

**TRANSFERRING MANDATORY SUPERVISION (MS) AND POSTRELEASE COMMUNITY SUPERVISION (PCS) CASES TO AB 109 FIELD MONITORED (FM) CASELOAD**

- AUTHORITY:** Sections 667.5, 1170.12, 1192.7, 1203.2, 2962, 3000, 3000.08, 3003, 3450-3465, and 3060.7 California Penal Code  
Administrative Directive
- RESCINDS:** Memo Dated 12/18/18
- FORMS:** Adult Risk/Needs Chrono (Automated Risks/Needs)  
Field Monitored Kiosk Reporting Letter (English) F057-2300.1(A)AF  
Field Monitored Kiosk Reporting Letter (Spanish) F057-2300.1(A)AF (SP)  
Field Monitored Kiosk Reporting Letter (Vietnamese) F057-2300.1(A)AF (V)  
Kiosk System-Quick Reference Guide (Prob-Net)  
Kiosk User Manual (Prob-Net)
- PURPOSE:** To provide guidelines for transferring Mandatory Supervision (MS) and Postrelease Community Supervision (PCS) cases to AB 109 Field Monitored (FM) Caseload

**I. GENERAL INFORMATION**

- A. AB 109 FM Caseload supervision is a step-down in supervision for cases supervised pursuant to MS and/or PCS mandates. AB 109 FM supervision is conducted by way of KIOSK or Report Verification Forms (RVF) or a combination thereof.
- B. Pursuant to Penal Code 3456(a)(2), "Any person on postrelease supervision for six consecutive months with no violations of his or her conditions of postrelease supervision that result in a custodial sanction may be considered for immediate discharge by the supervising county".

**II. TRANSFER CRITERIA**

- A. Minimum Supervision Period
1. For MS cases, the individual must have been supervised for a minimum of 12 months. Based on case dynamics, some MS cases may not be suitable for transfer to FM after 12 months of supervision (i.e. lengthy mandatory supervision periods, high profile cases, etc.)
  2. For PCS cases, the individual must have been supervised for a minimum of six months.
- B. Must have had no new law violations or technical violations resulting in a custodial sanction within the past six months.

- C. MS/PCS cases should have a minimum of 90 days before reaching Mandatory Discharge Date (MDD)/Controlling Discharge Date (CDD) and/or expiration date; anything less than 90 days must have approval of the Unit 802 Supervising Probation Officer (SPO).
- D. PCS cases that are otherwise eligible for transfer to AB 109 FM, but with outstanding court orders (e.g. community service, treatment classes/hours, etc.), may be considered for transfer to FM. However, the supervise individual must be making substantial progress and all information should be clearly documented in the case file or ICMS.
- E. Supervised individuals meeting all eligibility requirements for transfer to AB 109 FM supervision and wishing to relocate to another county within the state, may be transferred to AB 109 FM. However, the Deputy Probation Officer (DPO) shall staff the case with the assigned SPO to determine if the cases dynamics support submitting a petition to transfer jurisdiction to the county wherein the individual is relocating. It is noteworthy that counties have different acceptance criteria and some do not accept any case that has already been supervised for six (6) months without any custodial sanctions.
- F. Cases where the supervised individual has successfully completed outpatient, residential, or the Day Reporting Center (DRC) program are eligible to be transferred to AB 109 FM Supervision if they have completed six (6) months of supervision.
- G. Cases should not have any pending court dates.
- H. Supervised individuals who are transient will be approved for FM on a case-by-case basis.
- I. PCS cases where the individual is in custody on a prior matter whereby it is not considered a violation of his/her PCS terms and conditions and he/she will not be released for 12 months or more is eligible for FM. The sending DPO must have all appropriate information documented (location of individual, identifiers, contact name and information). Once the case meets their MDD date, the case will be terminated.
- J. Cases with **prior** convictions for sex crimes, child abuse, elder abuse, or intimate partner abuse require AB 109 ADD or DD review and approval.
- K. Cases with **current** sex offenses must meet the following requirements to be eligible for transfer to FM caseloads:
  - 1. Do not require registration pursuant to 290 PC.
  - 2. Do not score as high on the Department's Risk/Needs Assessment.
  - 3. Do not score as "high risk" sex offenders on the Static 99, Stable 2007, or the LSCMI.
- L. Individuals with **current** domestic violence offenses, including child abuse, elder abuse, and intimate partner abuse, must meet the following requirements to be eligible for transfer to FM caseloads:

1. The supervised individual has completed all court ordered programs.
2. The supervised individual is not living with the victim.

III. Preparing a Case for Transfer to AB 109 FM Supervision

A. Review the case for suitability.

B. The following casework must have been completed and documentation in the file and/or in the Integrated Case Management System (ICMS):

1. Must have a current risk/needs termination chrono noting any special conditions such as outstanding court orders, protective orders, etc.
2. Residence verification and search must have been completed.
3. Drug test completed (if warranted).
4. Update victim information in ICMS and verify all victim notification letter(s) have been sent (if applicable). If there is no victim, this should be noted in the victim tab of ICMS.
5. Submit, receive, and review a record check within 45 days of transfer. Copy of record check to be in file or uploaded into the Document Center found in ICMS.
6. PICS photo should be taken within six months of transfer to FM. Additionally, if there are significant changes to the physical appearance of a supervised individual, the DPO shall take a new PICS photo.
7. Current address, employment, and vehicle information shall be entered into ICMS.
8. Sending DPO shall review the Orange County District Attorney's Case Management System and the Superior Court "Vision" system for any cases that would be a violation of their supervision or a violation of MS/PCS and/or Probation.
9. Verify the need for DNA testing and confirm the supervised individual has submitted a DNA sample prior to the case being transferred. Update ICMS regarding DNA (i.e., PC 296, PC 296.1 and OCDA).
10. Notice of Supervision (NOS) needs to be submitted to the law enforcement agency where the supervised individual is currently residing reflecting the contact information for the AB 109 FM DPO.

C. Requirements to transfer to AB 109 FM

1. Indoctrinate the supervised individual to the requirements of AB 109 FM caseload supervision and reinforce that all court orders and terms of supervision remain in full force. Complete ECR note indicating the indoctrination and note any outstanding court orders or noteworthy case dynamics.

2. Inform the supervised individual of the reporting instructions via the KIOSK system.
  - a) Have the supervised individual sign and initial the FM KIOSK Reporting Letter and upload into IDMS.
  - b) It is the responsibility of the field DPO to enter the supervised individual into the FM KIOSK system. Please refer to the KIOSK System-Quick Reference.
3. Complete a Termination – Transfer to FM chrono. All relevant information should be included in the chrono including outstanding court orders.

#### IV. GENERAL DUTIES OF THE AB 109 FM DPO

- A. All files arriving for the FM caseload should be reviewed for suitability and checked for proper paperwork (record checks, signed FM Kiosk Reporting Letter, DNA, etc.). Documents can be uploaded in ICMS.
- B. Re-Indoctrinate the supervised individual to the Field Monitored Kiosk Reporting Instructions/Terms and Conditions. Review the file for important casework information such as ongoing involvement in court ordered treatment programs, community service obligations and program completion dates.
- C. MS individuals who are serving extended jail commitments will be monitored until such time that they are released. The AB 109 FM DPO will send the case to the field for supervision approximately 30 days prior to the completion of the jail commitment.
- D. Make contact with outside agencies, programs or hospitals to confirm whereabouts of the person being supervised.
- E. Monitor the KIOSK reporting system via ICMS.

#### V. VIOLATION OF PROBATION, MS and/or PCS

- A. If a violation of Probation, MS, and/or PCS is determined to have occurred prior to the supervised individual's transfer to the FM Caseload, the case will be returned to the sending field DPO for appropriate violational processing.
- B. Supervised individuals who commit new law violations or technical violations of supervision within the initial 60 days after transfer to the FM caseload will be returned to the sending field DPO to initiate appropriate violation proceedings.
- C. Supervised individuals who commit new law violations or technical violations of supervision after 60 days of transfer will be processed by the AB 109 FM DPO. The case may be returned to the field for supervision prior to disposition.
- D. The AB 109 FM DPO is responsible for removing the supervised individual from the KIOSK system via ICMS if case is returned to the field DPO for supervision.

- E. The AB 109 FM DPO can at any time request that a case be returned to field supervision if it is reasonable to believe that the supervised individual is not abiding by the AB 109 FM rules and regulations.
- F. When a warrant is issued on an FM case, that case will be transferred to the AB 109 Warrant Unit for monitoring. Once the individual is arrested on the warrant, the case will be returned to the field DPO for supervision.

VI. AB 109 FM DPO-CLOSING OUT CASES

- A. Forty-five (45) days prior to the expiration date, verify that all relevant court orders have been completed.
- B. Forty-five (45) days prior to the expiration date, submit a record check. If a new law violation is discovered, immediately staff the case with the assigned unit SPO.
- C. AB 109 cases meeting "discharge" criteria will be closed with a termination chrono completed by the AB 109 FM DPO.
- D. The AB 109 FM DPO will be responsible for sending a Notice of Discharge to appropriate local law enforcement, if applicable. The AB 109 FM DPO will provide the supervised individual with a copy of the "Notice of Discharge" upon request.
- E. The AB 109 FM DPO is responsible for removing the supervised individual from the KIOSK system, via ICMS.

**REFERENCE:**

Procedure:	1-1-103	Teletype Services
	1-2-303	Chronological filing in Adult Case Files
	2-1-104	Chronological History Sheet - Adult
	2-3-002	Probation Violations – Adult
	2-3-014	Transferring Cases to Adult Field Monitored and Adult Administrative Caseloads
	2-3-016	Warrants of Arrest for Adults
	2-3-019	Preparing Probation Violation and Warrant Petitions- Adult (Allegations)
	2-3-021	Adult Risk/Needs Assessment and Reassessment Packet
	2-3-102	AB109 Postrelease Community Supervision Flash Incarceration
	2-3-103	AB109 Postrelease Community Supervision Warrants of Arrest
	2-3-104	AB109 Postrelease Supervision Controlling and Mandatory Discharge Dates and Recalculations

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**APPROVED BY:**