

**PROBATION DEPARTMENT
ADULT MANUAL**

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Issue Date: 08/31/84	
Revised: 12/11/19	

**Notes and
References**

Calendaring Cases

I. General

- A. All probation supervision cases (with the exception of Ex-parte actions) which require further action by the court are brought to the court's attention by requesting that the case be placed on the court's calendar.

The following describes the procedures applicable to the courts in Santa Barbara County.

II. Probation Report filing

- A. All calendaring for probation cases are done by the calendar clerk (in the court of jurisdiction). Apart from court-ordered continuances, probation cases are ordinarily calendared in response to a Probation Department, Public Defender, private attorney, or defendant's request.

B. General

When the defendant is expected to attend the hearing and is not in custody, the supervision officer will "notice" the defendant of the hearing at least ten (10) days in advance by a letter sent via regular U.S. mail to the last known address, and attach a copy of the Notice of Hearing to the court report when filed. The 10-day notice is not necessary when defendant is hand-delivered a Notice of Hearing, or verbally noticed, and such notice is noted in the report.

If the defendant has been sentenced to prison from another jurisdiction, the violation of probation report must be calendared to allow sufficient time to hold the hearing within 30 days of receiving the notice of commitment.

The supervision officer should file reports at least two days prior to the requested hearing date. The District Attorney and defense counsel (private attorney or Public Defender) should receive the report a minimum of two days prior to the Court date, if the defendant is not in custody.

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1203.3(b) (1) PC

1203.2a PC

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Specific court dates for the first hearing on alleged violations of probation and specialty courts exist throughout the various jurisdictions in the county. When necessary, contact the Officer of the Day in the respective area office to determine date, time and court assignment prior to filing a report.

III. Warrant arrests

When a defendant is arrested on a bench warrant/warrant of arrest following a revocation of probation, the Sheriff's Department notifies the court clerk forthwith and the defendant is ordered into the appropriate court. Should the court desire further information from the Deputy Probation Officer, the court clerk will submit a referral providing the necessary identifying information, date and department of hearing, as well as whether or not the defendant is in custody. If the defendant is arrested by a local agency, an alert of the arrest will appear in IMPACT. This will give the supervision officer notice of the defendant's arrest. The supervision officer should perform an inquiry under Warrants Automated Network Directly Accessed (WANDA) to look at the due diligence of the arrest and in the Sheriff's Department Jail Management System (JMS) to see whether there may be new charges.

IV. Cancellation of calendared hearings

For calendared matters in which a report has been filed with the clerk, the supervision officer shall advise the court clerk of the decision to cancel and follow-up as appropriate. If circumstances have changed or additional information is received to the effect that the report as filed does not correctly reflect the situation, an oral report, Amended, Supplemental report or Court Hearing Officer (CHO) note must be submitted at the time of the hearing or a request made to either continue the matter or take it off calendar. When a probation officer's report is filed by the clerk it becomes, and remains, a part of the legal file.

1. Additional care is necessary in ex-parte reports as the court may act upon receipt of the court report.
2. Once a calendar date has been set for reporting a probationer's commitment to prison pursuant to Section 1203.2a PC, it is rarely possible to cancel and re-calendar a matter within the 30 days allowed.

1203.2a PC

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V. Exigent calendaring

In cases where probation hold/detainer has been placed on a defendant in custody, the case should be in court no later than two (2) judicial days in misdemeanor cases or three (3) judicial days in felony cases following the placing of the hold/detainer or as soon as possible within those parameters. If a detainer is placed after 3:00 PM, the time starts tolling on the following day. For example, if a detainer is placed on Friday night, the misdemeanor case would be in court on Tuesday and the felony case would be in court on Wednesday of the following week. In an unusual circumstance, as approved by the SPO, a short violation report may be filed which briefly explains the nature of the violation and why the hold/detainer was placed if time does not allow for the submission of a full probation violation report to be completed.

If a short violation report is filed, the report should also request that the matter be continued to an appropriate date for the submission of supplemental information or a recommendation if such has not been previously submitted.

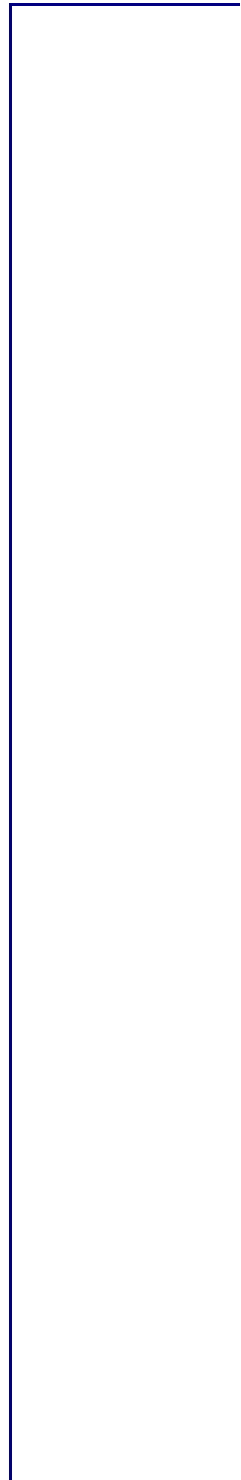
The officer placing the hold/detainer is responsible for calendaring the case within the appropriate legal time frame by noting the Court date, time and place on the detainer, and also by sending a Request to Calendar the case, if necessary.

VI. Ex-parte matter

Matters submitted to the court either as informational or requiring action (not prejudicial to the defendant), without the necessity for the formalities of an open court appearance are termed “Ex-parte” and are not calendared.

A. “Ex-parte” matters which may be submitted to the court can include:

1. Arrest warrant requests
2. Probation terminations with 1203.3 or 1203.4 PC relief
3. Request for conversion to unsupervised probation
4. Request to terminate probation due to the probationer’s death



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5. Modification of probation when the probationer has signed a waiver of appearance
6. Other reports of informational nature

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