

**RIVERSIDE COUNTY
COMMUNITY CORRECTIONS PARTNERSHIP
EXECUTIVE COMMITTEE**

DOWNTOWN LAW BUILDING
3960 ORANGE STREET, 5TH FLOOR CONFERENCE ROOM, RIVERSIDE, CA
OCTOBER 28, 2014, 1:30 P.M.

AGENDA

1. CALL TO ORDER – ROLL CALL
2. APPROVAL OF MINUTES – ACTION ITEM
 - a) SEPTEMBER 23, 2014
3. AB 109 IMPLEMENTATION PLAN APPROVAL – ACTION ITEM
4. PAROLE REVOCATION HEARING - WILLIAMS VS. SUPERIOR COURT – DISCUSSION ITEM
5. 4TH ANNUAL CONFERENCE ON PUBLIC SAFETY REALIGNMENT – DISCUSSION ITEM
6. CCPEC 2015 REGULAR MEETING DATES – ACTION ITEM
7. WORKGROUP REPORTS – DISCUSSION ITEMS
 - a) MEASURABLE GOALS
 - b) FISCAL
 - c) HEALTH AND HUMAN SERVICES
 - d) COURT
 - e) DAY REPORTING CENTER
 - f) OPERATIONAL EFFECTIVNESS
8. STAFF REPORTS – DISCUSSION ITEMS
 - a) PROBATION
 - b) SHERIFF
 - c) MENTAL HEALTH
 - d) POLICE
 - e) DISTRICT ATTORNEY
 - f) PUBLIC DEFENDER
 - g) COURT
9. PUBLIC COMMENTS
10. NEXT MEETING: JANUARY 6, 2015; 1:30 P.M.

In accordance with State Law (The 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) 955-2830.*
- *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.*

**Riverside County
Community Corrections Partnership
Executive Committee**

September 23, 2014 - 1:30 p.m.

Downtown Law Building, 3960 Orange St. 5th Fl. Conference Room

MINUTES

1) CALL TO ORDER - ROLL CALL

The meeting was called to order by the Chairman, Mark Hake at 1:36 p.m.

Roll Call of the members:

Mark Hake, Chief Probation Officer

Steven Harmon, Public Defender

Stan Sniff, Sheriff

Jerry Wengerd, Director, Mental Health

W. Samuel Hamrick Jr., Court Executive Officer arrived at 1:39 p.m., after roll call. Mark Hake reminded Samuel Hamrick that he is a non-voting member of the CCPEC based on the letter supplied by the Superior Court Presiding Judge.

Paul Zellerbach, District Attorney, Vice Chairman arrived at 1:46 p.m., after the roll call and the first vote on the approval of minutes.

Not in attendance:

Frank Coe, Chief of Police, Beaumont

Mark Hake welcomed William Di Yorio, the new Undersheriff.

2) APPROVAL OF MINUTES

Mark Hake entertained a motion to approve the minutes of the Community Corrections Partnership Executive Committee (CCPEC) meeting from August 5, 2014. The motion was moved by Jerry Wengerd and seconded by Stan Sniff. The motion passed as follows:

Aye: Hake, Harmon, Sniff, Wengerd

Nay: None

Absent: Coe, Zellerbach

Abstain: Hamrick

After a further review of the minutes, it was indicated that the summary budget request numbers that were provided for Mental Health at the August 5, 2014 meeting were incorrect.

Deputy County Counsel Eric Stopher noted that in the meeting minutes, the FY 2014/15 Budget Request numbers for the Probation Department and the Sheriff's Department are the same as the funding scenarios presented today but the Public Defender's Office and the District Attorney's Office FY 2014/15 Budget Request numbers are slightly off. Assistant Chief Rosario Rull clarified that the rollover amounts were estimated at the August 5, 2014 meeting and the funding scenarios presented today include the final rollover funding amounts. Therefore, the minutes do not need to be amended to reflect updated budget request numbers because the budget requests for each agency (excluding Mental Health) were correct as of August 5, 2014.

Mark Hake entertained a motion to amend the prior approval of the August 5, 2014 CCPEC meeting minutes to reflect the FY 2014/15 Mental Health Budget request of \$17,595,215, and Net Budget Request of \$16,614,113. The motion was moved by Jerry Wengerd and seconded by Paul Zellerbach. The motion passed as follows:

Aye: Hake, Harmon, Sniff, Wengerd, Zellerbach
Nay: None
Absent: Coe
Abstain: Hamrick

3) AB 109 FUNDING DISTRIBUTION FOR FY 2014/15

Mark Hake discussed the Recommended AB 109 Allocation: 2014/15 and Beyond (handout). He reviewed the Programmatic and Growth Allocations for FY 2013/14 and FY 2014/15, and estimated allocations through FY 2015/16 and FY 2016/17. He briefly advised how the Realignment Allocation Committee (RAC) developed the long term formula and how data collected from SB 678 offenders is also reflected within the formula. Steve Harmon asked about the funding levels of San Bernardino County versus Riverside County. Mark Hake responded the population in each county's criminal justice system is significantly different; the San Bernardino realignment population surpasses that of Riverside County.

4) AB 1476: ALLOCATION TO PROBATION DEPARTMENTS FOR LIMITED-TERM INCREASE IN PRCS POPULATION RESULTING FROM THREE JUDGE PANEL ORDER TO INCREASE CREDITS

Mark Hake reviewed AB 1476 which clarifies that \$11.3M (statewide) is allocated to county probation departments to address the limited-term increase in the PRCS population as a result of the three judge panel order to increase credit earnings for certain second strike offenders. Riverside County will receive \$1.178M. The Probation Department is attempting to identify this population but believes that there will not be a large influx of offenders in the first year. Once the population has been identified and the long term impact has been reviewed, the topic will be brought back to the CCPEC for further discussion.

5) RECOMMENDED FY 2014-15 BUDGET APPROVAL

Chief Deputy Doug Moreno reviewed the Revised Budget Request – Funding Scenarios (handout) as follows:

FY 2014/15 CCPEC AB 109 Allocation - \$47,744,371

FY 2014/15 Agency Budget Requests - \$68,752,842

FY 2014/15 Other Available Funds

FY 2013/14 Carryover - \$8,095,687

FY 2013/14 Contingency - \$9,034,200

FY 2014/15 CCPEC AB 109 Growth - \$4,936,258

FY 2014/15 Other State Funds (restricted):

DA/PD Allocation - \$1,042,802

Local Police Jurisdiction - \$2,560,260

Superior Court - Not Available

PRCS (2nd Strikers) - \$1,178,750

CCP Planning Grant - \$200,000

Scenario 1 entails that all of the CCPEC agencies are funded at 100% of their FY 2014/15 requests. Using all available funding sources plus estimated growth, this scenario would leave a contingency fund balance of only \$1,057,647 at the end of FY 2014/15.

Scenario 2 entails that all of the CCPEC agencies are funded at 95% of their FY 2014/15 requests. The 5% budget reduction is based on the 7% reduction in the statewide allocation. Using all

available funding sources plus estimated growth, this scenario would leave a contingency fund balance of \$4,495,316 at the end of FY 2014/15.

Scenario 3 entails that all of the CCPEC agencies are funded at 100%, less the Riverside County Regional Medical Center (RCRMC) budget request. This scenario would increase the Mental Health budget request by \$1.25M for RCRMC. Using all available funding sources plus estimated growth, the contingency fund balance would be \$3,808,545 at the end of FY 2014/15.

Mark Hake provided clarification that Scenario 1 and 2 treat RCRMC as its own entity and Scenario 3 treats RCRMC as part of the Mental Health Department allocation. Jerry Wengerd indicated that the RCRMC budget presentation/request did not include ample data or outcomes to justify the need of the increased funding; he feels that their budget should be kept at \$2.75M, which is the same level that was funded in FY 2013/14.

Mark Hake attempted to clear up the confusion regarding the Mental Health FY 2014/15 budget request for \$13.5M; it does not include any funding for RCRMC. It was separated out in the scenarios based on their separate budget presentations on June 10, 2014. After discussion, Deputy Director Joe Zamora stated that the total Mental Health Budget request for FY 2014/15 (including funding for RCRMC) is \$17.5M.

Mark Hake distributed Scenario 4 which entails that all of the CCPEC agencies are funded at 97% of their FY 2014/15 requests, except for RCRMC which would be funded at the same amount as FY 2013/14 (\$2.75M). Using all available funding sources, this scenario would leave a contingency fund balance of \$4,251,104 at the end of FY 2014/15.

There was discussion regarding the amount of funding that should be kept in contingency. Mark Hake indicated that the large contingency fund has served the agencies well this year due to the reduction of funding at the State level. Now that projected funding has been released for future years, he feels the contingency fund does not have to be kept at such a high level. With that being said, there will always be funding challenges with the realignment population so it would be beneficial to keep adequate funding in contingency. Steve Harmon asked about previous use of the contingency fund. This is the first time that the contingency fund has been used since the implementation of realignment. Mark Hake reiterated that the CCPEC can vote at any meeting to provide additional funding to an agency if needed.

Stan Sniff made a motion to approve Budget Scenario 4, and the motion was seconded by Paul Zellerbach. The motion passed as follows:

Aye: Hake, Harmon, Sniff, Wengerd, Zellerbach

Nay: None

Absent: Coe

Abstain: Hamrick

6) AB 109 STATE FUNDING ALLOCATION TO COUNTIES

Mark Hake stated that at the Board of Supervisors (BOS) Budget Hearings, held on September 8, 2014, the BOS expressed concern with the cost of realignment to Riverside County. As a committee, there needs to be research conducted to determine the true cost of realignment by completing a budget analysis. The Executive Office previously suggested a brief one page synopsis regarding funding, but Mark Hake recommended waiting to provide the BOS with the updated AB 109 Implementation Plan. The plan is in the final draft stages and will go before the BOS in November.

Paul Zellerbach indicated that before any information is presented to the BOS, there should be consensus on what needs to be captured. He provided an example of the early inmate releases that

have affected the non-realignment population. After a brief discussion, it was decided to refer this project to the AB 109 Fiscal Workgroup.

7) BSCC COMMUNITY RECIDIVISM REDUCTION GRANT

Mark Hake stated that the BSCC Community Recidivism Reduction Grant is one of a series of grants, in which a \$500,000 allocation has been given to Riverside County for competitive grant awards to Community Based Organizations (CBOs) who provide services that are shown to reduce recidivism. The BOS approved a Form 11 from the Executive Office on September 23, 2014, to begin the process. Staff will be working closely with the Executive Office to complete the Request for Proposals (RFP) and the competitive bid process.

Mark Hake reported that a Community Corrections Partnership (CCP) meeting has been calendared. It was noted that the CCP is the larger group of agencies to the CCPEC, and has been designated by law to work with the County in determining criteria for awarding the reduction recidivism grants to CBOs. The BSCC Community Recidivism Reduction Grant information will also be discussed with the Juvenile Justice Coordinating Council (JJCC) and the Juvenile Justice Delinquency Prevention Committee (JJDPC) due to the fact that this funding could go to both the juvenile and adult population.

Paul Zellerbach advised that in the August 6, 2014 CCPEC meeting minutes, it is noted that the Measureable Goals Workgroup was directed to meet and identify service gaps in the realignment population. The Measureable Goals Workgroup has not yet reported any feedback regarding service needs. Chief Deputy Jerry Gutierrez stated that the last time the Measureable Goals Workgroup met, they discussed attempting to close the gap in services for mentally ill clients prior to incarceration.

Paul Zellerbach would like the CCPEC to take a more active role in determining the CBO services that would be most beneficial. The Measureable Goals Workgroup plans to provide information to the CCPEC to be discussed and prioritized. They should be ready to provide a status update at the next CCPEC meeting.

8) STAFF REPORTS

PROBATION: Assistant Division Director Lori Wilson reviewed the following handouts dated August 26, 2014:

- AB 109 Status Report
- PRCS Offenders Population by City
- MS Offenders Population by City
- Active Mandatory Supervision Offenders Population by City
- Post-release Community Supervision Fact Sheet

She also stated that the Riverside Day Reporting Center (DRC) will be relocating within the City of Riverside in October. The Sheriff's Department and Courts plan to provide additional services at the new DRC location on Iowa Street.

SHERIFF: Chief Deputy Jerry Gutierrez stated that as of this year, the Sheriff's Department has released 9,172 offenders due to overcrowding. Since realignment was implemented in 2011, 25,458 have been released early. He indicated that currently they have almost 500 offenders that have been sentenced to three plus years in the County jails. As of September 23, 2014, 23% of the jail population is composed of AB 109 offenders. Jerry Gutierrez reported that the Fire Camp population is still low due to the medical and dental restrictions and they are working to increase the numbers.

MENTAL HEALTH: Deputy Director Deborah Johnson reviewed the Health and Human Services Realignment Status Report dated July 2014. She stated that the grand total of unduplicated clients served for the month of July was 1,001.

POLICE: Not in attendance.

DISTRICT ATTORNEY: Nothing to report.

PUBLIC DEFENDER: Assistant Public Defender Chad Firetag reviewed the Public Defender Report (handout). He also stated that the Office of the Public Defender is now able to track State parole cases.

COURTS: Samuel Hamrick distributed Realignment Data Elements (handout) which contained Superior Court data from the 2013 calendar year through the second quarter of calendar year 2014. The Banning Courthouse is coming along and it is anticipated to open by the end of 2014. They are projected to have six judicial officers at the Banning location.

9) PUBLIC COMMENTS

- a) Vonya Quarles requested to speak on Agenda Item 7, the BSCC Community Recidivism Reduction Grant. She stated that she is an Executive Director with a CBO and is extremely happy that Riverside County has received funding and plans to work with the CBOs. She indicated that there is a coalition of about 16 CBOs who have been working on alternatives to incarceration.
- b) Commissioner Judy Fouladi advised that she presides over the PRCS and Parole violation hearings in Department 45. She wanted to advise that there is a two-part event beginning tomorrow, September 24, 2014. A Communications Forum will bring together CBO's who provide services for the PRCS population. The second part of the event will be held on October 1, 2014.

10) RESCHEDULING THE OCTOBER MEETING

Mark Hake entertained a motion that the CCPEC meeting scheduled for October 7, 2014 be canceled and to schedule a meeting on October 28, 2014. He stated that there is a need to approve the Riverside County AB 109 Implementation Plan. The motion was made by Paul Zellerbach and seconded by Jerry Wengerd. The motion passed as follows:

Aye: Hake, Harmon, Sniff, Wengerd, Zellerbach

Nay: None

Absent: Coe

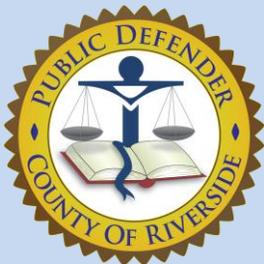
Abstain: Hamrick

11) NEXT MEETING October 28, 2014; 1:30 p.m.

The meeting was adjourned at 3:18 p.m.

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

Meeting minutes submitted by Executive Secretary Allison Paterson



County of Riverside Public Safety Realignment & Post-release Community Supervision Implementation Plan October 28, 2014

Executive Committee of the Community Corrections Partnership

- Mark A. Hake, Chief Probation Officer, Chairman**
- Paul E. Zellerbach, District Attorney, Vice Chairman**
- Stan Sniff, Sheriff**
- Jerry A. Wengerd, Director, Mental Health**
- Steven L. Harmon, Public Defender**
- Frank Coe, Chief of Police, Beaumont**
- W. Samuel Hamrick Jr., Court Executive Officer**

TABLE OF CONTENTS

<u>Section</u>	<u>Title</u>	<u>Page</u>
1	BACKGROUND	01
2	LOCAL PLANNING AND OVERSIGHT	01
3	FISCAL INFORMATION	03
4	IMPACT STATEMENT	04
5	PARTICIPANT NUMBERS, PROJECTIONS, AND CHARACTERISTICS	06
	• Assessments and Pre-Release Operations	08
	• In Custody, Re-entry and Provision of Treatment Services	09
	• Law Enforcement Coordination	13
6	REVOCAION HEARINGS	15
7	SENTENCING, REVOCATIONS, AND CUSTODY RELATED MATTERS	16
8	LEGISLATIVE ADVOCACY	21
9	OUTCOME MEASURES AND/OR TRACKING	22
10	SUMMARY	24
 Attachments:		
<u>Attachment A:</u>	Community Corrections Partnership Public Safety Realignment and Post-release Community Supervision Budget FY 2014/15	25
<u>Attachment B:</u>	Post-release Accountability and Compliance Team (PACT) Activity Report 2013-2014	26
<u>Attachment C:</u>	Post-release Community Supervision Data	27
<u>Attachment D:</u>	Mandatory Supervision Data	28

Section 1

BACKGROUND

In an effort to address overcrowding in California's prisons and assist in alleviating the State's financial crisis, the Public Safety Realignment Act, Assembly Bill 109 (AB 109), was signed into law on April 4, 2011. AB 109 transferred responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to the counties. Implementation of the Public Safety Realignment Act took effect on October 1, 2011.

Section 2

LOCAL PLANNING AND OVERSIGHT

COMMUNITY CORRECTIONS PARTNERSHIP (CCP):

In the last three years, there have been statewide efforts to expand the use of evidence-based practices in sentencing and probation practices and to reduce the state prison population. Senate Bill 678 (SB678) (2009), Community Corrections Performance Incentive Act, established a CCP in each county, chaired by the Chief Probation Officer, and charged with advising on the implementation of SB678 funded initiatives.

COMMUNITY CORRECTIONS PARTNERSHIP EXECUTIVE COMMITTEE (CCPEC) WORK GROUP:

In response to realignment legislation, the Riverside County CCP established an executive committee, known as the CCPEC, and developed an implementation plan which was adopted by the County's Board of Supervisors on February 20, 2012 (item 3.42). The initial plan was revised for FY 2012/13 and adopted by the Board on November 6, 2012 (item 3.68). Additionally, on January 15, 2013, all CCPEC agencies presented individual departmental overviews and updates at a Board Workshop on realignment. On March 12, 2013 (item 3.32), the Board approved an update to the Public Safety Realignment and Post-release Community Supervision Implementation Plan. On September 24, 2013 (item 3.43), the Board approved the latest update to the Public Safety Realignment and Post-release Community Supervision Implementation Plan.

The CCPEC oversees the realignment process and advises the Board of Supervisors in determining funding and programming for the various components of the plan. The members of the Executive Committee include the Chief Probation Officer (chairperson), Presiding Judge or designee appointed by the Presiding Judge, District Attorney, Public Defender, the County Sheriff, a Chief of Police, and the Director of Mental Health (as approved by the Board on July 26, 2011, Item 3.56). The Director of Mental Health represents all of the Health and Human Services agencies including the Department of Public Social Services, Department of Public Health, and the Riverside County Regional Medical Center – Detention Health Services (RCRMC-DHS).

Through a collaborative effort, the plan was implemented acknowledging Riverside County has a long history of providing innovative alternatives to incarceration, such as, problem solving courts, progressive prosecutorial programs, holistic indigent defense, rehabilitative in-custody programming, evidence-based supervision and post-release services. This document serves to provide an update as to the progress of the processes and programs created to address the diverse needs of the realigned population.

CCPEC SUB-WORK GROUPS:

In order to address funding methodology, policies and programming necessary to implement the realignment strategy plan, the CCPEC established several sub-work groups. The following sub-work groups continue to address specific issues related to realignment.

- **Court Sub-Work Group:** Chaired by a representative of the Court, this group consists of representatives from the Probation Department, the Court, the District Attorney's Office, the Public Defender's Office and the Sheriff's Department. This group meets as needed to update forms or address court related issues.
- **Day Reporting Center (DRC) Sub-Work Group:** Chaired by a representative from Probation, this group consists of representatives from the Probation Department, the Court, the Public Defender's Office, the Sheriff's Department, DMH, Riverside County Office of Education (RCOE), Workforce Development, DPSS, Department of Public Health, Child Support Services, and Veterans' Support Services. This group was formed to develop regionally located DRCs in Riverside County. The first DRC opened on October 15, 2012, in Central Riverside. Development of a DRC in both the southwest and desert regions is a goal for FY 2014/15. This group meets as needed.
- **Fiscal Sub-Work Group:** Chaired by a representative of the Probation Department, this group consists of senior executive staff and fiscal managers from each CCPEC agency. The key focus is to review and discuss fiscal accounting procedures/reports and related issues surrounding AB 109 Public Safety Realignment funding. This group meets as needed.
- **Health and Human Services Sub-Work Group:** Chaired by a Deputy Director of the Department of Mental Health (DMH), this group consists of representatives from the Probation Department, the Public Defender's Office, Department of Public Health, Department of Public Social Services (DPSS), and DMH (which includes Substance Abuse Services), and RCRMC-DHS. This group works collaboratively on meeting the medical and mental health needs of the Post-release Community Supervision (PRCS) and Mandatory Supervision (MS) populations, including addressing issues related to housing. This group meets on a regular basis.
- **Measurable Goals Sub-Work Group:** Chaired by a Chief Deputy Probation Officer, this group consists of representatives from the Probation Department, the Court, the District Attorney's Office, the Public Defender's Office, the Sheriff's Department, DMH, and Police. The purpose of this group is to develop a defined set of measurable goals and outcomes allowing the CCPEC to gauge the effectiveness of the county's response to realignment which includes updates to the County's Public Safety Realignment Implementation Plan. This group meets as needed.
- **Operational Effectiveness Sub-Work Group:** Chaired by a representative of the Sheriff's Department, this group consists of representatives from the Sheriff and the Probation Departments, including representatives from each department's Information Technology (IT) units. This group meets as needed to address data sharing and technological interfaces.
- **Post-release Accountability and Compliance Team (PACT):** Chaired by a designated Chief of Police, this group consists of police chiefs from 11 police departments in Riverside County. Their focus has been the development of three regional PACTs to assist with sweeps coordinated with

Probation, apprehend high risk PRCS offenders on warrant status and at-large in the community, and assist probation officers with compliance checks.

The CCPEC continues its planning and oversight role collaboratively, with input from all stakeholders, consistent with the realignment objectives of ensuring public safety, reducing recidivism, and promoting community-based alternatives to incarceration. The CCPEC is committed to realignment's stated intent of increasing public safety by reducing recidivism of the adult offender through reinvestment in community-based corrections and re-entry programs, and utilization of evidence-based strategies that increase public safety while holding the offender accountable.

The CCPEC continues to meet and identify needed additions and/or modifications to the plan as determined by individual departments. Thus, the realignment plan should be viewed as a living document, which will be appended on an ongoing basis, as the CCPEC institutionalizes the framework delineated in the plan through the development of operational protocols, procedures and guidelines; assurance of stable and adequate funding; and accumulation of measurable data and information based on multiple years of realignment implementation.

Section 3 **FISCAL INFORMATION – FY 2014/15**

STATEWIDE ALLOCATION:

The AB 109 Public Safety Realignment statewide funding allocation has changed since the implementation of realignment three years ago. In the first year of realignment implementation, the statewide funding was distributed based on a weighted formula consisting of CDCR's estimated average daily population (ADP) of eligible offenders (60%), total population of adults 18-64 (30%) and SB 678 distribution formula (10%). During the last two years, the statewide funding allocation changed to a temporary formula where each county received the best result of three options: population (ages 18-64); status quo (60/30/10); and adjusted ADP.

In September 2014, the County Administrative Officers Association of California (CAOAC) in partnership with the Realignment Allocation Committee (RAC) created a realignment distribution formula for FY 2014/15 and future fiscal years. The FY 2014/15 allocation is a one-time approach and is based on a "blended rate" which includes a combination of programmatic and growth allocations received in FY 2013/14. The one-time approach in FY 2014/15 allows counties to transition to the new base formula and spreads the reduction in allocation equitably. The statewide allocation for FY2014/15 was reduced from \$998.9 million to \$934.1 million, a \$64.8 million (-6.5%) decrease from the prior year. With the new distribution formula, Riverside County is expected to receive 5.11% or \$47.7 million of the \$934.1 million statewide programmatic allocation.

The realignment growth allocation is distributed separately from the base allocation and is based on two-thirds performance and one-third of the share of each county's new base formula. Riverside County will receive \$4.94 million in FY 2013/14 growth funds to be distributed in FY 2014/15.

CCPEC BUDGET ALLOCATION:

On September 23, 2014, the CCPEC approved the FY 2014/15 proposed budget allocations for the member agencies (Attachment A). The total budget approved was based on a three (3.0%) percent reduction of each CCPEC agency request, except for Health and Human Services. The Health and Human Services - RCRMC-DHS approved budget was maintained at the FY 2013/14 funding level of \$2.75 million

as opposed to their original budget request for \$4.0 million for the current fiscal year.

The CCPEC member agencies will utilize the realignment funding plus their share of rollover funds from the previous fiscal year, and the distribution of contingency funds to fund on-going costs for existing programs and new or expanded programs in the current fiscal year. The FY 2014/15 budget provides a conservative approach along with an estimated contingency fund of \$4.25 million (8.90%) due to the numerous variables and unknown factors each agency is managing during the implementation of realignment. The CCPEC requires the agencies to report quarterly on the financial activity and use of realignment funds.

OTHER FUNDS:

As in previous years, the District Attorney/Public Defender will receive a separate funding allocation estimated at \$1.04 million (including an estimated \$0.12 million growth allocation), to be shared equally. These amounts are separately managed by these agencies and do not fall under the CCPEC's purview.

As in previous years, the Riverside Superior Court received a separate funding allocation of \$300,336. In January 2015, the Court's workload will be assessed to determine if additional funds will be needed. These amounts are separately managed by the Court and do not fall under the CCPEC's purview.

The municipal police departments are expected to receive approximately \$2.65 million in state grant funding. The municipal police departments have elected to utilize these funds in support and partnership with the CCPEC to supplement the funding of the three fully functional Post-release Accountability and Compliance Teams (PACT).

The Probation Department is also expected to receive a separate funding allocation of approximately \$1.18 million. This funding is allocated to Probation under AB 1476 for a limited-term increase in Post-release Community Supervision population (2nd Strikers) resulting from the Three Judge Panel order to increase credits. This amount is separately managed by Probation and does not fall under the CCPEC's purview.

JUSTICE REINVESTMENT:

PC 3450(b) (7), as added by AB 109 Public Safety Realignment, states that "fiscal policy and correctional practices should align to promote a justice reinvestment strategy that fits each county." AB109 defines justice reinvestment as "a data-driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety." Riverside County has utilized and will continue to expand the use of evidence-based practices and make use of alternative custody options.

Section 4
IMPACT STATEMENT

PROBATION:

The impact of realignment on the Riverside County Probation Department has been significant. The full effects of such broad sweeping legislation will take years to accurately measure. A major challenge has been the increasing caseload sizes and the resulting recruiting efforts for staff to effectively manage this more sophisticated population. Additionally, efforts to develop more effective services, programs and sentencing options will continue to be a top priority. The Probation Department continues to work with

key partners on a plan to best deliver a myriad of public safety services and alternative sanctions for the offender population.

SHERIFF:

The major impacts of realignment for the Riverside County Sheriff's Department include increased jail overcrowding, continued funding challenges, the need for massive inmate program expansion, inconsistencies in the law with respect to physical custody, out-of-custody programs and other alternatives, and increased future liabilities and uncertainties. As a result of realignment, four new classes of inmates beyond the traditional county jail inmate are now housed in Riverside County Jails: county jail felons convicted under Penal Code Section 1170(h) straight sentences and MS, parolees, flash incarcerations and PRCS.

The Riverside County Sheriff's Department Corrections Division operates five jails strategically placed throughout the county. Total housing capacity of the five jails is a maximum of 3,914 inmate beds. All five jails were designed to house short-term, pre-trial detainees and sentenced misdemeanors. Due to an already undersized jail system in Riverside County, one of the most visible major impacts of realignment has been the increased inmate population within the county. The County of Riverside continues to have one of the fastest growing populations within the State of California, but construction of jail beds has not kept pace. For comparison, while the Riverside County population is slightly larger than the population of neighboring San Bernardino County, Riverside County currently possesses only 65% of San Bernardino County's jail bed capacity.

Riverside County has experienced overcrowding in the past, but the Riverside County Sheriff's Department was able to effectively manage overcrowding through improved headcount management and building strong partnerships with allied criminal justice departments. With realignment, the flood of inmates with lengthy sentences has overpowered these efforts. The increase has not just been inmate population numbers, but also an increase in the higher classification level of inmates based on their possessing greater levels of criminal sophistication and more violent histories. This has provided an increased immediate critical need for jail construction as well as a continued retrofitting of existing facilities to provide increased security. The need for additional trained staff members has also risen to safely manage the changing jail population. Realignment has led to an increased cost due to the impact on the headcount of inmates in the jail. It is projected in calendar year 2014, 23% of the inmates being housed are a direct result of realignment.

HEALTH AND HUMAN SERVICES:

An Urban Institute Justice Policy Center research study published in February 2008¹ documented the health challenges facing men and women being released from prison. This report was discussed with Riverside County Detention Health personnel who indicated the major findings are consistent with the health issues currently experienced by inmates in the county's jail system. Listed below are some of the study's key findings:

- Most of the individuals released from prison (84% of men and 92% of women) reported having chronic health conditions requiring treatment or management.
- About 40% of men and 60% of women indicated they had a combination of physical health,

¹ "Health and Prisoner Re-entry: How Physical, Mental, and Substance Abuse Conditions Shape the Process of Reintegration," Kamala Mallik-Kane and Christy A. Visher, Urban Institute Justice Policy center, February 2008

mental health, and substance abuse issues.

- Almost two-thirds of men and women reported active substance abuse in the six months prior to their incarceration.
- Almost 50% of men and 66% of women had been diagnosed with a chronic physical health condition. Most commonly cited health problems included high blood pressure, hepatitis, asthma, diabetes, arthritis, and HIV/AIDS.
- Individuals with physical and mental conditions were heavy utilizers of health care services. Within eight to ten months of their release from prison, over 7 in 10 individuals accessed some type of health care services; 30% had used emergency room services and 20% had been hospitalized.

DISTRICT ATTORNEY AND PUBLIC DEFENDER:

The impact of realignment on the Riverside County District Attorney's Office and the Office of the Public Defender has been significant in that each has suffered a dramatic increase in caseloads due to the added responsibility of revocation hearings for those on Parole, PRCS and MS. Prior to the Public Safety Realignment Act, PRCS and MS did not exist. Parole violations were handled by state parole agents, administrative hearing officers and state appointed counsel. Now, the obligation for these hearings has been placed upon these two departments and has resulted in the Riverside County Superior Court creating a separate court calendar necessitating the hiring of a hearing officer to preside over these matters.

In addition to the increased workload and pursuant to Marsy's Law, the District Attorney's Office must notify victims of crime of any change in a defendant's custody status. This includes notification to the victims of the thousands of prisoners released early due to overcrowding and, in the case of Parole, PRCS and MS violations, notification to the original victim as well as any current victim that they have a right to comment and to appear at each court appearance.

Section 5

PARTICIPANT NUMBERS, PROJECTIONS AND CHARACTERISTICS

POST-RELEASE COMMUNITY SUPERVISION (PRCS):

Since inception through June 30, 2014, the Riverside County Probation Department has received 6,176 pre-release packets for PRCS offenders from CDCR. Of these, 441 were closed at intake due to ineligibility for PRCS supervision or because packets were sent to Riverside County in error, and 521 were transferred to other counties (Attachment C). Of the remaining 5,214 packets received, the offenders are being supervised in the community, are pending transfer or awaiting acceptance of transfer to other counties or states, or have been terminated from supervision.

The PRCS population is expected to continue a downward trend from the original 4th quarter releases in 2011, which amounted to 830, and totaled 373 in 1st quarter of 2014. Additionally, it is expected fewer inmates will meet the PRCS eligibility requirements. Further, the mandatory three year discharges began October 1, 2014 potentially offsetting the Second Strikers being released due to enhanced credits that began in February 2014.

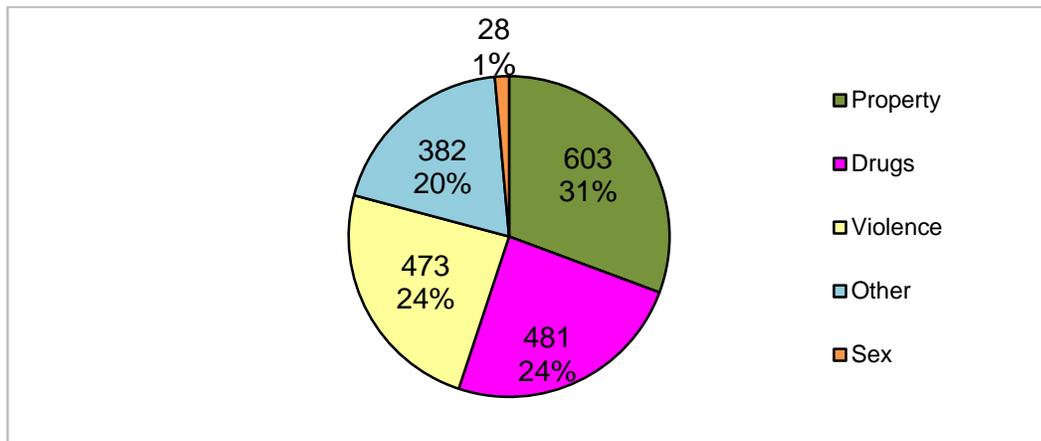
MANDATORY SUPERVISION (MS):

Riverside County is responsible for the MS offenders who are convicted of Penal Code Section 1170(h) eligible crimes, and no longer can be sentenced to state prison. Pursuant to Penal Code Section 1170(h)(5), there are two ways an offender may be sentenced to local custody. The first is under subsection (A), wherein an offender is sentenced to serve their entire custodial term with no community supervision upon release. The second is under subsection (B), wherein the offender receives a “split sentence”, a portion of the term in jail and the balance of their sentence under a term of mandatory supervision with the Probation Department. However, effective January 1, 2015, the court must order an offender to complete a portion of a concluding county jail term on MS unless found not to be in the interest of justice.

As of June 30, 2014, the Court has ordered 4,294 MS cases. Of these, 16 were closed at intake and 226 were transferred to other counties (Attachment D). Of the remaining 4,052 cases sentenced, the offenders are being supervised in the community, are pending transfer or awaiting acceptance of transfer to other counties or states, or have been terminated from supervision.

Key Findings/Trends:

A query of offense types was conducted on the active PRCS cases being supervised. Utilizing the Universal Crime Reporting Categories, the following is a breakdown of the percentages of offenders released to Riverside County and their most recent commitment offense:



Data provided by the Riverside County Probation Department as of June 25, 2014

As of June 30, 2014, Probation records reflect the following:

- 1,967 PRCS offenders were being supervised in the community.
- As to education level, 59% of the PRCS population did not complete twelve years of education. 20% of the PRCS population obtained their high school diploma, 14% obtained their GED, and 7% completed some college courses.

- Approximately 16% of the PRCS population is homeless, as defined by U.S. Housing and Urban Development (HUD)². This is a key area being addressed by the CCPEC Health and Human Services Sub-Work Group and other county agencies dealing with homeless issues. In addition, the Probation Department is identifying different levels of homelessness to better serve the population's housing needs.

ASSESSMENTS AND PRE-RELEASE OPERATIONS:

All pre-release packets are processed through the CDCR's Secured File Transfer System and received by Probation's Riverside Adult Services Division. A determination of eligibility and jurisdiction is made prior to acceptance. The case is subsequently assigned to a probation field office whereby a full Criminal Offender Management Profiling for Alternative Sanctions (COMPAS) assessment is completed to determine supervision level and treatment needs.

Key Findings/Trends:

- **Sheriff's Inmate Training and Education Bureau (SITE-B):** SITE-B is continuing to research additional programming options with an emphasis on transitional programming. The Sheriff's Department is building partnerships with the Economic Development Agency, DMH, RCOE, Probation, and select community organizations to provide evidenced-based programs and services that target the needs of an inmate transitioning into the community. SITE-B intervention programs such as Guidance Opportunities to Achieve Lifelong Success (GOALS) and Residential Substance Abuse Treatment (RSAT) will continue to focus on therapeutic, educational, vocational, and substance abuse counseling and assistance with plans to expand where needed. In FY 13/14, 530 applicants were screened for the GOALS program, of which 230 or 43% were sentenced under PC 1170(h). A total of 81 or 35% of the 229 applications processed entered the program. 74% or 170 of the 229 applicants qualified for the program; of those that qualified, 44% refused the program, 48% entered, and 9% were other (i.e. Placed on Wait List or Fed Released). 26% of the 229 applicants were disqualified (e.g., in custody behavior, classification level, un-sentenced, out of county felony warrant, etc.)

Fiscal Year 2013/2014 Operational Responses Implemented:

- The Sheriff's Department and Probation have developed joint database systems to reduce labor and information technology costs. The Sheriff's Department is sharing the Jail Information Management System (JIMS) with Probation. In addition, the Sheriff's Department has an agreement with Probation to share the COMPAS assessment tool on a common database structure. By partnering with Probation on the use of the Programs and Alternative Sentence System (PASS), Proxy Triage Risk Screener (PROXY), and the COMPAS assessment tool, it will allow both departments to quickly analyze inmates for potential Own Recognizance (OR) release, GOALS program, Riverside Alternative Sentencing Program (RASP), or other programs offered by the departments. The Sheriff's Department is committed to utilizing evidence-based practices where possible and making full use of appropriate alternative custody options.

² According to HUD, Homeless means: (1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning: (i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; (ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low income individuals); or (iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution. "Health and Prisoner Re-entry: How Physical, Mental, and Substance Abuse Conditions Shape the Process of Reintegration," Kamala Mallik-Kane and Christy A. Visher, Urban Institute Justice Policy center, February 2008

- Probation continued to incorporate evidence-based principles for effective interventions with the goal of reducing recidivism for PRCS and MS offenders by adopting the following:
 - Probation Officers assigned to realignment caseloads received a variety of evidence-based training including Motivational Interviewing, Cognitive Behavior Journaling, COMPAS, and booster trainings, as well, including AB 109 Law Update; Caseload Strategies; Prison to Probation AB 109: Field Safety; and Prison to Probation AB 109: Search & Seizure, to enhance and update their skills; and
 - Probation designed a three-tiered system focused on ensuring appropriate supervision levels, based on the level of risk and intervention strategies as determined by the COMPAS assessment tool.
- The Sheriff's Department and Probation have developed an agreement for electronic monitoring of PRCS and MS violators. RASP manages this program for Probation from enrollment through the entire monitoring period. Probation is responsible for supervising the offender and caseload management. Electronic Monitoring is utilized as a sanction for violating supervision terms and conditions whenever appropriate in lieu of physical jail custody.

Fiscal Year 2014/2015 Priorities/Strategies:

- The Sheriff's Department will continue its efforts to automate the PROXY assessment in the jails.
- The Sheriff's Department will enhance the electronic monitoring program for Supervised Own Recognizance releases through Probation.
- The Sheriff's Department will work with Probation to norm the PROXY score. The PROXY score will allow Probation and the Sheriff's Department to quickly identify which inmates are referred to COMPAS for programs such as OR release, electronic monitoring, in-custody programs, or Probation's Transition and Re-Entry Unit (TRU) program.
- DMH, Probation, and RCRM-DHS will work collaboratively with CDCR (including a social worker, psychologist, psychiatrist, and CDCR administrative staff) to coordinate the transportation and release of identified state prisoners. Determination regarding the ability of the individual to navigate their own transportation, current mental health status, current medications and the availability of a signed release of information is discussed at length. If it is determined that the individual may be homeless, housing and/or residential treatment will be pre-arranged through the Department of Mental Health.

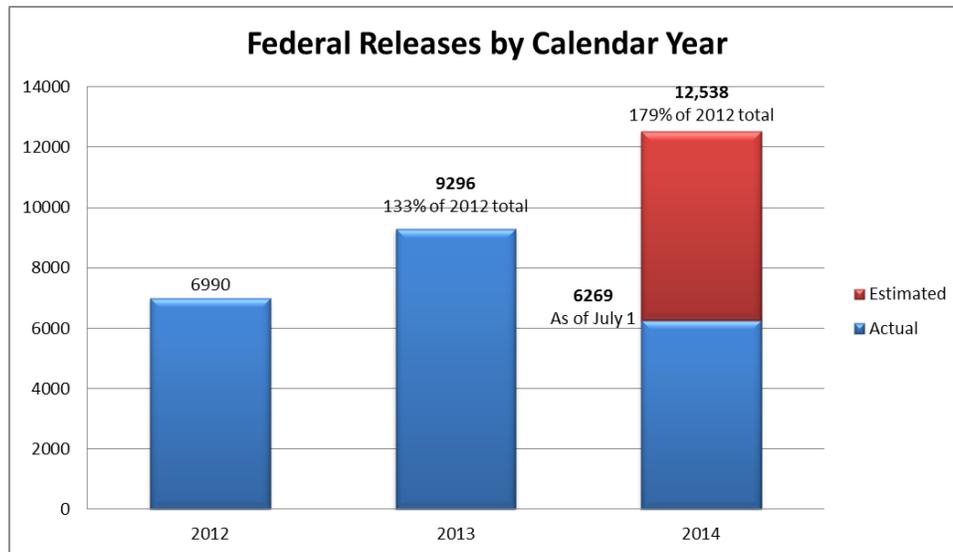
IN CUSTODY, RE-ENTRY AND PROVISION OF TREATMENT SERVICES:

Historically, inmate programs within Riverside County jails were designed for low-level inmates with shorter sentences. Due to realignment, programs are undergoing radical redesign and expansion to align with the increased level of inmate classification, while taking into account the fact that inmates will be incarcerated for longer periods of time. Previously, most of the Sheriff's "in-depth" inmate programming was conducted at Smith Correctional Facility in Banning; however, realignment has dramatically increased the need for inmate programs at all five Riverside County jails. A critical element of realignment strategies has been the ongoing development and coordination of treatment services for

PRCS and MS offenders.

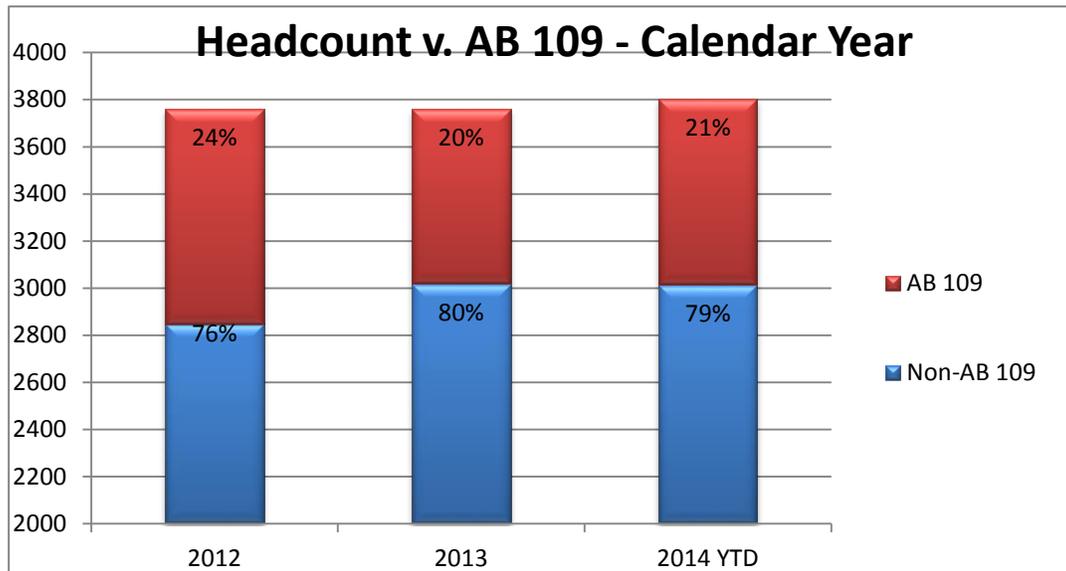
Fiscal Year 2013/2014 Operational Responses Implemented:

- **Federal Court Order Releases:** On January 6, 2012, pursuant to the Federal Court Order, the Sheriff's Department was forced to begin early releases as a result of the impact of realignment. Although improvements enabled the Sheriff's Department to routinely manage inmate population at a level above 90% capacity, early releases continue to be a necessity. As of July 1, 2014, Riverside County has been forced to release 22,555 inmates early under the Federal Court Order.



Data provided by the Riverside County Sheriff's Department

- **AB 109 Public Safety Realignment Sentence Inmates:** Impact statistics as of July 1, 2014, showed 17,239 realignment-related inmates had served time in the local Riverside County jails since implementation, with 913 of those still physically remaining in jail on July 1, 2014. This change meant that 913 beds that would have been used in the past to hold the type of inmates traditionally held in county jails before realignment were effectively unavailable. For calendar year 2014, this represents approximately 21% of all the current jail beds in Riverside County, an increase of 3% over the past year. 7,181 of these inmates were sentenced under the new state law wherein certain state prison inmates now serve their sentences in county jail per Penal Code Section 1170(h), with 443 of them remaining in jail still serving out sentences of three years or more. As a result of realignment, this growing population of long-term sentenced inmates has clogged the normal in-out flow of inmates, leading to the need to release 22,555 shorter-term inmates early just to make room. While preliminary attempts to utilize other alternatives to jail custody are beginning to make a dent, the early release cycle continues and the jail system remains in crisis.



Data provided by the Riverside County Sheriff's Department

- Day Reporting Center (DRC):** On October 15, 2012, Probation opened the Riverside DRC in collaboration with DMH, Sheriff's Department, RCOE, Workforce Development, DPSS, Department of Public Health, Veterans Services, Riverside Superior Court, and Child Support Services using county and community resources to support the realignment population. Services and programs provided include: substance abuse, anger management, positive parenting, physical and mental health, welfare assistance, general education, job readiness, peer support and Cognitive Behavior counseling. The Riverside DRC serves the western region of the county with all partners working towards the goal of providing a "one stop shop." DMH also provides mental health assessments and treatment on site. Also, DPSS Eligibility Technicians provide welfare assistance. PRCS and MS clients are encouraged to apply for third party benefits. Additionally, clients can be referred to a psychiatrist for medication evaluation at the DMH clinics. The DRC will also be utilized by the Sheriff's Department as a place where people can enroll in the work release program.
- Emergency and Transitional Housing:** Probation collaborated with DMH's Homeless Housing Opportunities, Partnership and Education (HHOPE) Program to establish re-entry housing. The overall mission was to formulate plans of rehabilitation with the goal of reducing recidivism and independent living for the realignment population in Riverside County. This alliance resulted in an increase of 49 additional beds for a total of 79 beds available as of July 2014, to assist reintegration in a safe, habitable and sober living environment.

As part of the services provided by DMH, emergency housing has been provided to both Mental Health clients and Probation's Public Safety Realignment housing clients without a Mental Health diagnosis, as follows:

- Public Safety Realignment Housing – 4,868 bed nights
- Mental Health Realignment Housing – 4,569 bed nights

- Educational and Vocational Services:** Education, vocational, and job readiness services are provided by RCOE and Workforce Development at the Riverside DRC who administer educational assessments, vocational readiness and skills assessments. Offenders were referred to adult

education classes, community college, job readiness, and vocational training or employment services and incorporated into a case plan.

- **Mental Health Clinics:** DMH operates four clinics specializing in the treatment of Public Safety Realignment clientele. Clinics are located throughout the county in the cities of Riverside, Hemet, Banning, and Cathedral City. Medication services are provided in each of the clinics, and are administered to clients who are referred to a department psychiatrist who diagnose and prescribe psychotropic medications. In addition, one Forensic Full Service Partnership (FFSP) clinic is operational in Riverside. FFSP offers intensive wellness and recovery based services, specializing in clients with serious mental health diagnosis in order to help break the cycle of homelessness, psychiatric hospitalization and/or incarceration related to their mental health disorders.

During Fiscal Year 2013/2014, DMH provided services to 3,637 realignment individuals in the detention setting, 819 realignment clients in Mental Health out-patient clinics, and 611 realignment clients in substance use services.

Fiscal Year 2014/2015 Priorities/Strategies:

- Probation will continue exploration, development, and implementation of program options including: electronic monitoring, re-entry housing, day reporting centers, cognitive behavior treatment, education and vocational training.
- Probation will continue improvements to the incentives and sanctions matrix to develop consistency and measure outcomes for effectiveness to PRCS and MS.
- Probation will increase partnership collaborations to improve responses to offender behavior and maximize service allocation.
- Probation plans to open two additional DRCs in Riverside County serving the Desert and Southwest regions during Fiscal Year 2014/15. Probation will continue to partner and collaborate with the Sheriff's Department, DMH, RCOE, Workforce Development and DPSS to provide the following offenders services and programs: High School and Diploma Education, Mental Health Assessments, Health Education, Parenting, Substance Abuse Education and Anger Management.
- Probation plans to implement a Transition and Re-entry Unit (TRU) to facilitate the release of offenders back to the community and to assist the Sheriff's Department with managing inmate overcrowding by developing:
 - Phase I of the TRU program, staff will be responsible for completing case plans on offenders prior to release to address the greatest needs or risk factors such as housing, substance abuse or education of the realigned population; and
 - Phase II of the TRU program would include a 30-90 day housing component for the realigned population, offering case planning and targeted interventions to further assist with re-entry to the community.
- Probation aims to improve homeless population supervision strategies with better identification

of housing needs through accurate reporting and electronic monitoring, and collaborative case management.

- Probation will continue to seek safe and suitable emergency and transitional housing alternatives with and without programming services.
- The Sheriff's Department will continue to manage headcount in order to minimize the number of inmates released early under the Federal Court Order. Those strategies include the continued use of electronic monitoring, inmate programs, fire camp, and exploring contracting beds with other jurisdictions.
- It is projected that in FY 2014/15 there will be an across the board increase in the number of clients served by Mental Health and Detention Health Services. Mental Health Detention is projected to provide 2,600 screenings and 1,800 assessment and treatment services. Substance Use is projected to screen 650 clients, provide 600 clients out-patient services, and 250 residential treatment services. The DRC's are slated to provide 488 screening and 780 group services.
- Mental Health will also begin to provide services at 4 of the 7 Probation sites, projected to serve 1,200 offenders with mental health screenings, and 2,080 offenders in group services.
- HHS priorities related to Mental Health care include plans to staff the Riverside DRC in the team concept, consisting of one Clinical Therapist, one Behavioral Health Specialist, one Mental Health Peer Specialist and one Community Support Assistant to provide transportation assistance. Additionally, teams will be added for the DRC's slated to open in the southwest and desert regions of the county. The staff will consist of both current employees and newly requested positions to round out the teams.

LAW ENFORCEMENT COORDINATION:

The Sheriff's Department, Probation, and local law enforcement agencies collaborate and coordinate efforts to ensure community safety and offender accountability. These efforts are essential to AB 109 Public Safety Realignment implementation.

POST-RELEASE ACCOUNTABILITY AND COMPLIANCE TEAM (PACT):

A multi-agency Post-release Accountability and Corrections Team (PACT) was established in order to augment efforts to supervise high risk offenders and apprehend absconders. The primary mission of PACT is for local law enforcement agencies to work with the Riverside County Probation Department to focus on the non-compliance of PRCS offenders that pose the most risk to public safety. There are currently three teams operating in the West, Central, and East regions of the county dedicated to identifying and investigating "non-compliant" PRCS offenders, locating and apprehending "at-large" and "high risk" PRCS offenders, and performing probation sweeps (Attachment B). Through sustained, proactive, and coordinated investigations, each team is able to share information, serve warrants, as well as locate and apprehend non-compliant offenders. PACTs proactively search for the "at large" PRCS offenders and reduce the number of absconded PRCS offenders as identified by Probation staff, allowing Probation staff more time and resources to focus on case management and compliance checks. Additionally, \$2.5 million has been allocated to Riverside County law enforcement agencies to supplement the funding of the CCPEC for the three fully staffed teams.

Three Multi-Jurisdictional Regional Teams:

- West PACT: Riverside Police Department (RPD), Corona Police Department, Riverside County Probation, Riverside Sheriff's Office-Moreno Valley Station, Riverside County District Attorney's Office, supervised by RPD sergeant and housed at RPD.
- Central PACT: Beaumont Police Department, Hemet Police Department (HPD), Murrieta Police Department, Riverside County Probation, Riverside County District Attorney's Office, supervised by HPD sergeant and housed at HPD.
- East PACT: Palm Springs Police Department, Desert Hot Springs Police Department, Cathedral City Police Department (CCPD), Indio Police Department (IPD), Riverside County Probation, Riverside Sheriff's Office-Palm Desert Station, Riverside County District Attorney's Office, supervised by IPD sergeant and housed at CCPD.

Fiscal Year 2013/2014 Operational Responses Implemented:

- The Probation Department provided 95 sworn positions assigned to the supervision of realignment offenders.
- On May 20, 2014, the Probation Department completed implementation of the Automated Supervised Release File which is an electronic notification to the Department of Justice (DOJ) of all offenders who receive supervision services. This process increased efficiency and reduced cost. In addition, the DOJ and statewide justice partners have access to information regarding offenders in the counties.
- Probation implemented data sharing through the Law Enforcement Portal providing access of offender information to local law enforcement agencies.

HOME VISITS AND COMPLIANCE CHECKS:

The Probation Department, with the assistance from local law enforcement and the Sheriff's Department, conducted compliance checks of realignment offenders. Accountability, as well as support for rehabilitation, were the goals of these visits. In order to improve and expand these services, the Probation Department conducted on-going training and compliance check reviews.

Probation Training: Probation officers assigned to realignment supervision caseloads received a variety of evidence-based training. This training was designed to improve the officers' knowledge and skills in interacting with offenders while ensuring the safety of the community.

Compliance Checks Reviews: Each month, the Probation Department reviews the number and type of contacts conducted on a PRCS or MS offender by a probation officer. The review assists with a quality assurance component required for accurate data collection and system measurement as well as procedure adherence and identification of any training needs.

Association of Riverside County Chiefs of Police and Sheriff (ARCCOPS):

The ARCCOPS provides oversight of the PACT program. A representative of ARCCOPS sits on the CCPEC as a voting member and reports on PACT activities. There are Memorandums of Understanding (MOU) between Probation and the participating local law enforcement agencies (Beaumont Police Department, CCPD, Corona Police Department, Desert Hot Springs Police Department, HPD and Palm Springs Police

Department) for monetary reimbursement from realignment. Probation is the fiscal agent as it relates to realignment reimbursement from the county.

PACTs operate on a task force model similar to the county's successful regional gang task force teams and that of the countywide Sexual Assault Felony Enforcement (S.A.F.E.) team.

Fiscal Year 2014/2015 Strategies/Priorities:

- The California Attorney General's Office has developed a statewide data sharing program (SMART Justice). The Riverside Sheriff's Department had representatives on the developmental committee. This statewide data sharing platform will provide public safety agencies across the state with a one-stop, user friendly web portal to access information about offenders. As of this writing, the Sheriff and Probation Departments are working with DOJ to begin the implementation.
- Probation aims to improve the intermediate sanctions program by promoting more use of electronic monitoring and improved consistency with use of the violations matrix.
- Probation will ensure accuracy of data and continue ongoing training of Probation's Law Enforcement Portal to promote wider use of this current database by law enforcement agencies throughout the county in order to facilitate communication, provide current offender data, and improve efficiency between agencies.

Section 6
REVOCATION HEARINGS

Offenders who have been sentenced to certain classifications of crimes (non 1170(h) of the Penal Code) serve their sentences in a state correctional facility. Upon their release they are placed on either Parole or PRCS. In the case of Parole, the supervision of the parolee is handled by state parole. In the case of PRCS, supervision is handled by the Riverside County Probation Department. In either case, when a violation of terms is alleged, the offender is entitled to a revocation hearing before an administrative hearing officer.

Prior to the Public Safety Realignment Act, the parole department, state appointed counsel and administrative hearing officers would handle violations of parole as PRCS did not exist. The responsibility for these hearings (Parole and newly created PRCS) has been shifted to the County of Riverside, namely the Superior Court, District Attorney's Office and the Public Defender's Office. This increased caseload by the District Attorney and Public Defender requires additional personnel in order to provide proper representation to the state as well as the offender. These additional personnel include but are not limited to:

- Specially trained attorneys to prepare and present matters in court
- Additional clerical support to input case data and properly track files
- Additional investigative support to supplement parole and probation investigations, serve subpoenas to secure the presence of witnesses at hearings and retrieve physical and documentary evidence.

In FY 2013/14, the District Attorney and Public Defender processed approximately 1,800 PRCS violations and over 800 parole revocation cases. It is anticipated that any application of enhanced conduct credits for "second strike" offenders in an effort to reduce the prison population will increase the number of individuals subject to PRCS. This will inevitably result in additional violations which will also be processed through these offices.

Offenders who have been sentenced pursuant to 1170(h) of the Penal Code and who would have previously served their sentences in a state correctional facility, now serve their sentences at the local level in the Riverside County jails. These offenders serve either an entire custodial term with no supervision upon release or a "split sentence" with a portion of the sentence in custody and the balance of the sentence under a term of MS with the Probation Department.

According to Probation Department statistics as of June 30, 2014, violations of MS cases totaled over 4,700 since inception of Public Safety Realignment. In each case, the offender is entitled to a revocation hearing. As there is no specialized calendar to handle these matters, they must be absorbed by the calendar courts and District Attorney and Public Defender personnel.

In addition to handling revocation hearings, the District Attorney has taken responsibility for training as it relates to those hearings. This includes training to law enforcement so that they understand "realignment" and the importance of proper supervision and documentation as well as training for parole agents who are inexperienced in writing reports and preparing cases at the county level.

Finally, due to the enactment of Marsy's Law, the District Attorney is obligated to notify victims of crime of any change in the offender's custody status as well as provide victims the opportunity to comment and appear at every court appearance. In the case of revocation hearings, this includes any victim of the crime for which the offender is being supervised as well as any victim who may be the subject of the violation, whether or not it has resulted in the filing of a new criminal case.

Section 7

SENTENCING, REVOCATIONS, AND CUSTODY RELATED MATTERS

The efforts to effectively manage the realigned population at the local level and facilitate the offenders' reintegration require ongoing investments in community based correctional and re-entry programs. The response to non-compliant behavior requires regular development of effective evidenced-based strategies in order to promote improved public safety.

Key Findings/Trends:

PRCS NON-COMPLIANCE ISSUES:

As of June 30, 2014, Probation records indicate the following:

- PRCS warrants issued since inception totaled 2,592, or 42% of the 6,176 packets received from CDCR.
 - Outstanding warrants totaled 420, which was 16% of the total warrants issued.
 - Cleared warrants totaled 2,172 which was 84% of the total warrants issued.

- PRCS revocations totaled 3,963:
 - 1,290 (33%) being for new offenses
 - Number of offenders totaled: 1,014

- 2,593 for technical violations (65%)
 - Number of offenders totaled: 1,362
- 80 (2%) of revocations were dismissed

- Flash incarcerations amounted to 1,500, which involved 1,008 offenders.

MS NON-COMPLIANCE ISSUES:

As of June 30, 2014, Probation records indicate the following:

- The number of 1170(h) sentences continues to grow in Riverside County. The average monthly number of MS cases being received from the court since implementation is 149.

- A total of 4,294 defendants have been sentenced to MS. Current active cases being supervised total 1,395 and assessed as follows:
 - 774 (55%) assessed as high risk
 - 272 (20%) assessed as medium risk
 - 349 (25%) assessed as low risk

- A total of 4,794 MS revocation petitions include:
 - 1,968 (41%) for the commission of a new crime
 - Number of offenders totaled: 1,141
 - 2,826 (59%) for technical violations
 - Number of offenders totaled: 1,571

- MS terminations since October 1, 2011:
 Due to the high percentage of terminations, Probation developed the TRU program to improve the success of the MS population by connecting offenders with services and assisting with reintegration into society.
 - 1,851 (60%) were unsuccessful
 - 952 (31%) successfully completed their supervision period
 - 277 (9%) consisted of transfers and administrative closures

CUSTODY RELATED MATTERS:

In 2013, numerous jail enhancement projects were accomplished. These projects were specific to necessary improvements to increase the security and efficient use of the current housing units, but none of these projects increased bed capacity. In fact, during each project period, the Sheriff's Department temporarily lost overall bed capacity while housing units were taken off-line for rehabilitation. FY 2014/15 will continue to see necessary improvement construction projects that will again lower bed capacity as these projects are completed. The Riverside County Sheriff's Department Headcount Management Unit (HMU) will continue to be tasked with manipulating housing units and identifying early releases where necessary to accommodate these projects.

The sentencing rules and practices brought on by realignment present some additional challenges for Riverside County including jail bed space and longer sentences. One important component in building an evidence-based method to measure the impacts of the increased jail population due to realignment was to secure a suitable tool to assess risk and programmatic needs. As previously mentioned, Probation purchased licenses for the use of COMPAS in December of 2010, and the Sheriff's Department has joined with Probation in the use of this tool. COMPAS is an evidence-based tool to address risk

assessment, recidivism probability, and programming needs. The Sheriff's Department utilizes COMPAS to identify risk and recidivism probabilities for the Post-Arrestment Program as well as identifying programmatic needs for sentenced offenders.

The Sheriff's Department's HMU has been tasked with providing an initial identification of possible offenders for early release by booking charges. For qualified offenders, HMU completes the criminal history section of COMPAS. Upon completing the criminal history, HMU forwards qualified offenders for electronic monitoring to RASP. Two staff members have been added to HMU this year to complete the inmate criminal history section of COMPAS within 24 hours of arraignment.

Fiscal Year 2013/2014 Priorities/Strategies:

- **HMU:** HMU has maximized bed space throughout the five jails and the efficiency of transportation operations within Sheriff's Corrections Division. Due to realignment, Riverside County jails have not only experienced an increase in inmate population, but inmate classification levels as well. Although planning continues for construction of additional jail beds, an actual increase in the number of physical jail beds in Riverside County will not be realized until 2017.

Since the implementation of realignment, HMU has been tasked with obtaining data and tracking all inmates related to realignment changes. Population data collection is critical to evaluating the implementation of realignment, as well as meeting future funding requirements. Since the original state projections on the impact of realignment on county jails was found to be in error, the collection and analysis of critical data on the county level will continue to be vitally necessary to illustrate the actual impacts of realignment to Riverside County.

- **RASP:** Realignment has significantly changed the historical approach to housing county jail inmates. As an alternative to releasing inmates early due to overcrowding per Federal Court Order, the Sheriff's Department has developed a strategy to implement a virtual jail by using electronic monitoring in the form of an ankle bracelet. The virtual jail is managed by RASP. In 2013, RASP started testing an alcohol monitoring program to include breath sample analysis, GPS electronic monitoring, and an alcohol education/abuse-prevention program administered through SITE-B for low-level alcohol offenders. This program is designed for the courts to sentence low-level offenders directly to the program, with the offender paying for the services when practical, as opposed to incarceration without addressing the inmate's underlying programming needs. During 2013, 14 offenders participated in the program. In 2014, the program will continue to expand and be refined, so the maximum number of eligible inmates can benefit.

Fiscal Year 2014/2015 Priorities/Strategies:

- **Bed Capacity and Infrastructure Needs** – Jail overcrowding remains a top priority for Riverside County. The Sheriff's Department continues to pursue construction of suitable jail facilities. The Sheriff's Department is also researching the feasibility of contracting beds through other law enforcement agencies. Although costs vary, the average rate being quoted is around \$84 per bed per day. Most of these beds are in facilities located in northern or central California. Most of the facilities are now closed and additional opening costs with long-term contract requirements are anticipated. Most of these beds are also classified as lower security and not suitable for a large portion of the current jail population. However, as local needs continue to become more critical, outside contracting may need to be part of the mixed solution. Recently, it came to the attention of the Sheriff's Department there may be jail beds available for use by Riverside County

to house inmates in Imperial County. As such, the Sheriff's Department is currently in discussion with Imperial County to contract for 25 beds for inmates. As discussions continue with Imperial County, staff continually survey around the state for other counties who may have beds that can be contracted for use to house inmates in order to help reduce federal releases.

- **Expanded In-Custody Rehabilitation Programming** – The Sheriff's Department HMU, RASP, and SITE-B will continue to work with the Probation Department to provide improved inmate services with targeted interventions aimed at education, training, and treatment services.
- **Development of Alternative Custody Options** – County justice partners continue collaboration efforts to develop effective alternative custody options. These options include expanding pretrial release services throughout the county, including further implementation of evidence-based assessment tools for release considerations.
- **Fire Camp** – In an effort to address persons sentenced to Riverside County jails under realignment, Riverside County became the first county to contract with CDCR to have inmates trained in fire prevention and fire suppression. In FY 2013/14, 100 inmates were trained with a contracted capacity of 200. Currently, there are 59 active participants in the program. Inmates assigned to a State Fire Camp are serving their sentence under the supervision of CDCR. RASP continually strives to fill the 200 inmates allowed for by the contract with CDCR; however, RASP is hindered in this effort due to the stringent medical and dental requirements for the inmates who are eligible for State Fire Camp.
- **Evidenced-Based Programming** – As the Sheriff's Department moves forward in FY 2014/15, SITE-B will redeploy staff in order to provide for GOALS program dayrooms at the Robert Presley Detention Center, Southwest Detention, and plans to include a GOALS dayroom for the opening of the new Indio Jail in 2017. The GOALS program will be restructured to fully incorporate the concepts of intensive evidence-based programming based on the principles of Risk-Needs-Responsivity. It will aim to reduce the risk to recidivate by addressing the seven criminogenic factors through a highly structured program that incorporates cognitive and social learning theories. Efforts will include increasing program participation of the target population, which are offenders sentenced under PC 1170(h). Program eligibility will require a general recidivism score of high to moderate risk on the COMPAS assessment tool; however, high risk scores will be given priority entry. The program will focus on dynamic risk factors and criminogenic needs; and then to facilitate a greater likelihood for long term success, counselors will work hand-and-hand with the program participant and community partnerships to develop a detailed transition plan and facilitate a more seamless re-entry.

Programs will be further expanded to incorporate these evidence-based practices into the RSAT program. In FY 2013/14, 12% of the applicants assessed for and entered into the RSAT program were sentenced under PC 1170(h). These enhancements will serve to improve the program to better meet the needs of this changing population.

- **Veterans Program** – Evidence-based concepts will be even further expanded by the Sheriff's Department to address an ever increasing inmate military veteran population. A one-year pilot project for a 13-week veterans' program is currently under development and it will be delivered in partnership with the Veterans' Administration, Riverside County Veterans' Court, Riverside County Department of Veterans' Services, DMH, Law Office of the Public Defender, Probation,

DPSS, US Vets, Housing Authority, and other community-based organizations.

- **Increased staffing request for the Sheriff's Department** – This budget year, the Sheriff's Department requested the addition of 13 staff members to the Coordinated Custody Management Unit (CCMU) to continue efforts to efficiently and effectively reduce recidivism through alternative sentencing and programs.
- **Continued Collaboration with Justice Partners** – Partnerships have been formed with local criminal justice departments to avoid duplication of processes. This includes the development of forms, streamlining procedures, information sharing, coordinating programming and alternative sentencing, recognizing and reducing liabilities, and integrating inmate population management. Collectively, these partnerships remain consistent with the objectives of realignment; ensuring public safety, reducing recidivism, and promoting community-based alternatives to incarceration. Also, regular efforts to promote effective collaboration with community-based organizations are deemed essential.
- **Enhanced Re-entry Planning** – The Probation Department's TRU program will enhance re-entry services and assist with jail overcrowding. Phase I of the TRU program will target offenders while in custody. Probation officers would conduct assessments on offenders and develop case plans that target the greatest risk factors such as housing, substance abuse treatment, and education levels prior to release from jail.
- **Pretrial Own Recognizance Program** – The Pretrial Leadership Committee, consisting of Probation, Sheriff, District Attorney, and Public Defender agencies, as well as the Superior Court, have met periodically since February 2013 to address jail overcrowding and pretrial implementation. The Leadership Committee discussed collaboration between the partner agencies and strategies for improving pretrial release in Riverside County. A review of statistical data and assessment tools, such as the Virginia Pretrial Risk Assessment (VPRAI), were conducted. In addition, discussions regarding processes and policies effecting jail population, pretrial release decisions, and federally mandated releases have continued. This entails reviewing and analyzing processes which impact jail population, such as arrests, pretrial release decisions, sentencing, and federally mandated releases.

The Probation Department intends to expand pretrial services staffing to further assist in assessing offenders for pretrial release earlier. This expansion of investigation and supervision services is anticipated to result in increased pretrial releases. Additionally, implementation of passive electronic monitoring for pretrial supervision is being considered. The Sheriff and Probation Departments continue to cooperate in efforts to share data and utilize assessment tools in order to identify low-risk offenders for potential release.

One such collaboration has resulted in the use of an additional assessment tool known as the PROXY. In May 2014, the Sheriff's Department's CCMU, in collaboration with Probation, met with representatives from the Crime and Justice Institute (CJI) to assist in identifying solutions to expedite the pre-trial services system, which in turn assists the Sheriff's Department with bed space. Based on these meetings, the Sheriff's Department has agreed to implement the use of the PROXY assessment tool published by the National Institute of Corrections (NIC), and already in use by Probation. The proxy tool does not replace the COMPAS assessment, but assists in identifying potential offenders for OR release consideration. The tool also quickly identifies

offenders that may benefit from further assessment by use of the COMPAS for programmatic needs.

- HHS has been perfecting the mechanisms used to track services, and the cost of services, provided to AB 109 offenders. Five County departments entered into a data sharing MOU, which enables HHS to readily identify realignment eligible offenders, flag the offenders for tracking purposes and discharge offenders from the program timely. Enhanced tracking allows for better service planning, and better program reporting demonstrating the impact of realignment on county departments and resources.

Section 8

LEGISLATIVE ADVOCACY

Since implementation of AB 109 Public Safety Realignment, Riverside County has remained attentive to legislation designed to address ongoing issues. Focus includes the following areas:

- AB 2397 – Criminal Procedures: Defendant’s appearance by video will expand the use of two-way video conferencing for court appearances, possibly alleviating costly transportation runs as well as reducing security risks to both law enforcement and the public.
- AB 2499 – Home Detention Programs: Allows inmates on specific home detention programs, such as work release and electronic monitoring, the ability to earn credits for work and good time equal to incarcerated inmates. This should encourage inmates to participate in the home detention programs the Sheriff’s Department currently offers, but is often not taken advantage of due to the additional time an inmate must spend on the program versus staying in jail.
- SB76 – Penal Code Section 1170(h)(5)(B): Identified the portion of a defendant's sentenced term that is suspended and monitored by Probation to be known as Mandatory Supervision, and supervision shall begin upon release from custody.
- AB 1468 – Mandatory Supervision: Requires all cases sentenced pursuant to Penal Code Section 1170(h)(5), to receive a period of MS, and the middle term be imposed unless there were aggravating or mitigating circumstances of a crime. AB 1468 also modified:
 - Penal Code Section 1170.3 (a)(5): required the denial of mandatory supervision to occur only in the best interest of justice. Additionally, requires rules to be developed and adopted to assist with the determining the appropriate period of sentence and conditions of mandatory supervision.
 - Penal Code Section 1170.3 (b): developed the adoption of rules standardizing the minimum content and the sequential presentation of material in probation officer reports submitted to the court regarding probation and mandatory supervision under paragraph (5) of subdivision (h) of Section 1170.
- The need for adequate funding for the incarceration of those sentenced to county jail under AB 109 Public Safety Realignment;

- The need for adequate funding for alternatives to custody of those sentenced to county jail under AB 109 Public Safety Realignment;
- Through the District Attorney's Office, continued advocacy for victims' rights per Marsy's Law.
- In an ongoing effort to reduce prison overcrowding, the newly implemented enhanced credit earning policy for second strike offenders will accelerate the release of eligible PRCS offenders from CDCR custody back to local jurisdictions thereby adding to the PRCS population.
- Modifications to 1170(b) PC – Currently there is no specific guidance provided in regards to the court's ability to terminate the supervision period of a split sentence prior to expiration of the imposed sentence. The extent of the court's authority to terminate mandatory supervision is unclear. The ability of local jurisdictions to terminate mandatory supervision cases early for those offenders demonstrating compliant behavior is deemed a necessary and valuable supervision tool possibly addressed in additional cleanup legislation of case law.

Section 9

OUTCOME MEASURES AND/OR TRACKING

Riverside County partnering agencies continue to work collaboratively to enhance and assess improvement efforts.

- **Defining Recidivism** – The Board of State and Community Corrections (BSCC) developed its final version of the definition of recidivism, which will be presented for approval to the BSCC Board in November 2014. The definition reads as follows:

***“Adult Recidivism Definition-**Recidivism is defined as conviction of a new felony or misdemeanor committed within three years of release from custody or committed within three years of placement on supervision for a previous criminal conviction. “Committed” refers to the date of offense, not the date of conviction.”*

***“Supplemental Measures-**This definition does not preclude other measures of offender outcomes. Such measures may include new arrest, return to custody, criminal filing, violation of supervision, and level of offense (felony or misdemeanor).”*

***“Recidivism Rates-**While the definition adopts a three-year standard measurement period, rates may also be measured over other time intervals such as one, two, or five years.”*

Riverside Sheriff's Department – *Recidivism is defined as a booking or conviction of a new felony or misdemeanor committed within three years of release from custody for a previous criminal conviction, or re-incarceration within three years of release from placement on supervision for a previous criminal conviction.*

The above Sheriff's Department definition is inclusive of BSCC's recently adopted definition as previously listed.

- **Systems Infrastructure** – The CCPEC approved development of a database from the collective agencies to track data. Baseline data established from October 1, 2011 through June 20, 2013 will be compared to data from July 1, 2013 through June 30, 2014. Upon analysis, adjustments will be made accordingly. The following failure rate criteria will be taken into account to assess outcomes measures: arrests resulting in the filing of new charges, convictions, revocations filed, and flash incarcerations.
- **Internships** – The Sheriff’s Department has partnered with the University of California in Riverside to use interns to assist in the multi-faceted areas within HMU, SITE-B and RASP. The first intern in FY 13/14 was used to assist in helping evaluate the recidivism project. This project is still on-going as the Sheriff’s Department continues to research past inmates who recidivate to determine Riverside County’s recidivism rate. The next intern will start in FY 14-15 and will be used to help develop a set of questions aimed at assessing past inmates who received occupational training, education training (GEDs), or any other programs to see the real world application of the programs and their impact on recidivism.
- **Data Collection, Accuracy and Validation** – The Probation Department continues to develop improved strategies and training for staff to ensure best practices for measuring outcomes and regular assessment of data collection efforts.
- **CA Forward Initiative** – The offer by CA Forward to provide technical assistance with implementing a data driven decision making process was accepted with plans to review the Riverside County criminal justice system by looking at the data currently being collected. The initiative will evaluate how the current data is being used and assist in identifying areas to be improved. The goal is to have a more efficient and effective criminal justice system by building a capacity for data-driven decisions and a culture where continuous improvements occur involving: evaluation of Systems Policies; building treatment and treatment capacity; communicating results and facilitating peer learning; and an expansion as a model to other areas of county government.

On March 10, 2014, the Board of Supervisors directed the County Chief Executive Officer to send CA Forward’s Partnership for Community Excellence a letter indicating the County’s support for working with CA Forward to build a culture for data-based decision making that includes regular evaluation, reduce reliance on incarceration by implementing alternatives that have proven successful, and explore ways to improve public safety outcomes especially reduce rates of recidivism.

The Probation Department developed a CA Forward Project Workgroup consisting of Justice Consultant Scott MacDonald, Chief Deputy Probation Officer Bryce Hulstrom, and Probation staff from five field supervision offices. The focus of the workgroup is to evaluate practices and policies for submitting violations and warrants for offenders that fail to report to the Probation Department within 48 hours of release. The first workgroup meeting is scheduled for October 28, 2014. To keep the project moving forward, a follow up workgroup meeting is scheduled for November 6, 2014, to discuss strategies for implementing changes.

- **Realignment Implementation Evaluation Project** – The CCPEC approved an Evaluation Consultation Proposal to use AB 109 funds to hire an outside agency to assess implementation in Riverside County. The Measurable Goals Workgroup was assigned to identify the Scope of Work

to be analyzed by an outside evaluator.

- **Board of State and Community Corrections Recidivism Reduction Grant** – On August 21, 2014, the Measurable Goals Workgroup met and discussed the Board of State and Community Corrections (BSCC) Community Recidivism Grant opportunity, which requires collaboration between the Board of Supervisors and CCP. The group will identify service gaps and assist the Executive Office with implementation for grant awardees.

Section 10 **SUMMARY**

The CCPEC is cautious about speculating the outcome of realignment because of the significant concerns on the types of offenders, the number of offenders, budgetary issues affecting county departments, the ability to recruit and retain qualified staff in light of the competition amongst justice partners for a similar pool of available candidates, and the potential for an increased crime rate. Despite these concerns, the CCPEC has developed the best possible realignment plan for Riverside County.

The policy initiatives and intervention strategies articulated in this report are intended to improve success rates of offenders under supervision. Undoubtedly, the success rate will be affected by the challenges of increasing caseload sizes, jail overcrowding, and staffing ratios. Implementing the strategies identified in this plan and effective management of the realignment population should result in less victimization and increased community safety. Accomplishing this in the most cost efficient manner and employing proven correctional and justice system practices are the primary strategic goal of the initiative.

The collaborative efforts of the CCPEC will continue to seek out innovative and proven intervention strategies to address the ongoing challenges presented by Public Safety Realignment. The professionalism and working relationships that have emerged since inception of realignment will become more valuable moving forward. At this juncture, the CCPEC is cautiously optimistic that cumulative efforts are having positive results.

**COMMUNITY CORRECTIONS PARTNERSHIP PUBLIC SAFETY REALIGNMENT
AND POST-RELEASE COMMUNITY SUPERVISION BUDGET FY 2014/15**

CCPEC Member Agency	FY2013/14 Roll-over Funds	FY2013/14 Contingency	FY2014/15 Estimated State Allocation	FY2013/14 Growth Allocation	FY2014/15 CCPEC Approved Budgets
Probation	\$ 4,009,763	\$ 2,135,395	\$ 12,187,842	\$ -	\$ 18,333,000
Sheriff's	\$ 2,561,760	\$ 1,918,026	\$ 23,844,214	\$ -	\$ 28,324,000
District Attorney	\$ 332,682	\$ 311,994	\$ 24,250	\$ -	\$ 668,926
Public Defender	\$ 34,194	\$ 89,954	\$ 878,170	\$ -	\$ 1,002,318
Health & Human Services	\$ 976,017	\$ 4,609,482	\$ 9,602,515	\$ 685,154	\$ 15,873,168
Police	\$ 181,271	\$ (30,651)	\$ 1,207,380	\$ -	\$ 1,358,000
Superior Court	N/A	N/A	N/A	N/A	Unavailable
Contingency	\$ -	\$ -	\$ -	\$ 4,251,104	\$ 4,251,104
Total	\$ 8,095,687	\$ 9,034,200	\$ 47,744,371	\$ 4,936,258	\$ 69,810,516

**POST-RELEASE ACCOUNTABILITY AND COMPLIANCE TEAM ACTIVITY REPORT
2013-2014**

2013	Compliance Checks	Bad Addresses	Arrests (Non PRCS)	PRCS Arrests	AOD's*
July	149	11	46	25	6
August	133	17	38	26	16
September	207	42	42	29	23
October	269	47	36	46	15
November	144	15	33	21	32
December	187	47	51	37	17
2014	Compliance Checks	Bad Addresses	Arrests (Non PRCS)	PRCS Arrests	AOD's
January	191	23	50	25	14
February	148	17	34	32	15
March	187	15	63	21	13
April	301	27	69	28	15
May	263	31	70	37	21
June	192	16	35	32	19
	Compliance Checks	Bad Addresses	Arrests (Non PRCS)	PRCS Arrests	AOD's
Total	2,371	308	567	369	206

*AODs = Assisting Other Departments

**POST-RELEASE COMMUNITY SUPERVISION
STATISTICAL DATA
OCTOBER 1, 2011 THROUGH JUNE 30, 2014**

PRCS Packets Received:			6,176
Total Supervised:			5,101
Supervision:			
PRCS Offenders assigned to a caseload on 6/30/14:			1,752
High:	1,198	68%	
Medium:	247	14%	
Low:	307	18%	
<i>PRCS Offenders Pending Assessment:</i>	215		
 Warrants:			
PRCS Warrants Issued:			2,592
• Outstanding PRCS Warrants:	420	16%	
• Cleared PRCS Warrants:	2,172	84%	
<i>Number of Offenders:</i>	1,353		
 Revocations:			
PRCS Revocation Petitions:			3,963
• New Offenses Only:	1,290	33%	
○ <i>Number of Offenders:</i>	1,014		
• Technical Only:	2,593	65%	
○ <i>Number of Offenders:</i>	1,362		
• Dismissed/Withdrawn	80	2%	
Flash Incarcerations - No Petition Filed:	1,500		
○ <i>Number of Offenders:</i>	1,008		
 Terminations:			
PRCS Terminations:			3,603
• Successful:	1,893	53%	
(Early termination)			
• Unsuccessful:	590	16%	
• Expired: (served full term)	130	4%	
• Other:	469	13%	
▪ Deceased: (28)			
▪ Closed at Intake: (441)			
• Jurisdictional Transfer to Another County:	521	14%	

**MANDATORY SUPERVISION
STATISTICAL DATA
OCTOBER 1, 2011 THROUGH JUNE 30, 2014**

MS Cases ordered by the Court:			4,294
Supervision:			
MS Offenders assigned to a Caseload on 6/30/14:			1,395
High:	774	55%	
Medium:	272	20%	
Low:	349	25%	
MS Offenders Pending Assessment:	322		
Warrants:			
Mandatory Supervision Warrants:			3,722
• Outstanding Warrants:	554	15%	
• Cleared Warrants:	3,168	85%	
Number of Offenders:	1,666		
Revocations:			
Mandatory Supervision Revocation Petitions Filed:			4,794
• New Offenses Only:	1,968	41%	
○ Number of Offenders:	1,141		
• Technical Only:	2,826	59%	
○ Number of Offenders:	1,571		
Terminations:			
Mandatory Supervision Terminations:			3,080
• Unsuccessful:	1,851	60%	
• Expired: (served full term)	952	31%	
• Other:	51	2%	
▪ Deceased: (35)			
▪ Closed at Intake: (16)			
• Jurisdictional Transfer to Another County:	226	7%	

IMPLEMENTATION PLAN UPDATE

COMMUNITY CORRECTIONS PARTNERSHIP EXECUTIVE COMMITTEE (CCPEC)

Mark A. Hake
Chief Probation Officer

Paul E. Zellerbach, District Attorney

W. Samuel Hamrick, Superior Court Designee

Steven L. Harmon, Public Defender

Jerry A. Wengerd, Director
Department of Mental Health

Stanley L. Sniff, Jr., Sheriff-Coroner-PA

Frank Coe, Chief of Police, Beaumont

2014 WL 5147546

Only the Westlaw citation is currently available.
 Court of Appeal,
 Fourth District, Division 3, California.

Wendy Joy WILLIAMS, Petitioner,

v.

The SUPERIOR COURT of
 Orange County, Respondent;
 The People et al., Real Parties in Interest.

G050280 | Filed October 14, 2014

Synopsis

Background: The People petitioned for revocation of parole. Parolee moved to dismiss the revocation petition pursuant to due process and her statutory right to a probable cause hearing within 15 days of arrest. The Superior Court, Orange County, No. P-00164, [Craig E. Robison](#), and [Gregg L. Prickett, JJ.](#), denied parolee's motion to dismiss and scheduled a revocation hearing 37 days after her arrest. Parolee petitioned for writ of mandate.

Holdings: The Court of Appeal, [Ikola, J.](#), held that:

[1] a parolee is entitled to arraignment within 10 days of an arrest for a parole violation, a probable cause hearing within 15 days, and a final hearing within 45 days, but

[2] the requirement of arraignment within 48 hours of arrest did not apply to parolee.

Petition granted in part.

West Codenotes**Recognized as Unconstitutional**

[Cal. Penal Code § 3044.](#)

Prior Version Recognized as Unconstitutional

[Cal. Penal Code § 1203.2](#)

Original proceedings; petition for a writ of mandate to challenge an order of the Superior Court of Orange County, [Craig E. Robison](#), Judge, and [Gregg L. Prickett](#), Supervising Judge. Petition granted. (Super. Ct. No. P-00164)

Attorneys and Law Firms

Frank Ospino, Public Defender, Sharon Petrosino, Chief Deputy Public Defender, Mark S. Brown, Assistant Public Defender, and Miles Jessup, Deputy Public Defender, for Petitioner.

Tony Rackauckas, District Attorney, and Matthew Lockhart, Deputy District Attorney, for Real Party in Interest the People of the State of California.

No appearance for Real Party in Interest the California Department of Corrections and Rehabilitation, Division of Adult Parole Operations.

OPINION

[IKOLA, J.](#)

*1 In *Morrissey v. Brewer* (1972) 408 U.S. 471, 92 S.Ct. 2593, 33 L.Ed.2d 484 (*Morrissey*), the United States Supreme Court held that a parolee is entitled to certain procedural due process protections before parole may be revoked. (*Id.* at pp. 482–484, 92 S.Ct. 2593.) Among these is the right to a prompt evidentiary hearing on whether probable cause exists to believe the parolee violated a condition of parole. (*Id.* at pp. 484, 487, 92 S.Ct. 2593.)

In 2011, “California began enacting legislation, commonly known as ‘Realignment,’ that significantly altered the state’s criminal justice system.” (*Valdivia v. Brown* (E.D.Cal.2013) 956 F.Supp.2d 1125, 1126 (*Valdivia III*)). This legislation established, inter alia, a uniform process for revocation of probation, parole, and postrelease supervision of felons.¹ (Sen. Bill No. 1023 (2011–2012 Reg. Sess.) § 2(a).) The Legislature intended this uniform procedure to comply with *Morrissey*’s due process requirements. (Sen. Bill No. 1023 (2011–2012 Reg. Sess.) § 2(b).) Under this uniform procedure, the court has jurisdiction over petitions for revocation of supervision (including parole). (§ 1203.2, subs. (a), (b).)²

Petitioner Wendy Williams contends that, in the wake of realignment, the State of California and the Orange County Superior Court have systematically denied her and other parolees the procedural protections to which they are entitled in revocation proceedings. Williams petitions for a writ of mandate (1) ordering the Superior Court to arrange for her immediate release from custody and to dismiss the petition

for revocation of her parole, and (2) ordering the Superior Court and real parties in interest (the People of the State of California and the Division of Adult Parole Operations (Parole) of the DCR) to provide her with reasonable due process prior to any further incarceration, including a *Morrissey*-compliant probable cause hearing within 15 days of arrest.

We grant Williams's petition in part.³ We hold that, in parole revocation proceedings, a parolee is entitled to arraignment within 10 days of an arrest for a parole violation, a probable cause hearing within 15 days of the arrest, and a final hearing within 45 days of the arrest.

FACTS

Williams's Parole Violation and Revocation Proceedings

On May 20, 2014,⁴ Williams was arrested for absconding from parole supervision. She was placed in custody at the county jail on a parole hold.

*2 On that date, a parole agent signed a probable cause determination form identifying Williams's parole violation as absconding from parole supervision, and describing the circumstances of the charge as follows. After Williams failed to report to her supervising agent on May 6, the agent tried to locate her the next day at the Motel 6 in Orange, where she had claimed to reside. The agent spoke with Kathy, the motel's front desk clerk, who said Williams was not a guest at the motel. On May 13, the court issued a warrant for Williams's arrest and her parole was suspended.⁵ On May 20, Williams was arrested by the police for being a parolee at large.

On the probable cause determination form, a Parole unit supervisor checked a box to retain Williams's parole hold and ordered that the matter be investigated and a report submitted by May 28.

On May 28—eight days after Williams's arrest—in the parole violation report, the parole agent and the unit supervisor recommended that Williams be returned to custody for 135 days. The report reflected that an “evidence based tool” called the “parole violation decision making instrument [PVDMI]” recommended that Williams be “continue[d] on parole with remedial sanctions,” as opposed to being referred for revocation. But Parole reported it had decided to petition for revocation due to Williams's “failure to comply with his or

her conditions of parole or involvement in criminal behavior,” and to recommend Williams be returned to custody for 135 days. The report identified Williams's risk level as “high-drug.”

The report described the circumstances of the charge similarly to the May 20 probable cause determination form, but also included the following additional details. On May 20, Tustin police detective Breeze was at the Bel Air Motel in response to a suspicious circumstance call for service. Breeze noticed a female standing in the doorway of a motel room. Breeze approached Williams, who immediately went into her room and said she did not want to talk to Breeze. Breeze contacted Kim, the motel manager, who said the occupant of the room was Wendy Williams. A records check revealed Williams was a parolee at large. Williams was arrested and taken to the police station for booking.

The “Parolee Statement” section of the May 28 report stated that, while Williams was being booked at the police station, she told the parole agent that she was sick and unable to report, and promised to report immediately if the parole hold were lifted.

In the “Evaluation” section of the May 28 report, Parole explained the reasons for its recommendation to petition for revocation and a return to custody: “Williams is a habitual absconder with no real desire or intentions to comply with her conditions of parole. Williams travels from Riverside County to Orange County leaving a trail of criminal arrests in both counties. Williams primarily lives out of motels and occasionally the streets. She has been unemployed the vast majority of her adult life. Although she has extremely supportive parents who are willing to assist her, she chooses to live out in the streets bouncing from motel to motel. Remedial sanctions were considered but Williams refused any type of treatment or structured program. This agent recommends that Williams be returned to custody at this time.”

*3 On May 29—nine days after Williams was arrested and placed in jail—Parole petitioned the court for revocation of her parole.⁶ The petition stated that on May 20, Parole had established probable cause for the alleged parole violation. Williams's arraignment was scheduled for June 5,—16 days after Williams's arrest.

On June 5, Williams moved to dismiss the revocation petition for lack of due process and pursuant to section 3044 (which

gives a parolee the right to a probable cause hearing within 15 days of arrest). She also sought release from custody pending resolution of the due process and section 3044 issues.

It is undisputed that the court denied Williams's motion. According to Williams, she then sought to present evidence on probable cause, but the court denied her request “and purported to find probable cause based solely on the ‘information and belief’ Petition for Revocation.” It is undisputed that Williams's revocation hearing “was scheduled—per Court policy—three Thursdays later on June 26,”—37 days after her arrest.

Parole Violation and Revocation Procedures in Orange County

According to Williams, her experience is typical in Orange County, where a 2013 survey conducted by the Orange County Public Defender staff indicated that parolees averaged just over 16 days in custody prior to their first court appearance. Thus, a majority of parolees were denied a probable cause hearing (or even arraignment and an opportunity to request release on bail and appointment of counsel) within 15 days of their arrest.

Williams describes the Orange County Superior Court's calendaring policy for parole revocation proceedings as follows.⁷ The court assigns parole revocation matters only to department CJ1 (a courtroom located inside the Santa Ana jail), “with some matters sent out to other courtrooms for some hearings.” The court sets such matters only on Thursdays, refusing access to department CJ1's available calendar slots on Monday, Tuesday, Wednesday and Friday. The deadline for filing parole revocation petitions to be heard on any particular Thursday is 4:00 p.m. on the immediately preceding Monday. Thus, a revocation petition filed after the Monday deadline “will not be calendared the same week, but rather will be placed on calendar at least 10 days later on a non-holiday Thursday.” This filing deadline only applies to parole revocation petitions. At the arraignment hearing, the court has refused to allow defense witnesses to testify. Such testimony is allowed only at the final revocation hearing, which is scheduled for three weeks after arraignment.

*4 Parole has chosen, as a policy, not to exercise its statutory authority to consider flash incarceration as an intermediate sanction in lieu of parole revocation. (Couzens & Bigelow, *Felony Sentencing After Realignment* (Mar. 4, 2014), p. 95; at <www.courts.ca.gov/partners/documents/

[felony_sentencing.pdf](#)> [as of Sept. 23, 2014].) The use of flash incarceration, i.e., detention in jail for up to 10 days, is statutorily encouraged. (§ 3000.08, subs. (e), (f).)

DISCUSSION

Williams contends these policies “systematically ensure that in Orange County, no parolee will ever have an audience before a magistrate within 48 hours of” arrest and “virtually no parolee in Orange County will have a time compliant (Pen.Code, § 3044, subd. (a)) or *Morrissey* compliant probable cause hearing, much less a meaningful opportunity to participate in such [a] hearing.”

The People counter that, in post-realignment California, Williams is *not* entitled to arraignment within 48 hours of arrest nor is she entitled to a probable cause hearing before a court at any time.

I

RELEVANT LEGAL PRINCIPLES AND BACKGROUND

A. *Morrissey*

In *Morrissey*, *supra*, 408 U.S. 471, 92 S.Ct. 2593, two petitioners alleged they were denied due process when their paroles were revoked without a hearing based on the parole board's review of the parole officer's written reports. (*Id.* at pp. 472–474, 92 S.Ct. 2593). The United States Supreme Court stated that a parolee is not entitled to the full panoply of due process rights, because parole revocation is not part of a criminal prosecution and because revocation deprives a parolee of *conditional* liberty, not absolute liberty. (*Id.* at p. 480, 92 S.Ct. 2593.) Nevertheless, *Morrissey* held that a parolee who has been detained for a parole violation is entitled to an informal probable cause hearing *and* a final revocation hearing. (*Id.* at pp. 485, 487, 92 S.Ct. 2593.)

[1] [2] [3] [4] [5] The purpose of the probable cause hearing is “to determine whether there is probable cause or reasonable ground to believe that the arrested parolee has committed acts that would constitute a violation of parole conditions.” (*Morrissey*, *supra*, 408 U.S. at p. 485, 92 S.Ct. 2593.) This “minimal inquiry [must] be conducted at or reasonably near the place of the alleged parole violation

or arrest and as *promptly as convenient after arrest while information is fresh and sources are available.*” (*Ibid.* italics added.) The determination must be made by “someone not directly involved in the case” (*ibid.*), who need not be a judicial officer (*id.* at p. 486, 92 S.Ct. 2593). The parolee must be notified of the hearing and of the alleged parole violations. (*Id.* at pp. 486–487, 92 S.Ct. 2593.) “At the hearing the parolee may appear and speak in his own behalf; he may bring letters, documents, or” witnesses. (*Id.* at p. 487, 92 S.Ct. 2593.) Generally, the parolee may question any “person who has given adverse information on which parole revocation is to be based....” (*Ibid.*)⁸ The hearing officer must prepare “a summary ... of what occurs at the hearing in terms of the responses of the parolee and the substance of the documents or evidence given in support of parole revocation and of the parolee’s position.” (*Ibid.*) The “ ‘decision maker should state the reasons for his determination and indicate the evidence he relied on ...,’ ” but need not make “ ‘formal findings of fact and conclusions of law.’ ” (*Ibid.*)

[6] [7] A final revocation hearing (if desired by the parolee) must take place within a reasonable time after the parolee is taken into custody. (*Morrissey, supra*, 408 U.S. at pp. 487–488, 92 S.Ct. 2593.) A lapse of two months “would not appear to be unreasonable.” (*Id.* at p. 488, 92 S.Ct. 2593.) The parolee is entitled to written notice of the allegations; disclosure of adverse evidence; an opportunity to be heard in person, to present witnesses and documentary evidence, and generally to confront and cross-examine adverse witnesses; a “ ‘neutral and detached’ hearing body”; and “a written statement by the factfinders as to the evidence relied on and reasons for revoking parole.” (*Id.* at p. 489, 92 S.Ct. 2593.)

*5 [8] The revocation decision involves two questions: Did the parolee actually violate a parole condition? (*Morrissey, supra*, 408 U.S. at pp. 479–480, 92 S.Ct. 2593.) And, if so, “should the parolee be recommitted to prison or should other steps be taken to protect society and improve chances of rehabilitation?” (*Id.* at p. 480, 92 S.Ct. 2593.) The second question is discretionary and entails a prediction of whether the individual is able “to live in society without committing antisocial acts.” (*Id.* at p. 480, 92 S.Ct. 2593; see *id.* at p. 484, 92 S.Ct. 2593.)

[9] *Morrissey* emphasized that it sought *not* to “create an inflexible structure for parole revocation procedures” (*Morrissey, supra*, 408 U.S. at p. 490, 92 S.Ct. 2593), but rather to enunciate the “minimum requirements of due process” (*id.* at p. 489, 92 S.Ct. 2593). It is

well established “that due process is flexible and calls for such procedural protections as the particular situation demands.” (*Id.* at p. 481, 92 S.Ct. 2593.)

B. Post–*Morrissey* History Until Realignment

Morrissey mandated that a probable cause hearing be held “as promptly as convenient after arrest while information is fresh and sources are available.” (*Morrissey, supra*, 408 U.S. at p. 485, 92 S.Ct. 2593.) Beyond this, it provided no guidance as to the maximum delay permitted under this standard.

In a class action lawsuit commenced in federal district court, the plaintiffs challenged the constitutionality of California’s then-existing parole revocation system. (*Valdivia v. Davis* (E.D.Cal.2002) 206 F.Supp.2d 1068, 1069 (*Valdivia I*)). The defendants were the “Governor of the State of California, and various state correctional officials....” (*Ibid.*) The district court held “that whether viewed as compelled by *Morrissey*, or the result of a *Mathews [v. Eldridge]* (1976) 424 U.S. 319, 96 S.Ct. 893, 47 L.Ed.2d 18] balancing test, the [then] current California parole revocation system violate[d] the plaintiffs’ due process rights.” (*Id.* at p. 1078.) At that time, California utilized “a wholly internal review system from which the parolee [was] entirely excluded.” (*Id.* at p. 1070.) Parole officers were authorized to place a parolee in custody on a parole hold. (*Id.* at pp. 1069–1070.) After the parole officer and the unit supervisor reviewed the matter, they could file a parole violation report with the Board of Prison Terms, containing “information on the alleged parole violation and supporting evidence, a summary of the parolee’s adjustment while on parole, and a recommendation as to what action should be taken.” (*Id.* at p. 1170.) The system did *not* provide for probable cause hearings. (*Ibid.*) The Board of Prison Terms would then offer the parolee a specific term of incarceration if the parolee would waive a formal revocation hearing. If the parolee refused the offer, the parolee remained in custody. (*Ibid.*) On average, revocation hearings were held 35.2 days after the parolee’s arrest and detention. (*Id.* at p. 1071.)

Valdivia I held that California’s system allowing a 45–day delay before a probable cause hearing was unconstitutional. (*Valdivia I, supra*, 206 F.Supp.2d at p. 1078.) The district court also noted that *Morrissey’s* “explanation of the requirements for a preliminary procedure plainly suggests that it contemplated a ‘hearing’ rather than some ex-parte process, for confirming probable cause.” (*Valdivia I, at p. 1075.*)

The district court later ordered the defendants “to file a proposed remedial plan....” (*Valdivia III*, *supra*, 956 F.Supp.2d at p. 1127.) The defendants asked the court for guidance on what the Constitution requires as to “the timing and substance of the preliminary” hearing. (*Ibid.*) Reluctantly, the court advised them that a “period of ten days strikes a reasonable balance between inevitable administrative delays and the state’s interest in conducting its parole system, on the one hand, and the liberty interests of parolees, on the other.” (*Ibid.*)

*6 In a 2004 permanent injunction based on the parties’ stipulation (the Injunction), the *Valdivia* court ordered, *inter alia*, that “notice of charges and rights ... be served on parolees not later than three business days from the placement of a parole hold” and that probable cause hearings must be held not later than “10 business days after parolees are served notice of charges and rights.” (*Valdivia III*, *supra*, 956 F.Supp.2d at p. 1128.)

In 2008, “California voters passed Proposition 9, entitled ‘Victims’ Bill of Rights Act of 2008: Marsy’s Law,’ ” which enacted [section 3044](#) and “altered a number of the parameters for the parole revocation system that had been mandated by the Injunction.” (*Valdivia III*, *supra*, 956 F.Supp.2d at p. 1129.) [Section 3044](#), subdivision (a) provides that in order “to protect a victim from harassment and abuse during the parole process,” a parolee, in the event of parole revocation, is only entitled to the procedural rights listed in the statute. As relevant here, [section 3044](#) entitles a parolee “to a probable cause hearing no later than 15 days following his or her arrest for violation of parole” (*id.* subd. (a)(1)), and an “evidentiary revocation hearing no later than 45 days following his or her arrest for violation of parole” (*id.* subd. (a)(2)).

The *Valdivia* plaintiffs moved to enjoin enforcement of parts of [section 3044](#) which conflicted with the Injunction. (*Valdivia III*, *supra*, 956 F.Supp.2d at p. 1129.) In *Valdivia v. Brown* (E.D.Cal.2012, No. CIV S-94-671 LKK) 2012 WL 219342, 2012 U.S. Dist. Lexis 8092 (*Valdivia II*), the district court ruled that certain aspects of [section 3044](#) were unconstitutional, including the statute’s requirement that probable cause hearings be held within 15 days after the parolee’s arrest, with an evidentiary revocation hearing within 45 days. But the court’s constitutional criticism of [section 3044](#) was not based on the time limits per se, but on the lack of other constitutionally mandated requirements. *Valdivia II* held that “[t]he bare requirements in § 3044 fall short of the minimum due process set forth in *Morrissey*.” (*Valdivia*

II, 2012 WL 219342 at p. *6, 2012 U.S. Dist. Lexis 8092 at p. *19.) Notably absent from the limited procedural rights accorded parolees under [section 3044](#) were “notice, a written summary of the proceedings and of the revocation decision, the opportunity to present documentary evidence and witnesses, and disclosure to the parolee of the evidence against him.” (*Valdivia II*, 2012 WL 219342 at p. *6, 2012 U.S. Dist. Lexis 8092 at p. *19.) In addition, *Valdivia II* held that [section 3044](#) “does not guarantee a prompt probable cause hearing with *all of the minimum process* set forth in *Morrissey*.” (*Valdivia II*, 2012 WL 219342 at p. *6, 2012 U.S. Dist. Lexis 8092 at p. *21, italics added.)

C. Realignment Legislation

In 2011, the Legislature enacted realignment legislation which amended “a broad array of statutes concerning where a defendant will serve his or her sentence and how a defendant is to be supervised on parole.” (Couzens & Bigelow, *supra*, p. 6, at <www.courts.ca.gov/partners/documents/felony_sentencing.pdf> [as of Sept. 23, 2014].) The legislation “allows lower level felons to serve their sentences in county jail ... and to be supervised postrelease by county agencies.” (1 Witkin & Epstein, *Cal.Criminal Law* (4th ed. 2012) Introduction to Crimes, § 141, p. 231.) The sentence of a felon sent to *prison* must generally “include a period of parole supervision or postrelease community supervision.” (§ 3000, subd. (a)(1).)

*7 In 2012, as part of the realignment system, the Legislature amended [section 1203.2](#) (which previously dealt solely with the revocation of probation) to apply to the revocation of *supervision* (§ 1203.2, subds. (a), (f)(3)), thereby establishing a uniform process for revocation of parole, probation, and postrelease supervision of most felons. (3 Witkin & Epstein, *Cal. Criminal Law* (4th ed. 2014 supp.) Punishment, § 687A, p. 121.) Consequently, under current [section 1203.2](#), the *court* has authority to revoke the supervision of a person on grounds specified in the statute. (§ 1203.2, subds. (a), (b).) Previously the Board of Parole Hearings conducted parole probable cause and revocation hearings. (*Valdivia III*, *supra*, 956 F.Supp.2d at p. 1130.) In enacting the realignment legislation, the Legislature declared its intent that the statutory amendments that established [section 1203.2](#)’s uniform procedure “simultaneously incorporate the procedural due process protections held to apply to probation revocation procedures” under *Morrissey*, *supra*, 408 U.S. 471, 92 S.Ct. 2593 and *People v. Vickers* (1972) 8 Cal.3d 451, 459, 105 Cal.Rptr. 305, 503 P.2d 1313 (*Vickers*) (which applied

the *Morrissey* parole revocation protections to probation revocation), and their progeny. (Sen. Bill No. 1023 (2011–2012 Reg. Sess.) § 2.)

In July 2013, the *Valdivia* court determined that, in light of California's realignment legislation that transferred substantial responsibilities for the parole system from Parole and the Board of Parole Hearings to county authorities and state courts (*Valdivia III, supra*, 956 F.Supp.2d at p. 1130), the *Valdivia* class action suit was no longer “the proper vehicle for ensuring that parolees receive Constitutionally-guaranteed due process protections” (*id.* at p. 1126). The district court declared the case “moot as of July 1, 2013, when the new parole revocation system was scheduled to go fully into effect.” (*Id.* at pp. 1126–1127.)⁹ The Realignment “system features major new actors (county jails; the California state courts; public defenders' offices)” who were not parties to the *Valdivia* lawsuit. (*Id.* at p. 1135) Accordingly, the district court dismissed the matter. (*Id.* at p. 1127.) It stressed, however, that “[w]hether the new system provides adequate due process must be demonstrated in practice, without untoward judicial interference until the need for intervention is clear.” (*Id.* at pp. 1136–1137.) The court suggested that Parole's “probable cause ‘determinations’ [may] represent a ‘rever[sion] to a wholly internal review process for assessing probable cause’ [citation] of the type that this court found unconstitutional [in *Valdivia I*] in 2002. Nevertheless, for the reasons set forth above, any such infirmities will have to be addressed, if at all, in a subsequent lawsuit or lawsuits.” (*Id.* at p. 1137.)

D. Relevant Realignment Statutes

Section 3000.08, governing parole supervision, contains the following relevant provisions. If a parole agent or peace officer has probable cause to believe a parolee is violating parole, the agent or officer may, without warrant, “arrest the person and bring him or her before the court, or the court may, in its discretion, issue a warrant for that person's arrest....” (*Id.* subd. (c), italics added.) If the supervising parole agency finds “good cause” that the parolee violated the law or a parole condition, the agency may impose additional conditions of supervision and “immediate, structured, and intermediate sanctions ..., including flash incarceration....” (*Id.* subd. (d), italics added.) “Flash incarceration” is a period of detention in jail of up to 10 consecutive days. (*Id.* subd. (e).) “Periods of ‘flash incarceration’ ... are encouraged as one method of punishment for violations of a parolee's

conditions of parole.” (*Id.* subd. (d), italics added.) “Shorter, but if necessary more frequent, periods of detention ... shall appropriately punish a parolee while preventing the disruption in a work or home establishment that typically arises from longer periods of detention.” (*Id.* subd. (e).) “If the supervising parole agency has determined, following application of its assessment processes, that intermediate sanctions up to and including *flash incarceration* are not appropriate, the supervising parole agency shall, pursuant to Section 1203.2, petition [the court] to revoke parole.” (*Id.* subd. (f), italics added.) If the court finds the parolee has violated the conditions of parole, it may (1) return the person to parole supervision with modifications of conditions, if appropriate, (2) revoke parole and order the person to confinement in county jail, or (3) refer the person to reentry court or an evidence-based program. (*Ibid.*) Section 3000.08, subdivision (f) provides that the California Judicial Council shall adopt forms and rules of court to establish “the minimum contents of supervision agency reports.”

*8 California Rules of Court, rule 4.541(e) mandates that “a report filed by the supervising agency in conjunction with a petition to revoke parole or postrelease community supervision must include the reasons for that agency's determination that intermediate sanctions without court intervention as authorized by Penal Code sections 3000.08(f) or 3454(b) are inappropriate responses to the alleged violations.”

Section 1203.2, governing the procedure for revocation of supervision (including parole, postrelease community supervision, probation, and mandatory county supervision), contains the following relevant provisions. (*Id.* subd. (a).) If a probation or parole officer or a peace officer “has probable cause to believe that the supervised person is violating any term or condition of his or her supervision, the officer may, without warrant or other process, ... rearrest the supervised person and bring him or her before the court,” or the court may issue a rearrest warrant. (*Ibid.* italics added.) The court may revoke the supervision of the person “if the interests of justice so require and the court, in its judgment, has reason to believe from the report of the probation or parole officer or otherwise that the person has violated any of the conditions of his or her supervision, has become abandoned to improper associates or a vicious life, or has subsequently committed other offenses, regardless [of] whether he or she has been prosecuted for such offenses.” (*Ibid.* italics added.) The court may also revoke supervision upon its own motion or upon the petition of the supervised person, the probation

or parole office, or the district attorney (*id.* subd. (b)(1)), based on *the probation or parole officer's written report* (*id.* subd. (b)(2)). Nothing in section 1203.2 “affects the authority of the supervising agency to impose intermediate sanctions, including *flash incarceration*, to persons supervised on parole ... or postrelease community supervision...” (*Id.* subd. (g), italics added.)

Under section 3056, subdivision (a), a “parolee awaiting a parole revocation hearing may be housed in a county jail while awaiting revocation proceedings.” Local jails and Parole have treated this provision as authorizing a parole hold, although the express language does not do so. (Couzens & Bigelow, *supra*, p. 77, at <www.courts.ca.gov/partners/documents/felony_sentencing.pdf> [as of Sept. 23, 2014].) In addition to section 3056, the District Attorney cites section 3060 as authorizing parole holds, but section 3060 was repealed effective July 1, 2013.

II

THE MERITS OF WILLIAMS'S PETITION

Williams requests us to order the superior court to (1) release the parole hold and order her immediate release from custody, and (2) dismiss the revocation petition because the State denied her minimum due process. Williams further requests an order that she “receive reasonable due process before any further incarceration, including: (i) actual consideration of the full range of informal sanctions up to and including flash incarceration within one business day of any [p]arole hold and prior to any petition for revocation; (ii) prompt access to the court and counsel without unnecessary delay (e.g., within two business days of arrest) with formal notice of the allegations against her (specifically including any rules allegedly violated and factual and evidentiary basis for that violation), (iii) an opportunity to present evidence through counsel at any time to mitigate sanctions, (iv) a full *Morrissey*-compliant probable cause hearing as soon as practical and no later than 15 days after arrest, and (v) an opportunity for final judicial adjudication of any parole revocation petition as promptly as reasonable and in any case within 45 days of arrest.”

*9 [10] [11] The range of remedies requested by Williams is problematic on several levels. With regard to her request for a release from the parole hold and an immediate release from custody, we take judicial notice of the trial court minutes reflecting that on July 3, 2014, Williams admitted the

parole violation. The court reinstated parole, and committed Williams to the Orange County jail for 90 days. Williams was credited with 45 days of actual custody, and was given 45 days of conduct credit, resulting in her release on “this case only.” Ordinarily, these events would render moot her prayer for immediate release, since we would no longer be able to provide the requested relief. But this is “a classic example of an issue capable of repetition yet likely to evade review.” (*Great West Contractors, Inc. v. Irvine Unified School Dist.* (2010) 187 Cal.App.4th 1425, 1444, 115 Cal.Rptr.3d 378.) The accumulation of time required for briefing on the merits, oral argument, and preparation of an opinion extend the time for decision beyond the delay constituting the alleged due process violation. Accordingly, we will decide the due process issues on the merits.

[12] Based on the record before us, however, we are unable to review Williams's request that we command Parole in the future to consider the full range of intermediate sanctions up to and including flash incarceration within one business day of the placement of a parole hold. Such a review would require a more extensive evidentiary record than has been provided in this proceeding.

Consequently, we will grant limited relief, establishing certain outer time limits, beyond which the due process rights of parolees would be violated. We take this cautious approach because, while it is manifest that the due process rights of parolees are being systematically violated in Orange County, we have not been provided sufficient information to craft a more precise solution. We begin by considering an appropriate outer time limit for a *Morrissey*-compliant probable cause hearing. Other appropriate limits will follow from this determination.

A. Probable Cause Hearing

[13] Williams requests that, in the event of any further incarceration, she be afforded a probable cause hearing within 15 days after arrest. The People argue Williams is *not* entitled to a probable cause hearing in post-realignment California, citing *Valdivia III, supra*, 956 F.Supp.2d 1125, *People v. Coleman* (1975) 13 Cal.3d 867, 120 Cal.Rptr. 384, 533 P.2d 1024 (*Coleman*), and *People v. Woodall* (2013) 216 Cal.App.4th 1221, 157 Cal.Rptr.3d 220 (*Woodall*). These cases do not support the People's contention.

The People assert *Valdivia III* “said ... that bifurcated parole revocation proceedings are no longer required post-Realignment.” To the contrary, *Valdivia III*, which was issued

on July 3, 2013 (two days after the operative date of § 3000.08), stressed that its dismissal of the action as moot was *not* intended “to say that the constitutionality of the new parole system is immune from challenge.” (*Valdivia III*, *supra*, 956 F.Supp.2d at p. 1137.) Rather, given that the new system had scarcely started, *Valdivia III* found that any claims of constitutional infirmity were speculative and not ripe for adjudication. (*Id.* at p. 1138.)

Neither does *Coleman* support the People's claim that because parole revocation now involves judicial proceedings, a probable cause hearing is never required. *Coleman*, a pre-realignment case, stated that “[g]enerally it is not necessary in California to afford a probationer faced with revocation proceedings” a “‘probable cause’ [citation] hearing of the type normally provided in the course of parole revocation proceedings.” (*Coleman*, *supra*, 13 Cal.3d at p. 894, 120 Cal.Rptr. 384, 533 P.2d 1024.) Our Supreme Court explained that “[p]robation revocation, unlike parole revocation, is in California a judicial proceeding *with concomitant procedural benefits for a probationer at all stages of the revocation process*. Usually a judicial determination of probable cause precedes the arrest of a probationer for violations of the conditions of his probation, and the formal revocation hearing with its full panoply of *Morrissey* procedural rights occurs *relatively soon* after the probationer has been deprived of his conditional liberty. Since ‘the precise nature of the proceedings for [probation] revocation need not be identical’ to the bifurcated *Morrissey* parole revocation procedures, so long as ‘equivalent due process safeguards’ assure that a probationer is not arbitrarily deprived of his conditional liberty for *any significant period of time* [citation], a unitary hearing will usually suffice in probation revocation cases to serve the purposes of the separate preliminary and formal revocation hearings outlined in *Morrissey*.” (*Id.* at pp. 894–895, 120 Cal.Rptr. 384, 533 P.2d 1024, italics added.)

*10 *Coleman* does not assist the People's cause. First, as noted in *Valdivia I*, it is unclear whether a prompt unitary hearing can pass constitutional muster in light of *Gagnon*, *supra*, 411 U.S. 778, 93 S.Ct. 1756.¹⁰ Second, *Coleman's* approval of a single revocation hearing is conditional; it presumes the hearing will be held relatively soon after the person is arrested, and that the person will be afforded procedural benefits at all stages of the revocation process. As Williams points out, “during the period when [a parolee] is excluded from court, no procedural benefits are provided.” Third, Williams does not object to a prompt unitary hearing. She even suggests a timely unitary hearing might be in the

interest of all parties: “To the extent that [she] could be provided full discovery and immediate access to court and counsel, [she] believes she could likely be prepared to proceed to a full adjudicatory (unitary) hearing within 15 days of arrest. That might well satisfy due process.”

Finally, in *Woodall*, the defendant argued that section 1203.2 violates the federal Constitution (both facially and as applied to him) because “it does not require a preliminary probable cause hearing before a final revocation hearing” as required by *Morrissey*. (*Woodall*, *supra*, 216 Cal.App.4th at p. 1227, 157 Cal.Rptr.3d 220.) *Woodall* rejected the defendant's as-applied challenge to the statute because the trial court hearing had comported “with the *Morrissey* standards for a preliminary probable cause hearing.” (*Woodall*, at p. 1239, 157 Cal.Rptr.3d 220.) The hearing took place only nine days after the defendant's arrest and he was represented by counsel and allowed to participate in the hearing. (*Id.* at p. 1228, 157 Cal.Rptr.3d 220.) Most significantly, *Woodall* rejected the defendant's facial challenge to section 1203.2 by construing the statute “to *impliedly* require a probable cause hearing if there is any significant delay between the probationer's arrest and a final revocation hearing.” (*Woodall*, at p. 1238, 157 Cal.Rptr.3d 220, italics added.)¹¹

[14] Thus, *Morrissey*-compliant probable cause hearings are required in post-realignment California, although a prompt unitary hearing may suffice. (But see *Gagnon*, *supra*, 411 U.S. at pp. 781–782, 93 S.Ct. 1756 [two separate hearings are required].) A *Morrissey*-compliant probable cause hearing requires that the parolee be given the opportunity to “appear and speak in his own behalf; he may bring letters, documents, or” witnesses, and may question any person “who has given adverse information on which parole revocation is to be based...” (*Morrissey*, *supra*, 408 U.S. at p. 487, 92 S.Ct. 2593.) In our view, this would include the opportunity to present evidence of Parole's failure to comply with section 3000.08, subdivision (f), which requires parole agents to employ “assessment processes” to determine whether intermediate sanctions are appropriate before petitioning for parole revocation.

*11 The remaining question is when exactly the hearing must be held. Given the juncture at which we find ourselves, having received several petitions for writ relief on this subject within the last year, we will provide the parties with some guidance. The post-realignment process for parole revocation has been in place for slightly over one year. It appears the Orange County system is well-established and satisfactory to

the Superior Court, Parole, and the People. But the problems identified by Williams suggest the system is due for an overhaul.

In *Valdivia I*, the court took the following approach to analyzing whether California's parole revocation system was constitutional. The court "first determine[d] whether there is controlling precedent speaking to the particular procedures due at the initial stage of the parole revocation process.... In the absence of such controlling precedent, the task is to apply the *Mathews* process to the procedures at issue." (*Valdivia I*, *supra*, 206 F.Supp.2d at p. 1074.) The *Mathews* process is a balancing test used to resolve procedural due process claims. (*Mathews v. Eldridge*, *supra*, 424 U.S. at p. 335, 96 S.Ct. 893, (*Mathews*).)

There are potentially two guideposts regarding the time limit for a probable cause hearing in parole revocation proceedings. First, the *Valdivia* Injunction required probable cause hearings to be held within 13 business days of placement of a parole hold.¹² (*Valdivia III*, *supra*, 956 F.Supp.2d at p. 1128.) Second, section 3044, subdivision (a) (1) provides that a parolee is entitled to a probable cause hearing within 15 days of being arrested for a parole violation. These time standards are not significantly different. Thirteen business days will encompass at least two weekends, resulting in at least 17 calendar days, two more days than specified in section 3044.

[15] The Injunction is a federal district court order and lacks precedential value for us. (*Raven v. Deukmejian* (1990) 52 Cal.3d 336, 352, 276 Cal.Rptr. 326, 801 P.2d 1077 ["Decisions of the lower federal courts interpreting federal law, though persuasive, are not binding on state courts"].) Moreover, the *Valdivia* lawsuit has been dismissed because both the Injunction and the action were rendered moot by realignment.

Section 3044 is still on the books. At first blush, the statute may seem inconsistent with the Legislature's intent to have all supervision revocation proceedings governed by section 1203.2. The People argue section 3044 is moot in the wake of realignment. Commentators have also noted: "It is unlikely section 3044 applies to the courts. Section 3044[, subdivision (a)] provides: 'Notwithstanding any other law, the Board of Parole Hearings or its successor in interest shall be the state's parole authority and shall be responsible for protecting victims' rights in the parole process.' Section 3044[, subdivision (b)] instructs," " 'The

board shall report to the Governor.' Clearly the courts are not the 'state's parole authority' after July 1, 2013. It is doubtful the courts, in the judicial branch of government, can be a successor in interest to the Board of Parole Hearings, in the executive branch. Finally, in no circumstances do the courts 'report to the Governor.' " (Couzens & Bigelow, *supra*, p. 105, at < www.courts.ca.gov/partners/documents/felony_sentencing.pdf> [as of Sept. 23, 2014].)

*12 [16] Although section 3044 might appear to be superseded by the realignment statutes, the implied repeal of a statute is disfavored. (*Crosby v. Patch* (1861) 18 Cal. 438, 441.) "A new statute is not construed as an 'implied repeal' unless it is clear that the later enactment is intended to supersede the existing law." (*California Oak Foundation v. County of Tehama* (2009) 174 Cal.App.4th 1217, 1221, 94 Cal.Rptr.3d 902.) Rather, the "two must be construed together, and effect given, if possible, to both." (*Crosby*, at p. 441,.) Moreover, section 3044 was enacted as a voter initiative, which, by its terms, may "not be amended by the Legislature except by a statute passed in each house by roll-call vote entered in the journal, three-fourths of the membership of each house concurring, or by a statute that becomes effective only when approved by the voters." (Voter Information Guide, Gen. Elec. (Nov. 4, 2008) text of Prop. 9, § 9, p. 132.) Section 1203.2 was passed in its current form as Senate Bill No. 76 in the California Senate by a vote of 30 senators (three-fourths of the senate membership of 40), and by the California Assembly by a vote of 54 to 25 (a margin less than three-fourths of the assembly membership). These margins thus were less than the 75 percent concurrence in both houses as required by the terms of Proposition 9 for an implied amendment or repeal of section 3044. (See also Cal. Const., art. II, § 10, subd. (c) [forbidding the Legislature from amending enactments made by voter initiative if the amendments are inconsistent with said initiative].) Thus, while it is undoubtedly true that (1) the courts are not the "successor in interest" to the Board of Parole Hearings, and (2) the Board of Parole Hearings remains charged with being "responsible for protecting victims' rights in the parole process," those portions of section 3044 intended to provide minimum standards of due process protection to parolees can easily be harmonized with section 1203.2. Prime among those minimum standards guaranteed by section 3044 are the entitlements to a probable cause hearing within 15 days and an "evidentiary revocation hearing" within 45 days of an arrest for violation of parole.¹³

[17] Williams's writ petition requests a *Morrissey*-compliant probable cause hearing within 15 days of arrest. This standard would comply with the mandate of section 3044. We must also, of course, analyze Williams's request under the requisites of the federal Constitution. Accordingly, we turn to the *Mathews* balancing test for procedural due process claims. That test requires a court to consider three factors. (*Mathews, supra*, 424 U.S. at p. 335, 96 S.Ct. 893.)

Under the first factor, we must identify “the private interest that will be affected by the official action.” (*Mathews, supra*, 424 U.S. at p. 335, 96 S.Ct. 893.) At stake here is a parolee's conditional liberty interest. “Subject to the conditions of ... parole, [a parolee] can be gainfully employed and is free to be with family and friends and to form the other enduring attachments of normal life.” (*Morrissey, supra*, 408 U.S. at p. 482, 92 S.Ct. 2593.) Not only is this conditional liberty valuable to the parolee, it is of value to society. “Society has a stake in ... restoring him to normal and useful life within the law” (*id.* at p. 484, 92 S.Ct. 2593) and of avoiding the costs of maintaining him in prison (*id.* at p. 477, 92 S.Ct. 2593, fn.omitted).

The official action at issue here is the prolonged detention of a parolee in jail without a probable cause hearing. Such detention disrupts a parolee's work, family, and social relationships. (*Valdivia I, supra*, 206 F.Supp.2d at p. 1078.) The longer it continues, the more it endangers the chances that the parolee can successfully reintegrate into society. “In order to protect a parolee's liberty interest, *Morrissey* requires procedures to insure ... that parolees are not detained without some sort of assurance that there is probable cause to suspect a parole violation.” (*Ibid.*)

The second *Mathews* factor assesses “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards.” (*Mathews, supra*, 424 U.S. at p. 335, 96 S.Ct. 893.) Here, the procedures used in Orange County create a high risk of an erroneous deprivation of a parolee's liberty interest. According to the Orange County Public Defender's survey, Orange County parolees averaged just over 16 days in custody prior to their first court appearance. This means that some parolees may have spent considerably more days in jail before their first court hearing. At that hearing, parolees are not permitted to present evidence. Rather, the court reviews Parole's report.

A *Morrissey*-compliant probable cause hearing held within 15 days of arrest would be a valuable safeguard against erroneous deprivation of a parolee's liberty interest. It would increase the chances that information would still be fresh and sources would still be available at the time of the hearing. (*Morrissey, supra*, 408 U.S. at p. 484, 92 S.Ct. 2593.) Allowing the parolee to present a defense would reduce the risk of a court making decisions based on erroneous information or erroneous evaluation.

*13 The final *Mathews* factor considers “the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” (*Mathews, supra*, 424 U.S. at p. 335, 96 S.Ct. 893.) Here, the State has an interest in protecting the public and “being able to return the individual to imprisonment without the burden of a new adversary criminal trial” in the event of an actual parole violation. (*Morrissey, supra*, 408 U.S. at p. 483, 92 S.Ct. 2593.) “Yet, the State has no interest in revoking parole without some informal procedural guarantees.” (*Ibid.*) Indeed, as Williams argues, the State has an interest “in enforcement of rules providing for evidence based sanctions to avoid unnecessary and counterproductive incarcerations before the damage is done (e.g., loss of [the parolee's] housing, social support ties, and community stability).”

As to burdens, a 15-day time limit will probably require the Superior Court to change its calendaring policy on these matters. Fortunately, according to Williams, department CJ1 of the Orange County Superior Court is open every day of the week (not just Thursdays), is located in the Central Jail in Santa Ana, is staffed daily by a judge with “a full court support staff, representatives of the District Attorney and the Public Defender (as well as alternate defense services), and several Sheriff's deputies.” Apart from scheduling concerns, the new evidentiary probable cause hearings will consume more court time. Of course, if the parole violation is also charged as a new felony, a preliminary hearing must be set in any event within 10 court days of defendant's arraignment unless waived. (See § 859b.) Under these circumstances, we would anticipate the preliminary hearing would also address the probable cause issue on the parole violation, resulting in no additional court time. If the parole violation does not result in additional criminal charges, we anticipate that the probable cause hearing would not consume much time. We do not believe the additional burdens imposed upon the court or the district attorney outweigh the benefits to both the government

and the parolee in avoiding further incarceration where the alleged violation is shown to lack probable cause.

As to the burdens placed on Parole, the 15-day time limit for a probable cause hearing may require the division to make faster decisions on whether to seek revocation. This burden should not be insurmountable, especially if Parole and the court collaborate to establish a workable system. And we note that Parole has chosen not to respond to our order to show cause.

B. Notice and Prompt Access to Court and Counsel

[18] [19] [20] In the event of further incarceration, Williams contends she is entitled to arraignment within 48 hours of arrest under sections 825 and 849 and *County of Riverside v. McLaughlin* (1991) 500 U.S. 44, 111 S.Ct. 1661, 114 L.Ed.2d 49 (*McLaughlin*). But section 849 and *McLaughlin* apply to defendants arrested without a warrant prior to a criminal trial. (§ 849, subd. (a); *McLaughlin*, at p. 52, 111 S.Ct. 1661.) Williams was arrested pursuant to a warrant.¹⁴ And, the “revocation of parole is not part of a criminal prosecution,” but “arises after the end of the criminal prosecution, including imposition of sentence.” (*Morrissey*, *supra*, 408 U.S. at p. 480, 92 S.Ct. 2593.)

Section 825 governs arraignment after arrest made pursuant to warrant, but it too is inapplicable to Williams because it concerns defendants in a criminal prosecution and possibly parolees on *new charges*. (§ 825, subd. (a)(1); *People v. Hughes* (1974) 38 Cal.App.3d 670, 672, 674, 113 Cal.Rptr. 508 [parolee arrested on new charges was entitled to § 825 protection]; *Cal. Const.*, art. I, § 14 [person charged with felony must be taken without unnecessary delay before magistrate].) As our Supreme Court has “observed, ‘the arraignment requirement of Penal Code section 825 has been interpreted as not applying when [as here] a parole hold on other matters has been placed upon the defendant.’” (*People v. Hughes* (2002) 27 Cal.4th 287, 326, 116 Cal.Rptr.2d 401, 39 P.3d 432.)

*14 Nevertheless, in order to protect Williams's right under *Morrissey* to *meaningfully* participate in a probable cause hearing, she is entitled to receive timely access to counsel and notice of the allegations against her. She must receive them well before the probable cause hearing, so she has time to prepare a defense. In *Vickers*, *supra*, 8 Cal.3d at p. 461, 105 Cal.Rptr. 305, 503 P.2d 1313, our Supreme Court held that “the efficient administration of justice [generally] requires

that the defendant be assisted by ... counsel at all revocation proceedings....”

On the other hand, if Parole decides relatively quickly to impose intermediate sanctions or additional parole conditions (without court intervention), the issue of a parolee's access to the court and counsel is obviated. Parole “should be given a reasonable period of time to investigate and review the circumstances of a violation, and to determine the appropriate level of response, including ‘flash incarceration.’ A reasonable period should be allowed for the implementation of any intermediate sanction, such as acceptance into a suitable rehabilitation program.” (Couzens & Bigelow, *supra*, p. 93; at <www.courts.ca.gov/partners/documents/felony_sentencing.pdf> [as of Sept. 23, 2014].)

[21] [22] In this context, a reasonable period cannot be long, however. Under section 3000.08, subdivision (d), if a supervising parole agency finds good cause that a parolee has committed a violation and the agency decides to impose intermediate sanctions, it must do so *immediately*. We recognize that in cases like Williams's, where parole absconding is a real risk, the State has an interest in protecting the public and in keeping track of the parolee. But a parole hold cannot be maintained indefinitely consistent with due process.

Yet, because there is no express statutory authorization for parole holds, there is no statutory regulation of them. Under the current system used in Orange County, Parole can keep a parolee in custody on a parole hold until the filing of a revocation petition, at which time the court clearly acquires jurisdiction over the parolee. “The precise nature of the court's authority in the absence of a revocation petition being filed is unclear because of [Parole's] ability to issue such holds and ambiguous nature of the applicable [statutes].” (Couzens & Bigelow, *supra*, p. 89, at <www.courts.ca.gov/partners/documents/felony_sentencing.pdf> [as of Sept. 23, 2014].) Parole does have an independent duty under section 3000.08, subdivision (d), to determine whether there is “good cause” to believe the parolee has committed a violation of supervision (which arguably amounts to “an early determination of probable cause for detention”). (Couzens & Bigelow, *supra*, p. 89, at <www.courts.ca.gov/partners/documents/felony_sentencing.pdf> [as of Sept. 23, 2014].) But the “statute does not specify when a petition to revoke supervision must be filed; indeed, [Parole] is not permitted to file a petition unless it determines intermediate sanctions are no longer appropriate.” (*Ibid.*) On the other hand, sections 1203.2

and 3000.08 require that, in the event of a warrantless arrest, the supervising officer must bring the supervised person “before the court.” (§§ 1203.2, subd. (a), 3000.08, subd. (c), italics added.) “Giving the emphasized language its most logical effect, it seems the reason for requiring the person to be brought before the court is to avoid the arrested person languishing in custody without any judicial involvement. Stated differently, the parolee ‘... shall not be detained’ pending “the hearings mandated by *Morrissey* and *Vickers* for an ‘undue time.’ ” (Couzens & Bigelow, *supra*, p. 90, at <www.courts.ca.gov/partners/documents/felony_sentencing.pdf> [as of Sept. 23, 2014].)

*15 In Williams's case, on the day she was arrested, Parole prepared a probable cause determination form describing the circumstances of the charge. On the form, a unit supervisor checked the box for “Retain Hold” and ordered another report to be filed *eight* days later. Exactly eight days later, Parole prepared a parole violation report stating, inter alia, that Parole had considered remedial sanctions, but Williams had refused any type of treatment or structured program. The next day Parole petitioned for revocation of Williams's parole. By then, she had been held in jail for 10 days (including her arrest day), i.e., the same number of days as the maximum flash incarceration. This delay is a principal reason why Williams was not arraigned until 16 days after her arrest. Whether Parole needed eight days to determine that remedial sanctions were inappropriate is unclear.

Williams asserts Parole “has demonstrated the ability to process revocation matters, including unit supervisor review and sign-off[,] within one business day.” She also claims (and the district attorney does not deny) that the superior court provides arraignment within 48 hours to all prisoners “other than parolees facing *only* parole violations.” She concludes Parole and the superior court can *easily* provide her with court access within 48 hours.

We decline to specify such a short time fuse. Parole must have adequate time to consider intermediate sanctions. If it decides to continue a person's parole, no arraignment is necessary. The valuable time of all the players (the court, prosecutor, defense counsel, and parole agent) should not be consumed unnecessarily. On the other hand, the present procedures need overhaul. As noted, by allowing Williams to languish in jail for nine days while a report was prepared, and another seven days before she was brought before the court, Parole has detained her for 16 days without access to the court or counsel. This is a longer period of time than permitted by

the sanction of flash incarceration—a sanction that Parole has reportedly decided not to use.

Accordingly, we conclude that under the present realignment procedures a parolee held in custody under a parole hold must be brought before the court for arraignment no later than the permissible period of flash incarceration, i.e., 10 days after arrest. We do not pass upon the constitutionality of the flash incarceration procedure. We note only that a parolee must be brought before the court for arraignment no later than Parole is currently authorized by statute to hold the parolee without court intervention. Thus we set the 10 day limit as an outer boundary. We do *not* determine whether due process requires a shorter time before arraignment. On this record, we lack sufficient information to do so. Given Parole's lack of participation in this writ proceeding, that is all we can do. We believe a period of 10 days after arrest strikes an appropriate balance between Parole's need for time to fulfill its statutory duty to consider intermediate sanctions and the parolee's need to obtain notice and counsel reasonably in advance of the probable cause hearing, which must, as discussed above, take place within 15 days after arrest.

C. Final Revocation Hearing

Williams requests “an opportunity for final judicial adjudication of any parole revocation petition as promptly as reasonable and in any case within 45 days of arrest.”

According to Williams, the court's standard procedure is “to set contested parole revocation hearings demanded at arraignment ... typically [on] Thursday or Friday three weeks after arraignment.” Now that we have held arraignment must take place within 10 days after arrest, and a probable cause hearing within 15 days after arrest, the final hearing would fall within 45 days of arrest even if the court maintained this same procedure. Thus, the burden on the court is not great. A 45-day deadline would alleviate the risk that the parolee could languish in jail while support systems at home and at work fray. It would increase the chance that evidence would still be available and the parolee would not be erroneously deprived of conditional liberty. Moreover, it is also the deadline specified in section 3044 for the final revocation hearing.

D. Consideration of Intermediate Sanctions Including Flash Incarceration

*16 Williams also has requested that we order Parole to give “actual consideration of the full range of informal

sanctions up to and including flash incarceration within one business day of any [parole] hold and prior to any petition for revocation.” Williams is correct that [section 3000.08, subdivision \(f\)](#) establishes, in her words, a “legislative curb upon the discretion” of parole agents. [Section 3000.08, subdivision \(f\)](#) requires Parole to consider using intermediate sanctions before seeking revocation, and [section 3000.08, subdivision \(d\)](#) encourages the use of flash incarceration. Nevertheless, we are told that Parole “has decided not to use the sanction” of flash incarceration. (Couzens & Bigelow, *supra*, p. 95, at < www.courts.ca.gov/partners/documents/felony_sentencing.pdf> [as of Sept. 23, 2014].)

[23] We have insufficient evidence to make any order regarding Parole's performance of its statutory duty to consider all intermediate sanctions. We will not presume on this record that Parole is not fulfilling its statutory duty to do so. But, as stated above, a parolee is entitled to present evidence at the probable cause hearing of Parole's failure adequately to consider intermediate sanctions. And, Parole's report filed with its revocation petition must state the specific reasons (individualized to the particular parolee, as opposed to a generic statement) for its determination that intermediate sanctions “are inappropriate responses to the alleged violations.” (Cal. Rules of Court, rule 4.541(e).)

E. Opportunity to Present Evidence Through Counsel at Any Time to Mitigate Sanctions

Footnotes

- 1 Under the uniform process, the term “supervision” refers to probation, parole, and postrelease supervision. (Pen.Code, § 1203.2, subd. (a).)
All statutory references are to the Penal Code unless otherwise stated.
- 2 The uniform process became effective as to parolees on July 1, 2013. (§ 3000.08, subd. (m).) Under section 3000.08, subdivision (i), certain parolees remain subject to the jurisdiction of the Department of Corrections and Rehabilitation (DCR).
- 3 We deny Williams's petition for (1) arraignment within two business days of the arrests, (2) Parole's consideration of informal sanctions within one business day of a parole hold, and (3) an opportunity to present evidence through counsel at any time to mitigate sanctions.
- 4 All dates are in the year 2014, unless otherwise stated.
- 5 The probable cause determination form states the arrest warrant was issued on May 31, but this is evidently an inadvertent transposition of the numbers “1” and “3,” since the report is dated May 20 and reports a completed arrest. The People's return to defendant's petition states (with no record reference) that Parole petitioned the court on May 13 for a warrant for defendant's arrest.
- 6 The petition states Williams's underlying conviction was for possession of a controlled substance (Health & Saf.Code, § 11350, subd. (a)), and that she was released on supervision on September 26, 2011. Had Williams been released five days later, on October 1, 2011, she would have qualified for postrelease community supervision rather than parole, since her underlying offense did not disqualify her from this type of supervision. (See § 3451, subd. (a).) Revocation of postrelease community supervision and parole are both governed by [section 1203.2](#). (§§ 3455, subd. (a), 3000.08, subd. (f).)
- 7 The People's return to defendant's writ petition does not dispute the accuracy of her description of the superior court's policy.

[24] Williams has presented inadequate argument and no citation to legal authority concerning her claim she is entitled to an opportunity to present evidence through counsel to mitigate sanctions *at any time*. We therefore treat it as waived. (Cal. Rules of Court, rule 8.204(a)(1)(B); *People v. Stanley* (1995) 10 Cal.4th 764, 793, 42 Cal.Rptr.2d 543, 897 P.2d 481.)

DISPOSITION

Let a writ of mandate issue ordering Parole and the Orange County Superior Court, consistent with the views expressed in this opinion, to provide reasonable due process to Williams in the event of any further incarceration, including (1) arraignment within 10 days of any further arrest for a parole violation, (2) a *Morrissey*-compliant probable cause hearing within 15 days of any further arrest, and (3) a final revocation hearing on an alleged parole violation within 45 days of any further arrest. This order does not affect any shorter time periods that may be required if new criminal charges are instituted.

WE CONCUR:

[RYLAARSDAM](#), ACTING P.J.

[THOMPSON](#), J.

- 8 The hearing officer may exempt a confidential informant from “confrontation and cross-examination.” (*Morrissey*, *supra*, 408 U.S. at p. 487, 92 S.Ct. 2593.)
- 9 Under the district court's order, the Injunction remains in effect for parolees arrested for violations before July 1, 2013. (*Valdivia III*, at p. 1142.)
- 10 “A year after *Morrissey*, the [Supreme] Court explained that in that case “we held that a parolee is entitled to two hearings, one a preliminary hearing at the time of his arrest and detention to determine whether there is probable cause to believe that he has committed a violation of his parole, and the other a somewhat more comprehensive hearing prior to the making of the final revocation decision.’ ” (*Valdivia I*, *supra*, 206 F.Supp.2d at p. 1075; see *Gagnon*, *supra*, 411 U.S. at pp. 781–782, 93 S.Ct. 1756; see also *id.* at p. 786, 93 S.Ct. 1756 [“*Morrissey* mandated preliminary and final revocation hearings”].)
- 11 Over 40 years earlier, in *Vickers*, our Supreme Court observed that former section 1203.2 (which then applied only to probation revocation) “makes no provision for a preliminary determination of probable cause ... in order to warrant the detention of a probationer until a more formal hearing is had” (*Vickers*, *supra*, 8 Cal.3d at p. 458, 105 Cal.Rptr. 305, 503 P.2d 1313), nor does it provide an opportunity for a probationer “to be heard in person and to present witnesses and documentary evidence, or the right to confront and examine adverse witnesses” (*id.* at p. 459, 105 Cal.Rptr. 305, 503 P.2d 1313). *Vickers* concluded former section 1203.2 “thus fails to meet several of the mandatory requirements of due process as set out in *Morrissey*,” which our Supreme Court held were equally mandatory in probation revocation proceedings. (*Vickers*, at p. 459, 105 Cal.Rptr. 305, 503 P.2d 1313.)
- The Legislature intended to comply with *Vickers* and *Morrissey* when it created a uniform process for revocation of supervision under post-realignment section 1203.2. Yet, section 1203.2 still makes no mention of a supervised person's right to a probable cause hearing and to present evidence. Moreover, the statute authorizes the court to revoke supervision based on the report of the probation or parole officer. The parties do not raise the issue of the statute's constitutionality.
- 12 The Injunction required notice of charges and rights to be served on parolees within 3 business days of placement of a parole hold, and probable cause hearings to be held within 10 business days after parolees were served notice. (*Valdivia III*, *supra*, 956 F.Supp.2d at p. 1128.)
- 13 Section 3044, subdivision (a)(2) refers to the final revocation hearing as an “evidentiary revocation hearing.” As discussed above, a parolee is also entitled to present evidence at the probable cause hearing.
- 14 Parolees arrested without a warrant may be entitled to a prompt appearance in court. Under section 3000.08, subdivision (c), if an officer arrests a parolee without a warrant, the officer must “*bring him or her before the court.*” (Italics added; see also § 1203.2, subd. (a) [same text].)



**Fourth Annual Conference on Public Safety Realignment
Innovations in Public Safety and Justice in California**

**TRANSITIONING FROM TRIAGE TO LONG-TERM
SUSTAINABILITY**

Thursday, January 22 and Friday, January 23, 2015
Sacramento Convention Center

Thursday, January 22, 2015

8:30 – 10:00 **Registration and Refreshments**

10:00 - 10:30 **Welcome and Introductory Remarks**

10:30 – 12:00 **Keynote Address**

12:00 – 1:15 **Networking Lunch**

1:15 – 4:45 **Tracks**

Time	Change and Leadership	Systemic Management of Risk and Need	Practices on the Front Line
1:15 – 2:45	Session 1	Session 1	Session 1
2:45 – 3:00	Break	Break	Break
3:00 – 4:45	Session 2	Session 2	Session 2

5:00 – 7:00 **Reception**



JOINT TRAINING PARTNERSHIP



Friday, January 23, 2015

8:30 – 9:45 **Tracks**

Time	Change and Leadership	Systemic Management of Risk and Need	Practices on the Front Line
8:30 – 9:45	Session 3	Session 3	Session 3

9:45 – 10:00 **Break**

10:00 – 11:45 **Closing Plenary**

11:45 – 12:00 **Final Remarks**

12:00 **Adjourn**

**RIVERSIDE COUNTY
COMMUNITY CORRECTIONS PARTNERSHIP
EXECUTIVE COMMITTEE**

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

PROPOSED REGULAR MEETING DATES – 2015

- Tuesday, January 6, 2015 – 1:30 p.m.
- Tuesday, April 7, 2015 – 1:30 p.m.
- Tuesday, June 2, 2015 – 1:30 p.m.
- Tuesday, June 16, 2015 – 1:30 p.m.
- Tuesday, September 1, 2015 – 1:30 p.m.
- Tuesday, November 3, 2015 – 1:30 p.m.

APPROVED:

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) 955-2830.*
- *Agenda will be posted 72 hours prior to meeting.*
- *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.*
- *Cancelations will be posted 72-hours prior to meeting.*
- *Agenda items may be called out of order.*

RIVERSIDE COUNTY PROBATION DEPARTMENT

Serving Courts • Protecting Communities • Changing Lives

ITEM 8A



MARK A. HAKE
CHIEF PROBATION OFFICER



AB 109 STATUS REPORT

Date of Report: September 29, 2014

	POST-RELEASE COMMUNITY SUPERVISION		MANDATORY SUPERVISION	
<u>Clients Ordered by the Court:</u>	N/A		4,689	
<u>Clients Assigned to a Caseload:</u>	1,727		1,382	
High:	1,164	67%	741	54%
Medium:	261	15%	296	21%
Low:	302	18%	345	25%
Pending Assessment:	189		296	
Grand Total Active Supervision:	1,916	100%	1,678	100%
<u>Revocation Petitions:</u>	4,460		5,621	
New Offense:	1,470	33%	2,293	41%
<i>New Offense Offenders:</i>	1,122		1,323	
Technical:	2,990	67%	3,328	59%
<i>Technical Offenders:</i>	1,527		1,834	
Dismissed/Withdrawn:	83		151	
<u>Flash Incarcerations:</u>	1,636		N/A	
<i>Flash Incarceration Offenders:</i>	1,086		N/A	

Total PRCS and MS Offenders Assigned to a Caseload: **3,109**

*Pursuant to PC 1170(h)(5)(B)(ii), Supervised Release will be referred to as Mandatory Supervision

RIVERSIDE COUNTY PROBATION DEPARTMENT
Post Release Community Supervision (PRCS)
Population by City as of September 29, 2014
Active Supervision 1,916 Offenders
Male: 1,752; Female: 164

PRCS Riverside County					
Aguanga	2	Idyllwild	1	Perris	123
Anza	3	Indio	63	Quail Valley	3
Banning	45	Jurupa Valley	77	Rancho Mirage	3
Beaumont	19	La Quinta	9	Ripley	1
Bermuda Dunes	3	Lake Elsinore	59	Riverside	231
Blythe	25	March Air Reserve Base	2	Romoland	8
Cabazon	10	Mecca	1	San Jacinto	50
Calimesa	2	Menifee	27	Sun City	15
Canyon Lake	2	Mira Loma	17	Temecula	23
Cathedral City	28	Moreno Valley	145	Thermal	8
Cherry Valley	2	Mountain Center	3	Thousand Palms	9
Coachella	26	Murrieta	37	Whitewater	5
Corona	81	Norco	16	Wildomar	21
Desert Hot Springs	50	North Shore	2	Winchester	4
Eastvale	4	Nuevo	7	Total	1,454
Hemet	134	Palm Desert	13	Out of County	121
Homeland	6	Palm Springs	29	Out of State	20
PRCS Homeless					
Banning	8	Jurupa Valley	1	Quail Valley	1
Beaumont	3	La Quinta	1	Riverside	139
Blythe	2	Lake Elsinore	8	San Jacinto	9
Cathedral City	7	Mira Loma	1	Sun City	1
Coachella	5	Moreno Valley	10	Temecula	7
Corona	23	Murrieta	5	Wildomar	2
Desert Hot Springs	5	Norco	2		
Hemet	20	Palm Desert	2	Total	312
Homeland	1	Palm Springs	13	Out of County	8
Indio	21	Perris	15	Out of State	1

RIVERSIDE COUNTY PROBATION DEPARTMENT
Mandatory Supervision Offenders
Population by City as of September 29, 2014
Court Ordered Mandatory Supervision Offenders: 4,689
Male: 3,680; Female: 1,009

Court Ordered Mandatory Supervision Riverside County					
Aguanga	3	Idyllwild	1	Quail Valley	1
Anza	1	Indio	171	Rancho Mirage	10
Banning	80	Jurupa Valley	161	Ripley	1
Beaumont	42	La Quinta	31	Riverside	615
Bermuda Dunes	5	Lake Elsinore	98	Romoland	11
Blythe	50	Mecca	13	San Jacinto	89
Cabazon	16	Menifee	41	Sun City	27
Calimesa	8	Mira Loma	23	Temecula	51
Canyon Lake	8	Moreno Valley	303	Thermal	21
Cathedral City	69	Mountain Center	1	Thousand Palms	15
Cherry Valley	5	Murrieta	55	Whitewater	7
Coachella	66	Norco	34	Wildomar	51
Corona	221	North Shore	4	Winchester	13
Desert Hot Springs	126	Nuevo	13		
Eastvale	7	Palm Desert	37	Total	3,166
Hemet	254	Palm Springs	80	Out of County	779
Homeland	17	Perris	210	Out of State	58
Court Ordered Mandatory Supervision Homeless					
Banning	11	Jurupa Valley	12	Perris	32
Beaumont	10	La Quinta	4	Riverside	286
Blythe	3	Lake Elsinore	14	San Jacinto	3
Cabazon	1	Mecca	1	Temecula	10
Canyon Lake	1	Menifee	4	Thermal	1
Cathedral City	14	Mira Loma	1	Thousand Palms	2
Coachella	12	Moreno Valley	23	Winchester	0
Corona	47	Murrieta	3	Wildomar	1
Desert Hot Springs	21	Norco	1	Total	667
Hemet	34	Palm Desert	3	Out of County	17
Indio	64	Palm Springs	48	Out of State	2

RIVERSIDE COUNTY PROBATION DEPARTMENT
Active Mandatory Supervision Offenders
Population by City as of September 29, 2014
Active Supervision: 1,732
Male: 1,330; Female: 402

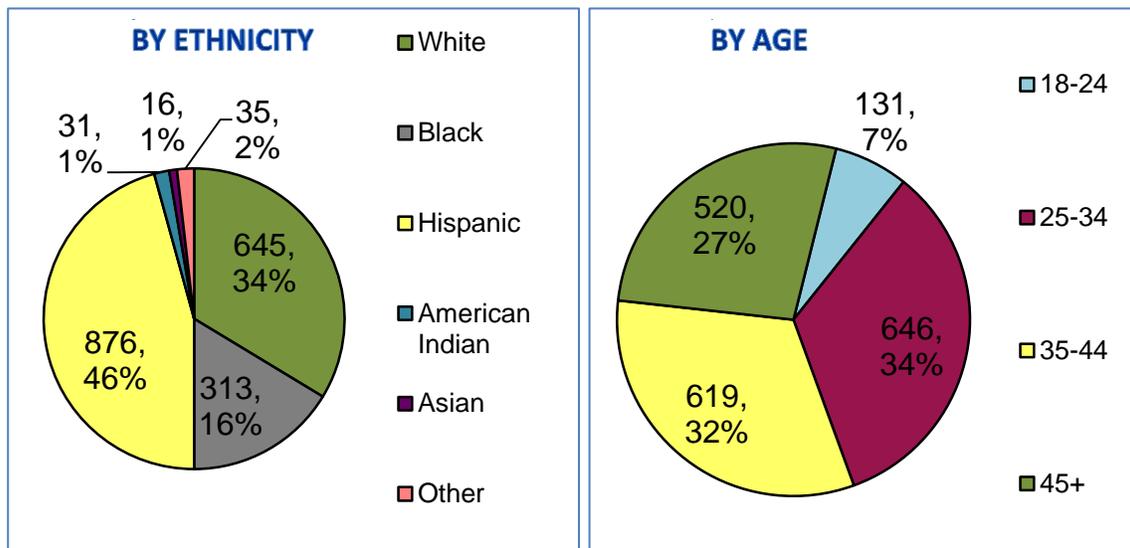
Active Mandatory Supervision Riverside County					
Aguanga	1	Indio	72	Rancho Mirage	3
Banning	28	Jurupa Valley	73	Riverside	223
Beaumont	13	La Quinta	18	Romoland	5
Bermuda Dunes	3	Lake Elsinore	40	San Jacinto	29
Blythe	18	Mecca	8	Sun City	13
Cabazon	11	Menifee	25	Temecula	23
Calimesa	1	Mira Loma	9	Thermal	5
Canyon Lake	3	Moreno Valley	104	Thousand Palms	5
Cathedral City	27	Murrieta	27	Whitewater	3
Cherry Valley	2	Norco	13	Wildomar	25
Coachella	22	North Shore	1	Winchester	8
Corona	92	Nuevo	6		
Desert Hot Springs	51	Palm Desert	22		
Eastvale	2	Palm Springs	25	Total	1,257
Hemet	110	Perris	82	Out of County	237
Homeland	5	Quail Valley	1	Out of State	29
Active Mandatory Supervision Homeless					
Banning	5	Indio	20	Perris	11
Beaumont	3	Jurupa Valley	2	Riverside	80
Blythe	1	La Quinta	2	San Jacinto	0
Cabazon	0	Lake Elsinore	6	Temecula	6
Canyon Lake	1	Mecca	1	Wildomar	1
Cathedral City	4	Menifee	1		
Coachella	3	Moreno Valley	6		
Corona	15	Norco	1	Total	205
Desert Hot Springs	6	Palm Desert	2	Out of County	3
Hemet	11	Palm Springs	17	Out of State	1

RIVERSIDE COUNTY PROBATION

Post-release Community Supervision Fact Sheet

Offenders Under Supervision

Data as of
September 29, 2014



Supervisorial District

District	Count	Percentage
District 1	438	23%
District 2	299	16%
District 3	309	16%
District 4	326	17%
District 5	394	20%
Out of County	150	8%
Total	1916	

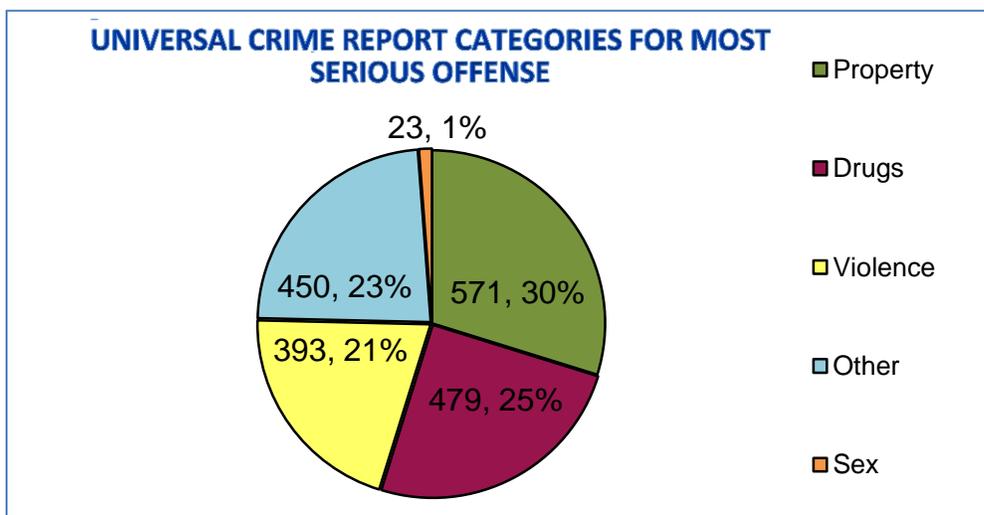
Gender

Gender	Count	Percentage
Males	1752	91%
Females	164	9%
Total	1916	

Resides In:

Aguanga	2	Idyllwild	1	Perris	123
Anza	3	Indio	63	Quail Valley	3
Banning	45	Jurupa Valley	77	Rancho Mirage	3
Beaumont	19	La Quinta	9	Ripley	1
Bermuda Dunes	3	Lake Elsinore	59	Riverside	231
Blythe	25	March Air Reserve Base	2	Romoland	8
Cabazon	10	Mecca	1	San Jacinto	50
Calimesa	2	Menifee	27	Sun City	15
Canyon Lake	2	Mira Loma	17	Temecula	23
Cathedral City	28	Moreno Valley	145	Thermal	8
Cherry Valley	2	Mountain Center	3	Thousand Palms	9
Coachella	26	Murrieta	37	Whitewater	5
Corona	81	Norco	16	Wildomar	21
Desert Hot Springs	50	North Shore	2	Winchester	4
Eastvale	4	Nuevo	7		
Hemet	134	Palm Desert	13		
Homeland	6	Palm Springs	29		

Resident	1,454
Homeless	320
Out of County	122
Out of State	20
Total	1,916



Sub-Categories

Crimes Against Children	24
Domestic Violence	218
Drug/Manufacture/Sell	196
Drug/Possess/Use	283
DUI	66
Other	118
Possession of Weapon	266
Property/Other	34
Property/Theft	537
Sex	23
Violence	151
Total	1916



RIVERSIDE COUNTY SHERIFF'S DEPARTMENT

STANLEY SNIFF, SHERIFF / CORONER

TO: CCP Executive Committee

DATE: October 7, 2014

FROM: Sheriff Stanley Sniff

Point of Contact: Chief Deputy J. Gutierrez (951) 955-8792, jjgutier@riversidesheriff.org

RE: AB 109 Impact Update

Since State Prison Realignment under AB 109 went into effect, the jails in Riverside County have experienced a substantial increase in inmate population. As of this morning, our jail population stood at 3,758 inmates, or 97% of our maximum capacity (3,864 beds). In the first week of January 2012, our facilities hit maximum capacity, requiring us to initiate releases pursuant to a federal court order to relieve overcrowding. These types of releases have continued since that time. In 2013, 9,296 inmates were released per the court order, a 33% increase over the 6,990 released in 2012. Year-to-date for 2014, 9,552 have been released per the court order. In addition, we are utilizing alternative sentencing programs such as Fire Camp and SECP (electronic monitoring).

Inmate bookings since AB 109 went into effect which are directly related to realignment are:

Parole Violations (3056 PC)

Total booked to date is 10,554 (6,896 booked for violation only; 3,658 had additional charges)

The number of 3056 PC only inmates currently in custody is 115.

Flash Incarcerations (3454 PC)

Total booked to date is 1,804. The number of these inmates currently in custody is 7.

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

Total booked to date is 4,683 (2,200 booked for a violation only; 2,483 had additional charges).

The number of 3455 PC only inmates currently in custody is 71.

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 8,248. The number of these inmates that remain in custody is 713, or approximately 19% of the total jail population. 466 of these inmates have been sentenced to 3 years or more, with the longest local sentence standing at 13 years.

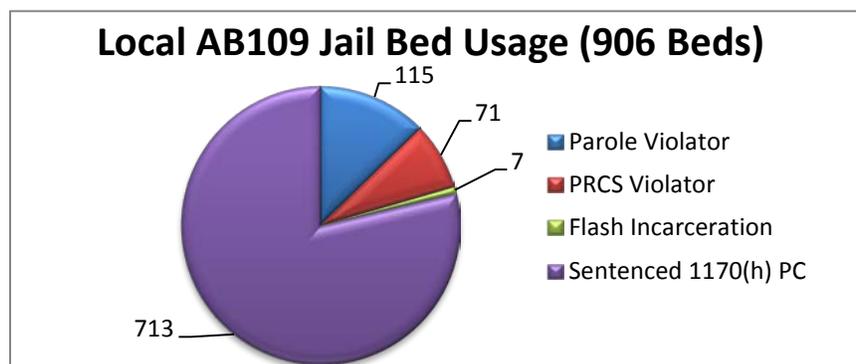
The total number of 1170(h) Fire Camp participants is 57.

Since January 2012, there have been 458 full-time SECP participants. There are currently 42 participants.

Summary

The total number of inmates to date booked directly or sentenced to jail due to realignment is 19,148.

The number of those currently in custody is 906, or approximately 24.1% of the total jail population.



LAW OFFICES OF THE
Public Defender
 COUNTY OF RIVERSIDE

STEVEN L. HARMON
 PUBLIC DEFENDER

BRIAN L. BOLES
 ASSISTANT PUBLIC DEFENDER

CHAD W. FIRETAG
 ASSISTANT PUBLIC DEFENDER

TRACY M. MACUGA
 ASSISTANT PUBLIC DEFENDER



RIVERSIDE MAIN OFFICE
 4200 Orange Street
 Riverside, CA 92501
 Telephone: (951) 955-6000
 Facsimile: (951) 955-6025

To: Community Corrections Partnership Executive Committee
 Public Defender Report

Date: October 28, 2014

<u>AB109 Impact</u>	<u>FY12/13</u>	<u>FY13/14</u>	<u>FY14/15</u> (through 9/30/14)
Average Number of PRCS cases per month	Average 112 cases/mo (Total 1346 cases)	Average 150 cases/mo (Total 1796 cases)	Average 173 cases/mo (Total 519 cases)
Total Parole Cases	n/a	Average 70 cases/mo (Total 838 cases)	Average 73 cases/mo (Total 220)
Average monthly Appearances on Violations of Mandatory Community Supervision	311 appearances/mo (Total Appearances 3743)	427 appearances/mo (Total Appearances 5120)	214 appearances/mo (Total Appearances 643)
Spilt Sentences	161 cases/mo (Total 1934 cases)	159 cases/mo (Total 1907 cases)	140 cases/mo (Total 421 cases)
Executed Sentences	35 cases/mo (Total 423 cases)	75 cases/mo (Total 904 cases)	71 cases/mo (Total 214 cases)