

CITY OF SPOKANE
PROBATION DEPARTMENT
DEPARTMENT POLICY AND PROCEDURE

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TITLE: **POLICY AND PROCEDURE HANDBOOK**
EFFECTIVE DATE: May 1, 2013
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1.0 GENERAL

1.1 The City of Spokane Probation Department is responsible for the supervision of offenders placed under Court-ordered conditions by the City of Spokane Municipal Court. The department enforces and encourages compliance with the Court orders by the offenders as outlined in the Probation Department Policy and Procedure Handbook.

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2.0 DEPARTMENTS/DIVISIONS AFFECTED:

This policy and procedure shall apply to all employees of the City of Spokane Probation Department, unless otherwise stated.

3.0 REFERENCES

RCW 3.50.320

4.0 DEFINITIONS

None

3-25-13

5.0 POLICY

5.1 It is the policy of the City of Spokane Probation Department to represent fairly and equitably the interests and concerns of the public and the community it serves. To this end, the Department has developed internal policies to promote the highest level of service and quality.

6.0 PROCEDURE

See Appendices

7.0 RESPONSIBILITIES

The Chief Probation Officer is responsible for administering the policies and procedures in the attached handbook.

8.0 APPENDICES

City of Spokane Probation Department Policy and Procedure Handbook


APPROVED BY:



Assistant City Attorney

3-26-13

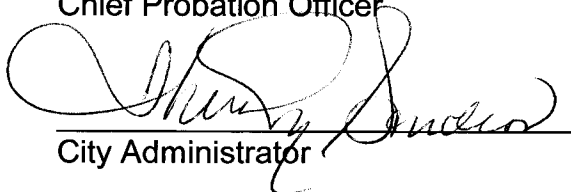
Date



Chief Probation Officer

3-25-13

Date



City Administrator

3/27/13

Date

CITY OF SPOKANE

PROBATION DEPARTMENT

POLICY AND PROCEDURE HANDBOOK

EFFECTIVE DATE: May 1, 2013

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ACCEPTING PROBATION CASES

PURPOSE

The purpose of this policy is to determine which cases fall under the supervision of the Probation Department.

POLICY

1. To be accepted for supervision, probation must be ordered by a judge of the City of Spokane Municipal Court.
2. Probation supervision cases will not be accepted or transferred to other jurisdictions. The only exceptions are when the transfer is court-ordered, required by statute, or by an interstate compact.

PROCEDURE

N/A

REVIEW OF PROBATION FEES

PURPOSE

The purpose of this policy is to explain how the Probation Department sets and reviews probation fees.

POLICY

1. Defendants shall take responsibility for their offenses and pay Municipal Court for Court-ordered services provided to include probation monitoring.
2. Probation Officers shall provide financial screening of ability to pay when defendants request review of their probation fees.
3. Defendants shall provide financial paperwork including income support as well as bills.

PROCEDURE

1. Any reduction in the probation fee amount will be determined based on the following:
 - a. Income / support;
 - b. Income / support provided by others;
 - c. Other income, i.e., student loans;
 - d. Assets, i.e., real estate, jewelry, stocks and bonds, vehicles, etc.; and
 - e. Others as identified.
2. The defendant's state or federal income, assets and / or shared expenses, and support from others will be taken into consideration.
3. Non-essential items such as cell phones (if the defendant has a dedicated land line), cable, use of cigarettes, and the like are to be considered choice items. It shall be explained to the defendant that these purchases are considered choice items and will not be taken into consideration as valid expenses when assessing his/her financial status.
4. Upon completion of the financial data sheet, the Probation Officer assigned to the case will provide an estimate of probation fees directly to the respective judicial officer.

ASSESSING SUPERVISION LEVELS

PURPOSE

The purpose of this policy is to determine the level of supervision that will be required by each Court referral for probation supervision.

POLICY

1. Probation Officers will complete the initial risk classification questionnaire on all supervised cases at the time of initiating supervision of the defendant.
2. Probationers will report as required by level classification.
3. All Probation Officers will follow established guidelines for completing the initial and reassessment questionnaires.
4. Pre-sentencing investigations, stipulated orders of continuance (SOC's), and deferred prosecutions are exempt from the risk classification system, as are all cases which have not been denoted "Supervised" by the Court.

PROCEDURE

1. Classification Levels / Action Required.
 - a. Maximum Level.
In-person reporting once a month at a minimum; monthly verification of compliance with treatment; monthly check of DISCIS for further violations; monthly review of file.
 - b. Medium Level.
Either written report or telephone contact once per month. The Probation Officer will only take action if the probationer is noncompliant with treatment or further violations occur. Files will be reviewed by Probation Officers every two (2) months at minimum.
 - c. Minimum Level.
No report by the probationer is required. Files will be reviewed by the probation officers quarterly at a minimum.
2. Domestic violence and sex offenses will be an automatic over-ride and will be monitored at the maximum level. Probationers will be re-assessed after six (6) months.

3. Probation Officers will conduct reassessments of client risk classification. Re-assessment of client risk classification will occur when the probationer completes the court-ordered requirements, when there is a violation of probation, or when the probationer has a change of circumstance.
4. Probationers who are not on supervised probation will be monitored at the minimum level. This level includes probationers in custody for an extended period, in inpatient treatment for an extended period, or pending court action on a filed probation violation.

MONITORING PROBATION CASES

PURPOSE

The purpose of this policy is to determine the appropriate method of monitoring cases that fall under the supervision of the Probation Department.

POLICY

1. Probation officers will conduct in-take interviews. The officers will go over all conditions of probation. The probationer's signature will be obtained and witnessed on all relevant documents. In addition, referrals to outside agencies will be made.
2. Risk classifications shall be conducted by Probation Officers at intake for all supervised cases.
3. Victims may be contacted in appropriate cases.
4. The assigned Probation Officer shall monitor for completion of court ordered requirements.
5. Probation Officers shall refer the probationer to outside agencies for treatment pursuant to Court order. A signed consent for release form will be obtained from the probationer and sent to the treatment agency.
6. Probationers shall commence treatment programs within ninety (90) days of sentencing or release from custody.
7. Probation Officers will report relevant law violations to the Court immediately upon discovering the violation.
8. On supervised cases, Probation Officers shall have contact with probationers according to risk assessment. Classification will be accomplished at initial intake.
9. Significant contacts with probationers will be logged in the probationer's case file. Contact information to be included is the date of contact, content and / or purpose of the contact, and who the contact was with. Any staff member making an entry in a probation case file should initial the entry. This would include telephone contact.
10. Staff shall observe all rules, regulations, and statutes relating to confidentiality and privacy of client records.

PROCEDURE

1. Probation Officers may contact victims in appropriate cases, most particularly domestic violence, at any time during the course of supervision. Victims can be advised of the probationer's sentence, community resources, and any other sentencing conditions. (Treatment reports and progress require an appropriate authorization signed by the probationer).
2. A Probation Officer is not required to affirmatively verify a probationer has a valid driver's license, liability insurance and ignition interlock device during the course of supervision. However, any law violations relevant to the scope of supervision must be report to the Court.
3. Probation Officers are not authorized to add conditions or requirements that are not part of the sentencing order. If additional needs or restrictions become apparent, the Probation Officer must file a report with the Court asking for a modification of the sentence.
4. In all cases where a treatment agency is involved, the Probation Officer will monitor compliance with treatment status a minimum of once quarterly. If a monthly treatment status report indicates substantial non-compliance, the probation officer shall report this to the court. If after a contact letter the probationer continues to be in non-compliance, a probation violation notice shall be filed with the Court. Therapeutic Court may require a higher level of supervision.
5. If the probationer fails to commence treatment within ninety (90) days, a probation violation report will be submitted. If there is good cause shown for the probationer's delay in treatment, the Probation Officer must notify the Court, recommending additional time for the probationer.
6. Occasionally, a Municipal Court Judge may request an update on the supervision of a probationer. Probation Officers will respond as requested by the Judge, either in a formal written report or an e-mail response. A copy of the communication should be maintained in the probationer's case file. Probation Officers may provide the Court with periodic status reports as well as notification of completion.
7. If the Probation Officer will not be recommending probation violation sanctions, a violation report may be submitted to the Court recommending no action be taken. If a Probation Officer believes probation violation sanctions are appropriate, a violation report requesting a show cause hearing will be filed. The decision on the action to be taken is decided by the Judge hearing the case.
8. Probation Officers are required to file a probation violation action for non-report to probation upon missing the first initial intake appointment on supervised cases.

9. When alcohol consumption is suspected in a probationer who is alcohol-prohibited by court order or treatment plan, the Probation Officer shall demand the probationer submit to a PBT or URA. If any positive reading results or if the probationer refuses the test, a probation violation will be submitted.

DEPARTMENT SAFETY

PURPOSE

The purpose of this policy is to ensure the safety and security of staff members when conducting pre-sentence and probation interviews, as well as client reception activities.

POLICY

1. Interviewing probationers alone is prohibited. Staff shall meet with defendants / probationers only when another staff member is present in the office.
2. Unless the Probation Department is temporarily closed, staff shall occupy the reception area at all times when the Department is open for business.
3. Staff working alone will lock office doors.
4. Problem offenders require specific precautions and actions.
5. Department staff shall document and report incidents.

PROCEDURE

1. If through necessity a staff member must work alone in the Probation Department offices, the main office door will be locked and the office will not be open to the public.
2. Staff members or volunteers anticipating or experiencing a problem with a hostile and / or potentially dangerous offender will comply with the following procedures:
3. When interviewing problem probationers, the employee's office should remain open for outside monitoring purposes. The employee should also report the anticipated problem to another staff member to be on the alert.
4. If a potentially hostile or dangerous situation occurs, the employee should immediately notify the receptionist to push the panic button for courthouse security to respond. Staff members will develop a code word for safety reasons alerting others of a potentially dangerous situation.
5. Additionally, if an incident is occurring in the outer reception area, the staff member should push the panic button, alerting courthouse security to respond. Staff will be trained on appropriate skills handling potentially dangerous situations.
6. If an actual problem with a hostile and / or potentially dangerous offender occurs,

the staff member immediately affected will:

- a. Immediately report the incident to the Chief Probation Officer and the Presiding Judge.
- b. Document the incident in the probationer's case file.
- c. If appropriate, the Court is to be notified and possible recommendations made for sentence modifications. If threats have been made by an probationer, law enforcement should be contacted.

MAINTAINING CHRONOLOGICAL LOG NOTES

PURPOSE

The purpose of this policy is to ensure that appropriate log notes are made in each probationer's case file.

POLICY

1. Staff shall make appropriate log notes in each probationer's case file and include all necessary information in the log entries.
2. Staff shall maintain only one (1) log on each case.

PROCEDURE

1. All log entries shall be in chronological order, and will denote the type of contact as reflected on the approved form. If staff other than the assigned Probation Officer is making the entry, the entry will be signed with first initial and last name of that person.
2. Staff shall note whether the contacts with the probationer were made in person or by telephone, and will detail the pertinent information discussed.
3. All contacts with other agencies and treatment providers regarding the probationer will not only detail the discussion, but the name of the individual spoken to and the agency associated with.

MONTHLY ACTIVITY REPORTS

PURPOSE

The purpose of this policy is to ensure that cases are being timely tracked by Probation Officers. This policy will apply in all situations involving any referral for probation services

POLICY

1. Staff will maintain tracking reports (calendars).
2. The Chief Probation Officer will periodically review Probation Officer database files.

PROCEDURE

1. Probation Officers are provided various database reports every month from which to track caseload activities. Upon reviewing each file, the database should be updated accordingly and a new review should be set.
2. Probation Officers shall submit calendar audit reports for the previous month to the Chief Probation Officer prior to the last working day of the month. These reports shall include all monthly statistics.
3. Probation files and records are confidential and protected under federal and state regulations and court rule. Although some information is a matter of public record, due care and caution must be exercised as to the kind of information that is disclosed, to whom it is given and how it is transmitted. Any information from a confidential informant shall be clearly labeled as such.

ADMINISTERING A PORTABLE BREATH TESTING (PBT) DEVICE

PURPOSE

The purpose of this policy is to determine the appropriate method for administering portable breath testing devices (PBT's) by staff members. This policy applies in all probation cases where the probationer has been prohibited by the Court or alcohol / drug treatment plan from consuming alcohol. The policy can be applied in the field or in the office setting.

POLICY

1. Only staff who are trained by appropriate law enforcement representatives may administer the PBT.
2. Any staff member who suspects alcohol use by a probationer will inform a Probation Officer.

PROCEDURE

1. All staff will be trained by PBT certified local law enforcement in the proper administration of a PBT.
2. The PBT shall be properly maintained by an appropriate technician.
3. Upon receiving the report of potential positive use, the Probation Officer will then review the court order to verify the existence of an alcohol use prohibition. If a prohibition exists, the PBT will be administered and the results reported to the Court. The probationer may be informed why the PBT is being requested and that a positive result or an admission by the probationer, as well as a refusal, will be reported to the Court.
5. The incident will be documented in the client case file as well as in the PBT log. The notation will also include the results of the PBT.

BENCH WARRANTS

PURPOSE

The purpose of this policy is aid in the administration of justice by attempting to affect the service of warrants when possible.

POLICY

Because Probation Officers do not have the power to arrest, they are not responsible for checking their caseload for bench warrants.

PROCEDURE

1. If, in checking any computer database, a staff member learns of an outstanding warrant for a probationer who is scheduled for an appointment, this information will be noted in the case file log and the probationer's assigned Probation Officer notified.
2. Probation Officers shall confirm the warrant with law enforcement. If confirmed that the warrant is valid and able to be served, law enforcement will be advised that a staff member will call for warrant service if and when the probationer appears in the office. The Probation Officer will notify support staff that as soon as the probationer is taken into the Probation Officer's office that the law enforcement agency should be called immediately for bench warrant service. If law enforcement does not respond or declines to take into custody, the staff's efforts will be documented and the Probation Officer will contact the issuing Judge and / or Presiding Judge.

HANDLING CASES ON A BENCH WARRANT STATUS

PURPOSE

The purpose of this policy is to determine the appropriate action to be taken when a warrant has been activated on a probation file.

POLICY

1. Cases on a probation violation (PV) bench warrant status will remain in pending files until the bench warrant is resolved.
2. Monitoring activities are suspended during bench warrant status.

PROCEDURE

1. Upon learning of a bench warrant for failing to appear for a PV hearing, the case file and database record will be updated with the information. The case file will remain in the pending files until the warrant is served and / or the case is closed by the Court.
2. Cases with bench warrants will be reactivated upon order of the Court.
3. All monitoring duties of a Probation Officer are temporarily suspended after a bench warrant is ordered. Probation supervision will resume upon resolution of the probation violation and the issuance of a Court order directing that probation be reinstated.

INFORMING PARTIES OF PROSPECTIVE HARM TO A THIRD PARTY

PURPOSE

The purpose of this policy is to appropriately address issues in cases where a staff member has reasonable belief that there is a threat of imminent harm to a specific third party and that the threat will be carried out.

POLICY

If a probationer makes a credible threat or otherwise indicates a prospect of harm to a specific, identifiable victim, the Probation Officer shall report the threat to law enforcement, the Chief Probation Officer, and judge.

PROCEDURE

The Probation Officer shall make a log entry in the probationer's case file indicating relevant information given by the probationer, details of the information disclosed and to whom the disclosure was made.

REPORTING ABUSE OF A CHILD OR A DEVELOPMENTALLY DISABLED ADULT

PURPOSE

The purpose of this policy is to appropriately address issues in cases where a staff member has reasonable cause to believe that a child or developmentally disabled adult has suffered abuse or neglect.

POLICY

1. If a staff member has reasonable cause to believe that a child or developmentally disabled adult has suffered abuse or neglect, the staff member or volunteer shall immediately notify the proper law enforcement agency and / or the Department of Social and Health Services of the possible occurrence of abuse or neglect. This notification shall be documented in the appropriate case file.
2. The staff member will immediately notify the Chief Probation Officer that a report of possible abuse / neglect has been made.

PROCEDURE

1. Pursuant to RCW 26.44.040, oral and written reports shall contain the following
 - a. the name, address, and age of the child or adult suspected of being abused or neglected.
 - b. the name and address of the child's parents, step-parents, guardians, or other persons having custody / care of the child or the residence of the adult dependent person.
 - c. the nature and extent of the abuse or neglect, citing observed injuries, if any.
 - d. any evidence of previous injury or neglect, including their nature and extent.
 - e. any other information which may be helpful in establishing the cause of the dependent person's death, injury, abuse or neglect, and the identity of the suspected perpetrator.
2. Whenever the probation staff receives or makes a report of possible abuse or neglect, notes will be appropriately documented.

MAINTAINING AND PROTECTING RECORDS

PURPOSE

The purpose of this policy is to ensure that sensitive information is kept confidential and that records are maintained for an appropriate length of time.

POLICY

1. Staff shall protect all information and not publish or otherwise disclose to any unauthorized third party, any protected information concerning anyone referred to probation.
2. All record and case file material shall stay in the Department offices.
3. Case file information or client identity will not be discussed in presence of or with unauthorized persons or other clients.
4. The Chief Probation Officer and Presiding Judge shall answer all inquiries from the press regarding offenders on probation. Staff is not authorized to discuss any issues regarding offenders on probation with the press. The Chief Probation Officer, upon consultation or together with the Presiding Judge is primarily responsible for answering any questions about the department, its policies and / or an employee's work.
5. All case file information shall be retained for three (3) years following closure.

PROCEDURE

1. Staff shall not remove any Probation Department client file material from the office without the permission of the Chief Probation Officer except when used for court appearances, jail or field interviews. Material that cannot be removed under any circumstances includes client case files, all computerized data, Probation Department software and programs.
2. Clerical staff shall limit information disseminated. Individuals inquiring about defendants shall be told only whether the person has been referred to probation services and the name of the probation officer. If the individual requests additional information, he/she shall be referred to the Probation Officer assigned to the case and / or informed about accessing public records through the Municipal Court Clerk's Office.
3. Probation Officers shall provide information as requested and appropriate. The Probation Officer shall not give the probationer's address, phone number or place of employment unless authorized by the probationer or statute.

4. After three (3) years, paper files and cards can be shredded except those with bench warrants resulting from probation violations. Those files will remain intact until the bench warrant status has been resolved. (See Disposition Authority Number DM52-06H-01)

MAINTAINING CONFIDENTIALITY / ACCESS TO RECORDS

PURPOSE

Probation files and records are confidential and protected under federal and state regulations and court rule. Although some information is a matter of public record, due care and caution must be exercised as to the kind of information that is disclosed, to whom it is given, and how it is transmitted. This policy will apply in all situations involving any referral to probation services.

POLICY

1. Various regulations define and govern access and dissemination of Probation Department records. Chapter 10.97 RCW, the Criminal Records Privacy Act and chapter 42.56, the Public Disclosure Act, define and govern access and dissemination of records for criminal justice agencies, including probation. Washington Administrative Court Rules (ARLJ 9) further define private and quasi-private records as they relate to court records.
2. Dissemination of non-conviction data is restricted.
3. Criminal justice agencies may receive information unrestricted.
4. Staff shall maintain documentation of all dissemination.
5. Access to confidential case file information will be limited to authorized employees and volunteers, or other criminal justice personnel.

PROCEDURE

1. Criminal history information as defined by statute. According to chapter 10.97 RCW, criminal history record information includes non-conviction data and conviction records:
2. Non-conviction data is all criminal history record information relating to an incident which has not led to a conviction or other disposition adverse to the subject, and for which proceedings are no longer actively pending. There shall be a rebuttable presumption that proceedings are no longer actively pending if more than one (1) year has elapsed since arrest, citation, charge, or service of warrant and no disposition has been entered.
3. Conviction Records are criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the subject. Conviction or other disposition adverse to the subject means any disposition of

charges other than:

- a. A decision not to prosecute;
 - b. a dismissal; or
 - c. acquittal; with the following exceptions, which shall be considered dispositions adverse to the subject: An acquittal due to a finding of not guilty by reason of insanity and a dismissal by reason of incompetency, pursuant to chapter 10.77 RCW; and a dismissal entered after a period of probation, suspension, or deferral of sentence.
4. The only information that can be released without restriction, even to the general public, is that a person is on probation, the type of offense, and the sentence imposed. While clerical staff may disclose that a particular probationer is on supervision and the type of offense, any other details should be handled by the assigned Probation Officer. Details of any counseling sessions, treatment referrals / status, investigative reports, or service fee accounts are protected from any dissemination unless the Probation Department has the probationer's written permission to release specific information to a specific individual. Prior to release, the probationer's written authorization shall be reviewed by a Probation Officer.
5. The following information may not be disseminated unless certain exceptions apply:
- a. Charges which have not been filed, have been dismissed at or before trial, or led to acquittal (being found not guilty).
 - b. Information contained in probation files which include personal identifying information on the probationer to include address, chronological log notes, witness / victim statements, sentencing investigative reports, compliance and / or treatment progress reports, driving records, and any information given in official confidences such as psychological evaluations / reports.
 - c. In conformance with state protocol, it is court policy to disseminate to treatment agencies criminal history, court ordered conditions and probation term information.
6. Probation Officers may disseminate criminal history record information to another criminal justice agency for the purpose of the administration of justice. This would include all information itemized in the previous section with the exception of psychological evaluations / reports or other information given to the Probation Department with statutory requirements of confidentiality.
7. Documentation of dissemination will consist of a chronological log entry which

will include date, individual to whom information was released, and initials of staff. Exception: Dissemination to a criminal justice agency for the purposes of processing a matter through the criminal justice system are not considered by RCW 10.07.030(8)(b) to be a dissemination. However, documentation of such a sharing of information should be made.

8. All requests for case information must be submitted in writing.

REQUESTING, OBTAINING AND DISTRIBUTING CRIMINAL HISTORY RECORD INFORMATION

PURPOSE

The purpose of this policy is to determine which criminal history record information can be contained in probation files and to whom this information can be distributed.

POLICY

1. Incident / crime reports can be maintained in case files.
2. NCIC/III can be obtained on all probation and investigation cases.
3. NCIC reports can be released only to the court.
4. NCIC checks will not be conducted for prosecuting attorneys, defense counsel, clients or any other agencies.
5. JIS defendant case history will be provided by the offender to treatment providers pursuant to statewide protocol. This would include providing a copy of the crime / incident report.

PROCEDURE

1. If the report is not contained in the original court referral packet, or if a criminal incident serves as the basis for a new violation, the report can be requested in writing from the appropriate law enforcement agency.
2. NCi/III information is obtained in-house utilizing the CAD system. Only Access I or Access II certified staff will have access to the CAD system. The CHRI will be placed in offender's case file.

PROCESSING PROBATION CASES FOR CLOSURE

PURPOSE

The purpose of this policy is to ensure that cases are closed in a timely appropriate manner.

POLICY

1. An assigned staff member will utilize listings from the JIS database for all probation cases which are terminating over the next month. If there are any violations, the assigned Probation Officer will take appropriate action.
2. Support staff will pull all probation cases one (1) month prior to scheduled termination date.
3. Probation Officers may schedule final interviews.
4. Probation Officers can petition for early termination.

PROCEDURE

1. Support staff will receive a database listing all cases scheduled for probation termination. All case files will be pulled no later than one (1) month prior to the termination date and distributed to the appropriate Probation Officer for review of compliance issues and additional violations.
2. Prior to preparing final disposition documents and entries, if a Probation Officer considers it appropriate, a final exit interview may be held with the probationer.
3. A Probation Officer has discretion to petition the court for early termination of supervision. To be recommended for early termination, a probationer must, at a minimum, have complied with all affirmative conditions of probation. This request will be made in writing. Probation will not be terminated unless ordered by the Court. Deferred prosecution and prosecutor-initiated stipulated orders of continuance cannot be terminated early unless ordered by the Court.