UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA
San Francisco Venue

Request for Early Termination of Supervision

Person Under Supervision
Michael Kim

Docket Number
0971 3:18CR00124-001 JCS

Name of Sentencing Judge: The Honorable Joseph C. Spero
Chief United States Magistrate Judge

Date of Original Sentence: October 12, 2018

Original Offense: Count One: Criminal Contempt, 18 U.S.C. § 401(1), a class A misdemeanor.

Original Sentence: Three years probation
Special Conditions: $30,000 fine; $25 special assessment; location monitoring for 90 days; 300 hours community service; financial disclosure; no contact with co-defendant.

Prior Form(s) 12: None.

Type of Supervision
Probation

Date Supervision Commenced
October 12, 2018

Assistant U.S. Attorney
William Frentzen

Defense Counsel
Jonathan McDougall (Retained)

Petitioning the Court to Take Judicial Notice

Petitioning the Court to consider the client for early termination of supervision.

Cause

Mr. Kim has competed two years of his three-year probation term, with completion scheduled for October 11, 2021. During this time, Mr. Kim has been cooperative and compliant. He has paid all criminal monetary penalties in full and completed community service hours and location monitoring.

Upon commencement of supervision, Mr. Kim began working as a supervisor of security for the city and county of San Francisco, earning approximately $4,333 per month. He has lived in [redacted] for two years. Throughout supervision, he has demonstrated stability in his home, employment, and the ability to support himself through his employment.

During the time of the offense conduct, as noted in the presentence report, Mr. Kim left a ballistic vest with a friend and lied to authorities regarding the circumstances of the ballistic vest being left with friends. There is no indication Mr. Kim continues to be involved in similar criminal conduct.

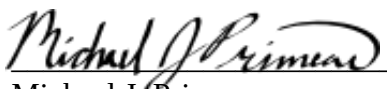
The Probation Office currently utilizes the evidence-based practice of the Risk Needs Responsivity Principle in supervising clients. As part of this principle, the Post-Conviction Risk Assessment Tool (PCRA) is utilized to determine the risk of recidivism posed by an individual. Based on information provided by both the office and the client, a resulting risk score of High, Moderate, Low/Moderate, or Low is determined. In addition to the overall risk level, the assessment tool also identifies specific dynamic risk factors for each client, including cognitions, education/employment, alcohol/drugs, and social networks, as well as considering the static risk factor of criminal history. The tool looks at responsivity factors as well, which may impact supervision goals. The information allows officers to target specific areas where the most positive impact can be made and where resources should be directed for the best outcome.

The Probation Office currently has approximately 450 cases identified as low risk, of which 260 are placed on a "Low Intensity Supervision" caseload requiring minimal supervision. These cases do not require field work unless there is a change in circumstances, and report monthly via a written or electronic form. In an effort to ensure officers have more opportunity to monitor and provide the appropriate resources and interventions to our most high risk cases, the Probation Office has reviewed those low risk cases, in which the client is in the final twelve months of supervision with no history of violence, and per the Risk Needs Responsivity Principle, minimal services are needed or provided by our office.

On January 7, 2020, Mr. Kim was placed on the Low Intensity Supervision caseload. He has continued to do well under this level of supervision and has maintained compliance. The Post-Conviction Risk Assessment was conducted, indicating a low risk of recidivism with no identified dynamic risk factors. Based on the PCRA, low risk clients have only a 3% re-arrest rate during the next assessment period. Evidence shows low intensity supervision is appropriate in these cases, and eventual early termination. As such, it is recommended that Mr. Kim's probation be terminated at this time.

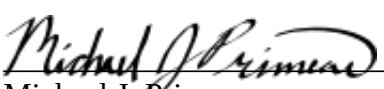
18 U.S.C. § 3564(c) permits the Court to terminate a term of probation in felony cases after the expiration of one year of supervision, if the Court is satisfied that such action is warranted by the conduct of a client and is in the interest of justice. The Assistant United States Attorney for this case was contacted regarding early termination of supervised release for Mr. Kim and no objection was received.

Respectfully submitted,



Michael J. Primeau
Supervisory U.S. Probation Officer
Date Signed: October 5, 2020

Reviewed by:



Michael J. Primeau
Supervisory U.S. Probation Officer

THE COURT ORDERS:

- [X] Early termination of supervision granted
- [ ] Early termination of supervision denied
- [ ] Other:

November 2, 2020
Date

Joseph C. Spero
Chief United States Magistrate Judge