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14 **SUPERIOR COURT OF CALIFORNIA**
15 **LOS ANGELES COUNTY**

16 ALL OF US OR NONE—LOS
17 ANGELES CHAPTER and SAUL
18 SARABIA,

19 Plaintiffs,

20 vs.

21 LOS ANGELES COUNTY
22 PROBATION DEPARTMENT; LOS
23 ANGELES COUNTY BOARD OF
24 SUPERVISORS; and DOES 1 through
25 50,

26 Defendants.

CASE NO.

COMPLAINT FOR:

1. VIOLATION OF PENAL CODE §1203.1b (Unlawful Ability to Pay Determination);
2. VIOLATION OF PENAL CODE §1203.1b (Fraudulent Waiver of Ability to Pay Hearing); AND
3. VIOLATION OF PENAL CODE §1203.1d (Fraudulent Disbursement)

1 Plaintiffs ALL OF US OR NONE—LOS ANGELES CHAPTER
2 (“AOUON” or “Organizational Plaintiff”) and SAUL SARABIA (“Taxpayer
3 Plaintiff”) (hereinafter collectively “Plaintiffs”) complain against Defendants LOS
4 ANGELES COUNTY PROBATION DEPARTMENT (“Department”); LOS
5 ANGELES COUNTY BOARD OF SUPERVISORS (“Board”); and DOES 1-50,
6 inclusive (collectively “Defendants”), and allege as follows:

7 **I. PRELIMINARY STATEMENT**

8 1. This action seeks equitable relief only and challenges Defendants’
9 policy and practice regarding probation-related costs in violation of the laws
10 regulating determination and disbursement of such costs.

11 2. The laws regulating determination of probation-related costs make it
12 clear that, if an individual defendant’s ability to pay does not exceed the amount
13 of court-ordered fines and fees, the Department cannot assess *any* probation-
14 related costs, including cost of probation services (“COPS”) and cost of conducting
15 investigation and/or preparing a report (cost of investigation or report, or “CIR”).

16 3. These laws are designed so that, with a few exceptions, the individual
17 defendant who complies with the Department’s payment schedule over his or her
18 probation period should have no court-ordered debt at the end of the probation.

19 4. However, this is rarely the case. The Department routinely charges
20 the full amount of COPS and CIR to indigent defendants, regardless of their ability
21 to pay, while misleading them into believing that their only obligation will be to
22 make smaller monthly payments during their probation.

23 5. Moreover, indigent defendants who are entitled to have an ability to
24 pay hearing to determine what, if any, probation-related costs should be assessed
25 against them are routinely coerced into waiving such hearings by their probation
26 officers.

1 6. As a result, indigent defendants leave probation with thousands of
2 dollars in court-ordered debt even after making all payments as required under the
3 terms and conditions of their probation.

4 7. Further, the Board ignores the statutory mandate to disburse victim
5 restitution and other fines and fees *before* reimbursing itself and the Department
6 for probation-related costs when payments are made in installments.

7 8. Defendants' policies and practices as described herein are in violation
8 of the law. Specifically, they violate sections 1203.1b and 1203.1d of the
9 California Penal Code.

10 **II. FACTUAL ALLEGATIONS**

11 **A. Court-ordered Fines and Fees**

12 9. There are many different fines and fees that a court may order an
13 individual under the Department's supervision to pay. These fines and fees
14 include, but are not limited to, the following:

- 15 a. Restitution: victim restitution ordered by the court pursuant to Penal
16 Code §1202.4(f) to be distributed directly to victim.
 - 17 b. State surcharge: state surcharge ordered pursuant to Penal Code
18 §1465.7 to be distributed to the state General Fund.
 - 19 c. Fine, penalty assessment, and restitution fine ordered pursuant to
20 Penal Code §1202.4(b).
 - 21 d. Other reimbursable costs, such as: legal assistance fee pursuant to
22 Penal Code §987.8; booking fee pursuant to Government Code
23 §29550.1; court security fee pursuant to Penal Code §1465.8, and
24 probation-related costs, which include the following:
 - 25 i. Cost of probation supervision, conditional sentence, or term of
26 mandatory supervision ("COPS");
- 27

1 ii. Cost of conducting a preplea/presentence investigation and
2 preparing a preplea/presentence report pursuant to Penal Code
3 §1203.7 or §1203.9 (“CIR”); and

4 iii. Cost of processing a request for interstate compact supervision
5 pursuant to Penal Code §§11175 to 11179.

6 10. Some of these fines and fees are made part of probation terms and
7 conditions.

8 11. Specifically, payment of restitution fines and orders imposed pursuant
9 to Penal Code §1202.4 are a condition of probation, and any portion of a restitution
10 order or restitution fine that remains unsatisfied once the probation period ends is
11 subject to collection.

12 12. Probation costs are not material terms of probation.

13 13. When a person is placed on formal probation, all money owed by the
14 defendant is paid to and distributed by the Department.

15 14. Finally, with limited exceptions (notably including the direct victim
16 restitution and state surcharge), “all fines collected by [the Department] as a
17 condition of the granting of probation or as a part of the terms of probation, shall
18 be paid into the county treasury and placed in the general fund for the use and
19 benefit of the county.” Penal Code §1203.1(k).

20 **B. Department Policy When Determining an Individual’s Ability to**
21 **Pay All or a Portion of Probation-Related Costs**

22 a. Department does not consider all required factors when determining
23 a defendant’s ability to pay probation-related costs

24 15. The Department’s Adult Probation System (“APS”) has a Defendant
25 Assets and Expenses (“DFAE”) Screen Analysis, where probation officers or
26 financial evaluators are supposed to input information regarding the following
27 factors: (*See Exhibit 1.*)

- a. Monthly gross income, which totals the defendant's wages/salary, welfare/general relief, social security income, spousal income, and any other income received by the defendant.
- b. Monthly expenses and debts, which totals the defendant's rent/mortgage, loan payments, car payments, insurance, utilities, and other monthly expenses.
- c. Number of dependents supported by the defendant.
- d. Assets, which include any real estate, bank accounts, or other property owned by the defendant.

16. When an individual defendant meets with their probation officer or a financial evaluator, it is the Department's policy that they provide information regarding all the above factors. (*See Exhibit 2.*)

17. When meeting with a financial evaluator, it is the Department's policy that an individual defendant may be asked to bring documentation pertaining to the above factors. (*See Exhibit 3.*)

18. In practice, however, the Department does not consider all of these factors when making its ability to pay determination.

19. Instead, the Department uses a pre-populated table (hereinafter "APS Table") to determine an individual defendant's ability to pay, which considers only two factors: the defendant's gross monthly income, and the number of dependents they support. (*See Exhibit 4.*)

20. The APS table does not include inputs for *any of the other factors* that are included in the DFAE Screen Analysis.

21. According to the pre-populated APS table, defendants with a gross monthly income of less than \$1,170 and one dependent are determined to have the ability to pay \$10 per month. (*Id.*)

1 22. Based on the calculations of the pre-populated APS table, the
2 minimum monthly payment of \$10 does not change even when the individual
3 defendant has no income.

4 23. On information and belief, the Department's financial evaluators have
5 the discretion to manually override an "ability to pay" field to adjust the figure for
6 the monthly ability to pay, but rarely do so.

7 b. Department imposes same amount of COPS and CIR against all
8 defendants, without regard to each defendant's ability to pay or other
9 fines and fees

10 24. The amount of probation-related costs imposed by the Department
11 cannot exceed the amount determined to be their actual average under Penal Code
12 §1203.1b(a).

13 25. The Department regularly issues directives to its probation officers
14 regarding the average amount for CIR and average monthly amount for COPS as
15 determined by the Department.

16 26. The average amount for CIR and average monthly amount for COPS
17 have steadily risen over the years, with the amounts in fiscal year 2016-2017
18 equaling \$768 and \$145, respectively. (*See Exhibit 5.*)

19 27. In practice, the Department regularly imposes the maximum statutory
20 amount for CIR and COPS on all defendants without considering their ability to
21 pay all or a portion of these amounts, or the amount of fines, fees and restitution
22 already ordered by the court.

23 28. The Department instructs its probation officers to calendar a court
24 hearing at least ninety (90) days before an individual defendant's probation is set
25 to expire for all cases where the defendant's financial obligations have not been
26 paid in full. (*See Exhibit 6.*)
27

1 29. When a defendant's COPS balance is converted to a civil judgment,
2 the Department does not delete the balance owed by the defendant and instructs its
3 probation officers of their responsibility to "continue collections." (*See* Exhibit 7.)

4 30. The Department's APS table shows that a defendant with no income
5 and granted a three-year probation is determined to have the ability to pay no more
6 than \$360 total (*i.e.* \$10/month x 36 months). (*See* Exhibit 4.)

7 31. However, even for this defendant with the *monthly* ability to pay only
8 \$10, the Department would impose the maximum statutory amount for CIR and
9 COPS.

10 32. Based on the directive for the fiscal year 2016-2017, the Department
11 would impose the full \$5,988 over a three-year probationary period, *in addition to*
12 the existing fines and fees, on this defendant with no income.

13 33. Even disregarding other fines and fees as well as any interest, simple
14 math shows that it would take this defendant nearly *50 years* to pay the probation
15 costs imposed on them in full.

16 **C. Department Misrepresentation Coerces Defendants to Waive**
17 **Ability to Pay Hearing**

18 34. Individual defendants have the statutory right to an "ability to pay
19 hearing" in order to determine what ability they have, if any, to pay probation-
20 related costs.

21 35. Individual defendants may waive their right to this hearing by an
22 intelligent and knowing waiver.

23 36. The Department uses a standard form that, when signed by an
24 individual defendant, waives their right to an ability to pay hearing. (*See* Exhibit
25 8.)

1 37. The Department instructs its financial evaluators to present the waiver
2 form to defendants and obtain the defendants' signatures on the form. (*See* Exhibit
3 9.)

4 38. On information and belief, the Department's probation officers
5 regularly tell individual defendants that, if they do not sign the waiver form, they
6 will receive a violation on their probation and/or they may be incarcerated as a
7 result.

8 39. On information and belief, the Department also misleads individual
9 defendants by representing that they would only be "responsible for paying the
10 financial obligations *during* [their] term of probation," and omitting that they will
11 be held liable for the amount even after making all "minimum monthly payments"
12 (*i.e.* the monthly ability to pay amount as determined by the APS table) after the
13 probation period. (*See* Exhibit 10 (emphasis added).)

14 **D. Board Disbursement of Fines and Fees**

15 40. When an individual defendant is ordered to make monthly payments
16 to the Department, payments made by the defendant must first go toward the
17 amount of victim restitution ordered until it is paid in full.

18 41. According to the disbursement priority under Penal Code §1203.1d,
19 installment payments by the defendant cannot be used to satisfy other fines and
20 fees until after victim restitution is paid in full, followed by other fines and fees in
21 a decreasing order of priority. Probation-related costs have the least priority for
22 the purpose of disbursement along with other "reimbursable costs."

23 42. On information and belief, the Board does not ensure proper
24 disbursement of the defendant's monthly payments. Each and every installment
25 payment by the defendant is apportioned between all the different categories of
26 fines and fees, such that a proportionate amount of any given payment goes toward
27

1 victim restitution, fines and fees, and probation without satisfying the higher
2 priority fines and fees in full and in the order of priority as mandated by the law.

3 43. As a result, a portion of the installment payments that should have
4 gone toward satisfying higher priority items (including the direct victim restitution)
5 is re-directed to the Department and the Board, and the defendant ends up owing a
6 balance in victim restitution, fines and court fees even after making monthly
7 payments equal to or greater than the full amount of these charges during their
8 probationary period.

9 44. Since portions of victim restitution, fines and court fees remain
10 unpaid at the conclusion of the probationary period, the defendant finishes
11 probation without successfully completing the terms and conditions of their
12 probation, despite having made all requested payments.

13 45. The failure to successfully complete the terms and conditions of
14 probation impact the defendant's ability to receive post-conviction relief, for
15 example, under Penal Code §1203.4.

16 **E. Efforts to Avoid Litigation**

17 46. On August 20, 2019, Plaintiffs, through their counsel, sent
18 Defendants a notice of intent to sue in a good faith attempt to avoid litigation. (*See*
19 *Exhibit 11.*)

20 47. The letter expressed willingness to discuss ways to work with
21 Defendants to address Plaintiffs' concerns; however, to date, Defendants have not
22 responded to Plaintiffs' notice and request.

23 **III. THE PARTIES**

24 48. Saul Sarabia is, and at all times relevant herein was, a resident of the
25 County of Los Angeles in the State of California; over the age of 18; and a U.S.
26 citizen. He owns a residential property in the County of Los Angeles and has paid
27

1 property taxes to the Los Angeles County Treasurer and Tax Collector each year
2 since 2010.

3 49. All of Us or None is an organization dedicated to protecting and
4 advancing civil and human rights of people who have been formerly incarcerated
5 and convicted. All of Us or None was founded in 2003, and its membership is
6 made largely of individuals who have personally experienced a criminal conviction
7 and its collateral consequences. Plaintiff All of Us or None—Los Angeles Chapter
8 (“AOUON”) is a regional chapter of All of Us or None that is, and at all times here
9 mentioned was, headquartered in the County of Los Angeles in the State of
10 California. Many of its members have been placed on probation in the County of
11 Los Angeles and had fines and fees, including CIR and COPS, imposed on them.

12 50. Defendant Los Angeles County Probation Department
13 (“Department”) supervises adult probationers, as well as defendants sentenced
14 under California realignment (AB 109), in Los Angeles County. Among its
15 various duties and responsibilities, the Department is responsible for determining
16 a probationer’s ability to pay all or a portion of probation-related costs, assessing
17 the said costs, and collecting payments for court-ordered fines and fees (including
18 the said costs).

19 51. Defendant Los Angeles County Board of Supervisors (“Board”) is the
20 governing body of Los Angeles County, California. It serves as the executive and
21 legislative head of Los Angeles County. Among its various duties and
22 responsibilities, the Board is responsible for ensuring that disbursements of
23 installment payments made by probationers and collections made by the Franchise
24 Tax Board conform with Penal Code § 1203.1d(b).

25 52. Defendants DOES 1-50 are persons or entities whose true names and
26 capacities are presently unknown to Plaintiffs, who therefore sue them under such
27 fictitious names. Plaintiffs are informed and believe, and on that basis allege, that

1 each of the fictitiously-named defendants perpetrated some or all of the wrongful
2 acts alleged in this Complaint, is responsible for the harm alleged, and is jointly
3 and severally liable to Plaintiffs. Plaintiffs will amend this Complaint to state the
4 true names and capacities of such fictitiously-named defendants if and when they
5 are ascertained.

6 53. At all times alleged herein, each defendant was the agent or employee
7 of each of the other defendants and was acting within the course and scope of such
8 agency or employment. Accordingly, the defendants are jointly and severally
9 liable to Plaintiffs.

10 **IV. JURISDICTION AND VENUE**

11 54. The Court has jurisdiction over Plaintiffs' claims, and the venue is
12 proper, because Plaintiffs are residents of the county of Los Angeles; Defendants
13 are agents of the county of Los Angeles and committed some or all of the wrongful
14 acts alleged herein in the county of Los Angeles; and Plaintiffs suffered injuries in
15 the county of Los Angeles.

16 **V. FIRST CAUSE OF ACTION:**

17 **Violation of California Penal Code §1203.1b** 18 **(Unlawful Ability to Pay Determination)**

19 55. Plaintiffs reallege and incorporate each of the foregoing paragraphs
20 as though fully set forth herein.

21 56. Under subdivision (e) of Penal Code §1203.1b, the defendant's ability
22 to pay probation-related costs means "the overall capability of the defendant to
23 reimburse" the costs and includes (1) present financial position, (2) reasonably
24 discernible future financial position (but no more than one year in the future), (3)
25 likelihood of obtaining employment within one year, and (4) any other relevant
26 factors.
27

1 57. Under subdivision (a) of Penal Code §1203.1b, the Department must
2 take into account the defendant's other fines and fees when determining their
3 ability to pay "all or a portion" of probation costs. If the court-ordered fines and
4 fees exceed, or equal, the maximum amount that a defendant has the ability to pay
5 (which they often do), there is no statutory basis for the Department to determine
6 that the defendant has the ability to pay *any* portion of the probation costs.

7 58. The Department shall also "determine the amount of payment and the
8 manner in which the payments shall be made to the county" for all probation costs.
9 Penal Code §1203.1b(a). Subdivision (d) of Penal Code §1203.1b explicitly allows
10 the Department to order payments on a monthly basis.

11 59. Subdivision (h) of Penal Code §1203.1b allows the county to charge
12 a fee up to \$75 for the processing of installment payments to the Department.

13 60. An installment plan must be "reasonable and compatible with the
14 defendant's financial ability." Penal Code §§1203.1b(b)(2), 1203.1d(a).

15 61. The Department violates subdivision (e) of Penal Code §1203.1b by
16 relying exclusively on the number of dependents and gross monthly income to
17 calculate a defendant's ability to pay, thereby disregarding all other factors
18 specified by the statute to determine the defendant's "overall capability to
19 reimburse" probation costs.

20 62. Moreover, as a matter of policy, the Department does not reduce the
21 amount of probation costs imposed on a defendant on the basis of their ability to
22 pay or in consideration of any other court-ordered fines, assessments, and
23 restitution imposed on the defendant, in violation of subdivision (a) of Penal Code
24 § 1203.1b.

25 63. The Department also violates subdivision (a) of Penal Code §1203.1b
26 by making monthly payment plans that extend beyond probationary terms based
27 on the defendants' ability to pay.

1 64. While each individual defendant in a criminal case has the statutory
2 right to a court hearing to contest Defendants' unlawful calculation of the
3 individual defendant's ability to pay, Plaintiffs' concern stems in part from the
4 breadth of Defendants' unlawful activities and their equally broad impact.
5 Monetary compensation will not compensate Plaintiffs. Even if it is possible to do
6 so, it is extremely difficult to ascertain the amount of adequate compensation.

7 65. An actual controversy exists between the parties, as Plaintiffs contend
8 that Defendants' policies and practices violate the relevant provisions of the
9 California Penal Code. Defendants dispute such contentions and contend that their
10 policies and actions are lawful.

11 66. Plaintiffs desire a judicial determination of their rights and
12 Defendants' duties and a declaration as to whether Plaintiffs' interpretation of said
13 policies and actions is correct. Such a declaration is necessary and appropriate
14 because Defendants threaten to continue to enforce their policy and actions against
15 Plaintiffs and other persons, thereby subjecting them to continuing violation of
16 their rights as described in this complaint.

17 **VI. SECOND CAUSE OF ACTION:**

18 **Violation of California Penal Code § 1203.1b**
19 **(Fraudulent Waiver of Ability to Pay Hearing)**

20 67. Plaintiffs reallege and incorporate each of the foregoing paragraphs
21 as though fully set forth herein.

22 68. The Department staff's coercion of individual defendants to waive
23 their right to a court hearing to contest the Department's determination of their
24 ability to pay probation-related costs is a clear violation of the individual
25 defendants' statutory right to a hearing, and any waiver so obtained cannot
26 constitute a knowing and intelligent waiver.
27

1 69. In addition, the Department's waiver form misleads the individual
2 defendants into believing that their obligation to pay ends with probation and
3 renders any waiver so obtained neither "knowing" nor "intelligent."

4 70. Monetary compensation will not compensate Plaintiffs for
5 Defendants' practice of routinely coercing and/or misleading individual
6 defendants to obtain a waiver to an ability to pay court hearing. Even if it is
7 possible to do so, it is extremely difficult to ascertain the amount of compensation
8 that can adequately restore their statutory right.

9 71. An actual controversy exists between the parties, as Plaintiffs contend
10 that Defendants' policies and practices are unlawful. Defendants dispute such
11 contentions and contend that their policies and actions are lawful.

12 72. Plaintiffs desire a judicial determination of their rights and
13 Defendants' duties and a declaration as to whether Plaintiffs' interpretation of said
14 policies and actions is correct. Such a declaration is necessary and appropriate
15 because Defendants threaten to continue to enforce their policy and actions against
16 Plaintiffs and other persons, thereby subjecting them to continuing violation of
17 their rights as described in this complaint.

18 **VII. THIRD CAUSE OF ACTION:**

19 **Violation of California Penal Code §1203.1d**
20 **(Fraudulent Disbursement)**

21 73. Plaintiffs reallege and incorporate each of the foregoing paragraphs
22 as though fully set forth herein.

23 74. With regard to installment payments by an individual defendant or
24 collections by the Franchise Tax Board, Penal Code §1203.1d sets forth a clear
25 order of disbursement priorities and does not authorize any apportionment among
26 items of different priorities.
27

1 75. Under subdivision (b)(3) of Penal Code §1203.1d, apportionment of
2 payments is permitted only among items of the third priority, including “fines,
3 penalty assessments, and restitution fines ordered pursuant to subdivision (b) of
4 Section 1202.4.”

5 76. Penal Code §1203.1d does not authorize the Board to disburse
6 portions of a defendant’s installation payments to reimburse probation costs before
7 all other court-ordered fines and fees are satisfied in full.

8 77. On information and belief, in violation of these provisions, the Board
9 routinely apportions installment payments made by an individual defendant and
10 collections by the Franchise Tax Board among items of different priorities.

11 78. Instead of disbursing the payments in the order of victim restitution;
12 state surcharge; other fines, penalty assessments, and restitution fines; and lastly
13 disbursing probation costs, the Board or its agents routinely disburse probation
14 costs first or simultaneously with the higher priority items, in violation of
15 subdivision (b) of Penal Code §1203.1d.

16 79. As a result of the Board’s violation of the law, the victim, the state
17 General Fund, and entities other than the Department are unlawfully deprived of
18 money that should have been disbursed to them instead of the Department.

19 80. Monetary compensation will not compensate Plaintiffs for
20 Defendants’ unlawful disbursements. Even if it is possible to do so, it is extremely
21 difficult to ascertain the amount of adequate compensation.

22 81. An actual controversy exists between the parties, as Plaintiffs contend
23 that Defendants’ policies and practices violate the relevant provisions of the
24 California Penal Code. Defendants dispute such contentions and contend that their
25 policies and actions are lawful.

26 82. Plaintiffs desire a judicial determination of their rights and
27 Defendants’ duties and a declaration as to whether Plaintiffs’ interpretation of said

1 policies and actions is correct. Such a declaration is necessary and appropriate
2 because Defendants threaten to continue to enforce their policy and actions against
3 Plaintiffs and other persons, thereby subjecting them to continuing violation of
4 their rights as described in this complaint.

5 **VIII. PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiffs pray for relief as follows.

7 83. With regard to the First Cause of Action, issue preliminary and
8 permanent injunctive relief enjoining Defendant Los Angeles County Probation
9 Department:

- 10 a. To determine the overall amount that an individual defendant has the
11 ability to pay over the probation period, taking into account *all* of the
12 factors specified in Penal Code §1203.1b, and subtract all other court-
13 ordered fines and fees from this amount *before* determining the
14 probation costs to be imposed.
- 15 b. To re-calculate the portion of probation costs that each past or existing
16 probationer would have been able to pay under the new policy and
17 procedure compliant with the laws, along with the correct payment
18 schedule.
- 19 c. To prominently include on the Financial Agreement form that the
20 individual defendant will be held responsible for paying the full
21 amount of all financial obligations even after the end of his or her
22 probation term.

23 84. With regard to the Second Cause of Action, issue preliminary and
24 permanent injunctive relief enjoining Defendant Los Angeles County Probation
25 Department:

- 26 a. To prominently include on a form to waive the right to a hearing under
27 Penal Code §1203.1b (such as the form PROB 1361 or a similar form)

1 the explicit instruction that exercising the right to an ability to pay
2 hearing cannot lead to adverse consequences such as revocation of
3 probation and incarceration.

4 85. With regard to the Third Cause of Action, issue preliminary and
5 permanent injunctive relief enjoining Defendant Los Angeles County Board of
6 Supervisors:

- 7 a. To implement a disbursement process that applies all installment
8 payments made by an individual defendant and collections made by
9 the Franchise Tax Board according to the order of priorities specified
10 in Penal Code §1203.1d.
11 b. To re-disburse installment payments made by each past or existing
12 probationer in compliance with the order of priorities specified in
13 Penal Code § 1203.1d.

14 86. With regard to the First and Third Causes of Action, issue permanent
15 injunctive relief enjoining Defendants:

- 16 a. For those past probationers who 1) made the correct installment
17 payments based on the correct ability to pay determination; 2) made
18 sufficient installment payments to pay in full all items with a higher
19 priority than probation-related costs under Penal Code § 1203.1d; and
20 3) had a civil judgment entered for any remaining balance for any
21 fines and fees (including but not limited to probation-related costs),
22 to petition the court to vacate the civil judgment for the remaining
23 balance, if any.
24 i. For those past probationers described in paragraph (86)(a)
25 above, Defendants must return all overpayments with interest.
26 ii. For those past probationers who do not meet the requirements
27 in paragraph (86)(a) above, Defendants must petition the court

1 to modify the civil judgment to reflect the correct amount, if
2 any.

- 3 b. To update all records under Defendants' custody or control relating
4 to court-ordered debts in accordance with the revised calculations and
5 disbursements.
- 6 c. To the extent that any incorrect information was provided to a third
7 party regarding the above, to notify the third party of the correction
8 promptly after the re-calculation and re-disbursement are completed.
- 9 d. To suspend all collection efforts, including but not limited to any
10 efforts undertaken by a third party agency (such as the Franchise Tax
11 Board and/or GC Services), if any, until re-calculation and re-
12 disbursement have been completed for the respective past probationer.

13 87. With regard to all Causes of Action, issue permanent injunctive relief
14 enjoining Defendants:

- 15 a. To provide a regular, ongoing training to all relevant personnel to
16 strictly comply with the revised policies and practices.

17 88. With regard to each and every Cause of Action, issue a declaratory
18 relief that Defendants' policy and practice violate the relevant statute.

19 89. With regard to all Causes of Action:

- 20 a. For an award of attorney's fees pursuant to California Code of Civil
21 Procedure §1021.5 and the "substantial benefit" doctrine;
22 b. For costs of this suit; and
23 c. For such other relief as the Court may deem proper.

24 Respectfully submitted,

25 

26 DATE: 09/19/19

27 Pavithra Menon (SBN 293866)
Attorney for Plaintiffs

EXHIBIT 1



County of Los Angeles Probation Department
Information Systems Bureau
Adult Probation System (APS)
Defendant Assets and Expenses (DFAE) screen Analysis
September 21, 2017



The following documents the calculations on the DFAE screen in APS.

A. DFAE – Page 1

- **EMP, PHONE/EXT, ADDR, CA** - These fields can be manually data entered by user or if it already exists on the Defendant Address Data (DFAD) screen, the system will automatically populate it.
- **MONTHLY INCOME Section** – Users manually data enter values into the following fields. If no data, then fields will be blank.
 - a. WAGES/SALARY – user manual data entry
 - b. WELFARE/GENERAL RELIEF – user manual data entry
 - c. SSI – user manual data entry
 - d. SPOUSE'S INCOME – user manual data entry
 - e. OTHER INCOME – user manual data entry
 - f. **TOTAL MONTHLY INCOME: GROSS**
 - **This is a calculated field and processed as follows:**

$$f (\text{Total Monthly Income}) = a + b + c + d + e$$

B. DFAE – Page 2

- **EXPENSES/DEBTS Section** – Users manually data enter values into the following fields. If no data, then fields will be blank.
 - a. RENT/MORTG – user manual data entry
 - b. LOAN PYMTS – user manual data entry
 - c. CAR PYMTS – user manual data entry
 - d. INSURANCE – user manual data entry
 - e. UTILITIES – user manual data entry
 - f. OTHER EXP – user manual data entry
 - g. **TOTAL EXP:**
 - **This is a calculated field and processed as follows:**

$$g (\text{Total Exp}) = a + b + c + d + e + f$$

C. DFAE – Page 3

- **NO. DEPENDENTS** = Total number of entries for this field
- **ASSETS Section** – Users manually data enter values into the following fields. If no data, then fields will be blank.
 - a. HOUSE – user manual data entry
 - b. BANK ACCOUNTS – user manual data entry
 - c. PERSONAL PROP – user manual data entry
 - d. **TOTAL ASSETS:**
 - **This is a calculated field and processed as follows:**

$$D (\text{Total Assets}) = a + b + c$$



County of Los Angeles Probation Department
Information Systems Bureau
Adult Probation System (APS)
Defendant Assets and Expenses (DFAE) screen Analysis
September 21, 2017



D. DFAE – Page 3

- **MO. GROSS INCOME** (Monthly Gross Income)- This comes from page 1 of data entry screens

- **MO. NET INCOME** (Monthly Net Income)

- This is a calculated field and processed as follows:

Monthly Gross Income - Monthly Expenses amount = **Monthly Net Income**

- **NO. DEPENDENTS** – Value is populated from page 2 of data entry screens

- **ABILITY TO PAY**

- This is a calculated field that utilizes a pre-populated table within APS. The following is the calculation process.

Take table 'Gross Income' match to the **number of Dependents + 1 + Monthly Gross Income amount**

And provide corresponding amount from the table and populate the **Ability to pay field**.

Note: If there is no corresponding amount the system will populate with the previous record found in the table which less than the actual gross income.

- **OVERRIDE AMOUNT**

- User can manually override the 'Ability to Pay' field if needed.
- This is tracked by User ID.

EXHIBIT 2

PROBATIONER'S STATEMENT OF ASSETS AND EXPENSES DATE:

PERSONAL IDENTIFICATION

X-NUMBER:
SSN:

NAME:
DRIVER'S LICENSE NO.:

1. MONTHLY INCOME:

WAGES/SALARY \$
WELFARE/GR \$
SSI \$
SPOUSE'S INCOME \$
OTHER INCOME \$

EMPLOYER:

ADDRESS:

TELEPHONE:

EXT:

MONTHLY GROSS INCOME: \$

MONTHLY NET INCOME: \$

2. MONTHLY EXPENSES/DEBTS:

RENT/MORTGAGE \$
LOAN PAYMENT(S) \$
CAR PAYMENT(S) \$
INSURANCE \$
UTILITIES \$
OTHER EXPENSES \$

TOTAL EXPENSES: \$

3. DEPENDENT(S)

AGE

SSN

BIRTH.
CERT.

TOTAL DEPENDENTS:

4. ASSETS:

VEHICLE(S):

HOUSE \$
BANK ACCOUNT \$
PERSONAL PROPERTY \$

BANK NAME :
ACCOUNT NO. :
PROPERTY DESCRIPTION:

TOTAL ASSETS: \$

I DECLARE THAT THE FINANCIAL STATEMENT ABOVE IS TRUE AND ACCURATE, AND I UNDERSTAND THAT THE ABOVE INFORMATION, IF MISREPRESENTED, OR INCOMPLETE, MAY BE GROUNDS FOR VIOLATION OF PROBATION AND PENALTIES AS SPECIFIED BY LAW, INCLUDING PENAL CODE 1201.4(F)(4).

PROBATIONER'S SIGNATURE _____

DATE _____

DPO'S/FE'S SIGNATURE _____

DATE _____

EXHIBIT 3



Terri McDonald
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

RIVERVIEW AREA OFFICE
12310 Lower Azusa Rd.
Arcadia, CA 91006



Financial Evaluation

Name: _____ Probation Number: _____

You have been scheduled for a financial evaluation at the Riverview Area Office on the date and time set below by your Deputy Probation Officer.

YOUR APPOINTMENT IS WITH FINANCIAL EVALUATOR, HOLGUIN

DATE: _____

TIME: _____

Failure to keep this appointment may be a violation of the conditions of your grant of probation.

Please bring the following that applies to you:

1. Proof of Household Income:

- a. Last 2 Paycheck Stubs
- b. Welfare Warrants AFDC, GR, Food Stamps (Notice of Action or Award Letter)
- c. Social Security Income (SSI)
- d. Disability Benefits
- e. Unemployment Benefits
- f. Child Support
- g. Spouse's Income
- h. W-2 for past 3 yrs

2. Proof of Dependents

- a. Child's Social Security Card or Birth Certificate
- b. Income Tax Return
- c. Child Support Payments

3. Valid Social Security Card (Required)
4. Valid California Driver's License or Photo I.D. (Required)
5. Rental Receipt/Contract or Mortgage Statement
6. Utility Bills (Water, Power, Gas, Telephone)
7. Car & Insurance payment
8. School Registration (Class schedule, Financial aid, Tuition payments and Loans)
9. Credit Report (Only Restitution Cases)
10. Residential Program or Board & Care Facility (Provide current letter)
11. If you are being supported by a family member/friend, please bring written verification.

If you have any questions, please call Miss Holguin, Financial Evaluator at (626) 579-8507

Probationer's Signature: _____ Date: _____

Telephone: (_____) _____

EXHIBIT 4

ATTACHMENT 'B'

NO OF DEPENDANTS	GROSS-INCOME-AMT	MAPP-AMT
1	1170.00	10.00
1	1308.00	21.00
1	1446.00	32.00
1	1584.00	43.00
1	1722.00	54.00
1	1860.00	65.00
1	1998.00	76.00
1	2136.00	87.00
1	2274.00	98.00
1	2412.00	109.00
1	2550.00	120.00
1	2688.00	131.00
1	2826.00	142.00
1	2964.00	153.00
1	3102.00	164.00
1	3240.00	175.00
1	3378.00	186.00
1	3516.00	197.00
1	3654.00	208.00
1	3792.00	219.00
1	3930.00	230.00
1	4068.00	241.00
1	4206.00	252.00
1	4344.00	263.00
1	4482.00	274.00
1	4620.00	285.00
1	4758.00	296.00
1	4896.00	307.00
1	5034.00	318.00
1	5172.00	329.00
1	5310.00	340.00
1	5448.00	351.00
1	5586.00	362.00
1	5724.00	373.00
1	5862.00	384.00
1	6000.00	395.00
1	6138.00	406.00
1	6276.00	417.00
1	6414.00	428.00
1	6552.00	439.00
1	6690.00	450.00
1	6828.00	461.00
1	6966.00	472.00
1	7104.00	483.00
1	7242.00	494.00
1	7380.00	505.00

NO OF DEPENDANTS	GROSS-INCOME-AMT	MAPP-AMT
1	7518.00	516.00
1	7656.00	527.00
1	7794.00	538.00
1	7932.00	549.00
1	8070.00	560.00
1	8208.00	571.00
1	8346.00	582.00
1	8484.00	593.00
1	8622.00	604.00
1	8760.00	615.00
1	8898.00	626.00
1	9036.00	637.00
1	9174.00	648.00
1	9312.00	659.00
1	9450.00	670.00
1	9588.00	681.00
1	9726.00	692.00
1	9864.00	703.00
1	10002.00	714.00
1	10140.00	725.00
1	10278.00	736.00
1	10416.00	747.00
1	10554.00	758.00
1	10692.00	769.00
1	10830.00	780.00
1	10968.00	791.00
1	11106.00	802.00
1	11244.00	813.00
1	11382.00	824.00
1	11520.00	835.00
1	11658.00	846.00
1	11796.00	857.00
1	11934.00	868.00
1	12072.00	879.00
1	12210.00	890.00
1	12348.00	901.00
1	12486.00	912.00
1	12624.00	923.00
1	12762.00	934.00
1	12900.00	945.00
1	13038.00	956.00
1	13176.00	967.00
1	13314.00	978.00
1	13452.00	989.00
1	13590.00	1000.00
1	13728.00	1011.00

NO OF DEPENDANTS	GROSS-INCOME-AMT	MAPP-AMT
1	13866.00	1022.00
2	1170.00	0
2	1308.00	10.00
2	1446.00	21.00
2	1584.00	32.00
2	1722.00	43.00
2	1860.00	54.00
2	1998.00	65.00
2	2136.00	76.00
2	2274.00	87.00
2	2412.00	98.00
2	2550.00	109.00
2	2688.00	120.00
2	2826.00	131.00
2	2964.00	142.00
2	3102.00	153.00
2	3240.00	164.00
2	3378.00	175.00
2	3516.00	186.00
2	3654.00	197.00
2	3792.00	208.00
2	3930.00	219.00
2	4068.00	230.00
2	4206.00	241.00
2	4344.00	252.00
2	4482.00	263.00
2	4620.00	274.00
2	4758.00	285.00
2	4896.00	296.00
2	5034.00	307.00
2	5172.00	318.00
2	5310.00	329.00
2	5448.00	340.00
2	5586.00	351.00
2	5724.00	362.00
2	5862.00	373.00
2	6000.00	384.00
2	6138.00	395.00
2	6276.00	406.00
2	6414.00	417.00
2	6552.00	428.00
2	6690.00	439.00
2	6828.00	450.00
2	6966.00	461.00
2	7104.00	472.00
2	7242.00	483.00

NO OF DEPENDANTS	GROSS-INCOME-AMT	MAPP-AMT
2	7380.00	494.00
2	7518.00	505.00
2	7656.00	516.00
2	7794.00	527.00
2	7932.00	538.00
2	8070.00	549.00
2	8208.00	560.00
2	8346.00	571.00
2	8484.00	582.00
2	8622.00	593.00
2	8760.00	604.00
2	8898.00	615.00
2	9036.00	626.00
2	9174.00	637.00
2	9312.00	648.00
2	9450.00	659.00
2	9588.00	670.00
2	9726.00	681.00
2	9864.00	692.00
2	10002.00	703.00
2	10140.00	714.00
2	10278.00	725.00
2	10416.00	736.00
2	10554.00	747.00
2	10692.00	758.00
2	10830.00	769.00
2	10968.00	780.00
2	11106.00	791.00
2	11244.00	802.00
2	11382.00	813.00
2	11520.00	824.00
2	11658.00	835.00
2	11796.00	846.00
2	11934.00	857.00
2	12072.00	868.00
2	12210.00	879.00
2	12348.00	890.00
2	12486.00	901.00
2	12624.00	912.00
2	12762.00	923.00
2	12900.00	934.00
2	13038.00	945.00
2	13176.00	956.00
2	13314.00	967.00
2	13452.00	978.00
2	13590.00	989.00

NO OF DEPENDANTS	GROSS-INCOME-AMT	MAPP-AMT
2	13728.00	1000.00
2	13866.00	1011.00
3	1170.00	0
3	1308.00	0
3	1446.00	10.00
3	1584.00	21.00
3	1722.00	32.00
3	1860.00	43.00
3	1998.00	54.00
3	2136.00	65.00
3	2274.00	76.00
3	2412.00	87.00
3	2550.00	98.00
3	2688.00	109.00
3	2826.00	120.00
3	2964.00	131.00
3	3102.00	142.00
3	3240.00	153.00
3	3378.00	164.00
3	3516.00	175.00
3	3654.00	186.00
3	3792.00	197.00
3	3930.00	208.00
3	4068.00	219.00
3	4206.00	230.00
3	4344.00	241.00
3	4482.00	252.00
3	4620.00	263.00
3	4758.00	274.00
3	4896.00	285.00
3	5034.00	296.00
3	5172.00	307.00
3	5310.00	318.00
3	5448.00	329.00
3	5586.00	340.00
3	5724.00	351.00
3	5862.00	362.00
3	6000.00	373.00
3	6138.00	384.00
3	6276.00	395.00
3	6414.00	406.00
3	6552.00	417.00
3	6690.00	428.00
3	6828.00	439.00
3	6966.00	450.00
3	7104.00	461.00

NO OF DEPENDANTS	GROSS-INCOME-AMT	MAPP-AMT
3	7242.00	472.00
3	7380.00	483.00
3	7518.00	494.00
3	7656.00	505.00
3	7794.00	516.00
3	7932.00	527.00
3	8070.00	538.00
3	8208.00	549.00
3	8346.00	560.00
3	8484.00	571.00
3	8622.00	582.00
3	8760.00	593.00
3	8898.00	604.00
3	9036.00	615.00
3	9174.00	626.00
3	9312.00	637.00
3	9450.00	648.00
3	9588.00	659.00
3	9726.00	670.00
3	9864.00	681.00
3	10002.00	692.00
3	10140.00	703.00
3	10278.00	714.00
3	10416.00	725.00
3	10554.00	736.00
3	10692.00	747.00
3	10830.00	758.00
3	10968.00	769.00
3	11106.00	780.00
3	11244.00	791.00
3	11382.00	802.00
3	11520.00	813.00
3	11658.00	824.00
3	11796.00	835.00
3	11934.00	846.00
3	12072.00	857.00
3	12210.00	868.00
3	12348.00	879.00
3	12486.00	890.00
3	12624.00	901.00
3	12762.00	912.00
3	12900.00	923.00
3	13038.00	934.00
3	13176.00	945.00
3	13314.00	956.00
3	13452.00	967.00

NO OF DEPENDANTS	GROSS-INCOME-AMT	MAPP-AMT
3	13590.00	978.00
3	13728.00	989.00
3	13866.00	1000.00
4	1170.00	0
4	1308.00	0
4	1446.00	0
4	1584.00	10.00
4	1722.00	21.00
4	1860.00	32.00
4	1998.00	43.00
4	2136.00	54.00
4	2274.00	65.00
4	2412.00	76.00
4	2550.00	87.00
4	2688.00	98.00
4	2826.00	109.00
4	2964.00	120.00
4	3102.00	131.00
4	3240.00	142.00
4	3378.00	153.00
4	3516.00	164.00
4	3654.00	175.00
4	3792.00	186.00
4	3930.00	197.00
4	4068.00	208.00
4	4206.00	219.00
4	4344.00	230.00
4	4482.00	241.00
4	4620.00	252.00
4	4758.00	263.00
4	4896.00	274.00
4	5034.00	285.00
4	5172.00	296.00
4	5310.00	307.00
4	5448.00	318.00
4	5586.00	329.00
4	5724.00	340.00
4	5862.00	351.00
4	6000.00	362.00
4	6138.00	373.00
4	6276.00	384.00
4	6414.00	395.00
4	6552.00	406.00
4	6690.00	417.00
4	6828.00	428.00
4	6966.00	439.00

NO OF DEPENDANTS	GROSS-INCOME-AMT	MAPP-AMT
4	7104.00	450.00
4	7242.00	461.00
4	7380.00	472.00
4	7518.00	483.00
4	7656.00	494.00
4	7794.00	505.00
4	7932.00	516.00
4	8070.00	527.00
4	8208.00	538.00
4	8346.00	549.00
4	8484.00	560.00
4	8622.00	571.00
4	8760.00	582.00
4	8898.00	593.00
4	9036.00	604.00
4	9174.00	615.00
4	9312.00	626.00
4	9450.00	637.00
4	9588.00	648.00
4	9726.00	659.00
4	9864.00	670.00
4	10002.00	681.00
4	10140.00	692.00
4	10278.00	703.00
4	10416.00	714.00
4	10554.00	725.00
4	10692.00	736.00
4	10830.00	747.00
4	10968.00	758.00
4	11106.00	769.00
4	11244.00	780.00
4	11382.00	791.00
4	11520.00	802.00
4	11658.00	813.00
4	11796.00	824.00
4	11934.00	835.00
4	12072.00	846.00
4	12210.00	857.00
4	12348.00	868.00
4	12486.00	879.00
4	12624.00	890.00
4	12762.00	901.00
4	12900.00	912.00
4	13038.00	923.00
4	13176.00	934.00
4	13314.00	945.00

NO OF DEPENDANTS	GROSS-INCOME-AMT	MAPP-AMT
4	13452.00	956.00
4	13590.00	967.00
4	13728.00	978.00
4	13866.00	989.00
5	1170.00	0
5	1308.00	0
5	1446.00	0
5	1584.00	0
5	1722.00	10.00
5	1860.00	21.00
5	1998.00	32.00
5	2136.00	43.00
5	2274.00	54.00
5	2412.00	65.00
5	2550.00	76.00
5	2688.00	87.00
5	2826.00	98.00
5	2964.00	109.00
5	3102.00	120.00
5	3240.00	131.00
5	3378.00	142.00
5	3516.00	153.00
5	3654.00	164.00
5	3792.00	175.00
5	3930.00	186.00
5	4068.00	197.00
5	4206.00	208.00
5	4344.00	219.00
5	4482.00	230.00
5	4620.00	241.00
5	4758.00	252.00
5	4896.00	263.00
5	5034.00	274.00
5	5172.00	285.00
5	5310.00	296.00
5	5448.00	307.00
5	5586.00	318.00
5	5724.00	329.00
5	5862.00	340.00
5	6000.00	351.00
5	6138.00	362.00
5	6276.00	373.00
5	6414.00	384.00
5	6552.00	395.00
5	6690.00	406.00
5	6828.00	417.00

NO OF DEPENDANTS	GROSS-INCOME-AMT	MAPP-AMT
5	6966.00	428.00
5	7104.00	439.00
5	7242.00	450.00
5	7380.00	461.00
5	7518.00	472.00
5	7656.00	483.00
5	7794.00	494.00
5	7932.00	505.00
5	8070.00	516.00
5	8208.00	527.00
5	8346.00	538.00
5	8484.00	549.00
5	8622.00	560.00
5	8760.00	571.00
5	8898.00	582.00
5	9036.00	593.00
5	9174.00	604.00
5	9312.00	615.00
5	9450.00	626.00
5	9588.00	637.00
5	9726.00	648.00
5	9864.00	659.00
5	10002.00	670.00
5	10140.00	681.00
5	10278.00	692.00
5	10416.00	703.00
5	10554.00	714.00
5	10692.00	725.00
5	10830.00	736.00
5	10968.00	747.00
5	11106.00	758.00
5	11244.00	769.00
5	11382.00	780.00
5	11520.00	791.00
5	11658.00	802.00
5	11796.00	813.00
5	11934.00	824.00
5	12072.00	835.00
5	12210.00	846.00
5	12348.00	857.00
5	12486.00	868.00
5	12624.00	879.00
5	12762.00	890.00
5	12900.00	901.00
5	13038.00	912.00
5	13176.00	923.00

NO OF DEPENDANTS	GROSS-INCOME-AMT	MAPP-AMT
5	13314.00	934.00
5	13452.00	945.00
5	13590.00	956.00
5	13728.00	967.00
5	13866.00	978.00
6	1170.00	#VALUE!
6	1308.00	#VALUE!
6	1446.00	#VALUE!
6	1584.00	#VALUE!
6	1722.00	#VALUE!
6	1860.00	10.00
6	1998.00	21.00
6	2136.00	32.00
6	2274.00	43.00
6	2412.00	54.00
6	2550.00	65.00
6	2688.00	76.00
6	2826.00	87.00
6	2964.00	98.00
6	3102.00	109.00
6	3240.00	120.00
6	3378.00	131.00
6	3516.00	142.00
6	3654.00	153.00
6	3792.00	164.00
6	3930.00	175.00
6	4068.00	186.00
6	4206.00	197.00
6	4344.00	208.00
6	4482.00	219.00
6	4620.00	230.00
6	4758.00	241.00
6	4896.00	252.00
6	5034.00	263.00
6	5172.00	274.00
6	5310.00	285.00
6	5448.00	296.00
6	5586.00	307.00
6	5724.00	318.00
6	5862.00	329.00
6	6000.00	340.00
6	6138.00	351.00
6	6276.00	362.00
6	6414.00	373.00
6	6552.00	384.00
6	6690.00	395.00

NO OF DEPENDANTS	GROSS-INCOME-AMT	MAPP-AMT
6	6828.00	406.00
6	6966.00	417.00
6	7104.00	428.00
6	7242.00	439.00
6	7380.00	450.00
6	7518.00	461.00
6	7656.00	472.00
6	7794.00	483.00
6	7932.00	494.00
6	8070.00	505.00
6	8208.00	516.00
6	8346.00	527.00
6	8484.00	538.00
6	8622.00	549.00
6	8760.00	560.00
6	8898.00	571.00
6	9036.00	582.00
6	9174.00	593.00
6	9312.00	604.00
6	9450.00	615.00
6	9588.00	626.00
6	9726.00	637.00
6	9864.00	648.00
6	10002.00	659.00
6	10140.00	670.00
6	10278.00	681.00
6	10416.00	692.00
6	10554.00	703.00
6	10692.00	714.00
6	10830.00	725.00
6	10968.00	736.00
6	11106.00	747.00
6	11244.00	758.00
6	11382.00	769.00
6	11520.00	780.00
6	11658.00	791.00
6	11796.00	802.00
6	11934.00	813.00
6	12072.00	824.00
6	12210.00	835.00
6	12348.00	846.00
6	12486.00	857.00
6	12624.00	868.00
6	12762.00	879.00
6	12900.00	890.00
6	13038.00	901.00

NO OF DEPENDANTS	GROSS-INCOME-AMT	MAPP-AMT
6	13176.00	912.00
6	13314.00	923.00
6	13452.00	934.00
6	13590.00	945.00
6	13728.00	956.00
6	13866.00	967.00
7	1170.00	0
7	1308.00	0
7	1446.00	0
7	1584.00	0
7	1722.00	0
7	1860.00	0
7	1998.00	10.00
7	2136.00	21.00
7	2274.00	32.00
7	2412.00	43.00
7	2550.00	54.00
7	2688.00	65.00
7	2826.00	76.00
7	2964.00	87.00
7	3102.00	98.00
7	3240.00	109.00
7	3378.00	120.00
7	3516.00	131.00
7	3654.00	142.00
7	3792.00	153.00
7	3930.00	164.00
7	4068.00	175.00
7	4206.00	186.00
7	4344.00	197.00
7	4482.00	208.00
7	4620.00	219.00
7	4758.00	230.00
7	4896.00	241.00
7	5034.00	252.00
7	5172.00	263.00
7	5310.00	274.00
7	5448.00	285.00
7	5586.00	296.00
7	5724.00	307.00
7	5862.00	318.00
7	6000.00	329.00
7	6138.00	340.00
7	6276.00	351.00
7	6414.00	362.00
7	6552.00	373.00

NO OF DEPENDANTS	GROSS-INCOME-AMT	MAPP-AMT
7	6690.00	384.00
7	6828.00	395.00
7	6966.00	406.00
7	7104.00	417.00
7	7242.00	428.00
7	7380.00	439.00
7	7518.00	450.00
7	7656.00	461.00
7	7794.00	472.00
7	7932.00	483.00
7	8070.00	494.00
7	8208.00	505.00
7	8346.00	516.00
7	8484.00	527.00
7	8622.00	538.00
7	8760.00	549.00
7	8898.00	560.00
7	9036.00	571.00
7	9174.00	582.00
7	9312.00	593.00
7	9450.00	604.00
7	9588.00	615.00
7	9726.00	626.00
7	9864.00	637.00
7	10002.00	648.00
7	10140.00	659.00
7	10278.00	670.00
7	10416.00	681.00
7	10554.00	692.00
7	10692.00	703.00
7	10830.00	714.00
7	10968.00	725.00
7	11106.00	736.00
7	11244.00	747.00
7	11382.00	758.00
7	11520.00	769.00
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8	1308.00	0
8	1446.00	0
8	1584.00	0
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8	1860.00	0
8	1998.00	0
8	2136.00	10.00
8	2274.00	21.00
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9	1584.00	0
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9	1860.00	0
9	1998.00	0
9	2136.00	0
9	2274.00	10.00
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10	1584.00	0
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10	6690.00	351.00
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10	13038.00	857.00
10	13176.00	868.00
10	13314.00	879.00
10	13452.00	890.00
10	13590.00	901.00
10	13728.00	912.00
10	13866.00	923.00

EXHIBIT 5

**PROBATION DEPARTMENT
DIRECTIVE**

No.:	1399
Issued:	05/08/17
Post Until:	06/08/17

SUBJECT: NEW RATES FOR THE COST OF PROBATION SERVICES (COPS)

Penal Code Section 1203.1b authorizes that a defendant may be required to reimburse the Probation Department for all or a reasonable portion of the cost of probation services that are provided. The statute dictates the Probation Officer shall make an assessment of the defendant's ability to pay to determine the amount and manner a defendant will be required to pay for COPS.

The cost of probation services is calculated each fiscal year and approved by the Department of the Auditor Controller. The cost of probation services reflects the average cost of providing probation services. Effective May 8, 2017, the Adult Probation System (APS) has been updated to reflect the cost of probation services for fiscal year 2016 - 2017. Changes in the cost of probation services are as follows:

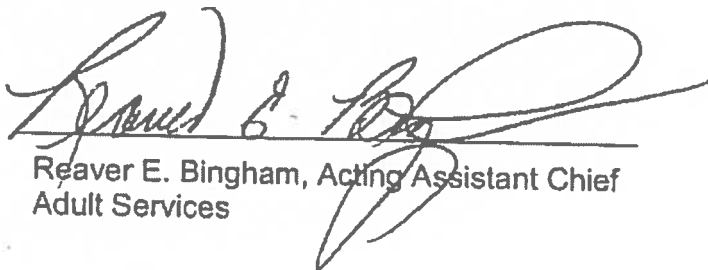
COPS RATES

The cost of conducting an investigation and preparing a court report is: **\$768.00**

The overall average monthly cost for adult supervision per probationer is: **\$145.00**

As part of the initial orientation, the Supervision Intake Team (SIT) deputy or Specialized Caseload deputy is to instruct the probationer regarding the current cost of probation services.

Questions or concerns regarding this Directive shall be directed to the Adult Consultant, at (562) 940-2525.



Reaver E. Bingham, Acting Assistant Chief
Adult Services

EXHIBIT 6

PROBATION DEPARTMENT DIRECTIVE

No:	802
Issued:	10/24/00
Post until:	11/27/00

Subject: CALENDARING OF CASES WITH UNPAID FINANCIAL OBLIGATIONS 90 DAYS PRIOR TO EXPIRATION OF THE GRANT OF PROBATION, INCLUDING COST OF PROBATION SERVICES.

The DPO is responsible to ensure that all financial obligations payable through the Los Angeles County Probation Department have been paid in full, at least 90 days prior to the date of expiration of the grant of probation for which the obligation was incurred. The DPO is to calendar a court hearing, at least 90 days prior to expiration, on any grant of probation in which the financial obligation has not been paid in full. In most, but not all cases, this hearing will be a violation hearing.

Cost of Probation Services (COPS)

Failure to pay the Cost of Probation Services (COPS) is not enforceable as a violation of probation. However, a court order for payment of COPS, pursuant to Penal Code Section 1203.1b, is executable in the same manner as a civil judgment. When the probationer is not in violation of the grant of probation and the only unpaid financial obligation is COPS, the DPO should request the court to order the probationer to pay the Cost of Probation Services in the amount and manner as determined by Probation.

If the probationer has signed a Waiver of Right to a Hearing Regarding the Cost of Probation Services (Prob. 1361), the DPO may submit a Request for Judgment and Entry of Judgment Pursuant to PC 1203.1 b (Prob. 1390). Prob. 1390 (attached) is a new form designed to report the amount of COPS agreed to by the probationer on Prob. 1361. It may be photocopied for use pending receipt in the Area Offices of the initial order. If the probationer has not signed Prob. 1361, the DPO may use a Report on the Determination of the Cost of Probation Services (Prob. 1368).

Any questions or concerns regarding this Directive may be directed to the Adult Consultant, Charles Rogers, at (562) 940-2525.

David M. Davies, Chief
Adult Field Services Bureau

Jane E. Martin, Chief
Adult Special Services Bureau

MANUAL HOLDERS: CROSS-REFERENCE YOUR MANUALS TO THIS DIRECTIVE WHERE APPROPRIATE

EXHIBIT 7

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT
NOTICE

No.	1234
Issued:	08/20/02
Post Until:	09/20/02

SUBJECT: COURT ORDERS FOR A CIVIL JUDGMENT OR A MONEY JUDGMENT

It appears in some cases that DPOs are submitting Financial Change Forms requesting to delete the financial obligation from a probationer's account when a court order is received indicating the probationer's financial obligation has been declared to be a civil judgment or a money judgment.

When the court makes an order for a money judgment (which is always enforceable as a civil judgment) in favor of an individual or entity, the court is formally acknowledging that a particular individual or entity is legally entitled to collect money from the defendant. The court's order does not have criminal sanctions that force the defendant to pay. The order simply enables the victim to pursue collection through the civil court. It does not vacate the Probation Department's responsibility to continue collections.

The law provides that the individual or entity in whose favor the money judgment has been ordered (referred to as the plaintiff) must follow an elaborate series of procedures to attempt to "execute" on the court's order when the defendant fails to satisfy the financial obligation. Collection of the debt still depends in large part on the defendant's ability to pay, but the plaintiff is legally able to obtain liens on the defendant's assets until the debt is paid.

Please refer questions regarding this Notice to the Adult Consultant, Charles Rogers, at (562) 940-2525.


Jane E. Martin, Chief
Adult Special Services Bureau


David M. Davies, Chief
Adult Field Services Bureau

MANUAL HOLDERS: CROSS-REFERENCE YOUR MANUALS TO THIS DIRECTIVE WHERE APPROPRIATE

EXHIBIT 8



COUNTY OF LOS ANGELES
PROBATION DEPARTMENT



TERRI L. McDONALD
Chief Probation Officer

WAIVER OF RIGHT TO A HEARING
REGARDING THE COST OF PROBATION SERVICES (COPS)

PROBATIONER: _____ X-NUMBER: _____

COURT CASE NUMBER

TTC NUMBER

The Probation Officer has determined your ability to pay the Cost of Probation Services (COPS) in the total amount of \$ 0.00 , at a rate of \$ 0.00 per month. This amount includes the following fees

A. Cost of the Investigation Report:	\$ 0 00
B. Service Charge (This charge is assessed when making monthly payments)	\$ 50 00
C. 0 months of probation supervision at \$ 0 00 per month	\$ 0 00

Be advised that the monthly rate indicated above is additional to any other monthly fees resulting from financial obligations ordered by the court.

If you agree with this determination, you will need to sign this form, a copy of which will be provided to you. If you do not agree with this determination, you are entitled to have the court determine the amount of COPS and to be represented by counsel. Your case will now be scheduled for hearing pursuant to Section 1203.1b Penal Code. Once the COPS amount has been determined, you have the right at any time to request a review by Probation of your ability to pay based on changes of circumstance.

1. I understand that by signing this form I waive my right to a court determination regarding the Cost of Probation Services.
2. I understand that at such court hearing I would have the opportunity to be heard in person, to present witnesses and other documentary evidence, and to hear any evidence presented against me
3. I understand that at such court hearing I would receive a written statement of the findings of the Court.
4. I hereby agree to the total amount of the Cost of Probation Services and to the manner of payment. I understand that I may ask for a financial review by Probation at any time.
5. I sign this waiver freely and voluntarily and with full understanding of all the matters set forth in this form.

PROBATIONER: _____ DATE: _____

DPO: _____ DATE: _____

EXHIBIT 9

Duties of the Financial Evaluator

When a referral for a financial evaluation has been submitted, the probationer is contacted via us mail, telephone call or verbally in person.

At the appointment, the Financial Evaluator (FE) will require the probationer to bring all applicable paperwork. The evaluator will enter information received from the probationer in the Defendants Assets and Expenses (DFAE) screen. This will support the process in determining the probationer's ability to pay.

When the probationer has been confirmed to be unemployed and/or without income or assets, he/she shall be given a follow up appointment in 60-90 days.

When the probationer's ability to pay is determined, the financial evaluator will:

- Review the Trial Court Information System (TCIS)
- Prepare the financial agreement and explain the assessed financial obligation and request the probationer's signature confirmation
- Communicate to the probationer the amount of his/her monthly payment that applies to the total obligation
- Complete the COPS Waiver Form, explain and present to the probationer for signature
- Explain the billing process to the probationer and present the Notice Regarding Financial Obligations for signature
- Review the Probationer's Statement of Assets and Expenses page and request the probationer's signature confirmation
- Use the Court Report Web System (CRWS) forms to complete the evaluation process
- Complete the Adult Financial Evaluation Check off sheet (see diagram 3)

ADULT FINANCIAL EVALUATION CHECK OFF SHEET

Defendant Name: John Doe X-number: 12345678

- | | |
|--|-------------------------------------|
| 1. Verification Of Income | <input checked="" type="checkbox"/> |
| 2. Proof Of Dependents | <input type="checkbox"/> |
| 3. Rental Agreement or Mortgage Statement | <input checked="" type="checkbox"/> |
| 4. Utility Bills (lights, gas, water, phone and electricity) | <input checked="" type="checkbox"/> |
| 5. Car Insurance statement | <input type="checkbox"/> |
| 6. Car Payment statement (If applicable) | <input type="checkbox"/> |
| 7. Lewis Nixie Report (Restitution cases) | <input type="checkbox"/> |
| 8. Credit Report (Restitution Cases) | <input type="checkbox"/> |
| 9. DFAE Printout | <input checked="" type="checkbox"/> |

ARSA OFFICE: ESP/AV

Completed by: ☐ Date: 06/02/16

Completed Financial packet forwarded to DPO caselead 91A

Date forwarded: 06/02/16

EXHIBIT 10

FINANCIAL AGREEMENT

I _____, (Probation X-Number: X _____)

Have been placed on formal probation/DEJ for _____ Months, in case number: _____. I am responsible for paying the financial obligations during my term of probation in following this case:

Restitution (Subject to change)

Restitution Service Charge

Restitution Fine

Fine (s)

Cost of Probation Sentencing Report

Cost of Monthly Probation Supervision Probation

Diversion Fee - Fel/Misd

Other _____

Other _____

Collection Installment Fee

\$ 50.00

TOTAL

I agree to the assessed financial obligation in my case and I will provide payment through the Probation Department during my term of probation. I have agreed to remain current with the following payment plan. I also understand that the court granting probation may receive a copy of this agreement. The Probation Officer has explained that I may request or the Probation Officer may initiate a reassessment of my payment plan based on changes to my financial conditions. I understand that my failure to make payment as per this agreement will result in my case being returned to court.

PAYMENT PLAN

- _____ Payment (s) in the amount of _____, by (Date) _____
- Minimum Monthly Payment of _____, by the 20th Day of Each Month.

Probationer Signature

Date

DPO/Financial Evaluator

Date

EXHIBIT 11

August 20, 2019

VIA CERTIFIED MAIL AND EMAIL

Terri L. McDonald
Chief Probation Officer
Los Angeles County Probation Department
1330 Imperial Hwy
Los Angeles, CA 90044
Email: Terri.Mcdonald@probation.lacounty.gov

Los Angeles County Board of Supervisors
c/o Celia Zavala, Executive Officer
500 West Temple Street, Ste 383
Los Angeles, CA 90012
Email: executiveoffice@bos.lacounty.gov

Office of the County Counsel
County of Los Angeles
500 West Temple Street, Ste 648
Los Angeles, CA 90012
Email: Contact_Us@counsel.lacounty.gov

**RE: NOTICE OF INTENT TO SUE FOR VIOLATIONS OF PENAL CODE §§1203.1b,
1203.1d**

To the Los Angeles County Board of Supervisors and the Los Angeles County Probation Department,

I represent All of Us or None-Los Angeles/Long Beach Chapter (“AOUON”). It has come to our attention that the Los Angeles County Probation Department (“the Department”) and the Los Angeles County Board of Supervisors (“Board”) are in violation of the laws regulating imposition and disbursement of probation-related costs.

These laws have long made it clear that, if the defendant’s ability to pay does not exceed the amount of court-ordered fines and fees, the Department cannot assess *any* probation-related costs, including cost of probation services (“COPS”) and cost of conducting investigation and/or preparing a report (cost of investigation or report, or “CIR”). These laws contemplate that, with

few exceptions, the defendant who complies with the Department's payment schedule should have no criminal justice debt at the end of her probation.

However, this is rarely the case. The Department routinely charges the full amount of COPS and CIR to indigent defendants regardless of their ability to pay. As a result, indigent defendants leave probation with thousands of dollars in court-ordered debt even after making all payments as required under their probation terms and conditions. Further, the Board ignores the statutory mandate to disburse victim restitution *before* reimbursing itself for probation costs.

Below, I explain the relevant laws, followed by the Department and the Board's policies and practices that violate them. Finally, on behalf of my client, I propose a number of fixes that the Department and the Board should immediately implement. While my client is ready and willing to discuss ways to work with the Department and the Board to address these concerns, please note that we will promptly seek the court's intervention if the Department or the Board fails to confirm, on or before **September 20, 2019**, the implementation of meaningful changes in its respective policy and practice consistent with our proposal and sufficient to address the past and ongoing harms that the Department and the Board's violations have caused and continue to cause.

RELEVANT LAWS

Court-ordered Fines and Fees

There are many different fines and fees that a court may order an individual under the Department's supervision to pay. For purposes of this letter, they are as follows:

- Restitution: victim restitution ordered by the court pursuant to Penal Code §1202.4(f) to be distributed directly to victim
- State surcharge: state surcharge ordered pursuant to Penal Code §1465.7 to be distributed to the state General Fund
- Fine, penalty assessment, and restitution fine ordered pursuant to Penal Code §1202.4(b)
- Other reimbursable costs, such as: legal assistance fee pursuant to Penal Code §987.8, booking fee pursuant to Government Code §29550.1, court security fee pursuant to Penal Code §1465.8, and so forth.
- Probation costs:
 - Cost of probation supervision, conditional sentence, or term of mandatory supervision ("COPS")
 - Cost of conducting a preplea/presentence investigation and preparing a preplea/presentence report pursuant to Penal Code §1203.7 or §1203.9 ("CIR")

- Cost of processing a request for interstate compact supervision pursuant to Penal Code §§11175 to 11179

Some, but not all, of these fines and fees are made part of probation terms and conditions. Specifically, payment of restitution fines and orders imposed pursuant to Penal Code §1202.4 are a condition of probation, and any portion of a restitution order that remains unsatisfied once the probation period ends is subject to collection. *See* Penal Code § 1202.4(m). However, probation costs are not material terms of probation.

Finally, with limited exceptions (notably including the direct victim restitution and state surcharge), “all fines collected by [the Department] as a condition of the granting of probation or as a part of the terms of probation, shall be paid into the county treasury and placed in the general fund for the use and benefit of the county.” Penal Code §1203.1(k).

Penal Code §1203.1d: Priorities of Determination and Disbursement

In terms of determining what must be paid by the defendant following conviction, Penal Code §1203.1d makes it clear that the court’s determination of “fines and penalty assessments” comes first. Determination of victim restitution comes next. Other reimbursable costs, which include probation costs such as COPS and CIR, are to come last.

The order of disbursement to be followed by the Board is slightly different. In case of installment payments by the defendant, restitution must be disbursed first (directly to the victim); state surcharge is disbursed second (to the state General Fund); fines, penalty assessments, and restitution fine are disbursed third; and any other reimbursable costs are disbursed last. Probation costs come last in both determination and disbursement.

In disbursing money paid by a defendant, there is no apportionment authorized between items of different priorities. Under subdivision (b)(3), apportionment of payments is permitted among “fines, penalty assessments, and restitution fines ordered pursuant to subdivision (b) of Section 1202.4,” items which all have the same priority of disbursement. There is no other provision for apportionment of disbursement. Disbursement should not be made to items of lower priority, unless all items of higher priority have been paid in full.

Penal Code § 1203.1b: “Ability to Pay” Determination

Subdivision (a) of Penal Code §1203.1b describes how to calculate the amount of probation costs to be imposed on a defendant. The defendant must have the “ability to pay” this amount, considering all relevant factors as well as all other court-ordered fines and fees.

First, consistent with section 1203.1d, determination of probation costs occurs after the determination of restitution, fines, and assessment. That is, the Department should determine whether the defendant has the ability to pay “all or a portion” of the probation costs *after* “taking into account any amount that the defendant is ordered to pay in fines, assessments, and

restitution.” While the statute prohibits this amount from exceeding the actual average cost of various probation services, there is no prohibition against the Department *not* imposing any probation costs at all.

Under subdivision (e) of section 1203.1b, the defendant’s ability to pay means “the overall capability of the defendant to reimburse” probation costs and includes her present financial position, reasonably discernible future financial position (but no more than one year in the future), likelihood of obtaining employment within one year, and any other relevant factors.

Next, for the purpose of CIR, the Department develops a payment schedule based on income and approved by the presiding judge of the Los Angeles County Superior Court (hereinafter “CIR schedule”). The Department may also “determine the amount of payment and the manner in which the payments shall be made to the county” for all probation costs. Subdivision (d) of section 1203.1b explicitly allows the Department to order payments on a monthly basis. Under subdivision (h), the county can charge a fee up to \$75 for the processing of installment payments to the Department. An installment plan must be “reasonable and compatible with the defendant’s financial ability.” Penal Code §§1203.1b(b)(2), 1203.1d(a).

Following the Department’s assessment, the defendant must be informed of her right to a hearing on the costs imposed unless the person *knowingly and intelligently* waives that right. Penal Code §1203.1b(a).

VIOLATIONS

The Department Does Not Make the Required “Ability to Pay” Determination.

The Department violates Penal Code §1203.1b in two distinct but related ways. First, the Department violates subdivision (e) by exclusively relying on the number of dependents and gross monthly income to calculate a defendant’s *monthly* ability to pay, thereby disregarding all other factors specified by the statute to determine her “overall capability to reimburse” probation costs. Second, as a matter of policy, the Department does not reduce the amount of probation costs imposed on a defendant on the basis of her ability to pay or in consideration of any court-ordered fines, assessments, and restitution, in violation of subdivision (a).

As an example, let us consider a hypothetical case. For an individual with one dependent and less than \$1,170 in gross monthly income, the Department determines that her *monthly* ability to pay is \$10, based *exclusively* on the CIR schedule. Attachment 1. Even without taking into account any other factors under subdivision (e), the Department’s own standard (though flawed) shows that her overall capability to reimburse three-year probation costs should be no more than \$360 total (*i.e.* \$10/month x 36 months), and the Department cannot impose probation costs exceeding \$360 without violating subdivision (a).

The law, however, does not stop there.

Under subdivision (a), the Department must also take into account the defendant's other fines and fees when determining her ability to pay "all or a portion" of probation costs. Therefore, if the court-ordered fines and fees exceed, or equal, \$360 (as they often do), there is no statutory basis for the Department to determine that the defendant has the ability to pay *any* portion of the probation costs.

However, even for this defendant with the *monthly* ability to pay only \$10, the Department imposes its full CIR and COPS amounts. For the fiscal year 2016-2017, the Department calculated the CIR to be \$768 and the COPS to be \$145 per month. Attachment 2. Based on these amounts, the Department would impose the full \$5,988, *in addition to* the existing fines and fees. Simple math tells us that, even disregarding other fines and fees as well as any interest, it would take this defendant nearly 50 years to pay the probation costs imposed on her in full. A 50-year payment schedule is not "reasonable and compatible" with the indigent defendant's ability to pay.

The Department Routinely Coerces Defendants to Waive Their Right to an Ability to Pay Hearing.

The Department also routinely coerces individual defendants to sign a waiver for an ability to pay hearing. For example, the Department routinely and falsely threatens defendants with revocation of probation and subsequent incarceration, should they refuse to waive their right to a hearing. This is a clear violation of the defendant's statutory right to a hearing, and any waiver so obtained cannot constitute "a knowing and intelligent waiver."

The Board Does Not Respect the Priority of Disbursement.

Finally, in violation of Penal Code §1203.1d, the Board or its agents do not properly disburse (or credit) payments made by individual defendants. Instead of disbursing the payments in the order of victim restitution; state surcharge; other fines, penalty assessments, and restitution fines; and *lastly* disbursing probation costs, the Board or its agents routinely disburse probation costs *first* or simultaneously with the higher priority items. The statute does not authorize the Board to disburse portions of a defendant's installation payments to reimburse probation costs before all other court-ordered fines and fees are satisfied in full.

As a result, even if the defendant makes payments sufficient to cover all court-ordered fines and fees, the Board or its agents do not credit her with the full payment toward these fines and fees. The Board's violation of the law makes it appear that the defendant failed to meet material terms and conditions of her probation, leading to long-term collateral impacts on her economic stability and access to post conviction reliefs such as Penal Code §1203.4. *See, e.g., People v. Covington* (2000) 82 Cal. App. 4th 1263. In addition, both the victim and the state General Fund are unlawfully deprived of payments ordered by the court and authorized under the law.

DEMANDS

The Department and the Board must not only bring current policies and practices into compliance with these laws, but take actions to remedy the past harms caused by its violations over the years.

1. For all existing and future probationers:
 - a. The Department must determine the overall amount that an individual defendant has the ability to pay over the probation period, taking into account *all* of the factors specified in Penal Code §1203.1b, and subtract the court-ordered fines and fees from this amount *before* determining the probation costs to be imposed.
 - b. The Board must implement, or direct its agents to implement, a disbursement process that applies all installment payments made by an individual defendant according to the priorities specified in Penal Code §1203.1d.
 - c. The Department must prominently include on a form to waive the right to a hearing under Penal Code §1203.1b (such as the form PROB 1361 or a similar form) the explicit instruction that exercising the right to an ability to pay hearing cannot lead to adverse consequences such as revocation of probation and incarceration.
2. For all past probationers with probation ending within the past 10 years:
 - a. The Department must re-calculate the portion of probation costs that each past probationer would have been able to pay under the new policy and procedure compliant with the laws, along with the correct payment schedule.
 - b. The Board must re-disburse installment payments made by each past probationer in compliance with the priorities specified in Penal Code § 1203.1d.
 - c. For those past probationers who 1) made the correct installment payments based on the correct ability to pay determination; 2) made sufficient installment payments to pay in full all items with a higher priority than COPS under Penal Code § 1203.1d; and 3) had a civil judgment entered for any remaining balance for any fines and fees (including but not limited to COPS), the Department must petition the court to vacate the civil judgment for the remaining balance, if any.
 - i. For those past probationers described in (2)(c) above, the Department and/or the Board must return all overpayments with interest.
 - ii. For those past probationers who do not meet the requirements in (2)(c) above, the Department must petition the court to modify the civil judgment to reflect the correct amount, if any.
 - d. The Department and the Board must update all records in accordance with the revised calculations and disbursements.

- e. To the extent that any incorrect information was provided to a third party regarding the above, the Department and the Board notify the third party of the correction promptly after the re-calculation and re-disbursement are completed.
3. The Department and the Board must suspend all collection efforts, including but not limited to any efforts undertaken by a third party agency (such as GC Services and Franchise Tax Board), if any, until re-calculation and re-disbursement have been completed for the respective defendant.
4. The Department and the Board must provide a regular, ongoing training to all relevant personnel to strictly comply with the revised policies and practices.

Please note that we will seek judicial intervention unless you provide us with proof of substantially completing the above requested actions **on or before September 20, 2019.**

Very truly yours,



Joshua E. Kim

Litigation Attorney

A New Way of Life Reentry Project

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323-563-3575

ATTACHMENT 1



County of Los Angeles Probation Department
Information Systems Bureau
Adult Probation System (APS)
Defendant Assets and Expenses (DFAE) screen Analysis
September 21, 2017



The following documents the calculations on the DFAE screen in APS.

A. DFAE – Page 1

- **EMP, PHONE/EXT, ADDR, CA** - These fields can be manually data entered by user or if it already exists on the Defendant Address Data (DFAD) screen, the system will automatically populate it.
- **MONTHLY INCOME Section** – Users manually data enter values into the following fields. If no data, then fields will be blank.
 - a. WAGES/SALARY – user manual data entry
 - b. WELFARE/GENERAL RELIEF – user manual data entry
 - c. SSI – user manual data entry
 - d. SPOUSE'S INCOME – user manual data entry
 - e. OTHER INCOME – user manual data entry
 - f. **TOTAL MONTHLY INCOME: GROSS**
 - This is a calculated field and processed as follows:

$$f (\text{Total Monthly Income}) = a + b + c + d + e$$

B. DFAE – Page 2

- **EXPENSES/DEBTS Section** – Users manually data enter values into the following fields. If no data, then fields will be blank.
 - a. RENT/MORTG – user manual data entry
 - b. LOAN PYMTS – user manual data entry
 - c. CAR PYMTS – user manual data entry
 - d. INSURANCE – user manual data entry
 - e. UTILITIES – user manual data entry
 - f. OTHER EXP – user manual data entry
 - g. **TOTAL EXP:**
 - This is a calculated field and processed as follows:

$$g (\text{Total Exp}) = a + b + c + d + e + f$$

C. DFAE – Page 3

- **NO. DEPENDENTS** = Total number of entries for this field
- **ASSETS Section** – Users manually data enter values into the following fields. If no data, then fields will be blank.
 - a. HOUSE – user manual data entry
 - b. BANK ACCOUNTS – user manual data entry
 - c. PERSONAL PROP – user manual data entry
 - d. **TOTAL ASSETS:**
 - This is a calculated field and processed as follows:

$$D (\text{Total Assets}) = a + b + c$$



County of Los Angeles Probation Department
Information Systems Bureau
Adult Probation System (APS)
Defendant Assets and Expenses (DFAE) screen Analysis
September 21, 2017



D. DFAE – Page 3

- **MO. GROSS INCOME** (Monthly Gross Income)- This comes from page 1 of data entry screens

- **MO. NET INCOME** (Monthly Net Income)

- **This is a calculated field and processed as follows:**

Monthly Gross Income - Monthly Expenses amount = **Monthly Net Income**

- **NO. DEPENDENTS** – Value is populated from page 2 of data entry screens

- **ABILITY TO PAY**

- **This is a calculated field that utilizes a pre-populated table within APS. The following is the calculation process.**

Take table 'Gross Income' match to the number of Dependents + 1 + Monthly Gross Income amount

And provide corresponding amount from the table and populate the Ability to pay field.

Note: If there is no corresponding amount the system will populate with the previous record found in the table which less than the actual gross income.

- **OVERRIDE AMOUNT**

- User can manually override the 'Ability to Pay' field if needed.
 - This is tracked by User ID.

ATTACHMENT 'B'

NO OF DEPENDANTS	GROSS-INCOME-AMT	MAPP-AMT
1	1170.00	10.00
1	1308.00	21.00
1	1446.00	32.00
1	1584.00	43.00
1	1722.00	54.00
1	1860.00	65.00
1	1998.00	76.00
1	2136.00	87.00
1	2274.00	98.00
1	2412.00	109.00
1	2550.00	120.00
1	2688.00	131.00
1	2826.00	142.00
1	2964.00	153.00
1	3102.00	164.00
1	3240.00	175.00
1	3378.00	186.00
1	3516.00	197.00
1	3654.00	208.00
1	3792.00	219.00
1	3930.00	230.00
1	4068.00	241.00
1	4206.00	252.00
1	4344.00	263.00
1	4482.00	274.00
1	4620.00	285.00
1	4758.00	296.00
1	4896.00	307.00
1	5034.00	318.00
1	5172.00	329.00
1	5310.00	340.00
1	5448.00	351.00
1	5586.00	362.00
1	5724.00	373.00
1	5862.00	384.00
1	6000.00	395.00
1	6138.00	406.00
1	6276.00	417.00
1	6414.00	428.00
1	6552.00	439.00
1	6690.00	450.00
1	6828.00	461.00
1	6966.00	472.00
1	7104.00	483.00
1	7242.00	494.00
1	7380.00	505.00

ATTACHMENT 2

PROBATION DEPARTMENT DIRECTIVE

No.:	1399
Issued:	05/08/17
Post Until:	06/08/17

SUBJECT: NEW RATES FOR THE COST OF PROBATION SERVICES (COPS)

Penal Code Section 1203.1b authorizes that a defendant may be required to reimburse the Probation Department for all or a reasonable portion of the cost of probation services that are provided. The statute dictates the Probation Officer shall make an assessment of the defendant's ability to pay to determine the amount and manner a defendant will be required to pay for COPS.

The cost of probation services is calculated each fiscal year and approved by the Department of the Auditor Controller. The cost of probation services reflects the average cost of providing probation services. Effective May 8, 2017, the Adult Probation System (APS) has been updated to reflect the cost of probation services for fiscal year 2016 - 2017. Changes in the cost of probation services are as follows:

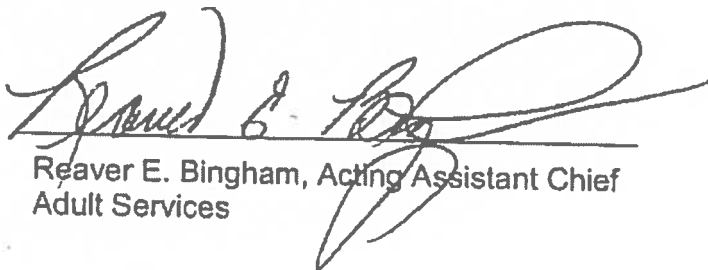
COPS RATES

The cost of conducting an investigation and preparing a court report is: **\$768.00**

The overall average monthly cost for adult supervision per probationer is: **\$145.00**

As part of the initial orientation, the Supervision Intake Team (SIT) deputy or Specialized Caseload deputy is to instruct the probationer regarding the current cost of probation services.

Questions or concerns regarding this Directive shall be directed to the Adult Consultant, at (562) 940-2525.



Reaver E. Bingham, Acting Assistant Chief
Adult Services