

**TRANSFER OF ADULT CASES WITHIN CALIFORNIA
PURSUANT TO SECTION 1203.9 PC**

- AUTHORITY:** Section 1203.9 Agreements of the Parole & Probation Compact Administrator's Association
- RESCINDS:** Procedure Manual Item 2-3-007, dated **02/25/21**
- FORMS:** Report Verification Form
Waiver of Appearance by Probationer (F0502-2079)
Third Party Residence Verification Form
Request to Facilitate 1203.9 PC Transfer Form
- PURPOSE:** To outline the procedure for the transfer of adult probation cases for legal jurisdiction/probation supervision to the county of the probationer's residence.

I. GENERAL INFORMATION

A. 1203.9 PC Jurisdictional Transfers

1. Applies to probationers who reside in other counties within the state of California.

B. Cases not eligible:

1. Cases not supervised by the Probation Department.
2. Cases with unresolved probation violations.
3. Cases with outstanding warrants.
4. Pending new law violations.
5. Probationers in jail, on house arrest/electronic confinement, have an 'in lieu of jail commitment' or stayed jail surrender date.
6. Cases that are going back to Court on appeal.
7. Cases with pending Court dates.

C. Residence

1. The defendant must have been a resident of the receiving county for at least 30 days.
2. The defendant must intend to remain a resident of the county.

D. Time on Probation

There must not be less than **nine** months remaining on the probation grant when referred for 1203.9 PC transfer. Exceptions: Offenses involving sex, dv, drug sales, weapons, or any other offenses considered significant in the interest of public safety.

II. PROCEDURE

A. Cases being supervised by field Probation Officers and going to another county (**Outgoing Cases**).

1. Field Probation Officer:

- a. Carefully reviews the probationer's plan to move to ensure that he/she is not attempting to avoid supervision.
- b. Forms and details to be completed:
 - (1) A current record check and review of Visions to confirm that there are no known warrants or probation violations pending.
 - (2) File must contain copy of registration forms, as appropriate, reflecting probationer's current address.
 - (3) A 1203.9 PC Waiver (F0502-2079) signed by the probationer. (One per Court case.)
 - (4) Ensure that **ICMS and** the file **are** up-to-date and complete, including a Summary Grant with complete information, CDL/CID, BC, SS and certificates of completion from any Court ordered programs.
 - (5) Proof of residence in the form of utility bills, lease/rental agreement, or if transient, proof of services being received in that county.
 - (6) Signed STIP
 - (7) DNA (if applicable)
 - (8) Request to facilitate transfer form completed.
 - (9) Third party residence verification form or sponsor letter, if applicable.
 - (10) Submit proof of residence, transfer waiver(s), request to facilitate transfer form and third-party residence form to unit 220 supervisor for review via email.

Case will be assigned a DPO #2 from unit 220 to facilitate transfer process.

2. Instructions to the Probationer:
 - a. Continue to make all fine and restitution payments to the Orange County Probation Department.
 - b. Immediately notify Orange County Probation of any change of residence prior to acceptance of supervision by receiving county.
 - c. Continue to report as directed to primary DPO.
 - d. Cooperate with Probation Department from receiving county.
3. 1203.9 Probation Officer:
 - a. Processes referral.
 - b. Awaits acceptance or rejection of transfer by the Court.
 - (1) If transfer granted, primary DPO will be notified to complete a termination chrono and file to be routed to Unit 220 clerks.
 - (2) If transfer denied, primary DPO and DPO #2 will staff case and determine if the case should be re-submitted.

B. New Incoming Cases:

1. **1203.9 SPO receives pre-transfer packet from sending county and assigns to a 1203.9 DPO for investigation.**
2. **DPO reviews the packet, requests any missing documents and schedules an interview appointment for the probationer.**
3. **DPO has probationer** complete a Summary Grant;
4. **DPO takes a CABS** photo;
5. **DPO copies** the probationer's social security card, CDL, registration, birth certificate, utility bill, and pay stub;
6. **DPO updates** information in Adult ICMS;
7. **DPO verifies** DNA has been **collected** and updates ICMS;
8. **DPO completes a physical (RV) Residence Verification as necessary;**
9. Once jurisdiction is ordered transferred, **DPO provides** the probationer with a Notice to Report **to the appropriate area office.**
 - a. **DPO reviews post-transfer packet materials, organizes/tabs case file and updates ICMS as necessary.**

- b. **DPO has unit clerk transfer case to the designated field DPO or case classifier.**

REFERENCES:

Procedures:	2-1-101	Adult Restitution
	2-1-104	Chronological History Sheet – Adult
	2-3-021	Adult Risk/Needs Assessment and Reassessment Packet

Policies:	B-2	Inter and Intra-Agency Confidentiality
	E-4	Clients With Legal Residence Out of County
	E7	Restitution

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APPROVED BY: