

Idaho Department of Correction 	Standard Operating Procedure	Title: Discretionary Jail Time		Page: 1 of 4
		Control Number: 701.04.02.007	Version: 3.0	Adopted: 01-07-2005

Terry Kirkham, chief of the Division of Probation and Parole, approved this document on 12/23/2015.

Open to the public: Yes No

Redacted version available: Yes No

SCOPE

This standard operating procedure (SOP) applies to all Division of Probation and Parole staff members involved in the direct supervision and management of probationers and parolees under the jurisdiction of the Idaho Department of Correction (IDOC) as agents of the court and the Commission of Pardons and Parole (the Parole Commission).

Revision History
Revision date (12/23/2015) version 3.0: Revisions to formatting and content throughout the document.

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BOARD OF CORRECTION IDAPA RULE NUMBER 701

Probation and Parole Supervision

POLICY CONTROL NUMBER 701

Probation and Parole Services

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PURPOSE

The purpose of this SOP is to establish the process for probation and parole officers (PPOs) to impose discretionary jail time (DJT) for probationers or parolees when the court or the Parole Commission has ordered it as a condition of supervision.

RESPONSIBILITY

Division Chief/Deputy Chief

The chief and deputy chief of the Division of Probation and Parole are responsible for overseeing probation and parole supervision and ensuring the implementation of this SOP.

District Managers (or designees)

District managers (or designees) are responsible for implementing this SOP and for ensuring that PPOs are following the guidelines, standards, and procedures provided herein.

Probation and Parole Officers

Probation and parole officers (PPOs) are responsible for practicing the guidelines, standards and procedures provided herein.

GENERAL REQUIREMENTS

The Division of Probation and Parole uses the *Idaho Response Matrix* (IRM) to establish potential rewards and sanctions to address a probationer's or parolee's compliance and non-compliance with the conditions of their release. The use of DJT is a sanction which can be used in response to serious non-compliant behaviors as identified in the IRM, with consideration given to any protective factors the probationer or parolee has in place.

1. Authorization of Discretionary Jail Time

In accordance with Idaho criminal rules and statutes, PPOs are authorized to impose up to 48 hours of DJT when the court or Parole Commission orders this as a condition of supervision. In order to impose up to 72 hours of DJT, an Order Finding Probable Cause (Appendix C) signed by the jurisdictional authority is required.

2. Imposition of Discretionary Jail Time

The following steps will be taken when the imposition of DJT is deemed appropriate for the situation:

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Functional Roles and Responsibilities	Step	Tasks (CIS steps are in bold)
Probation and Parole Officer (PPO)	1	Ensure DJT is recommended by the IRM and appropriate for the offender.
PPO	2	Review the order of probation or the parole supervision conditions to ensure the following: <ul style="list-style-type: none"> • DJT was ordered as a condition of supervision • Sufficient days of DJT remain (if DJT has been previously imposed)
PPO	3	Staff the case with a supervisor.
PPO	4	If imposing less than 48 hours of DJT: <ul style="list-style-type: none"> • Complete and sign the following form: <ul style="list-style-type: none"> ○ Order for Discretionary Jail Time (Appendix A or B) If imposing between 48 and 72 hours of DJT: <ul style="list-style-type: none"> • Complete and sign the following forms: <ul style="list-style-type: none"> ○ Affidavit of Probable Cause (Appendix C) ○ Order Finding Probable Cause (Appendix C) ○ Order for Discretionary Jail Time (Appendix A or B)
District Manager (or designee)	5	Review the case to ensure the following: <ul style="list-style-type: none"> • DJT was ordered as a condition of supervision and sufficient days remain for use. • The corrective plan meets the guidelines of the IRM. • The applicable forms are completed and correct.
District Manager (or designee)	6	Deny, modify, or approve the plan. Document decision in the Corrections Integrated System (CIS) as a case update. If the plan is denied, the process ends here. If the plan is approved, sign the form(s) and return to the PPO.

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PPO	7	<p>Submit and file copies of the applicable form(s):</p> <ul style="list-style-type: none"> • A copy will be sent to the jurisdictional authority as notification. <ul style="list-style-type: none"> ○ Probationers: A copy will be sent via fax or electronically to the sentencing judge, prosecuting attorney and last defense attorney of record. ○ Parolees: A copy will be sent via fax or electronically to designated personnel at the Parole Commission. • A copy will be left at the jail where the DJT is to be served. • A copy will be placed in the central file.
PPO	8	<p>Notify the offender of DJT to be imposed.</p> <ul style="list-style-type: none"> • Restrain the offender and transport to jail <u>or</u> • Notify offender of date/time to self-surrender and transport to jail at that time. <p>Document imposition of DJT as a Response Matrix entry in CIS.</p>

DEFINITIONS

Discretionary Jail Time (DJT): A suspended jail sentence - ordered as a condition of probation or parole - to be imposed at the discretion of the supervising probation and parole officer.

REFERENCES

Appendix A: Order for Discretionary Jail Time - Parole

Appendix B: Order for Discretionary Jail Time - Probation

Appendix C: Order for Discretionary Jail Time - Probation *(to be used when judicial approval is required)*

– End of Document –

IDAHO DEPARTMENT OF CORRECTION

Offender Name:)
)
) CASE NO.:
) IDOC NO.:
)
) **ORDER FOR DISCRETIONARY**
) **JAIL TIME**
)
)

TO: THE SHERIFF OF ANY COUNTY IN THE STATE OF IDAHO

Pursuant to Idaho Code 20-219, IDAPA 06.02.01, and the Idaho Commission of Pardons and Parole order granting parole release, the above named offender has been ordered to serve discretionary jail time as set forth below.

You are hereby ordered to receive the said defendant for incarceration for

The discretionary jail time is to be served for the following reason(s):

Jail time begins: at hours.

Jail time ends: at hours.

I CERTIFY UNDER PENALTY OF PERJURY PURSUANT TO THE LAW OF THE STATE OF IDAHO THAT THE PRECEDING IS TRUE AND CORRECT.

Sr. Probation and Parole Officer
Employee #

APPROVED:
Section Supervisor / District Manager

DATED this day of ,

Cc: C-file/IDOC Probation & Parole
County Jail
Idaho Commission of Pardons and Parole

**THE DISTRICT COURT OF THE JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF**

STATE OF IDAHO,)	
)	CASE NO.:
Plaintiff,)	
)	ORDER FOR DISCRETIONARY
vs.)	JAIL TIME
)	
)	
)	
Defendant.)	

TO: THE SHERIFF OF ANY COUNTY IN THE STATE OF IDAHO

Pursuant to the Idaho Criminal Rule 33 (e) and order signed by the Honorable Judge the above named defendant has been ordered to serve discretionary jail time as set forth below. You are hereby ordered to receive the said defendant for incarceration for _____ . **If any release is requested, the defendant is responsible for providing their schedule to jail staff and coordinating all release dates and times and transportation.**

Release reason:

Location:

The discretionary jail time is to be served for the following reason(s):

Jail time begins: at hours.

Jail time ends: at hours.

I CERTIFY UNDER PENALTY OF PERJURY PURSUANT TO THE LAW OF THE STATE OF IDAHO THAT THE PRECEDING IS TRUE AND CORRECT.

Sr. Probation and Parole Officer
Employee #:

APPROVED:
Section Supervisor / District Manager

DATED this day of ,

Cc: Court
C-file/IDOC Probation & Parole
County Jail
Defense Attorney
Prosecuting Attorney

**THE DISTRICT COURT OF THE JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF**

STATE OF IDAHO,)	
)	CASE NO.
Plaintiff)	
)	ORDER FOR DISCRETIONARY
vs.)	JAIL TIME
)	
)	
)	
Defendant.)	

TO: THE SHERIFF OF ANY COUNTY IN THE STATE OF IDAHO

Pursuant to Idaho Criminal Rule 33 (e) the above named defendant has been ordered to serve discretionary jail time as set forth below. You are hereby ordered to receive the said defendant for incarceration for **If any release is requested, the defendant is responsible for providing their schedule to jail staff and coordinating all release dates and times and transportation.**

Release reason:

Location:

The discretionary jail time is to be served for the following reason(s):

Jail time begins: at hours.

Jail time ends: at hours.

I CERTIFY UNDER PENALTY OF PERJURY PURSUANT TO THE LAW OF THE STATE OF IDAHO THAT THE PRECEDING IS TRUE AND CORRECT.

Sr. Probation and Parole Officer
Employee #

APPROVED:
Section Supervisor / District Manager

DATED this day of ,

Cc: Court
C-file/IDOC Probation & Parole
County Jail
Defense Attorney
Prosecuting Attorney

HONORABLE JUDGE
DISTRICT COURT