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**PROTOCOL FOR PRE-TRIAL SUPERVISION AND ASSESSMENT
(PTS) PROGRAM**

I. Introduction/Philosophy

The Santa Barbara County pretrial justice system is committed to effectively utilizing evidence based risk assessment tools to guide release recommendations to the Court and to supervise persons released on pretrial supervision with lowest level interventions that can be safely deployed with an overall goal of reasonably assuring a defendant's court appearances, while maintaining the presumption of innocence, and to providing protection to the public.

II. Process

The department's Pretrial Specialist conduct the initial review and assessment utilizing the Virginia Pre Trial Risk Assessment Instrument (VPRAI) to determine which defendants should be recommended for some form of release. They will file a report prior to the defendant's arraignment hearing recommending the defendant be released on basic OR, Pretrial Supervision (PTS) or remain detained. The Judicial Officer will make the final determination and should the defendant be deemed appropriate for PTS, they are to be referred to the Probation Department for Supervision.

III. Follow up Investigation Reports

On occasion, the Court may request a supplemental report for further information to determine if a defendant is suitable for supervised pretrial release. Upon notification from the Court, the Supervising Probation Officer (SPO) of the Pretrial Assessment Unit will ask an AOP to open case in Impact with the "PTS Eval" case type qualifier and also open the case in the module and assign to a Pretrial Specialist's caseload. If not previously provided, the Pretrial Specialist will request the Probable Cause from Law Enforcement and assess the defendant utilizing the VPRAI. The defendant's VPRAI level is to be entered in the defendant's IMPACT overview page. If the defendant is already assigned to an Investigations or Supervision Officer in IMPACT for a different case, a case assignment will be created for the Pretrial Specialist.

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The Pretrial Specialist will follow up on the requested information and file a Pretrial Supplemental Report (Pro 106-P) (or appear in court) for the next calendared court date. memorandum should include the reason for the report, results of the evaluation and a short summary of findings. When conducting the follow up evaluation, the Pretrial Specialist should contact the defendant via court video, as well as any alleged victim(s).

In the event that knowledge of the conduct involved in the underlying alleged offense will have a significant impact on the recommendation for or against release, the corresponding law enforcement report should be obtained, reviewed, and cited in the memorandum.

If the defendant is subsequently ordered released on supervised PTS, the case is to be transferred to the PTCO's "supervision" caseload and the case type qualifier in Impact is to be changed to "PTS-SUP." Matters in which the defendant is facing a mandatory prison sentence and/or poses a risk to the community or in which other unusual circumstances exist should be considered for PTS cautiously and require staffing with a supervisor or above.

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IV. Supervision

Pre-Trial Compliance Officer (PTCO) responsibilities include but are not limited to:

- Field Contacts
- Reminder phone calls, preferably 2-3 days prior to their court date
- Monthly office visits for defendants scoring in the standard, elevated or Intensive Low VPRAI range
- Bi-monthly to weekly office visits for defendants scoring in the intensive moderate or high VPRAI ranges

Requirements of PTS which should be included on the Order for Supervised Release of Prisoner include, but are not limited to:

- Phone Ins to PTCO
- Appearance at all times and places as ordered by the Court

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- Obey all laws and reasonable conditions imposed by the Court
- Not leave the state without the Court’s permission
- Waive extradition outside of California
- Abide by “stay away”, “no contact”, and restraining orders

Failures to appear or violations of any condition, or changes of circumstances that increase the risk of failure to appear or additional facts are presented that were unknown (e.g., new citation, change of resident county), are to be reported to the Court, and the Court may revoke the order of release and return the defendant to custody or require bail or other assurance of appearance.

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Defendants whose offenses warrant enhanced supervision services as determined by the PTCO or ordered by the Court will also be required to comply with:

- Secure Continuous Remote Alcohol Monitor (SCRAM) Agreement (DUI cases)
- Global Positioning System (GPS) Agreement (DV, gang-related, sex, violence or weapons related offenses)
- Drug Testing (drug related offenses)

A. Intake and Case Set Up Process

1. New Client

Upon the Court ordering the defendant be released on Supervised Pre-Trial Release, the Court will email the Pre-Trial email group (PROB PTS DG) notifying of such order and if the defendant has been ordered to be on GPS and/or SCRAM. The SPO, Sr. DPO, or PTCO will arrange for the case to be opened in IMPACT with the “PTS-Sup” case type qualifier and assigned to a PTCO’s “supervision” caseload. The defendant’s VPRAI risk level is to be entered in on the defendant’s Impact overview page. The case and defendant information will subsequently be added to the CE Pre-Trial Module by the assigned AOP. The SPO will notify the AOP of the offender’s arrest date, release date and supervision level. The AOP will be responsible for entering this information into the CE Pre-trial module. The assigned DPO will be responsible for setting

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up text messaging alerts, and case management in the module. SCRAM and GPS information, and Events, i.e. CHO notes will be maintained in IMPACT.

2. Existing Probation Client

If the defendant is already assigned to an Investigations or Supervision Officer in Impact for a different case, the PTCO will be assigned as the “contact” and a case assignment will be created for the other officer during the time the defendant is on supervised PTS. The physical file will remain with the Investigation or Supervision officer. The PTCO will review the Santa Barbara County Pre-Trial Supervision Matrix and supervise the offender accordingly per his/her VPRAI score.

3. Intake

During the intake interview, the PTCO will review the Supervised Release conditions with the defendant, complete any secondary assessments as required, and ensure the following documents are completed and signed:

- Adult Information Sheet
- Release of Information
- Consent for Text Message Appointment Reminders
- Urine Testing Admonishment, if applicable
- Secure Continuous Remote Alcohol Monitor (SCRAM) Agreement, if applicable
- Global Positioning System Agreement, if applicable

B. Supervision

1. GPS/SCRAM

The PTCO will coordinate any required GPS installations in cases in which GPS is ordered to be installed prior to the defendant’s release from custody. An Order to Produce will be sent to Inmate Records specifying the date and time of release to the PTCO for GPS

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installation. In certain instances, with approval from the SPO, the assistance of Jail Assessors may be requested to accomplish a GPS installation. If SCRAM is ordered, it will either be installed by SCRAM staff prior to the defendant’s release from custody, if so ordered by the Court, or the PTCO will coordinate with SCRAM staff for an intake appointment. The PTCO will open SCRAM under the “Program” tab under SCRAM-AB109 and enter the start and end dates. All requests for exclusion zones for cases other than sex offender or domestic violence cases without a “no contact” or Criminal Protective order must be emailed to the SPO with a cc to the Manager. Once approved, the PTCO will complete and Event chrono noting the approval. The PTCO will monitor GPS tracks and respond to alerts per the department’s protocol. If the defendant is to be released with bail conditions and GPS is ordered, the jail will contact the PTCO.

2. Drug Testing

Defendants on PTS with a drug testing condition will be randomly tested by the PTCO or treatment program(s). If the PTCO is not available to test the defendant, the PTCO will coordinate with the Officer of the Day (OD) to test the defendant. All results should be documented in IMPACT and in the module.

If a positive confirmation is received, this will be handled in accordance with the violation response matrix on page 8 of this chapter. The PTCO will also chrono the tests results in IMPACT and the CE Pre-Trial module.

3. Out of County Residents

The PTCO shall contact the assigned Deputy Probation Officer (DPO) for PTS defendants residing out of county who are on probation supervision in their county of residence. The PTCO shall make the DPO aware that the offender is on supervised release and that they have the PTCO’s contact information in case there are any problems that arise.

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Should an out of county resident incur a violation, dependent on the severity of the violation, the matter will be handled in accordance with the violation response matrix outlined on page 8 of this chapter. In the event a warrant is requested, the defendant should be contacted and directed to contact his/her attorney to place the matter on calendar. In the event the defendant fails to do so, local authorities should be provided with a “Be on the Lookout” (BOL) and courtesy warrant service should be requested.

4. Failure to Report to PTCO

In cases where the defendant fails to report to the PTCO as directed, the PTCO will attempt to contact the defendant to schedule an intake appointment. Efforts are to include phone calls, texts, or field contacts. If attempts to contact the defendant have been unsuccessful and the defendant has not reported within two (2) business days of being granted supervised pre-trial release, and the next court date is more than one (1) week out, the PTCO will file an ex-parte Declaration of Violation-Warrant Request and Order (Pro 158) and request a warrant be issued.

In South county, the warrant will be e-mailed to the Court clerks as designated,, who will present the warrant to an available Judge for signature and will email the PTCO when the warrant is signed and ready to be picked up.

In North county, the warrant will be placed in a Special Court Filing folder and the warrant will be delivered to the Court during the Court run. The Court clerks in the designated Court room will provide it to the Judge for signature and the warrant will be returned to the PTCO the next day in the Special Court Filing folder.

Upon receipt of the warrant, the PTCO shall send out a “Be on the Lookout” (BOL) to the appropriate agency of jurisdiction and attempt to locate the defendant. The PTCO can request the Compliance Response Team (CRT) to assist with the field attempts for offenders charged with felony offenses. After three unsuccessful phone and/or field attempts by the PTCO or CRT to locate the defendant, the case is to be closed with the appropriate closing code.

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5. Violations

When it has been determined a defendant is not compliant with the conditions of their supervised release, the PTCO will utilize the Santa Barbara County Pre-Trial Misconduct Response Matrix, which matches the violation severity with the defendant’s risk level, to obtain the appropriate response level. Matrices below are decision guides, and are not final determination of responses as circumstances of mitigation or community safety issues may be considered.

Santa Barbara
County
Pretrial Justice
Protocol,
Appendix G

Pretrial Non-compliance Response Matrix				
		Risk Level		
		Low	Medium	High
Violation Severity	Low	Low Response	Low Response	Medium Response
	Medium	Low Response	Medium Response	Medium Response
	High	Medium Response	High Response	High Response

TYPES OF VIOLATION RESPONSES

Low Response	<p>Work directly with the offender:</p> <ul style="list-style-type: none"> • Call and get in contact with offender • Verbally reinforce conditions of release • Work with offender to identify barriers to compliance and opportunities to support compliance
Medium Response	<p>Work directly with the offender:</p> <ul style="list-style-type: none"> • Call and get in contact with offender • Verbally reinforce conditions of release • Provide written reminder of conditions of

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	<p>release</p> <ul style="list-style-type: none"> • Work with offender to identify barriers to compliance and opportunities to support compliance <p>Work with partners:</p> <ul style="list-style-type: none"> • Consult with contacts provided by offender • Consult with defense attorney
High Response	<p>Work directly with the offender:</p> <ul style="list-style-type: none"> • Call and get in contact with offender • Verbally reinforce conditions of release • Provide written reminder of conditions of release • Work with offender to identify barriers to compliance and opportunities to support compliance <p>Work with partners:</p> <ul style="list-style-type: none"> • Consult with contacts provided by offender • Consult with defense attorney <p>Staff with Supervisor:</p> <ul style="list-style-type: none"> • May increase office contact requirements • May request modification of conditions by filing a memorandum report • May request a summons to report to PTCO • File an informational memorandum report to the Court. • File Notice of Violation and request PTS be revoked

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Low severity violations are those that demonstrate a disregard for the PTS conditions but do not cause harm or potential harm (e.g. dirty test, failure to report as directed).

Medium severity violations are those that show a continued disregard for the PTS conditions but do not cause harm or potential harm (e.g. more than one dirty test, multiple GPS battery violations, SCRAM tamper, new citation/arrest non-violent law offense).

High severity violations are those that show a willful and/or repeated disregard for the court and PTS conditions and/or cause or present a risk of harm (e.g., failure to report to initial appt., violation of contact order, GPS cut strap/confirmed SCRAM alcohol violations and repeated SCRAM tampers), Should the nature of the violation indicate a risk to the victim and/or community, the violation will be handled by notification to the court via a Pre-Trial Memo-Notice of Violation (Pro 157) or a Pre-Trial Declaration of Violation Warrant Request and Order (Pro158) requesting an arrest warrant.

If the PTCO encounters a situation during working hours in which there appears to be a major violation or a threat to community safety that appears to warrant an **immediate** arrest, the PTCO will handle each situation on a case-by-case basis and staff with the Supervisor. If necessary, the PTCO can detain (hold in preventive custody) the defendant while contacting the on-call judge or preparing the Declaration requesting an arrest warrant.

6. **Failures to Appear**

Upon notification that a defendant has failed to appear in court and a bench warrant has been held, the PTCO shall attempt to locate and notify the defendant that he/she is responsible for contacting their attorney to resolve the matter. Should a warrant be issued, the PTCO shall send out a “Be on the Lookout” (BOL) to local law enforcement agencies, and make three phone and/or field contact attempts within 30 days to find and arrest the defendant. After 30 days, the file will be closed as unsuccessful with the appropriate closing code and the PTCO will complete and forward the PTS Hot Sheet to the Compliance Response Team (CRT) in their respective

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region via e-mail and will carbon copy (cc) the CRT and PTS supervisors. For 30 days, CRT will make attempts to locate the defendant and note the attempts on the Hot Sheet. At the end of 30 days, CRT will turn in the Hot Sheet to the Manager overseeing PTS.

7. Progress Reports

The PTCO will review the case with SPO, complete and file a Pre-Trial Supervision Progress Report (Pro 156) at least two (2) days prior to the court hearing, subsequent to the defendant being on PTS for 90 days, to inform the Court of the defendant's compliance with his/her PTS conditions, and if appropriate, recommend a reduction in supervision level or that PTS be terminated. A progress report is also to be filed at least two (2) days prior to a hearing when there is a change in circumstances that may warrant the defendant being remanded or a recommendation to terminate PTS is appropriate. Included in the report will be the date the defendant was placed on PTS, number of days on SCRAM and/or GPS, any additional relevant information, and a recommendation of either continuing or revoking PTS. A CLETS review will be completed prior to the completion of the progress report for defendants residing out of county.

8. Increasing or Lowering Supervision

Overrides/underrides ("stabilizing" and "destabilizing" factors) can and may be utilized in unusual circumstances when the PTCO's knowledge of the individual, the non-compliant act, and/or resources available in their geographical location dictates an alternative response. If the PTCO documents three or more stabilizing/destabilizing factors, the case shall be staffed with a supervisor for approval. In these instances, the supervision level can be adjusted higher or lower by one step in the corresponding matrix. Stabilizing and destabilizing factors include but are not limited to: positive participation in education/treatment program, stable and structured living environment, positive performance on supervision, escalating drug/alcohol use, violation related to original offense, and unstable housing. Once the override/underride is approved an event

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chrono should be completed noting the reason for the underride/override.

C. Closings

In order to ensure a county-wide standard for closing PTS cases that includes all of the necessary details, the following protocol is to be used in all regions. Steps 1-5 are to be completed by the PTCO. Steps 6-7 are to be completed by the SPO or Sr. DPO. Steps 8-9 are to be completed by the Administrative Office Professionals (AOPs).

1. The assigned PTCO will review the case and court dockets to determine the case can be closed and bring any discrepancies to the SPO or Sr. DPO's attention for further review.
2. If the case has an active warrant, the PTCO will ensure a "Be on the Lookout" (BOL) was sent to local law enforcement agencies, and confirm three field and/or phone contact attempts to find and arrest the defendant were made in the last 30 days.
3. If the defendant was ordered to SCRAM or GPS, the PTCO will confirm the correct end dates are entered in all program tabs and GPS database.
4. The PTCO will review any open documents and mark them "read only."
5. The PTCO will enter a closing event to include the closing type and effective date and will advise the SPO or Sr. DPO that the case is ready to close.
6. The SPO or Sr. DPO will review the file to confirm steps 1-5 were completed and will enter another closing event confirming the case can be closed in IMPACT and the CE Pre-Trial module.
7. The SPO or Sr. DPO will send an e-mail to the AOP authorizing the case to be closed in IMPACT and the CE Pre-Trial module with a closing type and effective closing date.

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8. The AOP will change the body status on the overview page, close officer instructions, close special instructions, deactivate drug testing and that case assignments are completed accordingly.
9. Case(s) closed in IMPACT and CE Pre-Trial module by AOP.

The following closing types are utilized in IMPACT:

- PTS Bailed/OR/Sentence – when a defendant referred for a pre-trial investigation is released on either bail/OR or sentenced prior to being ordered on Supervised Release.
- PTS Successful – when the defendant has performed satisfactorily on PTS and the Court has terminated PTS supervision or the defendant has been sentenced.
- PTS Denied by Court – when a Pre-Trial Investigation report has been completed and the Court has denied pre-trial supervised release thereafter.
- PTS Unsuccessful Abscond – when the defendant was released on PTS and thereafter absconded, and warrant was issued.
- PTS Unsuccessful New Felony – when the defendant was released on PTS and during his/her time on supervision committed a new felony and remained in custody thereafter.
- PTS Unsuccessful-New Misdemeanor-when the defendant was released on PTS and during his/her time on supervision committed a new misdemeanor and remained in custody thereafter.
- PTS Unsuccessful Remand – when the defendant was released on PTS and violated supervision conditions such that he/she was remanded and remained in custody thereafter.

The following closing types are utilized in the Pre-trial Module:

- Successful Sentenced– when the defendant has performed satisfactorily on PTS and the Court has terminated PTS supervision and the defendant has been sentenced (sent to prison, jail, probation, Probation/jail or other reasons).
- Successful Acquittal – when it is determined the defendant is not guilty of the crime with which he/she has been charged and is acquitted of the charges.

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- Successful Basic OR- when the Court has terminated PTS supervision and the defendant is released on OR.
- Successful Charges Dismissed- when the defendant's charges are dismissed with no finding of guilt and no conviction.
- Successful Diversion – when the defendant is ordered to complete a diversion program rather than serve an alternative sentence.
- Successful Guilty Plea – When the defendant pleads guilty to the alleged charges and PTS is terminated before the defendant is sentenced.
- Successful Remand-Not PTS related-when the defendant has been successful on PTS but is remanded for a reason not related to PTS
- Successful Remand to serve sentence-When the defendant is sentenced but remanded to serve jail time.
- Successful; Other- Any other reason not listed above.
- Unsuccessful Abscond – when the defendant was released on PTS and thereafter absconded, and warrant was issued.
- Unsuccessful Felony Arrest – when the defendant was released on PTS and during his/her time on supervision committed a new felony and remained in custody thereafter.
- Unsuccessful Misdemeanor Arrest-when the defendant was released on PTS and during his/her time on supervision committed a new misdemeanor and remained in custody thereafter.
- Unsuccessful Court Remand-Drugs-when the defendant is remanded in court for violation of drug related PTS condition.
- Unsuccessful Court Remand-FTR-when the defendant is remanded in court for failing to report to PTCO.
- Unsuccessful Court Remand-when the defendant is remanded in court for cutting off GPS strap.
- Unsuccessful Court Remand-Victim Contact-when the defendant is remanded in court for violating victim no contact/protective order.
- Unsuccessful Court Remand-Weapons-when the defendant is remanded in court for violation of weapons related PTS condition.

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- Unsuccessful Failure to Appear-when the defendant fails to appear in court and warrant is issued.
- Unsuccessful Other: any other reason not listed above

D. Data Collection

Outcome Measures to be collected will include:

- Failure to Appear Rate: the percent of supervised defendants who missed any scheduled court appearances. This is defined as any missed court appearances for the current cases and a bench warrant issued (includes instances when defendants subsequently return to court voluntarily and are not revoked).
- New Criminal Activity Rate: the percent of supervised defendants who are arrested for a new criminal or traffic offense that carries the potential penalty of jail time that allegedly occurred while on PTS.
- New Violent Criminal Activity Rate: the percent of supervised defendants who are arrested for a new violent criminal offense while on PTS.
- Success Rate: the percent of released defendants who are
 - 1) not revoked for technical violations,
 - 2) appear for all scheduled court appearances,
 - 3) remain arrest free during PTS.
- Effectiveness Rate: the ratio of released and detained defendants to PTS and detention recommendations. The measure counts only defendants eligible by statute for pre-trial release and is presented in the following matrix:

	Released	Detained
Recommended for Release	X	X
Recommended for Detention	X	X