

**RIVERSIDE COUNTY
COMMUNITY CORRECTIONS PARTNERSHIP
EXECUTIVE COMMITTEE**

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

JANUARY 10, 2012, 1:30 P.M.

AGENDA

1. CALL TO ORDER – ROLL CALL
2. APPROVAL OF MINUTES – DECEMBER 20, 2011
3. AB 109 POSITIONS REPORT – ACTION ITEM
4. BUDGET REVIEW – DISCUSSION ITEM
5. STAFF REPORTS – DISCUSSION ITEMS
 - a) CHIEF OF POLICE
 - b) COURT
 - c) DISTRICT ATTORNEY
 - d) MENTAL HEALTH
 - e) PROBATION
 - f) PUBLIC DEFENDER
 - g) SHERIFF
6. FINAL IMPLEMENTATION PLAN STATUS – DISCUSSION ITEM
7. PUBLIC COMMENTS (NON AGENDA ITEMS)
8. NEXT MEETING: JANUARY 24, 2012; 1:30 P.M.

In accordance with State Law (Brown Act):

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

**RIVERSIDE COUNTY
COMMUNITY CORRECTIONS PARTNERSHIP
EXECUTIVE COMMITTEE**

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

MEETING DATES - 2012

Tuesday, January 10, 2012 – 1:30 p.m.

Tuesday, January 24, 2012 - 1:30 p.m.

Tuesday, February 7, 2012 - 1:30 p.m.

Tuesday, February 21, 2012 – 1:30 p.m.

Tuesday, March 6, 2012 – 1:30 p.m.

Tuesday, March 20, 2012 – 1:30 p.m.

Approved 12/20/2011

In accordance with State Law (Brown Act):

- *The meetings of the CCP Executive Committee are open to the public. The public may address the Committee within the subject matter jurisdiction of this committee.*
- *Disabled persons may request disability-related accommodations in order to address the CCP Executive Committee. Reasonable accommodations can be made to assist disabled persons if requested 24-hours prior to the meeting by contacting Riverside County Probation Department at (951) 955-2821.*
- *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.*

*Approved
1/10/12*

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

December 20, 2011 – 1:30 p.m.
Downtown Law Building, 3960 Orange Street, 5th Floor, Riverside, CA.

MINUTES

1. CALL TO ORDER – ROLL CALL

The meeting was called to order by the Chairman, Chief Probation Officer Alan Crogan at 1:38 p.m.

Roll call of the members:

Alan M. Crogan, Chief Probation Officer, Chairman
Sherri Carter, Executive Officer, Superior Court
Stan Sniff, Sheriff
Jerry Wengerd, Director, Mental Health
Pat Williams, Chief of Police, Desert Hot Springs
Gary Windom, Public Defender

In attendance but not present during roll call: Paul Zellerbach, District Attorney Vice Chairman

2. APPROVAL OF MINUTES

Alan Crogan entertained a motion to approve the November 15, 2011 minutes of the Community Corrections Partnership Executive Committee (CCPEC) meeting. Motion was moved by Jerry Wengerd, seconded by Sherri Carter. Alan Crogan requested a roll call vote of the motion, which passed as follows:

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

3. FISCAL REPORTING PROCEDURES – ACTION ITEM

Alan Crogan entertained a motion to accept the Fiscal Procedures Work Group recommended motion #1 to receive the staff report FY 2011/12 Community Corrections Partnership Executive Committee Fiscal Reporting Recommendations included in the meeting packet. Motion was moved by Sherri Carter, seconded by Stan Sniff. Alan Crogan requested a roll call vote of the motion, which passed as follows:

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

Sheri Carter requested clarification to the Fiscal Procedures Work Group recommendation #2 in regards to tying AB109 funds to specific workload indicators and data by each CCPEC agency in order to properly track if the funding is adequate. Administrative Services Manager Doug Moreno shared that the fiscal report format provides a year-end estimated column that may be utilized to

determine if a shift of monies to another agency is required. Chief Deputy Probation Administrator Rosario Rull additionally shared that the quarterly reporting format would include a narrative that may be utilized by each agency to report AB109 specific workload indicators and data. Rosario further stated that this is an irregular year and each agency would be experiencing different stages of implementation and hiring patterns, and that the quarterly reports would provide the Committee with details of each agency's implementation status. After discussion, Sheri Carter agreed to accept the recommendation with the clarification that the budget narrative would include program and statistical information.

Alan Crogan entertained a motion to approve recommendation #2, the proposed Fiscal Report format (Schedule A), including a budget narrative disclosing program and statistical data, and the recommended reporting time lines. Motion was moved by Pat Williams, seconded by Gary Windom. Alan Crogan requested a roll call vote of the motion, which passed as follows:

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

4. FY 2011/12 UNUSED FUNDS – ACTION ITEM

Pat Williams stated the need for more clarification on the allocation of budgets and the Committee's ability to move money to another operation as deemed necessary in the future. Stan Sniff shared the County Executive Office wanted the group to comply with normal county policies including bringing on long-term expenses like permanent staff. Rosario Rull shared the recommended action to allow each agency to retain unused funds was unanimously supported by the work group. Allowing each agency to maintain unused funds would help fund expenditures next fiscal year in the event that future funding was delayed or jeopardized at the State level. The approved reporting process would allow for a review of each agency's expenditures, providing for modification as needed. The staff recommendation is to keep the funds in the agency account and roll it over. Assistant District Attorney Creg Datig shared on behalf of Paul Zellerbach, their support of the recommendation of the Fiscal Procedures Work Group. Assistant Chief Deputy Probation Officer Mark Hake added that the recommendation deals with the unspent funds in the current year and does not guarantee any one agency will receive the same allocation next year.

Alan Crogan entertained a motion to adopt the Fiscal Procedures Work Group recommendation regarding unused funds, allowing each agency to retain any unused funds in their respective revenue sub-account to be utilized in subsequent fiscal years and not have the unspent funds returned for general distribution by the CCPEC. Motion was moved by Stan Sniff, seconded by Gary Windom. Alan Crogan requested a roll call vote of the motion, which passed as follows:

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

Alan Crogan entertained a motion regarding the Fiscal Procedures Work Group recommended motion #4, to authorize the Work Group to develop an AB109 Positions Report and return to the CCPEC for review/approval, and subsequent issuance to the Executive Office. Motion was moved by Stan Sniff, seconded by Gary Windom. Alan Crogan requested a roll call vote of the motion, which passed as follows:

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

5. FINAL IMPLEMENTATION PLAN STATUS – DISCUSSION ITEM

Alan Crogan informed the CCPEC that a preliminary plan was previously submitted and accepted by the Board of Supervisors. A final plan will be developed by the work group showing the different entities, staff allocations, goals and objectives and will be submitted to the Board of Supervisors for approval.

6. STAFF REPORTS – DISCUSSION ITEMS

Paul Zellerbach arrived to the meeting at approximately 2:30 p.m.

- a) CHIEF OF POLICE: Pat Williams advised that the projected operational date for the police compliance task force teams would be February 1, 2012. There is an updated plan with the participating departments to utilize the current allocation to establish task force presence in western, southwest, mid-county, and desert regions of the county. The Riverside Police Department plans to partner with the Corona Police Department and has agreed to operate beyond the city limits of Riverside. The other task force team will be housed in Beaumont and service the other areas of the county.
- b) DISTRICT ATTORNEY: Creg Datig stated they have been working jointly with the Superior Court Operations Deputy Adriaan Ayers, Assistant Public Defender Christine Voss, and Probation Assistant Director Jason Beam to discuss issues regarding settlement hearings. The outcome from these discussions concluded the District Attorney's role in the settlement hearing is to offer input and insight, with Probation making the ultimate determination.
- c) COURT: Sherri Carter distributed and reviewed a hand out which included totals for the number of petitions to revoke post-release community supervisions as of December 11, 2011.
- d) MENTAL HEALTH: Jerry Wengerd reported that they are in the process of hiring for the AB 109 population. He further advised there is concern for the high cost of Riverside County Regional Medical Center emergency walk-ins, conservatorship to state hospital for those with no other options, homeless with no mental illness or substance abuse, and lastly, the pharmacy cost with physical illness from chronic disease. He further shared the statistics for the mental health referrals as of last week:
 - 70 mental health and alcohol
 - 15 substance abuse
 - 3 residential placement
- e) PROBATION: Assistant Division Director Patty Gus distributed CDCR's up-dated PRCS numbers, which now reflect the parole violator population. The second document provided current PRCS probation supervision data to date and identified the city of residence. She also reported the CCPEC work groups continue to explore social services/physical health/mental health resources and sanction options to lessen dependence on jail space.

Alan Crogan stated the next report would identify the high, medium and low caseload statistical information.

- f) PUBLIC DEFENDER: Christine Voss shared that staff has been assigned to handle the PRCS caseloads in addition to a social worker to assist with specific cases. There is a joint effort with Probation and the Sheriff to facilitate expediting cases that are not going to a hearing. Communication lines with Probation were established which will expedite the process.

g) SHERIFF: Stan Sniff acknowledged Steve Thetford's promotion to Assistant Sheriff. Chief Deputy Jerry Guterrez reviewed the statistics as of December 19, 2011 and the handout will be distributed to the CCPEC via email following the meeting. The average daily population has increased to 93 percent capacity. The department is currently on track to reach maximum capacity by mid- January 2012. The following statistics were reported:

- CDCR Commits - 112 inmates
- Riverside Sheriff's Department Commit – 1,038 inmates
- Flash Incarceration - 12
- PRCS Violation - 15
- Total Sentenced Commitments – 1,757 inmates
- AB109 Impact – 424 inmates

7. ROLL CALL VOTING – DISCUSSION ITEM

Principal Deputy County Counsel Bob Pepper explained that roll call voting is necessary in order to ensure accurate recording of the vote on each action item. After discussion, Alan Crogan stated that roll call voting would be conducted on all action items.

8. PROPOSED 2012 MEETING DATES CALENDAR

Alan Crogan presented a proposed calendar of meetings for 2012 (included in the meeting packet). After discussion, Paul Zellerbach advised that he would be unavailable to attend on January 24, 2012 and Sherri Carter advised that she and Judge Ellsworth would be unavailable to attend on February 21, 2012 and March 6, 2012.

Alan Crogan entertained a motion to approve the 2012 Meeting Date Calendar; motion was made by Pat Williams, seconded by Gary Windom. Alan Crogan requested a roll call vote of the motion, which passed as follows.

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

9. PUBLIC COMMENTS (NON AGENDA ITEMS)

There were no public comments.

10. NEXT MEETING

The next CCPEC meeting will be on January 10, 2012, 1:30 p.m., Downtown Law Building, 5th Floor.

Alan Crogan entertained a motion to adjourn; motion was made by Gary Windom, seconded by Jerry Wengerd. The meeting was adjourned at 3:13 p.m.

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

Minutes submitted by Gail Moore, Executive Secretary, Riverside County Probation Department

**Submittal to the Community Corrections Partnership
Executive Committee
January 10, 2012**

Agenda Item 3

Updated: January 9, 2012

From: Fiscal Procedures Work Group

Subject: Approval of the AB109 Positions Report and authorize issuance to the Executive Office.

Background: The Executive Office has requested an organizational chart, by department, of all positions funded with AB109 dollars, including cost by position. The Executive Office would like to present the cost information as part of the FY 2011/12 Mid-Year Budget Report expected to go before the Board of Supervisors on January 24, 2012. In the event that State funding for AB109 is eliminated or delayed, the Executive Office would like to have the Board of Supervisors be aware of the potential impact to the General Fund for the on-going costs associated with the AB109 positions.

On Tuesday, December 20, 2011, the Community Corrections Partnership Executive Committee (CCPEC) voted to authorize the Fiscal Procedures Work Group to develop an AB109 Positions Report and return to the CCPEC for review/approval, and subsequent issuance to the Executive Office.

AB109 Positions Report

A preliminary report of the AB109 positions and the related Salary and Benefit costs associated with those positions has been compiled (**Schedule A**) from each County agency. The preliminary report includes columns listing the position descriptions, the number of positions, whether the positions are currently "filled" or "vacant", the average Salary and Benefits cost for those positions, and a column for the Annualized Salary and Benefits cost.

Each CCPEC County agency was responsible for updating their respective spreadsheet and including any pertinent information relating to the on-going costs associated with AB109 implementation, i.e. Salary and Benefits costs associated with the new positions, and/or existing positions funded, plus any additional on-going costs.

The purpose is to make the report as complete as possible based on the information currently available to the Committee and forward the information to the CCPEC for review/approval and recommend forwarding to the Executive Office for eventual

**Submittal to the Community Corrections Partnership
Executive Committee
January 10, 2012**

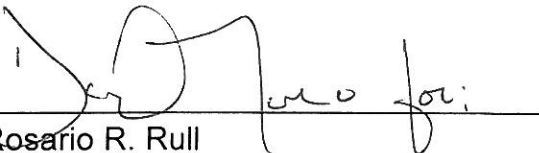
Agenda Item 3

inclusion as part of the FY 2011/12 Mid-Year Budget Report currently scheduled for the Board of Supervisors on January 24, 2012.

Recommended Motions: That the Community Corrections Partnership Executive Committee:

1. Receive the staff report AB109 Positions Report.
2. Approve the preliminary AB109 Positions Report (Schedule A).
3. Authorize the issuance of the preliminary AB109 Positions Report (Schedule A) to the Executive Office.

Respectfully submitted on behalf of the
Fiscal Procedures Work Group,



A handwritten signature in black ink, appearing to read 'Rosario R. Rull', is written over a horizontal line.

Rosario R. Rull
Chief Deputy Probation Administrator

**AB 109 Community Corrections Partnership Executive Committee
 FY 2011/12 AB 109 Positions Summary - Revised
 As of January 10, 2012**

Updated: January 9, 2012

Schedule A

<u>CCPEC Agency</u>	<u>Auth Pos</u>	<u>Vacant</u>	<u>Filled</u>	<u>Form 11 Approp Adjust Salary/Benefits</u>	<u>Annualized Salary/Benefits</u>
Probation Department	100	68	32	\$ 4,161,500	\$ 7,943,000
Sheriff's Department	99	66	33	\$ 7,011,160	\$ 9,356,081
District Attorney	3	0	3	\$ 886,914	\$ 1,182,552
Public Defender	9	8	1	\$ 813,627	\$ 1,103,947
Mental Health	53	46	7	\$ 2,383,539	\$ 4,529,819
Total	264	188	76	\$ 15,256,740	\$ 24,115,399

AB 109 Community Corrections Partnership Executive Committee
FY 2011/12 AB 109 Positions Summary - Revised
As of January 10, 2012

Updated: January 9, 2012

Schedule A

CCPEC Agency: Probation Department
Form 11 Recap of Authorized Positions

<u>Class Title</u>	<u>Auth Pos</u>	<u>Vacant</u>	<u>Filled</u>	<u>Average Sal/Ben</u>	<u>Annualized Salary/Benefits</u>
Administrative Services Analyst II	1	1	0	\$ 60,000	\$ 60,000
Deputy Probation Officer II	50	40	10	\$ 80,000	\$ 4,000,000
Executive Secretary	2	0	2	\$ 53,000	\$ 106,000
IT Applications Developer II	1	1	0	\$ 80,000	\$ 80,000
IT User Support Technician II	1	1	0	\$ 66,000	\$ 66,000
Office Assistant III	14	13	1	\$ 54,000	\$ 756,000
Principal Accountant	1	0	1	\$ 103,000	\$ 103,000
Probation Specialist	3	2	1	\$ 60,000	\$ 180,000
Research Analyst	2	2	0	\$ 60,000	\$ 120,000
Revenue and Recovery Technician II	2	2	0	\$ 53,000	\$ 106,000
Senior Administrative Analyst	1	1	0	\$ 116,000	\$ 116,000
Senior Human Resources Clerk	1	0	1	\$ 66,000	\$ 66,000
Senior Probation Officer	12	1	11	\$ 98,000	\$ 1,176,000
Supervising Probation Officer	9	4	5	\$ 112,000	\$ 1,008,000
Total	100	68	32		\$ 7,943,000

**AB 109 Community Corrections Partnership Executive Committee
 FY 2011/12 AB 109 Positions Summary - Revised
 As of January 10, 2012**

Updated: January 9, 2012
 CCPEC Agency: Sheriff

Schedule A

<u>Class Title</u>	<u>Auth Pos</u>	<u>Vacant</u>	<u>Filled</u>	<u>Average Sal/Ben</u>	<u>Annualized Salary/Benefits</u>
Existing Positions rolled into AB109					
Sheriff Lieutenant	1	0	1	\$ 213,949	\$ 213,949
Sheriff Captain	1	0	1	\$ 248,269	\$ 248,269
Sub - Total:	<u>2</u>	<u>0</u>	<u>2</u>		<u>\$ 462,218</u>
Vacant Unfunded Positions					
Correctional Deputy II	60	40	20	\$ 89,963	\$ 5,397,781
Sub - Total:	<u>60</u>	<u>40</u>	<u>20</u>		<u>\$ 5,397,781</u>
New Positions					
Correctional Deputy II	26	17	9	\$ 89,963	\$ 2,339,038
Correctional Corporal	1	1	0	\$ 109,841	\$ 109,841
Correctional Sergeant	3	1	2	\$ 149,563	\$ 448,689
Senior Accounting Assistant	1	1	0	\$ 54,161	\$ 54,161
Administrative Services Manager II	1	1	0	\$ 151,662	\$ 151,662
Correctional Counselor	4	4	0	\$ 80,238	\$ 320,953
Chaplain	1	1	0	\$ 71,738	\$ 71,738
Sub - Total:	<u>37</u>	<u>26</u>	<u>11</u>		<u>\$ 3,496,082</u>
AB109 Positions Total:	<u>99</u>	<u>66</u>	<u>33</u>		<u>\$ 9,356,081</u>

**AB 109 Community Corrections Partnership Executive Committee
 FY 2011/12 AB 109 Positions Summary - Revised
 As of January 10, 2012**

Updated: January 9, 2012

Schedule A

CCPEC Agency: District Attorney

Form 11 Recap of Authorized Positions

<u>Class Title</u>	<u>Auth Pos</u>	<u>Vacant</u>	<u>Filled</u>	<u>Average Sal/Ben</u>	⁽¹⁾ <u>Annualized Salary/Benefits</u>
Deputy District Attorney IV	3	0	3		\$ -
Total	3	0	3		\$ 1,182,552

(1) Assumption made that the Form 11 S/B appropriation adjustment (\$886,914) was for a nine month period, therefore the annualized amount would be $\$886,914 / 9 \times 12 = \$1,182,552$.

**AB 109 Community Corrections Partnership Executive Committee
 FY 2011/12 AB 109 Positions Summary
 As of January 10, 2012**

Updated: January 9, 2012

Schedule A

CCPEC Agency: Public Defender

Form 11 Recap of Authorized Positions

<u>Class Title</u>	<u>Auth Pos</u>	<u>Vacant</u>	<u>Filled</u>	<u>Average Sal/Ben</u>	<u>Annualized Salary/Benefits</u>
Deputy Public Defender IV	3	2	1	\$ 195,581	\$ 586,743
Social Services Worker III	1	1	0	\$ 85,336	\$ 85,336
Legal Support Assistant II	3	3	0	\$ 68,194	\$ 204,582
PD Investigator II	2	2	0	\$ 113,643	\$ 227,286
Total	9	8	1		\$ 1,103,947

AB 109 Community Corrections Partnership Executive Committee
FY 2011/12 AB 109 Positions Summary
As of January 10, 2012

Updated: January 9, 2012

Schedule A

CCPEC Agency: Mental Health

Form 11 Recap of Authorized Positions

<u>Class Title</u>	<u>Auth Pos</u>	<u>Vacant</u>	<u>Filled</u>	<u>Average Sal/Ben</u>	<u>Annualized Salary/Benefits</u>
Office Assistant II	5	4	1	\$ 44,813	\$ 224,065
Mental Health Peer Specialist	5	5	0	\$ 54,550	\$ 272,750
Behavioral Health Specialist II	3	3	0	\$ 58,617	\$ 175,851
Behavioral Health Specialist III	10	9	1	\$ 70,867	\$ 708,670
Clinical Therapist II	21	17	4	\$ 85,617	\$ 1,797,955
Staff Psychiatrist IV	3	3	0	\$ 267,036	\$ 801,108
Registered Nurse IV	2	2	0	\$ 108,421	\$ 216,842
Licensed Vocational Nurse II	2	2	0	\$ 63,566	\$ 127,132
Mental Health Services Supervisor	2	1	1	\$ 102,723	\$ 205,446
Total	<u>53</u>	<u>46</u>	<u>7</u>		<u>\$ 4,529,819</u>

State of California

Department of Justice
1300 I Street, P.O. Box 944255
Sacramento, California 94244-2550

Memorandum

To : DANE R. GILLETTE
Chief Assistant Attorney General
MICHAEL P. FARRELL
Senior Assistant Attorney General
Criminal Law Division

From : Doris A. Calandra
Deputy Attorney General
Criminal Law Division
Office of the Attorney General – Sacramento

Subject : **Probation CORI Sharing Information**

Date: October 11, 2011
Telephone: (916) 324-5250
FACSIMILE: (916) 324-2960
E-mail: Doris.Calandra@doj.ca.gov

You have asked me to research the following question: Can a probation department share probation information with local police departments?

As a preliminary matter, although the question you were asked concerns the sharing of "CORI" data, it appears that the issue really centers on access to "Local Summary Criminal History Information," which, as explained below, is a different consideration.

The short answer is that probation departments must furnish local summary criminal history information to local law enforcement agencies. Penal Code section 13300, subdivision (b), affirmatively authorizes the release of local summary criminal history information to law enforcement agencies in the course of legitimate business. This is a mandatory provision. None of the authorities submitted undermines this mandate. Moreover, in light of the changes to community supervision taking effect October 1, 2011, it would seem, as a policy matter, that the sharing of information should be encouraged as critical to the new AB 109 public safety realignment legislation.

Discussion

A. Definition of "CORI"

CORI is defined in Penal Code section 13102:

"[C]riminal offender record information" means records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release.

Such information shall be restricted to that which is recorded as the result of an arrest, detention, or other initiation of criminal proceedings or of any consequent

proceedings related thereto. It shall be understood to include, where appropriate, such items for each person arrested as the following:

- (a) Personal identification.
- (b) The fact, date, and arrest charge; whether the individual was subsequently released and, if so, by what authority and upon what terms.
- (c) The fact, date, and results of any pretrial proceedings.
- (d) The fact, date, and results of any trial or proceeding, including any sentence or penalty.
- (e) The fact, date, and results of any direct or collateral review of that trial or proceeding; the period and place of any confinement, including admission, release; and, where appropriate, readmission and rerelease dates.
- (f) The fact, date, and results of any release proceedings.
- (g) The fact, date, and authority of any act of pardon or clemency.
- (h) The fact and date of any formal termination to the criminal justice process as to that charge or conviction.
- (i) The fact, date, and results of any proceeding revoking probation or parole.

It shall not include intelligence, analytical, and investigative reports and files, nor statistical records and reports in which individuals are not identified and from which their identities are not ascertainable.

B. CORI v. Local Summary Criminal History Information

The Penal Code distinguishes CORI from "Local Summary Criminal History Information." Penal Code section 13300, subdivision (a), provides:

- (1) "Local summary criminal history information" means the master record of information compiled by any local criminal justice agency pursuant to Chapter 2 (commencing with Section 13100) of Title 3 of Part 4 pertaining to the identification and criminal history of any person, such as name, date of birth, physical description, dates of arrests, arresting agencies and booking numbers, charges, dispositions, and similar data about the person.
- (2) "Local summary criminal history information" does not refer to records and data compiled by criminal justice agencies other than that local agency, nor does it refer to records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the local agency.
- (3) "Local agency" means a local criminal justice agency.

The critical language concerning the dissemination of local criminal history data is contained in subdivision (b), which is clear:

A local agency *shall* furnish local summary criminal history information to any of the following, when *needed in the course of their duties*, provided that when

information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any entity, in fulfilling employment, certification, or licensing duties, Chapter 1321 of the Statutes of 1974 and Section 432.7 of the Labor Code shall apply: . . .

(2) Peace officers of the state, as defined in Section 830.1, subdivisions (a) and (d) of Section 830.2, subdivisions (a), (b), and (j) of Section 830.3, and subdivisions (a), (b), and (c) of Section 830.5. . . . (Emphasis added.)

Further, subdivision (c), explicitly distinguishes "course of duties" from "a showing of a compelling need," providing that the "local agency may furnish local summary criminal history information, upon a showing of a compelling need," to 10 listed nonlocal entities, including California peace officers not listed in subdivision (b), peace officers in other counties, and federal peace officers. Contact with, and investigation of, offenders under probation department supervision is necessary and falls within the course of a peace officer's duties.

C. Authorities Provided to Support Nondisclosure

In support of the view that probation departments cannot share criminal history information with local law enforcement agencies except on a "need to know" basis, three authorities for nondisclosure were included in the materials provided. None supports nondisclosure to local law enforcement agencies.

1. 11 CCR § 703 (b)

11 CCR § 703(b) provides:

(b) Criminal offender record information may be released, on a need-to-know basis, only to persons or agencies authorized by court order, statute, or decisional law to receive criminal offender record information.

The language of this regulation and the regulations in the section regarding Criminal Offender Record Information Security concern CORI data maintained by the Department of Justice, not Penal Code section 13300 "Local Summary Criminal History Information."

2. *Westbrook v. County of Los Angeles* (1994) 27 Cal.App.4th 157

Westbrook is inapplicable to a local law enforcement agency's access to probation department data. *Westbrook* was a vendor of criminal background information who wanted periodic copies of computer tapes of Los Angeles court information. The Court of Appeal held that the information was protected from dissemination to a private vendor. (P. 159.) The court specifically noted that agencies listed in Penal Code section 13300, subdivision (b), were "entitled to receive the information if it is 'needed in the course of their duties.'" (P. 162.) The court further noted that falling within this category were "peace officers." (P. 162, fn. 4.)

3. Penal Code § 3003, Effective 10/1/2011

The final authority cited in support of denying law enforcement access to probation department records was Penal Code section 3003. I assume that the reference was to the following new provisions included in AB 17x:

(k) (1) Except as provided in paragraph (2), the Department of Corrections and Rehabilitation shall be the agency primarily responsible for, and shall have control over, the program, resources, and staff implementing the Law Enforcement Automated Data System (LEADS) in conformance with subdivision (e). County agencies supervising inmates released to postrelease supervision pursuant to Title 2.05 (commencing with Section 3450) shall provide any information requested by the department to ensure the availability of accurate information regarding inmates released from state prison. This information may include the issuance of warrants, revocations, or the termination of postrelease supervision. On or before August 1, 2011, county agencies designated to supervise inmates released to postrelease supervision shall notify the department that the county agencies have been designated as the local entity responsible for providing that supervision.

(2) Notwithstanding paragraph (1), the Department of Justice shall be the agency primarily responsible for the proper release of information under LEADS that relates to fingerprint cards.

(l) In addition to the requirements under subdivision (k), the Department of Corrections and Rehabilitation shall submit to the Department of Justice data to be included in the supervised release file of the California Law Enforcement Telecommunications System (CLETS) so that law enforcement can be advised through CLETS of all persons on postrelease community supervision and the county agency designated to provide supervision. The data required by this subdivision shall be provided via electronic transfer.

First, these provisions concern only the Postrelease Community Supervision (PRCS) population, not the comprehensive group of offenders to be under probation department supervision after October 1, 2011, such as offenders sentenced under Penal Code section 1170, subdivision (h)(5)(B), or "traditional" probation. Second, they control the information flow regarding PRCS offenders between county probation and CDCR and CDCR into CLETS and pertain only to specified data concerning supervision. These provisions do not supplant the clear language of Penal Code section 13300 concerning access by law enforcement to local summary criminal history information.

D. AB 109 Public Safety Realignment Legislation

The stated intent of AB 109 is reduced recidivism brought about by local supervision of offenders. PRCS offenders released into local communities are offenders who were previously parolees. No one can reasonably assume that officers need access to less information now that this offender population has shifted to local supervision.

Further, AB 109 is replete with references to "community partnership," which includes partnership between law enforcement and probation departments. Studies regarding recidivism of probation and parole populations show that supervision that includes official contact with law enforcement can prove a deterrent to criminal conduct. Peace officers come into frequent contact with persons on supervision, and those officers provide an essential link to determining if a probationer, parolee, or the new classifications of offenders under supervision are complying with the terms of their release and conforming to lawful conduct. Preventing law enforcement from obtaining the critical data needed to perform these duties successfully seems contrary to the intent and purpose of AB 109.

Conclusion

Law enforcement agencies should have access to "Local Summary Criminal History Information" in the possession of local probation departments.

MEMORANDUM



RIVERSIDE COUNTY PROBATION DEPARTMENT

ALAN M. CROGAN
CHIEF PROBATION OFFICER

TO: CCPEC Work Group

FROM: William Palmer, Division Director

DATE: August 23, 2011

RE: Release of Information from the Probation Department to Law Enforcement Agencies

The Probation Department met with County Counsel concerning the release of information by the Probation Department to local law enforcement agencies regarding California Department of Corrections and Rehabilitation inmates released on Post-release Community Supervision.

Penal Code Section 3003(e) (1) allows for information, if available, to be released by the Department of Corrections and Rehabilitation to local law enforcement agencies regarding a paroled inmate or inmate placed on post-release community supervision. This section does not authorize probation departments to release this information in the same manner.

Penal Code Section 13300(b) states "A local agency shall furnish local summary criminal history information to any of the following, when needed in the course of their duties, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any entity, in fulfilling employment, certification, or licensing duties, etc."

A "need to know" is what allows the Probation Department to release information to law enforcement agencies when requested for specific purposes. An example includes releasing information on a probationer, who is a suspect of a crime.

County Counsel expressed the opinion that Probation could not release local criminal history information to a police department unless the police department provided a "need to know" reason for each specific release. Consequently, a police officer must provide specific reasons for accessing a particular person's information."

In considering the above it is recommended that a sub-committee of the CCPEC Working Group be formed to address the issue of release of information to law enforcement and other entities such as mental health, medical, contracted providers, etc.

PCS Population by City
Total Packets 1,584 – As of January 5, 2012

<u>Riverside County</u>		<u>Out of County</u>		<u>Out of County, continued</u>	
Aguanga	4	Alta Loma	2	Orange	1
Anza	1	Anaheim	7	Oxnard	1
Banning	33	Apple Valley	3	Phelan	1
Beaumont	22	Bakersfield	2	Rancho Cucamonga	2
Bermuda Dunes	2	Baldwin Park	1	Rancho Santa Margarita	1
Blythe	14	Bell Gardens	1	Redlands	2
Cabazon	4	Bellflower	1	Rialto	2
Calimesa	3	Big Bear	1	Rowland Heights	1
Canyon Lake	3	Bishop	1	Sacramento	1
Cathedral City	20	Bloomington	2	San Bernardino	13
Cherry Valley	2	Brentwood	1	San Diego	3
Coachella	22	Buena Park	3	San Fernando	1
Corona	69	Calexico	2	San Juan Capistrano	1
Deportation	1	Campo	2	San Pedro	1
Desert Hot Springs	36	Chino	4	Santa Ana	5
Eastvale	1	Chula Vista	2	Santee	1
Hemet	108	Claremont	1	Sherman Oaks	1
Highgrove	1	Coarsegold	1	South Gate	2
Homeland	4	Colton	5	Stanton	1
Homeless	235	Costa Mesa	2	Stockton	2
Indio	71	Covina	1	Sylmar	4
La Quinta	10	Dana Point	1	Twenty Nine Palms	2
Lake Elsinore	31	Escondido	3	Upland	2
Mead Valley	1	Fallbrook	1	Van Nuys	2
Mecca	1	Fawnskin	1	Victorville	3
Menifee	10	Fontana	7	Warner Springs	1
Mira Loma	9	Gardena	1	Whittier	1
Moreno Valley	118	Grand Terrace	1	Wilmington	1
Murrieta	18	Hacienda Heights	1	Yorba Linda	1
Norco	15	Harris	1	Yucaipa	4
Nuevo	7	Hawthorne	1	Yucca Valley	1
Palm Desert	12	Hesperia	4	Total	176
Palm Springs	25	Highland	2	<u>Out of State</u>	
Pedley	1	Huntington Park	1	Chicago	1
Perris	69	Joshua Tree	2	Columbia Falls, MT	1
Quail Valley	1	Lake Forest	1	Gasden, AZ	1
Rancho Mirage	2	Lancaster	1	Grass Valley, NV	1
Riverside	289	Landers	1	Las Vegas, NV	4
Romoland	4	Loma Linda	1	Indiana, IN	1
Rubidoux	1	Long Beach	9	Mexico	2
San Jacinto	39	Los Angeles	15	Morton, MS	1
Sun City	13	Marina	1	Lawton, OK	1
Temecula	15	Merced	1	Leesburg, Ohio	1
Thermal	4	Mexicali	1	Little Rock, Ak	1
Thousand Palms	7	Mission Viejo	1	Mesa, AZ	1
Val Vista	1	Montebello	1	Osceola, MO	1
Whitewater	3	Mt. Shasta	1	Springfield, OR	1
Wildomar	17	North Hollywood	1	Springfield, TN	1
Winchester	7	Norwalk	1	Tucson, AZ	2
Total	1,386	Oceanside	2	Yuma, AZ	1
		Ontario	1	Total	22

MEMORANDUM



RIVERSIDE COUNTY PROBATION DEPARTMENT

ALAN M. CROGAN
CHIEF PROBATION OFFICER

TO: Community Corrections Partnership
FROM: William Palmer, Director Special Projects
DATE: January 10, 2012
RE: AB 109 Statistics as of January 6, 2012

Total packets received from CDCR: 1,584

Number of intakes completed: 1,045

Number assigned to supervision: 661

COMPAS Assessments:

Of the cases assessed:

- 65% are high risk
- 22% are medium risk
- 13% are low risk

We currently have 61 PCS warrants for various reasons:

- Technical=60
- New Offense=1

We have filed 132 revocation petitions:

- Technical=93
- New Offense=18
- Flash Incarceration=21

A random sample of 1200 packets revealed the following primary offenses:

- Crimes against persons=12%
- Theft=41%
- Drug=30%
- Weapons=9%
- DUI=2%
- Other=6%



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

#5g

To: CCP Executive Committee

Date: January 9, 2012

From: Sheriff Stan Sniff

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

RE: AB 109 Impact Update

As of January 9, 2012, our average daily population has increased to 97 percent and we are at maximum capacity.

California Department of Corrections and Rehabilitation (CDCR) Commit
Parole Revocation (3056) Pre October 1, 2011 pending pick up = 101 inmates

Riverside Sheriff's Department Commit
Parole Revocation (3056) Post October 1, 2011 AB 109 Impact = 1308 inmates

- 3056 Only-729
- 3056 Only Currently in custody - 282

Flash Incarceration (3454) – 20

- Currently in custody - 3

PCS Violation (3455) – 40

- Currently in custody - 35

Total Sentenced Commitments – 2161 inmates
AB 109 impact – 505 inmates (23.4% of all commitments)

- Currently in custody – 432 or 11.2% of our total population

Number of inmates sentenced to 3 years or more- 93 inmates

14 years, 4 months -	1
12 years, 8 months -	1
9 years, 0 months -	2
8 years, 0 months -	1
7 years, 0 months -	3
6 years, 0 months -	5
5 years, 0 months -	10
4 years, 4 months -	1
4 years, 0 months -	16
3 years, 8 months -	1
3 years, 0 months-	51

Total AB 109 impact inmates – 1293

- **Currently in custody – 751 (19.4% of our total population)**