

PROBATION DEPARTMENT DIRECTIVE

No:	770
Issued:	03/07/00
Post until:	04/07/00

**SUBJECT: INSTRUCTIONS FOR THE COMPLETION OF ADULT SUPERVISION
ORIENTATION/PERMANENT INSTRUCTIONS AND THE MIDPOINT CASE
REVIEW**

As of the issue date of this Directive, all Adult Supervision **Deputy Probation Officers (DPOs)** are required to issue **Permanent Instructions** or give an **Orientation** to probationers within **30 days of sentencing or release from custody**. In addition, **DPOs shall conduct a midpoint review on each case assigned to their caseload.**

Orientation/Permanent Instructions:

It is required that all adult probationers be orientated/permanently instructed within 30 days following the date of sentence or release from custody. If the probationer fails to report in person to the Probation Officer within the first 30 days of his grant of probation or release from custody, the DPO of record is required to calendar the matter for either a desertion or violation report. If the probationer has reported in-person within the 30-day period and his/her orientation/permanent instruction date is scheduled beyond the 30-day period, it must be properly documented on the **Supervision Instruction Data (SIND) Screen** in the Adult Probation System (APS).

Conducting an Orientation or Instructing a probationer means that the DPO of record (or Orientation DPO/Intake Officer) has had an in person contact with the probationer during which verbal and written information and instructions (Prob. 895, etc.) were given. Those instructions cover all aspects of the terms and conditions of the grant of probation (includes diversion and Deferred Entry of Judgement). This also includes the determination of the probationer's ability to pay Cost of Probation Services (COPS) and the setup of proper COPS documentation.

Scheduling of the Orientation/Permanent Instruction Date, as well as the actual date the Orientation or Permanent Instruction session was conducted shall be properly recorded on the designated fields on the **SIND Screen** in APS.

Midpoint Case Review

The Supervising , Deputy Probation Officer (SDPO) shall have the responsibility of ensuring that the "Midpoint Review Lists" are properly distributed each month to the DPOs in his/her unit.

Deferred Entry of Judgement (DEJ) and Diversion Cases

In that Deferred Entry of Judgement (DEJ) and Diversion cases are different from formal grants of probation, a midpoint case review shall be deemed to have been completed by the DPO of record when he or she verifies that no new arrests have occurred. This verification can be made by checking the defendant's CII record, which is part of the California Law Enforcement Telecommunications System (CLETS) or by accessing the **SCID Screen** in APS, which will contain information obtained from the Supervised Release Files (SRF) if new arrests have occurred.

Note: In DEJ cases, the defendant is not on probation, nor do they have a "conditional release". In addition, the Penal Code indicates that these defendants are given an entire 3-year period to complete the drug program and to pay the financial obligation. The DPO should recommend a dismissal of the case only if the defendant has completed his drug program, paid all his fees, and at least 18 months have passed since the DEJ was granted.

Formal Grants of Probation

A proper formal probation midpoint case review shall begin with a review of the following APS screens:

1. **SCID Screen:** Determines that all new arrests have been properly reported to the court. If not, the DPO must file a notice of arrest or violation report.
2. **RPDD Screen:** Determines if the probationer has been reporting properly. If the probationer has failed to report two or more consecutive months immediately prior to the midpoint review, a violation report must be filed.
3. **FIND Screen:** Determines that financial payments, excluding Cost of Probation Services (COPS), have been made properly and on time. At the midpoint review the probationer must have paid at least half of his financial obligation and must not have two or more consecutive months of non-payment immediately prior to the case review. In either case, if the probationer is in non-compliance, the DPO must return the matter to court.
4. **DCID Screen:** Determines if any other conditional violation has occurred. For example, if the court has ordered that the probationer complete a program, he or she must have completed the program (written proof required), or they must be attending properly and maintaining satisfactory progress. If not, the DPO must calendar the matter for a violation hearing.

In order to conduct a proper midpoint review, it will be necessary to go beyond just a review of APS, particularly in cases containing apparent violations. In certain instances, it will be necessary to review case file materials and other documents to verify compliance. It may even require a review of the probationer's Bureau of Criminal Identification and Information (CII) record or CCHRS printout.

In addition, if the DPO cannot determine the completion of court orders, such as community service and counseling programs, from the **DCID Screen** or documents in the file, it will be necessary to directly contact the provider. In short, all conditions of probation must be reviewed and action taken when non-compliance is detected.

If, after the midpoint review is completed, the probationer is determined to have satisfied all the terms and conditions of his or her grant of probation, the DPO may wish to consider making one of the following recommendations to the court:

1. Conversion to CII Only
2. Conversion to Summary Probation
3. Termination of Jurisdiction (TD)
4. Reduction, Termination, & Dismissal (R,T,&D)

It is important to note that it is only appropriate to submit one of the above recommendations after the DPO of record determines that the probationer does not represent a direct threat to the safety of a victim or the community.

Note: The AFSB Manual and other Directives may restrict the use of the above options in certain cases.

Other midpoint case review considerations include the following:

- **Restitution Setup** - If the midpoint review reveals that restitution has not been setup or if it has not been setup properly, the DPO of record must present the matter to the unit SDPO, who will determine responsibility for the financial cleanup (it is sometimes necessary to return these cases to the Investigation DPO).
- **COPS** - If COPS has not been setup on incoming Interstate Compact (ISC) cases, it must be done at the midpoint review. Note: The ISC allows the releasing state the authority to continue collecting restitution and fines; however, it grants the receiving state the authority to collect COPS.

Upon completion of each midpoint case review the DPO shall make the appropriate entry into the Adult Probation System (APS), on the SIND Screen, signifying that the midpoint case review has taken place. This entry is completed by placing an "Y" in the space next to the words:

"MIDTERM VIOL REVIEW: _____"

Any questions or concerns may be directed to the Adult Consultant, Charles Rogers, at telephone number 562-940-2525.

David M. Davies, Chief
Adult Field Services Bureau

Jane E. Martin, Chief
Adult Special Services Bureau