

**RIVERSIDE COUNTY
COMMUNITY CORRECTIONS PARTNERSHIP
EXECUTIVE COMMITTEE**

DOWNTOWN LAW BUILDING
3960 ORANGE STREET, 5TH FLOOR CONFERENCE ROOM, RIVERSIDE, CA

MAY 1, 2012, 1:30 P.M.

AGENDA

1. CALL TO ORDER - ROLL CALL
2. APPROVAL OF MINUTES - APRIL 3, 2012
3. LATEST PRCS RELEASE NUMBERS FROM CDCR: DISCUSSION ITEM
4. HEMET/SAN JACINTO PRCS COMPLIANCE OPERATION: DISCUSSION ITEM
5. COMMENTS TO AOC: DISCUSSION ITEM
6. FINANCIAL REPORT: ACTION ITEM
7. STAFF REPORTS: DISCUSSION ITEMS
 - a) CHIEF OF POLICE
 - b) COURT
 - c) DISTRICT ATTORNEY
 - d) MENTAL HEALTH
 - e) PROBATION
 - f) PUBLIC DEFENDER
 - g) SHERIFF
8. PUBLIC COMMENTS (NON AGENDA ITEMS)
9. NEXT MEETING: JUNE 5, 2012; 1:30 P.M.

In accordance with State Law (Brown Act):

- *The meetings of the CCP Executive Committee are open to the public. The public may address the Committee within the subject matter jurisdiction of this committee.*
- *Disabled persons may request disability-related accommodations in order to address the CCP Executive Committee. Reasonable accommodations can be made to assist disabled persons if requested 24-hours prior to the meeting by contacting Riverside County Probation Department at (951) 955-2821.*
- *The public may review open session materials at www.probation.co.riverside.ca.us under Related Links tab or at Probation Administration, 3960 Orange St., 6th Floor, Riverside, CA.*
- *Items may be called out of order.*

approved
5/1

**RIVERSIDE COUNTY
COMMUNITY CORRECTIONS PARTNERSHIP
EXECUTIVE COMMITTEE MEETING**

April 3, 2012 – 1:30 p.m.
Downtown Law Building, 3960 Orange Street, 5th Floor, Riverside

MINUTES

1. CALL TO ORDER - ROLL CALL

The meeting was called to order by the Chairman, Chief Probation Officer Alan Crogan at 1:33 p.m.

Roll call of the members:

- Alan M. Crogan, Chief Probation Officer, Chairman
- Sherri Carter, Executive Officer, Superior Court
- Jerry Wengerd, Director, Mental Health
- Patrick Williams, Chief of Police, Desert Hot Springs
- Gary Windom, Public Defender
- Paul Zellerbach, District Attorney, Vice Chairman

Not Present:

Stan Sniff, Sheriff

2. APPROVAL OF MINUTES

Alan Crogan entertained a motion to approve the March 6, 2012 minutes of the Community Corrections Partnership Executive Committee (CCPEC) meeting. Motion was moved by Gary Windom, and seconded by Alan Crogan. Alan Crogan requested a roll call vote of the motion which passed as follows:

- Aye: Crogan, Carter, Wengerd, Windom, Williams, Zellerbach
- Nay: None
- Absent: Sniff
- Abstain: None

3. TASK FORCE PRESENTATION - SERGEANT JIM ANDERSON, HEMET POLICE DEPT.

Sergeant Jim Anderson reported on the current status of the Post-Release Community Supervision Accountability Team (PRCSAT) task force. He shared the names and titles of the seven task force members with the CCPEC. He also reported that their building is renovated, furnished and the computers/phones are now connected. The task force and the Riverside County Probation Department staff from the Perris, Riverside and Indio offices have been working together.

Sergeant Anderson reported the following stats for March:

- 89 compliance checks (searches)
- 29 wrong addresses
- 25 arrests (total)
- 16 Non- AB 109 arrests

The task force seized the following:

- 7 firearms
- 3 knives
- 450 rounds of ammunition
- Small amount of heroin

Patrick Williams stated that the task force's focus is on the high risk and absconders. He also stated that they are going to look into the task force working on weekends and nights. Sergeant Anderson stated that there will be a monthly status report to be distributed in the near future. Paul Zellerbach would like his office to participate in providing the statistics of the reports for accuracy.

4. REVOCAION HEARING AND TRAINING: UPDATE

Assistant Chief Mark Hake reported on the proposal to utilize Retired Deputy Parole Commissioner Steve Hernandez to assist the committee with consulting and training in the Revocation Hearings and processes. The Probation Department is working with Steve Hernandez to get everything moving forward.

Assistant District Attorney Creg Datig mentioned that the Administrative Office of the Courts (AOC) sent out a request for comment on some proposed changes to the rules of Court as well as legislation to augment the current realignment scheme. Creg Dating stated that what the AOC is suggesting is that legislation uses a Probation Revocation process for all Revocation Hearings. He also discussed this with the District Attorney and wanted to make the committee aware of this complex procedure. Creg Dating is suggesting that this be turned back to the PRCS Work Group so they can make recommendations to the Executive Committee. Sherri Carter stated that the comments are due to the AOC by April 10, 2012. Alan Crogan stated that a meeting will be scheduled immediately for the PRCS Work Group to point out the strengths, weaknesses, and the details of dealing with such a complex process. The work group comments will then be forwarded to Alan Crogan so that he can send to the AOC. Mark Hake stated that the Probation Department will continue to pursue the contract with Steve Hernandez.

5. INFORMATION SHARING WITH LAW ENFORCEMENT: UPDATE

Chief Deputy Probation Officer Bryce Hulstrom reported that on March 17, 2012, Probation IT distributed all of the AB 109 population data via email to all of the agencies who provided their email addresses to the Probation Department. He stated that on the 5th of every month, the information will be sent out automatically. No issues or problems have been presented at this time.

6. STAFF REPORTS

- a) CHIEF OF POLICE: Patrick Williams stated that he has a PRCSAT Memorandum of Understanding (MOU) draft for the Executive Board that will be going to Association of Riverside County Chief of Police and Sheriff (ARCCOPS) on April 12, 2012. He stated that the committee will receive a copy for comment.

Patrick Williams also reported that he had a series of meetings on Legislative Day in Sacramento with the local Inland Empire Legislators. He stated that there is an interest in bringing clarity to "Information Sharing with Law Enforcement". Assembly members and Senator Emmerson are collaborating together with both Patrick Williams and Paul Zellerbach to get the legislation changed.

- b) COURT: Sherri Carter stated that there was a concern about Alternative Sentencing options from the previous meeting that she attended and she wanted the committee to know that they are on track to meeting with the Sheriff's office next week to discuss this issue. She also stated that the Court has developed a form to request the continuance of a hearing for the Probation Department, District Attorney and the Public Defender's office. The form was distributed on April 2, 2012. Sherry Carter then distributed and reviewed updated statistics on the *Post-release Community Supervision and Felony Sentences*. She mentioned that the Court is looking into hiring a Hearing Officer. Paul Zellerbach suggested that the Court include the other departments in the discussions. Sherry Carter agreed with this idea and will have her office coordinate the meetings.
- c) DISTRICT ATTORNEY: Paul Zellerbach followed up with Patrick Williams' report on the discussions with State Legislators, Assembly Members, and Senator Emmerson regarding "Sharing Information with Law Enforcement". He also reported that he is continuing to work with Senator Emmerson on Senate Bill 1441. Paul Zellerbach also mentioned that his office is working with the Court on the continuance form that Sherry Carter reported on.
- d) MENTAL HEALTH: Jerry Wengerd reported on AB 109 statistics as followed:
- 323 referrals (includes Health and Mental Health Substance Abuse)
 - 44 referrals to Health Clinics (high percentage of Hepatitis and HIV)
- e) PROBATION: Chief Deputy Probation Officer Andrea Greer distributed, reviewed, discussed and answered questions on the *AB 109 Statistics*, dated as of April 3, 2012.
- PRCS packets received from CDCR: 2136
 - Supervised Release ordered by the Court: 464
 - Total PRCS and Supervised Release being supervised: 1474
 - PRCS warrants issued since October 1, 2011: 200
 - Revocation Petitions since October 1, 2011: 303
 - Flash Incarcerations since October 1, 2011: 71

Andrea Greer also reviewed the *PRCS Population by City - Total Packets*, *PRCS Population by City - Active Supervision*, *PRCS Population by City - Court Ordered Supervised Release Cases* as of March 27, 2012.

Alan Crogan reminded the committee that on April 16, 2012, the Budget and Expenditures are due to Administrative Services Manager Doug Moreno. He asked that each department give more specific narrative on the expenditures for the budget.

- f) PUBLIC DEFENDER: Nothing to report at this time.
- g) SHERIFF: Assistant Sheriff Steve Thetford introduced Chief Deputy Ray Gregory. Chief Deputy Jerry Gutierrez distributed and reviewed the *AB 109 Impact Update* as of April 2, 2012 as followed:
- CDCR Commit - Parole Revocation (Pre October 1, 2011) pending pick up: 25 inmates
 - Riverside Sheriff's Department Commit - Parole Revocation (Post October 1, 2011) AB 109 Impact: 2501 inmates
 - Flash Incarceration : 73
 - PRCS Violation: 174

- Total Sentenced Commit: 4160 inmates
- Number of inmates sentenced to 3 years or more: 138 inmates
- Total AB 109 Impact Inmates: 2632 inmates

6. PUBLIC COMMENTS (NON AGENDA ITEMS)

There were no public comments.

7. NEXT MEETING

The next CCPEC meeting will be held on May 1, 2012, 1:30 p.m., Downtown Law Building, 5th Floor.

Alan Crogan entertained a motion to adjourn; motion was made by Paul Zellerbach, and seconded by Gary Windom. The meeting was adjourned at 2:39 p.m.

Aye: Crogan, Carter, Wengerd, Windom, Williams, Zellerbach

Nay: None

Absent: Sniff

An attendance sheet was signed by all present and will be kept on file.

Minutes submitted by Andria Bartkowski, Executive Secretary, Riverside County Probation Department

#3

Number of Releases to Post Release Community Supervision
 Between October 1, 2011, and March 28, 2012
 By Release Month and County Released to
 As Of March 28, 2012

County Released to	Release Date						Total
	OCT2011	NOV2011	DEC2011	JAN2012	FEB2012	MAR2012	
ALAMEDA	67	67	115	74	42	40	405
ALPINE	0	0	0	0	0	1	1
AMADOR	5	11	5	5	2	4	32
BUTTE	31	43	40	32	19	26	191
CALAVERAS	3	3	4	4	4	3	21
COLUSA	0	0	2	0	1	1	4
CONTRA COSTA	19	51	51	50	30	30	231
DEL NORTE	1	4	3	1	3	4	16
EL DORADO	6	9	15	10	8	6	54
FRESNO	93	232	230	189	137	82	963
GLENN	4	2	6	3	3	0	18
HUMBOLDT	24	18	27	15	12	21	117
IMPERIAL	12	10	16	14	11	10	73
INYO	3	0	1	1	0	0	5
KERN	137	276	238	213	141	139	1,144
KINGS	22	36	34	29	35	27	183
LAKE	3	11	13	7	12	10	56
LASSEN	3	4	5	3	2	3	20
LOS ANGELES	1,041	1,218	1,169	1,101	1,048	914	6,491
MADERA	11	15	30	19	14	8	97

(Continued)

These Data Values May Differ From Those Previously Published Due To Database Updates.
 W:\DAU\SAS\David\AB109\Released\ReleasesOct-Mar.sas
 W:\DAU\Projects\David\AB109\Released\ReleasesOct-Mar.pdf

Number of Releases to Post Release Community Supervision
 Between October 1, 2011, and March 28, 2012
 By Release Month and County Released to
 As Of March 28, 2012

County Released to	Release Date						Total
	OCT2011	NOV2011	DEC2011	JAN2012	FEB2012	MAR2012	
MARIN	5	7	6	3	7	2	30
MARIPOSA	0	1	2	0	0	1	4
MENDOCINO	4	8	11	7	4	3	37
MERCED	10	33	35	24	15	24	141
MODOC	0	1	1	1	0	0	3
MONO	1	1	1	1	1	0	5
MONTEREY	33	54	39	24	28	32	210
NAPA	4	8	9	8	4	9	42
NEVADA	2	2	3	0	3	3	13
ORANGE	211	293	296	259	199	161	1,419
PLACER	13	25	23	17	23	11	112
PLUMAS	2	5	1	3	0	2	13
RIVERSIDE	185	294	299	279	238	188	1,483
SACRAMENTO	148	199	211	168	142	103	971
SAN BENITO	3	3	6	4	3	5	24
SAN BERNARDINO	321	507	462	403	285	295	2,273
SAN DIEGO	192	363	345	272	228	194	1,594
SAN FRANCISCO	33	55	58	38	35	23	242
SAN JOAQUIN	71	99	114	92	67	60	503
SAN LUIS OBISPO	12	35	22	27	11	13	120

(Continued)

These Data Values May Differ From Those Previously Published Due To Database Updates.

W:\DAU\SAS\David\AB109\Released\ReleasesOct-Mar.sas
 W:\DAU\Projects\David\AB109\Released\ReleasesOct-Mar.pdf

Number of Releases to Post Release Community Supervision
 Between October 1, 2011, and March 28, 2012
 By Release Month and County Released to
 As Of March 28, 2012

	Release Date						Total
	OCT2011	NOV2011	DEC2011	JAN2012	FEB2012	MAR2012	
County Released to							
SAN MATEO	32	30	40	38	29	26	195
SANTA BARBARA	38	57	46	41	25	37	244
SANTA CLARA	113	130	129	102	84	69	627
SANTA CRUZ	5	14	13	9	5	11	57
SHASTA	30	46	43	42	31	29	221
SIERRA	0	0	1	0	1	0	2
SISKIYOU	0	2	5	7	3	3	20
SOLANO	28	71	51	40	38	23	251
SONOMA	22	41	31	16	25	22	157
STANISLAUS	62	110	103	76	77	55	483
SUTTER	15	21	18	16	14	10	94
TEHAMA	9	29	15	17	4	13	87
TRINITY	4	3	1	1	0	0	9
TULARE	47	68	90	59	57	37	358
TUOLUMNE	2	3	6	7	2	3	23
VENTURA	35	70	63	55	39	38	300
YOLO	25	32	33	30	18	16	154
YUBA	13	21	21	12	22	16	105
Total	3,215	4,751	4,657	3,968	3,291	2,866	22,748

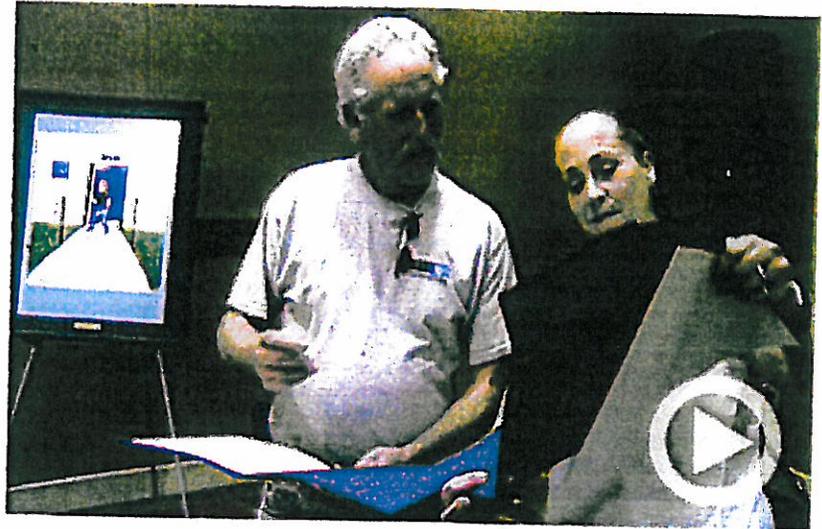
These Data Values May Differ From Those Previously Published Due To Database Updates.
 W:\DAU\SAS\David\AB109\Released\ReleasesOct-Mar.sas
 W:\DAU\Projects\David\AB109\Released\ReleasesOct-Mar.pdf

APRIL 2012

Transition celebration marks new beginning for CDCR parolees in Stockton

CDCR's Division of Adult Parole Operation (DAPO) and BI Incorporated hosted a transition celebration recently for 22 offenders who successfully completed this intensive criminal justice program. BI Incorporated is the operator of an innovative community-based program for parolees in Stockton.

The goals of the programs at the Stockton Day Reporting Center (DRC) include reducing the prison population by diverting individuals to community supervision, and helping clients stay crime-free once released. Many of these graduates entered the DRC after violating conditions of parole. All graduates are either employed or enrolled in community college.



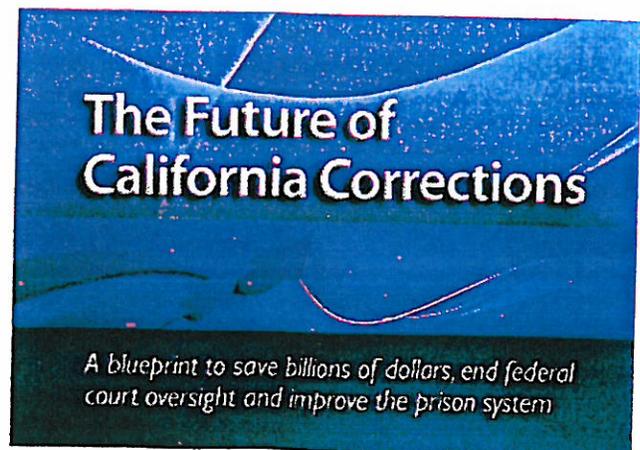
For more information on BI Incorporated, visit their website at www.BI.com.

CDCR releases report, *The Future of California Corrections: A blueprint to save billions of dollars, end federal court oversight and improve the prison system*

In the wake of a declining prison population resulting from Realignment, the California Department of Corrections and Rehabilitation (CDCR) today released a plan to cut billions in spending, comply with multiple federal court orders for inmate medical, mental health and dental care, and significantly improve the operation of California's prison system. The plan is titled "*The Future of California Corrections: A Blueprint to Save Billions of Dollars, End Federal Oversight, and Improve the Prison System.*"

"My goal is to end federal court oversight of medical, mental health and dental care by next year," said CDCR Secretary Matthew Cate. "This plan builds on the improvements made possible by Realignment. It will go a long way towards making our correctional system more efficient and secure and, at the same time, lower our high recidivism rates."

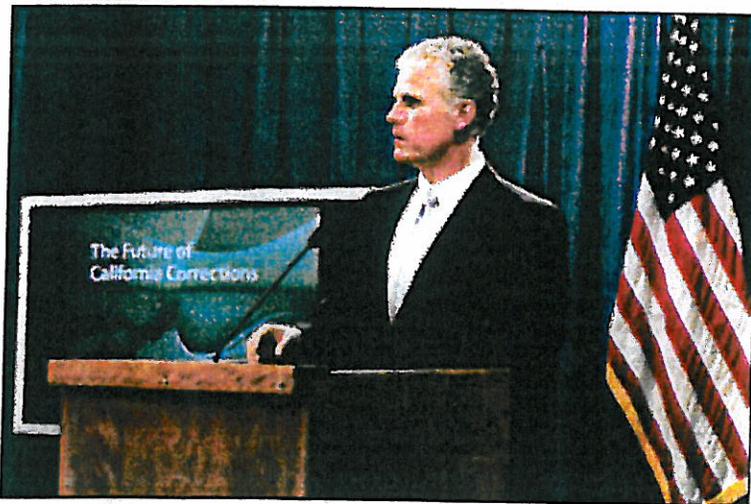
CDCR's plan will:



- Reduce CDCR's annual budget by more than \$1.5 billion upon full implementation, including \$160 million dollars in savings from closing the California Rehabilitation Center;
- Eliminate \$4.1 billion in construction projects that are no longer needed because of population reductions;
- Eliminate \$2.2 billion annually that would have been spent had Realignment not been implemented;
- Return all out-of-state inmates to California by 2016 to bring back jobs and manage offenders closer to home while saving millions in taxpayer dollars;
- Satisfy the U.S. Supreme Court's order to lower the state's prison population;
- Satisfy the federal courts that CDCR has achieved and maintained constitutional levels of medical, mental health and dental care to avoid costly oversight;
- Incorporate a standardized staffing formula to better manage staff levels and cost;
- Improve the classification system to provide proper inmate housing placement and reduce the reliance on costly high-security facilities.

This plan ends a long-term uptick in corrections costs. CDCR accounted for just three percent of General Fund spending 30 years ago, which increased to 11 percent in FY 2008-09. CDCR's plan will lower it to 7.5 percent in FY 2015-16. When realignment is fully implemented, CDCR expenditures will drop by 18 percent overall.

CDCR has responded to a string of class-action lawsuits dating back to 1990 challenging the levels of medical, mental health and dental care for inmates. In 2006, federal courts appointed a federal court-appointed Receiver to bring health care up to constitutional standards. Mental health care is overseen by a Special Master and dental care is monitored by Court Experts.



"CDCR has made substantial progress in assuring the courts that it is providing Constitutionally-mandated levels of care to inmates," said Cate. "We are committed to ending federal oversight of our prisons' healthcare systems."

The courts have indicated that California is making vast improvements and is on track to end the Receivership. Earlier this year, a federal judge cited "significant progress" in medical care delivery and wrote that "the end of the

Receivership appears to be in sight." The court also called for negotiations to take place on returning health care authority to CDCR.

Similar progress is being made in other aspects of prison health care. Mental health bed waiting lists that were once hundreds of patients long have fallen sharply or been eliminated. Dental care has improved markedly as well, with 30 out of 33 prisons having passed audits of their dental program and the remainder expected to pass soon.

Many of the improvements are due to the reduction in prison overcrowding made possible by Public Safety Realignment signed into law by Governor Edmund G. Brown Jr. last year.

Since Public Safety Realignment took effect, CDCR's offender population has dropped by approximately 22,000 inmates and 16,000 parolees. Overcrowding has been reduced from a high of more than 200 percent of design capacity to just 155 percent today. The thousands of makeshift beds in gymnasiums and dayrooms that CDCR had been forced to use for years are now gone.

"Realignment has given California a historic opportunity to invest in a prison system that is not just less crowded, but more efficient, while saving billions of state taxpayer dollars," said Cate.

CDCR's spring population projections suggest that the department may fall just short of meeting the final court-ordered crowding-reduction benchmark. In June 2013, the department's prison population is projected to be at 141 percent of design capacity rather than the 137.5 percent goal set by the federal Three-Judge Court and affirmed by the Supreme Court. The measures proposed in this plan will allow the state to seek and obtain a modification of the order to raise the final benchmark to 145 percent of design capacity. In its order, the Supreme Court anticipated this as a possibility and said the state "will be free to move" the court for modification.

"We are confident that this plan will satisfy the court's order," said Cate.

To read or download a copy of the plan "*The Future of California Corrections: A Blueprint to Save Billions of Dollars, End Federal Oversight, and Improve the Prison System*", go to www.cdcr.ca.gov.

Office of External Affairs

Jessica Mazlum

E-Mail: Jessica.mazlum@cdcr.ca.gov

Office: (916) 324-4589

BB: (916) 214-5625

Thy Vuong

E-Mail: thy.vuong@cdcr.ca.gov

Office: (916) 324-6422



Secretary
MATTHEW CATE

[Visit his page](#)



California Department of Corrections and Rehabilitation
Office of External Affairs
1515 S Street, Office 113 S
Sacramento, California 95814
(916) 445-4950 • cal_externalaffairs@cdcr.ca.gov

RIVERSIDE COUNTY PROBATION DEPARTMENT

ALAN M. CROGAN
CHIEF PROBATION OFFICER



April 10, 2012

Arturo Castro, Esq.
Office of the General Counsel
Judicial Council of California – Administrative Office of the Courts

Re: Criminal Justice Realignment: Supervision Revocation Procedure

The Riverside County Community Corrections Partnership Executive Committee respectfully submits the collective comments regarding the proposed changes to Penal Code section 1203.2, reflected in LEG12-01 legislation. The members of the committee, with the exception of the Public Defender, have submitted letters representing their department's position to oppose the proposed application of Penal Code section 1203.2 probation revocation procedures to post-release community supervision, mandatory supervision (1170(h)(5)(B) PC), and parole revocations.

The position is based on Riverside County's response to the implementation of Realignment. Riverside County has worked in the spirit of cooperation and as a team to address the various operational aspects of Realignment. The revocation procedures and Court hearings were developed, and have been successfully operating to resolve non-compliant behavior of the post-release community supervision and mandatory supervision offenders with minimal court intervention. Changes in the procedures for Riverside County would increase the workload, paperwork, staffing needs, and create unnecessary court congestion.

The Court and the District Attorney indicate the proposed changes to the current parole revocation process would turn an administrative parole hearing into an evidentiary court proceeding governed by the Penal and Evidence Codes, and thus imposing higher burdens of proof and evidentiary requirements mandated in probation hearings. There is agreement the current administrative procedures governing parole revocation hearings effectively manage and protect the constitutional rights and guarantees of due process under the Fifth Amendment.

The Riverside County Community Corrections Partnership Executive Committee thanks the Administrative Office of the Courts for their efforts to assess Realignment and continue to explore methods to improve implementation throughout the State.

Sincerely,



ALAN M. CROGAN
CHIEF PROBATION OFFICER
CHAIRMAN, COMMUNITY CORRECTIONS PARTNERSHIP EXECUTIVE COMMITTEE

ALM/PG

Attachments: Letter from Riverside County District Attorney
Letter from Riverside County Probation Department
Letter from Riverside County Superior Court

cc: Steve Bordin, President, Chief Probation Officers of California
Karen Pank, Executive Director, Chief Probation Officers of California



PAUL E. ZELLERBACH
DISTRICT ATTORNEY

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF RIVERSIDE
3960 ORANGE STREET
RIVERSIDE, CALIFORNIA 92501-3643

CREG G. DATIG
ASSISTANT DISTRICT ATTORNEY
WESTERN DIVISION

SEAN P. LAFFERTY
ASSISTANT DISTRICT ATTORNEY
EASTERN DIVISION

JEFFREY A. VAN WAGENEN, JR.
ASSISTANT DISTRICT ATTORNEY
ADMINISTRATION

April 6, 2012

Arturo Castro, Esq.
Office of the General Counsel
Judicial Council of California – Administrative Office of the Courts

Re: Criminal Justice Realignment: Supervision Revocation Procedure

The Riverside County District Attorney's Office respectfully submits the following comments regarding the proposed Criminal Justice Realignment: Supervision Revocation Procedure Item LEG 12-01 legislation. Our office strongly opposes the proposed application of Penal Code section 1203.2 probation revocation procedures to mandatory supervision, post release community supervision (PRCS), and parole revocations.

The legislature and the courts have recognized that parole is a period of conditional, supervised freedom imposed on all prisoners upon their release from prison. Felons released on post release community supervision essentially have the same legal status and supervision as parolees; however, responsibility for supervision lies with local probation departments rather than state parole.

The courts and legislature have developed a well-refined and appropriate evidentiary system to effectively manage and protect the constitutional rights parolees and the new classes of those on mandatory supervision and post release community supervision. Those effective evidentiary rules are primarily governed by *Morrissey v. Brewer* (1972) 408 U.S. 471, *Valdivia v. Davis* (2002) 206 F. Supp 2d 1068, and Title 15 of the California Code of Regulations.

Parolees are in a different class than probationers and there is no basis to grant broader evidentiary requirements for parolees. The courts have long recognized that, unlike a probationer who was not incarcerated for his or her crime, the parolee is a recently confined prisoner who must comply with extensive restrictions on his or her freedom. *People v. Burgener* (1986) 41 Cal. 3d 505, 531; *People v. Montenegro* (1985) 173 Cal.App.3d 983, 988.

Arturo Castro, Esq.
Page 2

Extending broader rights to parolees, when the current statutory scheme has proven both efficient and constitutionally sound, would only further burden an already exhausted criminal justice system and will result in additional unnecessary costs to our courts. Further, such a change may result in procedural delays and impact the ability of supervisees to obtain swift resolution of their revocation matters so that they can continue their reintegration into society.

Very truly yours,

PAUL E. ZELLERBACH
District Attorney



CREG G. DATIG
Assistant District Attorney



RIVERSIDE COUNTY PROBATION DEPARTMENT

ALAN M. CROGAN
CHIEF PROBATION OFFICER



April 10, 2012

**Re: Criminal Justice Realignment: Supervision Revocation
Procedure Invitation to Comment (LEG12-01)**

Dear Mr. Castro:

The Riverside County Probation Department appreciates the opportunity to comment on the proposed changes in LEG12-01 Criminal Justice Realignment: Supervision Revocation Procedure.

Riverside County Probation supports the current practices applied to the post-release community supervision offenders pursuant to 3455 PC. Riverside County has developed effective procedures in accordance to 3455(a)(4) PC which successfully limit the amount of cases before the court and reduce the length of jail time an offender occupies a "hard bed." Of concern, are the restrictions 1203.2 PC will impose on the 3450 PC population as related to the formal evidentiary hearings and the requirement of court involvement. Based on the following comments, we are opposed to the suggested procedural changes to the revocation hearings.

Regarding Amendment #1:

In Riverside County, the 1170(h)(5)(B) PC population is handled similar to probation cases in accordance to legislation, "shall be supervised by the county probation officer in accordance with the terms, conditions, and procedures generally applicable to persons placed on probation." However, the modification to 1203(d) PC provides for a DJJ commitment after the defendant has been sentenced under 1170(h) PC. This is perplexing, as it allows the court to deny probation, impose a sentence (which would presumably include mandatory supervision), then after a subsequent revocation, impose a commitment to DJJ. It appears, if the intent is to apply 1203.2 PC to the offenders sentenced under 1170 PC, close scrutiny must be applied to eliminate conflicting sentences and practices.

Regarding Amendment #2:

Offenders sentenced pursuant to 1203 PC, 3450 PC, 1170 PC, and 3000 PC are under different legal authority which requires each population be held to different sentence structures and supervision standards. Attempting to handle the revocation procedures of all four populations in the same manner will cause more confusion. The suggested modifications to 1203.2 PC address the parole and post-release community supervision populations only in Penal Code sections

1203.2(a) & (b), which would allow the Court to handle proceedings to “modify, revoke, and terminate.” However, Penal Code sections 1203.2(c), (d), &(e) addressing revocation sentencing is solely applied to the probation and “mandatory supervision” populations. Therefore, the full revocation process for parole and post-release community supervision offenders would then require the application of two separate Penal Code sections, 1203.2 and 3000.08 for parole and 1203.2 and 3455 for county agencies. As such, in order to avoid confusion it is recommended the procedures remain unchanged and all four populations dealt with in the current manner and practices. If the Administrative Office of the Courts feels the violation practices need to be modified, it is Riverside County Probation’s recommendation that each Penal Code section be modified to include addressing violations, and provide specific procedures relative to the population.

Regarding Amendment #5:

Applying 1203.2 PC standards to the 3450 PC population will limit the effective use of Flash Incarceration. Penal Code Section 1203.2 allows all Peace Officers and the District Attorney to file violations to the court, which hinders the supervising agency’s ability to effectively use evidence-based practices, assessing each case, and imposing intermediate sanctions prior to involving the Courts. Allowing additional agencies to file violations appears to negate the initial intent to streamline and allow the supervision agency to resolve the matter before court involvement pursuant to the 2011 Criminal Justice Realignment.

Additionally, according to Riverside County Superior Court, 85% of violation matters are resolved with minimal court intervention due to the successful use of Flash Incarceration and Waiver of Hearings. Of concern is the deletion of lines 4-7 on page 9 which reads, “At any point during the process initiated pursuant to this section, a person may waive, in writing, his or her right to counsel, admit the violation of his or her postrelease supervision, waive a court hearing, and accept the proposed modifications of his or her postrelease supervision.” The proposed changes would remove Probation’s ability to negotiate violations outside of court and our ability to have a probation hold under 3455(b) PC.



Andrea Greer
Chief Deputy Probation Officer
Riverside County Probation Department

Chambers of
Michele D. Levine
Superior Court Judge



4100 Main Street
Riverside, California 92501
(951) 955-1603

Superior Court of California
County of Riverside

April 6, 2012

Re: Criminal Justice Realignment: Supervision Revocation Procedure
Invitation to Comment

Dear Mr. Castro:

Thank you for the opportunity to comment on the above proposed changes. At first blush, simplicity and familiarity are always attractive, especially when we are tasked with an additional, unfamiliar and challenging new workload. What is being proposed as a simplification of procedures to make operations more stream-lined and predictable, however, actually increases the court's and other agencies' workload considerably.

The proposed changes would, inter alia:

- 1) Turn an administrative "parole" hearing, governed by an administrative code where hearsay and confidential documents may be considered by the revocation hearing officer, into an evidentiary court proceeding governed by the Penal and Evidence Codes imposing higher burdens of proof and evidentiary requirements mandated in "probation" hearings. The administrative procedures governing parole revocation hearings are well established, effectively serve the purpose of the revocation hearing, and satisfy the constitutional guarantees of due process under the Fifth Amendment.
- 2) Force the court to create a file and numbering system for this newly created court proceeding and be immediately involved in every "revocation" case because the proposed changes mandate an arraignment before the court within five days.

Under the current system, the Probation Department is authorized to initiate a violation of Community Supervision, to impose penalties and resolve the violation without a formal evidentiary hearing or court involvement of any kind (See Penal Code section 3454). In Riverside County, approximately 85% of these matters are resolved with minimal court intervention, no contested hearing and limited paperwork being filed with the court.

- 3) Fail to take into consideration that these new procedures may cause jurisdictional conflicts.

Unlike hearings for “Violations of Probation” which always stem from an existing, court supervised criminal case; violations of “Post-Release Community Supervision” (PRCS) do not. These PRCS violations originate from the filing agency (typically the county Probation Department) based on the released inmate’s alleged failure to comply with the terms of his or her Post –Release Community Supervision and are not necessarily connected to a new law violation. Even if there is a revocation based on a new law violation, the court that has jurisdiction over the new criminal case may or may not be in the same county having jurisdiction over the PRCS.

Assuming these proposed new revocation procedures were adopted, if Riverside County Probation Department filed a violation of post-release supervision in Riverside County based on the released inmates’ commitment of a new crime in Orange County, it would necessitate an evidentiary court hearing on the PRCS revocation in Riverside County while the new crime was being prosecuted in another county. Conducting a formal court hearing, unlike the administrative hearings now contemplated, would likely cause witnesses and victims to have to testify in two different locations about the same events with no coordinated outcome.

- 4) Necessitate the use of court facilities for revocation hearings. The present law allows for any location outside of court to be used to resolve these violations. However the proposed procedure contemplates court arraignments and, therefore, a court venue for these hearings. Our courts would, in turn, need to provide clerical support, court reporters, security, interpreters, and other judicial resources.
- 5) Remove a “parolee’s” right to waive counsel and accept an offered modification of community supervision. The proposed procedure specifically deletes the waiver provisions now available in revocation hearings. The unforeseen consequence of this deletion will very likely be that “parolees” will stay in custody longer, without bail, in overtaxed jails while the violation winds its way through the court process imposed. There does not appear to be any authority for taking away a parolee’s right to control his or her own outcome after giving proper waivers.
- 6) Create an additional appellate remedy. At present, the exclusive remedy available to challenge errors in a revocation hearing, is by petition for a writ of habeas corpus. There is a real possibility that the proposed changes would create a right to appellate court review, further burdening the courts.

Based on the above, we are opposed to the suggested procedural changes to the revocation hearings. We agree that there is some general confusion surrounding the realignment and revocation hearings. The essence of the confusion, however, appears to stem more from the

labeling and terminology being used than it does with procedure, which is clearly defined for both probation violations and parole violations. These two procedures, one done by the State previously, governed by administrative hearing rules, and one done by counties, pursuant to the Penal Code and Evidence requirements, have not been changed by the legislature and do not need to be changed simply because one agency is now supervising both functions.

A handwritten signature in black ink, appearing to read "Michele D. Levine". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michele D. Levine
Judge of the Riverside County Superior Court
Chair, AB109 Working Group

**Submittal to the Community Corrections Partnership
Executive Committee
May 1, 2012**

Agenda Item 6

From: Fiscal Procedures Work Group

Subject: FY 2011/12 Community Corrections Partnership Executive Committee (CCPEC) Financial Reports for the period October 1, 2011 to March 31, 2012.

Background: On Tuesday, December 20, 2011, the CCPEC approved the FY 2011/12 Financial Report template(s) and time lines. The approved format provides a method of reporting every 90 days by each CCPEC agency. The second reporting period was for the six months ending March 31, 2012. The due date for the report was April 16, 2012.

There are separate templates for the reporting of AB 109 Operating Funds and AB 109 One-Time Funds, allowing for the separate tracking and reporting of the different funding streams. Included in the AB 109 Operating Funds report is a column for "Full Year (On-Going)" costing to illustrate the anticipated on-going costs associated with the implementation of the Public Safety Realignment Act of 2011 (AB 109). In addition, the format includes a narrative component for providing budget status and statistical information regarding realignment activities, plus identifying/addressing budget and program concerns.

Summary of Expenditures (Schedule A)

The attached FY 2011/12 Financial Report – Summary of Expenditures (Schedule A) summarizes the CCPEC agency budgets as approved on October 11, 2011 (\$21.8M); and identifies the separate funding streams for the District Attorney and Public Defender (\$0.75M), the Superior Court (\$0.66M), and the AB 109 Planning Grant (\$0.2M). The total combined funding for Riverside County and the Riverside Superior Court is \$23.4M. The District Attorney, Public Defender and the Superior Court amounts are separately managed funds by each respective agency and are not available for distribution by the CCPEC.

Each CCPEC agency has provided their FY 2011/12 Financial Reports, including information as to their "actual" expenditures for the period October 1, 2011 to March 31, 2012, and their year-end estimates through June 30, 2012 (for the Operating Funds,

**Submittal to the Community Corrections Partnership
Executive Committee
May 1, 2012**

Agenda Item 6

One-Time funds, and Other Funds). All the agencies are estimating year-end savings of their respective CCPEC allocations.

Overall, the total year end estimated expenditures for all the CCPEC agencies are approximately \$13.8M through June 30, 2012. The remaining available balance of approximately \$8.1M has been previously approved to remain in each CCPEC agency account and rollover into FY 2012/13.

Period 2 Financial Report Highlights

- The Probation Department and the Sheriff's Department have moved budgeted funds into Fixed Assets to cover the estimated cost of equipment purchases in the current fiscal year. Both agencies are still projecting estimated savings at the end of the fiscal year.
- The District Attorney and Public Defender have projected 100% expenditure of their shared allocation (non-CCPEC funds) in the current fiscal year (\$0.75M). Both agencies are projecting savings from their distributions of CCPEC funding.
- The Mental Health Department is projecting budget savings in the current fiscal year of approximately \$2.0M. This is a change from the last period where Mental Health reported no savings.
- The Mental Health Department has requested assistance in capturing all related costs associated with AB 109 services provided to clients. The request has been forwarded to the AB 109 sub-committees, to provide Mental Health with a listing of AB 109 names.
- The Post-release Community Supervision Accountability Team has begun to incur costs for activities associated with their operations. The Team is reporting similar year end savings as the prior period financial reports.

The FY 2011/12 Financial Reports for the nine months ending June 30, 2012 are due Monday, July 16, 2012.

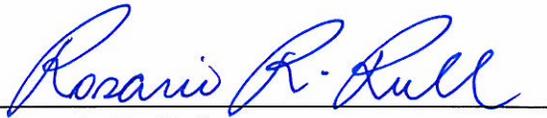
**Submittal to the Community Corrections Partnership
Executive Committee
May 1, 2012**

Agenda Item 6

Recommended Motion: That the Community Corrections Partnership Executive Committee:

1. Receive and file the FY 2011/12 Financial Report – Summary of Expenditures (Schedule A) and the individual CCPEC Agency Financial Reports.

Respectfully submitted on behalf of the
Fiscal Procedures Work Group,



Rosario R. Rull
Chief Deputy Probation Administrator

AB 109 Community Corrections Partnership Executive Committee (CCPEC)
FY 2011/12 Financial Report - Summary of Expenditures
Reporting Period 2 - October 1, 2011 to March 31, 2012
May 1, 2012

Agenda Item 6
Schedule A

CCPEC Agency	CCPEC Agency Budgets Approved October 11, 2012		CCPEC Agency Actual/Estimated Expenditures FY 2011/12					Total Savings/ (Deficit)
	Operating Funds Distribution	One-Time Funds Distribution	Total Budget Distribution	Operating Funds 10/1/11 - 3/31/12		One-Time Funds YE Estimate	Total Funds YE Estimate	
				Actual	YE Estimate			
Probation Department	\$ 5,441,096	(1) \$ 397,858	\$ 5,838,954	\$ 1,318,003	\$ 3,642,620	\$ 397,858	\$ 4,040,478	\$ 1,798,476
Sheriff's Department	\$ 9,360,500	(1) \$ 684,448	\$ 10,044,948	\$ 1,354,840	\$ 6,132,477	\$ 648,442	\$ 6,780,919	\$ 3,264,029
District Attorney	\$ 550,155	(1) \$ 40,228	\$ 590,383	\$ 29,894	\$ 277,628	\$ 20,274	\$ 297,902	\$ 292,481
Public Defender	\$ 420,660	(1) \$ 30,759	\$ 451,419	\$ -	\$ -	\$ 397	\$ 397	\$ 451,022
Mental Health	\$ 3,860,000	(1) \$ 282,247	\$ 4,142,247	\$ 932,827	\$ 1,861,142	\$ 282,247	\$ 2,143,389	\$ 1,998,858
Police	\$ 704,450	(1) \$ 51,510	\$ 755,960	\$ 55,602	\$ 455,602	\$ 51,510	\$ 507,112	\$ 248,848
Sub-Total	\$ 20,336,861	\$ 1,487,050	\$ 21,823,911	\$ 3,691,166	\$ 12,369,470	\$ 1,400,728	\$ 13,770,198	\$ 8,053,714
Other Funds								
District Attorney	\$ 377,711	N/A	\$ 377,711	\$ 377,711	\$ 377,711	N/A	\$ 377,711	\$ -
Public Defender	\$ 377,710	N/A	\$ 377,710	\$ 216,142	\$ 377,710	N/A	\$ 377,710	\$ -
Superior Court	\$ 662,000	N/A	\$ 662,000	\$ -	\$ -	N/A	\$ -	\$ 662,000
Planning Grant	\$ 200,000	N/A	\$ 200,000	\$ 8,102	\$ 43,102	N/A	\$ 43,102	\$ 156,898
Sub-Total Other Funds	\$ 1,617,421		\$ 1,617,421	\$ 601,955	\$ 798,523		\$ 798,523	\$ 818,898
Grand Total	\$ 21,954,282	\$ 1,487,050	\$ 23,441,332	\$ 4,293,121	\$ 13,167,993	\$ 1,400,728	\$ 14,568,721	\$ 8,872,612

(1) The Operating Funds Distribution is shown net of the 3.5% contingency, the total Operating Funds of \$21,074,467 less the Contingency amount of \$737,606 = \$20,336,861.

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - Operating Funds
10/1/11 - 03/31/12

Agenda Item 6
Schedule A

CCPEC Agency: Probation
 Dept Number (if applicable): 2600200000/2600700000
 Reporting Period (1, 2, or 3): 2

EXPENDITURES

Level	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance	Full-Year (On-Going) Estimates
1	Salaries & Benefits	\$3,505,417	\$2,336,945	\$1,170,750	\$1,206,631	\$2,377,381	\$1,128,036	\$7,943,000
2	Supplies & Services	1,614,634	1,076,423	147,253	796,942	944,195	670,439	1,258,088
3	Other Charges	0	0	0	0	0	0	0
4	Fixed Assets	321,045	214,030	0	321,045	321,045	0	0
7	Interfund Transfers	0	0	0	0	0	0	0
Total Expenditures		\$5,441,096	\$3,627,397	\$1,318,003	\$2,324,618	\$3,642,620	\$1,798,476	\$9,201,088

DEPARTMENTAL REVENUE

Code	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance	Full-Year (On-Going) Estimates
		\$5,441,096	\$3,627,397	\$1,318,003	\$2,324,618	\$3,642,621	(\$1,798,476)	\$0
		0	0	0	0	0	0	0
		0	0	0	0	0	0	0
Total Dept. Revenue		\$5,441,096	\$3,627,397	\$1,318,003	\$2,324,618	\$3,642,621	(\$1,798,476)	\$0
NET COST		\$0	\$0	(\$0)	\$0	(\$0)	\$0	\$9,201,088

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - Operating Funds
10/1/11 - 03/31/12

CCPEC Agency: Probation
Dept Number (if applicable): 2600200000/2600700000
Reporting Period (1, 2, or 3) 2

NARRATIVE

1. Description of Current Budget Status:

The Probation Department allocation of the AB 109 Operating Funds is budgeted at approximately \$5.4M. Expenditures for the period October 1, 2011 through March 31, 2012 was approximately \$1.3M and primarily included expenses for Salaries and Benefits of AB 109 positions. As of March 31, 2012, the Department has filled approximately one-half of the authorized positions. Total packets received as of March 27, 2012 - 2,136; Total Post-release Community Supervision (PRCS) and Supervised Release being supervised - 1,474; Total PRCS warrants issued - 200; Total revocation petitions filed - 303. The Probation Department anticipates incurring additional costs associated with the continued implementation of AB 109, such as the hiring of remaining positions, costs incurred for Services and Supplies (including lease costs), plus the costs of equipment and new vehicles. The previous Financial Report for Period 1, included \$134,775 for new vehicles, in the 3rd Quarter Budget Report scheduled for the Board of Supervisors on May 1, 2012, the Department has requested an appropriation transfer to increase this amount to \$321,045 to cover the costs of new vehicle purchases in the current fiscal year. There is sufficient funding in the overall budget allocation to cover the costs of the new vehicles, the funds were moved from Services and Supplies to Fixed Assets. It is estimated that the Probation Department will not fully expend the current year's AB 109 Operating Funds allocation of \$5.4M, and will have current year savings of approximately \$1.8M available for rollover to next fiscal year.

2. Are there any known or potential problem areas within the budget?

None.

3. What options and/or recommendations do you have for addressing these problems?

N/A.

Reporting Period: 10/1/11 - 03/31/12

Prepared by: Douglas Moreno, ASM III Approved by: _____

Date: April 16, 2012 Date: April 16, 2012

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - One Time Funds
10/1/11 - 03/31/11

Agenda Item 6
Schedule A

CCPEC Agency: Probation
 Dept Number (if applicable): 2600200000/2600700000
 Reporting Period (1, 2, or 3): 2

EXPENDITURES

Level	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/11 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance
1	Salaries & Benefits	\$263,509	\$175,673	\$260,575	\$2,934	\$263,509	\$0
2	Supplies & Services	127,841	85,227	127,841	0	127,841	(0)
3	Other Charges	0	0	0	0	0	0
4	Fixed Assets	6,508	4,339	6,508	0	6,508	0
7	Interfund Transfers	0	0	0	0	0	0
Total Expenditures		\$397,858	\$265,239	\$394,924	\$2,934	\$397,858	\$0

DEPARTMENTAL REVENUE

Code	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/11 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance
		\$397,858	\$265,239	\$394,924	\$2,934	\$397,858	\$0
		0	0	0	0	0	0
		0	0	0	0	0	0
Total Dept. Revenue		\$397,858	\$265,239	\$394,924	\$2,934	\$397,858	\$0
NET COST		\$0	\$0	(\$0)	\$0	(\$0)	\$0

**AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - One Time Funds
10/1/11 - 03/31/11**

CCPEC Agency: Probation
Dept Number (if applicable): 2600200000/2600700000
Reporting Period (1, 2, or 3) 2

NARRATIVE

1. Description of Current Budget Status:

The Probation Department allocation of One-Time Start Up Funds is budgeted at \$398,000. Expenditures for the period October 1, 2011 through March 31, 2012 was approximately \$394,000 and mainly included expenses for hiring and recruiting of new positions and the costs associated with AB 109 implementation, such as new computer equipment. It is anticipated that the Probation Department will fully expend the allocation of AB 109 One-Time Start Up funds (\$397,858) by the end of the fiscal year June 30, 2012.

2. Are there any known or potential problem areas within the budget?
None.

3. What options and/or recommendations do you have for addressing these problems?
N/A.

Reporting Period: 10/1/11 - 03/31/11

Prepared by: Douglas Moreno, ASM III

Date: April 16, 2012

Approved by: _____

Date: April 16, 2012

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - Planning Grant
10/1/11 - 03/31/11

Agenda Item 6
Schedule A

CCPEC Agency: Probation
 Dept Number (if applicable): 2600200000/2600700000
 Reporting Period (1, 2, or 3) 2

EXPENDITURES

Level	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/11 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance
1	Salaries & Benefits	\$0	\$0	\$0	\$0	\$0	\$0
2	Supplies & Services	200,000	133,333	8,102	35,000	43,102	156,898
3	Other Charges	0	0	0	0	0	0
4	Fixed Assets	0	0	0	0	0	0
7	Interfund Transfers	0	0	0	0	0	0
Total Expenditures		\$200,000	\$133,333	\$8,102	\$35,000	\$43,102	\$156,898

DEPARTMENTAL REVENUE

Code	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/11 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance
		\$200,000	\$133,333	\$8,102	\$35,000	\$43,102	(\$156,898)
		0	0	0	0	0	0
		0	0	0	0	0	0
Total Dept. Revenue		\$200,000	\$133,333	\$8,102	\$35,000	\$43,102	(\$156,898)
NET COST		\$0	\$0	\$0	\$0	\$0	\$313,796

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - Planning Grant
10/1/11 - 03/31/11

CCPEC Agency: Probation
Dept Number (if applicable): 2600200000/2600700000
Reporting Period (1, 2, or 3) 2

NARRATIVE

1. Description of Current Budget Status:

The CCP Training Fund of \$200,000 has incurred approximately \$8,100 in actual expense as of March 31, 2012. It is estimated that the fund will incur an additional \$35,000 in expenses through June 30, 2012 (including approximately \$20,000 in County Counsel charges, an additional \$10,000 for Professional Services, and an additional \$5,000 for Training).

2. Are there any known or potential problem areas within the budget?
None.

3. What options and/or recommendations do you have for addressing these problems?
N/A.

Reporting Period: 10/1/11 - 03/31/11

Prepared by: Douglas Moreno, ASM III

Date: April 16, 2012

Approved by: _____

Date: April 16, 2012

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - Operating Funds
10/1/11 - 3/31/12

Agenda Item 6
Schedule A

CCPEC Agency: Sheriff
 Dept Number (if applicable): 2500400000
 Reporting Period (1, 2, or 3) 2

EXPENDITURES

Level	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 3/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-End Estimates	Year-End Variance	Full-Year (On-Going) Estimates
1	Salaries & Benefits	\$7,011,160	\$4,697,477	\$691,811	\$2,182,153	\$2,873,964	\$4,137,196	\$0
2	Supplies & Services	\$2,349,340	\$1,574,058	\$663,029	\$1,995,897	2,658,926	(309,586)	0
3	Other Charges	\$0	\$0	\$0	\$583,525	583,525	(583,525)	0
4	Fixed Assets	\$0	\$0	\$0	\$16,062	16,062	(16,062)	0
7	Interfund Transfers	\$0	\$0	\$0	\$0	0	0	0
Total Expenditures		\$9,360,500	\$6,271,535	\$1,354,840	\$4,777,637	\$6,132,477	\$3,228,023	\$0

DEPARTMENTAL REVENUE

Code	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 3/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-End Estimates	Year-End Variance	Full-Year (On-Going) Estimates
755680	CA - Other Operating Grants	\$9,360,500	\$6,271,535	\$0	\$6,132,477	\$6,132,477	(\$3,228,023)	\$0
		0	0	0	0	0	0	0
		0	0	0	0	0	0	0
Total Dept. Revenue		\$9,360,500	\$6,271,535	\$0	\$6,132,477	\$6,132,477	(\$3,228,023)	\$0
NET COST		\$0	\$0	\$1,354,840	(\$1,354,840)	\$0	\$0	\$0

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - Operating Funds
10/1/11 - 3/31/12

CCPEC Agency: Sheriff
Dept Number (if applicable): 2500400000
Reporting Period (1, 2, or 3) 2

NARRATIVE

1. Description of Current Budget Status:

Due to the time required to find, evaluate, and hire quality staff, Sheriff's Corrections has experienced a delay in the expenditure of funds for salary and benefits. Of the 100 positions authorized, currently Corrections has filled 57 positions and 43 positions remain vacant. Hiring continues and two Correctional Academies are planned or in-progress; Academy Class 67 began February 22, 2012, and runs through April 26, 2012, and Academy Class 68 will commence on May 14, 2012, and end in FY12/13 on July 19, 2012. There has also been a delay in the acquisition of supplies and services due to the lead time required. These issues have been addressed and most payments are expected to post in the next quarter.

2. Are there any known or potential problem areas within the budget?

If not enough viable candidates pass the background hiring requirement and the Correctional Academy, then Corrections will continue to experience a delay in expenditures for salary and benefits. Corrections is also engaged in a continual process of evaluating and planning for alternative sentencing and housing, and looking to implement additional in-custody programs to address recidivism and meet the needs of an inmate population with longer sentences caused by the AB 109 changes. Some of these programs may require the expenditure of previously unanticipated funds.

3. What options and/or recommendations do you have for addressing these problems?

The Human Resources Department is actively recruiting candidates for the Correctional Academies to maximize hiring, and these efforts need to continue. It is anticipated that any previously-unanticipated increased program costs will be covered by adjusting unexpended salary/benefits costs to match.

Reporting Period: _____ 10/1/11 - 3/31/12

Prepared by: _____ Approved by: _____

Date: _____ Date: _____

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - One Time Funds
10/1/11 - 3/31/12

Agenda Item 6
Schedule A

CCPEC Agency: Sheriff
 Dept Number (if applicable): 2500400000
 Reporting Period (1, 2, or 3) 2

EXPENDITURES

Level	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 3/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-End Estimates	Year-End Variance
1	Salaries & Benefits	\$0	\$0	\$0	\$0	\$0	\$0
2	Supplies & Services	\$297,336	\$199,215	\$0	\$263,061	263,061	34,275
3	Other Charges	\$0	\$0	\$0	\$0	0	0
4	Fixed Assets	\$387,112	\$259,365	\$18,000	\$367,381	385,381	1,731
7	Interfund Transfers	\$0	\$0	\$0	\$0	0	0
Total Expenditures		\$684,448	\$458,580	\$18,000	\$630,442	\$648,442	\$36,006

DEPARTMENTAL REVENUE

Code #REF!	Description #REF!	FY 11/12 Budget	67% Of Budget	10/1/11 - 3/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-End Estimates	Year-End Variance
		\$684,448	\$458,580	\$0	\$648,442	\$648,442	(\$36,006)
		0	0	0	0	0	0
		0	0	0	0	0	0
Total Dept. Revenue		\$684,448	\$458,580	\$0	\$648,442	\$648,442	(\$36,006)
NET COST		\$0	\$0	\$18,000	(\$18,000)	\$0	\$0

**AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - One Time Funds
10/1/11 - 3/31/12**

CCPEC Agency: Sheriff
Dept Number (if applicable): 2500400000
Reporting Period (1, 2, or 3) 2

NARRATIVE

1. Description of Current Budget Status:

There has been a delay in completing the information systems upgrade identified as a one-time funding project. Corrections is anticipating posting payment for this project in the next quarter, with any remainder to be paid by unused funds pushed to FY 12/13.

2. Are there any known or potential problem areas within the budget?

No problems anticipated other than a possible delay as noted above. The final budget expenditures are projected to be within current appropriations.

3. What options and/or recommendations do you have for addressing these problems?

Any postponed projects will be funded in FY 12/13 with residual FY 11/12 funds.

Reporting Period: 10/1/11 - 3/31/12

Prepared by: _____ Approved by: _____

Date: _____ Date: _____

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - Operating Funds
10/1/11 - 03/31/12

Agenda Item 6
Schedule A

District Attorney
 Budget Unit 2

CCPEC Agency:
 Dept Number (if applicable):
 Reporting Period (1, 2, or 3)

EXPENDITURES

Level	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance	Full-Year (On-Going) Estimates
1	Salaries & Benefits	\$849,956	\$566,637	\$396,526	\$205,655	\$602,181	\$247,775	\$0
2	Supplies & Services	130,801	87,067	31,352	42,079	73,431	57,170	0
3	Other Charges	0	0	0	0	0	0	0
4	Fixed Assets	0	0	0	0	0	0	0
7	Interfund Transfers	0	0	0	0	0	0	0
Total Expenditures		\$980,557	\$653,705	\$427,878	\$247,734	\$675,612	\$304,945	\$0

DEPARTMENTAL REVENUE

Code	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance	Full-Year (On-Going) Estimates
	DA-PD revenue	\$377,710	\$251,807	\$377,710	\$0	\$377,710	\$0	\$0
	One time start up revenue	20,274	13,516	20,274	0	20,274	0	0
	CCP revenue	570,109	380,073	29,894	247,734	277,628	(292,481)	0
Total Dept. Revenue		\$968,093	\$645,395	\$427,878	\$247,734	\$675,612	(\$292,481)	\$0
NET COST		\$12,464	\$8,309	\$0	\$0	\$0	\$597,426	\$0

**AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - Operating Funds
10/1/11 - 03/31/12**

CCPEC Agency: District Attorney
Dept Number (if applicable): 2200100000
Reporting Period (1, 2, or 3) 2

NARRATIVE

1. Description of Current Budget Status:

Currently the District Attorney's Office has filled seven of the nine positions required to handle AB-109 realignment cases. The District Attorney's Office is actively working to put in place the remaining two positions by the end of the fiscal year. The District Attorney's Office has three prosecutors, three clerical staff and one senior DA investigator dedicated to working on realignment cases. Furthermore the Office is in the process of allocating an Investigative Technician and a Paralegal to cover realignment cases as well.

2. Are there any known or potential problem areas within the budget?

3. What options and/or recommendations do you have for addressing these problems?

Reporting Period: 10/1/11 - 03/31/12

Prepared by: _____

Date: _____

Approved by: _____

Date: _____

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - Operating Funds
10/1/11 - 03/31/12

Agenda Item 6
Schedule A

CCPEC Agency: Public Defender
 Dept Number (if applicable): 2400100000
 Reporting Period (1, 2, or 3)

EXPENDITURES

Level	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance	Full-Year (On-Going) Estimates
1	Salaries & Benefits	\$420,660	\$281,842	\$0	\$0,00	\$0	\$420,660	\$1,103,948
2	Supplies & Services	0	0	0	0	0	0	0
3	Other Charges	0	0	0	0	0	0	0
4	Fixed Assets	0	0	0	0	0	0	0
7	Interfund Transfers	0	0	0	0	0	0	0
Total Expenditures		\$420,660	\$281,842	\$0	\$0	\$0	\$420,660	\$1,103,948

DEPARTMENTAL REVENUE

Code	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance	Full-Year (On-Going) Estimates
		\$0	\$0	\$0	\$0	\$0	\$0	\$0
		0	0	0	0	0	0	0
		0	0	0	0	0	0	0
Total Dept. Revenue		\$0	\$0	\$0	\$0	\$0	\$0	\$0
NET COST		\$420,660	\$281,842	\$0	\$0	\$0	\$420,660	\$1,103,948

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - Operating Funds
10/1/11 - 03/31/12

CCPEC Agency: Public Defender
Dept Number (if applicable): 2400100000
Reporting Period (1, 2, or 3): 2

NARRATIVE

1. Description of Current Budget Status:

The Public Defender currently has a budget surplus. This is primarily because the full-impact of the workload has not yet surfaced. The workload will steadily increase as more individuals are released from custody on Supervised Release from prison and jail.

2. Are there any known or potential problem areas within the budget?

None at this time.

3. What options and/or recommendations do you have for addressing these problems?

None at this time.

Reporting Period: 10/1/11 - 03/31/12

Prepared by: Amanda De Gasperin

Date: 4/13/12

Approved by: Gary Windom

Date: 4/13/12

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - One Time Funds
10/1/11 - 03/31/12

Agenda Item 6
Schedule A

CCPEC Agency: Public Defender
 Dept Number (if applicable): 2400100000
 Reporting Period (1, 2, or 3):

EXPENDITURES									
Level	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance		
1	Salaries & Benefits	\$15,257	\$10,222	\$0	\$0	\$0	\$15,257		
2	Supplies & Services	\$15,502	\$10,386	\$397	\$0	\$397	\$15,105		
3	Other Charges	0	0	0	0	0	0		
4	Fixed Assets	0	0	0	0	0	0		
7	Interfund Transfers	0	0	0	0	0	0		
Total Expenditures		\$30,759	\$20,609	\$397	\$0	\$397	\$30,362		
DEPARTMENTAL REVENUE									
Code	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance		
		\$0	\$0	\$0	\$0	\$0	\$0		
		0	0	0	0	0	0		
		0	0	0	0	0	0		
Total Dept. Revenue		\$0	\$0	\$0	\$0	\$0	\$0		
NET COST		\$30,759	\$20,609	\$397	\$0	\$397	\$30,362		

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - One Time Funds
10/1/11 - 03/31/12

CCPEC Agency: Public Defender
Dept Number (if applicable): 2400100000
Reporting Period (1, 2, or 3) 2

NARRATIVE

1. Description of Current Budget Status:

The Public Defender currently has a budget surplus. This is primarily because the full-impact of the workload has not yet surfaced. The workload will steadily increase as more individuals are released from custody on Supervised Release from prison and jail.

2. Are there any known or potential problem areas within the budget?

None at this time.

3. What options and/or recommendations do you have for addressing these problems?

None at this time.

Reporting Period: 10/1/11 - 03/31/12

Prepared by: Amanda De Gasperin

Date: 4/13/12

Approved by: Gary Windom

Date: 4/13/12

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - Public Defender & District Attorney PCS Funds
10/1/11 - 03/31/12

Agenda Item 6
Schedule A

CCPEC Agency: Public Defender
 Dept Number (if applicable): 2400100000
 Reporting Period (1, 2, or 3): 2

EXPENDITURES

Level	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance
1	Salaries & Benefits	\$377,710	\$251,807	\$216,142	\$161,568	\$377,710	\$0
2	Supplies & Services	0	0	0	0	0	0
3	Other Charges	0	0	0	0	0	0
4	Fixed Assets	0	0	0	0	0	0
7	Interfund Transfers	0	0	0	0	0	0
Total Expenditures		\$377,710	\$251,807	\$216,142	\$161,568	\$377,710	\$0

DEPARTMENTAL REVENUE

Code	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance
		\$0	\$0	\$0	\$0	\$0	\$0
		0	0	0	0	0	0
		0	0	0	0	0	0
Total Dept. Revenue		\$0	\$0	\$0	\$0	\$0	\$0
NET COST		\$377,710	\$251,807	\$216,142	\$161,568	\$377,710	\$0

CCPEC Agency:
Dept Number (if applicable):
Reporting Period (1, 2, or 3)

Public Defender
2400100000
2

NARRATIVE

1. Description of Current Budget Status:

The workload will steadily increase as more individuals are released from custody on Supervised Release from prison and jail.

2. Are there any known or potential problem areas within the budget?

None at this time.

3. What options and/or recommendations do you have for addressing these problems?

None at this time.

Reporting Period: 10/1/11 - 03/31/12

Prepared by: Amanda De Gasperin

Date: 4/13/12

Approved by: Gary Windom

Date: 4/13/12

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - Operating Funds
10/1/11 - 03/31/12

Agenda Item 6
Schedule A

CCPEC Agency: Mental Health
 Dept Number (if applicable): 4100200000
 Reporting Period (1, 2, or 3) 2

EXPENDITURES

Level	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance	Full-Year (On-Going) Estimates
1	Salaries & Benefits	\$1,280,644	\$853,763	\$201,384	\$438,938	\$640,322	\$640,322	\$2,372,915
2	Supplies & Services	544,905	363,270	76,962	195,491	272,453	272,453	1,029,861
3	Other Charges	903,778	602,519	305,976	\$145,913	451,889	451,889	3,354,938
4	Fixed Assets	0	0	0	0	0	0	0
7	Interfund Transfers	0	0	0	0	0	0	0
Total Expenditures		\$2,729,327	\$1,819,551	\$584,322	\$780,342	\$1,364,664	\$1,364,664	\$6,757,714

DEPARTMENTAL REVENUE

Code	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance	Full-Year (On-Going) Estimates
		\$0	\$0	\$0	\$0	\$0	\$0	\$0
		0	0	0	0	0	0	0
		0	0	0	0	0	0	0
Total Dept. Revenue		\$0	\$0	\$0	\$0	\$0	\$0	\$0
NET COST		\$2,729,327	\$1,819,551	\$584,322	\$780,342	\$1,364,664	\$1,364,664	\$6,757,714

**AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - Operating Funds
10/1/11 - 03/31/12**

CCPEC Agency: Mental Health
Dept Number (if applicable): 410020000
Reporting Period (1, 2, or 3): 2

NARRATIVE

1. Description of Current Budget Status:

This expenditure report includes actual costs incurred by Health and Human Services (HHS), including Department of Mental Health, Community Health Agency, Riverside County Regional Medical Center. HHS continues to work on refining the tracking mechanism to accurately report all costs related to AB 109. For these reasons, there is a possibility that not all qualifying cost have been reported for the second quarter claim. HHS has provided services to over 103 clients to date, receiving a wide range of outpatient mental health services including over 140 medication visits. These clients also received approximately 500 days of housing/placement services. These services included inpatients stays at the Arlington campus, placement at institutes for mental disease (IMD), and placement in emergency housing. HHS departments project to utilize approximately half of the AB 109 allocated for the current fiscal year. Efforts to create service access are ongoing and staff recruitment is ongoing.

2. Are there any known or potential problem areas within the budget?

One of the current challenges is being able to determine overall needs of this new population in order to plan for services and determine impact on the county resources. As the current review process becomes more standardized, as staff are hired to provide services, and as mechanisms to identify AB 109 clients are finalized, we will be able to identify the impact on the county resources and sufficiency of funding.

3. What options and/or recommendations do you have for addressing these problems?

It would be helpful to receive a complete list of all AB 109 clients that have been sentenced after October 1st with identifying information (SSN, DOB). It would also be helpful to receive a list of all AB 109 clients that have been released by the State and returned to Riverside County whether they have been identified initially as needing mental health services or not, because some of the clients just shows up at existing service offices on their own without specific referral. It is also important to have Fiscal contacts meet regularly and be included in ongoing discussions regarding improvements to tracking of AB 109 clients.

Reporting Period: _____ 10/1/11 - 03/31/12

Prepared by: _____ Approved by: _____

Date: _____ Date: _____

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - Operating Funds
10/1/11 - 03/31/12

Agenda Item 6
Schedule A

Mental Health
 4100300000
 2

CCPEC Agency:
 Dept Number (if applicable):
 Reporting Period (1, 2, or 3)

<u>EXPENDITURES</u>		FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance	Full-Year (On-Going) Estimates
1	Salaries & Benefits	\$680,500	\$453,667	\$59,432	\$280,818	\$340,250	\$340,250	\$1,235,314
2	Supplies & Services	67,467	44,978	48,479	18,988	67,467	0	214,541
3	Other Charges	0	0	0	\$0	0	0	0
4	Fixed Assets	0	0	0	0	0	0	0
7	Interfund Transfers	0	0	0	0	0	0	0
Total Expenditures		\$747,967	\$498,645	\$107,911	\$299,806	\$407,717	\$340,250	\$1,449,855

<u>DEPARTMENTAL REVENUE</u>		FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance	Full-Year (On-Going) Estimates
Code	Description	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Dept. Revenue		\$0	\$0	\$0	\$0	\$0	\$0	\$0
NET COST		\$747,967	\$498,645	\$107,911	\$299,806	\$407,717	\$340,250	\$1,449,855

CCPEC Agency:
Dept Number (if applicable):
Reporting Period (1, 2, or 3)

Mental Health
4100300000
2

NARRATIVE

1. Description of Current Budget Status:

The expenditure report for this Org includes actual costs incurred by the Department of Mental Health - Detention. During the second quarter of implementation of AB 109, HHS has experienced problems accurately identifying AB 109 clients making it difficult to calculate costs incurred. HHS continues to work on refining the tracking mechanism to accurately report all costs related to AB 109. For these reasons, there is a possibility that not all qualifying cost have been reported for the second quarter claim. Over 280 AB 109 clients have been assessed by mental health staff. Of these, 117 have received ongoing mental health services. This includes over 140 medication visits, in addition to the medication services AB109 clients receive face-to-face follow up that consist of regular monitoring for reported symptoms, medication compliance and adherence to their individualized treatment plan while in custody. Additionally, once notified of their pending release date, Mental Health Detention Services collaborates with Probation and Outpatient Services to provide discharge planning and linkage to other community supports and benefit programs. Efforts to create service access are ongoing and staff recruitment is ongoing. HHS departments project to utilize approximately half of the+A11 AB 109 allocated for the current fiscal year.

2. Are there any known or potential problem areas within the budget?

One of the current challenges is being able to determine overall needs of this new population in order to plan for services and determine impact on the county resources. As the current review process becomes more standardized, as staff are hired to provide services, and as mechanisms to identify AB 109 clients are finalized, we will be able to identify the impact on the county resources and sufficiency of funding.

3. What options and/or recommendations do you have for addressing these problems?

It would be helpful to receive a complete list of all AB 109 clients that have been sentenced after October 1st with identifying information (SSN, DOB). It would also be helpful to receive a list of all AB 109 clients that have been released by the State and returned to Riverside County whether they have been identified initially as needing mental health services or not, because some of the clients just shows up at existing service offices on their own without specific referral. It is also important to have Fiscal contacts meet regularly and be included in ongoing discussions regarding improvements to tracking of AB 109 clients.

Reporting Period: 10/1/11 - 03/31/12

Prepared by: _____ Approved by: _____

Date: _____ Date: _____

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - Operating Funds
10/1/11 - 03/31/12

Agenda Item 6
Schedule A

CCPEC Agency: Mental Health
 Dept Number (if applicable): 4100500000
 Reporting Period (1, 2, or 3) 2

EXPENDITURES

Level	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance	Full-Year (On-Going) Estimates
1	Salaries & Benefits	\$422,395	\$281,597	\$220,359	\$110,179	\$330,538	\$91,857	\$921,590
2	Supplies & Services	118,271	78,847	7,927	7,927	15,855	102,416	322,557
3	Other Charges	173,485	115,657	12,308	\$12,308	24,616	148,869	416,364
4	Fixed Assets	0	0	0	0	0	0	0
7	Interfund Transfers	0	0	0	0	0	0	0
Total Expenditures		\$714,151	\$476,101	\$240,594	\$130,415	\$371,009	\$343,142	\$1,660,511

DEPARTMENTAL REVENUE

Code	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance	Full-Year (On-Going) Estimates
		\$0	\$0	\$0	\$0	\$0	\$0	\$0
		0	0	0	0	0	0	0
		0	0	0	0	0	0	0
Total Dept. Revenue		\$0	\$0	\$0	\$0	\$0	\$0	\$0
NET COST		\$714,151	\$476,101	\$240,594	\$130,415	\$371,009	\$343,142	\$1,660,511

CCPEC Agency:
Dept Number (if applicable):
Reporting Period (1, 2, or 3)

Mental Health
4100500000
2

NARRATIVE

1. Description of Current Budget Status:

The second quarter expenditure report for this Org includes actual costs incurred by Department of Mental Health - Substance Abuse services. Substance abuse had received referrals of 270 clients. These clients were referred for over 350 healthcare, mental health, and substance abuse services. These clients received a wide range of services such as assessments, group counseling, residential treatment services, as well as treatment and discharge planning. Efforts to create service access are ongoing and staff recruitment is ongoing. HHS departments project to utilize approximately half of the AB 109 allocated for the current fiscal year.

2. Are there any known or potential problem areas within the budget?

It would be helpful to receive a complete list of all AB 109 clients that have been sentenced after October 1st with identifying information (SSN, DOB). It would also be helpful to receive a list of all AB 109 clients that have been released by the State and returned to Riverside County whether they have been identified initially as needing mental health services or not, because some of the clients just shows up at existing service offices on their own without specific referral. It is also important to have Fiscal contacts meet regularly and be included in ongoing discussions regarding improvements to tracking of AB 109 clients.

3. What options and/or recommendations do you have for addressing these problems?

It would be helpful to receive a complete list of all AB 109 clients that have been sentenced after October 1st with identifying information (SSN, DOB). It would also be helpful to receive a list of all AB 109 clients that have been returned to Riverside County regardless of being referred or not to Mental Health department.

Reporting Period: _____ 10/1/11 - 03/31/12

Prepared by: _____ Approved by: _____

Date: _____ Date: _____

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - Operating Funds
10/1/11 - 03/31/12

Agenda Item 3
Schedule A

CCPEC Agency: Post-release Community Supervision Accountability Team
 Dept Number (if applicable):
 Reporting Period (1, 2, or 3) 2

EXPENDITURES

Level	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance	Full-Year (On-Going) Estimates
1	Salaries & Benefits	\$704,450	\$469,633	\$55,602	\$400,000	\$455,602	\$248,848	\$0
2	Supplies & Services	0	0	0	0	0	0	0
3	Other Charges	0	0	0	0	0	0	0
4	Fixed Assets	0	0	0	0	0	0	0
7	Interfund Transfers	0	0	0	0	0	0	0
Total Expenditures		\$704,450	\$469,633	\$55,602	\$400,000	\$455,602	\$248,848	\$0

DEPARTMENTAL REVENUE

Code	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/12 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance	Full-Year (On-Going) Estimates
	Total Dept. Revenue	\$0	\$0	\$0	\$0	\$0	\$0	\$0
NET COST		\$704,450	\$469,633	\$55,602	\$400,000	\$455,602	\$248,848	\$0

**AB 109 Community Corrections Partnership Executive Committee
 FY 11/12 Financial Report - Operating Funds
 10/1/11 - 03/31/12**

CCPEC Agency: Post-release Community Supervision Accountability Team **NARRATIVE**
 Dept Number (if applicable): Budget Unit
 Reporting Period (1, 2, or 3) 2

1. Description of Current Budget Status:

The Law Enforcement allocation of the AB 109 Operating Funds is \$704,450.00. The Post-release Community Supervision Accountability Team (PRCSAT) went into effect February 1, 2012 and began compliance checks at the end of February 2012. Actual expenditures for the period October 1, 2011 through March 31, 2012 was \$55,602.00 for police officers salaries and benefits. Anticipated expenditures for the remainder of the fiscal year is \$400,00.00 for police officers salaries and benefits. As it stands now, the following are currently assigned to the PRCSAT: Sgt. Jim Anderson, Hemet Police Department, Det. Chad Devlin, Beaumont Police Department, Det. Alberto Cantu, Palm Springs Police Department, Det. Jeremy Herrick, Cathedral City Police Department, Officer Skip Shaford, Corona Police Department and Officer Jason Hunter, Desert Hot Springs Police Department. The majority of PRCSAT activities have been involved with conducting compliance checks and probation searches on PRCS Offenders and attempting to locate and arrest those offenders with outstanding warrants. The PRCSAT has been working with the Perris, Riverside, and Indio probation offices. The PRCSAT has been working directly with Probation Officers in contacting PRCS Offenders and conducting searches and/or tracking down violators. The PRCSAT also assisted other local law enforcement agencies and task forces such as the County Gang Task Force in small scale sweeps and search warrants. The following are statistics for the month of March and the last week of February: Compliance Checks/Probation Searches: 89, Bad Addresses: 29 (Probation contacted for appropriate action), Total Arrests: 25 (16 non-AB109, 9 AB109). Assisted Other Agencies (AOD): Search warrant with Cathedral City PD - 4 arrested, Search Warrant with D.H.S. PD - 2 arrested, Search Warrant with ARCNET - 1 arrest. PRCSAT assisted Palm Springs Police Department with a sweep of the "North End" in response to several residential 459s. PRCSAT conducted several searches of PRCS Offenders in the affected area resulting in 3 arrests. PRCSAT seized 7 firearms, approximately 450 rounds of ammunition, 3 knives, and small amounts of methamphetamine and heroin. Only one search resulted in going "hands on" in Desert Hot Springs. Several subjects attempted to flee but were quickly detained with no injuries to any parties. It is anticipated the PRCSAT will be even more effective in the following months.

2. Are there any known or potential problem areas within the budget?

No, there are not any potential problems within the budget known at this time.

3. What options and/or recommendations do you have for addressing these problems?

N/A

Reporting Period: 10/1/11 - 03/31/12

Prepared by: Janine Plute

Date: 4/13/12

Approved by: [Signature]

Date: 4-16-2012

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - One Time Funds
10/1/11 - 03/31/11

Agenda Item **6**
Schedule A

CCPEC Agency: Post-release Community Supervision Accountability Team
 Dept Number (if applicable): Budget Unit
 Reporting Period (1, 2, or 3) 2

EXPENDITURES

Level	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/11 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance
1	Salaries & Benefits	\$0	\$0	\$0	\$0	\$0	\$0
2	Supplies & Services	0	0	0	0	0	0
3	Other Charges	51,510	34,340	14,923	36,587	51,510	(0)
4	Fixed Assets	0	0	0	0	0	0
7	Interfund Transfers	0	0	0	0	0	0
Total Expenditures		\$51,510	\$34,340	\$14,923	\$36,587	\$51,510	(\$0)

DEPARTMENTAL REVENUE

Code	Description	FY 11/12 Budget	67% Of Budget	10/1/11 - 03/31/11 Actuals	4/1/12-6/30/12 Estimates	FY 11/12 Year-end Estimates	Year-end Variance
	Total Dept. Revenue	\$0	\$0	\$0	\$0	\$0	\$0
NET COST		\$51,510	\$34,340	\$14,923	\$36,587	\$51,510	(\$0)

AB 109 Community Corrections Partnership Executive Committee
FY 11/12 Financial Report - One Time Funds
10/1/11 - 03/31/11

CCPEC Agency: Post-release Community Supervision Accountability Team
Dept Number (if applicable): Budget Unit
Reporting Period (1, 2, or 3) 2
NARRATIVE

1. Description of Current Budget Status:

The Law Enforcement allocation of the AB 109 One-Time funds is \$51,510.00. The Post-release Community Supervision Accountability Team (PRCSAT) went into effect February 1, 2012. Actual one-time expenditures for the period October 1, 2011 through March 31, 2012 was \$14,923.00 for office furniture and office equipment at the PRSCAT office at the Beaumont Police Department. Anticipated expenditures for the remainder of the fiscal year will exhaust the one-time funds. The anticipated expenditures include outfitting the PRCSAT office at the Palm Springs Police Department, officer equipment (vest carriers, tactical holsters, duty weapon lights, uniforms, cell phones, vehicle mounted GPS systems, radios, breaching tools, television for training videos, and lockers) and supplies (digital cameras) and training courses.

2. Are there any known or potential problem areas within the budget?
No, there are not any potential problems within the budget known at this time.

3. What options and/or recommendations do you have for addressing these problems?
N/A

Reporting Period: 10/1/11 - 03/31/11

Prepared by:

Heaven Pluta

Date:

4/13/12

Approved by:

PAWILLI

Date:

4-16-2012

RIVERSIDE COUNTY PROBATION DEPARTMENT



ALAN M. CROGAN
CHIEF PROBATION OFFICER



AB 109 STATUS REPORT

Prepared by: Chief Deputy Probation Officer Andrea Greer
Date of Report: May 1, 2012
Data Effective as of: April 26, 2012

SUPERVISION

Post-release Community Supervision (PRCS) packets received from CDCR: **2,317**

- PRCS offenders being supervised: **1,432**

Supervised Release ordered by the Court: **560**

- Supervised Release offenders being supervised: 267
- Supervised Release offenders still in custody: 293

Total PRCS and Supervised Release being supervised: **1,699**

WARRANTS

PRCS warrants issued since October 1, 2011: **268**

- Outstanding PRCS warrants: **133**
 - Technical violations: 121
 - New offense: 12
- Warrants cleared: **135**

REVOCATIONS

Revocation petitions filed since October 1, 2011: **380**

- Technical violations: 292
- New offense: 88

Flash Incarcerations since October 1, 2011: **123**

RIVERSIDE COUNTY PROBATION DEPARTMENT
PRCS Population Packets Received by City
Total Packets 2,317 as of April 26, 2012
Male: 2,050; Female: 267

Riverside County					
Aguanga	4	Murrieta	38	Chiriaco Summit	0
Anza	4	Norco	19	Coachella	33
Banning	38	Nuevo	9	Desert Hot Springs	59
Beaumont	27	Perris	103	Indian Wells	0
Blythe	26	Quail Valley	3	Indio	83
Cabazon	4	Riverside	298	Indio Hills	0
Calimesa	4	Romoland	6	La Quinta	12
Canyon Lake	2	Rubidoux	58	Mecca	5
Cherry Valley	6	San Jacinto	56	North Palm Springs	3
Corona	89	Sun City	21	North Shores	0
Eastvale	1	Temecula	27	Oasis	0
Hemet	165	Whitewater	3	Palm Desert	14
Homeland	7	Wildomar	30	Palm Springs	31
Lake Elsinore	56	Winchester	8	Rancho Mirage	3
March Air Reserve Base	3	Coachella Valley		Sky Valley	0
Menifee	15	Bermuda Dunes	5	Thermal	10
Mira Loma	16	Cahuilla Hills	0	Thousand Palms	9
Moreno Valley	184	Cathedral City	31	Total	1,629
Mountain Center	1				
				Out of County	325
				Out of State	17
PRCS Homeless					
Banning	3	Desert Hot Springs	2	Perris	23
Beaumont	2	Hemet	18	Riverside	200
Bermuda Dunes	1	Indio	33	Rubidoux	2
Blythe	2	Lake Elsinore	4	San Jacinto	4
Cabazon	1	Mira Loma	2	Temecula	4
Cathedral City	2	Moreno Valley	8	Wildomar	1
Coachella Valley	1	Murrieta	1	Total	328
Corona	7	Palm Springs	7		
				Out of County	16
				Out of State	2

RIVERSIDE COUNTY PROBATION DEPARTMENT
Post Release Community Supervision (PRCS)
Population by City as of April 26, 2012
Active Supervision 1,432 Offenders
Male: 1,274; Female: 158

Riverside County					
Aguanga	4	Indio	64	Perris	73
Anza	4	Indio Hills	0	Quail Valley	2
Banning	23	La Quinta	11	Rancho Mirage	4
Beaumont	21	Lake Elsinore	46	Riverside	208
Bermuda Dunes	3	March Air Reserve Base	3	Romoland	5
Blythe	18	Mecca	3	Rubidoux	42
Calimesa	3	Menifee	10	San Jacinto	39
Canyon Lake	1	Mira Loma	10	Sun City	13
Cathedral City	24	Moreno Valley	132	Temecula	17
Cherry Valley	4	Mountain Center	1	Thermal	6
Coachella	25	Murrieta	28	Thousand Palms	9
Corona	65	Norco	13	Whitewater	1
Desert Hot Springs	46	North Palm Springs	3	Wildomar	28
Eastvale	1	Nuevo	9	Winchester	6
Hemet	124	Palm Desert	11	Total	1,196
Homeland	4	Palm Springs	29		
				Out of County	93
				Out of State	8
Homeless					
Banning	2	Lake Elsinore	1	Rubidoux	1
Blythe	1	Mira Loma	1	San Jacinto	1
Coachella Valley	1	Moreno Valley	3	Temecula	3
Corona	4	Palm Springs	1	Wildomar	1
Hemet	11	Perris	11	Total	134
Indio	18	Riverside	74		
				Out of County	1
				Out of State	0

RIVERSIDE COUNTY PROBATION DEPARTMENT

Supervised Release Cases

Population by City as of April 26, 2012

Court Ordered Supervised Release Cases: 560 (Male: 459; Female: 101)

Active Supervision: 267 (Male: 216; Female: 51)

Court Ordered Supervised Release Cases					
Anza	2	Mecca	3	Whitewater	1
Banning	12	Menifee	4	Wildomar	3
Beaumont	6	Mira Loma	4	Winchester	1
Bermuda Dunes	4	Moreno Valley	34	Total	447
Blythe	13	Mountain Center	1		
Cabazon	1	Murrieta	10	Homeless	
Calimesa	1	Norco	7	Coachella	1
Canyon Lake	1	Nuevo	2	Corona	1
Cathedral City	21	Palm Desert	6	Hemet	2
Cherry Valley	1	Palm Springs	24	Indio	13
Coachella	13	Perris	25	Moreno Valley	2
Corona	14	Riverside	63	Palm Desert	2
Desert Hot Springs	26	Romoland	4	Palm Springs	3
Eastvale	1	Rubidoux	4	Perris	2
Hemet	44	San Jacinto	12	Riverside	16
Homeland	3	Sun City	1	Thousand Palms	1
Indio	38	Temecula	3	Total	43
La Quinta	11	Thermal	5		
Lake Elsinore	14	Thousand Palms	4	Out of County	68
				Out of State	2
Active Supervision – In Community					
Anza	2	Mira Loma	3	Winchester	1
Banning	3	Moreno Valley	24	Total	217
Beaumont	2	Murrieta	5		
Bermuda Dunes	1	Norco	4		
Blythe	8	Nuevo	1	Homeless	
Canyon Lake	1	Palm Desert	1	Corona	1
Cathedral City	12	Palm Springs	10	Hemet	1
Cherry Valley	1	Perris	8	Indio	2
Coachella	8	Riverside	31	Moreno Valley	1
Corona	6	Romoland	3	Palm Desert	1
Desert Hot Springs	9	Rubidoux	4	Palm Springs	1
Hemet	21	San Jacinto	7	Perris	2
Homeland	3	Sun City	1	Riverside	11
Indio	14	Temecula	2	Total	20
La Quinta	6	Thermal	3		
Lake Elsinore	4	Thousand Palms	1	Out of County	30
Mecca	1	Whitewater	1	Out of State	0
Menifee	2	Wildomar	3		

#79



RIVERSIDE COUNTY SHERIFF'S DEPARTMENT
STANLEY SNIFF, SHERIFF / CORONER

TO: CCP Executive Committee DATE: April 26, 2012
FROM: Sheriff Stan Sniff
Point of Contact: Chief Deputy R. Gregory (951) 955-2446, rgregory@riversidesheriff.org
RE: AB 109 Impact Update

Since State Prison Realignment under AB 109 went into effect on October 1, 2011, the jails in Riverside County have experienced a substantial increase in inmate population. As of April 26, 2012, our average daily population was 3,737 or 95.6 percent of our maximum capacity (3,906 beds).

In the first week of January 2012, our facilities hit maximum capacity, requiring us to initiate releases pursuant to federal court order SA-CV-93808 to relieve headcount overcrowding. These types of releases have continued since that time. Year-to-date, 1,527 inmates have been released per the court order.

Inmates booked in since AB 109 went into effect who can be directly attributed to AB 109 realignment are:

Parole Violations (3056 PC)

The total number of inmates booked for parole violations is 2,852.

- 1,749 booked for 3056 PC only; 1,103 booked for 3056 PC plus additional charge(s).
- 261 inmates remain in custody on a 3056 PC violation only.

Flash Incarcerations (3454 PC)

The total number of inmates booked in for Flash Incarceration is 125.

- The number currently in custody is 25.

Post Release Community Supervision (PRCS) Violations (3455 PC)

The total number of inmates booked in for PRCS violations is 225.

- 137 were booked in with a 3455 only; 88 had additional charges.
- 57 of these remain in custody.

Inmates Sentenced under 1170(h) PC for Felony Sentence to be served in County Jail

The total number of inmates sentenced per 1170(h) PC is 967.

- This equates to approximately 20.5 percent of all inmates sentenced to jail during this period of time
- 624 of these remain in custody, which is approximately 16.6 percent of our total population.
- 138 of these inmates have been sentenced to 3 years or more. The longest sentence for someone currently in custody is 12 years, 8 months.

Summary

The total number of inmates booked directly attributed to AB 109 realignment is 3,066. The number of those currently in custody equals 967, or approximately 25.7 percent the total jail population.

Lawyer continues to fight for gay inmates

Attorney wants judge to reconsider ruling on discrimination case

11:28 PM, Apr. 26, 2012 |

Written by

Mariecar Mendoza
The Desert Sun

A local lawyer's claim that inmates are being denied access to a taxpayer-funded substance abuse treatment program for being gay has been dismissed, but that may not be the final say on the issue.

Roger Tansey, a Palm Springs resident and Riverside County public defender, filed a "motion to reconsider" Wednesday, requesting Judge Richard Erwood re-evaluate his decision dismissing a petition Tansey filed in January. The petition asserted that the Riverside County Sheriff's Department has been discriminating against inmates who identify as gay by rejecting them from its Residential Substance Abuse Treatment program, a rehabilitation program often offered in lieu of prison time.

Erwood has now set a May 11 hearing for the motion of reconsideration.

The petition was prompted by Tansey's client Michael Salomonson of Palm Springs, who was charged with attempted burglary Dec. 21. He is a chronic methamphetamine drug abuser whom Tansey requested be placed in RSAT in lieu of a two-year prison sentence.

Tansey said Salomonson was denied because he self-identified as gay.

The judge dismissed Tansey's petition, however, on the basis that Salomonson "didn't exhaust his administrative remedies" such as requesting re-classification, Riverside County Sheriff's Department officials said.

"In an ideal world we'd like to have programs for everyone, but we only have one program with limited space so we're trying to maximize the space we have for the greater good," said Chief Deputy Raymond Gregory.

Still, Tansey said that while his petition was prompted by Salomonson — who has since been placed on probation and is now enrolled in a sober living facility — "that case may go away, but the bigger problem won't."

"There are certain classes of people who have been traditionally discriminated against based on certain categories such as race, sexual orientation, age and disability," Tansey said. "With the exception of race, all those categories are also why these inmates are put in protective custody, and those people are the ones being denied access to this program."

According to the Riverside County Sheriff's Department, 77 percent of inmates who complete the RSAT at the Larry D. Smith Correctional Facility in Banning program are clean for a year.

But inmates are assessed for RSAT by their criminal and in-custody behavior, medical and mental health history, and basic academic skills in order to be eligible for the successful program.

If an inmate is under protective custody — known as getting "blue-banded" — they are also disqualified from entering the six-month program.

"We try to include as many people as we can, but you have to be able to live and interact with the people in the program, and if you're in protective custody that means you can't," Gregory said.

According to the petition, Tansey is asking the court to order the sheriff's department "to establish a method of providing the RSAT program to otherwise qualified gay inmates."

Tansey now says that if the petition is granted for blue-banded gay inmates, it could be a win for other protective custody inmates in need of treatment.

Tansey said he may even bring forward a class-action lawsuit for blue-banded inmates based on sexual orientation, age and disability who have been denied access to the RSAT program.

"There are many people denied this program every day who could really benefit from this service," Tansey said, "and I believe that there isn't an absolute, good reason they are being turned away."

Gregory said the department is looking at taking "elements of the RSAT program" and developing services such as small group sessions that could be used for protective custody inmates.

“We have realized that there are certain populations that can't benefit from the RSAT program and we're exploring what we can do, but right now we have limited resources,” Gregory said.

After the May hearing, the judge can stick to his dismissal or rescind his decision and reinstate the petition.

If the petition is denied, Tansey plans to appeal the decision to the appellate court.

If the petition is reinstated, Tansey can file a denial and from there the judge can schedule an evidentiary hearing as early as June, which would require witness testimony.

Mariecar Mendoza covers the city of Palm Springs for The Desert Sun. She can be reached at (760) 778-4669 or mariecar.mendoza@thedesertsun.com. Follow her on Twitter @TDSMarMendoza.

This is the property of the Daily Journal Corporation and fully protected by copyright. It is made available only to Daily Journal subscribers for personal or collaborative purposes and may not be distributed, reproduced, modified, stored or transferred without written permission. Please click "Reprint" to order presentation-ready copies to distribute to clients or use in commercial marketing materials or for permission to post on a website.

Judge shoots down public defender's petition

By Jason W. Armstrong

RIVERSIDE - A superior court judge shot down a Riverside County deputy public defender's closely watched bid to force the local sheriff's department to admit gay inmates into its drug rehabilitation program.

Judge Richard Erwood dismissed Roger Tansey's petition on the grounds that the attorney's client, Michael Lamar Salomonson, hadn't exhausted his administrative remedies before filing his petition on the issue.

The attorney filed a motion Tuesday asking the judge to reconsider his ruling. A hearing is set for May 3.

Riverside sheriff's officials said self-professed gay inmates usually are among several classes of inmates placed in protective custody and therefore can't participate in the program because it's not set up to segregate them.

"The central question," Tansey said, is whether authorities can imprison people who are part of different groups and "then deny them the benefits of a treatment program which is provided to everyone else.

"Obviously, my answer is no."

The lawyer contended the department's refusal to admit Salomonson into the 180-day program constituted discrimination and breached his due-process and equal protection rights. Riverside County sheriff's officials, on the other hand, said self-professed gay inmates usually are among several classes of inmates placed in protective custody and therefore can't participate in the program because it's not set up to segregate them. Department lawyers said protective custody inmates can challenge their designations and that a "number of" gay defendants have completed the treatment program.

Statewide, county law enforcement policies vary on admission of gays to similar treatment programs. Some mirror Riverside's policy of preventing inmates in protective custody, including gays, from participating in the programs, and the Riverside case has been closely watched by those jurisdictions. Other counties, including Los Angeles, have special treatment programs targeting the gay, lesbian and transgender inmate population.

In fighting Salomonson's petition to be admitted into the treatment program, Riverside County's lawyers argued the defendant failed to exhaust his administrative remedies by failing to ask to be transferred from a segregated unit to the general prison population, which could have made him eligible for the program. While putting him with mainstream inmates could have increased his vulnerability to harm, county lawyers said the program is open only to general population inmates.

"When someone doesn't follow the process, it short-circuits things, and matters prematurely come to court," said Deputy County Counsel David H. K. Huff. "Needless to say, our position is that we didn't discriminate against [Salomonson] based on his sexual orientation."

The defendant, a 46-year-old Palm Springs resident, was released last month after pleading guilty to felony second-degree burglary and receiving credit for about three months of time served. Though Salomonson would no longer be eligible for the

SPECIAL REPORT Intellectual Property



Wednesday, April 18, 2012

Intellectual Property
Oracle CEO testifies in case against Google
Oracle Corp. CEO Larry Ellison acknowledged on Tuesday that he explored the idea of building a smartphone and then tried to reach a business deal with Google Inc. before suing the company for copyright and patent infringement.

Litigation
Judge fields complaints about securities firm's expenses
The San Diego law firm Robbins Geller Rudman & Dowd LLP has found itself in increasingly hot water with a federal judge who is examining why it's lawyers requested inflated expenses as part of a class-action settlement.

Criminal
Judge shoots down public defender's petition
A Superior Court judge shot down a Riverside County deputy public defender's closely watched bid to force the local sheriff's department to admit gay inmates into its drug rehabilitation program.

U.S. Supreme Court
Court ruling extends government immunity to contract lawyers
A unanimous U.S. Supreme Court ruled Tuesday that a Manhattan Beach attorney is immune from liability for work he performed as a government contractor.

Intellectual Property
The future of patenting genes and biological molecules: when is 'enough' enough?
Biotech firms are holding their breath now that the Supreme Court has sent *Myriad* back down for consideration in light of *Prometheus*. By Dr. John Wetherell of Pillsbury Winthrop Shaw Pittman LLP

Government
Mortgage bills face trouble in committee
In a sign they lack the votes needed to pass foreclosure-reform legislation, Democratic leaders are planning an unusual procedural maneuver to move the bills without a committee vote, the Daily Journal has learned.

Large Firms
Orrick snags two IP lawyers from DLA Piper
Orrick, Herrington & Sutcliffe LLP nabbed two intellectual property lawyers who specialize in Japan-based clients from the Los Angeles office of DLA Piper.

Civil Rights



treatment program, Tansey wants to keep his petition alive to try to change the sheriff's admission policies for gays and other segregated inmates.

The case is *In re Michael Lamar Salomonson v. Stan Sniff*, RIC1200556 (Riverside County Super. Ct., filed January 2012).

[Previous](#) [Next](#)



ADR Proudly Welcomes

Hon. Jacqueline Connor
Los Angeles County Superior Court, Retired

- Over 25 years of judicial experience in resolving complex legal issues
- Nationally-recognized expertise in jury trials
- Honored as "Judge of the Year" by 3 different legal organizations

Areas of Expertise

- Business & Commercial Contract
- Personal Injury
- Consumer Rights Litigation
- Products Liability
- Medical Malpractice
- Real Estate



For more information and scheduling, please contact our President, Lucie Barron, at Lucie@adrservices.org or (310) 201-0010

San Francisco	Silicon Valley	Century City	Downtown LA	Orange County	San Diego
415.772.0900	408.293.1113	310.201.0010	213.683.1500	949.863.9800	619.233.1323

Former state Supreme Court justice heads up task force at UC Davis

Former state Supreme Court justice Cruz Reynoso was tapped to chair a UC Davis task force investigating an incident in which students were pepper sprayed by police.

**Intellectual Property
ICCAN's new gTLD program: moving beyond .com**

New gTLDs can be generic names in any language or script. By **Katy Basile** of Novak Druce + Quiff LLP

America Invents Act: A brave new world for patents?

The AIA provides seriously nuanced changes to patent laws in the U.S. that require attention. By **Peter Jon Gluck** of Baker Hostetler LLP

Are we experiencing an "Occupy Patents" moment?

Recent years have seen a rush to shell out breathtaking sums of money for patent portfolios. By **Suzanne S. Harrison** of Percipience LLC

**Entertainment & Sports
Court grants D.C. Comics documents access**

Six years after they first materialized, the 9th Circuit granted D.C. Comics access to a package of documents that could reveal key information in its copyright disputes with the heirs of Superman's creators, Jerome Siegel and Joe Shuster.

Government

New shield for medical marijuana debated

A bill that would expand and clarify the scope of California's medical marijuana law cleared its first legislative hurdle on Tuesday in the face of pushback from law enforcement and local governments.

Judges and Judiciary

LA court leaders detail which courtrooms will close

Leaders of the state's largest trial court on Tuesday announced plans for what they called "the most significant reduction of services in its history" through the closure of 56 of its courtrooms countywide.

Labor/Employment

Two pending cases could again delay NLRB poster rule

Will California employers have to display a poster later this month alerting workers to their rights under the National Labor Relations Act? The answer to that question may come soon - but not from California.

Environmental

Appellate court OKs environmental review of rail project

In a victory for a long-planned effort to connect downtown Los Angeles and Santa Monica by rail, a state appellate court rejected claims that the Exposition Metro Line Construction Authority did a faulty environmental review of the project.

Intellectual Property

The debate over liability for peer-to-peer file sharing

Equitable concerns suggest that the "making available" theory is preferable to the "actual transfer" theory. By **Kollin J. Zimmermann** and **Allan E. Anderson** of Ropers Maieski Kohn & Bently PC



Palm Springs lawyer fights for gay inmates' right to join drug abuse program

12:32 AM, Mar. 19, 2012

Written by

Mariecar Mendoza

The Desert Sun

PALM SPRINGS — A local lawyer's battle to get equal substance abuse treatment in lieu of prison time for his gay clients is moving forward through the courts.

Judge Richard Erwood is expected to receive a response from the Riverside County Sheriff's Department today that explains why it does not allow gay inmates into its Residential Substance Abuse Treatment program.

The sheriff's department was "ordered to show cause" after Roger Tansey, a Palm Springs resident and Riverside County public defender, filed a petition in January that claimed the county department has been discriminating against gay inmates who could benefit from the tax-funded program often offered as an alternative to prison.

"I'm thrilled," Tansey said. "We won round one, so on to round two."

Tansey can file a denial to the sheriff's department's response and from there Erwood can schedule an evidentiary hearing as early as June, which would require witness testimony.

The judge may also deny or grant Tansey's petition. Granting the petition would order the sheriff's department to provide RSAT treatment to gay inmates.

Tansey said two of his clients have been denied access to the program in the past year simply because they were identified as gay, essentially forcing them to go to prison.

Gay inmates are placed in protective custody — given blue wristbands and therefore referred to as "blue-banded" — as a standard policy, which disqualifies them for the six-month rehabilitation program.

According to the petition, Tansey is asking the court to order the sheriff's department "to establish a method of providing the RSAT program to otherwise qualified gay inmates."

"It's not for me to tell them how to do that because they're the experts in that," Tansey said, "but the idea is to get them to change their procedures and provide RSAT or a program like it to gay inmates in a constitutional manner."

Sheriff's department officials contend the practice isn't targeting gays, but instead point to the very specific eligibility requirements of the program.

(Page 2 of 2)

Inmates are assessed for RSAT by their criminal and in-custody behavior, medical and mental health history, and basic academic skills, according to the Correctional Division.

"We have 70 percent of our inmates in general population, so we're trying to do most good with what we can," said Chief Deputy Raymond Gregory. "In jail, people are classified for their own safety. If people identify as homosexual, they're placed in protective custody for their safety."

Tansey believes the department blue-bands gay inmates for their own safety, but contends that it's not an excuse to deny treatment to them in one form or another as an alternative to prison time.

The petition was prompted by the recent rejection of Michael Salomonson into the RSAT program.

Salomonson, of Palm Springs, was charged with attempted burglary Dec. 21. He is a chronic methamphetamine drug abuser whom Tansey requested be placed in RSAT in lieu of a two-year prison sentence.

Tansey claims Salomonson was denied because he self-identified as gay.

"By all accounts, RSAT is an effective and life-changing program for individuals — like (Salomonson) — with chronic substance abuse problems that have resulted in incarceration. Such rehabilitation is, however, unavailable to (Salomonson) due to the simple fact of his sexual orientation," Tansey states in the petition.

According to the Riverside County Sheriff's Department, 77 percent of inmates who complete the RSAT at the Larry D. Smith Correctional Facility in Banning program are clean for a year.

Gregory said the department is exploring whether it can expand the RSAT program or create another program for protective custody inmates.

"If we had the resources and the space, we'd love to be able to offer it to as many people who would benefit from it," he said. "But that could be years out, so right now we're trying to offer it to the group of inmates that is the largest classified group of inmates so that it benefits the most people."

As an openly gay, high-ranking employee of the Riverside County Sheriff's Department, Gregory said he did look at the issue "with a critical eye as to whether there had been any discrimination."

"Mr. Salomonson wasn't discriminated against because he was homosexual," Gregory said, "but for his classification that says he can't safely reside with the general population for treatment in that program."

Mariecar Mendoza covers the city of Palm Springs for *The Desert Sun*. She can be reached at (760) 778-4669 or mariecar.mendoza@thedesertsun.com. Follow her on Twitter @TDSMarMendoza.

Lawyer: Drug rehab program discriminates against gays

12:48 AM, Jan. 10, 2012 |

Written by

Mariecar Mendoza

The Desert Sun

A local lawyer claims the Riverside County Sheriff's Department is discriminating against gay inmates who could benefit from a tax-funded rehabilitation program often offered as an alternative to prison.

Riverside County public defender Roger Tansey told The Desert Sun on Monday that two of his clients were denied access to the Riverside County Sheriff's Residential Substance Abuse Treatment program in the past year after identifying as gay and were essentially forced to go to prison.

Gay inmates are placed in protective custody — given blue wristbands and therefore referred to as “blue-banded” — as a standard policy, which disqualifies them for the six-month rehabilitation program.

Tansey has now submitted a petition to the Riverside County Superior Court seeking an evidentiary hearing that would call for the Riverside County Sheriff's Department to explain its eligibility requirements for RSAT.

According to the petition, he's also asking the court to order the sheriff's department “to establish a method of providing the RSAT program ... to otherwise qualified gay inmates.”

The documents were received by the court Monday, Tansey said.

Riverside County Sheriff's Department officials say the practice isn't targeting gays, but acknowledges the program has very specific eligibility requirements.

According to its Corrections Division, inmates are assessed for RSAT by their criminal and in-custody behavior, medical and mental health history and basic academic skills.

“The sheriff’s department says they’re blue-banded for their own safety, and I believe that’s true,” Tansey said. “But you can’t discriminate a tax-funded program just because it’s easier for you. It’s easier for authorities to segregate by race, but we don’t have white prisons, Latino prisons and black prisons because it’s unlawful.”

The petition was prompted by the recent rejection of Michael Salomonson into the RSAT program.

Salomonson of Palm Springs was charged with attempted burglary Dec. 21. He is a chronic methamphetamine drug abuser whom Tansey requested be placed into RSAT in lieu of a two-year prison sentence.

Tansey claims Salomonson was denied because he self-identified as gay.

“By all accounts, RSAT is an effective and life-changing program for individuals — like (Salomonson) — with chronic substance abuse problems that have resulted in incarceration. Such rehabilitation is, however, unavailable to (Salomonson) due to the simple fact of his sexual orientation,” Tansey stated in the petition.

On Monday, Tansey stood by that claim.

“Because the sheriffs won’t let gay guys in RSAT, they end up going to prison; the straight guys get what, by all accounts, is an extremely successful rehab program,” Tansey told The Desert Sun.

Tansey added that two other clients, both heterosexual, also were disqualified from the program because they were blue-banded — one for having diabetes and the other for being a gang member.

Riverside County sheriff’s Chief Deputy Jerry Gutierrez said there are several types of inmates put into protective custody and that the department uses an “objective classification tool” certified by the National Institute of Corrections to determine whether an inmate should be placed in protective custody.

Those include inmates who get into frequent fights, alleged child molesters and homosexuals who fear being placed in the general population.

The department does not have a RSAT program for protective custody inmates.

"I can't put a protective custody inmate in a general population dayroom because the law requires us to have a classification to safely house people," Gutierrez said of placing blue-banded inmates in the RSAT facility.

Currently, the Riverside County Sheriff's Department's RSAT program at the Larry D. Smith Correctional Facility in Banning is at full capacity, providing services to 64 men and 32 women classified as a part of the general population, Gutierrez said.

As resources and demand by protective custody inmates increase, Gutierrez said the department will look at the possibility of expanding the RSAT program.

"The issue is: can you fail to provide a taxpayer-funded program, based upon their sexual orientation and need for security?" Tansey said. "I don't think so, and their actions would appear to be unconstitutional."

The chief judge is now expected to assign the case to a judge who has 60 days to make a preliminary ruling, Tansey said.

That judge can either deny the petition; make an informal request for more information from the Riverside County Sheriff's Department; or set a hearing at which the sheriff's department would have to justify not allowing gays into the RSAT program.

Mariecar Mendoza covers the city of Palm Springs for The Desert Sun. She can be reached at (760) 778-4669 or mariecar.mendoza@thedesertsun.com. Follow her on Twitter @TDSMarMendoza.

Drug program should available to all inmates

The Desert Sun Editorial - 11:16 PM, Apr. 12, 2012

The best way to help chronic drug abusers is treatment, not incarceration.

California voters supported that position in 2000, when 60 percent approved the Substance Abuse and Crime Prevention Act, Proposition 36.

However, Riverside County inmates who are placed in protective custody cannot qualify for its Residential Substance Abuse Program.

This position prompted Roger Tansey of Palm Springs, a deputy public defender, to file a petition challenging the policy of the sheriff's department. He claims it discriminates against his gay clients, such as Michael Solomonson of Palm Springs.

Solomonson was charged in December with attempted burglary. Tansey says Solomonson is a chronic methamphetamine drug abuser. Tansey requested that he be entered in the program in lieu of two years in prison.

Gays and others who are separated from the general prison population are given blue bands. The "blue-banded" inmates are automatically disqualified from the treatment program.

Chief Deputy Raymond Gregory, who is openly gay, says Solomonson and others like him were not discriminated against because they were gay. The department is simply following the policy, he said.

Well, the policy should change.

The treatment program conducted at the Larry D. Smith Correctional Facility in Banning is effective. The department says 77 percent of inmates who complete the program stay clean for at least a year. Inmates under protective custody should have the same opportunity for treatment as the general population.

Gregory said the jail doesn't have the capacity to provide a second treatment program for inmates in protective custody.

Tansey has two heterosexual clients who were denied the treatment program, one who has diabetes and one who is a gang member. We have little sympathy for gang members, but helping them overcome addiction could be a good first step toward escaping the gang lifestyle, which would be good for society in general.

We understand the strain on Riverside County jails, which were at capacity even before Public Safety Realignment began to generate hundreds of inmates who previously would have gone to state prison. But the issue here is fairness.

Gregory says the department is exploring whether it can expand the treatment program to accommodate those in protective custody.

We hope that happens because from our layman's point of view, it certainly looks like discrimination.

<http://www.mydesert.com/article/20120413/OPINION01/204130313/Drug-program-should-available-all-inmates>