

PROBATION DEPARTMENT DIRECTIVE

No:	812
Issued:	12/05/00
Post until:	01/05/01

SUBJECT: PROVIDING INSTRUCTIONS TO THE ADULT PROBATIONER – PERMANENT, TEMPORARY AND TELEPHONIC

This Directive has been revised and supersedes Directive Number 808 issued on 11/28/2000.

Penal Code (PC) section 1203.12 requires the Probation Officer to furnish each person who has been released on formal probation a written statement of the terms and conditions of his or her probation.

The policy of the Adult Services Bureaus requires that within 30 days of the court order granting formal probation, deferred entry of judgment, or diversion, or within 30 days of the probationers release from jail custody, the Deputy Probation Officer (DPO) shall provide permanent instructions. If temporary instructions must be given first, those instructions shall include the scheduling of an appointment with the probationer for the permanent instructions process.

The assigned DPO is responsible to document and maintain a record of compliance with this policy in APS (Adult Probation System) on the SIND (Supervision Instruction Data) screen.

A Probationer released from jail custody includes probationers participating in Alternatives to Custody Programs, such as Electronic Monitoring, Work Release, and/or probationers who reside in a court ordered residential program or hospital facility that is providing medical or drug treatment.

IT IS INCUMBENT ON THE DPO TO CHECK FREQUENTLY, AT LEAST ONCE PER MONTH, TO CONFIRM AND RECONFIRM THE JAIL CUSTODY OR RESIDENTIAL PROGRAM STATUS OF THE PROBATIONER.

Permanent Instructions are completed by providing the probationer with a copy of the court order, the Instructions to Adult Probationer (Prob. 895 or 895S), and discussing permanent instructions, special conditions of probation and "other instructions," if any, with the probationer. The probationer acknowledges receipt of the court order and instructions by signing and dating the appropriate section of the form. The DPO countersigns the form.

Temporary instructions give the probationer general probation rules and direct him or her to report to the proper area office for permanent instructions. The DPO completes temporary instructions by discussing the Instructions to Adult Probationers (Prob. 895 or 895s) with the probationer, providing other necessary instructions, and arranging an appointment when the permanent instructions will be provided.

PROVIDING TEMPORARY INSTRUCTIONS VIA TELEPHONE

Under unique circumstances, Adult Bureau policy allows for Temporary Instructions to be administered to probationers via telephone. In order to do so, the DPO shall have verified that the probationer resides in a court ordered residential facility, providing medical or drug treatment, and the probationer would experience a "significant detriment" to his or her rehabilitation or health if required to report to the probation office within 30 days of his or her release from jail custody or the court order granting probation.

Administering Temporary Instructions via telephone is accomplished by completing the following steps:

1. Verifying the "significant detriment" that the probationer would suffer by reporting to the area office, and documenting such in APS on the DCID (Chrono) screen.
2. Verifying the person to be instructed via telephone is the probationer.
3. Reading the temporary instructions listed on the Prob. 895 to the probationer, and including other instructions such as an appointment date for the probationer to report for permanent instructions.
4. Completing the instructions by writing, "*Instructed Via Telephone*" in the place for probationer's signature, dating and signing the Prob. 895 form.
5. Placing the original Prob. 895 in the case file, and mailing the copy to the probationer.
6. Entering the date the temporary instructions are completed, and the scheduled orientation date, in the appropriate fields, in APS on the SIND screen.

PROVIDING INSTRUCTIONS TO PROBATIONERS WHO RESIDE IN A COURT ORDERED RESIDENTIAL DRUG TREATMENT PROGRAM OR MEDICAL FACILITY

When notice is received that a probationer resides in a residential treatment facility or program, the assigned DPO shall contact the program to confirm the probationer's status, admission date, and name of the responsible contact person at the facility. The DPO shall also verify the probationer's tentative discharge date, as well as a projected date that the probationer may be released from the program or facility on a furlough to the community. The DPO shall also request a letter from the program that verifies the probationer's status in the program and provides a statement that the program will notify the DPO should the probationer leave the program prior to discharge.

In order to obtain any information regarding a probationer residing in certain residential programs or facilities, the DPO may be required to coordinate the completion of a Confidentiality Consent Form with the program.

If the probationer has not been provided permanent instructions, the DPO shall first attempt to make arrangements with the probationer and program staff for the probationer to report within five days to the probation office in order to complete the permanent

instructions process. If such appointment cannot be arranged, the DPO shall complete Temporary Instructions via telephone with the probationer. The DPO shall obtain from the program staff a projected date on which the probationer is most likely to be made available for permanent instructions.

The DPO is responsible to access the APS-SIND screen and document the name and telephone number of the court ordered residential program on the "NOTE" field. The data field providing the Temporary Instruction Date must be completed; and the Scheduled Orientation Date field shall contain the date projected by the program staff, as the date the probationer will most likely be available for permanent instructions.

If the APS shows "jail custody" status for the probationer, the DPO shall ensure that the "In Cstdy" field and "Released Date" field on the DFID screen, as well as the "Report-In Status/Description" field on the RPDD screen are accurately updated.

PROBATIONERS ASSIGNED TO WORK FURLOUGH (SCAPULAR HOUSE)

Effective immediately, DPOs assigned to Scapular House will provide permanent instructions as part of the routine orientation process to probationers assigned to Work Furlough and residing at Scapular House. The Scapular House DPOs shall also update the APS-SIND screen to indicate the date the permanent instructions are provided.

Any questions regarding this Directive are to be referred to the Adult Consultant, Charles Rogers, at (562) 940-2525.

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MANUAL HOLDERS: CROSS-REFERENCE YOUR MANUALS TO THIS DIRECTIVE WHERE APPROPRIATE