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After many discussions with Probation Department staff regarding SB678, a list of issues and possible solutions was created to assist the Department in implementing and sustaining programs and addressing needs of both the offender and the Department. They are as follows:

Issues

Solutions

Assessment Tool – Money to Sustain Implementation	SB678 funding
Alcohol and Drug Services	Coordinate with A&D Administrator, Possibly Contract with In-House Provider
Court, DA, S/O Buy-In	Provide Training on Evidence Based Practices & Educate on New Departmental Operational Practices
Housing & Job Training for Offenders	CBO's
Employment (Offenders)	CBO's
Jail Overcrowding	EM, GPS, Etc.
Outcome/Statistical Tracking	Purchase Case Management System
Program Coordinator(s)	Hire 1-2 FTE Probation Assistants
Daycare Needs	CBO's
Education	FRC, Literacy Program
Transportation	CBO's, FRC
Day Reporting Center	Possibly TJHF (Requires repair of camera)

Issues

PO Field Work

Lack of Staff

Staff Training

On-Call Staff

Mental Health Services

STRONG/PACT

Offender Life Skills, Parenting, Etc.

Reduce High Risk Caseload Size

Offender Medication Monitoring

Financial & Medical Benefits

Solutions

Safety Issues – Arming, Training, Safety Equipment, Etc.

Fill Vacant Positions & Increase Staffing Allocations by a Minimum of 2 Probation Officers (and 1-2 Probation Assistants)

RE: Implementation of and Sustainability of In-House Facilitated Evidence-Based Programs

MOU with S/O – Increase hrs. of pay For On-Call Officers

Contract with Therapist

Hire Consultant to Ensure Quality Data/Reliability

CBO's

40 Maximum

Health Dept., Hospitals, Mental Health Dept.

Dept. of Social Services

When Does Criminal Justice Realignment Take

Effect?

1

- Eligible felonies sentenced to county jail: applies to any person ***sentenced*** on or after October 1, 2011.
- Changes in custody credits: applies to custody for any ***offense committed*** on or after October 1, 2011.
- Post-Release Community Supervision: applies to any eligible person released from state prison on or after October 1, 2011.
- Revocation of Post-Release Community Supervision by superior court: on petition by supervising agency (probation department) on or after October 1, 2011.
- Revocation of parole by superior court: on petition by state parole on or after July 1, 2013.

Operative Dates for Parole Violators

2

- Inmates being released from prison on a commitment on or after October 1, 2011, will be screened for PRCs or Parole.
- Parolees who are being held for a parole violation in **State prison** on October 1, 2011, will be screened if they have a release date on or after November 1, 2011.
- Parolees and parole violators who are not housed in CDCR custody will not be screened.

Who is Sentenced to County Jail?

3

- Non-non-nons (N³) without disqualifying offenses (current or *prior*)
 - ✧ Non-violent felons, Non-serious felons, Non-sex offenders
 - ✧ Clarifies foreign strikes
 - ✧ Revises the definition of felony to include certain crimes that are punishable in jail
- Time served in jail, probation, or alternative custody instead of prison

Who is State Prison Eligible?

4

The following sentences must be served in state prison:

- Current or prior serious or violent felonies as described in PC 1192.7(c) or 667.5(c)
- Defendant is required to register as a sex offender pursuant to PC 290
- PC 186.11 (white collar crime) sentence enhancement
- Excludes certain other specified crimes, including felony domestic violence, felony stalking, and solicitation of murder

Sentencing Decisions for N³

5

• What changes?

- Jail, not prison
 - ✦ Rules of sentencing and sentence length do not change
- Split sentence – imposed sentence of combined jail time with the remainder on local supervision
 - ✦ Prison prior attaches (everything but felony probation)
 - ✦ Split sentences cannot be longer than the original sentence when combining custody and supervision time
 - ✦ “...conditions and procedures generally applicable to persons placed on probation...supervision shall be mandatory”
- ✦ No good time credits for the supervision portion

Sentencing Decisions for N³

6

- What does not change?
 - Felony probation
 - Existing alternatives (pretrial diversion, deferred entry of judgment)
 - Rules of sentencing and sentence length

Custody Decisions/Population Management for N³

7

- Enhanced local custody and supervision tools:
 - Alternative custody tools for county jails
 - Home detention for low-level offenders
- Counties may contract for beds:
 - With CDCR (healthy level II/III \$77.00 day)
 - With other counties
 - With public Community Correctional Facilities (CCFs)
 - With Fire Camps (proposal \$46.19/day)
- Counties MAY NOT contract back parole revocations

Post-Release Community Supervision (PRCS)

8

- Who will be released from state prison to local supervision?
 - Current non-violent, non-serious offenders (can have serious or violent offenses in history)
 - Some sex offenders
 - Persons who, prior to October 1, 2011, would have been non-revocable parolees (NRPs)
- Inmates receiving parole tail longer than 3 years stay with state parole

PRCS Supervision

9

- Supervision levels and case plans not mandated by statute but determined by supervising agency (probation department)
 - General statutory conditions to be agreed to by offender prior to release from prison
 - Permits CDCR to hold inmate until credits exhausted until they sign
 - Adds term that they may be arrested by peace officer or probation officer with or without a warrant when there is PC for violation
 - Supervising agency (probation department) may send special conditions to CDCR prior to release – must have a nexus to the offender
 - Explicitly authorizes EM as possible condition

Out of County Transfer

10

- NO 1203.9 Process!!!!
- Supervising Entity Sending
 - Determines whether the offender does permanently reside out of county
 - Must approve of the new address does not violate terms and conditions
 - If yes, must transmit prison packet within 2 weeks to Supervising Entity Receiving
- Supervising Entity Receiving
 - Upon verification, shall accept JURISDICTION
- Residence = customarily lives exclusive of employment, school or other temp. purpose

PRCS Supervision

11

- Supervising agency (probation department) has authority to handle all intermediate sanctions without court involvement, up to and including flash incarceration (up to 10 consecutive days)
 - Flash is not subject to credits
 - Not in statute, but CDCR meets the legal requirement of a probable cause “review” process by ensuring within 48 hours utilizing a paper review by a supervising agent to validate the arresting agent
 - Authorizes any peace officer to arrest for violation with PC but only supervising entity can seek a warrant
 - Tolls the PRCs time for absconders if warrant outstanding

PRCS Revocation Process

12

- Only supervising agency (probation department) can petition for revocation
- Each supervising agency (probation department) must establish an assessment process to review applicability of intermediate sanctions authorized by law prior to filing a petition
- Revocations capped at 180 days (per event)
 - Jail only, no return to prison, custody credits apply
- At completion of revocation time, offenders return to PRCs (if they were revoked and reinstated) if there is available time left on the three-year tail
- Rules of Court – Chief Voit

PRCS Revocation Process

13

- Only the supervising entity may petition the court for revocation hearing
- Hearing shall be held within a reasonable time after filing
- Preponderance of the evidence poses unreasonable risk to public safety, may not appear, or any reason in the interests of justice the supervising entity may hold in custody pending hearing

The Judiciary's Role in PRCs

14

- Judicial Council is to adopt rules of court and forms to handle final revocation process
- Courts' involvement starts with filing of a petition for final revocation of supervision
- Prior to filing petition, supervising agency (probation department) must assess and determine that intermediate sanctions are inappropriate
- Courts will be authorized to appoint hearing officers for these cases
- Hearing officers may modify conditions, revoke to jail (not prison) for up to 180 days, or refer to an evidence-based program such as a reentry court

PRCS Discharge Process

15

- Discharges by operation of law at the end of 3 years
- Supervising agency (probation department) may discharge after 6 consecutive months of no violations
 - Violations= custodial sanction
- Must discharge after a continuous year served with no violations within 30 days
 - Violations = custodial sanction
- Courts WILL NOT be involved in the discharge process for either PRCs or parolees

Other Statutory Changes

16

- Prohibits release of a HIGH RISK PRCs on holiday or weekend
- Requires CDCR to submit data on PRCs to DOJ to enter into CLETS (probation to update) – data work group pending
- Counties may contract with CDCR for MH
- Requires DOF, CPOC, CDCR and AOC develop a revised SB 678 formula
- Avoids double payment of YOBG

Proposed Outline for Plumas County Plan

Background of Realignment

Summary of Changes to the Law

Population Projections

CDC Provided #s

Actual #s

CCP – Community Corrections Partnership

Goals

Public Safety

Efficiency

Fiscal Responsibility

Composition of CCP (Executive and General)

Implementation Plan

Incarceration

Jail Bed Space

Jail Alternatives

EHM/GPS

Work Alternative

Work Release PC 4024.2

Sheriff's Parole PC 3074

Educational Furlough

Work Furlough

Supervision Resources

[Probation Plan]

Exit Interview

Day Reporting

Departmental Review (Prob, DA, Sheriff, Public Health, Etc)

Budget

Each Department (incl hard assets and staffing)

Criminal Justice Realignment DA Checklist

1. Community Outreach and Education

DA Office Training
Law Enf Training
Quincy, Greenville, Chester Presentations
BOS Presentaion
“From Where I Stand” Submission
New set of presentations after adoption of plan

2. Electronic Surveillance in Lieu of Bail (PC 1203.018)

BOS, Sheriff, DA to make rules
Need written agreement

3. Sheriff Home Detention (PC 1203.016)

BOS to create rules
No DA or Court Involvement

4. Set forth written position on potentially unconstitutional provisions

Flash Incarceration
Pay to House in State Prison

5. Process for Post Release Community Supervision Revocations

Probation to file (see AOC rules – filings unlikely)
DA to prosecute

6. Prepare to file and handle parole revocations (7/1/13)

7. Update Plea Forms

Include felony and misd (notice of exclusion from realignment)

8. Prepare “Prison Prior” packet process

Point agency (docs from court, jail and prob)
Admissibility

9. Change Complaint Language

Add check box to allege why ineligible

Red Stamp (for file) "Eligible SP"

10. Change Dispos on Karpel

Will need fill in section until sentences known

11. Marsy's Rights

Vic/Wit integration

12. Karpel Licensing

All agencies on Karpel

Protect Marsy's rights

Understand dispos