

MULTNOMAH COUNTY JUSTICE REINVESTMENT PROGRAM
Judicial Settlement Conference Standards of Excellence Task Force

BEST PRACTICES FOR PROBATION OFFICERS

APRIL 2016

Task Force Members

Judges

Judge Stephen K. Bushong, chair
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Before the Judicial Settlement Conference

- Interview the defendant prior to the JSC. Communicate with the defense attorney as soon as possible to schedule the interview at a date and time most convenient for all the parties. Interviews should be conducted closer to the arraignment date than to the first scheduled JSC. Prioritize in-custody defendants when scheduling interviews.
- Conduct the LS/CMI risk assessment as part of the interview. Omit question 4 regarding the present charges.
- Discuss the timeline for completing the Assessment Report.
- At the interview, provide the defendant with information about the MCJRP program. Inform the defendant that the report is for informational purposes only and does not guarantee that the defendant will be placed on probation instead of going to prison.
- Do not discuss the pending criminal charges as part of the interview and assessment process.
- Schedule and complete an alcohol and drug evaluation as soon as possible, where appropriate. If the LS/CMI reveals a risk score of High on the A&D domain, an evaluation is mandatory; otherwise, use your discretion. Ensure that defendants sign a Release of Information (ROI) form if you schedule an evaluation.
- Use all collateral information to assess for risk and needs.
- Develop a Case Plan, which is an overall plan to address control and needs for the offender. Include a Behavior Change Plan, which is a specific plan to target criminogenic need and behavior change. The Behavior Change Plan should describe the targets for changing behavior specific to each criminogenic factor and how the PO plans to track completed interventions and tasks yet to be accomplished.
- Complete the Assessment Report and send the report to the PO supervisor for approval within two weeks of conducting the LS/CMI assessment.
- Assessment Reports should include specific recommendations on appropriate supervision options, treatment or other options. Consider all specialty courts (DISP,

START, Mental Health Court, Veterans' Court) and indicate which treatment courts, if any, would best fit the defendant's needs.

- Assess housing needs. Use all means possible to identify potential housing options and verify where the defendant should reside. The Assessment Report should include a clear housing plan for the defendant.
- Assessment Reports should include any current supervision status (including other counties) and identify the current PO and include contact information. Communicate with the current PO. Determine whether the plan in other counties involves continued probation or revocation.
- Refer Veterans to the MCSO Veterans Justice Outreach coordinator to verify Veteran status and eligibility for services.
- Contact the Department of Human Services in appropriate cases to discuss and assess the defendant's engagement in DHS programs.
- Assessment Reports should include short and long term goals and an assessment of the defendant's readiness for change.
- Assessment Reports should include specific and concrete recommendations on the types of controls (conditions of probation) that the PO thinks would be appropriate if the defendant is placed on probation.

I. At the Judicial Settlement Conference

- Understand the guidelines and limitations of the MCJRP program and be prepared to identify and address any problem areas, such as defendants who would not qualify because they live outside Multnomah County.
- The PO who wrote the report should attend the JSC if at all possible.
- Bring a copy of the Assessment Report and all collateral information to the JSC, and be prepared to discuss the advantages and disadvantages of a proposed course of action.
- Participate fully in the discussions between the judge and the attorneys and with the defendant. Answer questions posed by the judge, the attorneys, and the defendant and ask questions of your own if you need information. Volunteer information that may be

helpful to the discussion. Don't assume that the judge and attorneys already know everything.

- Remain at the JSC for the entire process, even if it becomes apparent that the DA will not agree to probation.
- Review the Assessment Report and be familiar with the defendant's risk, needs and potential supervision. Be prepared to discuss availability and length of expected time on a "wait list" for treatment and housing options.
- Where appropriate, be prepared to re-evaluate and adjust recommendations for treatment, housing and other services based on information obtained at the JSC. Be flexible; help the parties and the court find solutions.
- Attend the sentencing for defendants who are out of custody or who will be released to begin their probation after the sentencing. Explain in detail the expectations, conditions of probation, and timing of placement in housing or treatment. If possible, attend sentencing for in-custody defendants receiving probation sentences with jail time, or be available by phone. Determine whether it would be helpful to discuss probation conditions during a plea hearing when sentencing will be set over and attend the plea hearing if needed.

II. After the Judicial Settlement Conference

Comment regarding overall best practices: After the JSC, all parties should continue to communicate about the case and the ultimate sentence. The DA should communicate with the victim as appropriate. The DA and defense counsel should include the PO in e-mail discussions where appropriate, especially if there will be a probation sentence. Allowing the PO to get started on referrals and arrangement of services prior to adjudication will help save jail days and increase public safety upon release. When possible, attend sentencing hearings for defendants being sentenced to probation as set out in Section II above.

- Keep track of ongoing negotiations between DA and defense counsel. Offer input and information on proposed terms, if appropriate.
- If not already completed, conduct a home visit of any proposed residence for the defendant.

- Make any housing referrals as soon as possible depending on the circumstances.
- If the PO determines after the JSC that the DA will likely agree to a probation offer, the PO should refer the defendant to treatment at the recommended level of care at the earliest appropriate time.
- Follow up and complete any additional assessments that need to be completed.
- Communicate with the attorneys and the defendant about the details of any proposed supervision plan so there are no surprises at the time of the plea and sentencing.
- The PO who wrote the report should attend sentencing, including sentencing of out-of-custody defendants.
- The PO or mentor should schedule and arrange to take the defendant from custody to the treatment program or residence at the agreed upon time.
- If one or more follow-up JSCs are scheduled after the initial JSC, the PO should plan to attend. Currently, POs should be available to attend additional JSCs if they are scheduled for a Thursday.