supervision eligible offender, who is in the custody of CDCR, indicates to CDCR that he intends to reside in a county other than his county of residence as determined by CDCR. CDCR will typically indicate this residence request in their pre-release packet; or a victim of stalking offense has exercised his/her rights pursuant to Section 3003(h) PC requesting that the post release community supervision eligible offender who is in custody at CDCR or the PRCS offender under supervision by a county agency be relocated in excess of 35 miles of his/her residence or place of employment. If CDCR or the supervising county agency determines that

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### *Intercounty Transfer of Jurisdiction*

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there is a need to protect the life, safety, or well-being of the victim the sending county will initiate the transfer process

- (b) Upon a request for out-of-county transfer by the PRCS offender, the probation officer of the sending county must notify the victim, if any. The protection of the victim can be a valid reason to deny the transfer request.
- (c) The sending probation officer will need to verify that the PRCS offender meets the permanency of residence criteria for a transfer and is deemed appropriate for such transfer. Upon receipt of the transfer packet, the receiving county will verify the offender's permanent residency.
- (d) The sending probation officer will complete the PRCS transfer form, attach a copy of the CDCR prison prerelease packet along with the post release packet if available and forward it to the receiving county as soon as possible, but no later than two weeks subsequent to notification of the intent to transfer. At this time, a travel pass/ permit may be issued consistent with compliance and supervision objectives.
- (e) The receiving county will fax or email the PRCS transfer form to the sending county at the singular point of contact fax number or email address and also notify the identified sending officer, if not the singular point of contact, indicating either acceptance or refusal of the transfer based upon residency verification within 30 days of the date of the request.
- (f) If residency is verified, the date of the fax or email indicating acceptance will establish the official date for transfer of "jurisdiction" and responsibility for the case will rest with the receiving county as of that date. NOTE: This date is extremely important for this reason and documentation (fax or email receipt verifying successful "fax sent", email communications, etc.) should be maintained in case clarification of this date is subsequently required.
- (g) The sending county will close out their case effective the date of the acceptance fax/ email from the receiving county. If the PRCS offender is still in the custody of CDCR, the sending county will notify CDCR that the county of residence (and need for new reporting instructions) has changed and request CDCR identify the new receiving county as the county of residence for the inmate. In addition, the sending county will fax/scan and email a copy of the CDCR 611 form, or other documentation, indicating the change in county of residence to the receiving county as well as returning the form to CDCR.

## **Chapter 7 - Support Services**

## Protected Information

### 702.1 CJJ PROTECTION PROCEDURES

#### Media Protection

These procedures apply to any electronic or physical media containing CJJ while being stored, accessed, or physical moved from a secure location from any Probation Department site.

#### Media Storage and Access:

- A. Controls shall be in place to protect electronic and physical media containing CJJ while at rest, stored or actively being accessed. "Electronic media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital media, such as magnetic tape or disc, backup medium, optical disc, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CJJ.
- B. To protect CJJ, Probation personnel shall:
  1. Securely store electronic and physical media within a physically secure or controlled area. A secured area includes a locked drawer, cabinet, or room.
  2. Restrict access to electronic and physical media to authorized individuals.
  3. Ensure that only authorized users remove printed form or digital media from the CJJ.
  4. Physically protect CJJ until media end of life. End of life CJJ is destroyed or sanitized using approved equipment, techniques and procedures.
  5. Not use personally owned information systems to access, process, store or transmit CJJ unless the department has established and documented the specific terms and conditions for personally owned information system usage.
  6. Not utilize publicly accessible computers to access, process, store, or transmit CJJ. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
  7. Store all hardcopy CJJ printouts maintained by the department in a secure accessible area only accessible to those employees whose job function requires them to handle such documents.
  8. Take appropriate action when in possession of CJJ while not in a secure area:
    - (a) CJJ must not leave the employee's immediate control. CJJ printouts cannot be left unsupervised while physical controls are not in place.
    - (b) Precautions must be taken to obscure CJJ from public view, such as by means of an opaque file folder or envelope for hard copy printouts. For electronic devices like laptops, use session locks and/or privacy screens. CJJ shall not be left in plain public view. When CJJ is electronically transmitted outside the boundary of the physically secure location, the data shall be immediately protected using encryption.

# Merced County Probation Department

## Procedures Manual

### *Protected Information*

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- i. Storage devices include thumb drives, flash drives, back-up tapes, mobile devices, laptops, etc. When CJI is stored electronically outside the boundary of the physically secure location, the data shall be protected using encryption. Storage devices include external hard drives from computers, printers, copiers used with CJI.
  - ii. When encryption is employed, the cryptographic module used shall be certified to meet applicable standards.
9. Lock or log off computer when not in immediate vicinity of work area to protect CJI. Not all personnel have the same CJI access permissions and CJI must be protected on a need to know basis.
10. Establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of CJI.

### **Media Transport**

Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use.

Dissemination to another agency is authorized if:

- A. The other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or
- B. The other agency is performing personnel and appointment functions for criminal justice employment applicants.

Probation personnel shall:

- A. Protect and control electronic and physical media during transport outside of controlled areas.
- B. Restrict the pickup, receipt, transfer and delivery of such media to authorized personnel.

Probation personnel will control, protect, and secure electronic and physical media during transport from public disclosure by:

- A. Use of privacy statements in electronic and paper documents.
- B. Limiting the collection, disclosure, sharing and use of CJI.
- C. Following the least privilege and role based rules for allowing access. Limit access to CJI to only those people or roles that require access.
- D. Securing hand carried confidential electronic and paper documents by:
  1. Storing CJI in a locked container.
  2. Only viewing or accessing the CJI electronically or document printouts in a physically secure location by authorized personnel.

# Merced County Probation Department

## Procedures Manual

### *Protected Information*

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3. Package hard copy printouts in such a way as to not have CJI information viewable.
  4. When CJI is mailed or shipped, agency must document procedures and only release to authorized individuals. **DO NOT MARK THE PACKAGE TO BE MAILED CONFIDENTIAL.** Packages containing CJI material are to be sent by method(s) that provide for complete shipment tracking and history, and signature confirmation of delivery.
- E. Not taking CJI home or when traveling unless authorized by the Chief Probation Officer or designee.
- F. When disposing confidential documents use a shredder or shred bin.

### **Electronic Media Sanitization and Disposal**

The agency shall sanitize, that is, overwrite at least three times or degauss (demagnetize) electronic media prior to disposal or release for reuse by unauthorized individuals. Inoperable electronic media shall be destroyed (cut-up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel. Physical media shall be securely disposed of when no longer required, using formal procedures.

## Chapter 8 - Personnel

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## Performance Evaluations

### 802.1 PERFORMANCE STANDARDS FOR EVALUATIONS

The following are the performance standards to be considered in employee evaluations. These standards apply to personnel in the field services division.

#### QUALITY OF WORK

Accuracy - the extent to which work is free from errors or omissions

- Case file notes and Court documents are written clearly and concise. "Draft" and final memorandums are proofed prior to submittal to the supervisor
- Court recommendations are logical and supported by written documentation. Memorandums are supported by thorough documentation including case notes, case plans, directives, assessments, etc. Case notes logically, effectively, and thoroughly reflect "who", "what", "where", "when", "how", and "why".
- Memorandums effectively depict the events, actions and statements accurately for the reader. Notes/ Reports related to probation searches/seizures include all individuals present, location of contraband, finder, and proper chain of evidence.
- Provides accurate and thorough documentation in Pre/Post Operation and Incident Reports.

Neatness - the extent to which a finished work product meets the acceptable standards for legibility, cleanliness and orderliness

- Cubicle/office organization allows easy location of files and paperwork.
- Assigned equipment is maintained in working condition and secured as per department policy.

Written Expression - the extent to which an employee is capable of expressing his/her thoughts in writing in a logical manner and sequence, using appropriate grammar, punctuation and sentence structure.

- Demonstrates ability to write in a well-organized, grammatically correct manner.
- Demonstrates ability to write in a manner that is easily understood.
- Demonstrates ability to write accurate, concise and meaningful document

Timely Completion of Work - the extent to which an employee completes work within given or reasonable time limits.

- Completes assigned tasks in a timely manner and meets court deadlines.
- Running accounts are completed by the end of the work day of contact.
- Responds in a timely fashion to e-mails, phone calls, appointments, and follow-up.
- Responds to crises immediately.

#### WORK HABITS

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## Procedures Manual

### *Performance Evaluations*

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Punctuality - the extent to which an employee is prompt and/or present during designated work periods.

- Demonstrates punctual work hours, time off slips are turned in appropriately, has no unauthorized absenteeism, appears for all training and Court appearances. Appears on time for all scheduled events.
- Does not abuse sick leave.
- Keeps supervisor informed of schedule, special events, and unscheduled absences.
- Maintains appropriate work hours on OD and ensure coverage during expected work absences.

Reliability – the extent to which an employee can be relied upon to complete job tasks in a timely manner with or without direct supervision; the extent to which an employee can be relied on to volunteer for job tasks outside of his/her normal scope of work, when assigned work duties are completed and time permits.

- Exhibits ability to lead operations and other officers when conducting searches on assigned cases.
- Demonstrates initiative, compliance to policy and procedure, and takes an active role in planning activities and operations.
- Exhibits ability to be relied upon to complete a task.
- Demonstrates initiative to take the lead, when necessary, when working with coworkers and/or partner agencies.

### **ANALYTICAL ABILITIES**

Job Knowledge- the degree to which the employee clearly understands the nature and functioning of the job within the department; and the extent to which the employee has the knowledge to perform the job.

- Displays familiarity and recollection of pertinent laws, regulations, department policies, procedures and programs.
- Possesses specific knowledge of the court process as it relates to current assignment and is able to interpret court orders/documents.
- Exhibits familiarization with the procedures and practices of partner agencies and our role in the collaboration.

Administrative Skills-the extent to which the employee has the administrative skills to perform the job.

- Demonstrates ability to complete documentation associated with assignments and field activities in a proficient and professional manner.

Performance with Minimal Supervision – the extent to which an employee effectively performs his/her duties with minimal direct supervision.

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## Procedures Manual

### *Performance Evaluations*

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- Demonstrates proficiency in performing the day-to-day duties of the specific assignment without excessive supervisory assistance.

Exercises Reasoning and Judgment- the extent to which the employee has the ability to interpret correctly and rationally a situation and make sound evaluations as demonstrated by practical decisions and their results.

- Demonstrates the ability to evaluate information, logically and rationally, and arrives at appropriate decisions based on supporting evidence, law & procedures.
- Violations/sanctions exhibit logical progression of services/responses leading to the referral to Court.

Provides a Solution to Problems- the extent to which the employee takes actions or provides recommendations/solutions to problems/issues which result in improved work efficiency and/or service.

- Shows ability to provide the supervisor with solutions to problems.
- Demonstrates resourcefulness and ability to properly respond when issues arise during field operations.
- Analyzes problems thoroughly and takes appropriate action.

Gathers and Organizes Facts and Conclusions In A Logical Sequence - the ability to consider and interpret correctly all of the important facts in solving a problem and arriving at a prompt, logical and effective decision/conclusion.

- Demonstrates sound investigatory skills related to task assignment.
- Court reports/recommendations are supported by written evidence and in a logical order.
- Exhibits knowledge of policy, law & procedures when search and seizures are being conducted. Provides effective and appropriate reaction to search findings.

Effectively Uses Available Resources – the extent to an employee is aware of and utilizes the available professional resources to assist them in effectively carrying out their job tasks; and the extent to which an employee is aware of and utilizes available resources within the community to refer clients for their rehabilitative needs.

- Exhibits familiarity with and utilizes department, partner agency and community resources.
- Demonstrates ability to develop an approach to work which will effectively utilize time, material and manpower in an equitable manner to achieve the greatest results with a minimum of time and effort.
- Demonstrates appropriate use of equipment (computers, vehicles, office equipment, etc.).

### **PROFESSIONALISM**

Demonstrates Leadership – the ability to lead and work with others.

# Merced County Probation Department

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### *Performance Evaluations*

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- Be able to communicate clearly and succinctly organizational goals and disseminate information accurately.
- Build teamwork and make decisions with confidence.
- Apply training knowledge and skills to improve and /or enhance job performance.

Receptive to Feedback – the extent to which an employee is receptive to and/or accepting of feedback given (i.e., supervision and assistance toward improving job performance).

- Exhibits the ability to learn from errors and responds effectively to constructive coaching.
- Is receptive to feedback from supervisor and coworkers.
- Is able to discuss differences of opinion with supervisor.
- Is open to requests, suggestions, and constructive coaching.

Appropriate Appearance – the extent to which an employee adheres to department dress code policy; the extent to which the employee presents him/herself appropriately within the department and the community.

- Adheres to department's dress code.
- Wears attire appropriate for the assignment and activities.
- Exhibits ability to constructively & effectively carry out tasks and apply policy.
- Maintains appropriate demeanor in a stressful situation.
- Demonstrates ability to react quickly and properly under adverse conditions or in emergencies.

Adapts to Change – the extent to which an employee adapts with minimum difficulty to new directives, policy changes, different assignments, etc. and performs properly.

- Takes a constructive approach and exhibits a willingness to put into practice new policies and procedures. Negative opinions are expressed with direct supervisor and not in group settings.
- Demonstrates a willingness to learn and put to use new procedures prior to evaluating the process.
- Exhibits willingness to participate in any new procedures in the field, office, court, and community.

Observance of Rules and Procedures – the extent to which an employee follows established County and departmental rules and procedures.

- Work is completed according to policy and procedures.
- Demonstrates through performance a sound awareness of county and department policies and procedures and complies accordingly.

# Merced County Probation Department

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### *Performance Evaluations*

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- A minimum of one evening or weekend shift per month; Evening shifts are eligible for shift differential. A minimal of three (3) weekend shifts per calendar year OR at the request of the supervisor, if applicable to assignment.
- Participates in all unit operations unless prior approval to be absent is granted.
- Abides by County and departmental policy related to conduct at all times on and off duty

### **INTERPERSONAL SKILLS**

Works Effectively with Internal and External Customers – the extent to which the employee willingly and effectively works with other employees, partner agencies, clients and the public.

- Exhibits the ability to appropriately respond to issues with clients/family members, coworkers, management staff, partner agencies, victims, community agencies & the Courts.
- Demonstrates the ability to interact with coworkers in meaningful, constructive, positive manner.
- Provides effective and constructive services to partner agencies without delay.
- Demonstrates the ability to interact in a positive manner with other agencies.
- Demonstrates the ability to deal with clients in direct, yet meaningful and constructive manners.
- Responds to client needs and seeks appropriate solutions.
- Demonstrates the ability to interact positively with collaborative agencies during field activities, if applicable.

Promotes Teamwork – the extent to which the employee organizes and/or adjusts his/her work activities to assist with the work of others (i.e., other employees, the department, partner agencies, etc.)

- Demonstrates willingness to take on projects/tasks when standard assignments are complete or on hold.
- Field Officers are prepared to conduct field activities at any time, particularly during periods that other assignments are complete or on hold.
- Exhibits a willingness to assist and encourage coworkers.
- Willing, when feasible, to put personal needs aside to assist coworkers and partners.
- Promotes cooperation with other agencies and departmental personnel.
- Works effectively as a team member to achieve the goals of the unit and department.

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### *Performance Evaluations*

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Demonstrates Effective Communication Skills – the ability to organize thoughts and effectively express them verbally and/or in writing.

- Demonstrates the ability to communicate well and constructively both orally and in writing.
- Represents the department in a professional manner at all times including while working in collaboration with other agencies.
- Demonstrates effective, clear, and concise oral expression.
- Demonstrates ability to verbally communicate in a constructive, positive manner in various environments.

### **OUTCOMES**

Meets Minimum Outcome/Performance Standards – the extent to which an employee maintains accurate and up-to-date case management entries, running accounts and supervision/ intake data.

- Demonstrate the ability to input information in chronological order in case management system.
- Data gathering, observation and documentation.
- On-going performance communication.
- Provide monthly supervision and intake outcomes, if applicable.

Progress Toward Goals and Projects - the extent to which the employee provides input and feedback relative to professional development.

- Takes an active role in professional development.
- Performance planning (employee goal setting/objective setting).

Amount of Work Performed -the volume of work produced in relation to the amount of work requiring completion or attention.

- Demonstrates ability to multi-task effectively and meet deadlines.
- Demonstrates ability and willingness to accomplish tasks in addition to daily or scheduled duties.
- Maximizes field activities, including at least one evening or weekend shift per month, if applicable to assignment.

### **SAFETY AND SECURITY**

Maintains a Safe Work Environment – the extent to which an employee maintains an awareness of their work environment and the ability to recognize potential safety issues/hazards.

- Displays sound presence, awareness, & communication in the office & in the field.
- Brings forward any/all safety concerns during training, office duties and while involved in unit and collaboration operations.

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### *Performance Evaluations*

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- Wears safety gear when performing field activities, if applicable.
- Equipment and radio checks are conducted prior to any field activity, if applicable.
- Prepares a field list and provides contact numbers for the supervisor and has all local law enforcement phone numbers available for use in the field, if applicable.

Participates in and Applies Training – the extent to which the employee participates in required training; and the extent to which the employee applies the tools and skills garnered from training attended (i.e., required, specialized, etc.).

- Complies with policy & the use of force continuum, if applicable to assignment.
- Demonstrates during training the efficient use of all tools and decision-making skills.
- Takes an active role in training and displays the practical application of the training during daily activities.
- Shares training information with unit/department staff following training and conferences.
- Utilizes newly acquired information and tools in their assignment.
- Demonstrates use of force and defensive tactics as stipulated in policy and taught in training, if applicable.

Merced County Probation  
Department Procedures Manual  
Procedures Manual

**Attachments**

**Juvenile Response Matrix - Incentives.pdf**

The purpose of the Graduated Positive Response Grid is to provide a continuum of motivational incentives to achieve desired behaviors and decrease undesirable behaviors for youth under supervision to the extent attainable. For a graduated positive response system to be effective in modifying behavior, probation must adhere to certainty, celerity, and magnitude. When initiating a new behavior or skill with youth, it is important to provide reinforcements on a scale **certainty**. This means that after each occurrence of the desired behavior or skill, some reinforcement is provided (which could include verbal praise). Once a behavior is initiated, intermittent reinforcement is most effective for sustaining the behavior. Administering behavior modification principles in a criminal justice setting is the ability to apply the reward immediately following the behavior to be reinforced. The principle of **celerity** notes that the reward should be administered as close to the behavior as possible. The effectiveness decreases exponentially as more time passes following the behavior as interference from new behaviors may occur in the interim. The **magnitude** of the reinforcer should be equal to the triggering behavior. Additionally, the use of rewards should be consistent in early phases of programming/supervision to help solidify mastery of the new skills and be mindful that youth can get discouraged if there are too many requirements and expectations before they can master new behaviors (Marlowe, D. B. - Effective use of rewards and sanctions. Presentation at Utah Drug Court Conference, Snowbird, UT).

The Graduated Positive Response Grid is developed to provide a framework and guideline for handling a graduated continuum of motivational responses; and should be used in conjunction with the Desktop Manual and related policies.

Instructions for Graduated Positive Response Grid: 1) Identify the level of desired behavior by the youth (low, moderate, high); 2) Locate the area that intersects between the Suggested Response and level of desired behavior; 3) Review the responses provided in the appropriate block. Responses are listed in the order of importance; however, it should be administered to the extent necessary to encourage the youth and to increase compliance with conditions of probation. As a guide, the Response Grid does not mandate or forbid any particular response for a particular behavior.

	LOW LEVEL	MODERATE LEVEL	HIGH LEVEL	
DESIRED BEHAVIOR	<ul style="list-style-type: none"> <li>Adhering to Curfew</li> <li>Keeping Appointments</li> <li>Enrolled in Required Programs</li> <li>Enrolled in School</li> <li>Improved Family Relationships</li> <li>Modeling Pro-Social Skills</li> <li>Engaged in Physical Activities</li> <li>Improved Hygiene</li> <li>Arranging Own Transportation</li> <li>Positive Collateral Contacts/Reports</li> <li>Making good choices</li> <li>Keeping Program Appointments</li> <li>Attending Court Hearings</li> </ul>	<ul style="list-style-type: none"> <li>Clean drug/alcohol test</li> <li>Improved School Attendance</li> <li>Program Attendance/Participation</li> <li>New Pro-Social Activity</li> <li>Making Restitution/Fine Payment</li> <li>Identifying Own Trigger(s)</li> <li>Active Participation in Case Planning</li> <li>Positive Court Review</li> <li>Association with Pro-Social Peers</li> <li>Demonstrates Effective Coping Skills</li> <li>Self-referral to Program</li> <li>Applying for Gainful Employment</li> <li>Reduction in Risk Level(s)</li> <li>Completing Registration Requirement</li> <li>Taking Prescription Medication</li> <li>Display Sincere Appreciation for Others</li> <li>Improved Grades</li> </ul>	<ul style="list-style-type: none"> <li>Securing Gainful Employment</li> <li>Completing a Program</li> <li>Secure &amp; Maintain Housing</li> <li>Completion of Case Plan Goal/Objective</li> <li>Gang Tattoo Removal</li> <li>Membership in Pro-Social Organization</li> <li>Self-sufficiency</li> <li>Obtain High School Diploma/GED</li> <li>Obtain Driver's License</li> <li>Six Months of Sobriety</li> <li>Payment of Restitution/Fines in Full</li> <li>Disassociation with Anti-Social Peers</li> <li>Leadership Role in a Probation Program</li> <li>Acting as Peer Mentor</li> </ul>	DESIRED BEHAVIOR
SUGGESTED RESPONSES	<ul style="list-style-type: none"> <li>Verbal Positive Praise/Reinforcement</li> <li>E-mail/Text Message Affirmation</li> <li>Snacks</li> <li>Drinks</li> <li>Achievement Coin</li> <li>Note Card with Positive Message</li> <li>Bus Tokens</li> </ul>	<ul style="list-style-type: none"> <li>Any Low-Level Response</li> <li>Bus Pass</li> <li>Five Dollar Gift Card</li> <li>Decreased Reporting Requirement</li> <li>Decreased Drug/Alcohol Testing</li> <li>Positive Report to Court/Judge</li> <li>Reduced Level of Supervision</li> </ul>	<ul style="list-style-type: none"> <li>Any Low- or Moderate-Level Response</li> <li>Certificate of Completion</li> <li>Recommendation to Modify Term/Condition of Probation</li> <li>Ten Dollar Gift Card</li> <li>Early Termination of Probation</li> </ul>	SUGGESTED RESPONSES

**Adult Response Matrix - Incentives.doc.pdf**

The purpose of the Positive Response Grid is to provide motivational incentives to achieve desired behaviors and decrease undesirable behaviors for clients under supervision to the extent attainable. For a positive response system to be effective in modifying behavior, probation must adhere to certainty, celerity, and magnitude. When initiating a new behavior or skill with clients, it is important to provide reinforcements on a scale **certainty**. This means that after each occurrence of the desired behavior or skill, some reinforcement is provided (which could include verbal praise). Once a behavior is initiated, intermittent reinforcement is most effective for sustaining the behavior. Administering behavior modification principles in a criminal justice setting is the ability to apply the reward immediately following the behavior to be reinforced. The principle of **celerity** notes that the reward should be administered as close to the behavior as possible. The effectiveness decreases exponentially as more time passes following the behavior as interference from new behaviors may occur in the interim. The **magnitude** of the reinforcer should be equal to the triggering behavior. Additionally, the use of rewards should be consistent in early phases of supervision to help solidify mastery of the new skills and be mindful that clients can get discouraged if there are too many requirements and expectations before they can master new behaviors.

The Positive Response Grid is developed to provide a framework and guideline for handling a continuum of motivational responses and should be used in conjunction with the Desktop Manual and related policies.

Instructions for Positive Response Grid: 1) Identify the level of desired behavior by the client (low, moderate, high); 2) Locate the area that intersects between the Suggested Response and level of desired behavior; 3) Review the responses provided in the appropriate block. Responses are listed in the order of importance; however, it should be administered to the extent necessary to encourage the client and to increase compliance with conditions of supervision. As a guide, the Response Grid does not mandate or forbid any particular response for a particular behavior.

	LOW LEVEL	MODERATE LEVEL	HIGH LEVEL	
DESIRED BEHAVIOR	<ul style="list-style-type: none"> <li>Keeping appointments</li> <li>Engaging with family</li> <li>Looking for employment</li> <li>Attending court hearing(s)</li> <li>Dealing with a difficult situation well</li> <li>Displaying appreciation for others</li> <li>Expressing genuine remorse</li> <li>Identifying own trigger</li> <li>Identifying personal goals</li> <li>Improved living conditions</li> <li>Improved social skills</li> <li>New pro-social activity</li> <li>Positive court review</li> <li>Program attendance/participation</li> <li>Securing transportation</li> <li>Sobriety (clean drug/alcohol test)</li> <li>Association with pro-social peers</li> <li>Engaged in pro-social physical activities</li> <li>Improved hygiene</li> </ul>	<ul style="list-style-type: none"> <li>Multiple low level behaviors</li> <li>Enrolling in education/vocational school</li> <li>Maintaining employment</li> <li>Making restitution/fine payments</li> <li>Obtain driver's license</li> <li>Paying child support</li> <li>Self-referral to a program</li> <li>Taking medication as prescribed (if court ordered)</li> <li>Reduction in Risk Level(s)</li> <li>Completed registration requirements</li> <li>Positive collateral contact/report</li> </ul>	<ul style="list-style-type: none"> <li>Multiple moderate level behaviors</li> <li>Completed Program (non-residential)</li> <li>Completed program (residential)</li> <li>Obtained employment</li> <li>Graduated college</li> <li>Obtained a trade certificate</li> <li>Secured/maintained housing</li> <li>Completed case plan/goal</li> <li>6 months of sobriety (clean alcohol/drug tests)</li> <li>Gang Tattoo Removal</li> <li>Completed community service</li> <li>Obtained High School Diploma/G.E.D.</li> <li>Disassociation from anti-social peers</li> </ul>	DESIRED BEHAVIOR
SUGGESTED RESPONSES	<ul style="list-style-type: none"> <li>Verbal Positive Praise/Reinforcement</li> <li>E-mail/Text Message Affirmation</li> <li>Positive affirmation via Uptrust App</li> <li>Snacks</li> <li>Drinks</li> <li>Achievement Coin</li> <li>Note Card with Positive Message</li> <li>Bus Tokens</li> <li>Hygiene package</li> </ul>	<ul style="list-style-type: none"> <li>Any Low-Level Response</li> <li>Bus Pass</li> <li>5 dollar Gift Card</li> <li>Wall of Change nomination</li> <li>Reduction in community service hours</li> <li>Decreased Reporting Requirement</li> <li>Decreased Drug/Alcohol Testing Requirement</li> <li>Positive Report to Court/Judge</li> <li>GPS removal</li> <li>Reduced Level of Supervision</li> </ul>	<ul style="list-style-type: none"> <li>Any Low- or Moderate-Level Response</li> <li>Certificate of Completion</li> <li>Recommendation to Modify Term/Condition of Probation</li> <li>Ten Dollar Gift Card</li> <li>Early supervision termination (PRCS)</li> <li>Early Termination of Probation</li> </ul>	SUGGESTED RESPONSES

## **Authorize Use of Defensive Equipment on Duty.pdf**

# MERCED COUNTY PROBATION DEPARTMENT AUTHORIZE USE OF DEFENSIVE EQUIPMENT ON DUTY

Name (Printed): \_\_\_\_\_ Date of Request: \_\_\_\_\_

Job Classification  
& Assignment: \_\_\_\_\_

## I. REQUEST

### ▪ Type of Request

- Oleoresin Capsicum (OC) Spray
- Impact Weapon (ASP) Baton
- Taser ®
- Firearm

### ▪ Reason for Request (Check all that apply)

- Assigned to armed officer position
- Designated Range Master assignment
- Assigned to field duties
- Institutions Assignment
- Sworn Probation Manager or Administrator position
- On-going firearms training/quarterly qualifications only.
- Other (specify) \_\_\_\_\_

### ▪ Required Qualifications (check all that apply and attach proof of completion.)

- Officer has successfully passed a psychological examination which specifically evaluates his/her qualifications for an armed position.
- Review of applicable department policies and procedures <sup>1</sup>
- Tactical Communication (Negotiations / Conflict Resolution) <sup>2,3</sup>
- Weaponless Defense training <sup>1</sup>
- CPR / First Aid Training <sup>1</sup>
- 832(a) PC Laws of Arrest, Search & Seizure <sup>2</sup>
- 832(a) PC Firearms <sup>2</sup>
- Officer Armed Academy Forty-Hour <sup>2</sup>
- Unarmed Survival training <sup>1</sup>
- STC Certified Core training <sup>2</sup>
- Department-Sponsored OC Spray training <sup>3</sup>
- Department-Sponsored ASP Baton training <sup>3</sup>
- Department-Sponsored Taser ® training <sup>3</sup>

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Requesting Officer

<sup>1</sup> Required for all requests

<sup>2</sup> Required for Firearms requests

<sup>3</sup> Required for OC Spray/Impact Weapon (ASP)/Taser ® requests



## **Adult Response Matrix - Sanctions.pdf**

The purpose of the Response Grid is to provide a continuum of sanction options in achieving consistent and reasonable responses for clients under supervision to the extent attainable. When staff recognizes a potential problem or potential violation of supervision, the initial action should be an immediate discussion with the client to correct the potential violation. The purpose is to respond and correct the behavior before it becomes a violation. The Grid provides a framework and guideline for handling supervision violations and related policies while addressing the interventions/treatment needs identified by the Offender Needs Assessment (ONA). Supervision conditions not specifically listed on the Grid should be monitored with general supervision guidelines within policy. For a response system to be effective, probation must also ensure that the clients most likely to benefit are linked to a broad range of effective programs that address their specific needs.

Instructions for Response Grid: 1) Identify the client’s level of risk (low, moderate, high) using applicable assessment tools, nature of offense(s) underlying probation, and prior behavior history; 2) Identify the level of violation committed by the client (minor, intermediate, serious); 3) Locate the area that intersects between the level of risk and level of violation; and 4) Review the responses provided in the appropriate block. Responses are not listed in the order of priority; however, it should be administered to the extent necessary to address and redirect the client’s behavior and to increase compliance with conditions of supervision. If applicable, the responses listed in the block on the level above can also be selected. Confinement time should always be considered when there is a threat to public safety.

<b>PROBATION VIOLATION</b>	<b>MINOR VIOLATIONS</b>	<b>INTERMEDIATE VIOLATIONS</b>	<b>SERIOUS VIOLATIONS</b>
	<ul style="list-style-type: none"> <li>▪ Failed to report: citation/LE contact</li> <li>▪ Failed to report a change of address (whereabouts known)</li> <li>▪ Failure to enroll/complete community service hours</li> <li>▪ Failure to submit to chemical/alcohol test</li> <li>▪ Positive drug (marijuana, if prohibited)/alcohol test/admission (1 w/in 1 month)</li> <li>▪ Contact with restricted persons (felons, ex-felons, probationers)</li> <li>▪ Traffic Violation</li> <li>▪ Failure to attend court ordered programming (2 times or less w/in month)</li> <li>▪ Leave county w/o permission (1 time w/in month) whereabouts known</li> <li>▪ Failure to maintain contact with DPO (whereabouts known)</li> <li>▪ Possession of alcohol, if prohibited to possess (1 occurrence w/in 1 month)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Multiple (3 or more) minor violations w/in 30 days</li> <li>▪ Contact with restricted persons (gang members/co-defendants)</li> <li>▪ New law violation (non-violent misdemeanor)</li> <li>▪ Leaving state w/o permission (whereabouts known)</li> <li>▪ Failure to comply with electronic monitoring conditions (whereabouts known)</li> <li>▪ Entering prohibited places</li> <li>▪ Failure to attend court ordered programming (4 or less w/in 2 mos)</li> <li>▪ Failure to attend court ordered counseling -DV/Sex Offender/MH (1 time w/in 1 month)</li> <li>▪ Positive Drug Screen or Admission, including marijuana if prohibited, (2 times w/in 3 months)</li> <li>▪ Possession of a court ordered prohibited item (Non-Sex)</li> <li>▪ Termination from a residential treatment program (whereabouts known)</li> <li>▪ Failure to register 186.30 PC</li> <li>▪ Failure to register 457.1 (b) PC</li> <li>▪ Failure to take prescribed medication (if court ordered)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Multiple (3 or more) intermediate violations w/in 30 days</li> <li>▪ Termination from a residential treatment program (whereabouts unknown)</li> <li>▪ Terminated from treatment program (Sex Offender, Domestic Violence)</li> <li>▪ Abscond</li> <li>▪ New law violation (violent misd/felony)</li> <li>▪ Violation of stay away order/victim contact (D.V., Sex Offender)</li> <li>▪ Failure to register 290 PC</li> <li>▪ Refusal to submit to a chemical/alcohol test</li> <li>▪ Refusal to submit to search and seizure (non-passive)</li> <li>▪ Tamper with GPS Device/Equipment (whereabouts unknown)</li> <li>▪ Tamper with Drug Test</li> <li>▪ Positive drug test/admission for any substance and commitment offense was drug related or the crime was precipitated by drug use</li> <li>▪ Failure to report for any type of court-ordered custody commitment</li> <li>▪ Leaving state w/o permission (whereabouts unknown)</li> </ul>
<b>LOW RISK</b>	<b>RESPONSE FOR MINOR VIOLATIONS</b>	<b>RESPONSE FOR INTERMEDIATE VIOLATIONS</b>	<b>RESPONSE FOR SERIOUS VIOLATIONS</b>
	<ul style="list-style-type: none"> <li>▪ Verbal reprimand</li> <li>▪ Referral to drug and alcohol treatment</li> <li>▪ Referral to MH counseling</li> <li>▪ Increased reporting</li> <li>▪ Increased drug/alcohol testing</li> <li>▪ Referral to AA/NA (1 meeting per week)</li> <li>▪ Community service-up to 8 hrs.</li> <li>▪ Curfew restrictions</li> <li>▪ Essay/Writing assignment</li> </ul>	<ul style="list-style-type: none"> <li>▪ Any minor level sanction(s)</li> <li>▪ Referral to Day Reporting Center</li> <li>▪ Referral to sober living environment</li> <li>▪ GPS monitoring – up to 7 days</li> <li>▪ Weekend flash incarceration (PRCS/1170(h))</li> <li>▪ Community service-up to 16 hours</li> </ul>	<ul style="list-style-type: none"> <li>▪ Any minor or intermediate sanction(s)</li> <li>▪ Jail – up to 30 days (new law violation violent misd./felony only)</li> <li>▪ GPS – up to 30 days</li> <li>▪ Flash incarceration 4-6 days (PRCS/1170(h))</li> <li>▪ Referral to residential treatment program</li> <li>▪ Increase Supervision Level</li> </ul>
	<b>RESPONSE FOR MINOR VIOLATIONS</b>	<b>RESPONSE FOR INTERMEDIATE VIOLATIONS</b>	<b>RESPONSE FOR SERIOUS VIOLATIONS</b>

<b>MODERATE RISK</b>	<ul style="list-style-type: none"> <li>▪ Verbal reprimand</li> <li>▪ Referral to drug and alcohol counseling</li> <li>▪ Referral to MH counseling</li> <li>▪ Increased reporting</li> <li>▪ Increased drug/alcohol testing</li> <li>▪ Referral to AA/NA (up to 2 meetings per week)</li> <li>▪ Weekend flash incarceration (PRCS/1170(h))</li> <li>▪ Community service – up to 24 hours</li> <li>▪ Recommend modification of terms</li> <li>▪ Essay/writing assignment</li> </ul>	<ul style="list-style-type: none"> <li>▪ Any minor level sanction(s)</li> <li>▪ Jail – up to 30 days (new law violation for felony/violent misd. only)</li> <li>▪ Flash incarceration 4-6 days (PRCS/1170(h))</li> <li>▪ Referral to Day Reporting Center</li> <li>▪ Referral to sober living environment</li> <li>▪ Increase Supervision Level</li> <li>▪ Community service – up to 40 hours</li> <li>▪ GPS monitoring – up to 30 days</li> </ul>	<ul style="list-style-type: none"> <li>▪ Any minor or intermediate level sanction(s)</li> <li>▪ Jail – up to 30 days</li> <li>▪ Flash incarceration 7-10 days (PRCS/1170(h))</li> <li>▪ GPS – up to 60 days</li> <li>▪ Referral to residential treatment program</li> </ul>
	<b>HIGH RISK</b>	<p style="text-align: center;"><b>RESPONSE FOR MINOR VIOLATIONS</b></p> <ul style="list-style-type: none"> <li>▪ Verbal reprimand</li> <li>▪ Referral to drug and alcohol treatment</li> <li>▪ Referral to MH counseling</li> <li>▪ Increased reporting</li> <li>▪ Increased drug/alcohol testing</li> <li>▪ Referral to AA/NA (up to 2 meetings per week)</li> <li>▪ Weekend flash incarceration (PRCS/1170(h))</li> <li>▪ Jail time - up to 30 days (new law violation for felony/violent misd. only)</li> <li>▪ GPS monitoring – up to 30 days</li> <li>▪ Community service -up to 40 hours</li> <li>▪ Recommend modification of terms</li> <li>▪ Curfew restrictions</li> <li>▪ Essay/writing assignment</li> </ul>	<p style="text-align: center;"><b>RESPONSE FOR INTERMEDIATE VIOLATIONS</b></p> <ul style="list-style-type: none"> <li>▪ Any minor level sanction(s)</li> <li>▪ Jail – up to 60 days</li> <li>▪ GPS – up to 60 days</li> <li>▪ Flash incarceration 4-6 days (PRCS/1170(h))</li> <li>▪ Referral to sober living environment</li> <li>▪ Referral to Day Reporting Center</li> </ul>

**Juvenile Response Matrix - Sanctions.pdf**

The purpose of the Graduated Response Grid is to provide a continuum of sanction options in achieving consistent and reasonable responses for youth under supervision to the extent attainable. When staff recognizes a potential problem or potential violation of probation, the initial action should be an immediate discussion with the youth to correct the potential violation. The purpose is to correct the behavior before it becomes a violation and subject to a graduated response. The Grid is developed to provide a framework and guideline for handling probation violations and probation compliance; and should be used in conjunction with the Desktop Manual and related policies while addressing the interventions/treatment needs identified by the PACT. Probation conditions not specifically listed on the Grid should be monitored with general supervision guidelines in policy. For a graduated-response system to be effective, probation must also ensure that the juveniles most likely to benefit are linked to a broad range of effective programs that address their specific needs.

Instructions for Response Grid: 1) Identify the youth's level of risk (low, moderate, high) using applicable assessment tools, nature of offense(s) underlying probation, and prior behavior history; 2) Identify the level of violation committed by the youth (minor, intermediate, serious); 3) Locate the area that intersects between the level of risk and level of violation; 4) Review the responses provided in the appropriate block. Responses are listed in the order of priority; however, it should be administered to the extent necessary to address and redirect the youth's behavior and to increase compliance with conditions of probation. If applicable, the responses listed in the block on the level above can also be selected. Confinement to detention should always be considered when there is a threat to public safety.

	MINOR VIOLATIONS	INTERMEDIATE VIOLATIONS	SERIOUS VIOLATIONS
PROBATION VIOLATION	<ul style="list-style-type: none"> <li>• Truancy (2 days of varied unexcused absences w/in 1 mo.)</li> <li>• School Disruption resulting in on campus suspension/detention</li> <li>• Curfew Violation (2 or less within 1 mo.)</li> <li>• Failure to Keep Appointments/Maintain Contact with DPO (whereabouts known)</li> <li>• Leaving Home Without Permission for less than 24hrs (1 time w/in 1/mo.)</li> <li>• Leaving County Without Permission (1 time w/in mo. – whereabouts known)</li> <li>• Positive Drug Screen or Admission (marijuana), Alcohol Use/Possession, Tobacco Use/Possession (1 time w/in 1 mo.)</li> <li>• Traffic Infraction</li> <li>• Failure to Attend Court Ordered Programming (2 or less times w/in 1 month)</li> </ul>	<ul style="list-style-type: none"> <li>• Multiple (3 or more) minor violations w/in 30 days</li> <li>• Truancy (3-5 days of varied unexcused absences w/in 1 mo.)</li> <li>• School Disruption resulting in off campus suspension</li> <li>• Curfew Violation (3-4 within 1 mo.)</li> <li>• Leaving Home Without Permission for less than 24hrs (2 times w/in 1 mo.)</li> <li>• Positive Drug Screen or Admission (marijuana), Alcohol use or Possession, Tobacco use or possession (2 w/in 3 months)</li> <li>• Association with Restricted Persons and/or Wards</li> <li>• Entering Prohibited Places</li> <li>• Arrest for Non-Violent Misdemeanor</li> <li>• Failure to Attend Court Ordered Programming (4 or less times w/in 2 mo.)</li> <li>• Failure to Attend Court Ordered Counseling (1-time w/in 1 mo.)</li> </ul>	<ul style="list-style-type: none"> <li>• Multiple (3 or more) intermediate violations w/in 30 days</li> <li>• School Expulsion</li> <li>• Leaving Home Without Permission for more than 48hrs (whereabouts unknown)</li> <li>• Positive Drug Screen or Admission for any substance other than marijuana</li> <li>• Violate no Contact Order - Victim</li> <li>• Association with Gang Members and/or Co-defendants, Felons/Ex-Felons</li> <li>• Arrest for Violent Misdemeanor or any Felony</li> <li>• Leaving Court Ordered Placement</li> <li>• Refusal to Test</li> <li>• Tamper with GPS Device/Equipment</li> <li>• Tamper with Drug Test</li> <li>• Leave state/county w/o permission (Whereabouts Unknown)</li> </ul>
LOW RISK	RESPONSE FOR MINOR VIOLATIONS	RESPONSE FOR INTERMEDIATE VIOLATIONS	RESPONSE FOR SERIOUS VIOLATIONS
	<ul style="list-style-type: none"> <li>• Verbal Reprimand</li> <li>• Letter of Apology</li> <li>• Writing Assignment on Condition Violated</li> <li>• Essay or Book Report</li> <li>• Home Based Chores (up to 7 days)</li> <li>• Loss of Home-based Privileges (up to 7 days)</li> <li>• Restriction on Curfew and/or Association(s) (Up to 7 days)</li> <li>• Community Service (up to 8 hrs.)</li> </ul>	<ul style="list-style-type: none"> <li>• Any minor level sanction(s)</li> <li>• Meeting with Youth/Parent/School (CFT)</li> <li>• Referral to MH/RAFT counseling</li> <li>• Increased reporting (in person or by phone)</li> <li>• Community Service (up to 16 hours)</li> <li>• Increase Drug/Alcohol Testing</li> <li>• Recommend modification of terms</li> </ul>	<ul style="list-style-type: none"> <li>• Any minor or intermediate level sanction(s)</li> <li>• Referral to WRAP Services</li> <li>• Restrictions on Curfew/Location(s)/ Association(s) (up to 14 days)</li> <li>• BCA Home Commitment Level II</li> <li>• Increase Supervision Level</li> <li>• Community Service (up to 40 hours)</li> <li>• Home-Based Chores (up to 14 days)</li> <li>• Loss of Home-Based Privileges (up to 14 days)</li> </ul>
MODERATE RISK	RESPONSE FOR MINOR VIOLATIONS	RESPONSE FOR INTERMEDIATE VIOLATIONS	RESPONSE FOR SERIOUS VIOLATIONS
	<ul style="list-style-type: none"> <li>• Verbal Reprimand</li> <li>• Meeting with Parent/Youth/School (CFT)</li> <li>• Writing Assignment on Condition Violated</li> <li>• Home-Based Chores (up to 7 days)</li> <li>• Loss of Home-Based Privileges (up to 7 days)</li> <li>• Increased Reporting (by phone or in person)</li> <li>• Restrictions on Curfew and/or Associations (up to 7 days)</li> <li>• Community Service (up to 16 hours)</li> <li>• Increase Drug/Alcohol Testing</li> <li>• Recommend modification of terms</li> <li>• Referral to MH/RAFT counseling</li> </ul>	<ul style="list-style-type: none"> <li>• Any minor level sanction(s)</li> <li>• Home-Based Chores (up to 14 days)</li> <li>• Loss of Home-Based Privileges (14 days)</li> <li>• Restrictions on Curfew and Association (up to 14 days)</li> <li>• Community Service (up to 24 hours)</li> <li>• BCA Home Commitment Level II</li> <li>• Increase Supervision Level</li> <li>• Referral to WRAP Services</li> </ul>	<ul style="list-style-type: none"> <li>• Any minor or intermediate level sanction(s)</li> <li>• Community Service (up to 40 hours)</li> <li>• BCA Home Commitment Level III</li> <li>• Increase Supervision Level</li> <li>• Detention (Requires SPO Approval)</li> </ul>
HIGH RISK	RESPONSE FOR MINOR VIOLATIONS	RESPONSE FOR INTERMEDIATE VIOLATIONS	RESPONSE FOR SERIOUS VIOLATIONS
	<ul style="list-style-type: none"> <li>• Verbal Reprimand</li> <li>• Home Based Chores (up to 14 days)</li> <li>• Loss of Home-Based Privileges (up to 14 days)</li> <li>• Restriction on Curfew and/or Association(s) (up to 14 days)</li> <li>• Increase Reporting (by phone or in person)</li> <li>• Community Service (up to 24 hours)</li> <li>• BCA Home Commitment Level II</li> <li>• Increase Drug/Alcohol testing</li> <li>• Recommend modification of terms</li> <li>• Referral to MH/RAFT counseling</li> </ul>	<ul style="list-style-type: none"> <li>• Any minor level sanction(s)</li> <li>• Community Service (up to 40 hours)</li> <li>• BCA Home Commitment Level III</li> <li>• Referral to WRAP Services</li> <li>• Home Based Chores (up to 30 days)</li> <li>• Loss of Home-Based Privileges (up to 30 days)</li> <li>• Restriction on Curfew and/or Association(s) (up to 30 days)</li> </ul>	<ul style="list-style-type: none"> <li>• Any minor or intermediate level sanction(s)</li> <li>• Detention (Requires SPO Approval)</li> </ul>

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