

The seal of the San Diego County Sheriff's Office is centered in the background. It features a five-pointed star with a central emblem containing a scale of justice and a sword. The words "SHERIFF'S OFFICE" and "SAN DIEGO COUNTY" are visible around the perimeter of the seal.

San Diego County Probation Jurisdictional Transfer Policy & Procedures

PENAL CODE 1203.9

Policy

San Diego County Probation

Pursuant to California Penal Code §1203.9, cases may be transferred from one County Probation Department to another within the State of California. In most cases, jurisdictional transfer is mandatory when a probation or mandatory supervision client states their intention to reside or remain in a different county for the remainder of their period of supervision (SB 431). To ensure that San Diego County Probation complies with established law, this policy provides guidelines for the Jurisdictional Transfer process.

This policy applies to all Departmental employees involved with Adult Reintegration and Community Supervision Services.

Whenever a person is released on probation or mandatory supervision, upon noticed motion, the Court will transfer the case to the Superior Court in any other county in which the person resides permanently with the stated intention to remain for the duration of probation or mandatory supervision, unless the transferring Court determines that the transfer would be inappropriate and states its reasons on the record. Enrollment in a residential treatment program in that county, in and of itself, is not enough to meet the permanent residency requirements. No motion is needed for PC 1210 cases and PRCS cases per PC 3460.

An incoming transfer originates when a probationer residing outside San Diego County but within the State of California desires to move from their current location into San Diego County. These cases will be processed by the Incoming Jurisdictional Transfer Unit.

An outgoing transfer originates when a probationer residing inside San Diego County desires to move from San Diego County to another County within the State of California. These cases will be initiated by the officer of record and processed by the Outgoing Jurisdictional Transfer Unit.

Outgoing JT: Process Initiation

EVIDENCE OF RESIDENCY IS DETERMINED BY:

- A driver's license or identification card issued by the State of California that includes the Receiving County address
- **AT LEAST TWO OF THE DOCUMENTS LISTED BELOW:**
 - a) Voter registration documents showing address where defendant is registered to vote
 - b) Homeowner's property tax exemption filing
 - c) Copy of rental agreement or proof of home ownership
 - d) Verification of residency from the person whose home the defendant will reside (third party verification form)
 - e) Proof/verification of employment
 - f) Credit card bill
 - g) Utility bills
 - h) Insurance papers
 - i) Vehicle registration
 - j) Any official document verifying name and address
- **AND** a verbal statement that they intend to remain in that county for the duration of the term of probation is also required.

Travel passes may be issued to the probationer on a discretionary basis as needed to acquire proof of residency.

JT Initiation: Pre-Sentence Investigation Phase

The investigating officer must:

- a) Verify the probationer's address.
- b) Fill out the "JT Outgoing Packet Grouping" in PCMS.

If a JT Hearing is scheduled during open court, the assigned investigating officer must submit the Notice and Motion for Transfer with the date filled in, to the business office within

3 days

A case cannot be jurisdictionally transferred at the Probation and Hearing Sentencing!

JT Outgoing Packet Grouping

Notice and Motion for Transfer

Referred to as the CR-250 or NAM

Pre-Transfer Cover Sheet

Post-Transfer Cover Sheet

Notice of Jurisdictional Transfer Letter

Sample Forms

JT Hearing Request



San Diego County Probation

Sex Offenders

Investigator	Sex Offender Unit
<p>Emailing the supervisors of the Sex Offender (SO) Unit and Outgoing JT Unit upon receipt of the case advising both units of the case's dual sex offender and jurisdictional transfer status, respectively, as well as the future JT hearing date.</p>	<p>Sending a letter to the Chief Probation Officer and the police/law enforcement department in the destination city that the probationer will be transferring to, advising the agencies of the probationer's residence and SO Registration Status in their county using the "JT Letter SO Reg and Transfer" in PCMS.</p>
<p>Filling out the Notice and Motion for Transfer and getting it stamped by the court within 3 business days of the sentencing hearing if a JT hearing date is set in open court.</p>	<p>Entering a contact note in PCMS indicating that the probationer is living out of the county pending the future jurisdictional transfer hearing.</p>
<p>Admonishing the client of their PC290 Registration requirement using the 8047 form in the California Sex and Arson Registration database and verifying that registration was completed. Registration must be completed within 5 business days after their initial admonishment.</p>	<p>Immediately sending the file to the Outgoing Jurisdictional Transfer Unit for processing.</p>
<p>Processing the specific case with expediency and transferring the case file to the supervisor of the SO Unit as soon as possible.</p>	

Pre and Post-Hearing Procedures

Preliminary Packet

Pre-Transfer Cover Sheet

Field Sheet

Notice and Motion to Transfer (The hearing date must be written in and it must be stamped by the court)

Court Orders/Probation Conditions (Formal Probation Minute Order, extension orders, CRM-21, etc.)

Residency Declaration

Pre-Sentence Investigation Report (NOLT, PSI, 2185, etc.)

Arrest Report pertaining to the case

Proof of Registration if applicable (11590 H&SC, 290PC, 457.1PC, 186.30PC, etc.)

Restraining Orders if applicable

Final Packet

Post-Transfer Cover Sheet

Signed and dated Notice of Jurisdictional Transfer Letter

Court Minutes granting transfer

Order of Transfer if available

Revenue and Recovery audit worksheet (Acquired by Outgoing Jurisdictional Transfer Unit)

Exceptions

Denials

When a JT is refused by San Diego Court, it is considered a denial.

Rejections

When a JT is refused by the Receiving Court/Probation Department, it is considered a rejection.

Hearing Vacated

A vacated hearing occurs when circumstances arise *prior* to the matter being heard before the Court that result in the transfer process being halted.

Hearing Continued

A JT hearing may be continued by San Diego Court pending matters.

MSO

In order to transfer an MSO case to another county within the State of California, the client must be in full compliance.

PRE-RELEASE PHASE:

An Mandatory Supervision Offender (MSO) client is assigned a pre-release officer 30 days before their release date. If a client expresses the desire to transfer to another county while in custody, the pre-release officer may initiate the transfer process if the case plan permits.

The pre-release officer is responsible for completing the “JT Outgoing Packet Grouping” within PCMS and then sending only the Notice and Motion for Transfer through interoffice mail to the MS JT contact. If the case is currently in the pre-release phase, the pre-release officer will send the case to supervision pending approval of the JT.

SUPERVISION PHASE:

If an MSO client already being supervised expresses the desire to transfer out of San Diego County, their MS Officer will initiate the process by notifying the MSO JT contact at HOJ via email. The MSO JT contact will be responsible for filling out the “JT Outgoing Packet Grouping”.

All requests for MSO JT hearings should then be processed at the Hall of Justice by the Court Processing Unit. This is accomplished by forwarding only the Notice and Motion for Transfer to the Court Processing Unit who will get a hearing scheduled and all NAM copies stamped by the court. They will also be responsible for sending out all notices to all appropriate parties once a hearing is scheduled. A copy of the proof of service should be given to the MSO JT contact.

MSO clients must be present at the Jurisdictional Transfer hearing.

AB109 professional staff will send out the preliminary and final packets accordingly.

San Diego County Probation

PRCS

If you have a Post-Release Offender (PRO) who would like to transfer, verify and update the address in PCMS and submit the jurisdictional transfer through e-mail.

Contact information may be found at <https://www.cpoc.org>.

The following documents should be included in the email:

- a) Post-Release Community Supervision (PRCS) Transfer Cover Sheet
- b) PRCS Conditions
- c) PRO Packet

Incoming JT

All incoming jurisdictional transfers will be handled by the Incoming JT unit at JPC.

The Incoming JT unit will verify the address and notify the transferring county's superior court as to whether the address was verified or not via a judicial comment form.

Reasons a JT may be rejected or denied include:

- a) An address cannot be verified via proof of residence
- b) The probationer fails to appear at their scheduled JT orientation
- c) The probationer is found to be in violation of the sending court's orders prior to the transfer hearing date.

Probationers going through the JT process are required to report in person to JPC on the 10th of each month until the case is transferred. Sex offenders must report to HOJ on the 10th of each month.

Once the case is transferred, the San Diego Superior Court will assign an SCD number to the case at which point the case moves under the jurisdiction of the San Diego Probation Department. Probation will be sent a minute order and be notified of the incoming JT via email.

Upon receiving the minute order, the Incoming JT unit will:

- a) Prepare an ex-parte report with custody credits, complete a NOLT COMPAS, and Supervision Assignment (A9).
- b) Prepare the case file for transfer once activated.

Once the ex-parte report is submitted to court, the file will be assigned to an officer in the appropriate level of supervision based on the probationer's COMPAS score. The cases will be transferred to their respective appropriate level of supervision.

The assigned supervision officer will supervise the probationer using the transferring court's probation conditions.

Incoming JT - MSO

All incoming jurisdictional transfers will be handled by the MS JT contact at HOJ.

The MS JT contact will:

1. Verify the address.
2. Notify the transferring court as to whether the address was verified or not via a Judicial Comment Form.

Once the case is transferred, it will be assigned an SCD number and a minute order will be sent to the MS JT contact via email.

The MS JT contact will then be responsible for:

1. Completing an ex-parte report with custody credits and COMPAS.
2. Translate the transferring county's conditions onto the CR-255 forms (A hearing is mandatory to add any conditions).

Once this is done, the case is sent to the assigned MS supervision officer. The probationer will be supervised with the transferring court's conditions and the recommended CRM-255 until the signed orders are received. The CRM-255 orders are signed after their first status hearing.

The MS JT contact at HOJ will schedule the offender for a review in MS court within 90 days of the case being sent to supervision. MSO clients will be scheduled a future hearing during their first review.

Incoming JT - PRCS

The PRO client will be scheduled for an intake appointment with Community Transition Center (CTC). For an Incoming JT to be accepted, the following needs to take place:

- a) All paperwork must be completed, and conditions must be signed.
- b) Intake must be completed at CTC and all directives must be followed (If a PRO client has a positive drug test, they may be sent to an OTP or RTP. They may also be sent to CBT).

If any of the above is not completed or if there are issues with compliance or victims, the incoming transfer will be denied. The case may also be denied if someone in the home is on probation or parole. The latter is determined on a case-by-case basis.

Youth Development and Community Support Services Transfers

WIC 750-755 mandates the transfer of cases from one county to another when the minor's county of residence is different from where the petition was filed, or minor was adjudged a ward.

A certified copy of the court file must be forwarded to the county of residence.

The only responsibility of Probation is to notify the court via a hearing that the minor wishes to move or is residing out of the county.

It is a court-to-court transfer. Once the orders are made, the Juvenile Superior Court will transfer the case.

15-day Reviews will be set until the transfer is accepted by the receiving court.

Key Points:

- PC 1203.9 is the policy that governs county-to-county transfers within the State of California.
- Travel passes are issued on a discretionary basis.
- The main governing document to initiate the JT process is the Notice and Motion for Transfer or the CR-250. This must be filled out to transfer a case according to PC 1203.9 best practices.
- A probationer cannot legally reside outside of their county of supervision without explicit permission by the residing county's court.
- Once the hearing date is assigned to a specific outgoing case, PC 1203.9 best practices dictate that it should be set at least 70 days out. Once this date is set, the clock is ticking!
- The Receiving County is looking for any reason to reject a case.
- SO case processing should take higher priority due to the increased number of steps and time that must be taken in completing the transfer.
- For PRCS transfers, the Probation Department interacts with only the Receiving County's Probation Department. The Court is not involved.
- For Youth Development and Community Support Services Transfers, the process is primarily managed between the respective counties' courts.

Questions?

