

**PROBATION DEPARTMENT  
ADULT MANUAL**

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**POST RELEASE COMMUNITY SUPERVISION**

I. General Policy

- A. Supervision of Post Release Community Supervision (PRCS) offenders falls under the jurisdiction of the Probation Department as mandated by the 2011 Public Safety Realignment Act (AB109).
- B. This manual section delineates PRCS guidelines consistent with state mandates and departmental expectations relating to PRCS cases. It outlines policies and procedures on handling of PRCS cases from the assignment of a case through its termination.
- C. A community-based approach should be utilized in the supervision of PRCS offenders which includes evidence-based sanctions and programs. These sanctions and programs should include, but are not limited to the following:
  - 1. Flash Incarceration up to 10 days.
  - 2. Intensive community supervision.
  - 3. Home detention with Global Positioning System (GPS) monitoring.
  - 4. Community Service Work.
  - 5. Restorative justice programs.
  - 6. Work, training or education programs.
  - 7. Work in lieu of confinement programs.
  - 8. Day reporting.
  - 9. Mandatory residential or community-based substance abuse treatment programs.
  - 10. Mandatory random drug testing.
  - 11. Mother-infant care programs.

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- 12. Community-based residential programs offering structure, supervision, treatment, literacy, employment counseling and mental health treatment.
  
- D. Duration of Supervision
  - 1. PRCS offenders are under the supervision of the Probation Department for up to three years upon their release from California Department of Corrections and Rehabilitation (CDCR); however, those whose sentences have been reclassified as misdemeanors under §1170.18(a) PC are subject to PRCS for one year.
  - 2. The offender’s period of supervision may be tolled due to absconding.
  - 3. Offenders are eligible for early release at six months with the approval of the Deputy Chief Probation Officer if they have not incurred a flash incarceration or revocation and are not at risk of continued criminal activity. All other offenders are discharged by operation of law after 12 months of supervision if they have not incurred a flash incarceration or revocation.
  - 4. Each time an offender incurs a flash incarceration or revocation, his/her minimum of 12 months of supervision restarts, not to exceed three years of supervision.
  
- II. Supervision Guidelines
  - A. To provide an enhanced level of supervision, the Department has established a 40:1 offender to officer ratio for PRCS offenders.
  - B. Initial Supervision Guidelines: All PRCS offenders will be supervised at a High-Risk level upon release from CDCR.
    - 1. An unannounced home visit within one week of release from CDCR.
    - 2. A case plan within the first 21 days of supervision.

3456 PC

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3. During the first 90 days of supervision, weekly field contacts will be made with an emphasis on non-business hours. This will be in addition to any office contacts or Compliance Response Team (CRT) contacts.
  4. Additional tasks, identified as case priorities, will be based on the offender's criminal history.
  5. Upon completion of the initial 90 days re-entry period, the offender's supervision standards will be reassessed based on their progress and the results of the risk/needs assessment.
    - a. High-risk offenders will be maintained at a high level of supervision. Offenders that risk at a low or medium level will remain on the assigned officer's caseload but may be transitioned to a lower level of supervision, upon supervisor approval. The nature of the offense and specialized legal or programming requirements will be taken into consideration.
- C. High-Risk Supervision Guidelines
1. Offenders with substance abuse issues will be randomly tested a minimum of four (4) times a month.
  2. Four (4) field contacts per month will be conducted with an emphasis on non-business hours.
  3. GPS tracks will be reviewed each work day for those on Enhanced Electronic Supervision (EES) by the PRCS-GPS Officer, documented via a chronological note, which should be reviewed by the PRCS supervision officer.
  4. A minimum of one (1) field search conducted per month.
  5. Additional high priority tasks, as necessary, based on the case, apply to all caseloads, as well as offense-specific caseloads such as Domestic Violence (DV) or Sex Offender (SO).

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6. Submission of an automated monthly report, via the kiosk, will be required.
- D. Medium-Risk Supervision Guidelines
1. Offenders with substance abuse issues randomly tested a minimum of two (2) times a month.
  2. Two (2) field contacts per month conducted with an emphasis on non-business hours.
  3. A minimum of one (1) field search conducted every other month.
  4. Monthly program contacts will be made to ensure the offender is attending and progressing at a satisfactory rate.
  5. Contact with DV victims who reside with offenders will be required at a minimum of every other month.
  6. Submission of an automated monthly report, via the kiosk, will be required
- E. Low-Risk Supervision Guidelines
1. Offenders with substance abuse issues will be tested on an as-needed basis.
  2. One (1) field contact per month will be conducted with an emphasis on non-business hours.
  3. Office visits will be conducted as needed.
  4. Submission of an automated monthly report, via the kiosk, will be required.
  5. Field searches will be conducted as needed.

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- 6. Monthly program contacts will be made to ensure the offender is attending and progressing at a satisfactory rate.
- 7. Contact with DV victims who reside with offenders will be required at a minimum of every other month.
- F. After the initial risk classification is established, cases will be reclassified on a case needs basis via the Case Supervision Review (CSR), every eight months. Reductions in risk classification are accomplished after CSRs, with supervisor approval.

**III. PRCS Programs and Referral Process**

- A. PRCS offenders shall receive the benefit of programming in the community and evidence-based programs to assist in their transition back into the community and such programs may be used as a sanction to address relapse and non-compliant behavior.

**B. Referral Process**

- 1. When an offender is referred, the Deputy Probation Officer (DPO) will have the offender sign a Referral Form (PRO-35) in IMPACT for the appropriate program.
- 2. The referral will be sent to the appropriate treatment provider, and/or a hard copy of the document will be handed to the offender to take to the program in person.
- 3. If the program is offered at the Probation Report and Resource Center (PRRC), staff at the PRRC will enter the information into RCMS and Programs Tab. All other referred programs are to be entered into the ProgramsTab by the assigned DPO.

**C. Programs**

- 1. Realignment funds are available to subsidize many of the programs offered to the PRCS offender, such as outpatient alcohol/drug treatment, Batterer's Intervention Program, and sober living.

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2. PRRC offers programming for PRCS offenders focusing on cognitive behavioral treatment, drug and alcohol treatment, education and employment skills.
  - a. There are a series of classes t the offender will be referred to through the PRRC program based on individual needs.
3. Withdrawal Management and Clean and Sober programs are available through contracted services.
  - a. Subsidized housing, including Transitional Housing, requires the designated Supervising Probation Officer’s approval. A Subsidized Housing Referral and Planning Sheet must be completed that includes pre-admission information, compliance issues, a clean and sober plan, and a transition plan.
- 4.. Other local treatment and monitoring programs are contracted and utilized for specific populations such as sex offender, dual diagnosis, substance abuse and alcohol monitoring through Secure Continuous Remote Alcohol Monitoring (SCRAM).

Subsidized  
Housing Referral  
and Planning  
Sheet (Pro-48)

**IV. Sanctions/Incentives**

**A. Use of Violation MATRIX**

1. The DPO will utilize the Alternative Sanctions Non-Compliance Response Guide and Recommended Incentives in combination with the COMPAS Probation/Parole Violation/Non-Compliance Response Guide to determine the appropriate sanction based on the offender’s level of violation (Major or Minor) and the Response Level (Levels 1-4). In the event of a non-business hour contact or field arrest, the response guide will be reviewed the following business day.
2. DPOs will record the above results in the Violation Database.

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B. Flash Incarceration

1. Flash incarceration is an immediate sanction option for PRCS offenders.
2. Flash incarceration defined by Section 3454(c) of the Penal Code (PC) is a period of detention, not to exceed ten consecutive days, in county jail due to a violation of an offender’s conditions of post-release supervision. All instances in which an officer is requesting flash incarceration must be approved by a SPO.
3. Since the ramifications of this short term incarceration can have long-term consequences, officers should be judicious about the use of this sanction and have justification for its imposition.
4. Upon agreeing to the terms in the State of California Notice and Conditions of Post Release Community Supervision (CDC 1515), the offender agrees to waive any right to a court hearing prior to the imposition of a period of “flash incarceration.”
5. When a flash incarceration sanction is being imposed on a PRCS offender, the offender shall be notified of the conditions of their post release supervision that were violated, the number of days being imposed as a sanction, and of the ability to request an independent Administrative Review via the PRCS Flash Incarceration Notice. The process for this notice shall be as follows:
  - a. After the flash incarceration has been approved by the SPO, the supervision officer will complete the notice and save the document in IMPACT.
  - b. Ideally, the supervision officer will provide the offender with the form at the time of arrest or booking. However, if that is not feasible, it will be provided within one working day. If necessary, coordination with the Jail Assessors can be utilized to assist in providing the form to the offender within the required timeframe.

CDC 1515

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- c. If the offender is not requesting an Administrative Review, the signed document will be saved in IMPACT by the officer providing the form to the offender, with a chrono notation indicating a Review was not requested.
- d. If the offender requests a Review, the form will be completed and scanned into IMPACT by staff that provided the offender with the Notice and an email will be sent to the AB-109 Manager with the Notice, notifying of the request for review. A chrono will also be made indicating any statements the offender made as to why a Review was requested and any additional information available.
- e. Within two (2) working days from the receipt of the notifying email, the Manager will review the request; interview the offender, if needed; contact witnesses; and provide a response to the offender directly or through the Jail Assessor.
- f. The outcome will be documented within an IMPACT chrono, as well as on the offender's Notice.

**C. Revocations**

- 1. Penal Code Section 3455(a) provides the authority for revoking the supervision status of offenders on PRCS.
- 2. Upon completion of the Violation Matrix, the officer will staff the case with a SPO, and if the determination is to proceed with a PRCS revocation, the matter is set for hearing. The hearing is to be set within 10 calendar days of booking, preferably on a Wednesday.
  - a. A PRCS revocation will only be scheduled to be heard in Lompoc if there is an accompanying new criminal arraignment scheduled.

Revocation  
Schedule  
SM: Wed 1:30 PM  
SB: Wed 8:30 AM  
Lompoc hearings  
will be held in  
SM.



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3. The PRCS revocation petition will be filed within seven calendar days of arrest or from the offender’s arrival at the Santa Barbara County Jail, in the event the offender was arrested in a different jurisdiction.
  - a. Copies of the petition will be routed to the District Attorney’s Office (DA) via the electronic filing procedures.
  - b. Under the attorney heading in the report, one of the three boxes must be checked and distribution made accordingly (Public Defender, Private Attorney, or the PRCS offender, if they have waived representation).
  - c. No Court number will be listed on the initial revocation petition as the court will assign a number based on the filing.
  - d. Subsequent petitions will note the previously issued court number followed by the next Alpha identifier (e.g. 111111, subsequent petition 111111A, third petition 111111B, etc.)
  - e. Once the court number has been assigned, IMPACT will be updated to reflect the newly issued court number, rather than the one the offender was sentenced to prison on. In the event the offender has multiple PRCS cases open in IMPACT, the newly issued court number followed by the next Alpha identifier will be assigned to each additional PRCS case.
  
4. At the time of arrest, or as soon as reasonably possible thereafter, the offender is to be advised that a revocation petition is being filed, and of their right to waive the court hearing. Should they elect to have a hearing, the offender is to be advised of their right to an attorney and that if they want one and do not have a private attorney, the Probation Department will refer the matter to the Public Defender’s Office. The offender also has the option to waive their right to counsel.
  - a. This advisement and the response are to be documented in the chronos of the offender’s IMPACT file.

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- b. Once a determination is made that the matter will proceed to a hearing, notice is to be served to the victim(s).
- 5. A Probable Cause Review by a Judicial Hearing Officer will occur within two (2) calendar days of filing.
  - a. If probable cause is found, the case will proceed to the scheduled Revocation Hearing, unless the offender admits the violation and waives the hearing.
  - b. If probable cause is not found, the Revocation Hearing will be vacated, and immediate notice provided to the Deputy Probation Officer (DPO) so the offender can be released from custody. The DPO must ensure Custody Records is immediately notified, as well as the DA and Public Defender or private counsel. If a waiver was signed by the inmate prior to a Judicial Officer determining probable cause, the waiver will be deemed void upon notice regarding a lack of probable cause. The matter should be staffed with a manager to determine if the revocation will go forward as an out-of-custody matter and if so, what additional information will be required in the revocation.
- 6. At any point prior to the Revocation Hearing, a PRCS offender may waive their right to counsel, admit the violation, waive a hearing and accept the modification of supervision (including custody time of up to 180 days).
- 7. If the offender proceeds with the waiver process, the DPO will file a Probation Memorandum (PRO-106E) motion to vacate the hearing and provide the court and counsel a copy of the offender's waiver agreement.
- D. Warrants  

Penal Code Section 3455(a)(4) PC provides the authority for requesting a warrant be issued in a PRCS case. PRCS warrants; however, differ from traditional probation warrants as a revocation is not filed with the court in

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order to obtain the warrant. Instead, the warrant allows for the offender’s arrest and further action; specifically, a detainer must be initiated once they are arrested to ensure they are held. The following is the protocol to guide the DPO when placing a detainer on a PRCS warrant arrest:

1. The officer may be informed of the warrant arrest immediately or after the offender has been in custody for a day or more. When the officer is made aware that a PRCS offender is in custody on the warrant, the officer is to confirm the actual date of arrest.
  2. In the event a flash incarceration is deemed appropriate, when completing the detainer, the officer will indicate the number of days for the flash based on the Violation Matrix, and also include a specific release date, so that if the detainer is not placed on the same date the offender was arrested, the offender will not be over-detained.
  3. Should a revocation be deemed the appropriate action, the detainer will include a court date within 10 calendar days of the offender’s arrest date, or arrival in Santa Barbara County Jail in the event the offender was arrested in another jurisdiction, the revocation process shall be followed.
  4. The officer should verify in WANDA the PRCS warrant is no longer active.
- E. AB 109 Violation Database
1. The Violation Database shall be used to track information regarding all flash incarcerations and revocations.
  2. Officers are required to keep the database up to date as violations occur.
  3. Information collected includes the basis of the violation (substance use, treatment, failure to report, GPS, etc.), the recommended number of days in county jail as well as the Court disposition.

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4. A checkbox is included in the database to indicate if the offender has signed a waiver for the Revocation Hearing.

V. Merchandise Cards

- A. Merchandise cards from a local supermarket are available for PRCS offenders who are indigent and require assistance in order to effectively benefit from supervision and treatment services. The distribution of these cards will be based on need. Need should be narrowly construed to include those PRCS offenders recently released from prison or a lengthy jail sentence with issues of homelessness and/or hunger or those under our supervision that encounter an unexpected life event that has caused a fundamental void resulting in homelessness/hunger.
- B. A SPO can approve a single card distribution in the amount of \$20.00. If a need arises that would indicate a larger amount is required, Manager approval must be obtained. Multiple distributions to the same client should be a rare occurrence. However, should it appear appropriate, the SPO will request that the offender's case plan include a strategy to assist and direct the client in steps required to attend to these fundamental needs. The cards are marked to flag the checker that they cannot be used for alcohol or tobacco. The process for obtaining a gift card is as follows:
  1. The Deputy Probation Officer (DPO) obtains supervisor approval via a Merchandise Card Request form.
  2. The DPO submits the form to designated Administrative Office Professional (AOP) in each area office to obtain gift card.
  3. The DPO scans signed card request form into IMPACT.
  4. The designated AOP receives and retains the authorization form, indicates distribution in log, and provides DPO with merchandise card.

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5. The DPO documents an entry in IMPACT as to the date the gift card was provided to the client and notifies support staff of the date of delivery.

**VI. Mental Health/Medication Protocol**

- A. Mental health treatment is available to PRCS offenders to aid in their transition back into the community. Alcohol, Drug, and Mental Health Services (ADMHS) has a half-time psychiatrist and a full-time psychiatric technician assigned to work with AB 109 clients.

1. Due to Health Insurance Portability and Accountability Act (HIPAA) restrictions and guidelines, officers must obtain Release of Information (ROI) forms from the offenders to facilitate communication between Probation and ADMHS (PRO-35).
2. An Authorization for ROI must be obtained on PRCS offenders who are referred to either ADMHS or Public Health for psychotropic medications.
3. An offender who is designated by CDCR as CCCMS, or who is a self-referral reporting mental health needs, will meet with the psychiatric technician for an assessment, with a future appointment with the psychiatrist for medication, as needed. It is the goal at intake to provide the offender with an appointment card so they know when and where to report.
4. The Officer will add “Mental Health – AB 109” under the Programs tab in the offender’s IMPACT file.

- B. Current medication protocols, which may differ by office, should be followed for AB 109 offenders in need of psychotropic (mental health) medications and who do not yet have insurance, including Medi-Cal. Every effort should be made to have the person evaluated for eligibility as soon as possible.

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VI. Out-of-County Transfers

- A. §3460 PC provides the statutory framework regarding the transfer of “jurisdiction” between counties, related to Post Release Community Supervision (PRCS) offenders. Unlike in §1203.9 PC, the Court does not have jurisdiction in this process and the transfer of PRCS cases will be administrative and handled directly from one county to another.

Notwithstanding any other law, an offender who is released on post release community supervision for a stalking offense shall not be returned to a location within 35 miles of the victim’s actual residence or place of employment if the victim or witness has requested additional distance **and** if the Department of Correction and Rehabilitation, or the supervising county agency, as applicable, finds that there is a need to protect the life, safety, or well-being of the victim. If the offender who is released on post release community supervision cannot be placed in his or her county of last legal residence in compliance with this subdivision, the supervising county agency may transfer the inmate to another county upon approval of the receiving county.

3003(h) PC

- C. No supervising agency shall be required to transfer jurisdiction to another county unless the person demonstrates an ability to establish permanent residency within another county without violating the terms and conditions of post release community supervision.
  - 1. Residence means the place where the person customarily lives exclusive of employment, school, or other special or temporary purpose. A person may have only one residence.
  - 2. Upon verification of permanent residency, the receiving supervising agency shall accept jurisdiction and supervision of the person on post release community supervision.
- D. Transfer Process
  - 1. a. A post release community supervision offender in the community makes a written statement of intention and requests to permanently reside in another county; or

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- b. A post release community supervision offender, who is in custody of CDCR, indicates to CDCR that he/she intends to reside in a county other than his/her county of residence as determined by CDCR. CDCR will typically indicate this residence request in their pre-release packet; or
  - c. A victim of stalking offense has exercised his/her right pursuant to Section 3003(h) PC requesting that the offender who is in custody at CDCR or the post release community supervision offender under supervision by the county agency be relocated in excess of 35 miles of his/her residence or place of employment.
2. PRCS offenders in the community will be required to submit proof of residency or intended residency. Examples of proof of residency include, but are not limited to, the following:
- a. A driver's license or identification card issued by the state of California that includes the in-county address;
  - b. Voter registration documents showing address where registered to vote;
  - c. Filing a homeowner's property tax exemption;
  - d. Copy of rental agreement or proof of home ownership;
  - e. Verification of residency from the person in whose home the probationer will reside (third party verification form);
  - f. Proof/verification of employment;
  - g. Credit card bill;
  - h. Utility bills;
  - i. Insurance policies/documents;

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- j. Vehicle registration;
  - k. Any official document verifying name and address; or
  - l. A residence check by Probation or law enforcement.
3. Upon a request for out-of-county transfer by the PRCS offender, the DPO must notify the victim, if any. If unable to contact the victim, the DPO must document all attempts made to contact. The protection of the victim can be a valid reason to deny the transfer request.
  4. The DPO will verify the residence is consistent with PC 3460(d).
  5. The DPO will complete the PRCS transfer form (PRO-115) and send it with a copy of the CDCR prison pre-release packet to the receiving county. At that time, a travel pass/permit may be issued consistent with compliance and supervision objectives.
  6. Upon receipt of the transfer packet, the receiving county DPO will verify the residence is consistent with PC 3460(d).
  7. The receiving county DPO will document on the bottom of the PRCS transfer form (PRO- 115) verification of residence.
  8. Within 30 days of the date of the request, the receiving county DPO will fax or email the PRCS transfer form to the sending county indicating either acceptance or refusal of the transfer based upon residency verification.
  9. If residency is verified, the date of the fax or email indicating acceptance will mark the official date for transfer of “jurisdiction” and responsibility for the case will rest with the receiving county as of that date.
  10. The sending county will close out their case effective the date of the acceptance fax/email from the receiving county. If the post release community supervision offender is still in the custody of CDCR, the

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sending county will notify CDCR that the county of residence (and need for new reporting instructions) has changed and request CDCR identify the new receiving county as the county of residence for the offender. In addition, the sending county will fax/email a copy of the CDCR 611 form, or other documentation indicating the change in county of residence to the receiving county as well as returning the form to CDCR.

D. Body Status

1. “PRCS incoming” can be used as the body status within IMPACT when a request for transfer to Santa Barbara County from another county is received. (PRCS incoming requests should be set up as “Investigations Only” within IMPACT until they are officially accepted)

VII. Termination Protocol

A. Penal Code §3456 outlines the events that either may or shall result in the termination of Post Release Supervision of a PRCS offender:

1. Any PRCS offender who has been supervised for a period of three years (§3456(a)(1)PC).
2. Any PRCS offender under supervision for 6 consecutive months with no violations of his/her conditions of release that results in a custodial sanction may be considered for immediate release (§3456(a)(2) PC). Locally, this provision will only be utilized in an unusual case and must receive prior approval from the Deputy Chief Probation Officer.
3. Any PRCS offender under supervision for 12 consecutive months with no violation of his/her conditions of release that results in a custodial sanction shall be discharged from supervision within 30 days (§3456(a)(3) PC).
4. Jurisdiction has been terminated as an operation of law (§3456(a)(4) PC), i.e. subsequent prison commitment.

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- 5. Jurisdiction is transferred to another supervising county agency (§3456(a)(5) PC).
- 6. Jurisdiction is terminated by the Court upon a petition from the Probation Department to revoke and terminate (§3456(a)(6) PC).
- B. Once an offender has been released from supervision, a PRCS Discharge Letter is provided to him/her indicating such. This is provided as a means for the offender to prove to law enforcement that their supervision period has expired and they are no longer subject to terms and conditions despite the fact that the Supervised Release Files (SRF) maintained by the Department of Justice (DOJ) may show otherwise.
- C. Pursuant to §3456(b) PC, any time period during which supervision has been suspended as the offender absconded shall not be credited towards the three-year period of supervision.
- D. Locally, a custodial sanction is defined as a flash incarceration or a revocation. A custodial sanction does not include incarceration for a new law violation unless a sanction via a flash incarceration or revocation is utilized. Thus, a custodial sanction should be considered whenever a new law violation occurs. Any circumstance where a new law violation has occurred but a decision has been made not to utilize a custodial sanction must be approved by a supervisor and documented in the case file.

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