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

) **GENERAL ADMINISTRATIVE ORDER**
)
) **GAO 16-02**
) **Judge-Supervised Probation:**
) **King County District Court Monitoring**
) **Standards for Probation Officers and Clerks**
) **Who Perform Probation Compliance Monitoring**
 (Amending GAO NO. 15-01)

IT IS HEREBY ORDERED that:

- I. Probation officers assigned to probation cases under the supervision of the probationer's assigned sentencing judge ("sentencing/supervising judge") shall monitor compliance with probation conditions as the court directs herein, unless otherwise instructed in writing by the sentencing/supervising judge, as follows:
 - A. Supervised probationers will be seen face-to-face once a month ("probation appointment").
 - B. The probation officer will conduct the monthly probation appointment in a designated court facility.
 - C. A scheduled monthly probation appointment may be rescheduled by mutual agreement between the PO and the probationer prior to the date of the appointment. If the probationer personally contacts the assigned probation officer within two business days of missing an appointment, a missed appointment may be reset. There may be no more than two resets of missed appointments at the probationer's request without approval of the sentencing/supervising judge.
 - D. At the first probation appointment, the sentencing/supervising judge's assigned probation officer will adhere to the Judge-supervised Standardized Intake Appointment guidelines incorporated herein by attachment and keep chronological notes. At all subsequent probation appointments, the sentencing/supervising judge's assigned probation officer will adhere to the Judge-supervised Standardized Return Appointment guidelines incorporated herein by attachment and keep chronological notes. The probation officer shall notify the sentencing/supervising judge of any change in mailing address through the Court Case Management System (CCMS).

- E. During each monthly probation appointment, the probation officer will check the CCMS and Abstract of Driving Record (ADR) to determine if the probationer has committed any new violations of the law, or had any new warrants or license suspensions or restrictions issued against him or her. The probation officer will also conduct this check prior to notifying the sentencing/supervising judge that the court consider review, revocation or termination of the court's supervision of the probationer. Any new violations of the law or outstanding warrants discovered through the CCMS and/or ADR check, not previously reported, shall be reported to the sentencing/supervising judge within seven (7) business days of discovery.
- F. If during a face-to-face monthly appointment the probation officer determines through a CCMS or ADR search as outlined in paragraph E above that the probationer has an outstanding King County District court warrant meeting GAO 16-03 criteria for release on personal recognizance, the probation officer will escort the defendant to the court clerk at the probation desk or clerk at the front counter of the court for warrant quashing per that GAO. If the KCDC warrant cannot be quashed per GAO 16-03 and/or if the warrant is not KCDC, the probation officer will advise a King County Marshal assigned to court security at the designated court facility of the warrant. No further action is required. The probation officer will make no effort to arrest the probationer, as there is no arrest power vested with King County District Court probation officers.
- G. At each monthly probation appointment, the probation officer will confirm with the probationer that he or she is enrolled and participating in any treatment agency, community service and/or other program as ordered by the sentencing/supervising judge at each face-to-face monthly appointment. Monitoring of conditions that prohibit the probationer from engaging in specified behavior will be limited to asking the probationer whether he or she has engaged in the said behavior.
- H. If the probationer is ordered by the sentencing/supervising judge to participate in treatment services, the treatment agency, not the probation officer, shall be responsible for monitoring the probationer's compliance with any alcohol/drug use probation conditions, and all attendance at alcohol/drug use support group meetings. The treatment agency shall report to the assigned probation officer in writing, once a month, concerning the probationer's progress and/or non-compliance with treatment program(s). If the treatment agency fails to send the monthly report the probation officer will follow up by contacting the agency. Any treatment non-compliance contained in the treatment agency report will be reported to the sentencing/supervising judge. There may be more than one treatment agency providing treatment services to the probationer.
- I. Probationers may not consume alcohol prior to a face-to-face appointment with a probation officer. At each face-to-face appointment the probation officer will ask the probationer if he/she has consumed alcohol. If during an appointment the

probation officer believes that the probationer has recently consumed alcohol, a portable breath test (PBT) will be administered, if available, and any positive results will be reported to the sentencing/supervising judge and a King County Marshal assigned to court security at that courthouse facility. No other alcohol test is required. If at an appointment the probation officer believes the probationer has recently used any non-prescribed controlled drug(s) or has abused any prescribed drug(s), the probation officer will notify the probationer's chemical dependency treatment provider, if any, the sentencing/supervising judge, and the King County Marshal assigned to court police security at that courthouse facility.

- J. Where the probationer is not in treatment with a drug or alcohol treatment agency, but required by the sentencing/supervising judge to attend self-help support group meetings, the probationer will present to the probation officer written proof of self-help support group attendance at each face-to-face monthly appointment. That written proof will be placed in the probationer's probation file.
- K. The probation officer will confirm whether any court-ordered restitution has been paid no later than the deadline and in the amount set by the sentencing/supervising judge. Confirmation of restitution is to be done by checking the court docket.
- L. When supervising probationers convicted of crimes of domestic violence, the probation officer will mail to the victim's last known mailing address a notice advising him/her of the probation officer's name, phone number and availability.
- M. Except for paragraphs I(H) and I(J), these monitoring standards shall not apply where the sentencing/supervising judge's probation officer is absent from his/her office due to illness or other pre-approved leave. During such absence, adherence to paragraphs I(H) and I(J), and actual receipt of information as described in paragraph III(C), will be monitored and/or received by an individual appointed by the Probation Director or his/her designee. The Probation Director or his/her designee may appoint an individual to conduct an abbreviated monthly appointment that includes performing a CCMS/ADR check as stated in paragraph I(E), verifying treatment compliance, current residence address information, and the scheduling of a monthly appointment with the sentencing/supervising judge's probation officer.
- N. Supervised probation under a given King County District Court cause number shall automatically terminate whenever a warrant has been ordered for the probationer under that cause number. If supervision is suspended on an active cause because of a bench warrant, and the probation officer is supervising companion KCDC causes, the probation officer will notify the other judge(s) and recommend suspension of the other cause(s) until the warrant is resolved.

II. Clerks who perform probation compliance monitoring shall monitor compliance with sentencing conditions as the court directs herein, unless otherwise instructed in writing by the sentencing/supervising judge, as follows:

- A. Clerks who perform probation compliance monitoring shall monitor treatment agency compliance with reporting conditions for cases on monitored unsupervised probation in accordance with Compliance Monitoring guidelines incorporated herein by attachment.
- B. For Deferred Prosecution cases, if the treatment agency fails to send the monthly report, the clerk who performs probation compliance monitoring will follow up by contacting that agency.

III. Probation officers supervising probationers and clerks performing compliance monitoring shall monitor the following conditions as the court directs herein, unless otherwise instructed in writing by the sentencing/supervising judge, as follows:

- A. Probation officers and clerks who perform probation compliance monitoring shall not independently investigate the conduct of a probationer beyond the authority delegated by these monitoring standards in this General Administrative Order without written instruction from the sentencing/supervising judge. A probation officer or clerk performing probation compliance monitoring shall notify the probationer's sentencing/supervising judge of all oral or written reports actually received by that probation officer or clerk that the probationer has violated condition(s) of probation. Notification to the sentencing/supervising judge will occur within seven (7) business days of actual receipt of such information.
- B. If a probationer is required, as part of the probationer's judgment and sentence, to install an ignition interlock device on all motor vehicles operated by the probationer, the assigned probation officer or clerk performing probation compliance monitoring on that cause number shall attempt to verify the installation of the ignition interlock device or devices. In order to meet this requirement, the probationer shall be required to provide written proof of installation from a company doing business in this state that a device or devices certified by the Washington State Patrol and posted to the WSP website has been installed.

If the probation officer or clerk who performs probation compliance monitoring does not obtain written verification of installation within 30 days of the judgment and sentence – either directly from the probationer or from the installation company – the probation officer or probation compliance clerk shall promptly inform the sentencing/supervising judge.

Except as set forth above, the probation officer or clerk who performs probation compliance monitoring shall have no further obligation to supervise the use or installation of the ignition interlock device or devices by the probationer unless

otherwise ordered by the sentencing/supervising judge. If the probation officer or clerk who performs probation compliance monitoring becomes aware of violations of ignition interlock installation or usage, the probation officer or clerk who performs probation compliance monitoring must report to the court and request a judicial review or hearing, in accordance with GAO Item III(C).

- C. Any probation non-compliance revealed through use of these monitoring standards and such additional standards, if any, set in writing by the probationer's sentencing/supervising judge, shall be reported in writing to the sentencing/supervising judge within seven (7) business days of actual discovery of the non-compliance. Supervised probation is automatically terminated within ten (10) business days of the probation officer sending written notice of non-compliance to the sentencing/supervising judge, unless the sentencing/supervising judge sends written notice that supervised probation should not be terminated. The sentencing/supervising judge will be notified in writing by the probation officer that the case has been closed per GAO, with a copy to the Chief Presiding Judge and the Division Director, and a court review shall be set. The probation officer may make written recommendations to the sentencing/supervising judge with the delivery of any non-compliance report to the sentencing/supervising judge.

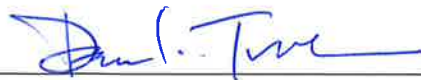
- IV. The King County District Court, Division of Probation Policy Manual (POL-201 - 820) is rescinded.

Attachments:

Standardized Judge-Supervised Probation Intake document
Standardized Judge-supervised Probation Return Appointment document
Compliance Monitoring Procedures

EFFECTIVE August 12, 2016

DONE this 3 day of August, 2016



Donna Tucker
Chief Presiding Judge
King County District Court