

**PROBATION DEPARTMENT
ADULT MANUAL**

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Revised: 12/19/19	

**Notes and
References**

INITIATION OF SUPERVISION

I. General

- A. Typically, the Courts refer only formal probation cases to the Probation Department for supervision.
 - 1. Non-formal probation cases may be referred to Probation by the Court for a specific purpose. Including drug or alcohol testing of clients who are going through the Court process prior to sentencing or clients placed on Secure Continuous Remote Alcohol Monitoring (SCRAM).
- B. Unsupervised probation grants, also known as court, informal or summary probation, are retained by the Court.
- C. Some formal probation cases are referred to the Probation Department for supervision only for a specific purpose, such as the completion of treatment program or community service work obligation, after which they can be converted to court probation cases.

Once the specific purpose has been satisfied, the Deputy Probation Officer (DPO) will prepare a Probation Memorandum Report (PRO-182) and file it with the assigned Court. Or if the obligation has not been fulfilled, the DPO may file a violation report (PRO-159).

Pro-182
Pro-159

II. Commencement of Supervision

While supervision of felony and misdemeanor cases may be similar, there will be some differences in regards to the initial intake.

- A. Intake (Felony)

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1. Felony cases are immediately assigned to a DPO. These cases have typically been assessed by the Investigating DPO using the Initial Screening Tool (IST), and the Correctional Offender Management and Profiling Alternative Sanctions (COMPAS) Risk of Recidivism and Violence (ROVAR) assessment tool is completed. The IST is a quick tool to determine whether a case will be assigned to a Central caseload, or is in need of further assessment. A current CLETS is required prior to completing the IST. Any known juvenile arrests should be included in the total. Additionally, the defendant's current age, age of first arrest, and number of prior arrests are needed to determine the IST score. The ROVAR determines the initial level of supervision required for the client. In cases where the IST score is three (3) or below, the IST determines the level of supervision required for the client.
 2. Prior to the first appointment the DPO will review the Adult Information Sheet (AIS), Sentencing Report and ROVAR to become familiar with the case and the client. It is important to read the Sentencing Report as it will assist the assigned DPO in determining a course of supervision, in conjunction with the COMPAS Case Plan.
- B. Intake (Misdemeanor)
1. Misdemeanor cases coming from the Court are assigned to an Intake DPO to collect information and assess the client for proper supervision placement.
 2. The Intake DPO will review the AIS, related law enforcement reports, terms of probation and any other pertinent information with the client. Victim letters should be sent out with attempts to determine restitution if so ordered. Treatment or program referrals may be made at that time.

113(a)&(b)

Pro-113
Pro- 35

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3. The Intake DPO will complete the IST. If the client scores 3 or less on this assessment tool, the case will be assigned to a Bank caseload for any other intake responsibilities and subsequent supervision. If the client scores above a 3 on the IST, or if the case involves domestic violence or is a sex offense case, the Intake DPO will also complete a ROVAR.
 4. Misdemeanor or felony cases in which the client will be living out of county or out of state will be assigned to the Intake DPO to initiate a Transfer of Jurisdiction or Interstate Compact request (ICOTS) pursuant to Section 1203.9 of the California Penal Code (PC).
1203.9 PC
Manual Section
3206
 5. If a misdemeanor qualifying charge that requires a Firearms Assessment Investigation (FAI) be completed and if the Court submits a referral for a FAI post-conviction but pre-sentencing, the appropriate Misdemeanor Intake DPO will be assigned the report. There are instances when the Court may request this investigation be completed post-sentencing and the referral will be received in conjunction with the new misdemeanor intake. In these cases, the Intake DPO will need to combine this investigation with the intake process and be mindful if there is a court determined deadline. If not, the DPO must file the report within fourteen (14) days of sentencing. In addition, Investigation and Supervision DPOs should update the FAI database as appropriate.
FAI
Manual
Section 3000-I
& 3000-S
- C. Initial Interview
1. In cases where the client is in custody, the assigned DPO will attempt to contact him/her by mail before he/she is released, outlining immediate reporting instructions.
 2. When the client is not in custody at the time he/she is placed on formal probation, he/she will be instructed by the Court or DPO to report to the Probation Department; specifically the Order of Probation instructs the client to report to the Probation Report & Resource Center (PRRC) within 24 hours of release from custody or the next business day, whichever is sooner.
Pro-72

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3. It is important that the DPO review the case file prior to the initial interview. Documents to be reviewed include but are not limited to the following: terms and conditions, court and law enforcement reports, assessments, criminogenic factors, social history, victim statements, criminal history, associates, employment history, and weapon restrictions, if applicable.
4. The use of Motivational Interviewing techniques is important for this intake and subsequent conversations. This would include the use of open-ended questions, and a focus on strengths and positive strategies to be successful.
5. At the initial interview conducted by the DPO, expectations and responsibilities, along with case information, will be reviewed with the client in detail as follows:
 - a. The Court Order and instructions:

The DPO shall review all terms and conditions, and in every case ensure that the client understands what is required, incentives attainable for compliance and for reaching milestones in their case plan, and the possible sanctions for violations of conditions of the Court's order, with the client receiving an "Adult Supervision" flyer further illustrating these aspects. An entry will be made under the Events tab in IMPACT that the DPO has explained the terms and conditions and the client understood.
 - b. Reporting arrangements:

The DPO shall, in conformance with the level of supervision, advise the client of his/her reporting instructions explaining how the client will be required to report each month. The client should be screened for enrollment in the text messaging reporting program, and be directed to report at the Kiosk to complete a Monthly Report Form (MRF), every month.

Probation Portal,
Professional Standards
Unit tab, "Motivational
Interviewing"

<https://probweb.co.santa-barbara.ca.us/sites/home2/PSU-Public/SitePages/Home.aspx>

Pro-91

Pro-262

Pro-214

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- c. The DPO shall review the alcohol and drug testing protocol and expectations and provide the client the appropriate paperwork, if applicable to the client.
- d. The DPO shall review the general “Consent for Release of Information” and “Weapons Restrictions” and secure the clients signature on the forms.
- e. An Inventory of Needs assessment (ION) will be completed in COMPAS, and a Case Plan developed for the client. Once completed in COMPAS, the Case Plan should be printed out and signed by the client and DPO, scanned into IMPACT Documents and a copy given to the client. A “Case Plan Completed” Event should be completed, separate from the “Intake” Event, in IMPACT commemorating this.
- f. Financial obligations:

It is important that each client be informed and acknowledges the financial responsibilities to the Court, the victim, the Probation Department and any treatment program. The DPO should set up a payment plan, and be sure to have the client sign a “Advisement and Waiver of Right to an Ability to Pay Determination Hearing” and an “Adult Restitution Letter” if applicable. If the client did not previously waive their right to an Ability to Pay hearing, the DPO should request the required financial paperwork, and calendar an Ability to Pay hearing.

For complete guidelines on financial information, refer to Chapter 3208.

Pro-215

Pro-129
Pro-129a

Pro-108

Manual
Section 3208

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g. Program referrals:

Steps to secure psychiatric, psychological, substance abuse, domestic violence or sex offender treatment; anger management, parenting classes, medical treatment or other similar evidence-based programs, either ordered by the Court or otherwise indicated, will be discussed with the client, as well as noting unusual concerns/issues that were discussed with the client. Referrals and Waiver of Confidentiality documents are completed as necessary.

Pro-146
Pro-146A
Pro-35

Referrals made to Santa Barbara County Behavioral Wellness will require the DPO to utilize the County of Santa Barbara Mental Health consent form. All releases of information shall include “expiration of probation” as the termination date for the waiver; however, Behavioral Wellness confidentially waivers require an expiration date no later than one year.

Pro-536

h. If the client has been assessed and identified to be supervised at a medium or high-risk level, based on an assessment, they should be advised of the expectations when the DPO conducts a home visit. In addition, all pertinent safety information should be gathered including but not limited to the following: number of residents and who is residing in the home, anyone besides the client on probation or parole, animals/pets, any weapons in the home, surveillance equipment in home, and a map of the layout of the inside of the residence.

6. Registration information and requirements::

a. When an offense requires registration, the Court is required by statute to inform the probationer of his/her duty to register. It is typically ordered as a condition of probation.

b. The DPO must be familiar with offenses requiring registration.

290 PC
457.1 PC
186.30 PC

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Sections 290, 457.1, & 186.30 PC, require clients convicted of certain sex, , arson and gang offenses to register with the law enforcement agency having jurisdiction in the area of their residence.

- i. The DPO, as an officer of the Court, will complete the initial paperwork for this requirement for those cases not sentenced to state prison. The DPO will review the registration requirement with the client and have the client sign the registration form stating he has been informed and understands the requirement. The DPO will provide the client a copy of the registration and advise the client to register with the applicable law enforcement agency by a specific date. The client will be instructed to provide the DPO with proof of registration by the required date.
 - ii. A person convicted of a registerable felony sex offense must currently register for life unless he/she receives a Certificate of Rehabilitation. However, a tier system for registration will be implemented in January 2021. This is the same for a person convicted of a misdemeanor sex offense in which registration is required, with the exception of being released from the registration requirement if he/she receives relief via 1203.4 PC.
 - iii. Any person who, on or after November 30, 1994, is convicted of an arson offense in which registration is required, must register for life, regardless of receipt of Certificate of Rehabilitation.
- c. Failure to register may be filed as a new law violation, pursuant to Sections 290.018 PC, 457.1PC, 186.33 PC, 11594 H&S as well as a violation of probation. The assigned DPO will notify the appropriate law enforcement agency of the client's failure to register.

SS-8047

SS-8049
State Gang-
Registration

290.5 PC

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- d. The “Notice of Registration Requirement” form will be completed in IMPACT. Once signed by all parties, the document will be rendered “Read Only.”
- e. When a copy of the registration has been received, it will be scanned into IMPACT and a notation of the date of registration will be recorded in the “Registration” section of IMPACT.

D. Cases on appeal

All cases in which probation is granted and a specific order is made that the judgment or order, or part of the judgment or order, granting probation is stayed pending the outcome of an appeal will be assigned to a DPO. The DPO will request updated information from the assigned Deputy District Attorney until the case is resolved and, depending on the outcome, close the case or supervise as appropriate.

E. Successful completion of probation:

1. Early termination. Clients who perform well on probation may, upon their own motion, be returned to the Court for an early termination providing at least half of the Court-ordered probation term has been successfully completed and all conditions, along with financial responsibilities, have been met.
2. Normal expiration. The expiration date of probation shall be confirmed by Odyssey. If a date discrepancy exists due to tolling of time while in revoked status prior to Leiva, the DPO is tasked with reviewing the file to ensure that no actual court order exists formally extending the grant of probation. Once that is confirmed, a memo will need to be filed with the Court indicating that probation has expired and the matter is now closed.
3. Instructions and information regarding relief pursuant to §1203.4 PC is outlined on the back of the probation orders. The client can also be referred to their original attorney or the Public Defender.

People vs.
Leiva
Pro-106L

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4. If or when applicable, the DPO should understand the following and may refer the client to his attorney or the Public Defender’s Office to review the following:

- a. Reduction of felony offense to misdemeanor: A client who has been convicted of a felony may, upon satisfactory completion of a full or shortened term of probation, motion to have the offense reduced by order of the Court to a misdemeanor pursuant to §17(b) PC. This privilege is usually dependent on the client’s performance on probation.

A reducible felony, called a “wobbler,” is identified as an offense that can be charged as either a misdemeanor or felony, such as a “commercial burglary 459 PC.”

1203.3(A) PC
1203.3(b) PC
1203.4 PC

17(b)3 PC

- F. Terms and Condition Codes for IMPACT:

Terms and conditions associated with a grant of probation are assigned corresponding codes, which are then inputted into the IMPACT case management system. These codes are visible on the IMPACT overview page and can be accessed by local law enforcement personnel. It is the responsibility of the assigned DPO to confirm that the codes entered into the system are accurate and current. Any errors or omissions should be corrected immediately. As cases are prepared for Court, transfer, etc., staff must review the IMPACT file to determine if the existing codes are still accurate and if any additions or modifications need to be made. Upon transferring a case, the DPO will copy and paste the information from the conditions section on the overview page to denote that the conditions in IMPACT have been confirmed.