

## SUMMARY GRANT PRISON COMMITMENTS

<b>AUTHORITY:</b>	Sections 1203c and 1203.03 California Penal Code Sections 3008 and 3050-3051 Welfare and Institutions Code Administrative Directive	
<b>RESCINDS:</b>	Procedure Manual Item 2-2-003, dated <b>11/15/13</b>	
<b>FORMS:</b>	Probation Referral Memo Record Check Request - Adult 1203.03 PC/90 Day Diagnostic Form	(F057-1045.9) <b>Automated</b> (F057-1269)
<b>PURPOSE:</b>	To outline the procedure to be used when a defendant is committed to State Prison without benefit of a Probation and Sentencing Report.	

### I. GENERAL INFORMATION

The Superior Court makes three types of commitments to the **California** Department of Corrections **and Rehabilitation (CDCR)**. The Probation Department's responsibility to provide information to CDCR varies, depending on the type of commitment. The Probation and Sentencing Report is provided in all cases in which one has been ordered by the Court. The following information relates to those cases in which no report was ordered and the defendant was summarily committed to the **CDCR**.

#### A. Straight Prison Commitments (1202a PC)

Defendants are transferred to State Prison with certified copies of Court papers and the Arrest Report on the committing offense. The District Attorney's Office provides the Arrest Report on commitments resulting from new arrests. The Probation Department is responsible for providing Arrest Reports on commitments that are a result of a probation violation.

#### B. 90-Day Commitment to a CDCR Diagnostic Facility (1203.03PC)

This commitment provides for a temporary placement of a felon in a CDCR Diagnostic Facility for a period not to exceed 90 days. During this time the defendant is evaluated, a diagnosis is made and a recommendation for treatment provided. The defendant is then returned to Court for a final disposition in his case. The Probation Department is responsible for providing information to CDCR to assist in the evaluation of the defendant.

### II. PROCEDURE ON PROBATION VIOLATION COMMITMENTS

A. The Resident Probation Officers' (**RPO**) Office tracks probation violations to their final dispositions. The Clerk in the Courtroom provides the RPO with the commitment Minute Order. In active probation cases, the RPO staff contacts the assigned DPO and requests the Arrest Report on the case on which the defendant received the commitment. On inactive (warrant) cases, the Adult file is obtained from the File Room and the Arrest Report is obtained. It is then sent to the Superior

Court Commitment Clerk who attaches certified copies of the Court papers. The papers are then sent to the OCJ Commitment Desk and Jail Transportation and go with the defendant to the CDCR Reception Center.

- B. The RPO sends a copy of the Minute Order to the assigned DPO for chrono and case closure. On inactive cases, the Minute order is sent to Adult Aftercourt for chrono.

### III. PROCEDURE ON 1203.03 PC/90-DAY DIAGNOSTIC

- A. Notification is initially made by the Clerk in the Courtroom. The Clerk makes a referral to the Probation Department, via the RPO office, and attaches a copy of the Court Order for the 1203.03 diagnostic. The RPO Office obtains the Court papers (Minute Order, information, and TAHL form) and a copy of the Arrest Report on the committing offense and forwards them along with a Probation referral form to the Assignment Clerk in **the Adult Investigation Unit**.
- B. The Assignment Clerk assigns the case to the Prison Commitment Coordinator/**DPO**, requests the Probation file be routed to the assigned DPO, and makes a record check request to teletype. If no Adult Probation file exists, a new one is created. The Assignment Clerk also maintains an automated record of all incoming and outgoing cases during the last approximate one year.
- C. The Prison Commitment Coordinator is responsible for collecting all relevant documents, making a packet of documents for CDCR and for completing the 1203.03 PC Diagnostic form. The packet consists of the following documents:
- 1203.03PC – 90 Day Diagnostic Evaluation (F057-1269);
  - Minute Order (involving the plea and the diagnostic order);
  - Information or Complaint;
  - TAHL Form;
  - Other pertinent Minute Orders, if any;
  - Record Check;
  - Probation Report (do not copy reference letters, defendant's statement, etc.);
  - Police Report;
  - Psych Report, if any;
  - Jail Record, if any.
- D. **Per 827 (a)(4) WIC, juvenile case file information may not be disseminated to any persons or agency without prior approval of the presiding judge of the Juvenile Court.** Copies of all submitted juvenile documents, **including the court order**, are placed in the Adult file for future reference.
- E. The 1203.03 PC Diagnostic form and packet are routed to the Supervising Probation Officer for signature and then to the Assignment Clerk for routing to the Court Commitment (via the RPO Office).
- F. The Assignment Clerk makes three copies of the 1203.03 PC Diagnostic form. They are distributed as follows:
- (1) Original for the Court file;
  - (1) for the District Attorney;
  - (1) for the **California** Department of Corrections **and Rehabilitation**;

(1) for Probation file.

- G. The Superior Court Commitment Clerk attaches certified copies of the Court papers and sends them along with the Probation documents to the Orange County Jail Commitment Desk/Transportation Unit. The defendant is then scheduled for transportation to the assigned **CDCR** Diagnostic Facility.
- H. The Court case is tracked through the Court system by the RPO Office. When a final disposition is made in the Court matter the Minute Order is forwarded to the Assignment Clerk who obtains the Probation file and routes it to Aftercourt for the appropriate entry.

**REFERENCES:** None

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**APPROVED BY:**