

# PROBATION DEPARTMENT ADULT MANUAL

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<b>Revised:</b>	12/17/19

## Notes and References

### POST SENTENCE SUPERVISION

Pursuant to §1170(h)(5)(B) PC, eligible defendants are sentenced to a “split sentence” whereby the defendant is committed to county jail for a term as determined in accordance with the applicable sentencing law, with the execution of a concluding portion of the sentence suspended, during which time the defendant is subject to mandatory supervision by the Probation Department. Defendants sentenced to a split sentence will receive both day-for-day credit for time spent in custody, notwithstanding some exceptions noted below, and one day credit for each day they perform successfully on Post Sentence Supervision (PSS), the combined total of which will affect the overall expiration date of mandatory supervision.

#### I. Sentencing

Defendants who receive split sentences through either a negotiated plea agreement or by means of recommendation from the Probation Department will have a Pre-Sentence report prepared, to include a Sentencing and Supervision Order (CL338 – Split-Sentence Supervision Order) with appropriate terms and conditions of supervision. Those who receive a split sentence as a result of a probation violation will have a Sentencing and Supervision Order consistent with the original probation terms and conditions prepared and attached to the probation violation, or prepared as requested by the Court in the event that a split sentence has not been recommended in the probation violation report.

The Sentencing and Supervision Order must reflect the full term imposed (low, mid, or upper) of the triad and what portion of that term is suspended, during which the defendant will be placed on PSS. In that sentencing under §1170(h)(5)(B) PC is considered an imposition of sentence, the defendant is entitled to day-for-day credits regardless of the date the offense was committed, exceptions being if they were housed in California Rehabilitation Center (CRC), a state hospital, or in a residential treatment program prior to sentencing.

Prior to a PSS case being transferred the following must take place:

1. The sentencing abstract (Felony Abstract of Judgment) shall be requested and scanned into IMPACT.

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2. The Post Sentence Supervision database will be used to calculate the most current supervision expiration date, which will be posted in IMPACT.

#### II. Supervision

##### A. Pre-Release

In-custody PSS cases will be assigned to the Intake Officer. Upon receiving the file, the Intake Officer will take note of the offender's pending release date from custody.

1. At least 6 months prior to the offender's release, or as soon as possible, the Intake Officer will complete the following tasks:
  - Contact Eligibility Worker to advise of the offender's custody status in order for an ACA interview to occur in the jail.
  - Conduct a video conference interview with the offender in order to complete the Inventory of Needs (ION) and initial case plan. During the interview, the Intake Officer will direct the offender to report to the Probation Report and Resource Center (PRRC) upon his/her release from custody.
  - Complete a case plan in COMPAS and email the Jail Assessors once it has been completed so they can provide a copy to offender prior to his/her release from custody.
  - Prescreen the offender for Probation Report and Resource Center (PRRC) Re-Entry services, GPS, or other specialty programming.
2. At least 60 days prior to the offender's release, the Intake Officer will complete the following tasks:
  - Complete a Transfer Chrono and prepare the file for transfer to PSS Officer.
  - Enter the Jail Release Date in IMPACT if the offender was released from jail prior to the transfer of the file (either on EM or straight release).
  - Update the PSS Credit For Time Served (CTS) database.

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- a. Out of custody PSS cases will be assigned to Probation Officers specifically designated to oversee such cases. The Intake Officer will need to recalculate the supervision expiration date upon the defendant’s initial release from custody and thereafter anytime the defendant is incarcerated utilizing the Post Sentence Supervision portion of the credit for time served database.

The PSS Probation Officer will determine if the case was a standard probation case prior to imposition of PSS. If it was, the PSS Probation Officer will insure all probation supervision fees are closed out as of the sentencing date of PSS via an updated Pro-129 with the notation in comments “Stop Sup fees, converted to PSS.” “Stop” should be typed on the supervision fee line item area, and all of the fines and fees as listed on the new Sentencing and Supervision Order should be typed onto the Pro-129. The PSS Probation Officer should ensure the new Sentencing and Supervision Orders are scanned into IMPACT so that the Revenue Recovery Unit (RRU) can view them if clarification is needed.

**B. Re-Entry Supervision Standards (first 90 days after release)**

1. Any offender whose COMPAS case plan is not completed pre-release will have one completed within the first 21 days of supervision. Referrals will be initiated based on the needs identified in the assessment and case plan.
2. Upon release from jail, the PSS Probation officer will enter the “Jail Release Date” in IMPACT under “Details” on the “Cases” screen. This is a static date and will be entered at the offender’s first/original release from custody on the PSS case despite subsequent arrests and releases on the case. Do not enter any pending release dates, only the actual release date. (If this entry is missing, it is determined the offender is still in custody.)

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3. An initial home visit will be required within two working days of the offender's release.
4. An unannounced home visit will be conducted within one week of the offender's return to the community.
5. Offenders with a history of substance abuse will be placed on call-in drug testing, if testing is a term of their supervision, and tested approximately twice per week for the first 90 days, at which point a re-assessment for appropriate testing requirements will be conducted.
6. Supervision standards after the 90-day re-entry period will be based on the offender's risk/needs assessment and are delineated below. High risk offenders will be maintained on the most intensive supervision. Medium and low risk offenders will be placed on a lower level of supervision as dictated by the nature of the offense and the specialized legal or programming requirements, in addition to their risk score.

C. Post Re-Entry Supervision Standards

1. **High Risk Standards –**
  - Offenders with substance abuse issues should be tested a minimum of four (4) times a month. Tests conducted by treatment providers can be considered in the total if the tests are documented.
  - Four (4) field contacts per month will be conducted with an emphasis on non-business hours.
  - A minimum of one field search will be conducted per month.
  - Additional high priority tasks as indicated for all caseloads, as well as offense specific caseloads such as Domestic Violence (DV) or Sex Offender.
  - An automated monthly report will be required.

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2. **Medium Risk Standards –**
  - Offenders with substance abuse issues should be tested a minimum of two (2) times a month. Tests conducted by treatment providers can be considered in the total if the tests are documented.
  - Two (2) field contacts per month will be conducted with an emphasis on non-business hours.
  - A minimum of one field search will be conducted every other month.
  - Monthly program contacts to ensure the offender is attending and progressing at a satisfactory rate.
  - Contact with DV victims who reside with offenders required at a minimum of every other month.
  - An automated monthly report will be required.
  
3. **Low Risk Standards –**
  - Offenders with substance abuse issues will be tested on an as needed basis.
  - One (1) field contact per month will be conducted with an emphasis on non-business hours.
  - Office visits will be scheduled as needed.
  - An automated monthly report will be required.
  - Field searches will be conducted as needed.
  - Monthly program contacts to ensure the offender is attending and progressing at a satisfactory rate.
  - Contact with DV victims who reside with offenders required at a minimum of every other month.
  
- D. Merchandise Cards
  1. Merchandise cards from local food merchants are available for PSS 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 PSS offenders recently released from jail following a lengthy sentence with issues of homelessness

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and/or hunger or those under our supervision that encounter an unexpected life event that has caused a fundamental void resulting in homelessness/hunger.

2. 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:
  - a. The PSS Probation Officer obtains supervisor approval via a Merchandise Card Request form.
  - b. The PSS Probation Officer submits the form to designated Administrative Office Professional (AOP) in each area office to obtain gift card.
  - c. The PSS Probation Officer scans signed card request form into IMPACT.
  - d. The designated AOP receives and retains the authorization form, indicates distribution in log, and provides DPO with merchandise card.
  - e. The PSS Probation Officer 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.
- C. Out Of County Transfers

PSS offenders who reside within the state, but outside of Santa Barbara County, will be transferred pursuant to §1203.9 PC as delineated in manual section 3206.
- D. Case Expiration

Once a PSS case has expired, as soon as possible, the supervision PSS Probation Officer will submit a Memorandum (Pro-106) to the court of jurisdiction stating the case has expired.

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#### E. Violations

If a PSS offender violates the terms of his/her Sentencing and Supervision Order, the offender is subject to being detained pursuant to §1203.2(a) PC and a Post Sentence Supervision Violation Report (Pro 159) shall be prepared and filed with the court. Each time a PSS violation report is filed, the attached order will reference the remaining unserved portion of sentence reported in days as of the date the report is filed in the case of an ex-parte report, or as of the scheduled court date.

If the matter is continued for sentencing, the assigned officer will update the Court Hearing Officer (CHO) note to reflect the most current remaining unserved portion of sentence and expiration date of supervision so that both may be reported to the Court, as the Probation Department has sole responsibility for determining, updating, and reporting the expiration of supervision date. The PSS Probation Officer is responsible for updating the expiration date in IMPACT.

It should be noted that in the event a warrant has been issued for a PSS offender, he/she will not accrue post sentence supervision credits from the date the warrant was issued until the date the warrant was served pursuant to §1170(h)(5)(B)(i) PC. This should be noted in the comments section of the PSS Credit for Time Served worksheet generated utilizing the PSS database.

If the imposition of the entire remaining unserved portion of sentence is recommended, the following verbiage will be incorporated into the report:

- All restitution, fine and fees assessed are payable to the Santa Barbara County Probation Department until satisfied.
- Pay restitution in the amount of \$\_\_\_\_ to victim(s)\_\_\_\_\_ and a restitutions collections surcharge of 15% pursuant to 1203.1(1) PC through the Santa Barbara County Probation Department.

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F. Custody Credits

When applying custody credits to multiple PSS cases, credits are to be applied consecutive and therefore applied to the principle case until expires and then the subordinate cases.

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