

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
OF THE STATE OF IDAHO

**F I L E D**  
P.M.  
DEC 29 2010  
CANYON COUNTY CLERK  
H. OLVERA, DEPUTY

ORDER PRESCRIBING THE FUNCTIONS  
OF MISDEMEANOR PROBATION  
SERVICES, I.C. § 31-878.

)  
)  
) ADMINISTRATIVE ORDER  
) 2010-13

**WHEREAS**, Idaho Code § 31-878 provides that misdemeanor probation services shall perform such functions as prescribed by the administrative district judge in each judicial district, and

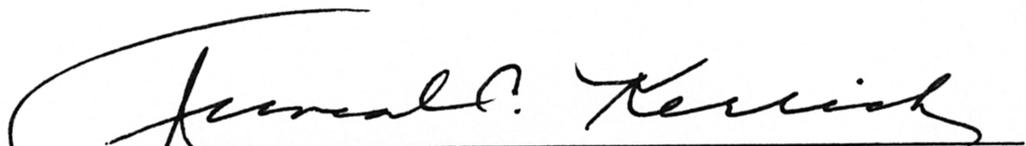
**WHEREAS**, the Idaho Association of Counties Misdemeanor Probation Planning Committee has approved and adopted statewide, "Standards for Adult Misdemeanor Services and Professional Responsibilities," now therefore;

**IT IS HEREBY ORDERED** that each misdemeanor probation department in the Third Judicial District shall establish, at a minimum, policies and procedures in accordance with the, "Standards for Adult Misdemeanor Services and Professional Responsibilities," as approved and adopted by the Idaho Association of Counties Misdemeanor Probation Planning Committee.

**IT IS FURTHER ORDERED** that each misdemeanor probation department in the Third Judicial District shall provide their policies and procedures to the County Board of Commissioners for review and approval.

**IT IS HERE BY ORDERED.**

Dated this 29<sup>th</sup> day of December, 2010.

  
Juneal C. Kerrick  
Administrative District Judge  
Third Judicial District

## STANDARDS FOR ADULT MISDEAMEANOR SERVICES

*Misdemeanor Probation Philosophy: To create and foster an approach to effective supervision by holding offenders accountable through the use of sanctions and behavior change services to reduce reoffending and to protect our communities.*

Each adult misdemeanor probation department shall have policies and procedures in accordance with the following standards and professional responsibilities, reviewed and approved by County Board of Commissioners, to perform the functions prescribed by the Administrative District Judge in each judicial district.

Adult Misdemeanor Probation policies and procedures shall comply with all applicable statutes and court rules and address the following:

- 01. Services.** Identifying services to adult misdemeanor probationers using evidence based practices, where practical, with the goal of protecting the public, rehabilitating the offenders and reducing recidivism and incarcerations.
- 02. Assessments, and Case Plans.** How to conduct assessments of probationers under supervised probation as well as the preparation of a case plan. All assessments, evaluations, and case plans shall be maintained in some form of retrievable record; written, electronic, or as otherwise appropriate.
- 03. Monitoring or Enforcing.** Monitoring or enforcing court orders shall include the use of graduated sanctions.
- 04. Community Supervision.** Maintaining community supervision of probationers in their home, place of employment, and community, based on risk assessment of the adult, using at a minimum, the LSI-R( Level of Service Inventory-Revised) or another assessment instruments as approved the MPPC
- 05. On-the-Job and Other Training.** Annual job-related training for adult misdemeanor probation officers may include field and on-the-job training and other training. Each policy and procedure shall identify a system for proper documentation of types of training, hours, and attendance. These policies and procedures shall require a minimum hours annually of training or course work, as required by POST, in the following:
  - a. The Idaho Statutes and criminal procedures;
  - b. Misdemeanor Probation Philosophy
  - c. Report writing;
  - d. Probation officer safety;
  - e. Case supervision for minimum, moderate, and high risk populations;
  - f. Gender specific case supervision;
  - g. Use of force;
  - h. Professional responsibility.

06. **Case Documentation.** Complete, thorough, and concise, written case documentation, including, but not limited to, ongoing case contact notes with the probationers and other pertinent parties.
07. **Professional Contact.** Identifying what will be considered appropriate and professional contact with adults under court supervision. This policy and procedure shall also address the frequency and location of contacts with probationers.
08. **Use of Force.** Use of force, including defusing volatile situations, and documenting and reporting incidents that include the use of force. The policy and procedure shall require individual written and signed reports by probation department personnel and shall include date, time, and circumstances of the incident or the use of force, and identify known witnesses.
09. **Weapons.** Policy and procedures must specifically describe department policy on officers carrying weapons.
10. **Transportation of Adults.** At a minimum, these policy and procedures must require that all adult probation officers involved in the transport of a probationer have a valid and active Idaho driver's license in good standing and that appropriate insurance is in effect for the transporting officer.
11. **Reporting Abuse.** For documenting and reporting all physical and sexual abuse, including mandatory reporting requirements accordance with Section 16-1619, Idaho Code, Child Protective Act.
12. **Search and Seizure.** Each adult misdemeanor probation department that conducts searches shall have a policy and procedure regarding search and seizure.
13. **Drug Testing.** Drug testing, and documentation of testing of any probationers under court order or diversion agreements.
14. **Minimum Job Qualifications.** Minimum job qualifications and background information required at the time of a probation officer's employment. These job qualifications are set forth in IDAPA 11.11.03, "Rules of the Idaho Peace Officer Standards and Training Council."
15. **Medical Records.** Confidentiality of probationers records, access to medical records under the guidelines of HIPAA (Health Information Portability and Accountability Act), Rule 32 of the Idaho Court Administrative Rules and Idaho's Public Records Act, Idaho Code 9-337-347.
16. **Unscheduled Jail Time.** Use of unscheduled jail time or discretionary days in jail.
17. **Medical Emergencies.** Responding to emergency medical situations of probationers under probation supervision.

## PROFESSIONAL RESPONSIBILITIES

Adult misdemeanor probation officers have professional responsibilities as it relates to the following:

01. **Legal Rights.** Respect and protect the civil and legal rights of the probationer.
02. **Discrimination.** Refrain from discriminating against any individual because of race, gender, creed, national origin, religious affiliation, age, disability, or any other type of prohibited discrimination.
03. **Protection.** Respect and protect the right of the public to be safeguarded from criminal activity.
04. **Welfare.** Treat every professional situation with concern for the welfare of the individuals involved and with no intent for personal gain.
05. **Performance.** Refrain from using their positions to secure personal privileges or advantages, or allow personal interests to impair objectivity in the performance of duties while acting in an official capacity.
06. **Formal or Informal Activity.** Refrain from entering into any formal or informal activity or agreement, which presents a conflict of interest or is inconsistent with the conscientious performance of duties.
07. **Gifts.** Refrain from accepting any gift, service, or favor that is or appears to be improper or implies an obligation inconsistent with the free and objective exercise of professional duties.
08. **Confidentiality.** Adhere to state and federal statutes regarding issues of confidentiality of supervised misdemeanants.,
09. **Private Information.** Preserve the integrity of private information; refrain from seeking information on individuals beyond what is necessary to implement responsibilities and to perform their duties; and refrain from revealing nonpublic information unless expressly authorized to do so.
10. **Quality of Service.** Maintain relationships with colleagues that promote mutual respect within the profession and improve the quality of service.
11. **Criticism.** Refrain from public criticism of their colleagues or their agencies or courts except when warranted, verifiable, and constructive.
12. **Unethical Behavior.** Report to appropriate authorities any corrupt or unethical behavior in which there is sufficient evidence to justify review.
13. **Civil Service Rules.** When acting in the role of administrator, make all appointments, promotions, and dismissals in accordance with established county personnel policies, applicable contract agreements, and individual merit, rather than furtherance of personal interests.
14. **Workplace.** Respect, promote, and contribute to a workplace that is safe, healthy, and free of harassment in any form.
15. **Misdemeanor Philosophy.** Encourage program development, which promotes the ideals of the state's misdemeanor philosophy.
16. **Reports.** Diligently work to ensure that all information included in their reports concerning probationers, colleagues, and others is timely, relevant and accurate.