

**KING COUNTY DISTRICT COURT
STATE OF WASHINGTON
OFFICE OF THE PRESIDING JUDGE**

**GENERAL ADMINISTRATIVE ORDER
NO. 22-01**

Judge-Supervised Probation:

**King County District Court Monitoring Standards for
Probation Officers Supervising Defendants on Active
Supervision, and for Probation Officers and
Compliance Clerks Performing Compliance
Monitoring Duties; Repealing GAO NO. 19-09 and all
previous GAOs and probation policies on this subject.**

BACKGROUND

Since 2004, the King County District Court (KCDC or Court) has conducted the supervision and monitoring of defendants receiving a suspended or deferred sentence (sentence), a Deferred Prosecution (DP), or Stipulated Order of Continuance (SOC) in its therapeutic courts, through a program known as “Judge-Supervised Probation.” Under Judge-Supervised Probation, a judge establishes the conditions of sentence or DP a defendant must follow, or in the case of a SOC, the conditions a defendant has agreed to follow. The Court’s probation officers and compliance clerks supervise or monitor, respectively, a defendant’s adherence to those conditions.

In 2017, the Court implemented a new technology system called “eProbation” to assist the Court with monitoring defendants placed on Active Supervision and Compliance Monitoring. The purpose of this updated GAO is to reflect this new technology and the integration with the Court's new case management system called “eCourt.” The eCourt and eProbation systems integrated in 2020. The Court’s program of Judge-Supervised Probation for Active Supervision and Compliance Monitoring, as revised herein, remains in effect until such time as it is revised by the Court.

This GAO also reflects the Court's practice of rotating judicial assignments. Under this practice, the Sentencing Judge on a case may move to another courthouse. When that occurs, a different Judge assumes the supervision of the case. For ease of reference in this GAO, the Sentencing Judge and the Judge who subsequently assumes supervision of the case are referred to as the “Supervising Judge.”

IT IS HEREBY ORDERED:

A. DEFINITIONS

The following definitions of probation status and other terms apply to Judge-Supervised Probation.

1. "Active Supervision" occurs when a Judge places a Defendant under the supervision of an assigned KCDC Probation Officer. Probation Officer includes the Court's Mental Health Specialists performing duties in KCDC Mental Health Court and Regional Veteran's Court.
2. "Compliance Monitoring Supervision" occurs when the monitoring of a Defendant's compliance with conditions of a sentence, DP, or SOC is conducted by a Compliance Clerk. In some instances, a KCDC Probation Officer will perform Compliance Monitoring duties on a Defendant's case when the Defendant is also on Active Supervision with a Probation Officer for another KCDC case.
3. "Limited Monitoring Pending Review Supervision" occurs when a Judge terminates Active Supervision or Compliance Monitoring Supervision on a case and orders a review hearing be scheduled. When a case is in Limited Monitoring Pending Review Supervision status, documents received by the Probation Officer or the Compliance Clerk are filed in eProbation, and forwarded to the Court file, so the information is available for review by a Judge.
4. "Bench warrant" occurs when a Supervising Judge orders a bench warrant for a Defendant on a KCDC case. When a bench warrant is ordered, Active Supervision, Limited Monitoring Pending Review Supervision, or Compliance Monitoring Supervision of the Defendant on that case is terminated immediately. A bench warrant order terminates the Probation Officer's responsibility to meet with the Defendant and conduct Active Supervision of the case. In the case of Compliance Monitoring, a bench warrant order terminates a Probation Officer's or Compliance Clerk's responsibility to monitor a Defendant's compliance with the conditions of the case. Documents filed with the Probation Services Division when a case is on bench warrant status are not filed in eProbation. All documents are forwarded to the Court file. Jurisdiction of the case is tolled upon issuance of a warrant.
5. "Case Management System" or "CMS" is the technology system the KCDC uses to enter and track cases. KCDC refers to these systems as eCourt and eProbation.

B. ACTIVE SUPERVISION

King County Probation Officers assigned to a case under the supervision of a Defendant's Supervising Judge shall monitor compliance with the conditions of the sentence, DP, or SOC (when ordered by a therapeutic court) as directed herein, unless otherwise instructed in writing by the Supervising Judge.

1. A Defendant placed on Active Supervision will be seen in-person once per month for an appointment, hereinafter referred to as the "monthly probation appointment." In KCDC therapeutic courts, or in other individual cases, a Supervising Judge may require a Defendant to be seen by the Probation Officer more than once per month. In those cases,

the Supervising Judge will specify the frequency of in-person probation appointments in a written order. On a case-by-case basis, the Supervising Judge can approve for these appointments to be held remotely, via telephone or video.

2. For in-person appointments, the Probation Officer will conduct the monthly probation appointment in a designated courthouse facility.
3. A scheduled monthly probation appointment may be rescheduled by mutual agreement between the Probation Officer and the Defendant prior to last day of the month in which it was scheduled. If the Defendant personally contacts the assigned Probation Officer by the end of the month, a missed appointment may be reset. If the Defendant fails to contact the Probation Officer to reschedule this appointment before the end of the month, this will be considered a Failure to Appear, and will be reported to the Supervising Judge within three (3) business days.
4. At the first probation appointment, the assigned Probation Officer will adhere to the Judge-Supervised Standardized Intake Appointment Procedures. At all subsequent probation appointments, the assigned Probation Officer will adhere to the Judge-Supervised Standardized Return Appointment Procedures. These Procedures may be amended from time to time by the KCDC Director of Probation, subject to approval of the Presiding Judge.
5. Any non-compliance revealed through either these monitoring standards, or any additional monitoring standards ordered in writing by the Supervising Judge, shall be reported in writing to the Supervising Judge. Unless a different reporting deadline is specified below, any noncompliance shall be reported to the Supervising Judge within twelve (12) business days of the date the Probation Officer learns of the noncompliance.
 - a. Any new law violations or outstanding warrants not previously reported shall be reported to the Supervising Judge within twelve (12) business days of discovery.
 - b. If a treatment agency or provider fails to send a required monthly report to the Probation Officer, the Probation Officer will contact the treatment agency or provider, by phone or in writing, about the missing report. If a treatment agency or provider fails to submit a monthly report to the Probation Officer within thirty (30) business days after being advised the monthly report has not been filed, the Probation Officer must notify the Supervising Judge, in writing, of this failure. If the defendant is in treatment with the Department of Veterans Affairs (VA), the Probation Officer may not be able to obtain monthly status reports based on VA federal guidelines.
 - c. In KCDC therapeutic courts, and as may be ordered in other cases, the Supervising Judge may issue a written order directing the assigned Probation

Officer to direct a Defendant to submit to urinalysis testing at the Probation Officer's discretion. The Probation Officer will monitor those results, and report violations to the Supervising Judge.

- d. If the defendant has not complied with a jail sentence or jail alternative sentence, the probation officer must notify the Supervising Judge in writing of such noncompliance within three (3) business days of the discovery.
- e. Any positive result of a portable breath test (PBT) administered by a Probation Officer will be reported immediately to a King County Marshall assigned to courthouse security at that facility. The Probation Officer shall send a written report to the Supervising Judge within three (3) business days. No other alcohol testing will be conducted by the Probation Officer, except as specified for KCDC therapeutic court cases.
- f. If at an in-person appointment the Probation Officer reasonably believes the Defendant has recently used any non-prescribed controlled drug or has abused any prescribed drug, the Probation Officer will immediately notify the Defendant's Substance Use Disorder treatment agency or provider, if any; and the King County Marshall assigned to courthouse security at that facility. The Probation Officer shall send a written report to the Supervising Judge within three (3) business days.
- g. In the KCDC therapeutic courts, the Supervising Judge may issue a written order authorizing the Supervising Probation Officer require the Defendant to submit to immediate urinalysis testing at a Court-approved laboratory. The Probation Officer will monitor the results, and report violations to the Supervising Judge in writing within three (3) business days.
- h. If the Defendant fails to provide proof of required sober support meetings, the Probation Officer shall send a written report to the Supervising Judge.
- i. If the Defendant is required to install an IID as part of a sentence, DP, or SOC, and the Probation Officer does not receive written verification of IID installation within 45 days of the entry of the sentence, DP, or SOC, from either the Defendant or from the IID installation company, the Probation Officer shall send a written report to the Supervising Judge.
- j. If the Probation Officer receives notice of a violation of an IID installation requirement or IID usage, the Probation Officer shall send a written report to the Supervising Judge.

- k. If the Defendant is required to install an IID as part of a sentence, DP, or SOC, but is not currently driving, the Defendant must sign a Declaration of Non-driving within 45 days of the entry of the sentence, DP, or SOC. If the Defendant fails to comply, the Probation Officer shall send a written report to the Supervising Judge.
 - l. If there is evidence the Defendant is not in compliance with a restitution order, the Probation Officer shall send a written report to the Supervising Judge.
6. Except for monitoring compliance with treatment and sober support, these monitoring and reporting standards shall not apply when the assigned Probation Officer is absent from the office due to illness or other pre-approved leave.
7. The Active Supervision of a Defendant under a KCDC case number shall be automatically terminated whenever a bench warrant has been ordered for the Defendant under that case number. If Active Supervision is terminated on a case due to the issuance of a bench warrant, and the Defendant has other open KCDC cases on Active Supervision, the Probation Officer will promptly notify the Supervising Judge(s) on those KCDC case(s) about the bench warrant, and the Probation Officer will recommend suspension of Active Supervision on those other cases until the warrant is resolved. The Supervising Judge(s) on those other cases will decide whether to terminate Active Supervision on those other cases.
8. Active Supervision of a Defendant will be automatically terminated within ten (10) business days of the Probation Officer sending written notice of noncompliance to the Supervising Judge, unless the Supervising Judge sends written notice to the Probation Officer that Active Supervision will continue pending the review hearing.
9. When Active Supervision of a case has been terminated, pursuant to paragraph 8, the Probation Officer shall send written copies of such notification to the Chief Presiding Judge and the Probation Director.
10. If a Probation Officer is unexpectedly out of the office short-term, the Probation Director has authority to delegate coverage as necessary, including telephonic coverage and the use of Monthly Reporting Forms.

C. COMPLIANCE MONITORING

KCDC Compliance Clerks and Probation Officers performing Compliance Monitoring duties will monitor a Defendant's compliance with the conditions of sentence, DP, or an SOC (when ordered by a therapeutic court), as directed herein, unless otherwise instructed in writing by the Supervising Judge. Compliance monitoring duties shall also be performed in accordance with any Standardized Compliance Monitoring Procedures, which may be promulgated and

modified from time to time by the KCDC Director of Probation, subject to approval of the Presiding Judge.

1. Compliance Clerks and Probation Officers conducting Compliance Monitoring duties shall not independently investigate the conduct of a Defendant beyond the authority delegated under this GAO and any Standardized Compliance Monitoring Procedures, unless instructed to do so in writing by the Supervising Judge.
2. A Compliance Clerk or Probation Officer performing Compliance Monitoring duties shall notify the Defendant's Supervising Judge in writing of all reports received by the Probation Officer or Compliance Clerk, or any CMS, JABS, or ADR review, indicating the Defendant has violated a condition of sentence, DP, or SOC. Notification to the Supervising Judge must occur within twelve (12) business days of written receipt of such information, unless otherwise specified below.
3. If a Defendant is required, as part of a sentence, DP, or therapeutic court SOC to install an ignition interlock device (IID) on all motor vehicles operated by the Defendant, the assigned Probation Officer or Compliance Clerk performing the Compliance Monitoring duties on the case shall attempt to verify the installation of the IID device or devices. In order to meet this requirement, the Defendant shall be required to provide written proof of installation from a company licensed to do business in Washington state that an IID device or devices, certified by the Washington State Patrol and posted to the WSP website, has been installed in the Defendant's vehicle(s).
 - a. If the Compliance Clerk or Probation Officer performing compliance monitoring duties does not receive from the Defendant written verification of the IID installation within 45 days of the entry of the sentence, DP, or therapeutic court SOC from either the Defendant or from the IID installation company, the Probation Officer or Compliance Clerk shall notify the Supervising Judge within twelve (12) business days.
 - i. If the case is on Compliance Monitoring, the Compliance Clerk or Probation Officer performing compliance monitoring duties will verify installation 90 days from sentencing at the initial Monitor Check.
 - b. Except as set forth above, the Compliance Clerk or Probation Officer performing compliance monitoring duties shall have no further obligation to supervise or monitor the use or installation of the IID by the Defendant, unless otherwise ordered by the Supervising Judge. If the Compliance Clerk or Probation Officer receives notice of a violation of an IID installation requirement or IID usage, the Compliance Clerk or Probation Officer must report this information to the Supervising Judge within twelve (12) business days and request judicial review.

- c. If the IID requirement contained in a sentence, DP, or therapeutic court SOC is limited to an order to comply with the rules and requirements of the Department of Licensing regarding the installation and use of a functioning ignition interlock device, the Compliance Clerk or Probation Officer performing compliance monitoring duties is not required to monitor this portion of the sentence, DP, or therapeutic court SOC unless a violation report is received.
4. Compliance Clerks and Probation Officers performing Compliance Monitoring duties shall monitor a treatment agency's or provider's compliance with treatment reporting requirements in accordance with any Standardized Compliance Monitoring Procedures. If a Defendant placed on Compliance Monitoring is still in treatment, and the treatment agency or provider fails to send the required monthly report, the Compliance Clerk must notify the Supervising Judge within twelve (12) business days of discovery of such information. If a Probation Officer is supervising a case on Compliance Monitoring, the Probation Officer will contact the treatment agency or provider, by phone or in writing, about the missing report. If a treatment agency or provider fails to submit a monthly report to the Probation Officer within thirty (30) business days after being advised the monthly report has not been filed, the Probation Officer must notify the Supervising Judge, in writing, of this failure.
5. If a Defendant on Compliance Monitoring is required to submit proof of self-help group attendance, the proof must be filed with the Court as directed. If the Defendant fails to timely file proof of the required self-help group attendance, the Compliance Clerk or Probation Officer performing Compliance Monitoring duties must advise the Supervising Judge in writing within twelve (12) business days of failure to file report.
6. The Compliance Clerk or Probation Officer performing Compliance Monitoring duties must advise the Supervising Judge of any reported non-compliance with treatment or other conditions within twelve (12) business days of the written receipt of such non-compliance.
7. No later than the deadline ordered by the Supervising Judge, the Compliance Clerk will confirm whether any court-ordered restitution has been paid. The confirmation of any restitution condition is conducted by reviewing the CMS. If the Defendant is not in compliance with the restitution order, the Compliance Clerk or probation office must advise the Supervising Judge in writing within twelve (12) business days.

In circumstances where a Probation Officer is performing Compliance duties, if there is evidence the Defendant is not in compliance with the restitution order, the Probation Officer must advise the Supervising Judge in writing.

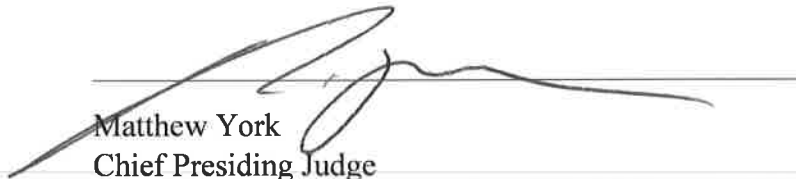
8. If a jail sentence or jail alternative sentence has been ordered by the court, the Compliance Clerk or Probation Officer performing Compliance Monitoring duties will

confirm whether the defendant has complied with such condition. If the defendant has not complied, the Compliance Clerk or Probation Officer performing Compliance Monitoring duties must notify the supervising judge in writing of such noncompliance within three (3) business days of the discovery.

D. RECISSION

GAO 19-09, 19-06, GAO 16-07, and all previous KCDC GAOs on this subject are rescinded. King County District Court; Division of Probation Policy Manual (POL-201 - 820) remains rescinded.

Adopted this 18 day of MARCH 2022



Matthew York
Chief Presiding Judge
King County District Court