

Request for Board of Commissioners' Action

From: Faye Hughes, County Administrator Date: January 12, 2018

Subject: A & D Probation Contract - Addendum Item Number: VIII-D

December 20, 2017

Cook County Commissioners:

I attended a Commission meeting at the beginning of 2017 advising of Law changes for misdemeanor probation providers.

Attached you will find an addendum that we must have signed and attached to the existing service agreement in January 2018.

This addendum is the result of changes the Board made, effective February 2017, in the Rules and Regulations, concerning the requirements for service agreements. We had the majority of the required points in our agreements. However, the state required more detail than what the existing agreements contained.

Please review the addendum. If there are any questions please call me at 229-561-5739. Once the addendum is signed please return in the stamped self-addressed envelope.

Regards,

Lisa D Hancock

Chairman will need a motion to accept the A & D Probation Service Contract Addendum and authorizing his signature on the same.

Motion made by _____

Second made by _____

Any discussion: _____

Votes _____ yes _____ no

Motion carried/ failed

A. D. PROBATION SERVICES

429 E. Dennis Ave.
P O Box 829
Nashville, GA 31639
(229) 686-9520 Office
(229) 686-1989 Fax

120 S Hutchinson Ave
P O Box 930
Adel, GA 31620
(229) 896-9743 Office
(229) 896-1421 Fax

59 W Main St
P O Box 234
Lakeland, GA 31635
(229) 503-6036 Office
(229) 503-6037 Fax

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ADDENDUM

TO PROBATION SERVICES AGREEMENT

Reference is made to an agreement by and between COOK COUNTY and A D PROBATION SERVICES, INC, said agreement being dated 1ST DAY OF January 2017.

- **ITEM A. 4)** Qualifications and Training. Contractor shall employ competent and able personnel to provide the services to be rendered hereunder and to appropriately administer the caseload. All probation officers shall be at least twenty-one (21) years of age and have the educational qualifications as required by Section 42-8-107 of the Official Code of Georgia Annotated. All probation officers shall also comply with the orientation and continuing education training required per annum under the same Code Section. Administration staff shall be at least eighteen (18) years of age, possess at least a high school diploma or the equivalent, and shall comply with the orientation and continuing education training required by the Advisory Council. Contractor will not employ any person that has been convicted of a felony

SHALL BE REPLACED WITH:

Qualifications and Training.

1. Initial Qualifications of Probation Officers.

- (i) Be at least 21 years of age at the time of appointment;
- (ii) Complete a standard 2 year college course of study or 90 quarter hours or 60 semester hours from an accredited institution or have four years of law enforcement experience as a certified peace officer or jurisdictional equivalent, at the time of appointment. Any private probation officer who was employed as of July 1, 1996 and who had at least 6 months of experience as a private probation officer, or any person employed as a probation officer by a county, municipality, or consolidated government as of March 1, 2006, shall be exempt from such college requirements. Documentation of education, law enforcement experience, and POST certification shall be maintained in the probation officer's personnel files;

(iii) Complete a 40 hour initial orientation program within 6 months of appointment, and 20 hour annual in-service continuing education training program, consisting of a curriculum approved by MPOU. Training documentation shall be maintained in the probation officer's file and;

(iv) Sign a statement co signed by the probation entity director or his/her designee that the probation officer has received an orientation on these rules as well as operations guidelines relevant to the probation officer's job duties which shall be maintained in the probation officer's personnel files.

2. Ongoing qualifications of Probation Officers.

(i) Maintain a clear criminal record;

(ii) Ensure each individual completes continuing education and;

(iii) Adhere to all other requirements established in these rules.

3. Change of contact information. All probation officers must notify MPOU of any change in his/her address, telephone number, email, or other pertinent contact information within 3 business days.

(c) Administrative Employee, Agent, Intern, or Volunteer Requirements. To work with a probation entity in any capacity, the following shall be required:

1. Initial qualifications of Administrative Employee, Agent, Intern, or Volunteer.

(i) Be at least 18 years of age;

(ii) Sign a statement co-signed by the probation entity director or his/her designee that the administrative employee, agent, intern, or volunteer has received an orientation on these rules as well as operations guidelines relevant to the administrative employee, agent, intern, or volunteer's job duties which shall be maintained in administrative employee, agent, intern, or volunteer's personnel files;

(iii) High School diploma or equivalent and;

(iv) Complete a 16 hour initial orientation program within 6 months of appointment and 8 hour annual in-service continuing education training program, consisting of a curriculum approved by MPOU.

2. Ongoing qualifications Administrative Employee, Agent, Intern, or Volunteer.

- (i) Maintain a clear criminal record;
 - (ii) Ensure each individual completes continuing education and;
 - (iv) Adhere to all other requirements established in these rules.
- (d) The failure to adhere to the above requirements shall subject the probation entity or individual to sanctions as provided in these rules.

Training and Individual Development. The primary objective of MPOU training curriculum is to ensure that individuals receive sufficient training to enable them to provide probation services that are professional, competent and efficient. To satisfy these training requirements, the curricula are required to be submitted to MPOU for approval. The following training is required:

(a) Probation Officer Initial Orientation Training. All probation officers providing probation services are required to obtain 40 hours of initial orientation training as set forth below. Probation officers with evidence of satisfactorily completing a probation or parole officer basic course of training certified by the Georgia Peace Officer Standards and Training Council are exempt from the 40-hour initial orientation training requirement. Initial training of new probation officers shall be completed within the first 6 months of employment.

1. Probation Officer Orientation Curriculum

- (i) A 5-hour block of instruction covering General Probation Overview and consisting of: The History of Probation, Ethics and Professionalism, Probation Officer Liabilities and Responsibilities, Constitutional Law, and Probation Law;
- (ii) A 20-hour block of instruction covering Probationer Management and consisting of: Confidentiality, Intake, Preparation and Maintenance of Files, Case Documentation, Interviewing and Communication Skills, Available Sentencing Options, Financial Collections, Community Service, Alcohol and Substance Abuse, and Personal Welfare and Safety; and
- (iii) A 15-hour block of instruction covering Legal Procedures and Reports and consisting of: General Report Writing Techniques, Violations, Delinquency

Reports and Warrants, Courtroom Protocol, Testimony and Revocation Proceedings, First Offender Act, Case Termination Reports, Domestic Violence, and Statutory Changes and Updates.

(b) Probation Officer Annual In-Service. All probation officers are required to obtain 20 hours of annual in-service training. In-service training shall be completed on a calendar year basis. The initial orientation training hours completed during the first calendar year of employment shall also count towards satisfying the annual in-service training requirements for that same period.

1. Annual In-Service Training shall be on topics that relate to the criminal justice system and/or the operation of the probation entity as approved by MPOU.

(c) Administrative Employee Agent, Intern, or Volunteer Initial Orientation Training. All Administrative Employee, Agent, Intern, or Volunteer are required to obtain 16 hours of initial orientation training.

1. Administrative Employee, Agent, Intern, or Volunteer Orientation Curriculum.

(i) A 4-hour block of instruction covering: The History of Probation, Ethics and Professionalism, Probation Officer Liabilities and Responsibilities, Constitutional Law, and Probation Law;

(ii) A 8-hour block of instruction covering Probationer Management and consisting of: Confidentiality, Intake, Preparation and Maintenance of Files, Case Documentation, Interviewing and Communication Skills, Available Sentencing Options, Financial Collections, Community Service, Alcohol and Substance Abuse, and Personal Welfare and Safety; and

(iii) A 4-hour block of instruction covering Legal Procedures and Reports and consisting of: General Report Writing Techniques, Violations, Delinquency Reports and Warrants, Courtroom Protocol, Testimony and Revocation Proceedings, First Offender Act, Case Termination Reports, Domestic Violence, and Statutory Changes and Updates.

(d) Administrative Employee, Agent, Intern, or Volunteer Annual In-Service Training. All Administrative Employee, Agent, Intern, or Volunteer will obtain 8 hours of annual in-service training. In-service training shall be completed on a calendar year basis. The initial orientation training hours completed during the first

calendar year of employment shall also count towards satisfying the annual in-service training requirements for that same period.

1. Annual In-Service Training shall be on topics that relate to the criminal justice system and/or the operation of the probation entity as approved by MPOU.

(e) Training Responsibilities. The progress and completion of initial orientation and in-service training is required to be documented and maintained in the individual's files utilizing the forms approved by MPOU.

(f) Training Resources. Probation entities and individuals providing probation services may obtain training resource information from MPOU, local law enforcement agencies, local colleges and schools, and national professional associations such as the American Probation and Parole Association, Georgia Professional Association of Community Supervision, American Correctional Association, and/or credible sources approved by MPOU. All training must be approved by MPOU.

(g) Trainer Requirement. Trainers will have expertise in the area of training. A college degree or POST certification is preferred. Probation entities shall maintain a description of the course and the contact information of the trainer on file. Training provided by professional training services shall be accepted so long as a description of the course and the trainer's contact information is maintained on file and has been approved by MPOU.

(h) The failure to adhere to these training requirements shall subject the probation entity and/or individuals to sanctions as provided in these rules.

- **ITEM A. 5)** Criminal History Check. Contractor shall have finger print cards and a criminal history records check made of all employees. The results of the criminal history check and the finger print cards shall be supplied to the Advisory Council

SHALL BE REPLACED WITH:

Criminal History Check:

Background Checks Required for All Individuals (directors and/or owners, probation officers, administrative employees, agents, interns, or volunteers). All individuals of a probation entity are required to have a criminal background check completed by the Department of Community Supervision in accordance with

OCGA §35-3-34. MPOU may also require criminal records checks at any point during employment, registration, compliance audits, or complaints. MPOU shall report to the probation entity the results of the criminal background checks for all individuals associated with that probation entity.

(a) Probation entities are responsible for fingerprinting new individuals through GAPS within 10 days of hire.

(b) No person may fill any of the positions listed above who has engaged in any of the following conduct:

1. Intentionally falsified, misrepresented, or omitted pertinent information while completing the employment application, preliminary interview questionnaires, polygraph or any other pre-employment document(s);
2. Deliberately made inaccurate, misleading, false, or fraudulent statements during the employment process;
3. Failed to meet required educational or professional licensing or certification (if applicable);
4. Has any felony conviction;
5. Has any outstanding misdemeanor or felony charge pending adjudication;
6. Has sufficient misdemeanor convictions to establish a pattern of disregard for the law;
7. Engaged in any crime of a serious or aggravated nature;
8. Convicted or plead nolo contendere within the past three (3) years for Driving Under the Influence of Drugs or Alcohol (DUI) or for any serious traffic offense, including, but not limited to: Fleeing or Attempting to Elude a Police Officer, Vehicular Homicide, Failure to Stop, Render Aid, or Leave Information, and Racing;
9. Has 5 or more convictions and/or pleas of nolo contendere within the past 2 years for any moving violations;
10. Ongoing criminal activity or history of criminal activity other than minor traffic offenses;
11. Completed first offender sentence for an offense that indicates a security risk;

12. Engaged in any illegal drug use within the past 12 months;
13. Any pattern of marijuana use that suggests unrehabilitated substance abuse;
14. Any pattern of drug use, other than marijuana, that suggests unrehabilitated substance abuse within the past 3 years;
15. Illegal sale, distribution or manufacturing (to include growing) of any drug;
16. Deliberate association of a personal nature within the past year with persons who use illegal drugs in the presence of the applicant;
17. Use of any prescription drug or legally obtainable substance in a manner for which it was not intended and/or;
18. Under sanction by Peace Officer Standards and Training (P.O.S.T).

- **ITEM K Insurance and Bond.** Contactor shall provide adequate liability insurance coverage required for the employees in the amount not less than one million dollars. Contactor shall bond all employees with a commercial insurer authorized to transact surety insurance in Georgia. Contactor shall provide written notice to the Court within thirty (30) days of any material changes of insurance coverage, including cancellation.

SHALL BE REPLACED WITH:

Insurance and Bond. Contactor shall provide adequate liability insurance coverage required for the employees in the amount not less than one million dollars. Contactor shall bond all employees with a commercial insurer authorized to transact surety insurance in Georgia of no less than \$25,000. Contactor shall provide written notice to the Court within Thirty (30) days of any material changes of insurance coverage, including cancellations.

- **ITEM E 3) Scope of Services to Probationers by Contactor.** Restitution, Fine and Fee Collection. Contactor shall collect restitution, fines, court costs and fees, program fees, and probation fees as ordered by the Court

SHALL ALSO INCLUDE

In every case where an individual is serving under active probation supervision and paying a supervision fee, \$9.00 per month shall be added to

any supervision fee collected by any entity authorized to collect such fees and shall be paid into the fund

Pay-only probation; discharge or termination of probation

(a) As used in this Code section, the term "pay-only probation" means a defendant has been placed under probation supervision solely because such defendant is unable to pay the court imposed fines and statutory surcharges when such defendant's sentence is imposed. Such term shall not include circumstances when restitution has been imposed or other probation services are deemed appropriate by the court.

(b) When pay-only probation is imposed, the probation supervision fees shall be capped so as not to exceed three months of ordinary probation supervision fees notwithstanding the number of cases for which a fine and statutory surcharge were imposed or that the defendant was sentenced to serve consecutive sentences; provided, however, that collection of any probation supervision fee shall terminate as soon as all court imposed fines and statutory surcharges are paid in full; and provided, further, that when all such fines and statutory surcharges are paid in full, the probation officer or private probation officer, as the case may be, shall submit an order to the court terminating the probated sentence within 30 days of fulfillment of such conditions. The court shall terminate such probated sentence or issue an order stating why such probated sentence shall continue.

(c) If pay-only probation is subsequently converted to a sentence that requires community service, on petition by a probation officer or private probation officer and with the probationer having an opportunity for a hearing, the court may reinstate probation supervision fees as necessary to monitor the probationer's compliance with community service obligations.

(d) When a defendant is serving pay-only probation, upon motion by the defendant, the court may discharge such defendant from further supervision or otherwise terminate probation when it is satisfied that its action would be in the best interest of justice and the welfare of society.

Serving consecutive misdemeanor sentences

(a) When a defendant is serving consecutive misdemeanor sentences, whether as a result of one case from one jurisdiction or multiple cases from multiple jurisdictions, upon motion by the defendant, the court may discharge such defendant from further supervision or otherwise terminate probation when it is satisfied that its action would be in the best interest of justice and the welfare of society. Such motion shall not be ripe until 12 months after the sentence was entered and every four months thereafter. The defendant shall serve the applicable entity or governing authority that is providing his or her probation services with a copy of such motion.

(b) When a defendant is serving consecutive misdemeanor sentences, his or her probation officer or private probation officer, as the case may be, shall review such case after 12 consecutive months of probation supervision wherein the defendant has paid in full all court imposed fines, statutory surcharges, and restitution and has otherwise completed all testing, evaluations, and rehabilitative treatment programs ordered by the court to determine if such officer recommends early termination of probation. Each such case shall be reviewed every four months thereafter for the same determination until the termination, expiration, or other disposition of the case. If such officer recommends early termination, he or she shall immediately submit an order to the court to effectuate such purpose.

- **ITEM I Period of Service.** Contractor shall commence performance on the day this contract is signed. This Agreement shall be in effect for one year with automatic renewal at the end of every year

SHALL BE REPLACED WITH:

Contractor shall commence performance on the day this contract is signed. This agreement shall be in effect for one year with an automatic renewal at the end of every year, however, automatic renewal shall not exceed five (5) years.

All other terms and provisions of said contract shall remain in full force and effect

Signed this _____ day of _____, 2017

_____ Judge

_____ Commission Chairman

_____ Misdemeanor Probation Provider