

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

**GENERAL ADMINISTRATIVE ORDER  
NO. 24-06**

**Judge-Supervised Probation:  
King County District Court Monitoring Standards for  
Defendants on Active Supervision or Compliance Monitoring; Replacing GAO NO. 23-10  
and all previous GAOs and probation policies on this subject.**

**BACKGROUND**

King County District Court (KCDC or Court) conducts the supervision and monitoring of Defendants receiving a suspended or deferred sentence (sentence), a Deferred Prosecution (DP), or a 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 therapeutic court SOC, the conditions a Defendant has agreed to follow. KCDC's Probation Department supervises or monitors a Defendant's adherence to those conditions.

This GAO reflects the Court's practice of rotating judicial assignments. Under this practice, the Sentencing Judge on a case may move to another assignment. 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 Probation Officer. Probation Officer includes the Court's Mental Health Specialists performing duties in Mental Health Court and Regional Veteran's Court.
2. "Compliance Monitoring Supervision" occurs when the Probation Department monitors a Defendant's compliance with conditions of a sentence, DP, or therapeutic court SOC. In some instances, a 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. "Bench warrant" occurs when a Supervising Judge orders a bench warrant for a Defendant. When a bench warrant is ordered, Active Supervision or Compliance Monitoring Supervision 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. For Compliance Monitoring, a bench warrant order terminates the Probation Departments' responsibility to monitor a Defendant's compliance. 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 for failure to appear.

## **B. ACTIVE SUPERVISION**

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 therapeutic court SOC 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 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 assigned Probation Officer can approve that these appointments be held remotely, via telephone, Zoom, 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 at the Probation Officer's discretion prior to last day of the month in which it was scheduled. It is the Defendant's responsibility to contact the assigned Probation Officer by the end of the month to reschedule a missed appointment. If the Defendant fails to do so, this will be considered a Failure to Appear, and will be reported to the Supervising Judge within twelve (12) business days. However, the Probation Officer will have the discretion to schedule a "Make-up" appointment with the Defendant without the permission of the Supervising Judge once every six months.
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. The Intake may also be completed at subsequent Return Appointments, based on time constraints. These

Procedures may be amended from time to time by the Director of Probation, subject to approval of the Presiding Judge.

5. Any non-compliance revealed through the written order or discovered through supervision standards will be reported in writing to the Supervising Judge within twelve (12) business days.
  - 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 report is filed after a review hearing is scheduled, the Probation Officer shall notify the Supervising Judge within three (3) business days to determine if the hearing should be cancelled. 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. The Probation Officer may not be able to obtain monthly status reports from other treatment agencies based upon staffing issues at the agencies.
  - c. 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 report violations to the Supervising Judge within twelve (12) business days of discovery.
  - d. If the Defendant has not complied with a jail sentence the probation officer must notify the Supervising Judge in writing of such non-compliance within three (3) business days of the Probation Department being advised of the failure to report. If the Defendant has not complied with a jail alternative sentence, the Probation Officer must notify the Supervising Judge in writing of such non-compliance within twelve (12) business days of the Probation Department being advised of the non-compliance.
  - e. Any positive result of a portable breath test (PBT) administered by a Probation Officer will be reported to the Supervising Judge within three (3) business days. No other alcohol testing will be conducted by the Probation Officer, except as specified for therapeutic court cases.

- f. If the Probation Officer reasonably believes an in- person Defendant appears to be under the influence of or affected by alcohol or any controlled 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 with a statement of the basis for suspicion of alcohol/drug use to the Supervising Judge within three (3) business days.
  - g. In the therapeutic courts, the Supervising Judge may issue a written order authorizing the Supervising Probation Officer to 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 within twelve (12) business days of the Defendant's monthly probation appointment
  - 1. If the Probation Officer is made aware that the Defendant has failed to comply with DOL requirements for IID installation, the Probation Officer shall send a written report to the Supervising Judge within ten (12) days of discovery. If the Defendant is not currently driving, the Defendant must sign a Declaration of Non-driving within 30 days of the entry of the sentence, DP, or therapeutic court SOC. If the Defendant fails to comply, the Probation Officer shall send a written report to the Supervising Judge within three (3) business days of the discovery of non-compliance.
  - J. If the Probation Officer receives notice of a violation of an IID, the Probation Officer shall send a written report to the Supervising Judge withing three (3) business days of receipt.
  - k. 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 Probation Officer is not required to monitor this portion of the sentence, DP, or therapeutic court SOC unless a violation report is received.
6. The Active Supervision of a Defendant shall be automatically terminated whenever a bench warrant has been ordered for the Defendant under that case number. If the Defendant has other open KCDC cases on Active Supervision, the Probation Officer will promptly notify the Supervising Judge(s) on those 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.

7. Active Supervision of a Defendant will be automatically terminated within twelve (12) business days of the Probation Officer sending written notice of non-compliance to the Supervising Judge, unless the Supervising Judge sends written notice to the Probation Officer that Active Supervision will continue pending the review hearing. If the Supervising Judge does not respond within the guidelines, the Probation Officer shall send written notification of the termination to the Presiding Judge, Probation Director, and the Supervising Judge and a review hearing shall be scheduled.
8. If a Probation Officer is unexpectedly out of the office, the Probation Director has authority to delegate coverage as necessary, including telephonic coverage and the use of Monthly Reporting Forms.

### **C. COMPLIANCE MONITORING**

Probation Department employees performing Compliance Monitoring duties will monitor a Defendant's compliance with the conditions of sentence, DP, or a therapeutic court SOC 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 Director of Probation, subject to approval of the Presiding Judge.

1. Probation Department Employees 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. Probation Department Employees conducting Compliance Monitoring duties shall notify the Defendant's Supervising Judge in writing of all reports received by the Probation Officer or any review, indicating the Defendant has violated a condition of sentence, DP, or therapeutic court SOC. Notification to the Supervising Judge must occur within ten (12) business days of written receipt of such information unless otherwise specified below.
3. If the Probation Department Employee performing Compliance Monitoring duties is made aware that the Defendant has failed to comply with DOL requirements for IID installation, the Probation Officer shall send a written report to the Supervising Judge within twelve (12) days of discovery. If the Defendant is not currently driving, the Defendant must sign a Declaration of Non-driving within thirty (30) days of the entry of the sentence, DP, or therapeutic court SOC. If the Defendant fails to comply, the

Probation Officer shall send a written report to the Supervising Judge within twelve (12) business days.

- a. If the Probation Department Employee conducting compliance monitoring duties does not receive written verification of the IID installation from either the Defendant or the IID installation company within thirty (30) days of the entry of the sentence, DP, or therapeutic court SOC, the Probation Department Employee shall notify the Supervising Judge within twelve (12) business days.
  - b. The Probation Department Employee performing compliance monitoring duties will verify installation thirty (30) days from sentencing at the initial Monitor Check.
  - c. Except as set forth above, the Probation Department Employee 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 Probation Department Employee must report this information to the Supervising Judge within three (3) business days and request judicial review.
  - d. 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 Probation Department Employee 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.
  - e. If the IID requirement is pursuant to conditions of release at arraignment, the Defendant shall provide notice of installation to the court within five (5) business days. If the Defendant fails to do so, the Probation Department shall notify the court in writing within 1 business day of that failure.
4. Monitoring duties performed by the Probation Department includes monitoring 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 Probation Department must notify the Supervising Judge within twelve (12) business days of discovery of such information.
  5. If a Defendant on Compliance Monitoring is required to submit proof of self-help group attendance, proof of attendance must be filed with the Court as directed. If the Defendant fails to timely file proof of the required self-help group attendance, the Probation

Department performing Compliance Monitoring duties must advise the Supervising Judge in writing within twelve (12) business days of failure to file a report.

6. The Probation Department Employee 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. If the court has ordered a jail sentence, the Probation Department Employee performing Compliance Monitoring duties will confirm whether the Defendant has complied. If the Defendant has not complied, the Probation Department Employee performing Compliance Monitoring duties must notify the Supervising Judge in writing of such non-compliance within three (3) business days of the discovery. If the Defendant has not complied with a jail alternative sentence, the Probation Department Employee performing Compliance Monitoring duties must notify the Supervising Judge in writing of such non-compliance within twelve (12) business days of notification of the non-compliance.

**D. ADDITIONAL AUTHORITY OF THE PROBATION OFFICER**

1. The Probation Officer has the authority to schedule a "make-up" appointment with the Defendant once every six months.
2. The Probation Officer has the authority to accept proof of completion of all affirmative conditions and note them as satisfied and close the condition.
3. The Probation Officer has the authority to close the case if a certified copy of the Defendant's death certificate is filed with the Court unless the case is a DP, Deferred Sentence, therapeutic court SOC, or if there are outstanding LFOs or restitution.
4. The Probation Officer has the authority to move a Defendant from Active Supervision to Compliance Monitoring once all affirmative conditions are completed.
5. The Probation Officer has the authority to authorize a telephone or Zoom probation appointment.
6. On a non-DP or a therapeutic court case, if a Defendant seeks to change treatment agencies to an agency not on the Master Referral List, the Probation Officer shall notify

the Supervising Judge within twelve (12) business days of the request so the Supervising Judge may determine if permission to change treatment agencies is granted or denied.

**E. RECISSION**

GAO 23-10, 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.

Done this 7<sup>th</sup> day of May, 2024

*Rebecca Robertson*

\_\_\_\_\_  
Rebecca C. Robertson, Chief Presiding Judge  
King County District Court