

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

In the Matter of:)
Procedures Regarding Probation)
Violations, Special Reports by) ADMINISTRATIVE ORDER
Probation Officers and Petitions)
for Early Termination of)
Probation)

In order to provide uniform district-wide procedures regarding the above entitled matters and to avoid misunderstandings between the Judges in this Judicial District and Probation Officers providing probation services in this District, IT IS HEREBY ORDERED that:

- (1) Probation violation reports must be verified by oath of the probation officer signing such report;
- (2) Prior to or immediately following the filing of a probation violation report with the clerk of the court, the probation officer filing such report shall serve a copy thereof upon the prosecuting attorney of the county in which such report has been filed;
- (3) In the event a probation officer arrests a probationer or causes, pursuant to I.C. §20-227, any other officer with the power of arrest to do so:
 - (a) such probation officer shall, not later than the next judicial day following the arrest, notify the clerk of the court which ordered that the probationer be placed

on probation of the fact that such probationer has been arrested; and

(b) the arrested probationer shall be brought before the court which placed him on probation or a magistrate not later than the next judicial day following the arrest; and

(c) such probation officer shall file a verified probation violation report with the clerk of such court not later than the second judicial day following the arrest of the probationer;

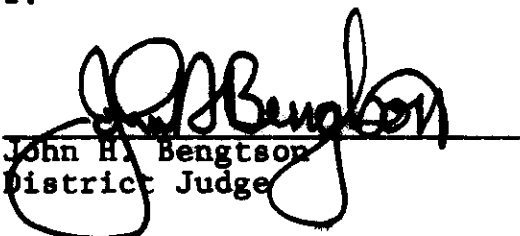
(4) In the event a probation officer recommends an early termination of probation, he or she shall present to the prosecuting attorney an affidavit, case end summary and request for early termination signed by such officer; the petition for early termination may be signed and filed only by the prosecuting attorney or a deputy prosecuting attorney and in the event such petition is filed, the prosecuting attorney shall concurrently file with the clerk of the court which ordered that the probationer be placed on probation, the affidavit, case end summary and request for early termination provided by the probation officer;

(5) In order to terminate probation at the end of the prescribed period of probation, the probation officer shall present to the prosecuting attorney an affidavit, case end summary and request for discharge signed by such officer; the petition for discharge may be signed and filed only by the prosecuting attorney or a deputy prosecuting attorney and in the event such petition is filed, the prosecuting attorney shall

concurrently file with the clerk of the court which ordered that the probationer be placed on probation, the affidavit, case end summary and request for discharge provided by the probation officer;

- (6) Special reports by a probation officer which are intended to inform the court as to conduct of a probationer and which do not seek court intervention, may be filed with the clerk of the court without prior approval of the prosecuting attorney; however, a copy thereof shall be delivered to the prosecuting attorney prior to, or immediately following, the filing of the same.
- (7) The probation officer's affidavit, case end summary and request for discharge shall substantially conform to Exhibit A, attached hereto; the prosecuting attorney's petition for discharge from probation and order shall substantially conform to Exhibit B, attached hereto.

DATED this 4th day of December, 1991.


John H. Bengtson
District Judge

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

THE STATE OF IDAHO,)
)
 Plaintiff,) Case No. _____
)
 vs.) AFFIDAVIT, CASE END SUMMARY
) AND REQUEST FOR DISCHARGE
)
 _____,)
 Defendant,)
 _____)

STATE OF IDAHO)
) : ss.
 County of _____)

COMES NOW, _____, being first duly sworn
on oath, deposes and says:

(1) That affiant is a Probation and Parole Officer for the Idaho
Department of Correction; and,

(2) That affiant is assigned as Probation Officer for the above
named defendant, _____, and caused to be prepared
the Case End Summary and Request for Discharge, attached hereto, and
swears to the truth and accuracy of their contents; and,

(3) That affiant, on the basis of this report of Affiant's per-
sonal observations of the above named defendant, recommends to the
Court that said _____ be discharged from fur-
ther supervised probation.

Further your affiant saith not.

Probation and Parole Officer

SUBSCRIBED AND SWORN to before me on this ____ day of _____, 19__.

NOTARY PUBLIC in and for the State of IDAHO, residing at _____, therein.

COMMISSION EXPIRES: _____

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

THE STATE OF IDAHO,)
)
) Plaintiff,)
)
) vs.)
)
) _____,)
) Defendant,)
)

Case No. _____
PETITION FOR DISCHARGE
FROM PROBATION AND ORDER

COMES NOW, _____, Prosecuting Attorney
in and for the County of _____, State of Idaho, and
submits by affidavit the Case End Summary and Request for Discharge
in the above entitled case, attached hereto, and petitions the Court
to discharge the above named defendant, _____, from
further supervised probation for the reasons set forth in the affida-
vit, accompanying Case End Summary and Request for Discharge.

DATED this ___ day of _____, 19__.

Prosecuting Attorney

County, Idaho

ORDER

Having considered the petition and affidavit of the Probation and Parole Officer serving this Court in the supervision and probation of the above named defendant, _____, and good cause appearing, the Court having received no information to the contrary;

It is hereby ORDERED that the above named defendant, _____, be discharged and is hereby discharged from further supervised probation.

DATED this ___ day of _____, 19__.

Judge