



**Office of Inspector General
County of Los Angeles**

**The Probation Department's Failure to
Adhere to Policies and Practices in the
Supervision of an Adult Probationer**

August 18, 2023

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INTRODUCTION

On June 14, 2022, probationer Justin William Flores shot and killed two El Monte police officers who were responding to a domestic violence call.¹ On February 10, 2021, Mr. Flores pled no contest to possessing a firearm with a prior felony conviction in violation of Penal Code Section 29800(a)(1) and was placed on probation for two years, meaning that he was on probation on the date he killed the officers.

An Office of Inspector General review of Mr. Flores' probationary file revealed deficiencies and missteps in the supervision of the probationer, highlighted the failure of the Los Angeles County Probation Department (Probation Department) to adhere to its own policies and protocols, and revealed deficiencies in Probation Department policies. These failures and policy deficiencies raise the concern that the Probation Department may be routinely failing to adequately supervise adult probationers.

DELAY IN ESTABLISHING A SUPERVISION PLAN

Once probation is granted, probationers are ordered to report to the Probation Department within 48 hours of sentencing. The Probation Department is responsible for establishing a supervision plan to promote and verify the client's² compliance with court orders and to "create an atmosphere in which the probationer can reduce his or her criminogenic risks and needs factors and increase proactive factors."³

When Mr. Flores reported to the Probation Department via telephone within 48 hours of his sentence, he was told that his "case was not yet in [the] office," therefore, a supervision plan had not yet been established for him. The Probation Department, however, already had sufficient access to information regarding Mr. Flores in its system to begin the supervision process following his sentencing. Instead, Mr. Flores' file was not assigned to a Deputy Probation Officer (DPO) until almost three weeks after his sentencing. It then took another week for the assigned DPO to mail out Mr. Flores' orientation package on March 16, 2021, further delaying his supervision plan. This delay

¹ Alene Tchekmedyan, Richard Winton, and Libor Jany, "[Horror details emerge about deadly ambush of El Monte Police Officers](#)," *Los Angeles Times*, June 18, 2022.

² Probation Department policies and other documentation refer to either the probationer or the client. Both terms are used throughout this report.

³ [Los Angeles County Probation Department Adult Services Manual](#) (2008) at page 1200-9. According to the California Department of Corrections, criminogenic "is a factor or set of factors that influence an individual's tendency toward criminal behavior." [California Department of Corrections and Rehabilitation, Division of Rehabilitative Programs, Frequently Asked Questions](#).

was unnecessary and preventable. The Probation Department could have commenced the supervision process immediately after Mr. Flores was sentenced using the information available in its Adult Probation System (APS)⁴ including Mr. Flores' pre-plea report.⁵ At a minimum, when Mr. Flores' reported to the Probation Department via telephone within 48 hours of his sentencing, the Probation Department could have provided him temporary instructions and scheduled an appointment for him to meet a DPO in person. Additionally, Mr. Flores could have received referrals to drug treatment or other programs to assist him in establishing a path to successfully complete probation.

Recommendation:

- The Probation Department should implement policies and procedures that ensure a supervision plan begins within 48 hours of sentencing.

Improper Voice Reporting

On March 16, 2021, the DPO assigned to manage Mr. Flores mailed Mr. Flores an orientation packet and left him a voicemail message instructing him to call back and confirm his appointment scheduled for April 22, 2021. Mr. Flores did not call back. This attempt at contacting Mr. Flores was over a month after his sentencing on February 10, 2021. On April 22, 2021, Mr. Flores failed to report for his appointment. When the DPO called Mr. Flores, he was unable to leave a message because Mr. Flores' telephone voice mailbox was full. Approximately one week later on April 29, 2021, the DPO called Mr. Flores again but discovered his mailbox was still full. On this occasion, the DPO attempted to contact Mr. Flores on a secondary telephone number listed in his file. The secondary telephone number connected to a mailbox for a construction company. The DPO left a message asking for Mr. Flores to call him back, however, Mr. Flores did not return his call.

The DPO entered the voicemail messages left for Mr. Flores on March 16, 2021, and April 29, 2021, in the APS, as "voice reporting." According to the Probation Department, voice reporting is defined as follows:

⁴ The Adult Probation System (APS) is an automated system that provides information on each probationer. APS contains case information pertaining to each grant of probation such as the court orders, conditions of probation, financial, addresses, chrono entries, and narcotic testing. See [Los Angeles County Probation Department Adult Services Manual](#) (2008) section at pages 300-10 to 300-11.

⁵ A "pre-plea report" is a report that is ordered by the court on all felony cases before a person is sentenced in court. It is written by Probation Department personnel and provides a personal and criminal history of the person, an evaluation of the case, including a review of the facts, and a recommendation as to what penalty should be imposed for committing the crime.

making *direct contact with the probation client via telephone and* provid[ing] case management services which include, client interview, collect information, review compliance with court orders and/or treatment, conduct records check prior to making contact, investigate potential violations, and reinstruct the client, as needed, and set up the next appointment.⁶

Based on the Probation Department's definition of voice reporting, a voicemail message left without *direct communication* with a client does not constitute voice reporting. Therefore, the entries in the APS on March 16, 2021, and April 29, 2021, were incorrect.

Failure to Properly Assess Risk Level

On April 20, 2020, a Defendant Risk Assessment Data (DRAD)⁷ report was completed for Mr. Flores by an Investigation DPO based on information gathered during his pre-sentence investigation. An Investigation DPO calculates the classification score and is responsible for ensuring that the risk assessment is completed and entered into the APS DRAD screen.⁸

The purpose of a DRAD assessment is to identify defendants who present threats to person and property. The following eight risk factors are used and scored to assess a defendant's risk level: (1) alcohol abuse, (2) illegal drug abuse, (3) gang involvement, (4) age at first conviction, (5) prior grants of probation, (6) prior probation revocations, (7) prior convictions (including juvenile adjudications), and (8) current offense.

The Investigation DPO classified Mr. Flores as a "medium risk" client, with a total risk score of 20. A review of Mr. Flores' DRAD report by the Office of Inspector General found that the DRAD report for Mr. Flores was missing enhancement points for his gang involvement and potentially for his current offense, depending on which assessment sheet was used to calculate the final score. Upon request, the Office of Inspector General was provided three different DRAD score sheets customarily used by the Probation Department to assess a client's risk factors and a fourth version is now being used to train Probation staff. It is unclear which DRAD assessment tool is currently

⁶ "Voice reporting" is not defined in the Probation Department's Adult Services Manual. The definition was provided to the Office of Inspector General via an email on July 14, 2022, from the Probation Department's Risk Management Unit. It was created during the COVID-19 pandemic to avoid in-person meetings with probationers. It may be appropriate for "voice reporting" or a kiosk to be used as a method of reporting to the DPO by low-level offenders as determined by the Probation Department. The specific form of reporting should be dictated by the seriousness of the charges and the totality of the circumstances of the probationer.

⁷ Also known as the Modified Wisconsin Risk Assessment

⁸ [Los Angeles County Probation Department Adult Services Manual](#) (2008) section 800-1

being used by the Probation Department. The purpose of a DRAD assessment is to identify probationers who present threats to person and property.

For all three score sheets provided to the Office of Inspector General, there is an added range of 2-6 points for a client who has any known gang affiliation, regardless of its relation to the current offense. The Probation Department was aware of Mr. Flores' gang affiliation as noted in their summary report to the court at the time of sentencing, however, no points were added to his DRAD score for this gang affiliation. In addition, depending on which score sheet was used to assess Mr. Flores' risk score, five additional points could have also been added to Mr. Flores' DRAD score because he possessed a deadly weapon (a firearm) in his current offense. A client is considered "high risk" when his total DRAD score is 30 or above.⁹ Depending on which score sheet was used, Mr. Flores could have been classified as a "high risk" client by adding points for his gang affiliation and for his current offense. Although a supervisor can override a client's score, there is no indication that this was done in Mr. Flores' case.

It is imperative DRAD assessments are done consistently utilizing the same DRAD assessment score sheet. The Probation Department must ensure the same DRAD evaluation tool is being used throughout the Probation Department. Supervisors should be required to check DRAD scores when they receive client files to ensure the appropriate DPO is assigned.

Probation Department Review of Assessment Tools, Mandated Assessment Training, and Re-classification of Probationers:

- The Probation Department reports that it has started a review of the DRAD assessment tool by initiating a re-evaluation study of the assessment through their System Accountability Bureau. The evaluation will include population norming and the tool's effectiveness for classification.
- Since the time of Mr. Flores' shooting, the Probation Department reports that it has mandated additional DRAD assessment trainings for all DPOs and Supervising DPOs (SDPO).
- According to the Probation Department, they are revising their Adult CORE Caseload Policy¹⁰ to enhance supervision for clients with felony possession of a firearm.

⁹ Los Angeles County Probation Department, Adult CORE Services Bureau Caseload Restructure & Implementation Plan, June 9, 2021, at A-13.

¹⁰ [CORE supervision](#) is a "standardized evidence-based supervision model." According to the Probation Department, it was "developed utilizing the [Eight Evidence-Based Principles](#) for Effective Interventions."

- The Probation Department reports that it transferred 160 “low-risk” clients convicted of possession of a firearm while having a prior felony conviction to area offices for enhanced supervision.

Recommendations:

- The Probation Department should ensure the same DRAD evaluation tool is being used throughout the Probation Department. Supervisors should be required to check DRAD scores when they receive client files to ensure the appropriate DPO and level of supervision is assigned.
- The Probation Department should consider enhanced supervision for clients who have prior acts of violence and/or use of a deadly weapon in addition to client’s convicted of being a felon in possession of a firearm.

Failure to Perform Other Risk Assessments

In addition to the DRAD risk assessment, as required by the Probation Department’s policy, a CORE DPO is responsible for conducting a “LS/CMI risk assessment during the initial orientation to client, which shall occur within 60 days of grant date or release of custody.”¹¹ According to the Probation Department, the LS/CMI is a risk and needs assessment that looks at eight criminogenic factors along with other responsivity factors to determine a probationer’s risk of reoffending. The eight criminogenic factors assessed are (1) criminal history, (2) education/employment, (3) family, (4) leisure/recreation, (5) companions, (6) alcohol/drug problem, (7) pro-criminal attitude/orientation, and (8) anti-social pattern. Based on the needs and criminogenic indicators identified by the LS/CMI assessment, the DPO is responsible for developing an appropriate plan for the probationer and making referrals to appropriate community-based services available to address the client’s needs. A secondary LS/CMI assessment is also required six months after the initial assessment is completed.¹² In addition, the DPO is also responsible for performing an in-office Cognitive Behavioral Intervention (CMI) on the probationer that “addresses the criminogenic needs/skills deficits identified by the completion of the LS/CMI Assessment.”¹³

According to the Probation Department, none of these assessments were conducted on Mr. Flores because offices were closed to the public due to COVID-19 emergency measures and a “face to face interview is the preferred method of conducting these extensive risk/needs assessments.” While the preference for an in-person risk

¹¹ Los Angeles County Probation Department, Adult CORE Services Bureau Caseload Restructure & Implementation Plan, June 9, 2021, at A-6.

¹² *Id.* at A-7.

¹³ *Id.*

assessment is understandable, given the pandemic measures the better practice would have been to conduct this assessment of Mr. Flores virtually rather than not at all. Additionally, in October 2021, the Probation Department started reopening its offices and on December 9, 2021, Mr. Flores reported to his DPO in person. During that visit, none of the required extensive risk/needs assessments were administered.

During the time that in-person contacts were suspended because of the pandemic, an emphasis was placed on voice reporting. Prior to the pandemic, probationers, such as Mr. Flores, assigned to a Coordinated Optimal Rehabilitation Efforts CORE PLUS (CPS) DPO,¹⁴ were required to have a minimum of *two in-person* contacts with their DPO per month.¹⁵ In response to the COVID-19 emergency measures, in March 2020, CPS DPOs were required to “maintain frequent contact with clients” by phone with an emphasis on “high-risk offenders.” In addition, probationers were asked to “proactively reach out to their probation officers.”¹⁶ Contrary to these directives, the failure to have direct contact with Mr. Flores continued throughout the month of May 2021, and entries continued to be noted as “voice reporting” in the APS.¹⁷ While the Probation Department re-opened its office and resumed in-person reporting beginning in October 2021, it was not until December 9, 2021, that Mr. Flores finally appeared for *in-person* supervision by his DPO.

Probation Department Policy Assessment:

- On September 27, 2022, the Probation Department issued a notice to resume “pre-Covid client contacts”. The notice required the “supervision DPO to ensure a minimum of *one* in-person contact (face-to-face) each month with all caseloads (except for AMS-Kiosk).”¹⁸
- The Probation Department reports that it is in the process of updating its policy on client contacts and voice reporting.

¹⁴ A CORE DPO is assigned to a male client who is 26 years or older with a risk score of 15 to 29 on the Modified Wisconsin Risk Assessment (DRAD). Los Angeles County Probation Department, Adult CORE Services Bureau Caseload Restructure & Implementation Plan, June 9, 2021, at A-5.

¹⁵ Los Angeles County Probation Department, Adult CORE Services Bureau Caseload Restructure & Implementation Plan, June 9, 2021, at A-6.

¹⁶ Los Angeles County Probation Department COVID updated, March 27, 2020, Message from Interim Chief Probation Officer Chief Ray Leyva.

¹⁷ A detailed discussion of the chronology of contacts made with Mr. Flores are in the section titled, *Failure to Violate*, which follows this section. The DPO was finally able to speak to Mr. Flores by phone in September of 2021.

¹⁸ Los Angeles County Probation Department Notice No. 1778, issued 9/27/2022. The KIOSK Report-In System is designed to allow probationers to report to the Probation Department in cases where face-to-face contact is not necessary (usually Automated Minimum Services cases that were assessed as low-risk or non-violent drug offenders serving their sentence in a drug treatment program instead of in jail or in prison. All other probationers must report in person.)

Recommendations:

- The Probation Department should end the policy of allowing voice reporting.
- The Probation Department should return to requiring a Coordinated Optimal Rehabilitation Efforts CORE PLUS (CPS) DPO to have a minimum of two in-person contacts with their clients per month¹⁹ (instead of one) to ensure proper supervision of medium and high-risk clients.
- The Probationer's first office visit should be scheduled when the probationer reports to the Probation Department as ordered by the court, which is generally within 48 hours of being sentenced.

Failure to Violate

On June 15, 2021, the Probation Department's Developing Increased Safety through Arms Reduction Management (DISARM) unit conducted a compliance check on Mr. Flores at the residence he previously listed in his file. The DISARM unit, a component of the Probation Department's Special Enforcement Operations (SEO), was initiated by Supervisor Michael Antonovich in February 2000 to conduct unannounced compliance checks on high-risk probationers for the purpose of searching for weapons, narcotics and/or electronic devices.²⁰ Mr. Flores was identified as a high-risk probationer by SEO.²¹

According to SEO, the compliance check on Mr. Flores on June 15, 2021, was part of a scheduled operation. On that day, compliance checks had been scheduled for individuals residing in the City of Pico Rivera. Mr. Flores was selected for the operation because he lived in the area and was discovered to be a Quiet Village gang member with a gun conviction.

When DISARM arrived at the address listed as Mr. Flores' residence, his mother and brother informed them that they did not know where he was. They explained that Mr.

¹⁹ Los Angeles County Probation Department, Adult CORE Services Bureau Caseload Restructure & Implementation Plan, June 9, 2021, at A-6.

²⁰ Los Angeles County Board of Supervisors, Motion by Supervisor Michael D. Antonovich, October 18, 2016, at <https://file.lacounty.gov/SDSInter/bos/supdocs/108277.pdf>

²¹ The Probation Department's [SEO DISARM](#) team makes unannounced compliance checks on high-risk probationers for the purpose of searching for weapons and narcotics. The team previously identified Mr. Flores as a danger and had included him in their scheduled operation on June 15, 2021. The DPO assigned to Mr. Flores was notified of the compliance check after it was performed, and SEO DISARM noted the details of the check in the APS. SEO DISARM also included in their notes, their direct phone number which was done routinely to allow any member of the Probation Department to have direct access to them in case their services were needed. Probation Department staff can also make a request for armed assistance to SEO when they receive information regarding a potential danger to the community or violation, using a form available in the APS and have SEO conduct a check/follow-up. Yet, no one notified SEO or requested their assistance.

Flores only stayed at the residence two to three times a week and then left with his belongings. DISARM conducted a protective sweep of the residence and noted that Mr. Flores did not have any property or clothing at the residence. After DISARM completed their compliance check, they notified Mr. Flores' DPO via telephone and noted their finding in the APS. According to SEO, this is their usual protocol.

At this point, Mr. Flores had failed to report to Probation for approximately 3 months (March 16, 2021 to June 15, 2021), DISARM had not located him at the address listed in his file and his family did not know where he was. Yet, no action was taken at this time to violate Mr. Flores for his failure to report.

The Probation Department's Adult Services Manual states:

[a] DPO may initiate a Violation report to the court for a probationer's failure to report during any month. However, upon the second consecutive failure to report (two months of non-reporting), it is *mandatory* that the matter be investigated and reported to the court for potential violation or desertion proceedings. [Emphasis added.]²²

Before preparing a desertion report, a DPO is required to take the following steps:

- Check all available automated and other resources to ascertain any other means of contacting the probationer.
- A record check to confirm the probationer is not in custody.
- A check of APS to confirm the assignment of the probationer.
- A record search for holds and warrants.²³

No violation report or a desertion proceeding was initiated on Mr. Flores despite his failure to report for at least three months and SEO not being able to locate him at the address listed as his residence.

Two days after SEO DISARM conducted the June 15th compliance check, Mr. Flores called the DPO and left a voicemail message. When the DPO returned the call, Mr. Flores did not answer. The DPO left Mr. Flores a voicemail message informing him that he needed to keep the Probation Department advised of his current home address. Approximately two weeks later, on July 2, 2021, Mr. Flores left a voicemail message for the DPO stating that the address he listed in his file was correct. When the DPO attempted to call him back, Mr. Flores did not answer the call.

²² [Los Angeles County Probation Department Adult Services Manual](#) (2008) at page 1200-17.

²³ [Los Angeles County Probation Department Adult Services Manual](#), 2008 at 1500-3.

On August 1, 2021, according to an entry in the APS, a desertion report was filed on Mr. Flores. However, a copy of the desertion report for this date does not exist in Mr. Flores' file and there is no indication that any of the required steps to initiate a desertion report were taken. Most notably, no warrant check was conducted on Mr. Flores.²⁴ The Office of Inspector General confirmed that if a warrant check had been conducted on Mr. Flores, the record would have shown that by August 1, 2021, Mr. Flores had *two* outstanding warrants pending in San Bernadino County. One of the warrants was issued on July 29, 2020, and the other on September 2, 2020.

When asked about the missing desertion report, a Probation Department supervising staff member responded that the "desertion report was in process" but that it had been "withdrawn/cancelled" because "Mr. Flores called and completed the voice contact on 09/29/21." This contact, however, occurred almost two months after the desertion report was initiated without any of the required steps for a desertion report having been taken. Had the DPO checked for outstanding warrants, the Probation Department may have completed the desertion report and made efforts to locate him to take him into custody on the warrants and for his failures to maintain contact and update his address with the Probation Department.

On September 29, 2021, more than six months after Mr. Flores was placed on probation, he had his *first* direct contact with his DPO. According to the file, Mr. Flores spoke to his DPO that day and the DPO wrote "reported no issues" in his notes to describe their conversation. Direct contact was also made on October 28, 2021, when Mr. Flores spoke to the DPO and confirmed his in-person appointment scheduled for November 15, 2021. However, the DPO later left a message for Mr. Flores informing him that his appointment was rescheduled to December 9, 2021, due to a conflict on the DPO's schedule. On December 9, 2021, Mr. Flores appeared in person for his appointment. *This was the first and only in-person contact the DPO had with Mr. Flores.*

On January 7, 2022, the DPO left Mr. Flores a voicemail message informing him that his next in-person appointment was scheduled for February 7, 2022. Mr. Flores failed to appear for this appointment. His appointment was then rescheduled for March 8, 2022. Again, on March 8, 2022, Mr. Flores failed to appear for his appointment.

On March 31, 2022, the DPO called Mr. Flores but was unable to contact him and could not leave a message because Mr. Flores' voicemail was full. The DPO then called the telephone number listed for Mr. Flores' wife and left a voicemail message asking Mr.

²⁴ [Los Angeles County Probation Department Adult Services Manual](#), 2008 at 1500-3.

Flores to call back to schedule his next in-person appointment. Mr. Flores did not respond. That same day, an entry in the APS indicates that a desertion report was submitted for Mr. Flores. However, no copy of a desertion report for this date exists in Mr. Flores' file and there is no indication that any of the required steps stated in the Probation Department policies were taken before a desertion report was initiated. By March 31, 2022, if the Probation Department had run a warrant check on Mr. Flores, they would have discovered that at that point he had a *third* outstanding warrant for his arrest that was issued in Los Angeles County on August 18, 2021.

According to the Probation Department, the March 31, 2022, desertion report was "in process" but then "withdrawn/cancelled" because "Mr. Flores called and completed the voice contact on 04/07/22." Yet, none of the required steps had been taken in preparation for processing a desertion report. Most significantly, the failure to take the necessary steps resulted in the failure of the DPO to discover three warrants for Mr. Flores' arrest.

On April 7, 2022, the DPO spoke to Mr. Flores and scheduled his next in-person meeting for April 12, 2022. There is no record indicating Mr. Flores appeared or called-in for this appointment. Instead, a month later on May 16, 2022, it is noted that Mr. Flores was a "no show" for the month and a letter was mailed to Mr. Flores informing him of a new in-person appointment on May 24, 2022.

On May 23, 2022, Mr. Flores called and spoke to the DPO stating that Mr. Flores had received the letter but was getting out of the hospital and needed to reschedule the May 24, 2022 appointment. Mr. Flores was told by the DPO to appear on May 25, 2022, for his appointment. There is no record indicating Mr. Flores appeared for his appointment on May 25, 2022. Instead, there is an entry in APS on May 31, 2022, indicating that Mr. Flores called and left a phone number, but then did not answer a return call by the DPO. No further action was taken by the DPO.

On June 2, 2022, Mr. Flores called and spoke to the DPO stating that he was working every day and could no longer come to the Probation Department office for any appointments. Mr. Flores was admonished and told to report in person on June 6, 2022. That same day on June 2, 2022, the DPO received a phone call from the mother of Mr. Flores' girlfriend stating that Mr. Flores was physically abusing her daughter, that he was using PCP, and that he always had a gun. The DPO instructed the mother to call and report the abuse to the police.

The DPO then copied the notes previously entered in the APS regarding this telephone call from the mother of Mr. Flores' girlfriend and forwarded it to a DPO assigned to the

Los Angeles Sheriff's Department's Pico Rivera station (Pico Rivera DPO) under the Intensive Gang Supervision Programs (IGSP) asking "[s]omething you[r] team want to check out?" According to the Probation Department, a DPO assigned to a law enforcement agency under IGSP serves as a liaison between law enforcement and assigned DPOs to assist with enforcing the terms and conditions of probation for probationers. As part of their duties and responsibilities, these DPOs participate in compliance checks, home visits, warrant pick-ups, and special operations targeting active gangs. They can also prepare and submit probation violation reports. The DPO of record also forwarded the email to the SDPO to let the supervisor know that the DPO had sent the email to the Pico Rivera DPO to see if they wanted to "hit the house."²⁵ However, there is no record indicating that any action was taken on this information after it was shared with other members of the Probation Department.

On June 6, 2022, Mr. Flores failed to appear for his appointment. That same day, the mother of Mr. Flores' girlfriend called again to let the DPO know that they filed a report at the Los Angeles Sheriff's Department Pico Rivera Station regarding Mr. Flores physically abusing her daughter and provided the DPO with the report number. The case notes indicate that the DPO intended to request the report from the Sheriff's Department, however, there is no record of the report being requested by the DPO or any other Probation Department staff member or entered into the APS system. The DPO did finally file a desertion report on this day and, for the first time, ran a warrant check on Mr. Flores, which revealed the three outstanding warrants.

On June 7, 2022, Mr. Flores' mother called the DPO to let him know that she had kicked Mr. Flores out of her house after he got into a fight with his brother involving a gun, and that Mr. Flores was using PCP. The DPO then forwarded his notes from the APS to the Pico Rivera DPO, who had been notified of the previous alleged criminal activity reported by Mr. Flores' girlfriend's mother. The DPO also notified his SDPO via email that he had completed and filed a desertion report on Mr. Flores on June 6, 2022.

Probation Department Policy Assessment:

- According to Probation Department management staff, they are in the process of evaluating the court violation process to include expediting the handling of matters that require immediate attention (i.e., public safety concerns). The current policy requires the handling of violations within 30 days.

²⁵ This is an informal reference to searching a house for evidence of illegal activity or, in the case of a probationer, evidence of a probation violation.

Recommendations:

- A probationer who is classified as “high-risk” by the Probation Department’s SEO unit should be closely monitored and supervised, including taking immediate action to locate the probationer when the probationer fails to check in, running the probationer for warrants when contact cannot be made, and checking for warrants at regularly scheduled intervals.
- The SDPO should also be notified when a client is classified as “high-risk” by the Probation Department’s SEO unit and additional in-person contacts or residential/home contacts should be required.
- The Probation Department should consider enhanced supervision for probationers who have prior acts of violence and/or used a deadly weapon.
- The DPO should immediately file a desertion report after receiving information that a probationer is not living at the address provided to the Probation Department coupled with the failure of the probationer to make the required contact with the assigned DPO.
- The assigned DPO should initiate a probation violation after receiving information that a probationer is engaging in criminal activity if the DPO is unable to make contact with the probationer. Any criminal activity should also be reported to the local law enforcement agency where the alleged criminal activity occurred.
- The assigned DPO should immediately initiate a probation violation after learning of violent criminal activity, criminal activity that is a danger to public safety, or criminal activity involving threats of violence. In addition to the assigned DPO, the SDPO should also be notified when SEO has identified a probationer as high-risk or has gathered evidence as a result of a SEO compliance check and additional in-person contacts or residential/home contacts should be required.
- The Probation Department should conduct periodic audits of client files to ensure that appropriate violations are being filed, that required record checks are being conducted and that copies of any violation reports whether in process or formally filed with the court are properly documented and contained in client files.

Lack of Supervision

As part of their duties and responsibilities, CORE SDPOs are required to provide supervisory oversight of DPOs, conduct monthly meetings with unit DPOs regarding caseload expectations and operational needs, and monitor CORE cases to ensure the proper case management information is being entered into the CORE database. In

addition, SDPOs are responsible for reviewing, approving, and processing all court reports in a timely manner.²⁶

The Probation Department monitored Mr. Flores for approximately 16 months before the shooting of the two El Monte officers on June 14, 2022. During those 16 months, the Probation Department only had direct contact with Mr. Flores six times, with only one of those times being in person despite repeatedly being instructed to come to the office and despite information that Mr. Flores was not living at the address provided to the Probation Department. This information was recorded in the Probation Department's APS database and accessible to the SDPO for review. However, there is no indication that this information was reviewed or monitored.

Proper supervision by the SDPO of Mr. Flores' file, and the DPO responsible for supervising Mr. Flores, would have uncovered Mr. Flores' ongoing failure to report, the immediate need for a probation violation report to be filed, and the absence of two desertion reports which were claimed to be "processed" but were never submitted to the court and physically missing from Mr. Flores' file. In addition, the SDPO took no action after receiving an email from the DPO stating that the DPO received a phone call from the mother of Mr. Flores' girlfriend stating that Mr. Flores was physically abusing her daughter, that he was using PCP, and that he always had a gun.

Recommendation:

- The Probation Department should implement procedures that ensure DPO client files are reviewed and monitored by a SDPO on an ongoing basis, that the SDPO ensure that the DPO files appropriate probation violations, and that the SDPO ensure that *immediate action* is taken and documented when reliable information is received indicating a probationer is potentially a danger to society and/or not in compliance with the terms and conditions of his probation.

Failure to Perform Periodic Drug Testing

As part of his terms and conditions of probation, Mr. Flores was ordered to submit to periodic drug testing. According to the Probation Department policy, a DPO must test a client as ordered by the court. The DPO must assign the client to a testing group and provide an explanation of random testing procedures. According to the Probation Department, Mr. Flores was not subjected to drug testing because the Probation offices were closed to the public due to COVID-19 emergency measures. Mr. Flores' abuse of

²⁶ Los Angeles County Probation Department, Adult CORE Services Bureau Caseload Restructure & Implementation Plan, June 9, 2021, at A-5.

illegal drugs was well known to the Probation Department – he was given the maximum points for his illegal drug use in his DRAD risk assessment. However, after offices reopened and Mr. Flores reported in person on December 9, 2021, he was still not subjected to a drug test. Additionally, no action was taken by the DPO to enforce the order for periodic drug testing, despite receiving information as to Mr. Flores’ use of PCP from his girlfriend’s mother on June 2, 2022, and from Mr. Flores’ mother on June 7, 2022, during which his mother also mention he was under the influence of PCP during an argument with his brother with a “gun involved.”

Failure to Act on Allegations of Domestic Violence, Gun Possession, and Drug Use

As previously mentioned, on June 2, 2022, the mother of Mr. Flores’ girlfriend called the DPO stating that Mr. Flores was using PCP, was physically abusing her daughter, and that he always had a gun. The DPO instructed the mother to call the police and make a report. The DPO took no action upon receiving this information, despite these allegations including violations of Mr. Flores’ probationary terms.

Two days later, Mr. Flores’ girlfriend, also identified as his “wife” in the Sheriff’s Department report, went to the Sheriff’s Department’s Pico Rivera Station and reported Mr. Flores had physically abused her. According to the report, two days prior Mr. Flores had placed both of his hands around the front of her neck and proceeded to squeeze tightly, causing her to lose consciousness for an unknown period. She recalled gasping for air, feeling disoriented, and vomiting on herself after gaining consciousness. When she regained consciousness, Mr. Flores then told her that they needed to leave the state and took actions to do so by returning to their former residence, where he gathered clothes and returned to the car. After driving to a friend’s home, an argument ensued, and Mr. Flores again attacked her by trying to suffocate her by placing his hands over her mouth and nose. As she tried to escape, he pinned her to the door frame with his body to stop her from leaving and ordered her to sit on the couch. Fearing for her safety, she complied. Eventually, she took advantage of an opportunity to escape and ran out of the front door to a friend’s residence several blocks away. She reported that she was afraid Mr. Flores would further harm or kill her. The reporting deputy indicated in his report that he observed bruising and swelling on her nose and facial area, as well as a small contusion to the right side of her face, took photos of the injuries, and requested medical assistance.

On June 6, 2022, Mr. Flores failed to report to the Probation Department. On the same day, the victim’s mother called the DPO to let him know that a report had been taken at the Pico Rivera Station and provided the DPO with the report number. The DPO noted

in Mr. Flores' file that the DPO would request a copy of the police report however, there is no record of the DPO or anyone else in the Probation Department requesting a copy of the report or taking any action on the domestic violence allegations. Instead, a desertion report was filed based on Mr. Flores' failure to report on June 6, 2022, and for having three outstanding warrants. However, the warrant issuance dates were not included in the desertion report.

Penal Code Section 1203.12 requires a probation officer to report any violation or breach of the terms of and conditions of probation to the court. In addition, Probation Department Directive 853 adds potential violations of the terms and conditions of probation can include circumstances in which:

[t]he DPO has reliable information that the probationer has made threats toward others, or committed actual acts of violence, whether or not the court has ordered the probationer to refrain from such acts²⁷

A probation violation based upon the reported conduct that Mr. Flores was violent toward his girlfriend or that he was involved in an argument with his brother "involving guns" should have been filed.

On June 6, 2022, a desertion report was filed based only on Mr. Flores' failure to report to the Probation Department on one specific day and for the three outstanding warrants that had been pending for over two years. There was no mention of the credible allegations of domestic violence, gun possession, or illegal drug use. The Sheriff's Department report was never requested, reviewed, or acted upon by the Probation Department.

Probation Department Policy Assessment:

- According to the Probation Department, it is in the process of revising its Family Violence (FV) DPO responsibilities to require that an immediate investigation is conducted when observations made by the DPO and/or any significant information is received from another source which indicates a client is not in compliance with the conditions of probation and that the DPO consult with SDPO to determine if a report needs to be submitted to court.

Recommendation:

- An immediate investigation should be conducted whenever any DPO (not just a FV DPO, as currently proposed by the Probation Department) receives reliable information that a client is not in compliance with his/her conditions of probation.

²⁷ Los Angeles County Probation Department, Directive 853, issued January 29, 2002, at 3.

The SDPO should be immediately notified and required to monitor the investigation to determine whether a violation report should be submitted to the court.

Failure to Share or Act on Allegations of Gun Possession and Drug Possession

Mr. Flores was an identified Quiet Village gang member, known by the Probation Department to have a substance abuse problem, and was on probation for a gun conviction. On June 2, 2022, and again, on June 7, 2022, the Probation Department received information from Mr. Flores' family members that Mr. Flores was not only using PCP, but he was armed with a gun and dangerous.²⁸ After receiving the information, the assigned DPO shared the information with another DPO assigned to the Sheriff's Department's Pico Rivera station and with his SDPO, via email. However, no further actions were taken. No one requested SEO to conduct a check/follow-up, and most significantly, no one shared the information with local law enforcement.

The Probation Department's own DISARM team, whose responsibility it is to make unannounced compliance checks on high-risk probationers for the purpose of searching for weapons and narcotics, previously identified Mr. Flores as a danger and had included him in their scheduled operation on June 15, 2021. The DPO assigned to Mr. Flores was notified of the compliance check after it was performed and DISARM had noted the details of the check in the APS database. DISARM also included in their notes its direct phone number, which was done routinely to allow any member of the Probation Department to have direct access in case its services were needed. Probation Department staff may also make a request for armed assistance to SEO when they receive information regarding a potential danger to the community or violation, using a form available in the APS to have SEO conduct a check/follow-up. Yet, no one notified SEO or requested their assistance.

As previously stated, on June 2, 2022, the Probation Department received information from the mother of Mr. Flores' girlfriend that Mr. Flores "always had a gun." The Probation Department was also made aware that allegations of domestic violence against Mr. Flores would be reported to local law enforcement. Once reported, it was likely that an investigation would be conducted by a local law enforcement agency and that officers might then encounter Mr. Flores. Yet, the Probation Department did not

²⁸ As part of Mr. Flores' terms and conditions of probation, he was prohibited from owning or possessing a firearm or use any illicit drug.

share the information that Mr. Flores was possibly armed with a gun, had allegedly been using PCP, and of the possible danger he posed to any local law enforcement agencies.

The Probation Department received information from Mr. Flores' mother, that Mr. Flores had an argument with his brother and a "gun [was] involved." That same day, the Sheriff's Department started their investigation into the allegations that Mr. Flores had committed acts of domestic violence. However, the victim did not report to the Sheriff's Department that Mr. Flores was in possession of a gun. Therefore, the Sheriff's Department was not on notice that Mr. Flores had access to and was possibly armed with a gun. At least two separate people at the Probation Department were aware of this information and yet failed to share this critical information with local law enforcement.

Unaware that Mr. Flores had been in possession of a gun, a crime for someone with Mr. Flores's criminal record, on June 8, 2022, the Sheriff's Department approved the domestic violence report to be submitted to the District Attorney's Office for filing. According to the Sheriff's Department, the domestic violence case was electronically filed with the District Attorney's Office on June 8, 2022. According to the Sheriff's Department, no follow-up was conducted after the case was submitted to the District Attorney's Office because Mr. Flores's whereabouts were unknown. The fatal shooting that took the lives of the two El Monte officers occurred less than a week later on June 14, 2022.

Probation Department Reported Policy Assessment:

- The Probation Department reports that it is in the process of finalizing a new policy on requesting SEO assistance. The proposed policy explains that Probation Department Bureaus may request armed assistance when there is an officer safety situation that warrants a higher level of risk and need that can only be provided by armed officers. The policy explains that situations in the community that pose an imminent threat to safety should be first referred to local law enforcement. In the Flores matter, no one requested SEO to conduct a check/follow-up and most significantly, no one shared the information with local law enforcement.

Recommendations:

- The Probation Department should implement a formal process by which local law enforcement is notified whenever the Probation Department receives reliable information that a probationer is armed and dangerous, including detailed information so that the risk the probationer poses may be properly assessed. The information should be documented, immediately reviewed by an SDPO, and immediately forwarded to local law enforcement.

- If SEO has previously conducted a compliance check on a client, they should be immediately notified whenever reliable information is received that the probationer is armed and dangerous.

Failure to Conduct Record Checks

Mr. Flores was charged with being a felon in possession of a firearm on March 19, 2020. On April 20, 2020, the Probation Department generated their pre-sentencing report which required the Investigation DPO to run Mr. Flores' records and determine whether Mr. Flores had any outstanding warrants. At that time, Mr. Flores had no outstanding warrants. However, the Office of Inspector General was able to determine that approximately three months after the Probation Department generated their pre-sentencing report and ran a check for any outstanding warrants, a warrant for Mr. Flores arrest was issued on July 29, 2020, and then again, on September 2, 2020, on another case, both in San Bernadino County.

Mr. Flores was sentenced and granted probation on February 10, 2021. It appears that the Probation Department relied on their pre-sentencing investigation report generated on April 20, 2020, to report that Mr. Flores had *no* outstanding warrants. If a warrant check had been conducted when Mr. Flores first reported to the Probation Department, the two outstanding warrants that had been issued on July 29, 2020, and September 2, 2020, would have been discovered.²⁹

The Probation Department did not run warrant checks on Mr. Flores, despite his failure to report to the Probation Department on multiple occasions. Even on August 1, 2021, and again, on March 31, 2021, when, according to the Probation Department, desertion reports were "processed" but then "withdrawn/cancelled," no warrant checks were done that would have revealed the two warrants outstanding on August 1, 2021, and then three warrants outstanding by March 31, 2022. The Probation Department's failure to conduct a record check on Mr. Flores prior to submission of a desertion report to the court is in direct violation of its own policies and procedures. According to the Probation Department's policy, a record check must be conducted "[p]rior to submission of any court report."³⁰ For almost 16 months, despite his whereabouts being unknown and the DPO having no direct contact with him for months at a time, no warrant checks were conducted. By the time his record was checked on June 6, 2022, two of his three warrants had been outstanding for over two years, and the third for almost a year.

²⁹ Directive No. 1100: "The DPO ensures that record checks have been conducted prior to all court reports including, but not limited to, Pre-Plea, P&S, Bench Warrant Pick Up, EDP, P & S, and Post-sentence. The automated criminal justice data systems to be accessed include TCIS, JDIC, CCHRS, APS, and JCMS."

³⁰ Los Angeles County Probation Department Directive No. 1110, November 2006.

The Probation Department's failure to run updated records checks and conduct warrant checks is in direct violation of its policies and procedures. According to Probation policy, the investigation DPO³¹ is responsible for ensuring that "record checks have been conducted prior to all court reports including, but not limited to, Pre-Plea, P&S [plea and sentence], Bench Warrant Pick Up, EDP, and Post-sentence."³²

Recommendation:

- It is critical that record checks are conducted at each stage of an investigation and during supervision. The Probation Department should implement proper protocols to ensure record checks are conducted at the critical points of a case as listed in its policies and procedures and reviewed by a SDPO for compliance. The Probation Department should include checking for outstanding warrants as part of all record checks currently listed in its policies and procedures.

CONCLUSION

One of the primary responsibilities of the Probation Department is the obligation to hold probationers accountable for compliance with the terms and conditions of their probation and to ensure the safety of the public. In the absence of such compliance, to provide notice of the violation to the court. After review of Mr. Flores' probation file, the Office of Inspector General finds the Probation Department failed to properly monitor Mr. Flores, failed to report his noncompliance, failed to act on pertinent information they received on Mr. Flores regarding allegations of domestic violence, gun possession and illegal drug use, and failed to make local law enforcement aware that Mr. Flores may be armed with a gun and dangerous.

The Office of Inspector General found:

- Even though Mr. Flores was ordered by the court to report to the Probation Department within 48 hours of his sentencing, it took weeks before the Probation Department established a supervision plan for him. This delay was unnecessary and preventable because the Probation Department had sufficient information available to them in their Adult Probation System (APS) regarding Mr. Flores to begin the supervision process within 48 hours of his sentencing.

³¹ Investigation probation officers are responsible for conducting record checks for pre-sentencing reports and at the sentencing.

³² Los Angeles County Probation Department Directive No. 1110, November 2006.

- For 16 months, the Probation Department failed to initiate probation violation proceedings for Mr. Flores for his ongoing failure to report to the Probation Department. The Probation Department only had six direct contacts with Mr. Flores, five of which were over the telephone and only *one in-person* contact. Despite Mr. Flores' ongoing failure to report, the Probation Department never filed a probation violation report and only submitted one desertion report approximately one week prior to the fatal shooting of two El Monte officers on June 14, 2022, by Mr. Flores.
- "Voice reporting" was improperly noted in Mr. Flores' when no actual contact with the probationer had occurred. Additionally, once in-person reporting resumed, Mr. Flores should have been required to appear in person within the time frame required by Probation Department policy.
- Two desertion reports were noted to be "processed" within the 16 months Mr. Flores was on probation, however, they were subsequently "cancelled/withdrawn," and no copies of the reports were found in Mr. Flores' file.
- Mr. Flores may have been incorrectly assessed as a "medium-risk" client since his known gang affiliation was overlooked during his risk assessment and therefore not calculated in his final assessment score. Depending on the DRAD score sheet used to assess his risk, Mr. Flores could have been classified as a "high-risk" client by assessing points for both his gang affiliation and for his current offense of possessing a firearm with a prior felony conviction.
- Mr. Flores was never assessed using the required LS/CMI risk and needs assessment, which uses eight criminogenic factors along with other responsivity factors, to determine the likelihood of a probationer reoffending. The risk assessment was not conducted virtually when in-person appointments had been suspended nor was it scheduled or conducted once the Probation Department offices reopened in October 2021, and not even when Mr. Flores reported in person on December 9, 2021.
- As one of the conditions of probation, Mr. Flores was ordered to submit to periodic drug testing. Mr. Flores' illegal drug use was known to the Probation Department, and family members had contacted the Probation Department staff on at least two occasions informing them that Mr. Flores was under the influence of PCP. Even though drug testing was suspended during the closure of Probation Department offices as part of the COVID-19 emergency measures, when offices reopened in October 2021 Mr. Flores was never subjected to drug testing and was not administered a drug test when he reported in person on December 9, 2021.
- Credible reports made to both the Probation Department and to the Sheriff's Department that Mr. Flores had assaulted his girlfriend were not acted upon by the DPO, even after the DPO was aware of the crime report to the Sheriff's

Department. Nor did anyone at the Probation Department take any action on the credible reports that Mr. Flores was using PCP, possessed a gun, and was in an argument with his brother “involving a gun.” Even when a desertion report was finally filed on June 6, 2022, these violations of the conditions of probation were not noted in the report.

- Mr. Flores was a known Quiet Village gang member, known by the Probation Department to have a substance abuse problem, and was on probation for a gun conviction. The Probation Department’s own SEO DISARM team had conducted a compliance check in June of 2021 but no additional compliance checks were requested despite the DPO’s knowledge that Mr. Flores was reportedly regularly in possession of a gun and had been in a family argument “involving a gun.” Nor were Sheriff’s Department personnel informed of the risk that Mr. Flores could be armed despite contacts between Probation Department staff and the Sheriff’s Department on the report of domestic violence.
- After the initial check for warrants for the pre-sentencing report, no warrant checks were conducted on Mr. Flores until June 6, 2022. When the DPO finally checked for warrants, two of his three warrants had been outstanding for over two years, and the third for almost a year.

SUMMARY OF RECOMMENDATIONS

- The Probation Department should implement policies and procedures that ensure a supervision plan begins within 48 hours of sentencing.
- The Probation Department should ensure the same DRAD evaluation tool is being used throughout the Probation Department. Supervisors should be required to check DRAD scores when they receive client files to ensure the appropriate DPO and level of supervision is assigned.
- The Probation Department should consider enhanced supervision for clients who have prior acts of violence and/or use of a deadly weapon in addition to client’s conviction of being a felon in possession of a firearm.
- The Probation Department should end the policy of allowing voice reporting.
- The Probation Department should return to requiring a Coordinated Optimal Rehabilitation Efforts CORE PLUS (CPS) DPO to have a minimum of two in-person contacts with their clients per month (instead of one) to ensure proper supervision of medium and high-risk clients.
- A probationer’s first office visit should be scheduled when the probationer reports to the Probation Department as ordered by the court, which is generally within 48-hours of being sentenced.
- A probationer who is classified as “high-risk” by the Probation Department’s SEO unit should be closely monitored and supervised, including taking immediate

action to locate the probationer when the probationer fails to check in, running the probationer for warrants when contact cannot be made, and checking for warrants at regularly scheduled intervals.

- The SDPO should also be notified when a client is classified as “high-risk” by the Probation Department’s SEO unit and additional in-person contacts or residential/home contacts should be required.
- The Probation Department should consider enhanced supervision for probationers who have prior acts of violence and/or used a deadly weapon.
- The assigned DPO should immediately file a desertion report after receiving information that a probationer is not living at the address provided to the Probation Department coupled with the failure of the probationer to make the required contact with the assigned DPO.
- The assigned DPO should initiate a probation violation after receiving information that a probationer is engaging in criminal activity if the DPO is unable to make contact with the probationer. Any criminal activity should also be reported to the local law enforcement agency where the alleged criminal activity occurred.
- The assigned DPO should immediately initiate a probation violation after learning of violent criminal activity, criminal activity that is a danger to public safety, or criminal activity involving threats of violence.
- In addition to the assigned DPO, the SDPO should also be notified when SEO has identified a probationer as high-risk or has gathered evidence as a result of a SEO compliance check and additional in-person contacts or residential/home contacts should be required.
- The Probation Department should conduct periodic audits of client files to ensure that appropriate violations are being filed, that required record checks are being conducted and that copies of any violation reports whether “in process” or formally filed with the court are properly documented and contained in client files.
- The Probation Department should implement procedures that ensure DPO client files are reviewed and monitored by a SDPO on an ongoing basis, that the SDPO ensure that the DPO files appropriate probation violations, and that the SDPO ensure that *immediate actions* are taken and documented when reliable information is received indicating a probationer is a danger to society and/or not in compliance with the terms and conditions of his probation.
- An immediate investigation should be conducted whenever any DPO (not just a FV DPO, as currently proposed by the Probation Department) receives reliable information that a client is not in compliance with his/her conditions of probation. The SDPO should be immediately notified and required to monitor the investigation to determine whether a violation report should be submitted to the court.

- The Probation Department should implement a formal process by which local law enforcement is notified whenever the Probation Department receives reliable information that a probationer is armed and dangerous, including detailed information so that the risk the probationer poses may be properly assessed. The information should be documented, immediately reviewed by an SDPO, and immediately forwarded to local law enforcement.
- If SEO has previously conducted a compliance check on a client, the DPO should immediately notify the SEO whenever reliable information is received that the probationer is armed and dangerous.
- The Probation Department should implement proper protocols to ensure record checks are conducted at the critical points of a case as listed in its policies and procedures and reviewed by a SDPO for compliance. The Probation Department should include checking for outstanding warrants as part of all record checks currently listed in its policies and procedures.